

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: OLD OAK PROPERTIES INC. 2300 RICHMOND STREET PUBLIC PARTICIPATION MEETING ON NOVEMBER 30, 2015

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Old Oak Properties Inc. relating to the property located at 2300 Richmond Street:

- (a) the request to amend the Official Plan to change the designation of the subject lands **FROM** a Low Density Residential designation, **TO** a Multi-family, High Density Residential designation, **BE REFUSED** for the following reasons:
- i) it is not consistent with the Provincial Policy Statement as it contributes to an oversupply of lands designated for high density residential development and an imbalance in the range and mix of residential densities in the area;
 - ii) there is an existing oversupply of vacant land planned for Multi-family, High Density Residential in the area that better meets the locational criteria of the Official Plan;
 - iii) it undermines the ability of other, better located, lands planned for high density residential development in the area to perform their planned function in relation to surrounding components of the broader planning area, including the relationship of high density residential land uses to commercial nodes, the sites already planned for high density residential uses, and public transit services;
 - iv) It undermines the planned function of superior sites identified for high density residential uses within the Built-area Boundary (intensification);
 - v) It undermines the planned function of the Masonville Transit Node;
 - vi) it is not in keeping with the Uplands North Area Plan; and,
 - vii) it is not consistent with the Provincial Policy Statement as the Provincially Significant Wetlands and other natural features have not been accurately delineated and it has not been demonstrated that high density residential development at this location will have no negative impacts to the Provincially Significant Wetlands, other natural features on the north part of the property and to the immediate south of the subject property, and species at risk.
- (b) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** an Open Space (OS5) Zone, an Urban Reserve (UR4) Zone and a Holding Urban Reserve Special Provision (h-54•UR4(1)) Zone **TO** a Residential R8 Special Provision (R8-4(_)) Zone, a Residential R9 Special Provision (R9-7(_)) Zone, and an Open Space Special Provision (OS5(_)) Zone **BE REFUSED** for the following reasons:
- i) the same reasons noted in Clause a) above;
 - ii) should the request for the Multi-family, High Density Residential designation be refused, a rezoning to permit the requested range of uses and densities is not in keeping with the existing Low Density Residential designation in the Official Plan;
 - iii) there is no Official Plan policy basis to support the requested increase in residential density above the maximum of 150 units per hectare for high density uses outside of Central London through the use of lands designated as Environmental Review and Open Space, or lands zoned Open Space, as part of the land area for residential density calculations; and,

- iv) no other rationale for an increase in density above 150 units per hectare was provided for consideration.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

None.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The recommended refusal of the requested Official Plan and Zoning By-law amendments will not permit the development of the subject site for a high intensity residential uses including two, 200 unit, 16 storey apartment buildings and a mix of 60 townhouse and stacked townhouse units. The existing Low Density Residential designation on the subject site will allow for future development of the lands with low density housing forms. This will most likely be achieved through the plan of subdivision and related zoning by-law amendment processes.

RATIONALE

The requested Official Plan amendment is recommended for refusal because:

- i) it is not consistent with the Provincial Policy Statement as it contributes to an oversupply of lands designated for high density residential development and an imbalance in the range and mix of residential densities in the area;
- ii) there is an existing oversupply of vacant land planned for Multi-family, High Density Residential in the area that better meets the locational criteria of the Official Plan;
- iii) it undermines the ability of other, better located, lands planned for high density residential development in the area to perform their planned function in relation to surrounding components of the broader planning area, including the relationship of high density residential land uses to commercial nodes, the sites already planned for high density residential uses, and public transit services;
- iv) It undermines the planned function of superior sites identified for high density residential uses within the Built-area Boundary (intensification);
- v) It undermines the planned function of the Masonville Transit Node;
- vi) it is not in keeping with the Uplands North Area Plan; and,
- vii) it is not consistent with the Provincial Policy Statement as the Provincially Significant Wetlands and other natural features have not been accurately delineated and it has not been demonstrated that high density residential development at this location will have no negative impacts to the Provincially Significant Wetlands, other natural features on the north part of the property and to the immediate south of the subject property, and species at risk.

The requested Zoning By-law amendment is recommended for refusal because:

- i) the same reasons noted in Clause a) above;
- ii) should the request for the Multi-family, High Density Residential designation be refused, a rezoning to permit the requested range of uses and densities is not in keeping with the existing Low Density Residential designation in the Official Plan;
- iii) there is no Official Plan policy basis to support the requested increase in residential density above the maximum of 150 units per hectare for high density uses outside of Central London through the use of lands designated as Environmental Review and Open Space, or lands zoned Open Space, as part of the land area for residential density calculations; and,
- iv) no other rationale for an increase in density above 150 units per hectare was provided for consideration.

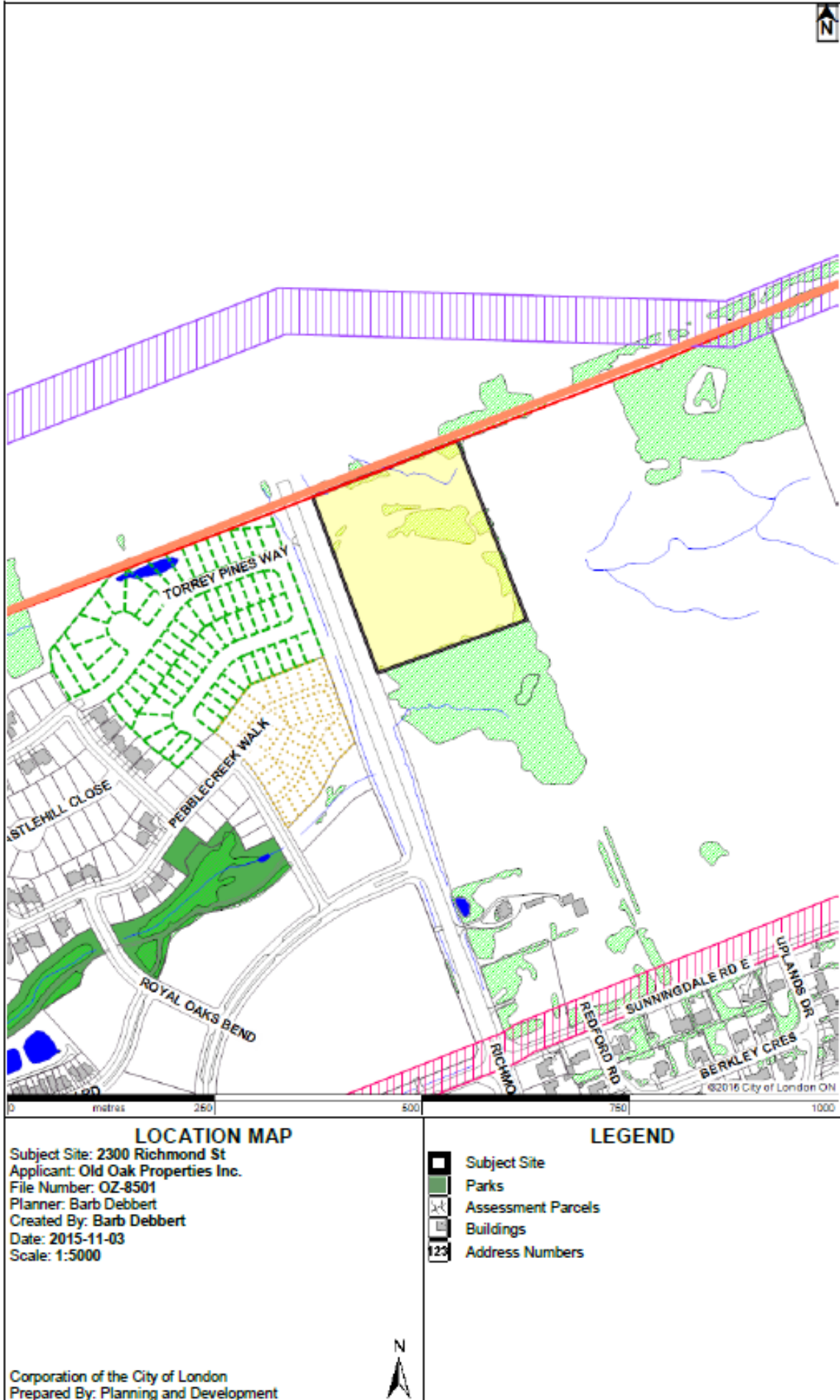
BACKGROUND

Date Application Accepted: May 25, 2015	Agent: Zelinka Priamo Ltd.
<p>REQUESTED ACTION:</p> <p>Change the land use designation of the majority of the site in the Official Plan from Low Density Residential to Multi-family, High Density Residential, while maintaining the existing Open Space and Environmental Review designations on the north part of the property.</p> <p>Change the zoning of the majority of the site from an Urban Reserve (UR4) Zone and a Holding Urban Reserve Special Provision (h-54•UR4(1)) Zone, to:</p> <ul style="list-style-type: none"> • a Residential R9 Special Provision (R9-7(_)) Zone on the west part of the property to permit two, 200-unit, 16 storey apartment buildings (400 apartment units total) adjacent to Richmond Street. The requested special provisions would establish a maximum height for the building of 53 metres, allow the north and south side yard setbacks for the apartment buildings to be reduced from 21.2 metres to 12.0 metres, and allow the rear yard depth for the proposed parking structure to be reduced from 4.5 metres to 0 metres; • a Residential R8 Special Provision (R8-4(_)) Zone on the east part of the property to permit two, 18-unit stacked townhouse buildings and two, 8-unit townhouse buildings and two, 4-unit townhouse buildings (60 townhouse units total). The requested special provisions would allow the minimum lot frontage from 30 metres to 0 metres, reduce the westerly yard depth from 5.0 metres to 0 metres, and reduce the easterly yard depth from 4.5 metres to 2.4 metres; and, • an Open Space Special Provision (OS5(_)) Zone on the lands currently in the Open Space (OS5) Zone, with the sole purpose of allowing the lands in the Open Space (OS5) Zone to be used for the calculation of allowable density on the lands proposed to be placed in the Residential R9 Special Provision (R9-7(_)) Zone. 	

SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use – vacant land, natural area and City of London water line easement and transmission pipe for the Lake Huron Primary Water Supply System • Frontage – 225.2 metres • Depth – approximately 206.6 metres • Area – 4.65 ha • Shape - rectangular

SURROUNDING LAND USES:
<ul style="list-style-type: none"> • North - Arva, Weldon Park (Township of Middlesex Centre) • South - Provincially Significant Wetland; vacant land planned for future high and medium density residential development; vacant land serviced and planned for future commercial/retail/office/institutional development • East - vacant land planned for future low density residential development • West - mixed density residential plan of subdivision in various stages of plan registration, construction and occupancy including single detached dwellings, townhouses and apartment buildings

Map 1 – Location Map



OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)
<ul style="list-style-type: none">• Schedule “A” (Land Use) – Low Density Residential, Open Space, and Environmental Review• Schedule “B-1” (Natural Heritage Features) – Big Picture Meta-Cores and Meta Corridors <p><i>Note: The Ministry of Natural Resources and Forestry identified a Provincially Significant Wetland on the north part of the subject property in 2011. This wetland will be added to Schedule B-1 with the completion of the 20 year Official Plan review (ReThink)</i></p> <ul style="list-style-type: none">• Schedule “B-2” (Natural Resources and Natural Hazards) - [Upper Thames River] Conservation Authority Regulation Limit
EXISTING ZONING: (refer to Zoning Map)
<ul style="list-style-type: none">• Open Space (OS5), Urban Reserve (UR4) and Holding Urban Reserve Special Provision (h-54•UR4(1))

PLANNING HISTORY

The subject lands are located within the Uplands North Planning Area. In February 2002 the Uplands North Area Plan was initiated by landowners in the area. The Uplands North Area Plan is bounded by Richmond Street to the west, Adelaide Street to the east, Sunningdale Road to the south and the municipal boundary to the north. The Uplands North Area Plan was adopted by Council in 2003 and serves as a guideline document under Section 19.2.1 of the City of London Official Plan. The Area Plan is intended to guide the review and approval of all development and planning applications for future development of the area and addresses such issues as mixing of dwelling types, road configurations, school locations, servicing, and location of parkland. The Area Plan and related Official Plan amendments adopted by Council designated the subject site as Low Density Residential.

