

BNEC.12A

Shell Type = use for Draft Plan Approval with OPA & ZBL Amendment Approvals

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	G. KOTSIFAS DIRECTOR OF BUILDING CONTROLS AND CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: 905 SARNIA ROAD INC. 895 AND 905 SARNIA ROAD NORTH PORTION PUBLIC PARTICIPATION MEETING ON MARCH 23, 2015

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Planning, the following actions be taken with respect to the application of 905 Sarnia Road Inc. relating to the property located at 895 and 905 Sarnia Road:

- (a) Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for draft plan of subdivision of 905 Sarnia Road Inc. relating to the property located at 895 and 905 Sarnia Road;
- (b) Council **SUPPORTS** the Approval Authority issuing draft approval of the proposed plan of residential subdivision, as submitted by 905 Sarnia Road Inc. (File No. 39T-11503 prepared by Whitney Engineering Inc., certified by Rob Sterling, OLS, as redline revised which shows 97 single detached lots, 17 single detached part blocks, 3 city park blocks (Block 116,117 and 118), 2 local public streets (extension of Sandbar Street, and new Street "A"), and 1 secondary collector Street (extension of Lawson Road), **SUBJECT TO** the conditions contained in the attached Appendix "39T-14501";
- (c) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on March 30, 2015 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Holding Urban Reserve (h-2*UR3) Zone, an Urban Reserve (UR3) Zone which permits uses such as existing dwellings; agricultural uses except for mushroom farms, commercial greenhouses livestock facilities, and manure storage facilities; kennels; private outdoor recreation clubs; and riding stables, and an Environmental Review (ER) Zone which intends the lands to remain in a natural condition until their significance is determined through the completion of more detailed environmental studies, and that an agreement be entered into specifying appropriate development conditions and boundaries **TO**:
 - Holding Residential R1 Special Provision (h.*h-100*R1-3 (8)) Zone to permit single detached dwellings on lots with a special provision to include a minimum main building setback of 3.0 metres and a minimum frontage of 11.0 metres subject to holding provisions requiring the developer to enter into a subdivision agreement with the City and to ensure that there is water looping and a second public access when more than 80 units are developed;
 - Holding Residential R1 Special Provision (h.*h-82*h-100*R1-3(8)) Zone to permit single detached dwellings on lots with a special provision to include a minimum main building setback of 3.0 metres and a minimum frontage of 11.0 metres subject to holding provisions requiring (in addition to the requirements listed above) that part blocks have to be consolidated with adjacent lands;

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- Holding Residential R1 Special Provision (h.*h-82*h-100*R1-13(3)) Zone to permit single detached dwellings on lots with a minimum frontage of 9 metres and a special provision to include a minimum main building setback of 3.0 metres subject to holding provisions requiring the developer to enter into a subdivision agreement with the City, that part blocks have to be consolidated with adjacent lands and to ensure that there is water looping and a second public access when more than 80 units are developed;
- Holding Residential R1 Special Provision (h.*h-65*h-100*R1-3(*)) Zone to permit single detached dwellings on lots with a special provision to include a minimum main building setback of 3.0 metres, a minimum frontage of 11.0 metres and a minimum setback from any dwelling unit to the CP Rail right of way of 30 metres subject to holding provisions requiring the developer to enter into a subdivision agreement with the City, that all noise and vibration mitigation measures are implemented as required in a noise and vibration study assessment reports acceptable to the City of London and to ensure that there is water looping and a second public access when more than 80 units are developed;
- Holding Open Space (h.*h-65*h-82*OS1)) Zone to permit a city park subject to holding provisions requiring the developer to enter into a subdivision agreement with the City, that all noise and vibration mitigation measures are implemented as required in a noise and vibration study assessment reports acceptable to the City of London and that part blocks have to be consolidated with adjacent lands;
- Holding Open Space (h*OS5) Zone to permit a limited range of uses such as conservation lands and works and passive recreation including multi use pathways;
- Amend Section 4.21 of Road Allowance Requirements – Specific Roads of the Z.-1 By-law to add Lawson Road as Secondary Collector Road from Coronation Drive to Wychwood Park;

(d) the applicant **BE ADVISED** that the Director of Development Finance has summarized claims and revenues information as attached in Appendix "B"; and

(e) That City Staff **BE DIRECTED** to engage CP Rail in the process to preserve the existing CP Rail Bridge so it may be used as a City of London multi use pedestrian pathway.

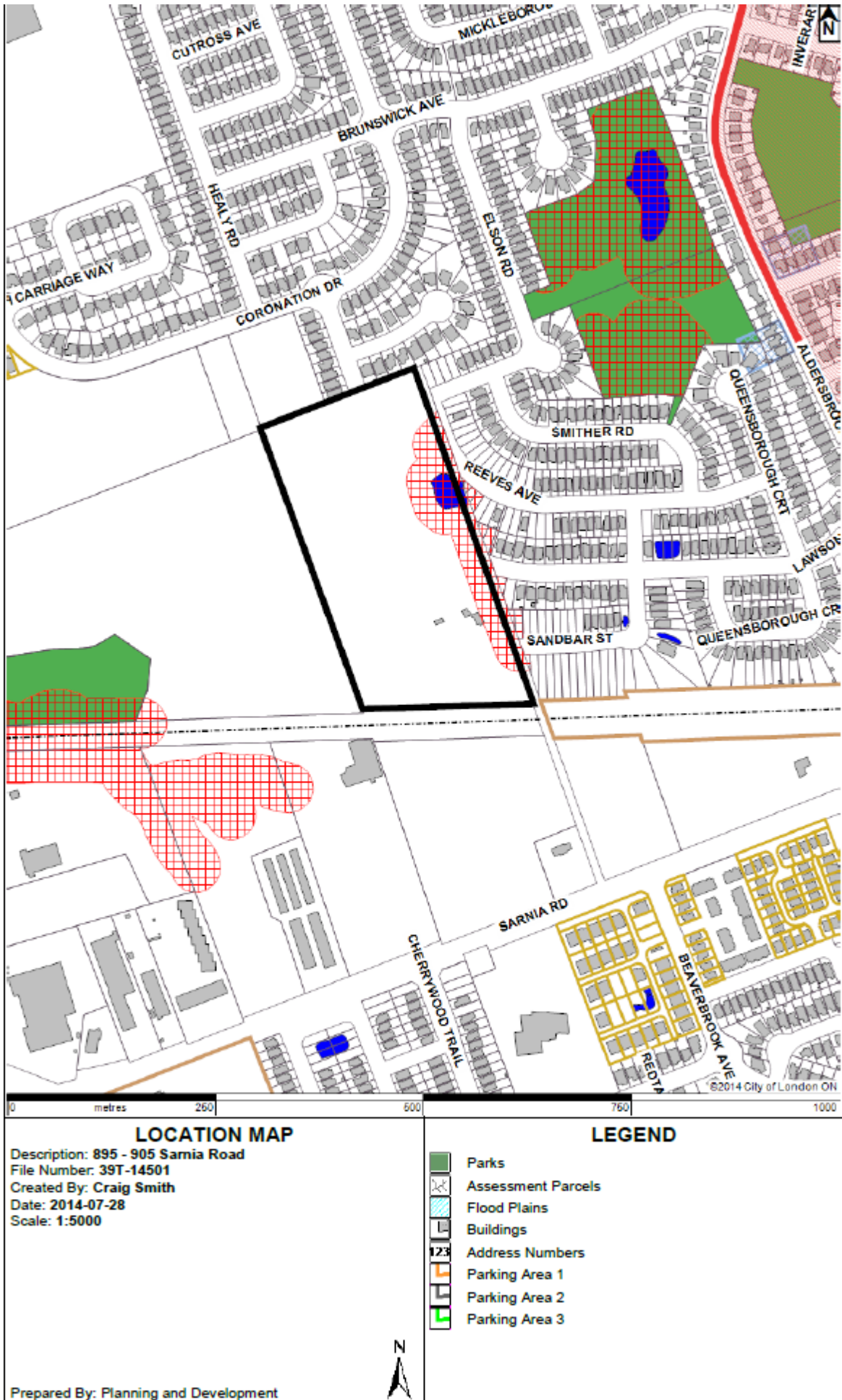
PREVIOUS REPORTS PERTINENT TO THIS MATTER

March, 2000-O-5873- Official Plan amendments implementing the Hyde Park Community Plan.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

To permit 97 single detached lots, 17 single detached part blocks, 3 city park blocks (Block 116 117, 118), 3 local public streets (extension of Sandbar Street, and new Street "A"), and 1 secondary collector street (extension of Lawson Road).

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RATIONALE

1. The proposed development is consistent with the Provincial Policy Statement.
2. The proposed draft plan of subdivision and zoning by-law amendment provide for a form of residential development that is consistent with the Hyde Park Community Plan
3. The proposed draft plan of subdivision and zoning by-law amendment provide for a form of residential development that is consistent with the Low Density Residential policies of the Official Plan and compatible with the surrounding residential development.
4. The proposed draft plan of subdivision and zoning by-law amendment that is consistent with the Environmental and Parks and Recreational policies of the Official Plan and will implement the proposed land uses within this draft plan.
5. The proposed development has access to existing municipal services.
6. The recommended zoning by-law amendments include appropriate holding provisions to ensure that the residential development is successfully integrated with abutting uses and all required municipal services are provided.
7. The recommended redline draft plan provides for the appropriate vehicular and pedestrian circulation.
8. The proposed draft plan of subdivision and zoning by-law amendment provides for the retention and enhancement of the existing wetland features on the property as recommended in the applicants Environmental Impact Study.

BACKGROUND

Date Application Accepted: July 28, 2014	Agent: L Kirkness, Kirkness Consulting Inc.
REQUESTED ACTION: To permit the development of a plan of subdivision with 97 single detached lots, 17 single detached part blocks, 3 park blocks (Block 116, 117 and 118), 2 local public streets (extension of Sandbar Street, and new Street "A"), and 1 secondary collector Street (extension of Lawson Road).	

SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use – vacant/former agricultural • Width – approx. 195 metres • Depth – approx.380 meters • Area – 7.7 ha • Shape – rectangular

<p>SURROUNDING LAND USES:</p> <ul style="list-style-type: none"> • North – Single detached dwellings; City Park • South – Canadian Pacific rail line • East – Single detached dwellings • West – Environmental Significant Area (woodland); future residential

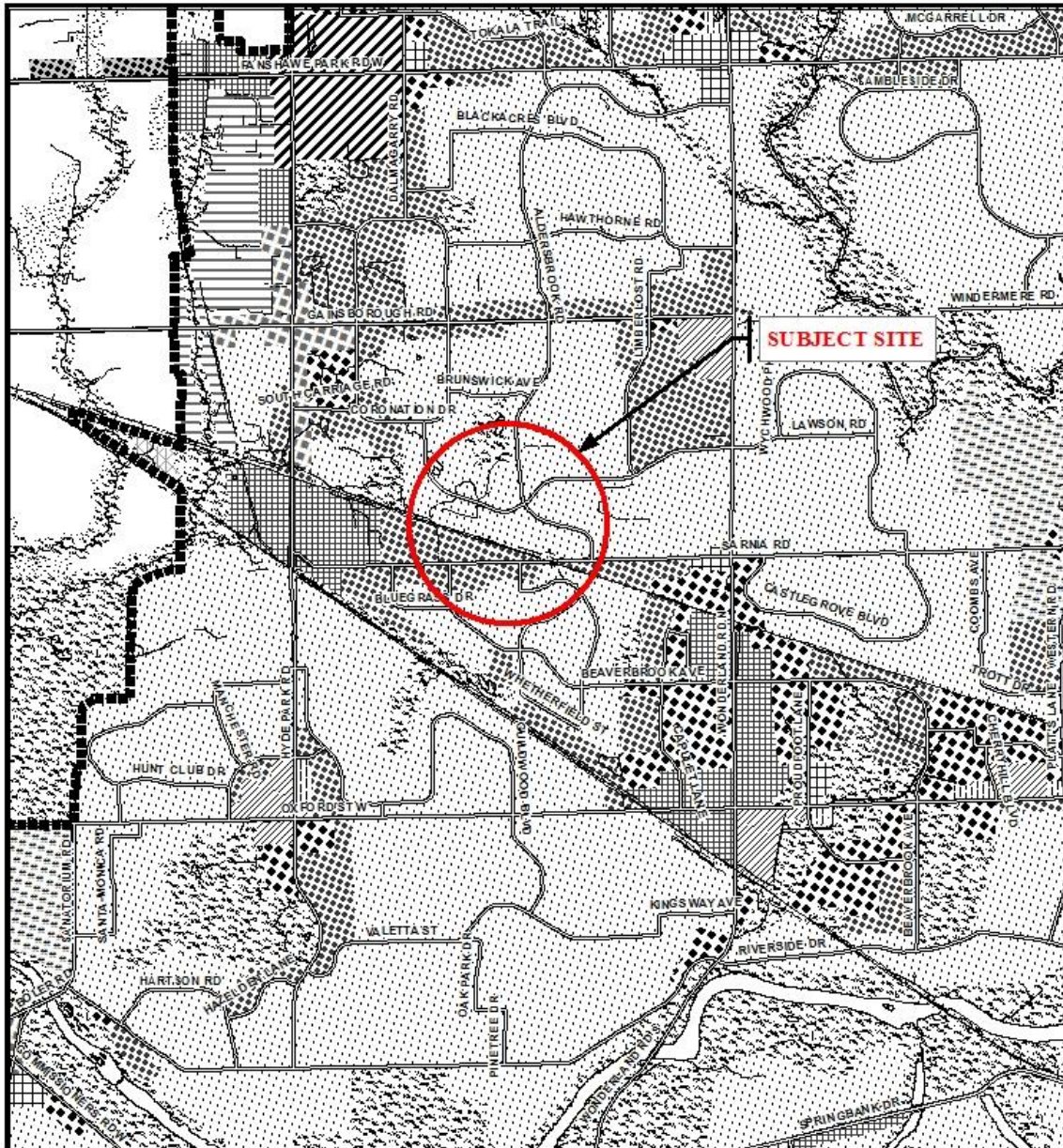
<p>OFFICIAL PLAN DESIGNATION: (refer to map)</p> <ul style="list-style-type: none"> • Low Density Residential
<p>EXISTING ZONING: (refer to map)</p> <ul style="list-style-type: none"> • Holding Urban Reserve (h-2*UR3), Urban Reserve (UR3) and Environmental Review (ER)

<p>PLANNING HISTORY</p>

The subject lands are located within the Hyde Park Community Planning Area. This Community Planning Area is generally bounded by the urban growth boundary to the west, CN railroad right of way to the south, Fanshawe Park Road West to the north and Aldersbrook Road to the east. The community plan and associated amendments to the Official Plan were adopted by Council in January 2000.

The lands to the north and east were granted draft plan of subdivision approval in the early 2000. These plans of subdivision have been registered and are substantively built out. The subject land is a continuation of this existing form of residential development. The land to the west was granted draft plan of subdivision approval (39T-08502) in 2012. As part of the draft approval process an Environmental Impact Study was completed by EarthTech in 2008. The EIS delineates the ESA feature that abuts the lands to the west and requires a 10 metre buffer.

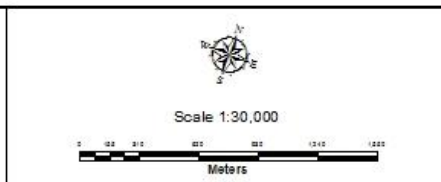
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Legend	
	Downtown
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	Low Density Residential
	Office Area
	Office/Residential
	Office Business Park
	General Industrial
	Light Industrial
	Regional Facility
	Community Facility
	Open Space
	Urban Reserve - Community Growth
	Urban Reserve - Industrial Growth
	Rural Settlement
	Environmental Review
	Agriculture
	Urban Growth Boundary

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OFFICIAL PLAN SCHEDULE A
- LAND USE -

PREPARED BY: Graphics and Information Services

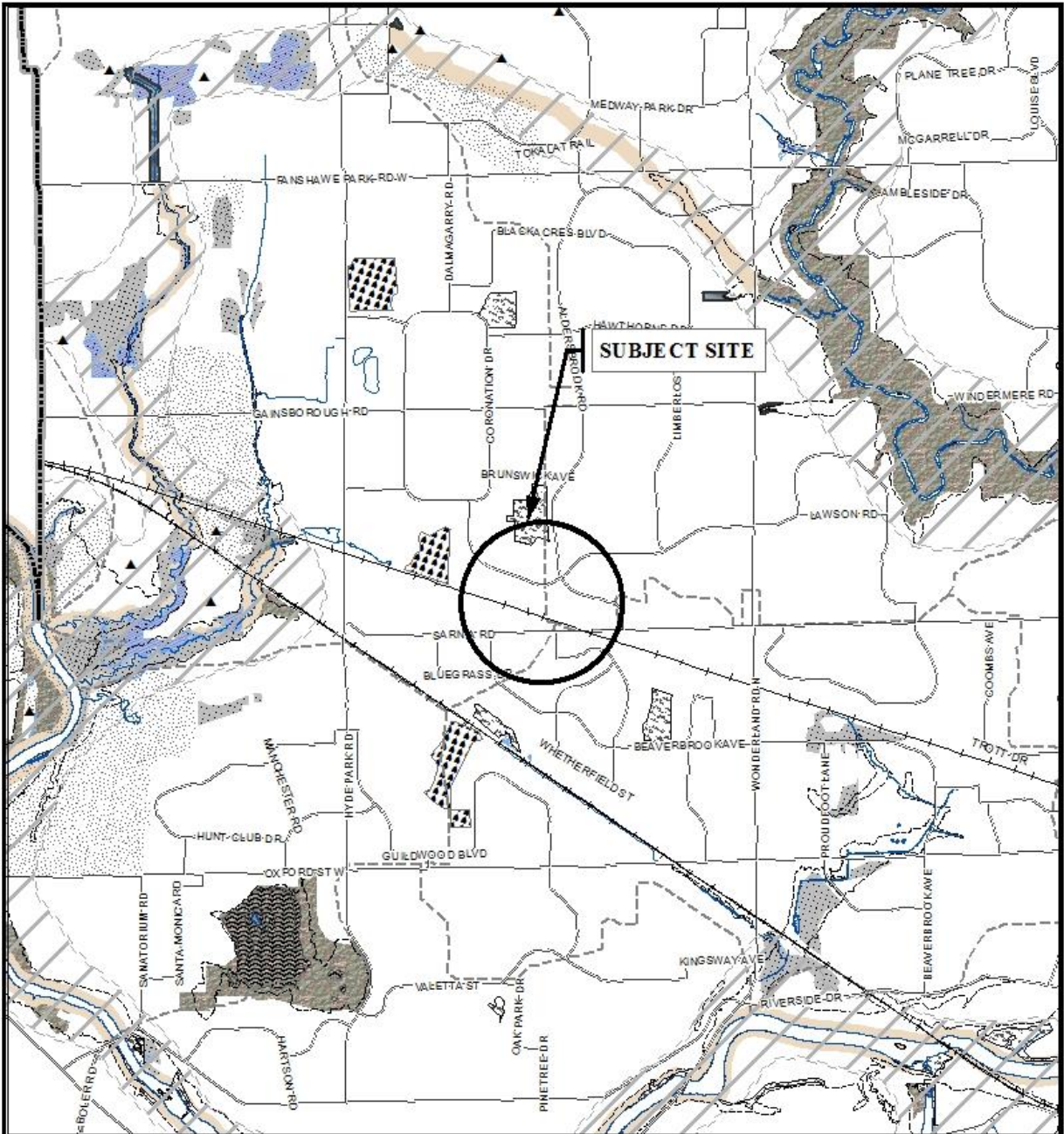


FILE NUMBER: 39T-14501
PLANNER: CS
TECHNICIAN: JS
DATE: 2015/02/23

PROJECT LOCATION: e:\planning\projects\p_officialplan\work\koonso\00\excerpts\mxd_templates\scheduleA_NEW_b&w_8x14.mxd

