

Ecological Community Advisory Committee

Report

1st Meeting of the Ecological Community Advisory Committee
December 15, 2022

Attendance PRESENT: S. Levin (Chair), S. Evans, T. Hain, S. Hall, B. Krichker, K. Moser, S. Sivakumar and V. Tai and H. Lysynski (Committee Clerk)
 ABSENT: P. Baker, K. Lee, M. Lima, R. McGarry, S. Miklosi and G. Sankar
 ALSO PRESENT: S. Butnari, C. Creighton, K. Edwards, M. Shepley and A. Riley
 The meeting was called to order at 4:47 PM

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

None.

3. Consent

3.1 4th Report of the Ecological Community Advisory Committee

That it BE NOTED that the 4th Report of the Ecological Community Advisory Committee, from its meeting held on November 17, 2022, was received.

4. Sub-Committees and Working Groups

4.1 92 and 96 Tallwood Circle

That the Working Group comments relating to the properties located at 92 and 96 Tallwood Circle BE FORWARDED to the Civic Administration for review and consideration.

4.2 2060 Dundas Street

That the following actions be taken with respect to the Working Group comments relating to the property located at 2060 Dundas Street:

a) the Working Group comments BE FORWARDED to the Civic Administration for review and consideration; and,

b) the Forestry Department BE REQUESTED to investigate the property to the East of 2060 Dundas Street as there is a storage facility and a road through an Environmental Significant Area.

5. Items for Discussion

5.1 Oxford Street West Improvements - Municipal Class Environmental Assessment - Westdel Bourne to Sanitorium Road

That it BE NOTED that the Ecological Community Advisory Committee held a general discussion with respect to the Oxford Street West improvements - Municipal Class Environmental Assessment - Westdel Bourne to Sanitorium Road.

6. (ADDED) Additional Business

6.1 (ADDED) 2023 Budget Update (Verbal)

That a representative from Financial Planning and Policy BE INVITED to attend the January 19, 2023 meeting of the Ecological Planning Advisory Committee to provide an update on proposed budget matters relating to matters including, but not limited to, Environmentally Significant Areas, Conservation Master Plans and Stormwater Management.

6.2 (ADDED) Western Road and Sarnia Road - Philip Aziz Avenue Improvements - Schedule 'C' Class Environmental Assessment

That a Working Group consisting of S. Levin, P. Baker, S. Evans, S. Hall, K. Moser and V. Tai BE ESTABLISHED to review and report back on the Western Road and Sarnia Road - Philip Aziz Avenue Improvements - Schedule 'C' Class Environmental Assessment.

7. Adjournment

The meeting adjourned at 5:22 PM.

Ecological Community Advisory Committee

Report

4th Meeting of the Ecological Community Advisory Committee
November 17, 2022

Attendance PRESENT: S. Levin (Chair), P. Baker, S. Evans, T. Hain, S. Hall, B. Krichker, S. Miklosi, K. Moser and V. Tai and H. Lysynski (Committee Clerk)

ABSENT: K. Lee, M. Lima, R. McGarry, G. Sankar and S. Sivakumar

ALSO PRESENT: S. Butnari, S. Corman, C. Creighton, K. Edwards and M. Shepley

The meeting was called to order at 4:32 PM

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

None.

3. Consent

3.1 3rd Report of the Ecological Community Advisory Committee

That it BE NOTED that the 3rd Report of the Ecological Community Advisory Committee, from its meeting held on September 15, 2022, was received.

3.2 Notice of Planning Application - 2060 Dundas Street

That a Working Group BE ESTABLISHED consisting of P. Baker, S. Hall, S. Levin and K. Moser, to review the Notice of Planning Application for a Zoning By-law Amendment for the property located at 2060 Dundas Street; it being noted that the Ecological Community Advisory Committee received a Notice dated September 28, 2022 from A. Riley, Senior Planner, with respect to this matter.