In 2006, the City received an application to change the zoning of a portion of the subject land to permit one single detached dwelling. Council approved the application, permitting one dwelling within the Urban Reserve (UR4) Zone. An Environmental Impact Study was required to be submitted as part of a complete application. The identification of a locally significant wetland on the north part of the property resulted in Council applying the Open Space (OS5) Zone to these lands in order to recognize and protect the feature. In 2011, the Ministry of Natural Resources and Forestry (MNRF) identified and defined this feature as a Provincially Significant Wetland.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

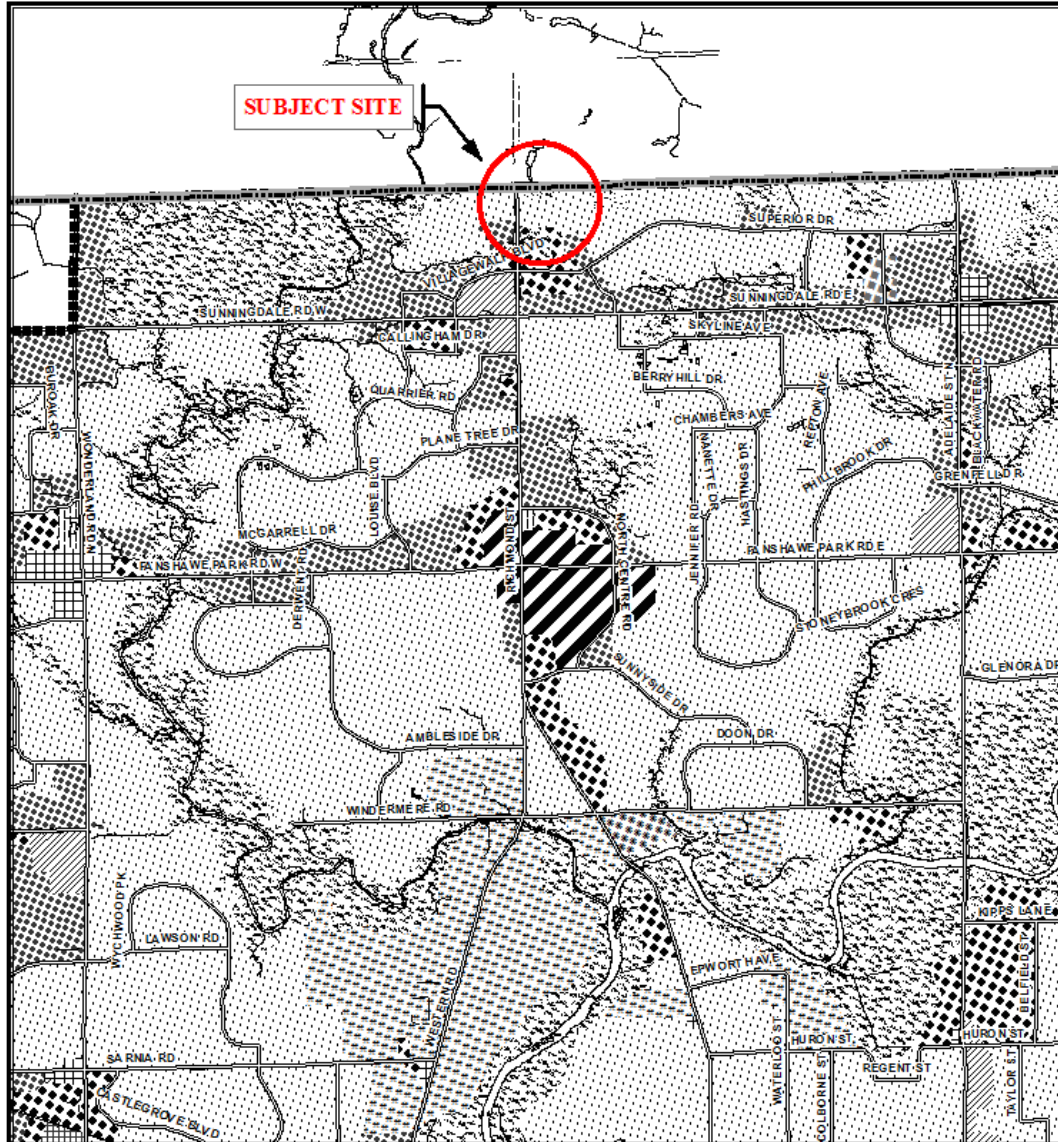
Engineering

September 4, 2015

Comments as per the Transportation Division:

- *The preferred location of the pedestrian bridge over Richmond Street has been shifted further to the north from the location shown on the concept plan, this shift is a result of realising some of the benefits provided by the existing topography. As a result the proposed access to Richmond Street will need to be shifted southerly from its current proposed location. To ensure the new access location is safe, a Stopping Sight Distance analysis study will be required to ensure clear sightlines.*

Map 2 – Official Plan – Land Use

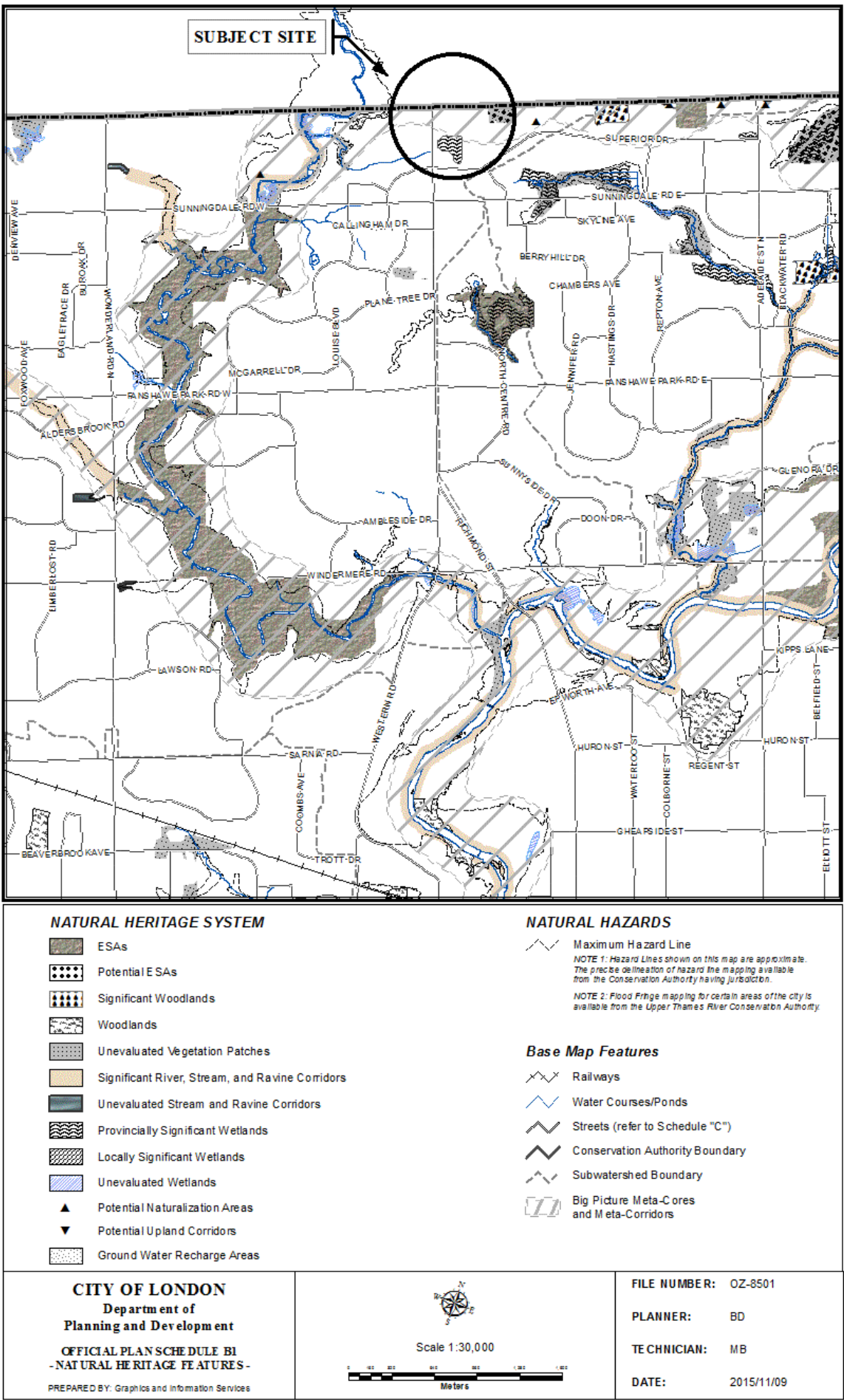


Legend	
	Downtown
	Wonderland Road Community Enterprise Corridor
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	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

<p>CITY OF LONDON Department of Planning and Development</p> <p>OFFICIAL PLAN SCHEDULE A - LAND USE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: OZ-8501</p>
		<p>PLANNER: BD</p> <p>TECHNICIAN: MB</p> <p>DATE: 2015/11/05</p>

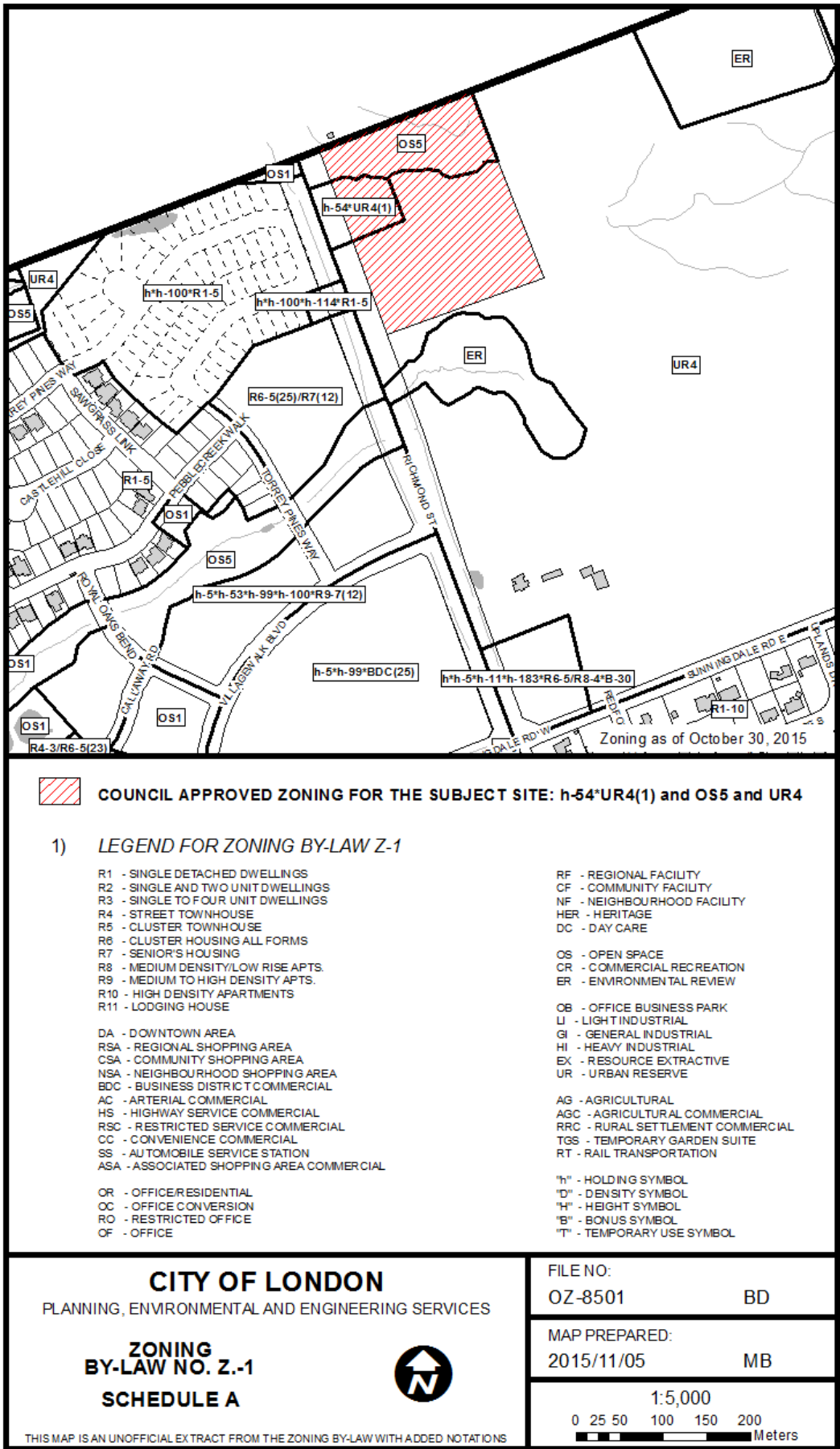
PROJECT LOCATION: e:\planning\proj\cts\p_officialplan\work\cnsl00\excorp\sv\mxd_templates\scheduleA_b&w_8x14_with_SWAP.mxd

Map 3 – Official Plan – Natural Heritage Features



PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consolid00\excerpts\mxds_templates\schedule_b1\scheduleB1_b&>w_8x14_with_SWAP.mxd

Map 4 – Zoning By-law



- The design of the proposed access to Richmond Street should be in compliance with the City's Access Management Guidelines (AMG) in regards to access width, curb radii and clear throat requirements, the AMG can be found at the below web link.

http://www.london.ca/residents/Roads-Transportation/Transportation-Planning/Documents/Access_Management_Guidelines.pdf

- A right turn taper off of Richmond Street at the proposed access location is required. The requirement for a southbound left lane will be reassessed in the future during the site plan process.

Comments as per the WADE Division:

Presently there is no municipal sanitary outlet on Richmond Street for the subject lands. A future sanitary sewer must be constructed on Richmond Street which will extend northerly from the outlet at Villagewalk Boulevard, Richmond North Subdivision 33M 633, to the subject lands. A holding provision should be applied to the subject lands until a sanitary outlet is available.

Comments as per the SWM Division:

- At the time of this application it is not available storm outlet, and therefore this property may need to be held from development until such time a valid outlet is constructed and operational.
- To service the area, the Sunningdale SWM facility E1 has been schedule for design/construction by the City in 2017, and therefore any work to service the property (e.g. PPS and storm sewers) will be considered temporary and to the applicant risk and expense.
- Major flow conveyance design will be a challenge considering existing conditions such as the Richmond Rd road profile, the location of the existing water feeder, the future location and footprint of the SWM E1 (and its associated catchment area), routing and alignment of the future municipal storm sewer (and associated easements) , etc.
- The site is located within the UTRCA regulated area and therefore comments from them should be expected.

For discussion only:

- The location of the pedestrian crossing bridge shown on the draft site plan A1.1 attached to the application will require further discussion with Transportation Division and the Developer to the west. Ultimate location of this bridge will impact the site plan layout.
- It appear to be an environment area north of the property. It is advisable to further discussed with Parks Planning, UTRCA and perhaps with MNR the extent of the area and setbacks required, if any.
- From the draft site plan A1.1, it appears to be a potential issue with the proposed site plan entrance in relation to the existing Richmond Street ultimate profile. Transportation Division may provide more detail comments related to the need for sight distance calculation versus the site entrance location.

Please note that this response has been made without input from the Water Engineering Division.

The above comments, among other engineering and transportation issues, will be addressed in greater detail when/if these lands come in for site plan approval.