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NATURAL HERITAGE SYSTEM

- ESAs
- Potential ESAs
- Significant Woodlands
- Woodlands
- Unevaluated Vegetation Patches
- Significant River, Stream, and Ravine Corridors
- Unevaluated Stream and Ravine Corridors
- Provincially Significant Wetlands
- Locally Significant Wetlands
- Unevaluated Wetlands
- Potential Naturalization Areas
- Potential Upland Corridors
- Ground Water Recharge Areas

NATURAL HAZARDS

- Maximum Hazard Line
- NOTE 1: Hazard Lines shown on this map are approximate. The precise delineation of hazard line mapping available from the Conservation Authority having jurisdiction.*
- NOTE 2: Flood Fringe mapping for certain areas of the city is available from the Upper Thames River Conservation Authority*

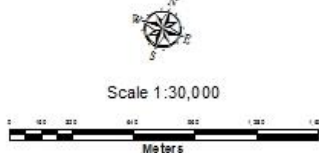
Base Map Features

- Railways
- Water Courses/Ponds
- Streets (refer to Schedule "C")
- Conservation Authority Boundary
- Subwatershed Boundary
- Big Picture Meta-Cores and Meta-Corridors

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**OFFICIAL PLAN SCHEDULE B1
- NATURAL HERITAGE FEATURES -**

PREPARED BY: Graphics and Information Services



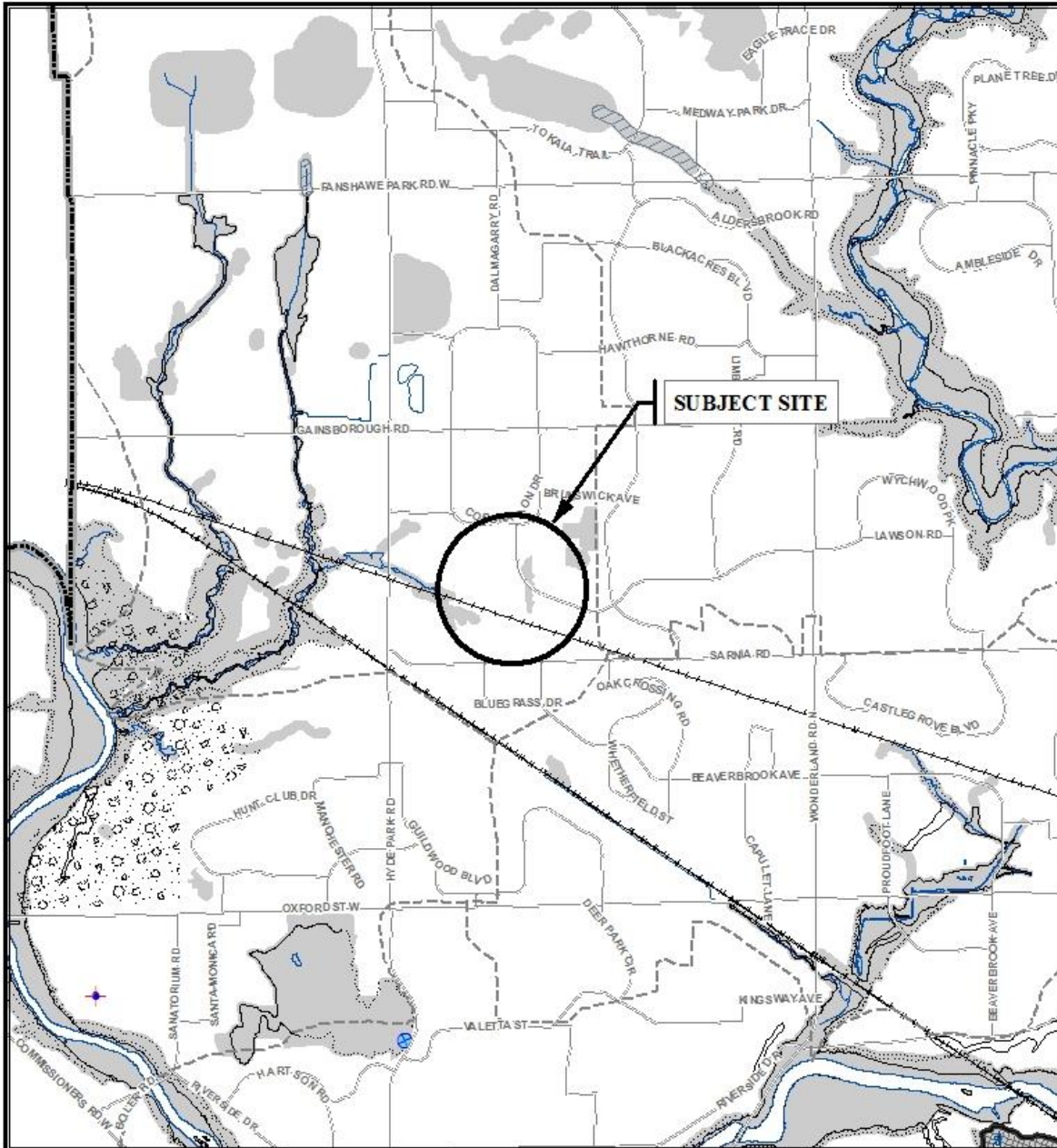
FILE NUMBER: 39T-14501

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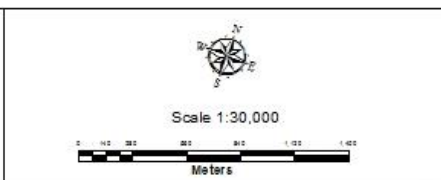
DATE: 2015/02/23

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<p>NATURAL RESOURCES</p> <ul style="list-style-type: none"> Aggregate Resource Areas Extractive Industrial Emergency Municipal Water Wells <p>Base Map Features</p> <ul style="list-style-type: none"> Railways Water Courses/Ponds Streets (refer to Schedule "C") Conservation Authority Boundary Subwatershed Boundary Potential Special Policy Areas Special Policy Area 	<p>NATURAL HAZARDS</p> <ul style="list-style-type: none"> Regulatory Flood Line <small>NOTE 1: Flood Lines shown on this map are approximate. The precise definition of flood plain mapping is available from the Conservation Authority having jurisdiction.</small> <small>NOTE 2: Flood Fringe mapping for certain areas of the city is available from the Upper Thames River Conservation Authority.</small> Riverine Erosion Hazard Limit For Confined Systems Riverine Erosion Hazard Limit For Unconfined Systems Steep Slopes Outside of the Riverine Erosion Hazard Limit Abandoned Oil/Gas Wells Conservation Authority Regulation Limit
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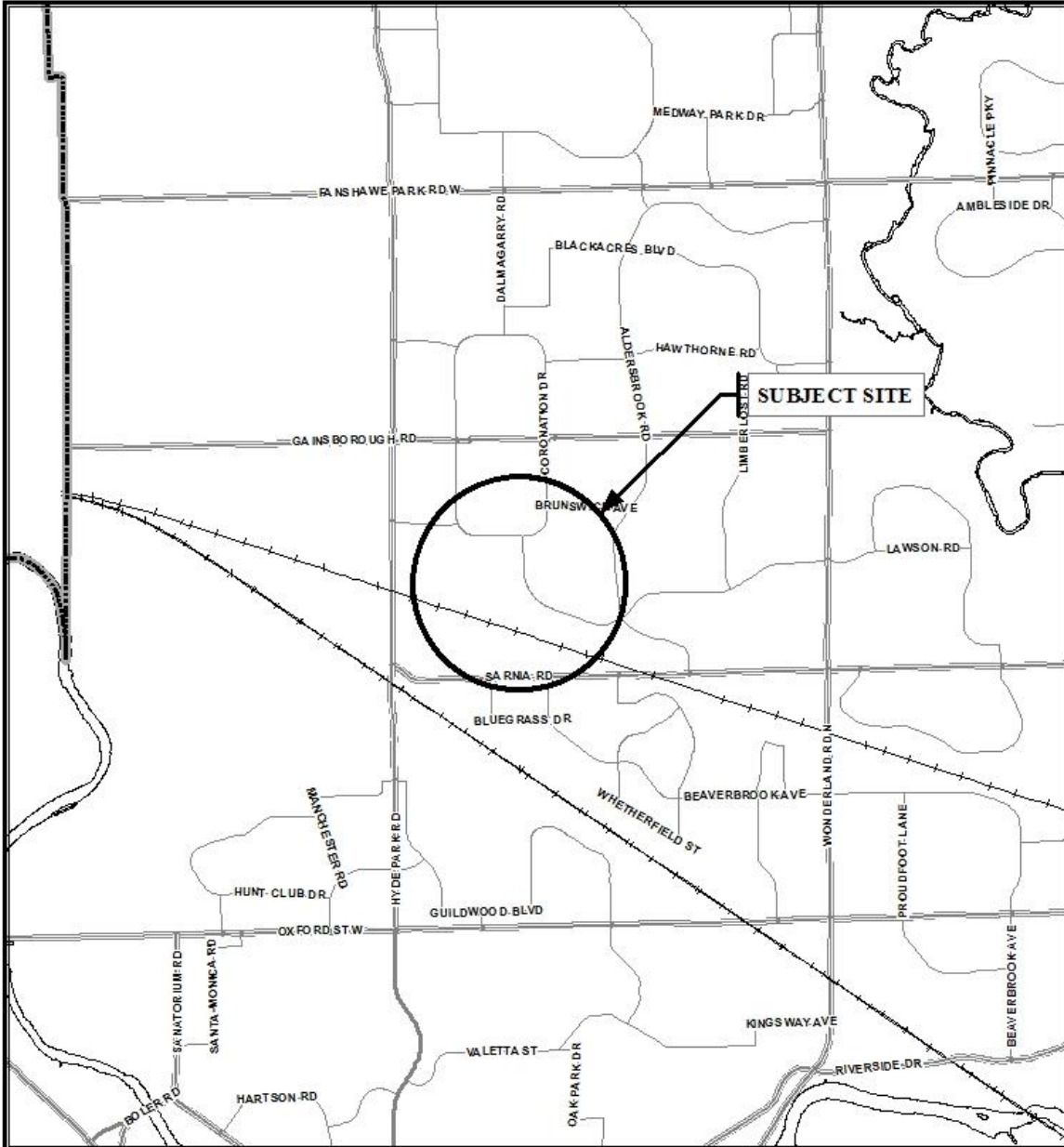
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OFFICIAL PLAN SCHEDULE B2
NATURAL RESOURCES
AND
NATURAL HAZARDS
PREPARED BY: Graphics and Information Services



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Legend

ROAD CLASSIFICATION

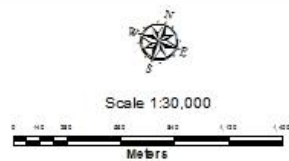
-  Secondary Collector
-  Primary Collector
-  Arterial
-  Freeway
-  Expressway

PROPOSED ROAD CORRIDOR

-  Proposed Secondary Collector
-  Proposed Primary Collector
-  Proposed Arterial
-  Proposed Freeway
-  Proposed Expressway
-  Proposed Interchange

THIS IS AN EXCERPT FROM THE PLANNING DIVISION'S WORKING CONSOLIDATION OF SCHEDULE C TO THE CITY OF LONDON OFFICIAL PLAN, WITH ADDED NOTATIONS

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OFFICIAL PLAN SCHEDULE C
- TRANSPORTATION CORRIDORS -
PREPARED BY: Graphics and Information Services

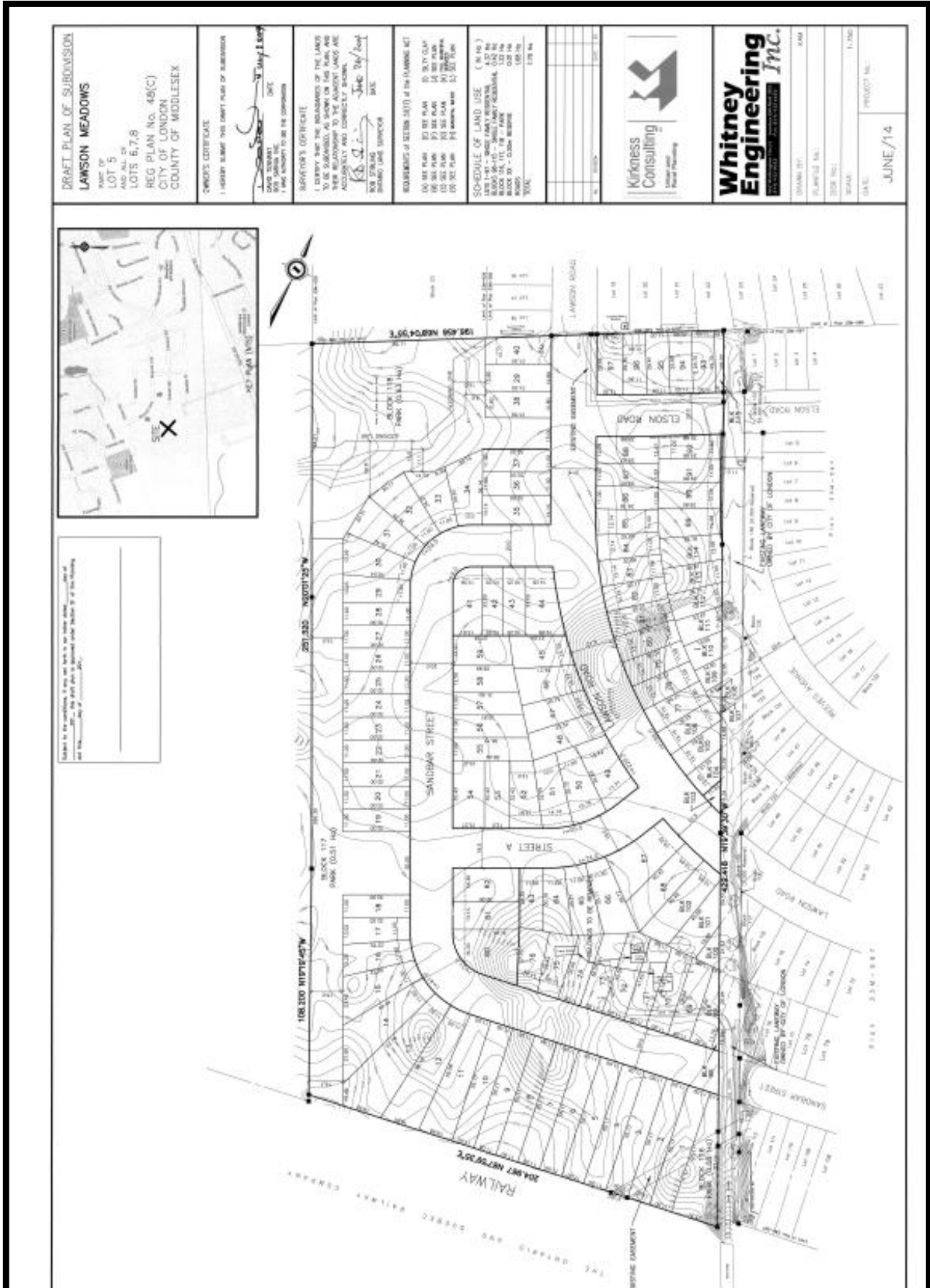


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Submitted Draft Plan



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SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Development Services- Development Engineering

Servicing Related Comments

Sanitary

- Connect to the existing 200 mm municipal sanitary sewer located on Lawson Road at the north end of the plan.

Stormwater

- To serve the north portion this plan (approx. 2.7 ha), connect to the existing 600 mm diameter storm sewer municipal storm sewer system, located on Lawson Road, at the north limit of this plan.
- To serve the south portion of this plan, connect to the proposed storm system outlet on Park Block 117 in this Plan.

Water

- Construct watermains to serve this Plan and connect them to the existing municipal system as follows:
 - to the 300 mm diameter watermain on Lawson Road at the north limit of this plan;
 - the 300 mm diameter watermain on Lawson Road at the east limit of this plan;
 - the 200 mm diameter watermain on Sandbar Street at the east limit of this plan; and
 - the 200 mm diameter watermain on Elson Road at the east limit of this plan.
- Deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development is proposed to proceed beyond 80 units.

Transportation

- The Owner shall design the roadworks in accordance with the following road widths:
 - Lawson Road has a minimum road pavement width (excluding gutters) of 9.5 metres with a minimum road allowance of 21.5 metres;
 - Sandbar Street and Elson Road have minimum road pavement widths (excluding gutters) of 8.0 metres with a minimum road allowance of 20.0 metres; and
 - Street 'A' has a minimum road pavement width (excluding gutters) of 7.0 metres with a minimum road allowance of 19.0 metres.
- The Owner shall ensure that all through intersections and connections with existing streets and internal to this subdivision shall align with the opposing streets
- The Owner shall provide sufficient lands abutting Lots 89 to 92 and Block 114 in this Plan to complete Reeves Avenue with a 20.0 metre right-of-way in conjunction with the portion of Reeves Avenue in Plan 33M-597 and the "unnamed" road allowance in Registered Plan 48(c) and convey the said lands in this Plan to the City at the time the Plan is registered, to the satisfaction of the City Engineer and at no cost to the City
- The Owner shall construct a 1.5 metre sidewalk on both sides of Lawson Road to connect to the existing sidewalks in abutting developments 33M-585 (at the north limit of this plan) and 33M-597 (at the east limit of this plan), to the satisfaction of the City Engineer and at no cost to the City
- The Owner shall construct a 1.5 metre sidewalk on one side of the following streets, to the satisfaction of the City Engineer and at no cost to the City.

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- Sandbar Street – outside boulevard, connecting to the existing sidewalk in 33M-597 at the east limit of this plan;
 - Street ‘A’ - south boulevard;
 - Elson Road – north boulevard, connecting to the existing sidewalk in 33M-597 at the east limit of this plan; and
 - Reeves Avenue – west boulevard.
- The Owner shall have its professional engineer design and construct the traffic calming measures along the secondary collector road network in this Plan

Staff Response: Conditions to support the Engineering comments have been added to the draft plan and addressed through specific holding provisions attached to the zoning.

Abutting Existing Road Allowance

The east boundary of the proposed draft plan of Subdivision abuts an existing 33 foot (10.06 metre) wide “unnamed” road allowance established in Registered Plan 48(c). In order to complete the proposed roads and develop the proposed draft plan and lands to the east of the “unnamed” road allowance (i.e. Plan 33M-597), most of the “unnamed” road allowance will need to be closed and sold to the Owner and/or the abutting owner of Plan 33M-597.

In that regard, the Owner will have to make all necessary arrangements, financial or otherwise, with the City to have the “unnamed” road allowance closed and sold such that it can be included with the development of this draft plan. Furthermore, all works within this corridor are to be coordinated with the owner of lands to the east (33M-597) for items such as servicing of partial lots, completion of Reeves Avenue (sidewalk, boulevard, etc.), park Block 116, etc.

Since the proposed draft plan does not include the said road allowance lands at this time, the attached conditions reflect the requirement of the Owner to address the closure and sale of the road allowance lands as well as the completion of the works in these lands.

Staff Response: Holding Provisions and Condition 100 have been added to the amended zoning by-law and the draft plan addressing this issue.

Adjacent CP Railway

The Owner will be required to implement all mitigating measures to address safety, noise and vibration concerns associated with the adjacent Canadian Pacific (CP) railway as identified in these draft plan conditions, relevant reports and studies, future design studies requirements, etc. Design and construction of the proposed safety berm and noise wall configuration should also be integrated with the proposed parkette/walkway (Block 116) feature at the southeast corner of this plan.

Any conditions relating to the noise attenuation measures (e.g. berms, noise barriers, etc.) should take into consideration issues such as grading, drainage, overland flow routes and slope stability

Staff Response: Holding Provisions and Conditions to support the Engineering comments have been added to the amended zoning by-law and the draft plan.