3.3 Notice of Planning Application - 1120, 1122 and 1126 Oxford Street East and 2 & 6 Clemens Street

That it BE NOTED that the Notice of Zoning By-law Amendment dated November 9, 2022, relating to the Zoning By-law Amendments for the properties located at 1120, 1122 and 1126 Oxford Street East and 2 and 6 Clement Street, was received.

3.4 Notice of Public Meeting - 307 Sunningdale Road East

That it BE NOTED that the Notice of Zoning By-law Amendment dated April 27, 2022, relating to the Zoning By-law Amendments for the property located at 307 Sunningdale Road East, was received.

3.5 Notice of Public Meeting - 3195 and 3207 White Oak Road

That it BE NOTED that the Notice of Public Meeting dated November 9, 2022, relating to the Draft Plan of Vacant Condominium and Zoning By-law Amendments for the properties located at 3195 and 3207 White Oak Road, was received.

4. Sub-Committees and Working Groups

None.

5. Items for Discussion

5.1 Watershed Monitoring

That it BE NOTED that the Ecological Community Advisory Committee held a general discussion and received communications dated November 9, 2022 and November 10, 2022, from C. Creighton, Land Use Planner II, Upper Thames River Conservation Area, with respect to watershed monitoring.

5.2 92 and 96 Tallwood Circle - Environmental Impact Study

That a Working Group BE ESTABLISHED consisting of S. Evans, S. Hall, S. Levin and V. Tai, to review the Environmental Impact Study (EIS) for the property located at 92 and 96 Tallwood Circle; it being noted that the Ecological Community Advisory Committee received the EIS dated October 5, 2022, with respect to this matter.

5.3 952 Southdale Road West

That it BE NOTED that the Ecological Community Advisory Committee (ECAC) held a general discussion with respect to the property located at 952 Southdale Road West:

it being further noted that the ECAC received the following with respect to this matter:

- a Notice of Planning Application dated November 10, 2022;
- a communication dated September 27, 2022, from D. Hayman, Senior Science Advisor, Natural Environments, MTE Consultants;
- revised concept mapping and revised aerial mapping; and,
- a communication dated November 16, 2022 from S. Levin.

5.4 Provincial More Homes Built Faster Act, 2022

That it BE NOTED that the Ecological Community Advisory Committee held a general discussion with respect to the *More Homes Built Faster Act, 2022*.

6. (ADDED) Additional Business

6.1 (ADDED) Pat Almost Resignation from the Ecological Community Advisory Committee

That, the following actions be taken with respect to the resignation of P. Almost:

- a) the resignation of P. Almost BE RECEIVED with regret; and,

b) the Strategic Priorities and Policy Committee BE REQUESTED to appoint Dr. Eric Dusenge, a previous member of Environmental and Ecological Planning Advisory Committee (EEPAC), to fill the vacancy with a term ending concurrently with other members of the Ecological Community Advisory Committee (ECAC); it being noted that Dr. Dusenge previously served on the EEPAC and has previously submitted his application for ECAC.

7. Adjournment

The meeting adjourned at 5:33 PM.

92 and 96 Tallwood Circle

EIS received at ECAC at its November meeting, these comments submitted to staff November 30, 2022

Reviewed by: S. Evans, S. Hall, S. Levin and V. Tai

SUMMARY

The key issues to be addressed are invasive species removal and implementation of the Environmental Management Plan

A. Invasive species management and Tree Removal

The EIS identified a number of invasive species that spread. It is possible they have invaded the adjacent valley lands. It appears from Photo 5 that this may indeed be the case.

Although leaving the branches and stumps in the valley can serve a purpose, the concern is that it will make it difficult to remove any invasive species that have “escaped” into the valley. As because at this time of year, leaves and sometimes snow cover the slope, it is unknown if vinca and/or lily of the valley have spread. Therefore any of the trees left to rot below the top of bank should only be placed in locations previously identified to be free of invasive species.

B. Restoration Plan (page 20)

All new trees must be native trees.