November 23, 2015

Further to the September 4, 2015 comments regarding the above-noted application, the following are supplemental comments from the Environmental and Engineering Services Department and Development Services engineering staff on that application:

1. *Additional comments from WADE Division:*

- *As recognized in the Official Plan and the Uplands Community Plan for the subject lands, 2300 Richmond was anticipated to be low density. As such the receiving sanitary sewerage system was designed based on this area being low density use. The Owners' engineer is to confirm that the existing sanitary system can accommodate this proposed higher density coupled with all the remaining lands intended to be serviced by the same sanitary infrastructure.*

2. *Water related comments from Development Services (in the absence of comments from Water Engineering Division):*

- *There are currently no municipal water mains on Richmond Street to service these lands. At the time of the development of these lands, the Owner will be responsible for extending a water main on Richmond Street from the existing water main at Villagewalk Boulevard to these lands, at no cost to the City, in accordance with City standards and to the satisfaction of the City Engineer; and*
- *It is noted that the existing water feeder pipeline located within the City easement in this site is not to be used to service the development of this site and is to be protected during the development of the subject lands.*
- *Additional comments will provided at the Site Plan Approval stage.*

Ministry of Natural Resources

The City of London has provided the Ministry of Natural Resources and Forestry (MNR) with the following regarding a proposed mixed use development at 2300 Richmond St, in the City of London.

- a) Two maps of wetland boundaries (City of London, September 4, 2015)*
- b) Environmental Impact Statement (Biologic; April 9, 2015)*

The City has requested information and comment regarding both Species at Risk and their habitat protected under the Endangered Species Act, 2007 (ESA) and the identified provincially significant wetland (PSW) on and adjacent to the property.

We provide the following comment and advice based on the above mentioned documents.

Species at Risk and Endangered Species Act, 2007

MNR is responsible for implementing the ESA, and also notes that in accordance with the Provincial Policy Statement 2014 (PPS), section 2.1.7:

Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

MNR provided information to the Biologic in April 2015 regarding species at risk (SAR) with the potential to occur in the area. We request the proponent/their consultant address those species and their habitats not discussed in the current report with respect to ESA, both within the project area and adjacent if potential for impact exists.

Based on a review of the available information, it appears that the activities associated with the project, as currently proposed, will likely contravene the ESA 2007 for Bobolink and Eastern Meadowlark, given that both species were observed during the breeding season in what appears to be suitable breeding habitat (i.e. community 1).

To proceed with the project as currently proposed, additional action will need to be taken in order to remain in compliance with the ESA 2007. This could include applying for an

authorization under section 17(2)c of the ESA 2007, or completing an online registry for the project if this project is eligible.

The MNRF Aylmer District office can provide guidance on how to apply for an authorization or how to revise the proposal to avoid impacts to SAR. Please be advised that applying for an authorization does not guarantee approval and the process can take several months. Please visit MNRF's website to determine whether this project may be eligible for the online registry process (<http://www.ontario.ca/environment-and-energy/endangered-species-permits-and-authorizations>).

MNRF requests that the proponent/consultant clarify how you intend to proceed with respect to these grassland bird SAR under the ESA, both to MNRF and to the City of London prior to moving forward with planning approvals.

We request that the Butternut Health Assessment be provided to Aylmer MNRF and further clarification as to how the project will proceed with respect to Butternut and the ESA. Page 33 states "Butternut - Development within 25m of a Retainable butternut requires a permit under the Endangered Species Act (ESA). This permit would require planting more Butternut elsewhere with a specific formula for harm versus destruction of the species outlined in the ESA." We request it be clarified if the intent is to register the butternut under section 23.7 of O. Reg. 242/08 under the ESA or another action.

Wetlands

MNRF is the approval authority for wetlands that are assessed using the Ontario Wetland Evaluation System (OWES). If a boundary adjustment is proposed to a wetland designated as Provincially Significant (PSW) under OWES, MNRF must be contacted to review the proposed change and confirm it. At this time, we do not have record of a formal wetland boundary revision proposed for this property nor is there any correspondence confirming a proposed boundary change within our wetland evaluation filing system.

We confirm that the boundary on the map provided by the City of London in July 2015 (attached) labelled as "MNR wetland" is accurate based on our wetland evaluation scoring record. No changes have been made or requested.

Please be advised that it is the responsibility of the proponent to be aware of and comply with all relevant federal or provincial legislation, municipal by-laws or other agency approvals.

Upper Thames River Conservation Authority (UTRCA)

The UTRCA submitted a 10 page letter with attachments, providing detailed comments in response to the Environmental Impact Study, the Hydrogeological Assessment and the Concept Stormwater Management Brief prepared by the applicant's consultants. The UTRCA prepared these comments with regard for the policies in its Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006).

The full set of comments provided by the UTRCA is contained in Appendix "A" to this report. The following is intended to provide a summary of the nature of the comments provided. Reference should be made to the UTRCA's comments for exact wording and details.

- The UTRCA recommended deferral of the application to provide the applicant the opportunity to respond to the issues.
- The entire property is regulated by the UTRCA.
- The regulation limit is comprised of the Arva Moraine Provincially Significant wetland and the surrounding areas of interference.

- The General Natural Hazard, Wetland and Significant Woodlands policies of the UTRCA Environmental Planning Policy Manual apply to the subject lands. These policies:
 - Direct new development and site alteration away from hazard lands and requires appropriate measures to be taken for any development which is permitted in hazard lands.
 - Do not permit new development and site alteration in wetlands, or in the area of interference and/or adjacent lands of a wetland unless it is demonstrated through an Environmental Impact Study (EIS) that there will be no negative impact on the hydrological and ecological function of the feature.
 - Do not permit new development and site alteration in significant woodlands, or on adjacent lands to significant woodlands unless an EIS has been completed to the satisfaction of the UTRCA.
- Environmental Impact Study
 - The EIS is to be consistent with the 2014 Provincial Policy Statement
 - The report, in conjunction with the Hydrogeological Assessment, needs to address how the amount of runoff and groundwater (base flow) to the wetlands, and the quality of water input into the wetlands will be maintained in the post development scenario.
 - The related hydrogeological investigation should determine whether the two wetlands are connected and quantify the sources of water supporting the wetlands.
 - The Hydrogeological Assessment should inform the EIS but does not meet UTRCA requirements.
 - The floral field work as documented in the EIS is insufficient.
 - Any change proposed to a wetland boundary from that delineated by the Ministry of Natural Resources and Forestry will not be accepted without MNR approval.
 - Faunal surveys as documented in the EIS, particularly addressing wildlife movement along the vegetation along the eastern edge of the property are insufficient.
 - Sufficient information is not available to demonstrate the proposed 5 metre buffer for the north PSW is sufficient.
 - The proposed 10 metre buffer for the southern natural heritage feature is insufficient given the features and functions that are within it.
 - Development, including grading, retaining walls, vehicular turning circles, recreational trails are not permitted within the buffers for the natural features.
 - More clarity and detail is required regarding the proposed naturalized corridor along the east property boundary to facilitate the corridor.
 - Additional technical comments.
- Hydrogeological Assessment
 - The UTRCA requires that all Hydrogeological Assessments meet the Hydrogeological Assessment Submissions Conservation Authority Guidelines to Support Development Applications and APGO, Professional Practice Guidelines for Groundwater Resources Evaluation, Development, Management and Protection Programs in Ontario.
 - The submitted Hydrogeological Assessment does not meet the UTRCA's requirements.
 - UTRCA detailed at length, a sample of the report deficiencies.
 - When the minimum standards have been met, a hydrogeological assessment review will be completed.
- Stormwater Management
 - The continuation of the base flow and the quality of the runoff under the proposed conditions are important for the survival of the two wetlands.
 - The water balance analysis shows a decrease in infiltration under the proposed conditions, which will adversely affect the wetlands and their biodiversity.
 - The SWM design approach should mimic the hydrological cycle on the site to continue base flow and infiltration to the wetlands.
 - There is no explanation of how the lands external to the subject site contribute runoff to the existing wetlands and how the runoff will be maintained under the

- proposed conditions.
- Additional comments.
- Drinking Water Source Protection
 - There are no vulnerable areas which pose threats to the drinking water systems, associated with these lands.

Environmental and Ecological Planning Advisory Committee (EEPAC)

EEPAC submitted a 6 page letter, providing general and detailed comments in response to the Environmental Impact Study prepared by the applicant's consultants.

The full set of comments provided by EEPAC is contained in Appendix "B" to this report. The following are the summary recommendations and general comments provided by EEPAC with the exception of those addressing report readability and presentation. Reference should be made to EEPAC's full set of comments for additional details.

Summary Recommendations:

1. *The EIS does not meet the PPS or OP requirements to demonstrate no negative impact to the PSW. The City should not approve the EIS.*
2. *EEPAC supports the comments from the UTRCA contained in its September 16, 2015 memo to City staff.*

General Comments

- *The status of the northern wetland is inconsistent throughout the document. Why is BioLogic challenging the North wetland PSW designation? If the MNR have considered this to be a PSW, then it should be referred to as and treated as such.*
- *Despite a number of adjustments to the building plan, no figure with an adjusted development overlay exists. Please include the original development overlay figure in addition to an adjusted development overlay figure.*
- *The drastically reduced buffers proposed for wetlands are inappropriate and go against the City of London's Environmental Management Guidelines. Even with the reduced buffers they propose, the proponent encroaches upon them during construction, and post-construction with permanent structures.*
- *As the two evaluated wetlands (north and south) are already close to urban designated land use, studies should be taken to understand the devaluation of land from continuous development and encroachment. Both wetlands (designated Arva Moraine Complex – PSW) should be studied in conjunction with the Pedestrian Pathway connection study. As this land is already adjacent to multi-family high density and multi-family medium density designations, the ecological resilience of the PSW should be properly evaluated for ecological function and stability if proposed development on either side is to be accepted by the City of London Planning Department. Jeopardizing the quality of a PSW should be avoided at all cost.*
- *Very little effort appears to have been put in for wildlife surveys. The amphibian surveys are incomplete, the aquatic survey is based on preexisting data from 2012, breeding birds were only surveyed for 1 year etc.*

Urban Design Peer Review Panel

1. *The Panel does not support the requested amendments.*
2. *The proposed high rise buildings and aspects of the associated site plan have been used at two other locations in the city. This leads us to question the contextual relevance of the proposed building and landscape architecture.*
3. *For example, the existing site is characterized by notable topography that characterizes Richmond Street as one leaves or enters the city. The topography currently contributes to the hydrology of the provincially significant wetland to the south of the subject site and the one in the northeast portion of the site. A site plan to suit the existing topography has*

not been developed; rather, the topography is modified to suit a preconceived development. As a result, the open space in the north of the site seems to be ignored and the green space in the south part of the site that should serve residents has been designed as a drainage area, perhaps as necessitated by the amount of impermeable surface proposed.

- 4. City staff informed the Panel that an environmental assessment related to a public trail and pedestrian bridge across Richmond Street at the subject site to take advantage of the existing topography is underway. The proposed site plan gives no indication of a possible bridge landing in the public right-of-way. We require potential impacts on the proposed development to be fully disclosed and documented to facilitate responsible project presentation, review and evaluation. Not addressing the potential opportunity for linking the private development to a public trail system speaks to the contextual relevance of the proposed site development.*
- 5. Similarly, the development model applied to the site results in a parking structure occupying the middle of the site where it separates the two housing forms proposed: high rise and townhouse. The result is two precincts within the site essentially: one oriented to the street and one land-locked at this time. Future development of the site to the east would alleviate the latter condition; however, the subject development cannot rely on possible future development to improve site quality for residents.*
- 6. Project drawings suggest some portion of the existing topography will remain as a berm in the public right-of-way in front of the high-rises thus serving as a visual barrier between the street and buildings. This condition justifies a private street into the site with buildings oriented to that street. That would also justify a corner building design.*
- 7. Further to the latter, but not dependent on the existence of a berm, the size of the site and the desire for a variety of housing forms also justifies a private street into the site: to better address the existing site conditions and housing types, to provide an organizing design element for the site and to give all housing a sense of address related to a street and by extension, Richmond Street. In relation to this, the townhouses could provide an appropriate use and pedestrian scale to a private street.*
- 8. A parking structure is not inappropriate necessarily, but it could be buried, repositioned and/or sized to accommodate all site parking thereby allowing for a site design not dominated by vehicle parking and circulation. A parking structure could also support buildings and/or be covered with a green roof thereby providing a green space amenity to the residents. There is a public park to the north but it is in another municipality and therefore cannot be seen as a substitute green space for the subject development. Considering the number of residents such a development would house, there is a significant lack of programmable open space. Much of the site is covered with roads and parking to ill-effect. We recommend more usable green space for residents. Children's play, for example, does not appear to have been addressed as required.*
- 9. We accept current zoning but reject the proposed amendments to the official plan and zoning to facilitate a development that by design creates an inappropriate island development. The lack of consideration for the actual site conditions and submission of a development model applied elsewhere in the city suggests a lack of consideration for the existing context as well as the planning and design goals of the City as evidenced further by the disregard for a potential pedestrian bridge that if constructed would serve as a significant city gateway element. Regardless of whether or not a pedestrian bridge is constructed, the scale and architecture of the proposed high rise buildings do not merit landmark or gateway status.*
- 10. The proposed plan calls into question the appropriateness of a high-rise development in this location. The site is located on the edge of the city which would suggest a gradual transition in building form from the existing high rise to the south on Richmond Street to the wetland to the north and beyond that the park space in Arva.*

This UDPRP review is based on City planning and urban design policy, the submitted brief and noted presentation. It is intended to inform the ongoing planning and design process and cautions that the subject development if implemented as is, calls into question the seriousness of the stated commitment for land intensification in the core of the city rather than its outskirts, especially given the associated higher cost in servicing such development, its environmental impact, the disconnect from public transit, vehicle-dominated site design, a lack of open space amenity for residents, and standardized, high-rise architecture. In short, the proposed development is unsuitable for the site.