Zoning By-law Amendment

The following comments were provided by Development Services with respect to the proposed zoning by-law amendment

1. adequate rear-yard setbacks for Lots 1 to 14 to accommodate noise and vibration attenuation measures and steep slope setback requirements;

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2. 'h' holding provision is implemented with respect to servicing, including sanitary, stormwater and water, to the satisfaction of the City Engineer and the entering of a subdivision agreement;
3. 'h-100' holding provision is implemented with respect to water services and appropriate access that no more than 80 units may be developed until a looped watermain system is constructed and there is a second public access available, to the satisfaction of the City Engineer;
4. holding provision for the implementation of adequate noise and vibration measures and slope stability measures in and adjacent to the south boundary of this plan, to the satisfaction of the City; and
5. holding provision be implemented on Blocks 98 to 115 until the said Blocks can be combined with the abutting lands to create developable "lots" (e.g. the "unnamed" road allowance).

*Note; the proposed zoning by-law amendment includes the h.*h-65*h-82*h-100 provisions and proposed draft plan conditions that address these issues.*

City of London Environmental Parks Planning

Required Parkland Calculation

- Required parkland dedication shall be calculated pursuant to section 51 of the Planning Act at 5% of the lands within the application. Based on a total site area of 7.70 hectares a dedication of 0.385 hectares is required.
- It is the expectation of E&PP that the required parkland dedication will be satisfied through the dedication of Park and Open Space Blocks 116, 117, 118.
- Any over dedication of parkland for this plan will be applied to the required dedication for lands south of the site owned by the applicant. Any outstanding parkland dedication will be purchased by the City at the rate outlined in By-law CP-9.
- The Official Plan generally requires neighbourhood parks to be flat and well drained in order to accommodate a variety of neighbourhood recreational activities. However, in certain situations the Plan does permit the City to accept parkland dedication that contains significant vegetation and topography. The Plan further notes that these lands will be accepted at a reduced or constrained rate.
 - The proposed draft plan of subdivision identifies Block 117 as a 10 meter buffer area for the significant woods (consistent with the lands to the west of the woodlot) and a 5 meter pathway corridor. Parkland dedication will be accepted for the buffer portion of the block at a rate of 1:16 with the balance of the park block accepted at a 1:1 ratio.
 - A portion of Block 118 forms part of the significant woods. This portion of the park will be accepted at a rate of 1:16.
- The owner shall, as part of the design studies, prepare a plan of the two parks delineating the pathway, grading, and landscaping to the satisfaction of the Manager of Environmental and Parks Planning. It is noted that Park Block 116 will contain noise and safety berms consistent with the requirements of CP Railway. These berms are to be incorporated into the design of the park.
- The owner shall implement the recommended buffer plantings as identified in the March 31, 2008 Earth Tech Environmental Impact Study completed for Kenmore Homes/Bierens subdivision (39T-08502) on the west side of the woodlot.
- The owner shall, as part of the design studies, prepare a water balance report to determine the pre-development flows into the woodlot and associated environmental features and provide a method to ensure the water balance is maintained post-development, to the satisfaction of the Manager of Environmental and Parks Planning.

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- The Owner shall negotiate with the neighbouring property owner to ensure Lots 111 and 112 of 33M-597 are incorporated into the design of the park block.
- The Owner shall construct a 1.5m high chain link fencing without gates in accordance with current City park standards (SPO 4.8) or approved alternate, along all property limits which interface with existing and/or future Park and Open Space Blocks. Fencing shall be completed within one (1) year of the registration of the plan, to the satisfaction of the Manager of Environmental and Parks Planning.
- The Owner shall prepare and deliver to all homeowners an education package which explains the stewardship of natural area, the value of existing tree cover and the protection and utilization of the grading and drainage pattern on these lots. The educational package shall be prepared to the satisfaction of Manager of Environmental and Parks Planning.
- The Owner shall not grade into the open space areas. Where lots or blocks abut an open space area, all grading of the developing lots or blocks at the interface with the open space areas are to match grades to maintain existing slopes, topography and vegetation. In instances where this is not practical or desirable, any grading into the open space shall be to the satisfaction of the Manager of Environmental and Parks Planning.
- Prior to construction, site alteration or installation of services, robust silt fencing/erosion control measures must be installed and certified with site inspection reports submitted to the Environmental and Parks Planning Division monthly during development activity along the edge of the woodlot.

Detailed Comments on the Environmental Impact Study

1. Section 7.3.2 Erosion and Sediment Control – Given that a large portion of the topography on the subject site drains towards and into the Significant Woodland located to the west. Provide detail for more protection measures to ensure construction related runoff does not flow into the sensitive Natural Heritage feature (i.e. double row silt fencing). Standard silt fencing is likely not adequate in this particular case.
2. Section 7.3.2 Erosion and Sediment Control – Silt Fencing should be placed at the edge of the buffer. The buffer represents the maximum extent of the development envelope. The buffer is protecting the rooting zone of the adjacent significant feature. If grading is allowed up to the dripline, one of the many purposes of a buffer will have been circumvented. This will also allow for runoff from the buffer area to still drain into the woodland without construction runoff. While there are some cases where grading is required in the buffer, if this is the case it has to be clearly outlined as to the reason for this and additional compensation within the disturbed buffer post-construction will be required.

Condition 67 has been added to the draft plan addressing both issues 1 and 2.

3. Section 7.3.2 Erosion and Sediment Control – Add to the last bullet point that an approved native species restoration plan will be required for the buffer to the significant woodland.

Condition 62 has been added to the draft plan addressing this issue

4. Section 7.4 Habitat Compensation – E&PP still require some additional information for this section of the EIS. Specifically, reference to further design studies including hydrology and Pond Design are needed to ensure that the proposed wetland will be functional over the long term. A key component for this project is to understand the soils surrounding the current south wetland feature and how the soils in the proposed compensation area are similar, or what measures need to be taken to ensure the conditions are reproduced. Another critical component that needs to be identified within this section is the need for a

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water balance for the relocated wetland. How will the wetland be maintained year round? How much can water quality be affected by backyard runoff from properties that may use fertilizers? While it is understood that this will not to be directly addressed in the EIS, an indication of these important issues should be identified as being needed for the design studies.

Condition 73 has been added to the draft plan addressing this issue

5. Section 7.4.1 Wildlife Use – The compensation wetland should be constructed prior to grading the existing feature. Wildlife located in the existing pond will be moved to the newly constructed feature. The entire aim of this process is to provide an improved feature on the landscape and transfer the existing wildlife to that feature. Grading the existing feature before construction of the new wetland is not acceptable, and should not be referred to as a possibility. The last bullet point should indicate that a comprehensive multi-year monitoring plan will be developed to document breeding amphibians, and terrestrial crayfish use/success in the area.

Condition 63 has been added to the draft plan addressing this issue

6. Section 7.4.2 Monitoring and Adaptive Management Plan – Adaptive management may also be needed as a result of changes in water quality (not just quantity), or amphibian and crayfish surveys not yielding positive results similar to and with the end goal of exceeding the current inventories at the existing pond.

Condition 63 has been added to the draft plan addressing this issue

Staff Response: Conditions to support the Environmental and Parks Planning comments have been added to the amended zoning by-law and the draft plan

Urban Design

Urban design staff have reviewed the Final Proposal Report including the submitted urban design brief for the above noted property and provide the following comments:

- Consider removing lots 38 and 19 in order to enlarge the entrances to the park blocks as well as ensure that woodlands located within the park blocks act as the view terminus of both Street A and Elson Road.
- In accordance with guideline 4.1.5 of the Hyde Park Community and Urban Design Guidelines; Buildings on corner lots should be designed with the exterior side elevation detailing similar to the front elevation. Consideration should be given to the amount of glazing on the side elevation and providing wrap around porches and side entrance

Staff Response: The plan has been redlined and proposed draft plan condition 48 addresses their comments.

Canada Post

This subdivision will receive mail service to centralized mail facilities provided through our Community Mailbox program.

The owner shall complete to the satisfaction of the Director of Engineering of the City of London and Canada Post :

- a) include on all offers of purchase and sale a statement that advises the prospective purchaser :
 - i) that the home/business mail delivery will be from a designated

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Centralized Mail Box.

- ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- b) the owner further agrees to :
 - i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
 - ii) install a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post to facilitate the placement of Community Mail Boxes
 - iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Staff Response: proposed draft plan condition 49 addresses this comment.

Canadian Pacific Railroad

1. Berm, or combination berm and noise attenuation fence, having extensions or returns at the ends, to be erected on adjoining property, parallel to the railway right-of-way with construction according to the following:
 - a) Minimum total height 5.5 metres above top-of-rail;
 - b) Berm minimum height 2.5 metres and side slopes not steeper than 2.5 to 1.
 - c) Fence, or wall, to be constructed without openings and of a durable material weighing not less than 20 kg. per square metre (4 lb/sq.ft.) of surface area.

No part of the berm/noise barrier is to be constructed on railway property.

A clause should be inserted in all offers of purchase and sale or lease, and be registered on title or included in the lease for each dwelling affected by any noise and vibration attenuation measures, advising that any berm, fencing, or vibration isolation features implemented are not to be tampered with or altered, and further that the owner shall have the sole responsibility for and shall maintain these features.

Dwellings must be constructed such that the interior noise levels meet the criteria of the appropriate Ministry. A noise study should be carried out by a professional noise consultant to determine what impact, if any, railway noise would have on residents of proposed subdivisions and to recommend mitigation measures, if required. The Railway may consider other measures recommended by the study.

2. Setback of dwellings from the railway right-of-way to be a minimum of 30 metres. While no dwelling should be closer to the right-of-way than the specified setback, an

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unoccupied building, such as a garage, may be built closer. The 2.5 metre high earth berm adjacent to the right-of-way must be provided in all instances.

3. Ground vibration transmission to be estimated through site tests. If in excess of the acceptable levels, all dwellings within 75 metres of the nearest track should be protected. The measures employed may be:
 - a) Support the building on rubber pads between the foundation and the occupied structure so that the maximum vertical natural frequency of the structure on the pads is 12 Hz;
 - b) Insulate the building from the vibration originating at the railway tracks by an intervening discontinuity or by installing adequate insulation outside the building, protected from the compaction that would reduce its effectiveness so that vibration in the building became unacceptable; or
 - c) Other suitable measures that will retain their effectiveness over time.

4. A clause should be inserted in all offers of purchase and sale or lease and in the title deed or lease of each dwelling within 300m of the railway right-of-way, warning prospective purchasers or tenants of the existence of the Railway's operating right-of-way; the possibility of alterations including the possibility that the Railway may expand its operations, which expansion may affect the living environment of the residents notwithstanding the inclusion of noise and vibration attenuating measures in the design of the subdivision and individual units, and that the Railway will not be responsible for complaints or claims arising from the use of its facilities and/or operations.

5. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway, and be substantiated by a drainage report to be reviewed by the Railway.

6. A 1.83 metre high chain link security fence be constructed and maintained along the common property line of the Railway and the development by the developer at his expense, and the developer is made aware of the necessity of including a covenant running with the lands, in all deeds, obliging the purchasers of the land to maintain the fence in a satisfactory condition at their expense.

7. Any proposed utilities under or over railway property to serve the development must be approved prior to their installation and be covered by the Railway's standard agreement.

Staff Response: This will be addressed through conditions of draft approval (see Appendix 39T-14501).

Upper Thames River Conservation Authority (UTRCA)

Further to our comments dated September 19, 2014, we wish to provide the City with an update regarding the status of this planning application. Previously, the Upper Thames River Conservation Authority (UTRCA) had advised of a number concerns which included that our policy does not permit development in wetlands as was proposed. We had also provided detailed comments on the Environmental Impact Study (EIS) that had been submitted to support the proposed subdivision development. On December 17, 2014, the applicant made a presentation to the UTRCA's Hearing Board requesting permission to remove the two wetland features that are located in the north east portion of the site. In preparing for the hearing, the EIS was revised to address both the City's and the UTRCA's environmental concerns. The following is the resolution of our Hearing Board regarding the matter of the wetlands and we respectfully request that this wording be incorporated into the draft conditions of approval for this proposed development:

"RESOLVED that Application #135/14 be approved subject to the following terms and conditions:

1. The Applicant must continue to fulfill obligations and seek necessary approvals pursuant to the Planning Act.

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2. The Applicant must retain an on-site manager for monitoring activities and to confirm erosion and sediment control measures are in good working condition throughout all pertinent phases of development. Specific monitoring requirements will be confirmed through consultation with the City of London and the Applicant but will include provisions for monitoring to commence at initial stages of implementation of the compensation plan and must continue until such time that the subdivision has been assumed by the City of London.
3. Mitigation and compensation measures outlined in Sections 7.3 and 7.4 of the Stantec EIS must be fully implemented, including provisions for monitoring and adaptive management.
4. A detailed description of the staging and phasing of development must be prepared for review and approval by the UTRCA and the City of London, specifically including the steps involved in removing the existing wetlands and implementing the compensation plan.
5. Plan revisions required as a result of ongoing consideration of the associated planning applications must be forwarded to UTRCA staff for review and approval.
6. A comprehensive plan must be prepared for review and approval by the UTRCA and the City of London which depicts specific requirements of the landscape plan, the wildlife mitigation plan and all pertinent buffers and setbacks.

Condition 62, 63, 67 and 73 have been added to the draft plan addressing UTRCA's requested condition.

Standard implementation conditions for the UTRCA's Section 28 Permit shall include the following:

- The UTRCA must be notified regarding project commencement and completion.
- All sediment and erosion control measures must remain in proper working condition until such time that all disturbed soils are fully stabilized.
- The UTRCA must be notified regarding any revisions to the plans prior to work commencing or continuing; and
- All terms and conditions outlined on the second page of the permit/application form must be met."

The UTRCA requests that the ecological buffer and the lands where the new/relocated wetland is to be situated be zoned with the most restrictive Open Space zoning (OS5) to ensure that the significant woodland and the new wetland are appropriately protected.

Note: the proposed zoning amendment to Block 117 is an Open Space (OS5) Zone.

Lastly, given that the plan for the wetland may need to be amended as a result of the required monitoring process or in order to implement an adaptive management strategy, the UTRCA recommends that the conditions of draft plan approval provide for the opportunity to reline the plan of subdivision in order to incorporate these requirements.

Staff Response: This will be addressed through a condition of draft approval (see Appendix 39T-14501).

Environmental and Ecological Planning Advisory Committee

On November 11, 2014 Council resolved: That the comments from the Working Group, with respect to the Scoped Environmental Impact Statement relating to the property located at 905 Sarnia Road, **BE FORWARDED** to the Civic Administration for consideration.

EEPAC's communication is attached as Schedule "1". EEPAC has listed concerns regarding the submitted EIS and the proposed plan of subdivision and zoning by-law amendments. These

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listed concerns are:

- Completeness of the submitted EIS
- Natural features and functions
- Trail planning
- Habitat for species including those of conservation concern
- Mitigation measures
- Habitat Conservation

Staff Note: EEPAC has included twenty three (23) recommendations in its attached comments. The City and UTRCA have reviewed the submitted EIS and support the relocation of the wetland feature pending the implementation of the required mitigation measures as identified in the EIS. The concerns listed above have been addressed in the Analysis section below and through the proposed zoning and conditions of draft approval. Staff are of the opinion that the proposed zoning and conditions of draft plan approval addresses EEPAC's comments.

PUBLIC LIAISON:	On July 30, 2014, Notice of Application was sent to 172 property owners in the surrounding area. Notice of Application was also published in The Londoner on August 7, 2014.	2 replies received.
Nature of Liaison: The purpose and effect of the proposal is to develop a subdivision 97 single detached lots, 17 single detached part blocks, 2 park blocks (Block 116, 117 and 118), 2 local public streets (extension of Sandbar Street, and new Street "A"), and 1 secondary collector Street (extension of Lawson Road)		
Responses:		
<ul style="list-style-type: none"> • Designate the bridge as a heritage asset • Review to determine the investment for usability and to ensure public safety • Designate as a formal pedestrian/cycling connector and recreational trail • Maintain the existing wetland ponds in their current location 		

ANALYSIS

Subject Site

The subject site is located on the north side of Sarnia Road, east of Hyde Park Road. The site is approximately 7.7 hectares in size, with 132 metre frontage along Sarnia Road. The proposed draft plan of subdivision site is located north of the CP rail line and was previously an agricultural use. It is surrounded by single detached residential uses to the north and east and an Environmental Significant Area to the west.

PROVINCIAL POLICY STATEMENT (2014)

This application has been reviewed against the 2014 PPS and it is staff's opinion that the proposed subdivision is consistent with, and generally conforms to, the Provincial Policy Statement.

The proposed use achieves objectives for efficient development and land use patterns, represents a form of intensification of a vacant parcel of land which is located within the City's urban growth area, utilizes existing public services and infrastructure, supports the use of public transit, and maintains appropriate levels of public health and safety. These lands abut a Natural Heritage System. The Natural Heritage lands are designated Open Space and conditions of the draft approval and the use of holding provision are intended to protect and enhance the Natural Heritage System.

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PLANNING ACT - SECTION 51(24)

Section 51(24) of the Planning Act provides municipalities with criteria which must be considered prior to approval of a draft plan of subdivision. The Act notes that in addition to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality, regard shall be had for:

- the effect of development of the proposed subdivision on matters of provincial interest;
- whether the proposed subdivision is premature or in the public interest;
- whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- the suitability of the land for the purposes for which it is to be subdivided;
- the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- the dimensions and shapes of the proposed lots;
- the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- conservation of natural resources and flood control;
- the adequacy of utilities and municipal services;
- the adequacy of school sites;
- the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area.

Planning staff have reviewed the requirements under section 2 of the Planning Act and regard has been given to matters of provincial interest. Municipal water is available to service this development. Municipal services are adequately provided including sewage, water, garbage collection, roads and transportation infrastructure. The proposed draft plan is located in a municipality which actively promotes waste recycling/recovery programs, and will be served by the Blue Box collection and other municipal waste recycling facilities. There is access to nearby parks and recreational facilities, medical facilities, and emergency and protective services. There are two elementary schools in the Hyde Park Community Plan area: Wilfred Jury Public and St. Marguerite d'Youville Separate School. A French Catholic elementary school is proposed to be located on Coronation Drive immediately to the northwest of the subdivision. This area is predominantly single family residential. The broader area contains a mix of low, medium and high density housing. There is adequate provision for a full range of housing. There is adequate provision of employment areas throughout the City and in close proximity to this site. The proposed draft plan implements the land use policies in accordance with the City's Official Plan and the Hyde Park Community Plan. The posed draft plan supports public transit and promotes pedestrian movement through the adjacent subdivisions. The draft plan will protect, enhance and maintain the existing function of the natural heritage system.

The requirements of London Hydro, Union Gas, and the City of London to adequately provide utilities and services are addressed in the conditions of draft plan. Park land will be dedicated for a public park and to provide a buffer to the Natural Heritage System.

Based on planning staff's review of the criteria in the Planning Act under Section 51(24), the proposed draft plan has regard for natural resources, the health, safety, convenience, accessibility for persons with disabilities, and welfare of the present and future inhabitants of the municipality.

OFFICIAL PLAN POLICIES

The subject lands are designated Low Density Residential.

Low Density

The Low Density Residential designation permits single detached, semi-detached, and duplex

dwelling and other forms of low density residential uses at a maximum density of 30 units per hectare. The proposal to develop this parcel with 97 residential dwellings will result in an overall density of 13 units per hectare, which is within the density limits in the Low Density Residential designation.



As shown above, the property is designated Low Density Residential. The Environmental Impact Study completed by EarthTech in 2008 for the Kenmore/Bierens (39T-08502) plan of draft subdivision to the west. The Environmental Impact Study delineated the Environmental Significant Area boundary at the westerly property line of 895-905 Sarnia Road. It is stated that 10 metre buffer is required along the easterly boundary of the significant woodland to ensure that the feature is protected. A woodland area exists on the northwest corner of the subject lands. This wooded area is not designated Open Space in the City of London Official Plan, but through the area planning process this area was zoned Open Space (OS5) to protect the feature. Through the Hyde Park Community Plan process, the existing ponds on the eastern side of the property were identified as being within the Upper Thames River Conservation Authorities regulated area and are shown on the Official Plan Schedule B2. The ponds were zoned Environmental Review (ER) which require an Environmental Impact Assessment prior to amending the Zoning.