C. Appendix I – Environmental Management Plan

It is not clear who will be responsible for implementing the plan including invasive species removal. Will the proponent be given access to what will be two private lots? Or will the responsibility fall on each land owner? The approved monitoring plan needs to state who will be responsible for the long-term, post construction monitoring program and to set out specific time frames, over the two-year period, for the submission of reports to the City and the UTRCA.

What mechanism does the City have for ensuring implementation – is there Site Plan Control?

1.6 – in addition to the consultant inspecting the ESC measures before construction starts, an inspector from the city’s building division should do an inspection during construction as set out in recommendation 2.13.

2.6 – soil stockpiling - Any soil stockpiling that is within 5 m of the top of slop must be covered with tarp if heavy rains are forecasted. The consultant should be requested to inspect the erosion and sediment control fencing after heavy rain events (not just before as noted in 2.13). If not, city building inspectors should.

3.3 – “Householder Education” needs to be site specific. The package needs to include stronger wording that clearly states that the areas beyond the concrete monuments are the property of the City of London and that such lands shall remain in their existing natural condition. This means that the homeowner shall refrain from mowing, dumping and any activity that could damage this natural environment.

3.8 – concrete monuments and no mowing zone. The monuments by themselves, supported by “householder education,” will be insufficient in the longer term to reduce the possibility of removal/damage to the naturalized area. ECAC recommends that on each lot, between the concrete monuments, signage be posted. The signs should include information on why no mowing or dumping of yard waste should occur, why no fertilizers are to be used and why native species have been planted. This will increase the likelihood that the plan will endure longer than the two year monitoring period.

D. Map 5

p.22 of the EIS concludes that the adjacent valley lands meet the London Plan definition of Valleylands and should be included on Map 5. As there is no change to zoning or OP, how and when will this change happen?

E. Butternut tree

The distance between the site and the tree is unclear as there are three different distances given in the EIS. The fencing in place as of Nov 28 should suffice to protect the tree.

ECAC review of EIS and Hydrogeology documents for the proposed development at 2060 Dundas Street East

Received from staff November 22, 2022.

Reviewed December 6, 2022 by S. Baker, M. Dusenge, S. Hall, S. Levin

ECAC commends the owner for acquiring additional property in order to move the building further from the natural heritage features

GREATEST CONCERN

The most significant omission in the EIS is where over 500 trees will be replanted to make up the loss of trees removed for the building. Page 28 suggests the amount available for planting totals only 0.15 ha. If the final planting plan cannot meet the requirements of City policies re tree replacement, what alternatives are available to the city? It is unclear to ECAC.

COMPENSATION PLAN

p. 30 - A detailed compensation area plan should be prepared at the Site Plan Application stage which would apply established ecological restoration principles in order to establish self-sustaining native vegetation assemblages and create an opportunity to support increased biodiversity.

ECAC RECOMMENDATION (A)

ECAC strongly recommends all replanted trees are native species and are shade trees rather than shrubs except those planted to deter trespass into the feature (as per Recommendation 10 on page 30). ECAC notes details of the final planting plan are to be concluded at site plan. The final planting plan must be accepted by the City as a condition of site plan approval or an alternative planting plan must be presented and acceptable to the City.

ECAC RECOMMENDATION (B)

p. 21 concludes that the Woodland meets the city's criteria to be designated as a Significant Woodland. The OP and Zoning change recommendations must include the related changes to the zoning by law and to the London Plan, including Map 5 to reflect this.

HYDROGEOLOGY AND WATER BALANCE

The HydroG report seems to suggest that dewatering will be required. It is unclear whether or not this will take place before or after the realignment and restoration of the drainage feature. Given the water balance report indicates additional water is required from the roof of the building to maintain at least 80% post development, ECAC is concerned that significant damage will occur to the Swamp before the LID measures can become functional.

A detailed interim stormwater management plan is needed to guide the construction phase and protect the wetland features. Stormwater must be discharged away from the adjacent Wetland and Significant Woodland features. This will be provided along with LID measures at detailed design

Recommendation 20 on page 33 of the EIS is helpful, however, it is unclear when this recommendation will actually be carried out. It is unclear to ECAC at what phase of the process detailed design will take place for the interim SWM plan. It must precede any grading or dewatering and be based on the Hydrogeological Assessment as approved by the City.