London Transit Commission

- 1. London Transit has recently completed a 5 year Route Structure and Services Guideline Review which will serve as a framework document for service plan changes between 2015 and 2019. As part of this review London Transit considered where service should be expanded into new growth areas during this time period.*
- 2. Within the 5 year life of the Route Structure Review document London transit does not have any plans to extend service north of Sunningdale Avenue.*
- 3. Through the Route Structure assessment process service to this area is not anticipated in the foreseeable future as it is isolated from other developments and any adjacent transit services.*
- 4. The closest transit service to this development would be at Richmond and Fanshawe Park Road which would be approximately 2.83kilometers to the nearest bus stop.*

London Hydro

No objection

Bell Canada

A detailed review of the Official Plan Amendment and Zoning By-Law Amendment application has been completed and an easement may be required to service the subject property, depending on a review of more detailed applications under the Planning Act.

Please be advised that Bell Canada requests to be circulated on any future draft plan of subdivision, draft plan of condominium, site plan, or any other development application, that is proposed to implement the subject Official Plan Amendment and Zoning By-Law Amendment application. Through these processes, Bell Canada will provide a more detailed review and comments with respect to any requirements Bell Canada may have to service the subject property.

<p>PUBLIC LIAISON:</p>	<p>On July 3, 2015, Notice of Application was sent to 5 property owners in the surrounding area including those owning property in the Municipality of Middlesex Centre. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on July 2, 2015. A “Possible Land Use Change” sign was also posted on the site.</p>	<p>3 replies were received</p>
<p>Nature of Liaison:</p> <p>The purpose and effect of the requested Official Plan and Zoning By-law amendment is to permit the development of a residential complex with a mix of building types including two, 200-unit apartment buildings on the western portion of the site subject site directly abutting Richmond Street (approximately 16-storeys in height); two, 18-unit stacked townhouse buildings in the centre of the subject site (approximately 4-storeys in height); two, 8-unit townhouse buildings on the eastern portion of the subject site (approximately 2-storeys in height); and, two, 4-unit townhouse buildings on the south-eastern portion of the subject site (approximately 2-storeys in height) for a total of 460 dwelling units.</p> <p>Possible change to the Official Plan land use designation from Low Density Residential to Multi-Family, High Density Residential.</p> <p>Possible change to Zoning By-law Z.-1 from an Open Space (OS5) Zone which permits Conservation lands; Conservation works; Passive recreation uses which include hiking trails and multi-use pathways; and, Managed woodlots, and an Urban Reserve (UR4) which permits Existing dwellings; Agricultural uses (except for mushroom farms, commercial greenhouses, livestock facilities, and manure storage facilities); Conservation lands; Managed woodlot; Wayside pit; Passive recreation use; Kennels; Private outdoor recreation clubs; and, Riding stables, and a Holding Urban Reserve Special Provision (h-54•UR4(1)) Zone which permits one single detached dwelling to a Residential R9 Special Provision (R9-7(_)) Zone on the western half of the subject site which permits Apartment buildings; Lodging house class 2; Senior citizens apartment buildings; Handicapped persons apartment buildings; and, Continuum-of-care facilities up to a maximum density of 150 units per hectare and a maximum height of 53 metres with a special provision to reduce the minimum side yard depth from 21 metres to 12 metres and reduce the rear yard depth for the proposed parking structure from 4.5 metres to 0 metres and a Residential R8 Special Provision (R8-4(_)) Zone on the eastern half of the subject site which permits: Apartment buildings; Handicapped person’s apartment buildings; Lodging house class 2; Stacked townhousing; Senior citizen apartment buildings; Emergency care establishments; and Continuum-of-care facilities up to a maximum density of 75 units per hectare and a maximum height of 13 metres with a special provision to reduce the minimum lot frontage from 30 metres to 0 metres; reduce the westerly yard depth from 5 metres to 0 metres; and, reduce the easterly yard depth from 4.5 metres to 2.4 metres, and an Open Space Special Provision (OS5(_)) Zone to leave the range of permitted uses unchanged but allow a special provision to permit the area of land zoned Open Space (OS5) to be used as part of the maximum density calculation in conjunction with the lands proposed to be rezoned Residential R9 with the effect of reducing the maximum density of that portion of the site from 207 units per hectare to 129 units per hectare.</p>		
<p>Responses:</p> <ul style="list-style-type: none"> • Request to be notified of all public meetings and decision of Council • Request to be provided the opportunity for input regarding the project’s interface with the municipally-owned land (Weldon Park) to the north. 		

ANALYSIS

1. Background

Subject lands:

The subject site is located on the east side of Richmond Street immediately adjacent to, and within, the City's municipal limits and within the Urban Growth Boundary. It lies to the south of Weldon Park and the community of Arva within the Township of Middlesex Centre. Land uses and intensities in Arva are characterized by low density, low-rise housing forms, small commercial and office uses, and institutional uses that serve both the residents of Middlesex Centre and the City of London. Agricultural and wooded lands to the east of the site are planned for future low density residential development. A Provincially Significant Wetland and wooded area lies to the immediate south of the site, beyond which are vacant lands and agricultural land with a farm building cluster, planned for future high and medium density residential development. Land to the west across Richmond Street, is a mixed-use, mixed density residential plan of subdivision in various stages of plan registration, construction and occupancy. The residential mix includes single detached dwellings, townhouses and apartment buildings. The plan includes a 5.9 hectare commercial site at the north-west corner of Richmond Street and Sunningdale Road, which is designated and zoned for a broad range of service, retail, office, recreation, entertainment, institutional and education uses. Apartment units are also permitted above the first floor. This commercial area is flanked by Villagewalk Boulevard, on the west side of which is a public park characterized as a "Village Commons". A number of sites planned and/or built for high rise residential uses exist in the vicinity of the Richmond Street/Sunningdale Road intersection. Figure 1 on the following page shows the subject site within the context of the surrounding area.

The subject site is nearly square in shape, having an area of 4.6 hectares, a frontage along Richmond Street of approximately 225 metres and a depth of approximately 207 metres. The north part of the property has been identified by the Ministry of Natural Resources and Forestry as a Provincially Significant Wetland. The pipeline easement for the transmission pipe for the Lake Huron Primary Water Supply System also crosses through the site within the wetland area. The subject property is the intended landing site for a pedestrian bridge crossing Richmond Street to provide unbroken access to the public pathway/trail system planned and constructed for north London, with details subject to the results of the ongoing Recreational Crossing of Richmond Street Environmental Assessment. Lands within the subdivision on the west side of Richmond Street have already been set aside for this bridge crossing and take advantage of a natural high point in the landscape adjacent to Richmond Street. A similar high point in the landscape exists on the subject property. Map 5 illustrates the subject site and basic site layout, in relation to Provincially Significant Wetlands, vegetated areas, the water pipeline and contours of the land.

Figure 1 - Subject Site and Surrounding Area



Nature of the Proposal:

The proposed amendment is intended to facilitate the development of two, 16 storey, 200 unit apartment buildings and an additional 60 stacked townhouse and townhouse units for a total of 460 units. The site concept illustrates the apartment buildings located close to Richmond Street, and a decreasing intensity of development as one moves east across the site toward the low density lands owned by others to the east as shown on Figure 3. The majority of the parking is proposed to be located in a 3 level parking structure located central to the site, with approximately 2 levels above grade.

The applicants have requested an Official Plan amendment to change the designation of the subject lands from Low Density Residential to Multi-family, High Density Residential in order to permit the proposed uses.

They have also requested the zoning be changed from the existing Urban Reserve (UR4) and Holding Urban Reserve Special Provision (h-54•UR4(1)) Zones to:

- a Residential R9 Special Provision (R9-7(_)) Zone on the front portion of the property (west side) to permit the proposed apartment buildings up to a maximum density of 150 units per hectare and a maximum height of 53 metres, with reduced north and south side yard setbacks; and
- a Residential R8 Special Provision (R8-4(_)) Zone on the back portion of the property (east side) to permit the requested stacked townhouses and townhouses up to a maximum density of 75 units per hectare and a maximum height of 13 metres, with a reduced easterly yard setback.

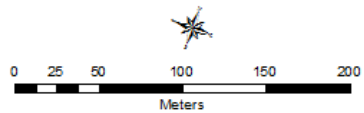
Map 5 – Subject Site and Proposal



2300 Richmond Street - Subject Site and Proposal

Legend

- Provincially Significant Wetlands
- Water Pipeline
- Draft Approved Subdivisions
- Vegetation
- Contours - 1 metre interval
- Water Bodies



Prepared By: Planning Services
 Date: November 8, 2015

Project Location: ...p_zoning/z-1/zones/amendments/
 geo_OZ-8501/projects/Map2_DevelopmentProposal.mxd

- Include reduced setbacks for technical reasons along the common zone line between the requested Residential R8 and Residential R9 Zones to accommodate a single comprehensive development where the Zoning By-law treats lands in different zones as different legal parcels; and a zero (0) metre lot frontage for the R8 Zone as this portion of the property will have no frontage on an open public road, for the same technical reason.

No changes are proposed to the existing Open Space and Environmental Review designations, or the Open Space (OS5) Zone that apply to the north part of the site. The applicant has, however, requested a zoning special provision for the existing OS5 Zone to allow the lands in the Open Space (OS5) Zone to be included in the land area base used to calculate the permitted number of units for the proposed apartment buildings. This would have the effect of increasing the permitted number of apartment units from 291 (using only residential land), to 471 units (using residential and open space land).

The drawings included below include the applicant's proposed site concept and a selection of proposed building renderings from the Urban Design Brief (Zelinka Priamo, April 1, 2015).

Figure 3 - Proposed Site Concept

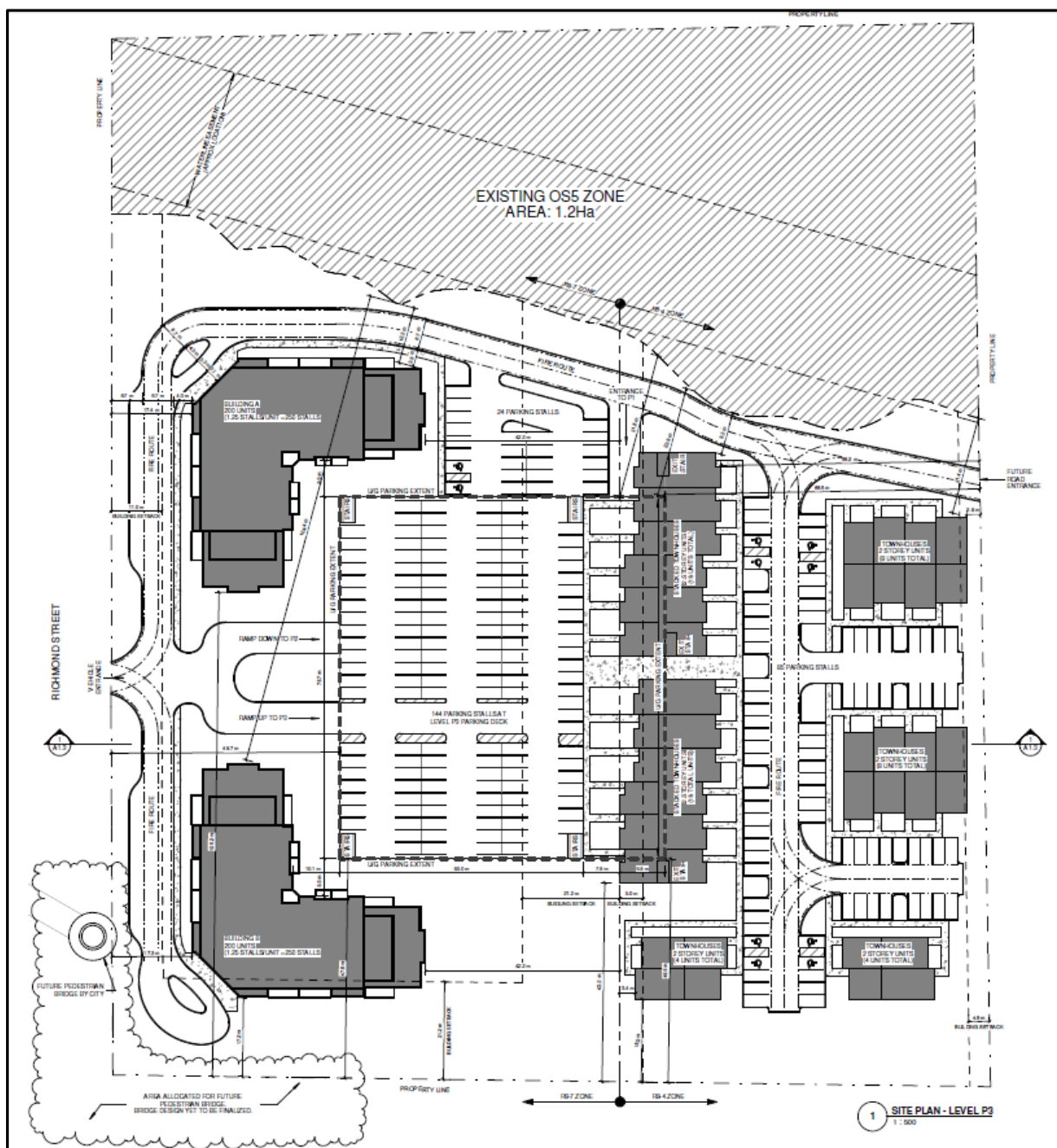


Figure 4 - Proposed Apartment Building Rendering



Figure 5 - Proposed Stacked Townhouse and Townhouse Rendering



2. General Compliance of the Proposed Use with Provincial and Municipal Policy Framework

Provincial Policy Statement, 2014

The Provincial Policy Statement, 2014 (PPS), “provides policy direction on matters of provincial interest related to land use planning and development” and “provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.” In accordance with section 3 of the Planning Act, decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. The PPS is “more than a set of individual policies” and “is to be read in its entirety and the relevant policies are to be applied to each situation.” “Some of the policies refer to specific areas or features”, while “other policies refer to planning objectives that need to be considered in the context of the municipality or planning area as a whole, and are not necessarily applicable to a specific site or development proposal.”