Official Plan Section 15.7.4 states:

Wetlands and their surrounding areas of interference are subject to regulation under the Conservation Authorities Act due to the potential hazards associated with flooding,

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organic soils and interference with water source/recharge areas. Filling or draining can have an impact on the hydrologic functions of a wetland which, in turn, may influence the flooding and erosion processes in the area. The incremental impact of widespread wetland interference can also have a significant impact on downstream hydrology.

Mapping for the wetlands and areas of interference included within the Regulation Limit, is maintained by the Conservation Authority having jurisdiction and may be reflected on Schedule "B2" of the Official Plan for information purposes. Within regulated wetlands and their areas of interference, development or site alteration that are consistent with the underlying land use designation and zoning may only be permitted if prior approval is received from the Conservation Authority having jurisdiction.

The applicant submitted a Scoped Environmental Impact Study – Revised November 11, 2014 prepared by Stantec Consulting Ltd.

The Stantec EIS concluded that: *Although Significant Wildlife Habitat was not confirmed for either wetland feature, the dug pond/south wetland feature provides productive amphibian habitat and habitat for terrestrial crayfish.*

The proposed plan will result in the removal of the two small wetland features, including the dug pond/south wetland feature. Given the anthropogenic nature of the pond and surrounding agricultural land use, it is anticipated that the noted functions can be replicated and improved upon via the proposed habitat compensation plan.

The proposed habitat compensation plan results in a net benefit for the subject lands by providing opportunity for improved native species biodiversity and reducing risk of mortality to woodland breeding amphibians and terrestrial crayfish.

The City of London Ecologist and the Upper Thames River Authority reviewed the submitted Stantec EIS study and agree with the recommendation to relocate the wetland feature on the property. Maintaining the feature in its current location surrounded by residential development would lead to degradation of the feature. Due to its isolation, the wetland feature would not be able to continue to function as a productive habitat as it exists today. To best preserve its existing functions, the recommendation of the EIS is to relocate the feature to the northwest corner of the subject lands adjacent to the Environmental Significant Woodland.

On December 17, 2014, the UTRCA's Hearing Board heard an application from the property owner to seek permission to remove the two wetland features that are located in the north east portion of the site. The UTRCA Hearing Board recommended the removal of the two wetland features pending the implementation of conditions of approval. The conditions of approval include the completion of the Planning process including inclusion of conditions within draft plan approval, the review and acceptance of the implementation plan including onsite monitoring and to complete all condition as per the UTRCA's Section 28 permit.

The proposed relocation of the wetland feature in the Low Density Residential designation is consistent with recommendation of the November 11, 2014 Stantec EIS and the City of London Official Plan.

HYDE PARK COMMUNITY PLAN

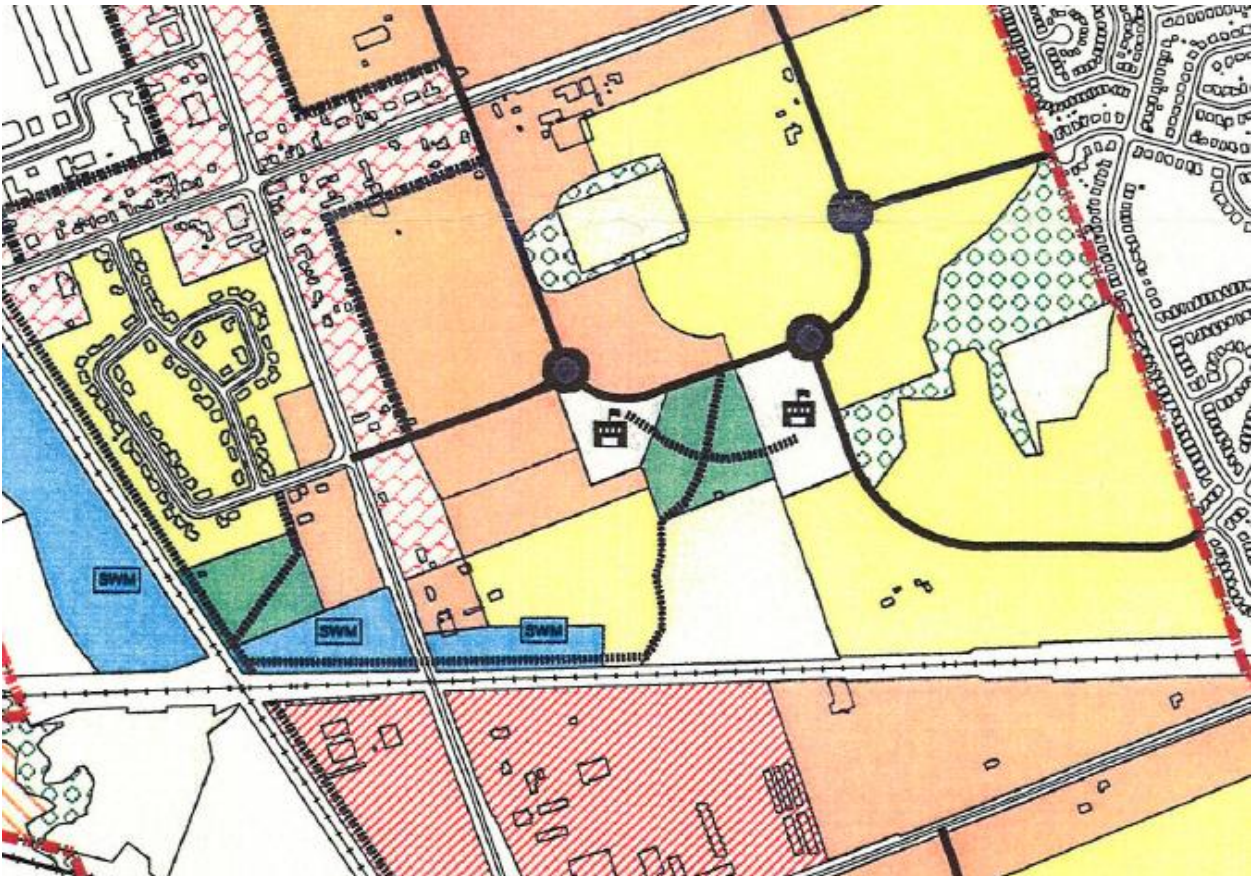
The Hyde Park Community Plan was adopted by Council pursuant to Section 19.2.1. of the Official Plan as a guideline document for the review of planning and development applications, for the planning of public facilities and services, and as the basis for amendments to the Official Plan and Zoning By-law and guide for subdivisions within the Hyde Park Community. The goals for the Hyde Park Community Plan, which was adopted by Council in December 2000, are:

- to provide an appropriate mix of housing types and to allow for choice in housing.

- to provide the required community facilities (ie: parks, schools, passive recreational facilities, etc.) for future residents.
- to provide appropriate linkages with adjacent existing and planned communities.
- to promote compatibility with the existing developed areas including the residential neighbourhoods of Whitehills and Gainsborough Meadows, the Hyde Park hamlet and the existing land uses west of Hyde Park Road, and
- to ensure adequate access to and utilization of community-wide public facilities.

The adopted Community Plan provided direction for the locations for school sites; storm water management sites; the collector road system; a district park and neighbourhood parks, and other open space areas.

Excerpt of Community Plan adopted by Council December 2, 2000.



Draft Plan

The subject draft plan is consistent with the goals of the Hyde Park Community Plan in that it provides for an appropriate mix of housing types. Appropriate pedestrian linkages which provide connectivity within the subdivision and provide for integration of lands outside this subdivision have been accommodated within this design. In addition pedestrian linkages to the district park to the north and maintaining the existing CP Rail Bridge will allow for future connections to the Hyde Park Village commercial lands to the north and to Sarnia Road to the south. Appropriate street linkages have also been proposed to facilitate the efficient movement of vehicular and pedestrian traffic within the community. The proposed road pattern includes the completion of the secondary collector "Lawson Road" as was identified in the community plan.

School site:



In the Hyde Park Community Plan it shows two (2) school sites with a City park located between the campuses in the approximate location of the intersection of Coronation Drive and Lawson Road. Through the draft plan of subdivision for Kenmore/Bierens (39T-08502) and Gainsborough Place (39T-00513) (draft plans to the north and west), the school site was shifted east along Coronation Drive. The French Catholic Elementary School Board has acquired the school block in the Kenmore/Bierens subdivision. The City has acquired the balance of the lands fronting Coronation through for the Gainsborough Place subdivision process for Maple Grove Park that serves the needs of the abutting neighbourhood. The land south of the City Park that was identified as a possible future school block contains woodlands zoned Open Space (OS5) and is the area proposed to be utilized for the relocated wetland. Wilfred Jury Public school and St. Marguerite d'Youville Separate school are located in the Hyde Park Community Plan area. Letters from all four school boards were provided to the applicant stating that they are not seeking a school block in this subdivision. The application was circulated to all school boards. No school board requested a school block in this area.

Subdivision, Urban Design and Placemaking

The Hyde Park Community Plan Community and Urban Design Guidelines were adopted by the City in 2000 to provide for an identifiable character, sense of place, and a high quality of design for the Hyde Park Community.

Section 3.6 of the Hyde Park Community Plan and Urban Design Guidelines states that

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Collector or Local streets that have open space on one side will be known as Park Side Drives. Park Side Drives serve to provide a high quality of public access and visibility of the open space feature. Due to elevation and grading concerns identified by the applicants consulting engineer and to ensure that a 10 metre buffer is maintained between the proposed development and the Significant Woodland to the west of the subdivision, a park side drive is not proposed along the west property line adjacent to the existing Significant Woodland. The proposed draft plan shows a contiguous park block along the westerly property line between the existing Significant Woodland and the lots fronting Sandbar Street. The plan provides for a 30 metre park entrance onto Sandbar Street which provides visual and pedestrian connectivity to the natural heritage feature. Lot 19 was redlined and moved to the south side of the 30 metre park entrance. The redline amendment results in a better alignment with Street “A” providing a visual terminus. A sidewalk will be located on the south side of Sandbar Street connecting the City’s multi use path system from the existing CP Bridge, through the 30 metre park entrance to Maple Grove Park in the north. This connection will allow for multi-use path system access from Sarnia Road to Coronation Drive and the commercial village to the west.

The City of London Community Planning and Urban Design division staff had requested that the lotting opposite Elson Road also be redlined to provide for a view terminus. Typically, this would be required but due to the relocation of the wetland feature a terrestrial crayfish habitat is to be created and located on the east side of the proposed new pond behind the proposed lots fronting onto Lawson Road. The existing proposed lotting pattern is best for the continued viability of the crayfish habitat.

The plan of subdivision requires that Lawson Road be completed. The completion of Lawson Road will provide a secondary collector street connection from Coronation Drive to Wychwood Park as was identified in the Hyde Park Community Plan and as shown on the Official Plan Schedule “C” Transportation Corridors.

Section 4.1.5 of the Hyde Park Community and Urban Design Guidelines requires that buildings on corner lots should be designed with the exterior side elevation detailing similar to the front elevation. A condition of draft plan approval requires that buildings on corner lots provide architectural design and elements that engage the street to the satisfaction of the Manager of Community Planning and Urban Design.

Sidewalks will be provided within the subdivision to connect to the collector street and multi-use path systems allowing for pedestrian movement to the school and commercial area to the west. The plan of subdivision can be serviced with the extension of existing infrastructure. This subdivision will be integrated into the existing neighbourhood and will not put an undue strain on municipal services such as waste collection and disposal, public utilities, fire and police protection, parks, schools, and other community facilities.

CP Rail

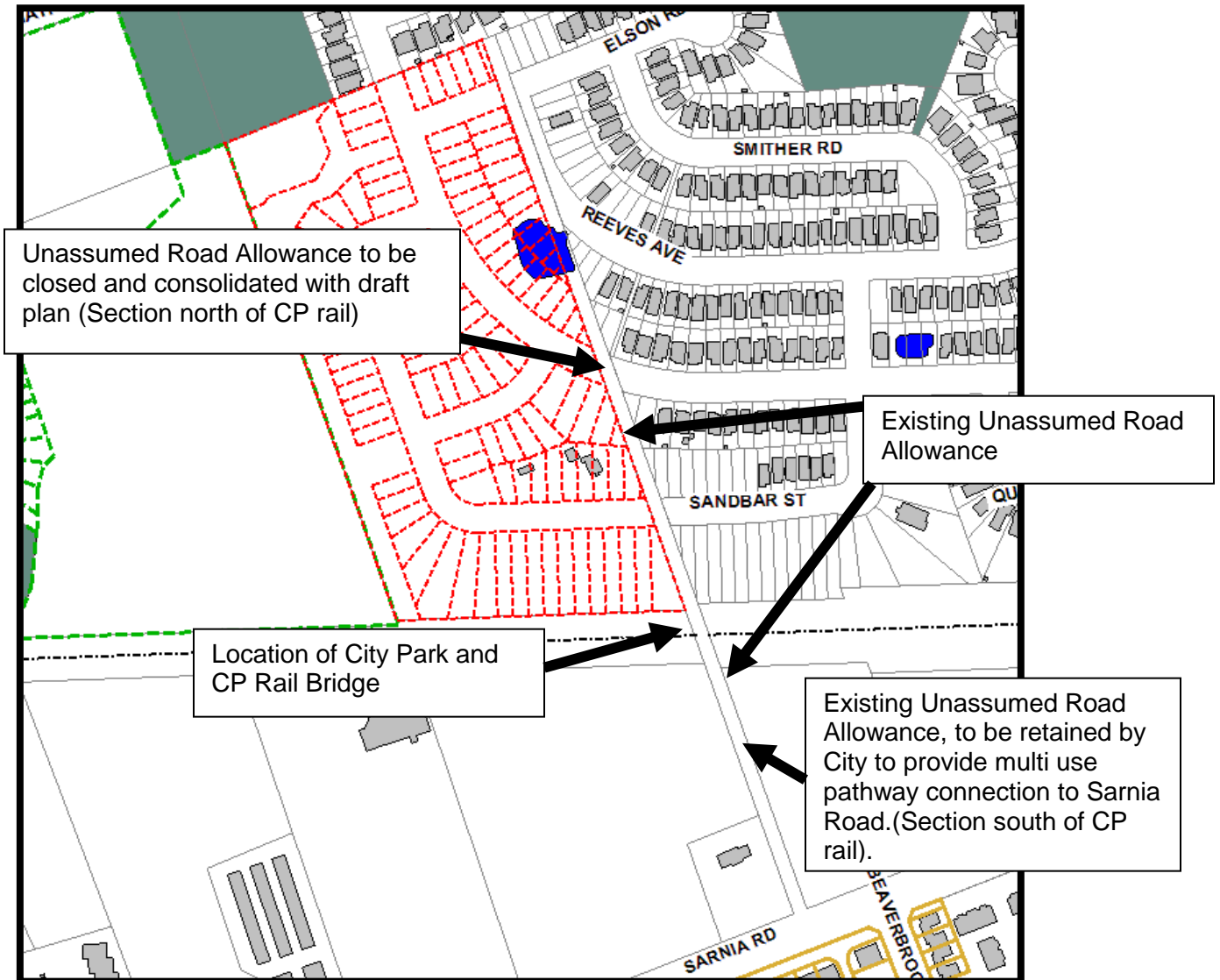
The CP rail right-of-way is located along the southerly boundary of the plan of subdivision. Lots 1-13 are proposed to be rear lotted along the rail road right-of-way. The rear lotting is a continuation of the same form of development as existing on Sandbar Street to the east. Through the recommendations as contained in the submitted Noise Assessment Study and CP Rail requirements, noise, vibration and safety mitigation measures will be required. The applicant will be required to install a safety berm with a noise wall and a safety fence 1.8 m in height. The mitigation measures will be required to be installed along the rear yards of proposed lots 1-13. Draft plan conditions are proposed to ensure that the mitigation measures as required by CP Rail and the Noise Assessment Study are constructed and maintained. A minimum setback of 30 metres is required from the CP rail right-of-way to any habitable space. A special provision has been included in the proposed by-law amendment to implement the required setback.

A rail road bridge exists on the southeast corner of the plan of subdivision. This bridge was originally built (circa 1865) to provide agricultural access across the CP Rail right-of-way. The bridge is listed as priority 1 in the City of London Heritage Inventory. Staff is currently in the process of discussion with CP Rail to ensure that the bridge be retained and used as a

pedestrian connection linking the subdivision to Sarnia Road to the south.

The proposed redlined subdivision design is consistent with the Official Plan policies and Hyde Park Community Plan in the general layout and arrangement of the land uses. The applicants subdivision design along with recommended redline amendments is considered appropriate and represents good land use planning.

Unassumed Road Allowance



An unassumed road allowance is a public highway that is registered on a registered plan of subdivision (48 (C)) and is owned by the City but not maintained by the City as per the *Municipal Act*. Unassumed road allowances typically are laneways found on older plans of subdivisions in the old north and old south areas of the city.

The unassumed road allowance that abuts this subdivision was registered on the registered plan of subdivision (48(C)) to provide the agricultural uses that existed at the time access across the CP Rail right-of-way via the rail bridge. The City may deem unassumed road allowances as surplus. The applicant has requested that the unassumed road allowance north of the CP Rail right-of-way be deemed surplus and consolidated within this plan of subdivision.

On November 11, 2014 Council resolved:

That, on the recommendation of the Director of Roads and Transportation, the following actions be taken with respect to closing part of the unnamed road allowance on Sarnia Road:

- a) *the closing of part of the unnamed road allowance on Registered Plan 48(C) lying north of the Canadian Pacific Railway, **BE APPROVED**; and,*
- b) *the Chief Surveyor **BE AUTHORIZED** to initiate the process of legally closing that portion of the said road allowance by by-law; it being noted that the closing will not be initiated until the City obtains any necessary consents from abutting owners and enters into a purchase and sale or land exchange agreement with the applicant, 905 Sarnia Road Inc., that is acceptable to the City, hereafter the lands will be conveyed in accordance with the agreement subject to any required utility easements.*

Conditions of draft approval and the use of holding provisions have been proposed to ensure that the unassumed road allowance be appropriately consolidated into the proposed draft plan of subdivision.

OPEN SPACE AND ACTIVE PARKLAND

Parkland

Required parkland dedication shall be calculated pursuant to section 51 of the Planning Act at 5% of the lands within the application. Based on a total site area of 7.70 hectares a dedication of 0.385 hectares is required. Over dedication will be applied to the lands owned by the applicant on the south side of the CP Rail right-of-way.

Based on the information provided in the application please find the calculated parkland dedication table.