ECAC RECOMMENDATION (C)

The detailed interim stormwater management plan must be to the satisfaction of the City and UTRCA and should be a condition of development and/or Site Plan approval.

ECAC also wonders about implementing the recommendation on page 37 in the monitoring plan section (7.4) of the EIS. It includes monitoring water levels in the Deciduous Swamp to ensure the post construction water balance is maintained. It must be a condition of approval, however, it is unclear who will do this monitoring?

ECAC RECOMMENDATION (D)

A contract must be on file indicating who is retained to do the water monitoring before a building permit is issued. A condition of approval must also include compensation if the water balance is not maintained and there is a loss of wetland feature or function.

ECAC also notes that EIS recommendation 34 is unclear – what parameters?

Recommendation 34:

Additional water quality testing could be conducted during construction as construction activities are in close proximity to a Wetland.

ECAC RECOMMENDATION (E)

Water quality testing must be a condition of development and the parameters agreed to by the City prior to the issuance of any building permits.

BUFFER

Page 27 that indicates grading will take place up to the edge of the wetland (see following section in italics). This is clearly within the reduced buffer agreed to by the city. ECAC cannot support this. It also appears that the buffer on the south east side of the subject lands has a buffer even smaller than the 10 meters noted in the EIS and what seems to appear on the southern part of the site. The entire buffer section on the west and south sides is also indicated as a snow storage area. ECAC anticipates that the snow removal and salting will remove and / or kill any of the barrier plantings proposed in this buffer.

*Through consultation with UTRCA and the City of London, the Site Plan has been designed to minimize impacts to Community 1 (Mineral Deciduous Swamp). Approximately 0.05 ha of the east edge of Community 1 is proposed for removal, with the remaining 0.27 ha to be retained and enhanced. Compensation and mitigation measures are provided below. Tree protection measures discussed in Section 7.1.1 will protect the retained trees in Community 1. **A five metre setback is proposed between the parking lot and Community 1 which will be graded up to the wetland edge.***

ECAC RECOMMENDATION (F)

The parking area be reduced so that a 10 m buffer is in place for the natural heritage features on the site.

INVASIVE SPECIES

ECAC commends the proposed removal of invasive species along the east edge of the Deciduous Swamp (recommendation 11, page 30 and section 7.3). However, it is unclear at what stage this requirement will be put in writing (site plan?) and what is the time line for removal, who inspects and how is removal measured to the satisfaction of the condition? Section 7.4 mentions a monitoring plan to be developed at detail design but it is unclear at what point this occurs and what legal document will compel compliance.

ECAC also notes that the monitoring plan on page 36 has boilerplate recommendations including one that is not relevant to this development regarding 80% build out.

ECAC RECOMMENDATION (G)

As a condition of approval (either a holding provision or condition of development or site plan), an invasive species removal plan be submitted that is accepted by the City. The plan must include indicators of successful achievement of removal including a time period for maintaining the site in a state to the satisfaction of the City.

PROPERTY DEMARCATION AND RESIDENT EDUCATION

ECAC doubts the demarcation proposed on page 30 will be effective in deterring encroachment. We also feel Recommendation 40 in the EIS is insufficient.

Recommendation 40:

Develop an information package (brochure and/or web-based resources) to educate the future residents on appropriate ways to protect the natural heritage components beyond the property boundaries. This should include information on the impact of pets on wildlife and natural areas, impacts of garbage on natural features, and potential impacts of recreational activities in natural features.

ECAC RECOMMENDATION (H)

Although a web based information package is better than one in print delivered to residents, resident education must be supplemented by information that is on permanent display inside the apartment building in a common area such as the laundry room or in the lobby. This should be included as part of Recommendation 40 on page 35, which has good content, but leaves out how it would be a lasting reminder to residents for the long term. It would also be a better support to Recommendation 41 (on site signage) on the same page which ECAC concurs with.