The PPS provides policy direction related to maintaining healthy, livable and safe communities by promoting efficient development and land use patterns, accommodating an appropriate range and mix of residential and other uses to meet long-term needs, avoiding development and land use patterns which may cause environmental concerns, and ensuring that the necessary infrastructure and public service facilities are or will be available to meet current and projected needs. (S. 1.1.1).

How is the Proposed Use Consistent with the Provincial Policy Statement?

On a site-specific basis, the proposed development is consistent with some sections of the Provincial Policy Statement. For example, the proposed Official Plan and Zoning By-law amendment is consistent with PPS policies with regard to directing future growth within settlement areas (S. 1.1.3). It appears to provide densities and a mix of land uses which efficiently use land and resources (Section 1.1.3.2 a)1) particularly at the level of one specific site. The proposal is also somewhat supportive of active transportation (S. 1.1.3.2 a) 4) as direct access from the high intensity site to a public pathway/trail system through the north part of the City will be constructed in the near future. This individual proposed development also provides for a range and mix of housing types and densities in a compact form, in a location where infrastructure is or can be made available to support projected needs (S. 1.4.3).

How is the Proposed Use Not Consistent with the Provincial Policy Statement?

Notwithstanding the above, the broader perspective is whether the PPS is met when these policies are examined in the context of the existing development and planned future development in the community as a whole. The various policies of the PPS that refer to the provision of efficient development and land use patterns, efficient use of land and resources, and mix of land uses, in particular, are not appropriately applied to the development proposal on the subject property in isolation of the broader planning area. In reviewing the PPS policies, the concepts of context, balance and planning for a broader area need to be considered to ensure that appropriate planning takes place in the context of existing and proposed land use patterns and their planned functions.

Section 1.1.3.6 of the PPS states that “New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.” The subject site is within a designated growth area, defined by the PPS as “lands within settlement areas designated in an official plan for growth over the long-term planning horizon ...but which have not yet been fully developed...”. It is not the intent of the PPS to achieve the efficient use of land and services and compact urban form by sacrificing a suitable land use mix and, more specifically, “providing for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents...” (S. 1.4.3).

In 2003, following a comprehensive review of land use, servicing and other needs for the planning area, the City approved the Uplands North Area Plan and adopted implementing land use designations in the Official Plan that provided for an appropriate mix of land uses, including a range and mix of low, medium and high density residential uses, consistent with the PPS. The Area Plan clearly identified the subject lands for low density residential land uses. High density development was directed to lands to the south of the subject property, representing a generous proportion of the mix of all residential densities and in a more appropriate location than the subject lands.

In the years following Council's approval of the Uplands North Area Plan, Council has created additional opportunities within Uplands North and nearby parts of surrounding planning areas for high density residential uses, that are consistent with the PPS as they provide for a compact urban form in context with the surrounding planned and existing residential and other land uses, and the efficient use of services and public facilities. These additional opportunities have resulted in what appears, based on recent analysis, to be an oversupply of lands for high-rise apartment development relative to forecasted demand, a condition which will be exacerbated by the redesignation of the subject lands from low to high density residential development.

The use of the subject site for high density residential uses is inconsistent with the PPS in the broader context as it will contribute to the unbalanced mix of residential housing densities, and the oversupply of lands for high density uses will undermine the planned function of components of the broader planning area, including the relationship of high density residential land uses to commercial nodes, the sites already planned for high density residential uses, and public transit services that rely for their efficiency on a critical mass of population in a concentrated area. These matters will be discussed in more detail later in this report.

City of London Official Plan

The City of London Official Plan outlines Council's objectives and provides policies regarding the short- and long-term physical development of the municipality. Comprehensively, the policies promote orderly urban growth and compatibility among land uses. While objectives and policies in the Official Plan relate primarily to the physical development of the municipality, they also have regard for relevant social, economic and environmental matters.

As an outcome of the Uplands North comprehensive area planning process described above, Council designated the subject lands for Low Density Residential development, permitting as the primary uses, single detached, semi-detached and duplex dwellings and where appropriate, townhouses and cluster housing. Within greenfield areas, low density residential development is intended to result in net densities that range to an approximate upper limit of 30 units per hectare.

The proposal to construct high-rise apartment buildings and townhouses requires an Official Plan amendment to change the land use designation to the Multi-family, High Density Residential designation, which permits large-scale, multiple-unit forms of residential development. In the areas outside of Central London, the maximum density, without bonusing, is 150 units per hectare.

The Official Plan contains general objectives for all residential designations (Section 3.1.1.) which include, among others:

- *Provide for a supply of residential land that is sufficient to accommodate the anticipated demand for a broad range of new dwelling types over the planning period;*
- *Support the provision of a choice of dwelling types according to location, size, affordability, tenure, design and accessibility so that a broad range of housing requirements are satisfied;*
- *Support the distribution of a choice of dwelling types by designating lands for a range of densities and structural types throughout the City;*
- *Promote residential development that makes efficient use of land and services.*

The Official Plan also contains policies related to the preferred location for new high density residential development. These include lands that are located in close proximity to commercial nodes including Community Commercial Nodes or designated Open Space areas, and lands abutting or having easy access to an arterial or primary collector road. It permits consideration of other locations which have highly desirable site features and where surrounding land uses are not adversely affected. Criteria for designating lands for Multi-family, High Density Residential use include compatibility with adjacent land uses, the ability to provide adequate municipal services to the site, traffic impacts, the ability to provide buffering to protect adjacent low density residential uses, and the availability of public transit service, convenience shopping facilities and public open space within a convenient walking distance. (Section 3.4.2.).

Section 3.7.2 of the Official Plan also provides for a Planning Impact Analysis which municipal staff are to complete in reviewing proposals for Official Plan and/or zoning changes. Relevant criteria to the proposed use of the land for high density residential development include the compatibility of proposed uses with surrounding land uses and the likely impact of proposed development on present and future land uses in the area, the supply of vacant land in the area which is already designated and/or zoned for the proposed use, and the proximity of any proposal for medium or high density residential development to public open space and recreational facilities, community facilities, and transit services, and the adequacy of these facilities and services.

How Does the Proposed Use Conform to the Official Plan?

On a site-specific basis, the proposal is in keeping with several specific Official Plan policies because it:

- is located adjacent to Weldon Park which, while not located in the City of London, is acknowledged by the Township of Middlesex Centre as providing utility to residents of London;
- will benefit from convenient access to the future planned pedestrian overpass across Richmond Street and its connections to existing and planned pathway network providing pedestrian/cycling access to natural areas, parks, other neighbourhoods and commercial centres;
- has direct vehicular access for right and left turns onto Richmond Street, an arterial road, and may in time be connected to a future internal secondary collector and local road system when the abutting lands to the east and south develop;
- The site is of a size and configuration to accommodate a transition in scale toward, and buffering for future low density residential development to the west and east, and is separated from the very low rise/low intensity character of development in Arva by the northerly Provincially Significant Wetland and Weldon Park;
- Adequate municipal water, sanitary and stormwater management services can be provided to the site through extension by the owner. It is unknown, however, whether adequate sanitary sewer system capacity to service all of the existing and requested high density lands on the east side of Richmond Street is available, subject to completion of a sanitary analysis that is satisfactory to the City.

How Does the Proposed Use Not Conform to the Official Plan?

The proposal is not in keeping with the intent of the Official Plan because:

- A more than adequate supply of land is already designated and/or zoned for high density residential use in the area at superior locations;
- The addition of the potential for 400 more high density residential units will contribute to an oversupply to meet the anticipated demand for high-rise apartment units and will result in an unbalanced mix of dwelling types;
- the approval of high density residential development at this location will have an adverse effect on the ability of other sites which are better situated for high density residential development in the area to achieve their planned function;
- the proposal is not part of, and is not ideally situated to best support and benefit from the planned intensive future activity node consisting of commercial, service, retail, office, recreation, entertainment, institutional, education, residential and open space

uses concentrated at the intersection of Richmond Street and Sunningdale Road West, which makes efficient use of land and services at that location.

- The site is not located near existing or planned public transit facilities and/or transit routes.

These matters have overarching impact on the planned objectives for the area, that override the ways in which the proposal meets some policy objectives on a site-specific basis. The proposed redesignation of the subject site from Low Density Residential to Multi-family, High Density Residential, does not meet the intent of the Official Plan and should not be supported. The high density oversupply and related policy implications will be discussed in the following sections.

3. Oversupply of Lands Planned for High Density Residential Development

Planned High Density Residential Development in Uplands North Area Plan

The Uplands North Area Plan, approved in 2003, identified a mix of housing types and densities to meet the City's demand and needs for this area related to housing type, tenure and affordability. The Plan indicated that while the density mixes considered "*are higher than many of the other new community planning areas in London, it is anticipated that over the course of the next 20 years, there will be a trend toward proportionately more demand for row and apartment units as the population ages. There is very little land designated for high density residential forms in this sector of the City and this Plan represents one of the last opportunities to allow for this provision.*" The plan further stated that the land use concepts that were considered were all reflective of this anticipated increase in demand and "*consistent with the Official Plan, encouraging a more compact urban form in order to maximize the use of land and the investment in infrastructure, services and community facilities.*"

The approved Uplands North Area Plan identified an approximate 7 hectare area of land on the east side of Richmond Street (Drewlo lands), just north of its intersection with Sunningdale Road West, for high density residential uses. These lands are illustrated as Site 1 on Map 6. The City's standard assumption, for planning and servicing purposes, is that high density residential lands will develop at an approximate density of 125 units per hectare. Based on this figure, the anticipated build-out of this site with high-rise apartment buildings would result in approximately 875 apartment units, representing 26.8 percent of all of the anticipated unit types, including low, medium and high density housing forms, in the Uplands North planning area.

The number of high-rise apartment units planned for in the Uplands North Area Plan is in contrast to the number of high density residential units planned for other greenfield areas of the City. Vision '96 was a comprehensive planning process conducted by the City commencing in 1993 following the annexation of land from surrounding municipalities. As part of the Vision '96 process, growth forecasts were prepared to project the growth in population and housing requirements to the year 2016. These housing units were projected to comprise an approximate mix of unit types including 60 percent (60%) single and semi-detached dwellings (generally low density development), fifteen percent (15%) row or townhousing units (generally medium density development), and twenty-five percent (25%) apartment units (generally high density). The current Official Plan anticipates that high density housing will account for about 20% of the total residential construction in the future. (S. 2.5.3.). Despite this projected unit type breakdown, other area plans completed between 1998 and 2003 for lands in the annexed area anticipated and planned for anywhere between zero and fifteen percent apartment units as a proportion of the entire housing mix. The Uplands North Area Plan and resultant Official Plan land use designations as approved in 2003 provided for a suitable amount of high density residential development that exceeded the projected housing requirements identified during the Vision '96 process and exceeded that which had been provided in nearby and other area plans previously completed for greenfield lands in the annexed area.

The provision for 26.8 percent of all units in the Uplands North planning area is consistent with the Provincial Policy Statement as it provides for an appropriate range and mix of residential

uses to meet long-term needs. It is also in keeping with the Official Plan's general objectives for all residential land use designations, supporting the provision of a choice of dwelling types to satisfy a broad range of housing requirements and supporting the distribution of a choice of dwelling types by designating lands for a range of densities and structural types.

The existing Multi-family, High Density Residential (Drewlo) lands within Uplands North are ideally situated to take advantage of the existing and planned land uses, infrastructure, facilities and services near the intersection of two major arterial roads. These lands could accommodate approximately 875 units at 125 units per hectare (note: this is only a projection and the allowable number of units on the lands will be established through zoning and determination of development limits adjacent to the PSW). These benefits include:

- Villagewalk Boulevard is planned to extend to the east across Richmond Street, providing for easy vehicular access from high density sites to Richmond Street via the secondary collector road. The Sunningdale North Area Plan indicates that the intersection of Richmond Street and Villagewalk Boulevard will be considered for traffic signalization as development proceeds and when warranted.
- close proximity to the planned commercial node at Richmond Street and Sunningdale Road West, which is zoned to permit a broad range of service, retail, office, recreation, entertainment, institutional and education uses;
- close proximity to the "Village Commons" which provides significant open space opportunities west of the planned commercial node;
- close proximity to anticipated future transit routes and stops on Sunningdale Road; and,
- the ability to service the site with water and sanitary services relatively easily by extending these services from their termination points at Villagewalk Boulevard and Richmond Street. The sanitary system was sized in anticipation of the Drewlo lands developing for high density residential uses.

The Multi-family, High Density Residential designation on the Drewlo lands is in keeping with Official Plan's planning principles and city structure policies which direct high density development to locations near the periphery of shopping areas, along transit nodes and corridors and near open space areas (S. 2.4.1. vi), encourage compact urban form, (S. 2.4.1. xvi), and promote the close coordination of land use planning with the planning and implementation of infrastructure and transit improvements (S. 2.3.1. viii).