Park Block	Components of the Block	Area (ha)	Ratio	Expected Dedication (ha)
Block 116	Parkland	0.08	1:1	0.08
Block 117	Buffer (10m)	0.276	1:16	0.017
	Pathway (5 m)	0.138	1:1	0.138
	Parkland (entrance)	0.096	1:1	0.096
Block 118	Woodland (~50%)	0.315	1:16	0.02
	Parkland (~50%)	0.315	1:1	0.315
Approximate Parkland Provided				0.666 ha
Parkland Required				0.385 ha
Over Dedication				0.281 ha

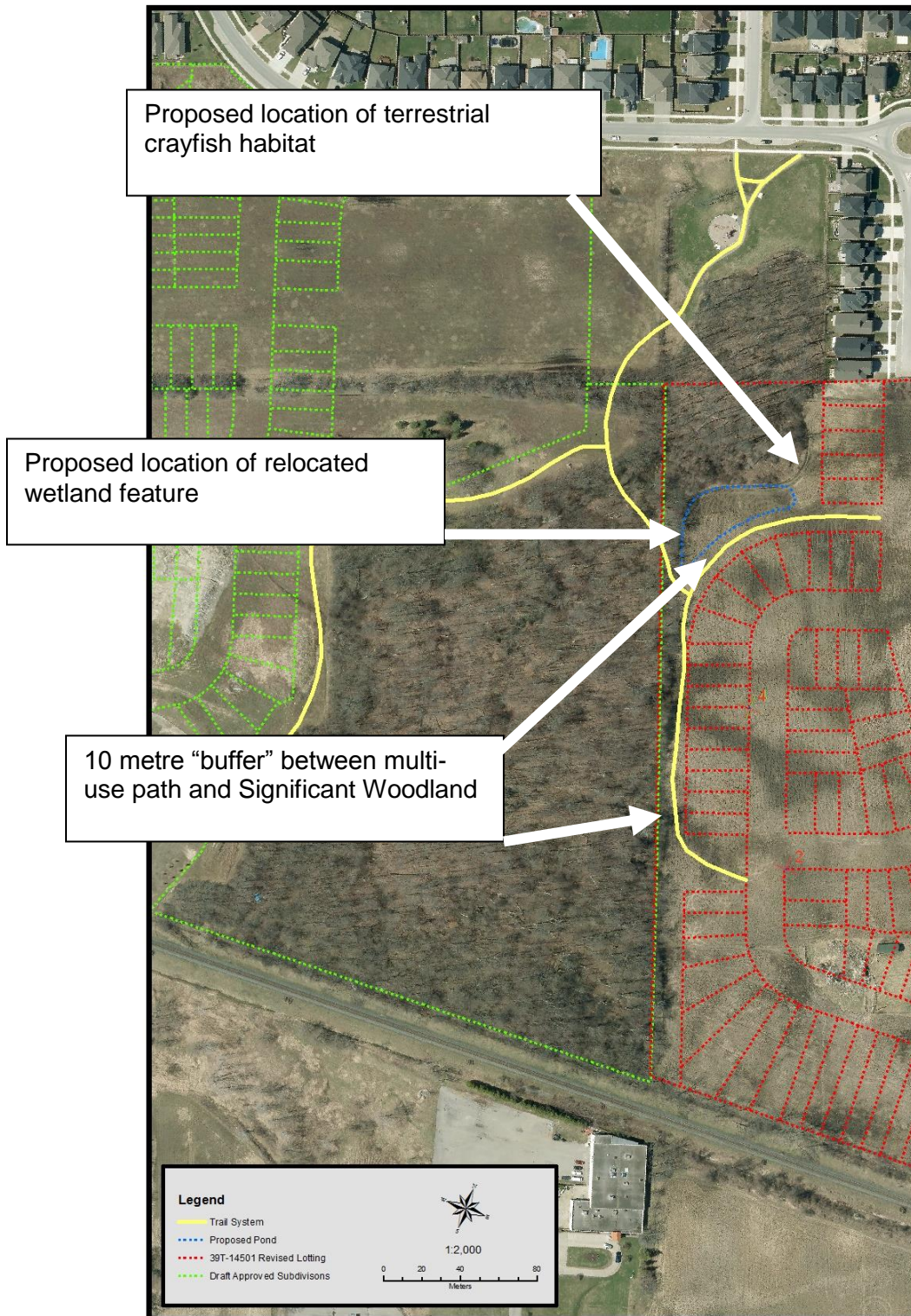
The Owner will be required to grade, service and seed all park blocks to the satisfaction of the Manager of Parks Planning and Design within 1 year of registration of the plan of subdivision. In addition, the proposed development must meet all existing grades at property lines where it abuts all City owned open space lands. At the design study stage (post draft approval), the owner shall prepare a conceptual park layout for the external City owned lands and the redlined park block (on the portion of Block 116 and 117). The concept plan will illustrate the park layout and how grades will match. The City will undertake the construction of the park when the phase containing this block comes forward for registration and the lands are dedicated to the City.

The Owner will be required to construct a 1.5m high chain link fencing without gates in accordance with current City park standards (SPO 4.8) or approved alternate, along the property limit interface of all private lots and blocks adjacent to existing and/or future Park and/or Open Space Blocks. Fencing is to be completed to the satisfaction of the Manager of Parks Planning and Design, within 1 year of the registration of the plan.

Further draft plan conditions are proposed to ensure that the proposed relocation of the wetland feature is retained and enhanced. Monitoring will be required to ensure the long term feasibility of the feature. Draft conditions are required to ensure that best efforts are made to maintain the water balance at the same levels and quality as currently existing to the abutting Significant Woodland to maintain its existing function.

The City is proposing to construct a multi-use path system to connect the subdivision with the lands to the north and south. Conditions have been included in the draft plan to ensure that through design studies the path system will not adversely affect the existing Significant Woodland. The proposed multi use path system and park block is shown below.

Proposed Multi-Use Path System



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PROPOSED ZONING

Zoning By-law Amendment

The proposed zoning by-law amendment is to remove the Holding Urban Reserve (h-2*UR3) Zone, Urban Reserve (UR3) Zone and an Environmental Review (ER) Zone. These zones permit existing dwellings and limited agricultural uses. The h-2 holding provision and Environmental Review (ER) Zone requires that the lands are intended to remain in a natural condition until their significance is determined through the completion of more detailed environmental studies and that an agreement be entered into specifying appropriate development conditions.

The proposed zoning by-law amendment would allow for a Holding Residential R1 Special Provision (h.*h-100*R1-3 (8)) Zone, Holding Residential R1 Special Provision (h.*h-82*h-100*R1-3(8)) Zone, Holding Residential R1 Special Provision (h.*h-82*h-100*R1-13(3)) Zone, Holding Residential R1 Special Provision (h.*h-65*h-100*R1-3(*)) Zone Holding Open Space (h.*h-65*h-82*OS1)) Zone; and an Holding Open Space (h*OS5) Zone.

Residential R1 Special Provison

The proposed Residential R1 Special Provision Zones will allow for the continuation of development that is compatible with surrounding land uses and will not negatively impact the proposed development on present and future land uses in the area. The special provision provide for minimum building setbacks and lot frontages that are consistent with the Hyde Park Community Plan and existing development. A special provision has been applied to the lots abutting the CP Rail right-of-way to ensure a minimum 30 metre setback to habitable space.

Open Space (OS5) (block 117)

The Environmental Impact Study completed by EarthTech in 2008 delineated the Environmental Significant Area boundary as the westerly property line. A 10 metre buffer is required along the easterly boundary of the significant woodland to ensure that the feature is protected. The Upper Thames River Conservation Authority and the City of London Environment Ecological Advisory Committee requested that the park block abutting the significant woodland be zoned Holding Open Space (OS5). The Holding Open Space (OS5) is the most restrictive open space zone and allows for passive recreational uses only. The City of London multi-use path system is a permitted use in the Open Space (OS5) Zone. The Open Space (OS5) Zone will permit the implementation of the relocated wetland feature as described in the November 11, 2014, Stantec Environmental Impact Study.

Open Space OS1 (block 116)

The Open Space (OS1) Zone will permit the utilization of the CP Rail Bridge as a multi-use pedestrian pathway. Holding provisions have been included in the zone to ensure that the park is consolidated with the abutting lands.

Section 4.21

An amendment to the Zoning By-law Section 4.21 Road Allowance Requirements - Specific Roads, is required to identify Lawson Road as a Secondary Collector from Coronation Drive to Wychwood Place as identified in the Hype Park Community Plan and the Official Plan Schedule "C" Transportation Corridors.

Holding Provisions

The applicant has applied to remove the Holding Provision h-2 from the subject property. The holding provision requires:

h-2 To determine the extent to which development will be permitted and ensure that development will not have a negative impact on relevant components of the Natural Heritage System (identified on Schedule "B" of the Official Plan), an agreement shall be entered into specifying appropriate development conditions and boundaries, based on an Environmental Impact Study or Subject Lands Status Report that has been prepared in accordance with the provisions of the Official Plan and to the satisfaction of the City of London, prior to removal of the "h-2" symbol

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An Environmental Impact Study was completed by EarthTech in 2008 for the Kenmore/Bierens (39T-08502) draft plan of subdivision. The 2008 EIS identified a significant woodland feature and delineated the Environmental Significant Area boundary as the westerly property line of this proposed subdivision. A 10 metre buffer was identified in the 2008 EIS along the easterly boundary of the significant woodland to ensure that the no encroachment would occur into the drip line area. The proposed park block (block 117) is 15 metres in depth from the significant woodland. The park block is proposed to be zoned Holding Open Space (h*OS5) which restrict the use to conservation uses which permits the City's proposed multi-use pathway. Proposed conditions of draft approval require that the park block be fenced and planted with native species to ensure the protection of the significant woodland. The proposed zone includes an h-holding provision requiring that an agreement be entered into with the City to ensure the orderly development of the land. It is appropriate to remove the h-2 Holding Provision at this time.

Proposed Holding Provisions

To ensure for the orderly development of lands the following holding provisions are included in the proposed zoning amendment.

h - Purpose: To ensure the orderly development of lands and the adequate provision of municipal services, the "h" symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of the approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development.

The h- Holding provision is appropriate to be included on all of the residential and open space zoned lands to ensure for the orderly development of lands, that sufficient security is deposited and a development agreement is entered into with the City prior to development.

h-65 To ensure there are no land use conflicts between the adjacent arterial roads and/or rail line and the proposed residential uses, the "h-65" shall not be deleted until the owner agrees to implement all noise and vibration attenuation measures, recommended in noise and vibration assessment reports acceptable to the City of London.

The h-65 Holding provision is appropriate to be included on all of the residential zoned lands abutting the CP Rail right-of-way (lots 1-13) to ensure that the noise and vibration mitigation measures as required in the submitted noise and vibration study and the CP rail standards are implemented prior to development.

h-82 To ensure that there is a consistent lotting pattern in this area, the "h-82" symbol shall not be deleted until the part block has been consolidated with adjacent lands

The h-82 Holding provision is appropriate to be included on all of the residential zoned lands abutting the unassumed road allowance and existing subdivision to the east to ensure for the consolidation of the lots prior to development.

h-100 Purpose: To ensure there is adequate water service and appropriate access, a looped watermain system must be constructed and a second public access must be available to the satisfaction of the City Engineer, prior to the removal of the h

Permitted Interim Uses: A maximum of 80 residential units

The completion of Lawson Road is required to provide access to the subdivision. Prior to the completion of Lawson Road the subdivision will have only one public access and cannot provide for a looped water system. The proposed holding provision will allow for a maximum of 80 units to be developed in the subdivision prior to the completion of Lawson Road.

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Planning Impact Analysis

Planning Impact Analysis under Section 3.7 in the Official Plan was used to evaluate this application for the proposed zoning amendment, to determine the appropriateness of a proposed change in land use, and to identify ways of reducing any adverse impacts on surrounding uses. The proposed subdivision and zoning amendment is consistent with Section 3.7 as:

- it is compatible with the surrounding land uses and will not impact development on present and future land uses in the area.
- the size and shape of the parcel can accommodate the intensity of the proposed use;
- the property is located within close proximity to the Hyde Park Commercial corridor, has access to public open space and recreational facilities, community facilities, and transit services.
- the proposed zoning will permit height, location and spacing of buildings consistent with the surrounding land uses;
- the proposed development provides for the retention and enhancement of a wetland feature which will contribute to and enhance the character of the surrounding area;
- the location of vehicular access points comply with the City’s road access policies.

Staff has reviewed the rezoning request of the applicant and subject to staffs proposed amendments, special provisions, and holding provisions, the recommended zoning of the subject property to implement the draft plan is appropriate and represents good land use planning.

Servicing

To service this land, the Owner will be required to construct sanitary sewers and connect to the existing municipal sanitary sewer located on Lawson Road at the north end of the plan.

The Owner will be required to construct storm sewers to serve the north portion of the plan to outlet to the existing municipal storm sewer system on Lawson Road and to serve the south portion to connect to a proposed system outlet on park block 117. All stormwater in this plan is directed to the existing SWM Ponds Nos. 1 and 1B1 to the west of the property which has been design and built to accommodate these lands.

The Owner will be required to construct watermains and connect them to the existing municipal watermain systems on Lawson Road, Sandbar Street and Elson Road. A holding provision (h-100) has been applied to the proposed zoning to ensure that the watermain system will be looped prior to the issuance of the 81st building permit.

Transportation

The Owner shall construct all roads to City standards and to the satisfaction of the City Engineer. The owner will ensure that all through intersection and connections will align with the existing streets in the abutting subdivision. The Owner shall dedicate sufficient lands to complete Reeves Avenue. The lands will be dedicated in conjunction with the consolidation of the unassumed road allowance as shown on Plan 48 (C).

It is the opinion of staff that the amended draft plan of subdivision with associated conditions (Appendix 39T-14501) represents good land use planning

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Further Issues

Retain and designate the existing CP Rail Bridge.

The City of London owns the existing unassumed road allowance across the CP Rail right-of-way. CP Rail owns the bridge. Parks Planning has initiated discussion with CP Rail to retain the bridge to provide for a multi-use pedestrian pathway. CP Rail is a Federal agency. The Ontario *Heritage Act* may not be applicable to the federally owned bridge and designation under the Act may not be possible. Staff will continue to work with CP to maintain and protect the existing bridge.

Maintain the Existing Ponds in their Current Location

The November 11, 2014 Stantec Environmental Impact Study had identified significant environmental features associated with the existing ponds. The Study recommends that if the ponds are retained in the current location that they will become isolated and the significant features would not be retained. The relocation of the feature to abut the existing significant woodland would provide the best opportunity to retain the identified environmental features.

Barn Swallows

EEPAC identifies in their November 11, 2015 comments that Barn Swallow nest were identified and photographed on the site. A Condition of the draft plan will require the owner as part of the design studies submission, to provide a conceptual plan describing their compliance with the Endangered Species Act as it relates to the identified barn swallow nesting habitat. This plan will include a discussion on timing of the removal and reconstruction of the habit as permitted by the Act.

Redline Revisions

- Shifting the northern section of Sandbar Street approximately 20 metres south and the resulting relotting to accommodate for the relocation of the wetland feature;
- Relocating lot 19 to the south side of the 30 metre park block entrance on Sandbar Street”
- Labeling Block 119;
- Add the street name “Reeves Avenue” to the land abutting Lots 89-92 and Block 114
- Add the following note as a red-line to the draft plan: “The Owner shall align the right-of-way of Lawson Road in this plan with Lawson Road to the north of this plan (33M-585), to the satisfaction of the City Engineer.”
- Add the following note as a red-line to the draft plan: “The Owner shall align the right-of-ways of Lawson Road, Sandbar Street and Elson Road in this plan with the existing Lawson Road, Sandbar Street and Elson Road to the east of this plan (33M-597), to the satisfaction of the City Engineer.”

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CONCLUSION

The subject lands are being developed in accordance with Official Plan Policy and the Hyde Park Community Plan. In addition, the development of these lands in the Hyde Park area is in accordance with the City's Growth Management Implementation Strategy. Holding Provisions will ensure that the plan develops with adequate municipal services and that issues of noise and vibration from the CP Rail right-of-way are properly addressed. Approval of this Draft Plan of Subdivision and Zoning By-law amendments are appropriate as it represents good land use planning.

RECOMMENDED BY:	REVIEWED BY:
C. SMITH SENIOR PLANNER, DEVELOPMENT SERVICES	ALLISTER MACLEAN MANAGER, DEVELOPMENT PLANNING
CONCURRED BY:	SUBMITTED BY:
TERRY GRAWAY MANAGER, DEVELOPMENT SERVICES & PLANNING LIAISON	G. KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL

March 16, 2015
CS/

Responses to Public Liaison Letter and Publication in “Living in the City”

<u>Written</u>
<p><u>Hyde Park Business Association</u></p> <p><i>Regarding the CP owned wooden bridge near Sarnia Road and the notice of application</i></p> <p><i>Thanks for speaking with me earlier Craig. Please find attached a request from the Hyde Park Business Association, and on behalf of the community to:</i></p> <ul style="list-style-type: none"> - <i>Designate the bridge as a heritage asset</i> - <i>Review to determine the investment for usability and to ensure public safety</i> - <i>Designate as a formal pedestrian/cycling connector and recreational trail</i> <p><i>I understand that this is expected to be addressed during the latter part of the year at which time the City will involve the Hyde Park Business Association in further discussion.</i></p> <p><i>Thanks very much!</i></p> <p><i>Donna</i></p>
<p>Phillip Bannon and Jeffery White 917 Reeves Ave.</p> <p>September 15, 2014 Re: Notice of Application for Approval of Draft Plan of Subdivision and Zoning By-law Amendment</p> <p>Dear: members of the Planning and Environment Committee of London,</p> <p>We are writing in response to a notice we received July, 30 2014 in regards to a draft plan to construct 97 single detached homes within the Hyde Park planning district. We recently purchased a home (lot 13) that stands directly across from a pond that was considered conservation at the time of purchase. Needless to say, we strongly object to the current plan to construct homes on this land.</p> <p>The conservation area that sits across from lots 1---14 is home to a diverse wildlife population, which includes, but is not limited to: geese, ducks, beavers, frogs, and rabbits. In addition, many species of plant life call this area home. Draining this pond in order to build residential homes would be aesthetically and environmentally irresponsible. Our main priority is to save this pond from damage. According to the proposed plan, blocks 108 to 113 as well as 77 to 81 are designated to be detached residential homes that would be built directly on the area currently designated as conservation. It is our hope that these plans be reconsidered to account for the thriving ecosystems that currently exist. The environmental impact these plans will have should they come to fruition would be lamentable to say the least.</p> <p>We implore you to consider our thoughts on this matter and act in an ecologically responsible manner.</p> <p>Sincerely, Phillip Bannon & Jeffrey White</p>

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Bibliography

Bibliography of Information and Materials 39T-14503/Z-8395

Request for Approval:

City of London Draft Plan of Subdivision Application Form and Zoning By-law Amendment Application Form completed by Laverne Kirkness, Kirkness Consulting, July 3, 2014.

Reference Documents:

City of London. Official Plan, June 19, 1989, as amended.

City of London. Zoning By-law No. Z.-1, May 21, 1991 , as amended.

Ontario. Ministry of Municipal Affairs and Housing. Provincial Policy Statement, April 30, 2014.

Correspondence:

*all located in City of London File No. 39T-14501 unless otherwise stated.

Also see attached public correspondence in previous section.

Internal responses -

B. Page, Parks Planning and Design, E-mail to C Smith, September 29, 2014.

R. Kuehr, Environmental Services, Memo to C. Smith, September 29, 2014.

External responses-

L. Raffoul, Bell Canada, Letter to C. Smith, August 11, 2014.

B. DeSando, Canada Post, E-mail to C. Smith, August 1, 2014.

C. Creighton, UTRCA, Letter to C. Smith September 9, 2014.

Josie Tomei, CP Rail, Letter to C. Smith February 1, 2015

Reports submitted with Application:

Final Proposal Report, Kirkness Consulting, July 2014.

Urban Design Brief, Kirkness Consulting, July 2014

Engineering Servicing Report, Whitney Engineering, July 2014.

Environmental Impact Study, Stantec, July 3, 2014 and revised November 11, 2014

Noise and Vibration Study, Development Engineering, July, 2014

Stage 1 and 2 Archaeological Assessment, Stantec, January 2014

APPENDIX "A"

Bill No. (number to be inserted by Clerk's Office)
2015

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 895 and 905 Sarnia Road.

WHEREAS 905 Sarnia Road Inc. have applied to rezone an area of land located at 895 and 905 Sarnia Road, as shown on the map attached to this by-law, as set out below;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 895 and 905 Sarnia Road, as shown on the attached map, from a Holding Urban Reserve (h-2*UR3) Zone and an Urban Reserve (UR3) Zone TO a Holding Residential R1 Special Provision (h.*h-100*R1-3 (8)) Zone, a Holding Residential R1 Special Provision (h.*h-82*h-100*R1-3(8)) Zone, a Holding Residential R1 Special Provision (h.*h-82*h-100*R1-13(3)) Zone, a Holding Residential R1 Special Provision (h.*h-65*h-100*R1-3(*)) Zone, a Holding Open Space (h.*h-65*h-82*OS1)) Zone; and a Holding Open Space (h*OS5) Zone.