PAGE 31 DRAIN REALIGNMENT

Who will do this work? It should proceed the compensation work which should come after the building is constructed and before people move in (ideally to allow one growing season before people and their pets arrive).

It also appears that this feature will have increased flows and better connectivity to Pottersburg Creek. ECAC anticipates that this may result in improved likelihood of it becoming warm water fish habitat.

ECAC notes that Recommendation 32 in the EIS is a nice to have but fully expect it will not be carried out as there is no way to require it.

Recommendation 32:

Limit the use of commercial fertilizers and other chemical applications within the Subject Lands. Consideration may be given to using grass varieties which are heartier and require less extensive watering or fertilizers.

OF NOTE

It is hoped that recommendation 39 is enforceable. It is unclear who such an agreement would be between – the owner and the city? On title?

Recommendation 39:

In consultation with the City of London, a stewardship agreement and/or a conservation easement should be implemented at detailed design for the planting compensation area and the Significant Woodland to protect the natural heritage features and functions post-development.

ECAC RECOMMENDATION (I)

ECAC suggests that the City consult with the Thames Talbot Land Trust for an example of a successful stewardship agreement.

ECAC RECOMMENDATION (J)

Approval include the requirement that the proponent arrange to remove the waste in the woods which are indicated on the drawing in the EIS.

OFF SITE ISSUE

A concern noted in the air photos for the site to the northeast (2072 Dundas Street E). It appears the natural heritage feature is being used by the land owner as a dump/storage site. According to Google Maps, this may be owned by Drewlo Properties. Mr. Drewlo should be approached to quit using the feature. This feature is likely a Significant Woodland under the London Plan and is definitely in a Tree Protection Area as shown on the City map on the City's web page.



NOTICE OF STUDY COMMENCEMENT

Oxford Street West Improvements Municipal Class EA Westdel Bourne to Sanatorium Road

About This Study

The City of London has initiated a Municipal Class Environmental Assessment (Class EA) study for improvements to Oxford Street West, from Westdel Bourne to Sanatorium Road (refer to key plan on reverse side of notice). This study builds on the City's 2030 Transportation Master Plan and Cycling Master Plan to develop and review options to widen Oxford Street West from two to four lanes, improve intersection operations including consideration of roundabouts, and improve pedestrian and cycling facilities through the corridor. The potential need to widen the Thames River Bridge will also be reviewed. In identifying improvements, the study will consider socio-economic, cultural heritage and natural environment factors, as well as technical requirements and aesthetics. In addition to addressing these transportation requirements, the study will consider any necessary upgrades and replacement of underground services (watermain, storm and sanitary sewer), as required.

About The Process

This study will be carried out in accordance with 'Schedule C' requirements of the Municipal Class Environmental Assessment (MCEA), (as amended 2015), which is an approved process under the *Ontario Environmental Assessment Act*. The study will also include a scoped Environmental Impact Study (EIS) in accordance with The London Plan Environmental Policies and the City of London Environmental Management Guidelines (2021).

How To Stay Informed and Get Involved

Involvement of Indigenous Communities, technical agencies and interested members of the public will be fundamental in developing the study recommendations. Formal opportunities for input will be provided around three Public Information Centres (PICs), to be held as the study progresses. Details of each PIC will be available under separate notices. For additional information including regular study updates and notices, to provide your input, and to be added or removed from the study mailing list, please visit the study website at:

getinvolved.london.ca/oxfordwest. Alternatively, please contact the following members of the project team:

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Please note that all correspondence, with exception of personal information, will be kept on file for use during the decision-making process throughout the study, in accordance with the Municipal Freedom of Information and Protection of Privacy Act and the Environmental Assessment Act and will become part of the public record.

This notice was issued on December 8th, 2022

**Oxford Street West Improvements Municipal Class EA
Westdel Bourne to Sanatorium Road
Key Plan**