Additional High Density Residential Supply Since Uplands North Area Plan Approved

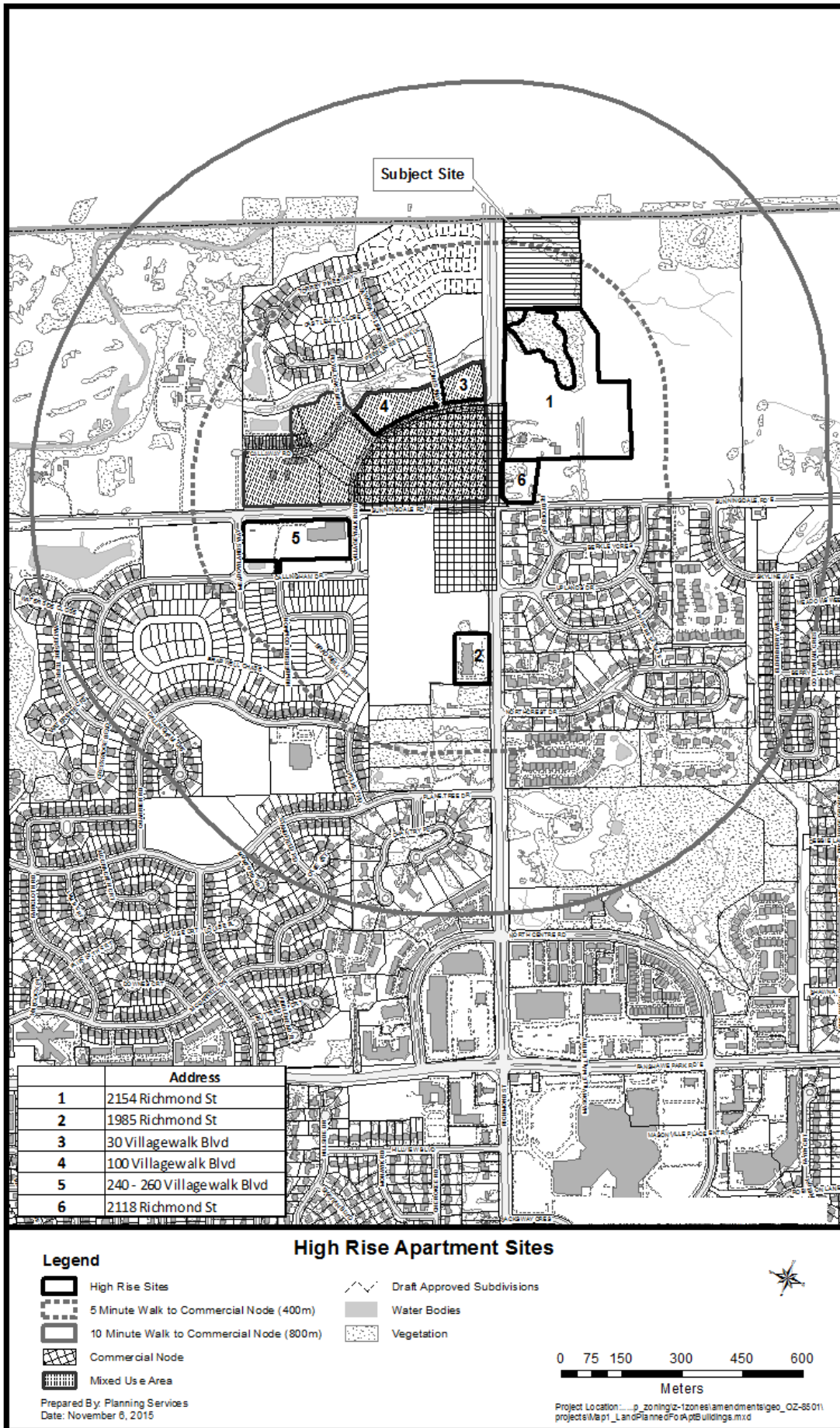
Since the approval of the Uplands North Area Plan and related assignment of land use designations in the Official Plan, a number of planning decisions by Council or the Ontario Municipal Board have resulted in an increase in the number of potential or built high-rise residential units within a convenient walking distance of the planned Richmond/Sunningdale commercial/activity node and future transit services. These sites are identified on Map 6 and summarized as follows:

1985 Richmond Street (map site 2)

On appeal by the applicant against the Council's refusal (OZ-6689) of a 2004 application for Official Plan and Zoning By-law amendments to permit an 84 unit, 12 storey apartment building (150 units per hectare plus bonus), the Ontario Municipal Board allowed the requested amendments to change the land use designation from Multi-family, Medium Density Residential to Multi-family, High Density Residential and zone the property for a maximum density of 150 units per hectare (OMB Decision/Order No. 2067). During the hearing, the appellant changed the proposed number of units to 64 (128 units per hectare). One factor in the Board's decision was that at the time, the area was underserved with lands for high density residential development.

In 2006 the City received an application for Official Plan and Zoning By-law amendments (OZ-7138) to add 1967 Richmond Street to the landholdings, thereby doubling the site area to 1.04 ha. and increasing the total number of units to 137 (150 units per hectare). Council approved the amendment and the building was constructed in 2007.

Map 6 – High Rise Apartment Sites



30 and 100 Villagewalk Boulevard (map sites 3 and 4)

The Sunningdale North Area Plan (2006) identified an approximate 2.2 hectare area of land north-west of the intersection of Richmond Street and Sunningdale Road West for high density residential uses, representing approximately 18.5 percent of the anticipated units of all types in the planning area. At an anticipated density of 125 units per hectare, this area yielded the potential for 275 units in high-rise apartment buildings.

In 2008, special zoning for these properties was approved during the draft plan of subdivision approval process (Files 39T-04513/Z6842), permitting an increase in the maximum density to 300 units per hectare on the basis of Official Plan policies allowing higher densities than normally permitted outside the Central London area, provided certain locational and qualitative criteria are met. The increase in the permitted density will now allow a maximum of 673 high-rise units. These vacant high density residential lands are serviced for development.

Sunningdale Mixed-Use Area (illustrated on Map 6)

The Sunningdale North Area Plan also gave rise to Official Plan policies creating a Mixed-Use Area which included the aforementioned high density residential area, medium density residential development, the commercial node and the "Village Commons". This area was intended to act as an activity node providing *"live-work opportunities and pedestrian accessibility to consumer goods and services within the area and the surrounding residential communities."* (S.3.5.16. ii). Special policies for the Community Commercial Node designation within the Mixed-Use Area include the potential for medium density and high density stand-alone or mixed-use residential development above commercial, office and retail units. While the zoning applied to the site in 2008 through the draft plan of subdivision process allows for apartment buildings and residential units above the first storey of commercial use, no maximum height or density for residential use was established. However, the policy basis exists for development of the commercial node to include relatively intensive residential uses subject to adequate servicing.

240 and 260 Villagewalk Boulevard (map site 5)

In 2012, Council approved Official Plan and Zoning By-law amendments (39T-11504/OZ-7991) to permit two 14 storey apartment buildings with 148 residential units each for a total of 296 high-rise apartment units at a density of 130 units per hectare. The two buildings are to be connected by a single storey podium building that provides the amenity space for the residential units. This decision included a change from the Multi-family, Medium Density Residential designation to the Multi-family, High Density Residential designation. The subject property is located close to the lands designated Community Commercial Node and at the intersection of two collector roads providing convenient access to Sunningdale Road. The first 148 units at 240 Villagewalk Boulevard have been constructed and are being sold as condominium units. Services are immediately available for the additional 148 units which have site plan approval but construction has not commenced.

2118 Richmond Street (map site 6)

In 2014, Council approved Official Plan and Zoning By-law amendments (OZ-7890) to permit a 10 storey (33 metre), 99 unit apartment building oriented to Richmond Street and eight, three storey townhouse dwellings integrated into the base of the apartment building along Sunningdale Road East, for a combined total of 107 units at a density of 123 units per hectare. This decision included a Chapter 10 Specific Policy to allow a height in excess of the generally accepted heights within the Multi-family, Medium Density Residential designation and a maximum bonusable density of 100 units per hectare, provided specific criteria related to design, parking and treatment of the landscaped open space are met. A key component was the stepping of the building heights away from the existing low density development on the south side of Sunningdale Road East. These lands are currently vacant and to be serviced by

the sanitary sewer which terminates at the intersection of Richmond Street and Villagewalk Boulevard. Water service is available adjacent to the site on Sunningdale Road.

The following table summarizes the development status and actual or potential number of units for each of these sites based, with the exception of the Drewlo lands, on the City's Vacant Land Inventory. While the Vacant Land Inventory estimates the land area within the Multi-family, High Density Residential designation on the Drewlo lands to be 8.58 hectares, resulting in an estimated 1072 units at 125 units per hectare, the developable area of the Drewlo lands may be affected by proximity to the Provincially Significant Wetland and related natural features. The estimates from the Uplands North Area Plan based on a 7 hectare land area were used for the purposes of analysis later in this report.

Table 1 – Number of Planned Potential High-Rise Residential Units in Proximity to the Subject Site

Site # on Map 6	Address	Number of Potential or Built Units	Development Status
1	2154 Richmond Street/Drewlo lands	875	Designated in OP and undeveloped
2	1985 Richmond Street	137	Built
3 & 4	30 & 100 Villagewalk Boulevard	673	Zoned and undeveloped
5	240 & 260 Villagewalk Boulevard	296	148 units built 148 units zoned, site plan approved and undeveloped
6	2118 Richmond Street	107	Zoned and undeveloped
Total Units (Built and Undeveloped)		2,088	
Units Built to Date		285	
Potential Units to be Built on Undeveloped Land		1,803	

Oversupply of High Density Residential Lands

The Provincial Policy Statement requires that “*Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 20 years.*” (S. 1.1.2). More specifically, the housing policies of the PPS state that “*To provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall...maintain at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development.*” (S. 1.4.1)(emphasis added).

The General Objectives for all Residential Designations in the Official Plan, as previously noted, support the provision of “*a supply of residential land that is sufficient to accommodate the anticipated demand for a broad range of new dwelling types over the planning period.*” and “*Support the distribution of a choice of dwelling types by designating lands for a range of densities and structural types throughout the City.*”

Existing Vacant Land Supply in the Area

The above table illustrates that there is a supply of designated land in various stages of planning approval and development to provide for approximately 2,088 high-rise apartment units in proximity to the subject site. Of this land supply, 1,803 potential units remain undeveloped on vacant land.

Housing Demand Forecasts in the Current Official Plan

The housing demand forecasts developed for the current Official Plan anticipated a demand for 3,650 high density (apartment) units between 2016 and 2026, 2,738 (75%) of which would be achieved through the intensification of land use in existing urban areas involving infill, re-development and the conversion of existing buildings.

The remaining demand for 912 (25%) apartment units over the 10 year planning period would be accommodated in newly developing areas, such as Uplands North and the other annexed lands across the City.

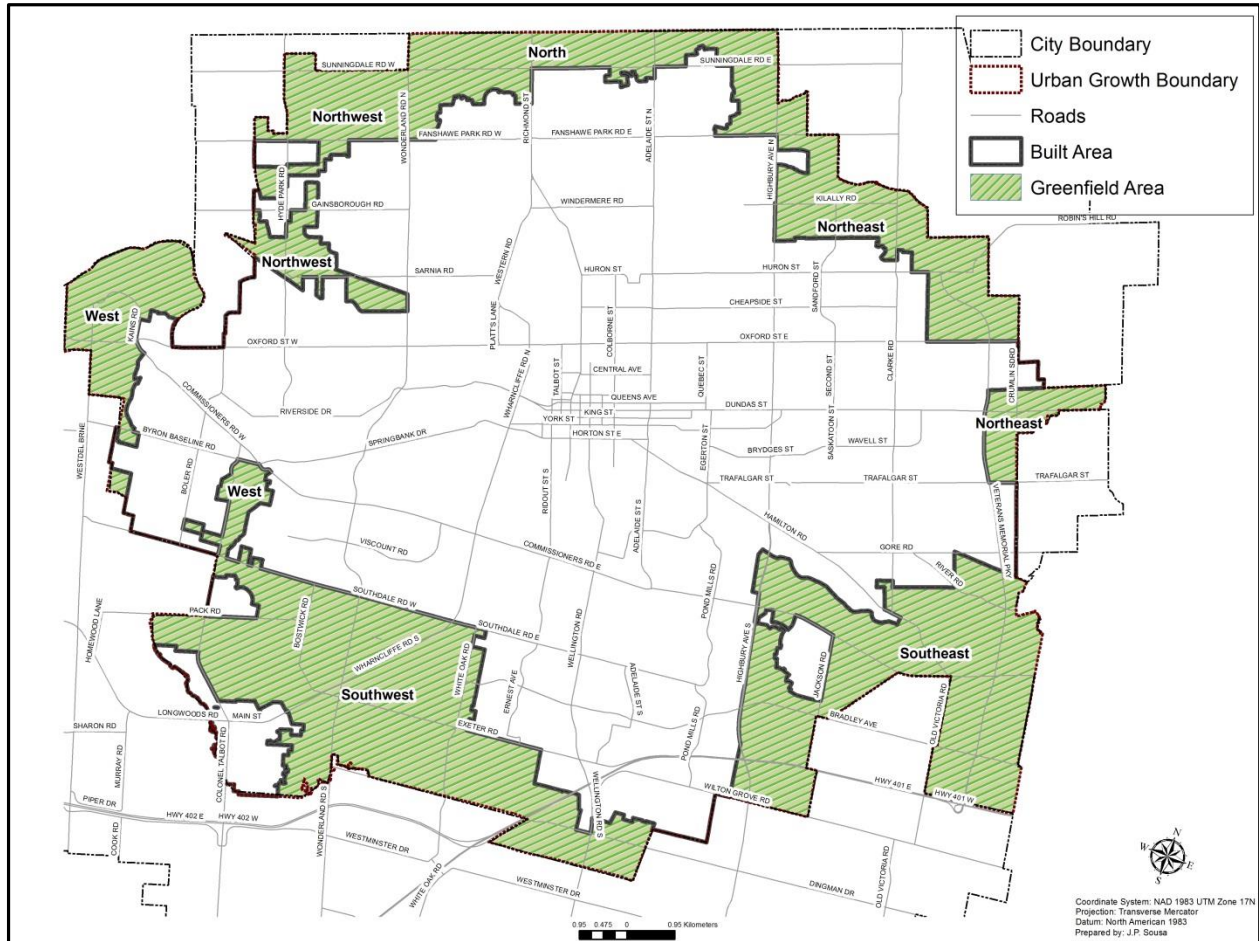
Housing Demand Forecasts for the ReThink London Official Plan Review

More up-to-date housing demand forecasts were developed for the City by Altus Group Economic Consulting and presented in its report, "*Employment, Population, Housing and Non-residential Construction Projections, City of London, Ontario, 2011 Update (September 7, 2012)*". This report was endorsed by Council in October, 2012 for use in the 2011 Official Plan Review and the 2014 Development Charges Study, following consultation and feedback from stakeholders including the Urban League of London, London Development Institute, London Home Builders Association and developers who are not members of the London Development Institute. The Altus report provided annual forecasted housing completions for the 20 year period from 2016 to 2036, estimating a housing demand for 12,320 high density residential units throughout the City over the planning period.