- 1) Section 4.21 "ROAD ALLOWANCE REQUIREMENTS - SPECIFIC ROADS" is amended by deleting the following streets:

Street	From	To	Street Classification	Limit of Rd. Allowance (Measured from Centreline)
Lawson Road	Coronation Dr	South limit of Lawson Road	Secondary Collector	10.75 m (35.3 ft)
Lawson Road	Existing West Limit of Plan 33M 597	Wychwood Park (E. Intersection)	Secondary Collector	10.75 m (35.3 ft)

- 2) Section 4.21 "ROAD ALLOWANCE REQUIREMENTS - SPECIFIC ROADS" is amended by adding the following street:

Street	From	To	Street Classification	Limit of Rd. Allowance (Measured from Centreline)
Lawson Road	Coronation Dr	Wychwood Park (E. Intersection)	Secondary Collector	10.75 m (35.3 ft)

3) Section Number 5.4 of the Residential R1 (R1-3) Zone is amended by adding the following Special Provision:

-) R1-3 (L)
 - a) Regulations:
 - i) Front and Exterior Yard Depth for Main Dwelling to Local Street (Minimum): 3 metres (9.8 feet)
 - ii) Front and Exterior Yard Depth for Main Dwelling to Secondary Collector (Minimum): 4.5 metres (14.8 feet)
 - iii) Front and Exterior Yard Depth for Garages (Minimum): 6 metres (19.7 feet)
 - iv) Interior Side Yard Depth (Minimum): 1.2 metres (3.9 feet)
 - v) Setback from a Railway right-of-way: 120 metres (394 feet) (Minimum) in the absence of a safety berm, 30 metres (98.4 feet) in conjunction with a safety berm.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said subsection.

PASSED in Open Council on March 30, 2015.

Matt Brown
Mayor

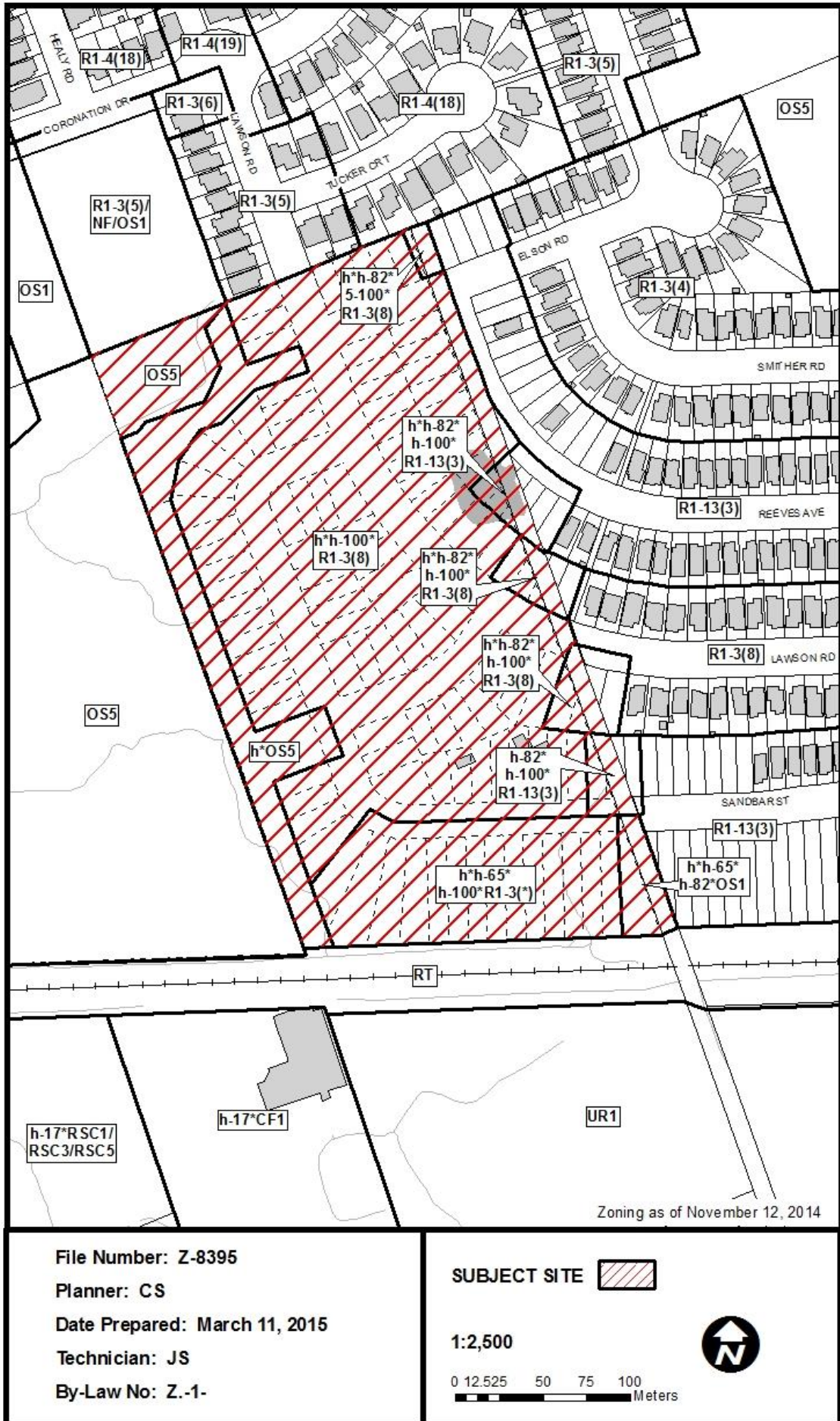
Catharine Saunders
City Clerk

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First Reading - March 30, 2015
Second Reading - March 30, 2015
Third Reading - March 30, 2015

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



APPENDIX "B"
Related Estimated Costs and Revenues

Estimated Costs – This Draft Plan	
Claims from CSRF	Nil
Capital Expense	Nil
Other	Nil
Total	Nil
Estimated Revenues - This Draft Plan (2015 rates)	
CSRF	\$2,502,988
UWRF	\$224,943
Total	\$2,727,931

1. There are no expenditures associated with this subdivision that have implications for funds administered by the City.
2. Estimated Revenues are calculated using January 2015 DC rates and may take many years to recover. The revenue estimates includes DC cost recovery for "soft services" (fire, police, parks and recreation facilities, library, growth studies). There is no comparative cost allocation in the Estimated Cost section of the report, so the reader should use caution in comparing the Cost with the Revenue section.
3. The revenues and costs in the table above are not directly comparable. This subdivision, like others in the area, also relies on recently constructed roadwork and SWM facilities, the cost of which is not reported above. Other growth related costs (like wastewater treatment plant and road capacity expansion) incurred to serve this subdivision and surrounding areas are not reported above, though the revenue for those service components is included in the "Estimated Revenues – This Draft Plan" section above. As a result, the revenues and costs reported above are not directly comparable. The City employs a "citywide" approach to recovery of costs of growth – any conclusions based on the summary of Estimated Costs and Revenues (above table) should be used cautiously.

Reviewed By:



Peter Christiaans
Director, Development Finance

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APPENDIX 39T- 14501

THE CORPORATION OF THE CITY OF LONDON'S CONDITIONS AND AMENDMENTS TO FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T-14501 ARE AS FOLLOWS:

NO. CONDITIONS

1. This draft approval applies to the draft plan as submitted by 905 Sarnia Road Inc.. (File No. 39T-14501), prepared by Whitney Engineering, certified by Rob Stirling, OLS, (dated June 26, 2014), as red-lined, which shows 97 single detached lots, 17 single detached part blocks, 3 park blocks (Block 116, 117 and 118), 2 local public streets (extension of Sandbar Street, and new Street "A"), and 1 secondary collector Street (extension of Lawson Road).
2. This approval applies for three years, and if final approval is not given by that date, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.
3. The road allowances included in this draft plan shall be shown on the face of the plan and dedicated as public highways.
4. The Owner shall request that street(s) shall be named to the satisfaction of the City.
5. The Owner shall request that the municipal address shall be assigned to the satisfaction of the City.
6. Prior to final approval, the Owner shall submit to the City a digital file of the plan to be registered in a format compiled to the satisfaction of the City of London and referenced to NAD83UTM horizon control network for the City of London mapping program.
7. The subdivision agreement between the Owner and the City shall be registered against the lands to which it applies. Prior to final approval the Owner shall pay in full all municipal financial obligations/encumbrances on the said lands, including property taxes and local improvement charges.
8. In conjunction with registration of the Plan, the Owner shall provide to the appropriate authorities such easements and/or land dedications as may be required for all municipal works and services associated with the development of the subject lands, such as road, utility, drainage or stormwater management (SWM) purposes, to the satisfaction of the City, at no cost to the City.
9. Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with City a complete submission consisting of all required clearances, fees, and final plans, and to advise the City in writing how each of the conditions of draft approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the City, such submission will be returned to the Owner without detailed review by the City.
10. Prior to final approval for the purpose of satisfying any of the conditions of draft approval herein contained, the Owner shall file, with the City, complete submissions consisting of all required studies, reports, data, information or detailed engineering drawings, all to the satisfaction of the City. The Owner acknowledges that, in the event that a submission does not include the complete information required by the City, such submission will be returned to the Owner without detailed review by the City.
11. Prior to final approval, the Owner shall take all necessary steps to ensure that appropriate zoning is in effect for this proposed subdivision

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Sanitary:

12. In conjunction with the Design Studies submission, the Owner shall have its consulting engineer prepare and submit the following sanitary servicing design information:
 - i) Provide a sanitary drainage area plan, including the sanitary sewer routing to the satisfaction of the City; and
 - ii) Provide a hydrogeological report which includes an analysis of the water table level of the lands within the subdivision with respect to the depth of the local sanitary sewers and an evaluation of additional measures, if any, which need to be undertaken in order to meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407.

13. In accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of sanitary services for this draft plan of subdivision:
 - i) Construct sanitary sewers to serve this Plan and connect them to the existing municipal sewer system, namely, the 200 mm diameter sanitary sewer located on Lawson Road, at the north limit of this plan;
 - ii) Construct a maintenance access road and provide a standard municipal easement for any section of the sewer not located within the road allowance, to the satisfaction of the City; and
 - iii) Where trunk sewers are greater than 8 metres in depth and are located within the municipal roadway, the Owner shall construct a local sanitary sewer to provide servicing outlets for private drain connections, to the satisfaction of the City. The local sanitary sewer will be at the sole cost of the Owner. Any exception will require the approval of the City Engineer.

14. In order to prevent any inflow and infiltration from being introduced to the sanitary sewer system, the Owner shall undertake the following:
 - i) Throughout the duration of construction within this draft plan of subdivision, implement measures within this draft plan to control and prevent any inflow and infiltration and silt from being introduced to the sanitary sewer system during and after construction, satisfactory to the City Engineer, at no cost to the City;
 - ii) Not allow any weeping tile connections into the sanitary sewers within this Plan;
 - iii) Permit the City to undertake smoke testing or other testing of connections to the sanitary sewer to ensure that there are no connections which would permit inflow and infiltration into the sanitary sewer;
 - iv) Have its consulting engineer confirm that the sanitary sewers meet allowable inflow and infiltration levels as per OPSS 410 and OPSS 407; and
 - v) Implement any additional measures recommended through the Design Studies stage.

15. Prior to registration of this Plan, the Owner shall obtain consent from the City Engineer to reserve capacity at the Oxford Wastewater Treatment Plant for this subdivision. This treatment capacity shall be reserved by the City Engineer subject to capacity being available, on the condition that registration of the subdivision agreement and the plan of subdivision occur within one (1) year of the date specified in the subdivision agreement.

Failure to register the Plan within the specified time may result in the Owner forfeiting the allotted treatment capacity and, also, the loss of his right to connect into the outlet sanitary sewer, as determined by the City Engineer. In the event of the capacity being forfeited, the Owner must reapply to the City to have reserved sewage treatment capacity reassigned to the subdivision.

Stormwater Management (SWM)

16. In conjunction with the Design Studies submission, the Owner shall have its consulting engineer prepare and submit a Storm/Drainage and SWM Servicing Functional Report or a SWM

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Servicing Letter/Report of Confirmation addressing the following to the satisfaction of the City Engineer:

- i) Identifying the storm/drainage and SWM servicing works for the subject and external lands and how the interim drainage from external lands will be handled;
- ii) Identifying major and minor storm flow routes for the subject and external lands;
- iii) Providing a detailed design for the proposed minor and major stormwater outlets to the adjacent woodlot and/or Canadian Pacific railway corridor, including details for any necessary quantity control, erosion control, energy dissipation, etc.;
- iv) Providing acknowledgement from CP Railway, with accompanying letter report and engineering calculations, that CP Railway agrees to the post development flow and volume of storm water from a portion of the proposed Draft Plan being directed to and conveyed by the existing CP Railway channel;
- v) Providing a geotechnical report prepared by the Owner's geotechnical engineer to address all geotechnical issues with respect to construction, grading and drainage of this subdivision as well as any necessary (erosion, maintenance or structural) setbacks related to slope stability for lands within this plan and lands on the adjacent CP Railway corridor;
- vi) Providing a hydrogeological investigation prepared by a qualified consultant to determine the effects of the construction associated with this draft plan on existing ground water elevations, slope stability and private wells in the area; assessing the impact on the water balance of the subject plan; and identify all required mitigation measures; and
- vii) Developing an Erosion and Sediment Control Plan that will identify all erosion and sediment control measures for the subject lands in accordance with City of London and Ministry of the Environment and Climate Change standards and requirements, including measures to be used during all phases on construction; and
- viii) Implementing SWM soft measure Best Management Practices (BMPs) within the Plan, where possible, to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this Plan and the approval of the City Engineer.

17. The above-noted Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation, prepared by the Owner's consulting professional engineer, shall be in accordance with the recommendations and requirements of the following:

- i) The SWM criteria and environmental targets for the Stanton Drain Subwatershed Study and any addendums/amendments;
- ii) The accepted Class Environmental Assessment (EA) for Storm Drainage and Stormwater Management Servicing Works for the Hyde Park Community Plan (2002) and any addendums/amendments;
- iii) The approved Functional Stormwater Management Plan for the Regional Hyde Park South SWM Facility 1, prepared by Earth Tech Canada Inc. (March 2006), or any updated Functional Stormwater Management Plan;
- iv) The approved Functional Stormwater Management Plan for the Regional Hyde Park SWM Facility 1B1, prepared by AECOM (March 2010), or any updated Functional Stormwater Management Plan;
- v) The City of London Design Specifications & Requirements Manual, as revised;
- vi) The City's Waste Discharge and Drainage By-laws, lot grading standards, Policies, requirements and practices;
- vii) The Ministry of the Environment and Climate Change SWM Practices Planning and Design Manual, as revised; and
- viii) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.

18. Should the proposed Storm/Drainage and SWM servicing works associated with this plan vary from the approved Functional SWM Plans for Hyde Park SWM Facility 1 (Earth Tech Canada Inc., 2006) and/or Hyde Park SWM Facility 1B1 (AECOM, 2010), the Owner shall have a professional engineer update the said report(s) to the satisfaction of the City and at no cost to the City.

19. The Owner shall ensure the post-development discharge flow from the subject site must not exceed the capacity of any existing stormwater conveyance systems. In an event where the

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above condition cannot be met, the Owner agrees to provide SWM on-site controls as needed to the satisfaction of the City Engineer and at no cost to the City.

20. In accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of SWM and stormwater services for this draft plan of subdivision:
 - i) Construct storm sewers to serve the north portion this plan (approx. 2.7 ha), located within the Stanton Drain Subwatershed, and connect them to the existing municipal storm sewer system, namely, the 600 mm diameter storm sewer located on Lawson Road, at the north limit of this plan. (tributary to the existing Regional Hyde Park SWM Facility #1);
 - ii) Construct storm sewers to serve the south portion of this plan, located within the Stanton Drain Subwatershed, and connect them to the proposed storm system outlet on Park Block 117 in this Plan. (tributary to the existing Regional SWM Facility 1B1 via the adjacent woodlot and/or CP railway lands);
 - iii) Construct the storm outlet systems to safely convey major and minor stormwater flows for the south portion of this plan in accordance with the accepted Storm/Drainage and SWM Servicing Functional Report or SWM Servicing Letter/Report of Confirmation for these lands;
 - iv) Construct and implement erosion and sediment control measures as accepted in the Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation for these lands, and the Owner shall correct any deficiencies of the erosion and sediment control measures forthwith; and
 - v) Address forthwith any deficiencies of the stormwater works and/or monitoring program.

21. In conjunction with the submission of engineering drawings, the Owner's professional engineer shall provide, on the engineering drawings, sufficient details of the geotechnical measures required for slope stability, to the satisfaction of the City.

22. Prior to the issuance of any Certificates of Conditional Approval for any lot in this plan, the Owner shall complete the following to the satisfaction of the City Engineer and at no cost to the City:
 - i) For lots and blocks in this plan or as otherwise approved by the City Engineer, all storm/drainage and SWM related works to serve this plan must be constructed and operational in accordance with the approved design criteria and accepted drawings;
 - ii) Construct and have operational the major and minor storm flow routes for the subject lands;
 - iii) Implement all geotechnical and slope stability recommendations made in the geotechnical report and on the engineering drawings accepted by the City; and
 - iv) As required by the City Engineer, submit a Monitoring and Operational Procedure Manual for the maintenance and monitoring program for each storm system outlet associated with this plan to the City for review and acceptance.

23. Following construction and prior to the assumption of the storm system outlets associated with this Plan, the Owner shall complete the following, as required, at no cost to the City and to the satisfaction of the City Engineer:
 - i) Operate, maintain and monitor the storm system outlet in accordance with the accepted maintenance and monitoring program;
 - ii) Have its professional engineer submit semi-annual monitoring reports in accordance with the accepted maintenance and monitoring program to the City for review and acceptance; and
 - iii) Ensure that any removal and disposal of sediment is to an approved site.

24. Prior to the acceptance of engineering drawings, the Owner's professional engineer shall certify the subdivision has been designed such that increased and accelerated stormwater runoff from this subdivision will not cause damage to downstream lands, properties or structures beyond the limits of this subdivision. Notwithstanding any requirements of, or any approval given by the City, the Owner shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from this subdivision.

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25. In conjunction with the submission of engineering drawings, the Owner shall have its professional engineer provide confirmation that the hydrogeological investigation prepared for this Plan is adequate to determine the effects of the construction associated with this plan on existing ground water elevations, private wells in the area, slope stability and to assess the impact on the water balance of the subject plan, identifying all required mitigation measures to be implemented by the Owner to the satisfaction of the City.
26. Prior to the issuance of Certificate of Conditional Approval, the Owner shall implement all hydrogeological measures outlined in the accepted hydrogeological report to the satisfaction of the City Engineer and at no cost to the City.

Watermains

27. In conjunction with the Design Studies submission, the Owner shall have its consulting engineer prepare and submit the following water servicing design information, all to the satisfaction of the City Engineer:
- i) A water servicing report which addresses the following:
 - a) Identify external water servicing requirements;
 - b) Confirm capacity requirements are met;
 - c) Identify need to the construction of external works;
 - d) Identify the effect of development on existing water infrastructure – identify potential conflicts;
 - e) Water system area plan(s);
 - f) Water network analysis/hydraulic calculations for subdivision report;
 - g) Phasing report;
 - h) Oversizing of watermain, if necessary and any cost sharing agreements;
 - i) Water quality; and
 - j) Identify location of valves and hydrants.
 - ii) Design calculations which demonstrate there is adequate water turnover to address water quality requirements for the watermain system or recommend the use of the following:
 - a) valving to shut off future connections which will not be used in the near term; and/or
 - b) automatic flushing devices to maintain water quality, with it being noted that the water flushed by the device is to be measured (by a water meter in a meter pit) and the cost of water charged to the Owner; and/or
 - c) make suitable arrangements with Water Operations for the maintenance of the system in the interim.
28. In accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of water services for this draft plan of subdivision:
- i) Construct watermains to serve this Plan and connect them to the existing municipal system as follows:
 - a) the 300 mm diameter watermain on Lawson Road at the north limit of this plan;
 - b) the 300 mm diameter watermain on Lawson Road at the east limit of this plan;
 - c) the 200 mm diameter watermain on Sandbar Street at the east limit of this plan; and
 - d) the 200 mm diameter watermain on Elson Road at the east limit of this plan.
 - ii) Deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development is proposed to proceed beyond 80 units.
29. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall implement the accepted recommendations in the accepted water servicing report to address the water quality requirements for the watermain system, to the satisfaction of the City Engineer and at no cost to the City.

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Roadworks

30. The Owner shall have its professional engineer design the roadworks in accordance with the following road widths:
- i) Lawson Road has a minimum road pavement width (excluding gutters) of 9.5 metres with a minimum road allowance of 21.5 metres;
 - ii) Sandbar Street and Elson Road have minimum road pavement widths (excluding gutters) of 8.0 metres with a minimum road allowance of 20.0 metres; and
 - iii) Street 'A' has a minimum road pavement width (excluding gutters) of 7.0 metres with a minimum road allowance of 19.0 metres.
31. The Owner shall ensure that all through intersections and connections with existing streets and internal to this subdivision shall align with the opposing streets, based on the centrelines of the street aligning through their intersections, thereby having these streets centred with each other, unless otherwise approved by the City Engineer.
32. In conjunction with the Design Studies submission, the Owner shall provide a conceptual layout of the roads and rights-of-way of the plan to the City Engineer for review and acceptance with respect to road geometries, including but not limited to, right-of-way widths, tapers, bends, intersection layout, daylighting triangles, etc., and include any associated adjustments to the abutting lots.
33. On the final plan, the Owner shall provide sufficient lands abutting Lots 89 to 92 and Block 114 in this Plan to complete Reeves Avenue with a 20.0 metre right-of-way in conjunction with the portion of Reeves Avenue in Plan 33M-597 and the "unnamed" road allowance in Registered Plan 48(c) and convey the said lands in this Plan to the City at the time the Plan is registered, to the satisfaction of the City Engineer and at no cost to the City.
34. Prior to issuance of a Certificate of Conditional Approval, the Owner shall complete the construction of Reeves Avenue within and adjacent to this Plan as a fully serviced road in accordance with City standards, including all associated works, removals and restoration as needed (e.g. extension of sidewalk, installation of PDCs and water services, re-grading and re-sodding of boulevard, etc.), all to the satisfaction of the City Engineer and at no cost to the City.
35. In conjunction with the Design Studies submission, the Owner shall have its professional consulting engineer confirm that all streets in the subdivision have centreline radii which conforms to the City of London Standard "Minimum Centreline Radii of Curvature of Roads in Subdivisions:"

Sidewalks/Bikeways

36. The Owner shall construct a 1.5 metre sidewalk on both sides of Lawson Road to the extent of the plan of subdivision, including the "unnamed" road allowance in Registered Plan 48(c) to connect to the existing sidewalks in abutting developments 33M-585 (at the north limit of this plan) and 33M-597 (at the east limit of this plan), to the satisfaction of the City Engineer and at no cost to the City.
37. The Owner shall construct a 1.5 metre sidewalk on one side of the following streets to the extent of the plan of subdivision, including the "unnamed" road allowance in Registered Plan 48(c), to the satisfaction of the City Engineer and at no cost to the City.
- i) Sandbar Street – outside boulevard, to connect to the existing sidewalk in 33M-597 at the east limit of this plan;
 - ii) Street 'A' - south boulevard;
 - iii) Elson Road – north boulevard, to connect to the existing sidewalk in 33M-597 at the east limit of this plan; and
 - iv) Reeves Avenue – west boulevard.

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Street Lights

38. Within one year of registration of this Plan, the Owner shall install street lighting on all streets and walkways to the extent of the plan of subdivision, including the “unnamed” road allowance in Registered Plan 48(c) which match the style of street light poles and luminaires already existing or approved along the developed portion of the streets adjacent to this plan, all to the satisfaction of the City Engineer and at no cost to the City.

Traffic Calming

39. The Owner shall have its professional engineer design and construct the following traffic calming measures along the secondary collector road network in this Plan to the satisfaction of the City Engineer and at no cost to the City:
- i) Curb extensions along the west side of Lawson Road with the parking bays removed for utilities (i.e. fire hydrants), walkways, intersections and for transit stop locations as defined by the London Transit Commission; and
 - ii) Reduced curb radii (6.0 m) on the inbound approach to all local road intersecting the secondary collector road network.

Construction Access/Temporary/Second Access Roads

40. The Owner shall direct all construction traffic associated with this draft plan of subdivision to utilize Gainsborough Road via Coronation Drive and Lawson Road (north of this plan), or other routes as designated by the City Engineer.
41. In accordance the Council Policy adopted on December 2, 2002 regarding construction access for new subdivisions, prior to any construction, the Owner shall erect barricades and any temporary turning circles, as necessary, satisfactory to the City, at the following locations in this Plan:
- i) Sandbar Street – east limit;
 - ii) Lawson Road – east limit; and
 - iii) Elson Road – east limit.

Prior to issuance of Certificate of Conditional Approval or as otherwise directed by the City Engineer, the Owner shall remove the barricades and any temporary turning circles, as necessary, and restore the road(s) to the specifications of the City, all at no cost to the City.

The Owner shall advise all purchasers of land within this subdivision that any traffic to and from this subdivision will not be permitted to pass the barricade(s) until the removal of the barricade(s) is authorized by the City.

42. The Owner shall remove the temporary turning circles on Lawson Road and Sandbar Street on adjacent lands, in Plan 33M-597 to the east of this Plan, and complete the construction of Lawson Road and Sandbar Street in these locations as fully serviced roads, including restoration of adjacent lands, to the specifications of the City.

If funds have been provided to the City by the Owner of Plan 33M-597 for the removal of the temporary turning circle and the construction of these sections of Lawson Road and Sandbar Street and all associated works, the City shall reimburse the Owner for the substantiated cost of completing these works, up to a maximum value that the City has received for this work.

In the event that Lawson Road and Sandbar Street in Plan 33M-597 are constructed as a fully serviced road by the Owner of Plan 33M-597, then the Owner shall be relieved of this obligation.

43. Prior to the registration of this Plan, the Owner shall make all necessary arrangements with the City to address the following in regard to the “unnamed” road allowance in Registered Plan 48(c) abutting the east boundary of this Plan, to the satisfaction of the City:
- i) the construction of roads and services to provide connections between Sandbar Street, Lawson Road and Elson Road in this Plan with Sandbar Street, Lawson Road and Elson

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- Road in Plan 33M-597, and to have the said portions of the “unnamed” road allowance designated with the appropriate street names; and
- ii) the closure of the portions of the “unnamed” road allowance abutting Blocks 98 to 115 in this Plan as a “public highway” for the purpose of creating developable lots in conjunction with the said Blocks in this Plan and adjacent Blocks in Plan 33M-597, and creating a park in combination with Block 116 in this Plan and the adjacent Blocks in Plan 33M-597.

44. Prior to the issuance of Certificate of Conditional Approval, the Owner shall construct the road connections between Sandbar Street, Lawson Road Elson Road in this Plan with Sandbar Street, Lawson Road Elson Road in Plan 33M-597 as fully serviced roads and provide sufficient services to the Lots and Blocks in this Plan and in the adjacent lands, in accordance with City standards, including all associated works, removals and restoration as needed, all to the satisfaction of the City Engineer and at no cost to the City.
45. The Owner shall have its professional engineer include on the subdivision grading and drainage drawings for this Plan the portion of the “unnamed” road allowance to create developable “lots” in conjunction with this Plan and Plan 33M-597 and submit those engineering drawings to the City for review and acceptance.
46. The Owner shall complete the grading and drainage works for the portions of the “unnamed” road allowance to create developable “lots” in conjunction with the development of Blocks 98 to 115 in this Plan and the adjacent Blocks in 33M-597, as required by the City in accordance with the accepted grading and drainage plans, to the satisfaction of the City Engineer and at no cost to the City.
47. Prior to any construction on the site, the Owner shall install and maintain barricades on the “unnamed” road allowance at the south limit of Sandbar Street in this Plan to prevent vehicular access on the “unnamed” road allowance to the south of this Plan, to the satisfaction of the City Engineer and at no cost to the City.

Planning

48. The Owner agrees to register on title and include in all Purchase and Sale Agreements the requirement that the homes to be designed and constructed on all corner lots in this Plan, are to have design features, such as but not limited to porches, windows or other architectural elements that provide for a street oriented design and limited chain link or decorative fencing along no more than 50% of the exterior sideyard abutting the exterior side yard road frontage. Further, the owner shall obtain approval of their proposed design from the Manager of Urban Design prior to any submission of an application for a building permit for corner lots with an exterior sideyard in this Plan
49. The Owner shall comply with Canada Post in regards to Community Mailbox requirements, to the satisfaction of the City
50. The owner shall install central air conditioning for lots 1-15 and EW5 construction rating from foundation to rafters to be utilized along with the installation of glazed windows for all building faces that have exposure to the CPR line.

Prior to the submission of any application for building permit, the Owner shall retain a qualified noise consultant to review the proposed building plans to ensure that the all building components are in compliance with the approved noise study for all affected units in order to achieve acceptable indoor sound levels. A Certificate of Compliance by the noise consultant shall be included in the submission of any building permit application for lots 1-15 of this Plan.

51. The following warning clauses shall be included in the subdivision agreement to be registered on Title and in subsequent Offers of Purchase and Sale for lots 1-15:

“This dwelling unit has been supplied with a central air conditioning system which will allow window and exterior doors to remain closed, thereby ensuing that the indoor sound

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levels are within the Municipality's and Ministry of Environment's noise criteria." (Note: The location and installation of the aire conditioning device should be done so as to minimize the noise impacts and comply with criteria o MOEE Publication NPC-216, Residential Air Conditioning Devices.)

"Purchasers/Tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing rail and road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality's and the Ministry of the Environment's noise criteria."

52. A warning clause shall be included in the subdivision agreement to be registered on Title and in subsequent Offers of Purchase as Sale on all lots:

"Warning Canadian Pacific Railway Company or its assigns or successors in interest has or have a right-of-way within 300metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings; the Canadian Pacific Railway will not be responsible for any complaints or claims arising from the use of such facilities and/or operations on, over or under the aforesaid rights-of-way."

"The City of London assumes no responsibility for noise issues which may arise from the existing or increased traffic of the Canadian Pacific Railway or Sarnia Road as it relates to the interior or outdoor living areas of any dwelling unit within the development. The City of London will not be responsible for constructing any form of noise mitigation for this development."

"Warning to Solicitors: Solicitors are advised to stress the importance of the above noted warning clause when advising their clients on the purchase of units in the subdivision."

53. The Owner shall construct berm, or combination berm and noise attenuation fence, having extensions or returns at the ends, to be erected on adjoining property, parallel to the railway right-of-way with construction according to the following:

- i) Minimum total height 5.5 metres above top-of-rail;
- ii) Berm minimum height 2.5 metres and side slopes not steeper than 2.5 to 1.
- iii) Fence, or wall, to be constructed without openings and of a durable material weighing not less than 20 kg. per square metre (4 lb/sq.ft.) of surface area.
- iv) No part of the berm/noise barrier is to be constructed on railway property.

54. The following warning clauses shall be included in the subdivision agreement to be registered on Title and in subsequent Offers of Purchase and Sale for lots 1-13 that the berm, fencing, or vibration isolation features implemented are not to be tampered with or altered, and further that the owner of the property shall have the sole responsibility for and shall maintain these features.

55. The Owner shall erect and maintain a warning sign adjacent to the subdivision sign containing the following information;

- a) identifying the lots or Blocks that have been identified by the noise and vibration study that may experience noise impacts
- b) identifying the type and location of the acoustical and safety (chain-link) fencing; and
- c) a statement that CP operates on a 24 hour basis.

56. The Owner shall receive concurrence from CP rail substantiated by a drainage report reviewed by the Railway prior to any proposed alterations to the existing drainage pattern affecting railway property.

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57. The Owner shall construct a 1.83 metre high chain link security fence and maintain the fence along the common property line of the Railway and the development at the owners expense, and the owner shall registered on Title and in subsequent Offers of Purchase as Sale, obliging the purchasers of lots 1-13 to maintain the fence in a satisfactory condition at their expense.
58. At the time of registration of this plan, the Owner shall convey Blocks 116, 117 and 118 to the City to satisfy the required 5% parkland dedication for this plan of subdivision.
59. Any over dedication of parkland for this plan will be applied to the required dedication for lands south of the site owned by the applicant. Any additional over dedication of parkland dedication will be purchased by the City at the rate outlined in By-law CP-9.
60. Within one (1) year of registration of this plan, the Owner shall grade, service and seed all the park blocks within the plan of subdivision, to the satisfaction of the City.
61. Within one (1) year of registration, the owner shall construct the multi-use pathway as per the approved engineering drawings, to the satisfaction of the City.
62. In conjunction with the Design Studies submission, the Owner shall provide a conceptual park plan for Block 116 delineating the alignment of the pathway and the interface with the CP Rail Bridge. The plan will further delineate the required CP Rail safety/noise berms and appropriately integrate the berms into the design of the park, to the satisfaction of the Manager of Environmental and Parks Planning.
63. In conjunction with the Design Studies submission, the Owner shall provide a conceptual multi-use pathway plan delineating the full alignment of the pathway through all park blocks and streets.
64. In conjunction with the Design Studies submission,
 - i) the Owner shall provide a conceptual restoration plan with associated studies to replicate the existing pond on the east side of the site. The restoration plan, will ensure soil characteristics of the replicated plan are consistent with the existing pond and buffer area to ensure the viability and longevity of the Pond. Prior to submitting the design study, the owner, with his consultant, shall meet with staff to scope out the requirements of the restoration plan.
 - ii) the Owner shall provide a conceptual procedural phasing plan and timeline schedule for the construction and relocation of the significant pond including a methodology for the transfer of retile, amphibian, terrestrial wildlife (including crayfish) and water;
 - iii) should the block require adjustment to accommodate the relocated pond they shall be addressed through an amendment to the plan at the time of final approval.
65. The pond is to be designed and supervised by a company with expertise in wetland re-creation techniques, in consultation with the City; and
 - i) Every effort is to be made to transfer retile, amphibian, and terrestrial wildlife, including crayfish that they make every effort during the dewatering process to capture all wildlife
 - ii) Water transfer through to the new pond
 - iii) City to monitor and be on site for the capture and relocation of wildlife to the new pond
 - iv) Monitor the new pond to determine if adequate water quantity and quality is present and implement adaptive management if necessary.
66. The Owner shall construct a 1.5m high chain link fencing without gates in accordance with current City park standards (SPO 4.8) or approved alternate, along the property limit interface of all existing and proposed private lots adjacent to existing and/or future Park and Open Space

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Blocks. Fencing shall be completed to the satisfaction of the Manager of Environmental and Parks Planning, within one (1) year of the registration of the plan.

67. The Owner shall prepare and deliver to all homeowners an education package which explains the stewardship of natural areas, the value of existing tree cover and the protection and utilization of the grading and drainage pattern on these lots. The educational package shall be prepared to the satisfaction of Manager of Environmental and Parks Planning.
68. The Owner shall not grade into any open space areas. Where lots or blocks abut an open space area, all grading of the developing lots or blocks at the interface with the open space areas are to match grades to maintain exiting slopes, topography and vegetation. In instances where this is not practical or desirable, any grading into the open space shall be to the satisfaction of the Manager of Environmental and Parks Planning.
69. Prior to construction, site alteration or installation of services, robust silt fencing/erosion control measures must be installed and certified with site inspection reports submitted to the Environmental and Parks Planning Division monthly during development activity along the edge of the woodlot.
70. In conjunction with the Design Studies submission, the owner shall prepare a tree preservation report and plan for lands within the proposed draft plan of subdivision. The tree preservation report and plan shall be focused on the preservation of quality specimen trees within lots and blocks. The tree preservation report and plan shall be completed in accordance with current approved City of London guidelines for the preparation of tree preservation reports and tree preservation plans, to the satisfaction of the Manager of Environmental and Parks Planning. Tree preservation shall be established first and grading/servicing design shall be developed to accommodate maximum tree preservation.
71. The Owner shall implement the recommendations of the Environmental Impact Study prepared by Stantec for 905 Sarnia Road dated July 25, 2014, as amended by subsequent addendums (Feb/March 2015), to the satisfaction of the City.
72. The owner shall, as part of the Design Studies, prepare a plan of the two parks delineating the pathway, grading, and landscaping to the satisfaction of the Manager of Environmental and Parks Planning. It is noted that Park Block 116 will contain noise and safety berms consistent with the requirements of CP Railway. These berms are to be incorporated into the design of the park.
73. The owner shall implement the recommended buffer plantings as identified in the March 31, 2008 Earth Tech Environmental Impact Study completed for Kenmore Homes/Bierens subdivision (39T-08502) on the west side of the woodlot where the objectives are not in conflict in the Stantec EIS of 2015.
74. The owner shall, as part of the Design Studies, prepare a water balance report to determine the pre-development flows into the woodlot within plan 39T-08502 and associated environmental features and provide a method to ensure the water balance is maintained post-development using best efforts, to the satisfaction of the Manager of Environmental and Parks Planning.
75. The owner shall, as part of the Design Studies submission, provide a conceptual plan describing their compliance with the Endanger Species Act as it relates to the identified barn swallow nesting habitat. This plan will include a discussion on timing of the removal and reconstruction of the habit

General Conditions

76. The Owner shall comply with all City of London standards, guidelines and requirements in the design of this draft plan and all required engineering drawings, to the satisfaction of the City. Any deviations from the City's standards, guidelines or requirements shall be satisfactory to the City.

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77. Prior to the issuance of a Certificate of Conditional Approval for each construction stage of this subdivision, all servicing works for the stage and downstream works must be completed and operational, in accordance with the approved design criteria and accepted drawings, all to the specification and satisfaction of the City.
78. Prior to final approval, the Owner shall make arrangements with the affected property owner(s) for the construction of any portions of services or grading situated on private lands outside this plan, and shall provide satisfactory easements over these works, as necessary, all to the specifications and satisfaction of the City, at no cost to the City.
79. In conjunction with the Design Studies submission, the Owner shall provide to the City, for review and acceptance, a geotechnical report to address all geotechnical issues with respect to the development of this plan, including, but not limited to, servicing, grading and drainage of this subdivision, road pavement structure, dewatering and any other requirements as needed by the City.
80. The Owner shall implement the recommendations of the geotechnical report as accepted by the City, to the satisfaction of the City Engineer and at no cost to the City.
81. In the event that relotting of the Plan is undertaken, the Owner shall relocate and construct services to standard location, all to the specifications and satisfaction of the City.
82. The Owner shall connect to all existing services and extend all services to the limits of the draft plan of subdivision, at no cost to the City, all to the specifications and satisfaction of the City Engineer.
83. In the event the draft plan develops in phases, upon registration of any phase of this subdivision, the Owner shall provide land and/or easements along the routing of services which are necessary to service upstream lands outside of this draft plan to the limit of the Plan.
84. The Owner shall advise the City in writing at least two weeks prior to connecting, either directly or indirectly, into any unassumed services constructed by a third party, and to save the City harmless from any damages that may be caused as a result of the connection of the services from this subdivision into any unassumed services.

Prior to connection being made to an unassumed service, the following will apply:

- i) In the event discharge is to unassumed services, the unassumed services must be completed and conditionally accepted by the City; and
- ii) The Owner must provide a video inspection on all affected unassumed sewers.

Any damages caused by the connection to unassumed services shall be the responsibility of the Owner.

85. The Owner shall pay a proportional share of the operational, maintenance and/or monitoring costs of any affected unassumed sewers or SWM facilities (if applicable) to third parties that have constructed the services and/or facilities to which the Owner is connecting. The above-noted proportional share of the cost shall be based on design flows, to the satisfaction of the City, for sewers or on storage volume in the case of a SWM facility. The Owner's payments to third parties shall:
 - i) commence upon completion of the Owner's service work, connections to the existing unassumed services; and
 - ii) continue until the time of assumption of the affected services by the City.
86. With respect to any services and/or facilities constructed in conjunction with this Plan, the Owner shall permit the connection into and use of the subject services and/or facilities by outside owners whose lands are served by the said services and/or facilities, prior to the said services and/or facilities being assumed by the City.