The demand projections in the Altus report formed the basis for the "*ReThink London Land Needs Background Study, 2011 – 2031*", prepared by the Planning Policy & Programs Section of the Planning Division for the City of London. This report, adopted by Council as a background document for the ReThink London Official Plan Review process on December 3, 2013, concluded that "*in order for the City to achieve a 40% intensification target, as identified in the 2011 Official Review and 2030 Transportation Master Plan, 40% of the total housing demand will have to be accommodated through intensification*", and further that "*as a result, the intensification assumptions put forward for the Land Needs Background Study are that ... 88% of high density dwelling unit construction will occur as intensification (ie. within the Built Area) to achieve 40% intensification over the next 20 year planning period.*"

The remaining 12% of high density development is expected to be accommodated in the Greenfield Area of the City. The Greenfield Area is defined in the Land Needs Study, as the area between the Built Area Boundary and the Urban Growth Boundary, and is illustrated in hatched lines on Figure 6. The subject site and existing vacant high density residential lands within the Uplands North planning area, as well as the other vacant lands identified on Map 6, lie entirely within the Greenfield Area and will contribute to meeting the projected housing demand. Twelve percent of the projected demand of 12,320 apartment units is equivalent to 1,478 apartment units – the expected demand for high density residential development City-wide, outside of the Built-area Boundary over the next 20 years.

Figure 6 – Greenfield Areas in the City of London



Existing Localized Supply Compared to City-wide Greenfield Demand Projections

Table 2 below summarizes the existing supply of vacant high density residential land in the area of the proposed high-rise development, and the demand forecasts for newly developing and Greenfield Areas City-wide.

Table 2 – High Density Residential (HDR) Supply and Projected Demand

Number of Potential Units on Existing HDR Lands in Uplands North and Surrounding Area	Current Official Plan Projected Unit Demand in Developing Areas City-Wide (10 year horizon)		ReThink London Official Plan Review Projected Unit Demand in Greenfield Areas City-Wide (20 year horizon)	
	Projected HDR Demand	Difference between Projected City-Wide Demand and Existing Supply in Excess of Demand Within the Study Area	Projected HDR Demand	Difference between Projected City-Wide Demand and Existing Supply in Excess of Demand Within the Study Area
1,803	912	-891	1,478	-325

The vacant lands already planned for high density residential development in the area of the subject site exceed the projected demand for all developing areas in the current Official Plan by 891 units. They also exceed the projected demand for all Greenfield Areas based on work completed for the 2011 ReThink London Official Plan Review, by 325 units. In other words, all of the demand for apartment units in developing or Greenfield Areas across the entire City over a 10 – 20 year horizon, has already been met and exceeded by existing supply in close proximity to the subject site alone. These figures do not include the additional potential for high density residential development on the commercial site within the Mixed-Use Area depicted on Map 6. This is indicative that the local area is already significantly oversupplied with vacant lands for high density development.

More Units Added by the Proposed Development

Taking into account the amount of high density residential land originally included in the Uplands North Area Plan, the lands that were approved for high-rise development surrounding the planned commercial node following the approval of the Uplands North Area Plan, and the oversupply of vacant land planned for high-rise development in comparison to projected demand, the Uplands North area and surrounding related areas already accommodate a sufficient share of the planned land supply for high density development.

The addition of two more apartment buildings on the subject site, with a total of 400 units, will have the following effects:

- it will increase the proportion of lands designated for high density residential development in comparison to low and medium density development, as anticipated by the Uplands North Area Plan, to 35.7%, or an increase of 146% above what was originally planned for;
- it will increase the total number of potential and actual high-rise units near the intersection of Richmond Street and Sunningdale Road to 2,488 units; and;
- it will create an excess of supply in the local area of potential high-rise apartment units of between 725 and 1291 units which are intended to be allocated to all of the newly developing or Greenfield areas of the City over a 10 – 20 year horizon.

This oversupply is not consistent with PPS policies which call for the City to plan for a supply to meet projected needs for a time horizon of up to 20 years, or in keeping with the intent of the Official Plan to provide sufficient amounts of land for a distribution of choice of housing densities and dwelling types throughout the City. It may also undermine the planned function of vacant residential lands that have already been planned in the area for high density residential uses. Similarly, it may undermine the intent to plan for high density residential uses within the Built-area Boundary where the benefits of intensification can be achieved.

An oversupply of lands for high density, high-rise apartment units in this area of the City has negative implications for the planned function of the surrounding and nearby lands, as discussed below.

4. Planning Impacts of Oversupply of High Density Residential Lands

Mix of Residential Lands

The Provincial Policy Statement promotes the accommodation of an “*appropriate range and mix of residential and other uses to meet long-term needs*” (S. 1.1.1 b). The Uplands North Area Plan originally provided for an appropriate mix of low, medium and high density residential uses when it allocated sufficient lands for 26.8 percent of all units to be for high density residential housing forms. As discussed previously, this mix was already in excess of the proportion of high density units anticipated for the annexed area by the Vision '96 process (25%), and the current Official Plan City-wide (20%). It is also substantially higher than the proportion of high density residential land uses ranging from zero to 16% in the other area plans prepared for other annexed lands prior to 2003. The research completed by Altus and the assumptions of the Land Needs Study for the 2011 ReThink Official Plan Review would result in an anticipated demand for approximately 6% of all unit types in the Greenfield Areas to be apartment units.

The requested amendment to designate additional lands to provide for over 35 percent of all units exceeds all of these expectations and projections. It will remove some of the lands set aside for low density development within the Area Plan, while low density unit types are projected to comprise the highest level of demand (approximately 80%) within the Greenfield Areas. Overall, approval of the proposed Official Plan and Zoning By-law amendments will create an inappropriate and unbalanced residential land use mix for the planning area, which is inconsistent with the Provincial Policy Statement and the intent of the City's Official Plan.

Planned Intensification in the Built-Area Boundary

The PPS encourages intensification – a way to support compatible forms of development in the Built-area Boundary that reduce energy consumption and air emissions, protect farmlands, support transit, and create the context for complete communities. The Official Plan sets a target of 40 percent of growth within the Built-area Boundary (defined as intensification). The request for an additional 400 units of supply outside of the Built-area Boundary, has the potential to undermine the planned function of those lands that have been planned for high density residential uses within the Built-area Boundary.

Transit Node at Masonville Mall

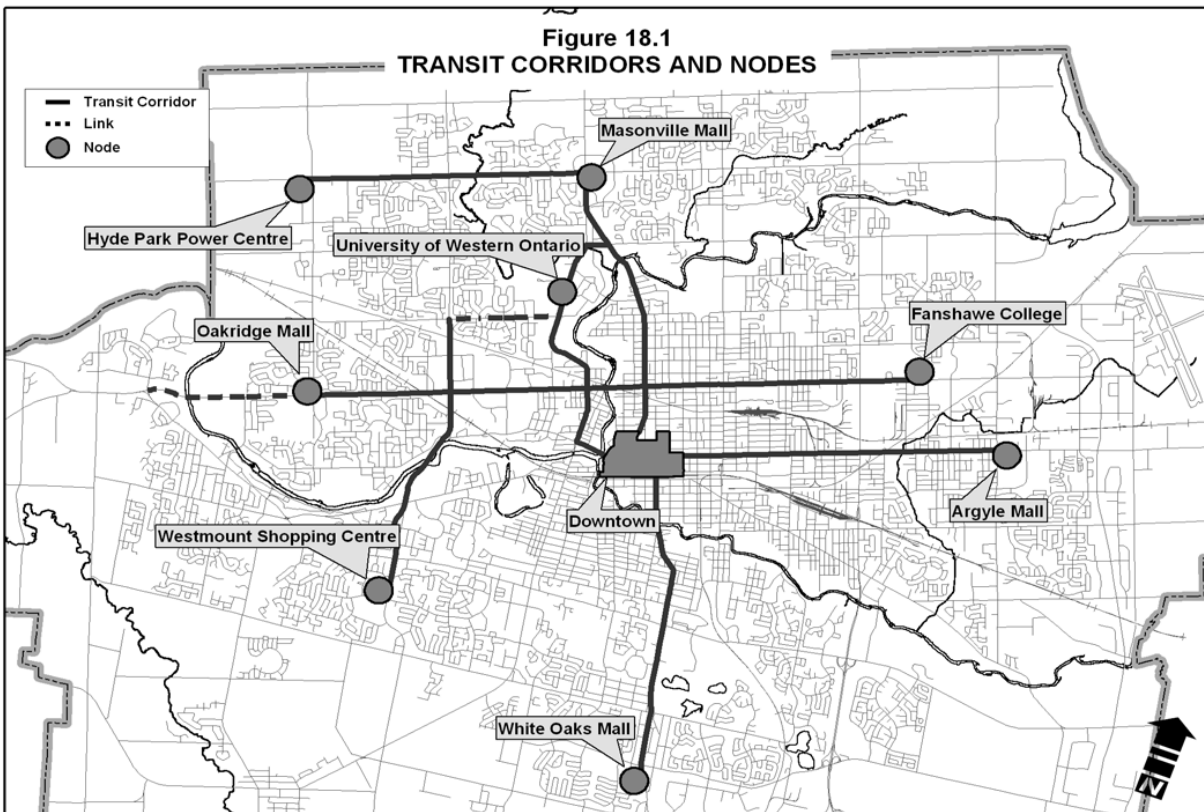
With a mind to achieving development patterns that optimize the use of land, resources and public investment in infrastructure, the policies of the Provincial Policy Statement promote transportation systems (including but not limited to transit nodes and corridors) and transit-supportive development that make transit viable and improve the quality of the transit experience. Viable, high quality transit systems are realized by comprehensively planned, transit supportive development patterns. Transit supportive development patterns often refer to compact mixed use development that have a high level of employment and residential density.

To increase the viability and desirability of transit, and provide for the land use efficiencies called for in the Provincial Policy Statement, the Transportation Objectives of the Official Plan state that the development of the City's transportation system shall promote land use planning and development that is conducive to the efficient operation and increased use of the public transit system.

In support of this objective, the policies of the Official Plan call for the long term development of compact, transit oriented and pedestrian friendly activity centres at, and along, identified transit nodes and corridors. These nodes and corridors, specifically referenced on Figure 18.1 to the Official Plan, serve to identify target areas for growth, redevelopment and revitalization. Policies that support the growth, redevelopment and revitalization of these transit nodes and corridors are provided throughout the Official Plan.

Of particular relevance to the discussion at hand is the transit node identified as Masonville Mall. The Masonville Mall transit node is embedded in an area that the Official Plan designated as an Enclosed Regional Commercial Node. Based on their size, range of permitted uses, and potential trade area, Enclosed Regional Commercial Nodes are intended to serve as major activity centres and employment nodes. Lands within the Enclosed Regional Commercial Node designation are themselves adjacent to lands designated for Multi-family, High Density Residential purposes. By Official Plan policy, lands designated for high density residential use are typically located adjacent to major employment centres, shopping areas, major public open space, and transportation routes where the form and scale of development will not adversely impact surrounding land uses scale of development.

Figure 7 – Figure 18.1 of the Official Plan – Transit Corridors and Nodes



The Multi-family, High Density Residential policies of the Official Plan serve to support the planned function of the Masonville Transit Node. High density residential development is sufficiently critical to realizing this planned function that Official Plan and/or Zoning By-law amendments which propose a lower intensity of use where a higher intensity of use has been planned (adjacent to these nodes) to support compact urban form, discourage sprawl and provide for transportation efficiencies, is specifically discouraged by Official Plan policy. Conversely, high density residential development adjacent to identified transit nodes is encouraged by policy.

Section 18.2 of the Official Plan provides a policy basis for the regular monitoring and review of the City's transportation objectives and implementing Transportation Master Plan (TMP). In 2012 Council adopted the London 2030 Transportation Master Plan. One of the primary recommendations of the TMP was the identification of rapid transit as the preferred means to deliver convenient and connected mobility choices within the City into the future. With a mind to implementing such a service, the TMP further served to identify the transit nodes and corridors currently identified on Figure 7 (Figure 18.1 of the Official Plan) above.

The TMP served as the cornerstone for a number of current municipal initiatives and strategies. Council's Shift Rapid Transit initiative is now progressing towards the finalization of a preferred rapid transit network and technology. This initiative, funded primarily through development charges, represents a municipal financial commitment of approximately \$125 million.

The implementation of a Rapid Transit system is viewed as a critical component in shaping a future London. This Rapid Transit system will serve to direct and generate physical and financial growth and identify preferred areas of intensification and regeneration. The Rapid Transit system, when combined with a strong base transit system, will facilitate more transit trips, reduce traffic volumes, and make transit a quicker, more convenient and comfortable option for residents.