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87. If, during the building or constructing of all buildings or works and services within this subdivision, any deposits of organic materials or refuse are encountered, the Owner shall report these deposits to the City Engineer and Chief Building Official immediately, and, if required by the City Engineer and Chief Building Official, the Owner shall, at his own expense, retain a professional engineer competent in the field of methane gas to investigate these deposits and submit a full report on them to the City Engineer and Chief Building Official. Should the report indicate the presence of methane gas then all of the recommendations of the engineer contained in any such report submitted to the City Engineer and Chief Building Official shall be implemented and carried out under the supervision of the professional engineer, to the satisfaction of the City Engineer and Chief Building Official and at the expense of the Owner, before any construction progresses in such an instance. The report shall include provision for an ongoing methane gas monitoring program, if required, subject to the approval of the City engineer and review for the duration of the approval program.

If a permanent venting system or facility is recommended in the report, the Owner shall register a covenant on the title of each affected lot and block to the effect that the Owner of the subject lots and blocks must have the required system or facility designed, constructed and monitored to the specifications of the City Engineer, and that the Owners must maintain the installed system or facilities in perpetuity at no cost to the City. The report shall also include measures to control the migration of any methane gas to abutting lands outside the Plan.

88. The Owner hereby agrees that, should any contamination or anything suspected as such, be encountered during construction, the Owner shall report the matter to the City Engineer and the Owner shall hire a geotechnical engineer to provide, in accordance with the Ministry of the Environment and Climate Change "Guidelines for Use at Contaminated Sites in Ontario", "Schedule A – Record of Site Condition", as amended, including "Affidavit of Consultant" which summarizes the site assessment and restoration activities carried out at a contaminated site. The City may require a copy of the report should there be City property adjacent to the contamination. Should the site be free of contamination, the geotechnical engineer shall provide certification to this effect to the City.

89. The Owner's professional engineer shall provide inspection services during construction for all work to be assumed by the City, and shall supply the City with a Certification of Completion of Works upon completion, in accordance with the plans accepted by the City Engineer.

90. In conjunction with the Design Studies submission, the Owner shall have its professional engineer provide an opinion for the need for an Environmental Assessment under the Class EA requirements for the provision of any services related to this Plan. All class EA's must be completed prior to the submission of engineering drawings.

91. The Owner shall have its professional engineer notify existing property owners in writing, regarding the sewer and/or road works proposed to be constructed on existing City streets in conjunction with this subdivision, all in accordance with Council policy for "Guidelines for Notification to Public for Major Construction Projects".

92. The Owner shall not commence construction or installations of any services (e.g. clearing or servicing of land) involved with this Plan prior to obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, unless otherwise approved by the City in writing (e.g. Ministry of the Environment and Climate Change Certificates, City/Ministry/Government permits: Approved Works, water connection, water-taking, crown land, navigable waterways, approvals: Upper Thames River Conservation Authority, Ministry of Natural Resources, Ministry of the Environment and Climate Change, City, etc.)

93. In conjunction with the Design Studies submission, in the event the Owner wishes to phase this plan of subdivision, the Owner shall submit a phasing plan identifying all required temporary measures, and identify land and/or easements required for the routing of services which are necessary to service upstream lands outside this draft plan to the limit of the plan to be provided at the time of registration of each phase, all to the specifications and satisfaction of the City.

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94. If any temporary measures are required to support the interim conditions in conjunction with the phasing, the Owner shall construct temporary measures and provide all necessary land and/or easements, to the specifications and satisfaction of the City Engineer, at no cost to the City.
95. The Owner shall remove any temporary works when no longer required and restore the and, at no cost to the City, to the specifications and satisfaction of the City.
96. The Owner shall decommission any abandoned infrastructure (such as removal of existing hydro poles, septic beds, drainage systems, etc.), including removal of the temporary water service to 895 Sarnia Road and capping it at the watermain, all to the satisfaction of the City Engineer and at no cost to the City.
97. The Owner shall remove all existing accesses and restore all affected areas, all to the satisfaction of the City, at no cost to the City.
98. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
99. The Owner shall make all necessary arrangements with the abutting property owners to regrade on the abutting properties, where necessary, to accommodate the grading and servicing of this plan to City standards, to the satisfaction of the City.
100. The Owner shall submit a copy of the final plan for this subdivision to the Development Services Division (Engineering) showing any amendments or revisions made to this plan as a result of any requirements and/or conditions covering the plan or otherwise (i.e. Owner initiated) for review and acceptance by the City Engineer, prior to final approval being issued.
101. Should the owner acquire additional lands abutting to the east of the subject lands (City of London right-of-way), this parcel shall be consolidated with the plan at the time of registration of the applicable phase and the draft plan be red line revised to include the lands and a note that "these lands may be included as part of the registration of the plan of subdivision"

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SCHEDULE “1”

895-905 SARNIA ROAD SCOPED EIS

Dated: November 11, 2014 by Stantec

Received by EEPAC after its November 2014 meeting

Reviewers: K. Delaney, S. Levin, Dr. Maddeford (with edits by Prof. C. Smart and F. Cirino
December 2014

The site consists of a two small wetlands and part of a woodland that is not shown on Schedule B. The wooded area in the northwest of the subject site is obscured by a street map on the air photo (Figure 1 of the EIS). This wooded section is Block 118 and shown on the June 14, 2014 site drawing by Whitney Engineering as a Park Block. The proposed subdivision calls for a 15 m buffer (which appears to include a 4 m wide paved pathway in one of the drawings) between the western property line and the lot lines of the proposed homes. There is also a compensating constructed wetland proposed to be built adjacent to Block 118 to compensate for the loss of the south pond which is identified in the EIS as Significant Wildlife Habitat.

COMMENTS ON THE EIS COMPLETENESS

EEPAC believes the EIS is incomplete. There is no information on stormwater management and its impact on the Significant Woodland to the west of the subject site.

No data was collected from either the wooded section in the northwest corner of the site nor from the field. The only identified ELCs on Figure 1 are for the two ponds. No data on birds other than incidental sightings within these specific ELCs appears to have been collected. No information at all is included for butterflies or odonata. None of the quality control sections of the ELC sheets were signed off. The Wildlife Assessment Forms were only completed for the wetlands and the adjacent CUT1.

NATURAL FEATURES AND FUNCTIONS

Roughly 0.63 ha of northwest corner of the subject site is wooded and is part of the larger patch 01004 which forms the western boundary of the subject site. The larger part of the patch outside of the subject property is designated as a Significant Woodland.

The remnant of Patch 01005 (not 01004 as noted on page 4.2 of the EIS) and two ponds (one dug) are the main subject of the EIS. The properties owned by the proponent to the south of the train tracks were not studied. Neither was the northwest wooded section.

Due to the confusion of the patch numbers (p. 4.2 and 4.3 including section 4.5.2), it is unclear if the reference to species records from the Hyde Park Community Plan (now over 10 years old) which appears on page 4.3 in the third bullet under ‘South Woodland Feature’ is for the subject site or for the Significant Woodland.

EEPAC believes that the best protection for the adjacent Significant Woodland is in implementing the following recommendations:

Recommendation 1: All lots adjacent to the Significant Woodland be fenced with no gates as a condition of the subdivision and/or development agreement.

Recommendation 2: Block 118 must not be for active recreation.

TRAIL PLANNING

The latest EIS includes a concept drawing of a 4 m wide (multi-use pathway?) in the buffer to the Significant Woodland. EEPAC has previously recommended that the buffer be re-vegetated

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with native hawthorns and other shrubs to eliminate the need for mowing and potential complaints about weeds from adjacent land owners.

EEPAC remains concerned that there are no Trail Standards for Woodlands and it is unclear from the EIS what the proposed trail system looks like and how it will protect and conserve the ecological features and functions of the Significant Woodland and the proposed constructed compensating wetland. A concept shown at the EEPAC includes extending the trail (pathway?) to the railroad tracks and west through the Significant Woodland. This is not recommended by EEPAC.

Perhaps the intent is to test the actual effectiveness of a paved path in reducing encroachment that was seen in one (and only one) of the newer subdivisions bordering Warbler Woods in the Beacon EIS effectiveness study. If this is the intent, then a true experiment should be established with a control area and a monitoring plan to determine effectiveness of this strategy.

Recommendation 3:

- a. The buffer be vegetated such time as standards for managed trails in Significant Woodlands is implemented.
- b. If the intent of the 4 m wide pathway is to limit encroachment, a monitoring plan is required. EEPAC would be pleased to review such a plan for the area if given the opportunity.
- c. The proposed pathway should not extend south and turn west into the Significant Woodland as shown on the concept plan presented at EEPAC's December meeting.

STORMWATER MANAGEMENT

We are unclear as to the plans for stormwater infrastructure. It is not clearly addressed in the EIS. There is no information in the EIS nor are any of the SWM facilities mentioned in the EIS shown on any figures or maps in the report.

It appears that the land from the south end of the south pond and 2/3rds of the eastern part of this portion drains due south to the CPR line mainly by a dry depression. Part of the southwestern end of the field also seems to do the same. The mid western part may go to the woodlot on the west. There is no information on flows to the Significant Woodland nor how the water balance and hydroperiod will be maintained.

EEPAC believes that not only the water balance to the Significant Woodland to the west must be maintained, but also the hydroperiod. The hydroperiod is the seasonal pattern of water level fluctuation within a natural feature. Hydroperiod refers to the seasonal pattern of both surface and groundwater fluctuations. Maintaining hydrological regimes and hydroperiods means that any anthropogenic changes to volume, duration, frequency, timing and spatial distribution of water do not cause negative impact to natural features or their ecological functions.

The Toronto and Region and Credit Valley Conservation Authorities have developed guidelines for addressing the hydrological impacts of urban development and groundwater extraction proposals on natural features, including wetlands, watercourses and woodlands. The current draft document is found at:

<http://www.sustainabletechnologies.ca/wp/home/urban-runoff-green-infrastructure/preserving-and-restoring-natural-features/water-balance-for-the-protection-of-natural-features/water-balance-guidelines-for-the-protection-of-natural-features/>

Our interest is protection of natural features and functions. As a result, we recommend the following:

Recommendation 4: No infrastructure should be located in the Significant Woodland.

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Recommendation 5: The water balance including hydro-period to the Significant Woodland must be maintained. A holdback for two years should be retained by the city to compensate for any negative impacts to either the features or functions of the Significant Woodland.

Recommendation 6: The EIS be considered incomplete until the SWM plan details are provided.

HABITAT FOR SPECIES INCLUDING THOSE OF CONSERVATION CONCERN

Other than the amphibian survey which follows the Marsh Monitoring protocol to the letter (including starting each survey right at 30 mins after sundown), it appears that the consultant's work is incomplete.

We believe that page 4.6 of the EIS ignores the wooded corner of the subject site and the Significant Woodland adjacent to the subject site. There is no ELC sheet for the vegetated community in the northwest corner of the subject site. This is a glaring omission. Although EEPAC agrees that "Suitable habitat for Eastern Wood Pewee and Wood Thrush is not available in the wetland features of the subject lands," (p. 4.6) this trivializes the **woodland** habitat where these species have been observed. Eastern Wood Peewee and Wood Thrush are of Special Concern and PIF species. As well, there is also no discussion of possible Eastern Meadowlark, Bobolink or Savannah Sparrow habitat in the open field.

The consultants identified foraging Barn Swallows (page 4.6) despite the lack of any formal inventory of bird species for the EIS. Foraging Barn Swallows have also been observed by an EEPAC member on site this fall. At least one and perhaps 2 or 3 nesting pairs were present in 2014, as multiple Barn Swallow nests were observed and photographed by this same EEPAC member at the buildings on the subject site (site as defined on page 1.1 of the EIS). These buildings are south of Lawson Road and north of the CPR tracks. They are clearly shown in the April 2014 air photo available on the City's web site. They are still there as of this month.

The existence of these buildings appears to be ignored even after being noted by EEPAC in its review of the previous EIS version.

Disturbingly, the air photo shown in Figure 1 of the EIS cuts off north of these buildings. (Figure 1 also appears to be from earlier than April 2014 as the city's air photo shows a constructed house to the east of the south pond).

Research indicates that lack of foraging sites have contributed significantly to the dwindling populations of Barn Swallows (see Appendix 1 below for research references). Oddly, despite the April 2014 air photos on the city's web site showing buildings on the subject site, the EIS indicates that no appropriate nesting structures were present on the subject site (p. 5.6).

Therefore, EEPAC takes the position that **there are appropriate nesting structures on site. If they no longer exist, there has been a contravention of the Endangered Species Act.**

In addition, snakes may have hibernacula at the out buildings and house present on the lands on the southern portion of the subject site.

Recommendation 7: The outbuildings and house present on the southern portion of the subject site be studied for hibernacula.

Recommendation 8: The following requirements under the Endangered Species Act (ESA 2007) and its regulations **must** be communicated to the proponent immediately and form part of the requirements of development approvals if the buildings on site are to be removed:

The rules for altering a building or structure (e.g., a barn or bridge) that is habitat for Barn Swallow. Effective July 1, 2013.

<https://www.ontario.ca/environment-and-energy/alter-structure-habitat-barn-swallow>

You must:

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- *register the work and the affected species with the Ministry of Natural Resources (before work begins)*
- *minimize the effects of your activity on barn swallow*
- *create and maintain new habitat for barn swallow*
- *report sightings of rare species (and update registration documentation, if needed)*
- *monitor the habitat you create and report on certain observations*
- *prepare and maintain records that relate to the activity and the habitat*

MITIGATION MEASURES (Section 7.3, page 7.2)

Construction timing and grading (starting on page 7.2)

Recommendation 9: Inspectors should have the authority to halt work immediately if disturbance to natural vegetation occurs. This must be written into the development agreement.

While EEPAC supports the notion that accidental damage must be made good, the EIS provides no direction as to what compensation is to be provided. EEPAC recommends the following be included in the development agreement.

Recommendation 10: If there is accidental damage to trees (EIS p. 7.3), replacement should be based on the dbh loss and the replacement ratio calculated on the basis of recouping the loss of tree mass in 5 years. Failing that, the ratio should be a minimum of 5 or 6 to 1 and trees planted in the buffer between the development and the Significant Woodland.

If there is accidental damage to other vegetation, a city ecologist shall be consulted regarding the appropriate compensating species to plant and the appropriate location for the planting.

Erosion and Sediment Control (starting on page 7.3)

Recommendation 11: In addition to standard erosion control measures, 30 m from the edge of the buffer should be silt fenced.

Recommendation 12: No equipment should be stored, fueled or maintained within 30 m of the buffer.

Recommendation 13: Vegetation cover, using species native to and appropriate to site conditions, must be restored if soils are not stabilized or left without protection for more than 3 months. If this occurs too late in the season, a city ecologist must be consulted to determine the best means to prevent sediment from entering the Significant Woodland or the constructed wetland. It must be other than hydroseeding of grass.

Disturbed areas within the woodland buffer (p. 7.4)

While EEPAC agreed that disturbed areas must be restored, we are unclear as to why there should be any disturbance.

Recommendation 14:

a. The proponent be asked to clarify why disturbance (other than the constructed wetland) to the 15 m buffer is expected and what will be done to avoid disturbance and compensate for any loss of ecological feature or function.

b. The City should clarify why the proposed pathway is appropriate in the buffer.

HABITAT COMPENSATION (section 7.4, p. 7.4)

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The proposal to replace an existing pond with an artificial wetland adjacent to the Significant Woodland is regrettable, but if successful, may result in preserving a more functional and connected feature than would result from preserving and isolating the existing pond. However, the intentions are not adequately described, nor does there appear to have been adequate consultation on wetland transfer and creation.

The form and function of the existing pond has to be understood, so that suitable conditions are provided in the new location.

“Hydrologic conditions probably are the most important determinants of the type of wetland that can be established and what wetland processes can be maintained (Mitsch and Gosselink, 1993). Elements of site hydrology that are important to maintaining a wetland are inflows and outflows of ground water and surface water, the resulting water levels, and the timing and duration of soil saturation or flooding. (EPA 2014. <http://water.usgs.gov/nwsum/WSP2425/restoration.html>).

It is not clear what the habitat and wildlife objectives are, nor how the existing biota can be successfully transferred to the new site.

A particular concern is possible drainage arising from storm drains and weeping tiles adjacent to the proposed wetland. These are likely to result in a general lowering of water table, and difficulty in sustaining a perennial wetland.

Recommendation 15. A protocol for installing, establishing and maintaining the new pond should be developed, and reviewed and approved by a City Ecologist in consultation with specialists at Western University.

Wildlife Use (section 7.4.1, page 7.5)

EEPAC is unclear as to what the proponent proposes in moving wildlife “to a nearby location that is suitable for the animal in consideration of species-specific seasonal requirements, including the woodland feature to the east, and the proposed compensation pond and associated riparian area.”

EEPAC points out that the woodland feature (the Significant Woodland), is to the **west** of the subject site.

EEPAC assumes that wetland species will not be moved until the approved compensation pond is “ready for occupancy.” If there is a need to move wetland species prior to the completion of the compensation pond, there is an intact wetland to the east near Aldersbrook that could be considered.

Recommendation 16: A detailed plan for the actual move from the ponds to the constructed wetland be developed by the proponent and approved by a City Ecologist. The plan should at a minimum include a list of species expected to be moved and a “window of opportunity” for the move based on the time of the year and weather conditions.

Recommendation 17: Moving of flora and fauna from the Significant Wildlife Habitat:

- a. only be done after the approval of a City Ecologist has been given.
- b. the actual move take place only at a time period previously approved, during appropriate weather conditions and forecasts, and under the supervision of a qualified ecologist approved by the City.

Creating street viewports through housing arrangements promotes good urban design principles, however it may promote or allow unauthorized access to the proposed wetland replacement area. Measures must be taken to prevent any unauthorized access or encroachment from the street realm to the wetland environment.

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Recommendation 18: Placement of lots adjacent to the proposed wetland in the northeast portion of the subject site must be arranged in a manner that does not promote encroachment or access into the proposed area.

In addition to the measures outlined in the EIS and above, EEPAC recommends the following also be included in the subdivision and / or development agreement.

Recommendation 19: Native species of milkweed be included in the plantings.

The consultant identified one wetland plant species (genus *Glyceria*) with a high (8) coefficient of conservation (see Appendix C of the EIS). If it is *Glyceria septentrionalis* it is Northern Glyceria, if manna grass, it is *Glyceria borealis*. Regardless, EEPAC recommends the following:

Recommendation 20: A native species of *Glyceria* be included in the species list for the constructed wetland.

While it is helpful to recommend a monitoring and adaptive management plan to control (*sic*) vegetation establishment (p. 7.5), there is no detail as to who will develop the plan, who will implement the plan, and the duration of the plan. EEPAC recommends:

Recommendation 21: The proponent and the City agree on the details of the monitoring plan as stated above and the details (including reporting) be incorporated into the development agreement. The agreement should include a hold back of security for at least three years so that there is some assurance that any additional work needed has a funding source.

It also appears likely that the construction of the wetland feature will cause some damage to Block 118.

Recommendation 22: The proposed adaptive management plan include additional plantings to compensate for any damage to wooded lands on the subject site.

Monitoring and Adaptive Management Plan (section 7.4.2, page 7.5)

Recommendation 23: The monitoring report be in the spring and fall seasons for the first two years rather than annually. If annually, the report must be prepared and submitted in the fall so that action may be taken in the spring

MISCELLANEOUS

The woodland that is to be protected from construction impacts is to the **west** of the subject lands, not east as shown in the first bullet under 7.3.1 on page 7.2.

We remind staff that page 38 of the Environmental Management Guidelines require the principal author's CV to be included in the EIS. We note this has been missing of late in other EISs as well.

APPENDIX 1

(Source: General Habitat Description for the Barn Swallow (*Hirundo rustica*), MNR)

Barn Swallows depend on nearby open areas that provide good sources of flying insects, such as waterbodies, pastures with livestock, and woodland edges (Brown and Brown 1999, Evans *et al.* 2007). The stage of the nesting cycle influences foraging distance. The period of greatest energy demand for a swallow is during nestling rearing (Bryant and Westerterp in Turner 1980). Turner (1980) found the average distance traveled by Barn Swallows while feeding the first brood to be 188 m and 138 m for the second. Weather plays an important role in the variation in food availability for swallows and therefore also influences foraging distance.