To implement the Rapid Transit system, Figure 18.1 of the Official Plan identifies Transit Nodes and Corridors. Transit Nodes (including the Masonville Node) in the Official Plan are intended to support rapid transit by providing for a higher density of people living, working and shopping

in close proximity to high quality transit service. Transit Nodes are located in existing built-up areas where opportunities for significant infill, redevelopment, and overall more efficient use of land and infrastructure exist. The Masonville Transit Node is envisioned to include the existing Enclosed Regional Commercial Node designation at Richmond Street and Fanshawe Park Road and the Multi-family High and Multi-family, Medium Density Residential areas that border the commercial node.

The proposed amendment has the potential to direct high density residential demand away from the Masonville Transit Node, serving to potentially undermine its planned function.

Undermining the Planned Function of Superior Sites Already Planned for High Density Residential Development

Section 1.1.3.6 of the PPS states that “*New development taking place in designated growth areas should occur adjacent to the built-up area and shall have a compact urban form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.*” The Uplands North Area Plan, Sunningdale North Area Plan, and planning decisions on other individual properties have resulted in a planned development pattern that directs the high density residential uses toward the planned commercial node and future public transit routes, which has a compact urban form and efficiently uses infrastructure and public service facilities. At the same time, the Uplands North Area Plan directs lower density residential uses toward the central and northerly portions of the area.

While the subject site appears to meet several of the locational criteria of the Official Plan for high density development on a site-specific basis, the other high density residential sites closer to the planned commercial node/mixed-use area, near the major intersection of two arterial streets, in proximity to planned open space and closer to existing and future transit routes and stops, provide a closer fit with the intent of the Official Plan. Permitting the requested Official Plan and Zoning By-law amendments at a less ideal location, would decrease the viability of high density sites which are better situated to support the commercial/mixed-use node and transit services, and would undermine the planned function of the various components of the planning landscape.

It is interesting to note that the Uplands North Area Plan recognized that the Drewlo site designated for high density residential development would likely be among the last lands within the planning area to develop since a sanitary servicing outlet would need to be obtained from lands to the west (servicing is now available at Richmond Street and Villagewalk Boulevard). It stated that “*One advantage of allocating such a large land area that may not be developed for some time is that it could essentially remain in “holding” pending changing demands and trends in the housing market. Should the anticipated future demand for apartments not be realized, consideration could be given to reducing the size of this high density residential block for medium/low density residential or other compatible uses.*” The Drewlo lands have not been developed, begging the question of why additional land would be designated for high density residential when the viability of the planned function of the Drewlo lands has not yet been tested and/or realized. It is advisable to allow this scenario to play out rather than providing for additional high density residential lands that have not been demonstrated to be required to meet the various housing demand projections discussed earlier in this report.

Planned High Density Residential Development and Transit

The Provincial Policy Statement supports land use patterns that are transit-supportive, (S. 1.1.3.2), and promotes densities for new housing which supports the use of transit in areas where it exists or is to be developed (S. 1.4.3 d). Transit-supportive development “*in regard to land use patterns, means development that makes transit viable and improves the quality of the experience of using transit. It often refers to compact, mixed-use development that has a high level of employment and residential densities.*”

The Official Plan promotes “*a development pattern that increases access to and opportunity for public transit by encouraging higher density, mixed use forms of development at major*

intersections.” (S.18.2.11. x). Locational and planning impact criteria for high density residential uses include the evaluation of the proximity of the site to, and adequacy of transit services. (S. 3.4.2. and 3.7.2.). More specifically, the Public Transit policies of Section 18.2.11. of the Official Plan state that “*Council shall promote the provision of public transit service within a 400 metre walking distance of all contiguous urban development.*”

According to the reply received in response to this application from the London Transit Commission, the existing and anticipated public transit service scenario for this site is:

- there are no plans to extend bus transit services north of Sunningdale Road in the next 5 years;
- bus service to the subject site is not anticipated in the foreseeable future as it is isolated from other developments and any adjacent transit services;
- currently the closest transit service to this development is approximately 2.83 kilometres away at Richmond Street and Fanshawe Park Road.

The proposed development is not transit-supportive because it is located more than 400 metres from any future potential transit stops near the intersection of Richmond Street and Sunningdale Road, and is not part of an activity node at a major intersection generating a critical mass of transit users to allow such a service to operate efficiently. It does not provide convenient access to any anticipated future transit service and is, therefore, more likely to be characterized by a high proportion of automobile use.

On the other hand, the commercial/mixed use site located at the intersection of Richmond Street and Sunningdale Road West, is planned as an activity node to accommodate a broad range of service, retail, office, recreation, entertainment, institutional and education uses, surrounded by adjacent or nearby high density residential uses. This area represents a land use pattern that is transit supportive as it holds the potential to create the critical mass of transit riders to support an efficient service.

Not only is the location of the subject site such that it is not transit-supportive, adding the subject site to the oversupply of vacant land planned for high density residential land use will detract from the future viability of those sites that are better situated to support transit, threatening the ability to achieve the critical mass required for an efficient transit service. The proposed Official Plan and Zoning By-law amendments are not consistent with the Provincial Policy Statement, or in keeping with the intent of the Official Plan in this regard and should not be approved.

Planned High Density Residential Development and the Mixed-Use Node (Richmond and Sunningdale)

The Sunningdale North Area Plan included a Mixed-Use Area at the north-west intersection of Sunningdale Road West and Richmond Street, which was included in Official Plan policies and which is intended to function as a focal point of activity for the Uplands, Uplands North, Sunningdale and Sunningdale North communities, with the objective of creating a community gathering place. Serviced by a collector road (Villagewalk Boulevard) the Mixed-Use Area consists of three main components:

- a retail/commercial/community service centre including a broad range of service, retail, office, recreation, entertainment, institutional and education uses on approximately 6 hectares of land, with additional opportunities for medium and high density uses either as standalone uses or above non-residential uses located on the main floor. Planned to be compact, well integrated with surrounding residential uses and to provide ease of movement and accessibility, it is intended to have a primarily open-air/mainstreet character and provide for one larger-scale neighbourhood use such as a market or pharmacy. As such, the retail/commercial centre is intended to function to provide necessary goods and services to the surrounding neighbourhoods, and to provide a desirable place to congregate and socialize;
- the “Village Commons”, a urban open space area designed to be highly visible and accessible from the adjacent residential, commercial and other open space areas; and,

- medium and high density residential development with front doors oriented to the commercial area and the “Village Commons”, providing for increased utility and surveillance, and which is expected to provide some of the customer base to support the commercial area, in addition to destination shopping.

There is also a small commercial area at the south-west corner of the intersection, designated through the Sunningdale (South) Area Plan process in 1998.

There is an inherent expectation that the commercial, residential and open space components will support each other as a community hub. With the exception of 1985 Richmond Street, all of the planned high density residential sites previously identified are located on adjacent to, or in close proximity to the commercial site. It is anticipated that future residents will use and support the businesses, facilities and services it will offer.

The development proposed for the subject site is not as conveniently located to support of this expected relationship because it is situated farther away from the commercial centre. Because of the oversupply of vacant high density residential lands within a convenient walking distance of the commercial node, a risk is created that those lands located closer to the commercial node will not develop for their planned function and will, therefore, not provide the anticipated level of support to the businesses, facilities and services to be offered.

For these reasons, the proposed Official Plan and Zoning By-law amendments are not in keeping with the intent of the Official Plan and should not be approved.

Planned High Density Residential Development and Locational Criteria

Over the long term, a priority should be placed on the construction and occupancy of sites which best meet the locational criteria for high density residential uses to support the planned function of the commercial/mixed-use node and transit services. Because there is an oversupply of high density residential land in the area, high density development on the subject site will weaken the viability of the other, more suitable vacant high density residential lands for their intended purpose due to lack of demand. These other sites are better suited to high density residential development in relation to the planned function of the surrounding area because:

- they are closer to, and within a convenient walking distance of the planned activity centre in the Sunningdale North and Sunningdale (South) Area Plans at the intersection of Richmond Street and Sunningdale Road West, which would provide the mix of planned open space and commercial conveniences;
- they have direct access to Richmond Street and/or Sunningdale Road, both arterial roads, and are positioned to benefit from right turns and/or planned or existing controlled intersections toward more intensive activity centres and employment nodes such as the Downtown and the Masonville Commercial Area, providing for easier, more convenient and safer traffic movements;
- municipal services have been designed and constructed to service the site or have been sized to accommodate high density residential development and are more readily available through minor extension of the existing services; and,
- they are closer to existing public transit routes and stops which currently extend north to Fanshawe Park Road, and to the anticipated extension of public transit routes north to Sunningdale Road.

5. Other Concerns

Intensity of the Proposed Development

As discussed in the above parts of this report, staff do not support the redesignation of the subject site to the Multi-family, High Density Residential designation. Nevertheless, a discussion of the proposed intensity of development follows.

The requested Multi-family, High Density Residential designation normally permits a net residential density, excluding provisions for bonusing, of less than 150 units per hectare. (S. 3.4.3.). Higher net residential densities are permitted in the Central London and Downtown areas.

The proposed 400 apartment units on that portion of the property that is designated for development would represent a net density of approximately 206 units per hectare, in excess of what the City would normally consider for high density development in this part of the City.

The *Planning Justification Report* (May 21, 2015) prepared by Zelinka Priamo Ltd. requests a special provision to the Open Space (OS5) Zone on the north part of the site to allow these lands to be included in the land area for the calculation of the number of units permitted on the high density part of the site. The inclusion of these lands would increase the site area for density calculation purposes from 1.94 hectares to 3.14 hectares, reducing the calculated density to approximately 127 units per hectare. Without the additional lands, at 150 units per hectare, the site could accommodate 291 units instead of 471.

The argument presented by Zelinka Priamo is that a portion of the lands currently in the Open Space (OS5) zone are, in fact, designated Low Density Residential, but can not be developed for residential purposes because of the waterline easement that runs through the property.

The lands through which the waterline easement runs were, in fact, identified as a Provincially Significant Wetland (PSW) in 2011 by the Ministry of Natural Resources and Forestry (MNRF). Regardless of the existence of the waterline easement or the location of existing zone lines, the fact remains that PSW boundaries can not be changed without the appropriate submissions and approval of the MNRF, they are to be protected from development, and are not considered developable land. Furthermore, environmental features delineated in the Official Plan are not intended to be precise and shall be determined through area studies or environmental impact studies (EIS) undertaken in conformity with the policies of the Official Plan.

The identification of the developable area as the basis for density calculations is dependent on the submission of an environmental impact study acceptable to the relevant authorities, that identifies the boundaries of the natural features in addition to the PSW and makes recommendations for ecological buffers to protect all of the features along with other mitigation measures. An acceptable environmental impact study has not been received by the City to date. Regardless of the fact that the applicant has not requested modifications to the zone lines between some form of residential development and open space areas, the results of an acceptable EIS may necessitate a Zoning By-law amendment to refine the zone lines previously established. Generally, the area of the lands then located within a development zone would become the basis for calculating the permitted number of units.

The Official Plan contains no policy basis to permit the inclusion of **natural heritage areas** in the land area of a development site for the purpose of calculating the permitted number of residential units. It does, however, allow lands identified as **ecological buffers** to be zoned to permit their inclusion in calculating and applying zoning regulations applicable for the lot. Some provisos apply related to development and site alteration within these buffers, and the application of standard building setbacks from ecological buffers. If an acceptable EIS is submitted to the City, due consideration of the possibility of the inclusion of ecological buffers may be undertaken. This consideration would be done in the context of the appropriateness of the proposed use and form of development.

Another mechanism available to the applicant to increase the permitted density on the site is through the bonusing provisions of the Official Plan. Section 19.4.4 of the Official Plan provides for bonus zoning to “*permit increases to the height and density limits applicable to a proposed development in return for the provision of such facilities, services, or matters as are set out in the by-law.*” The applicant declined to request a bonus provision and provide justification for a bonusing request as part of a complete application when invited to do so by City staff.

Due to a lack of policy basis for the requested inclusion of a natural heritage area in the land base for the calculation of density and the risk of establishing a new precedent, the zoning for the site should not include the requested special provision for that purpose. Other mechanisms such as the use of ecological buffers and bonus zoning may be considered subject to the establishment of a suitable use and form of development for the site. However, this does not negate the concerns raised about the appropriateness of the subject site for high density residential uses described in this report.

Environmental Concerns

Part 2 of the Provincial Policy Statement addresses the wise use and management of resources and more specifically, states:

2.1.1 Natural Heritage features and areas shall be protected for the long term.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

Portions of the subject site and neighbouring property to the south have been identified as, at a minimum, Provincially Significant Wetlands, Significant Woodlands, habitat of endangered and threatened species, and significant wildlife habitat.

The Provincial Policy Statement specifically:

- does not permit development and site alteration in significant wetlands;
- does not permit development and site alteration in significant woodlands, and significant wildlife habitat, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions;
- does not permit development and site alteration in habitat of endangered and threatened species, except in accordance with provincial and federal requirements;
- does not permit development and site alteration on adjacent lands to the natural heritage features and areas i.e. significant wetlands, significant woodlands or significant wildlife habitat, unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

The Provincial Policy Statement also requires planning authorities to protect, improve or restore the quality and quantity of water by a number of means, including:

- *minimizing potential negative impacts;*
- *identifying water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features which are necessary for the ecological and hydrological integrity of the watershed;*
- *maintaining linkages and related functions among groundwater features, hydrologic functions, natural heritage features and areas, and surface water features;*
- *implement necessary restrictions on development and site alteration to protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions; and*
- *ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.*

In addition to the Natural Heritage Policies contained in Chapter 15 of the Official Plan, the Planning Impact Analysis policies which may be considered for a change of land use include “the potential impact of the development on surrounding natural features and heritage resources”.

The applicant submitted an Environmental Impact Study – 2300 Richmond Street (BioLogic Incorporated, April 9, 2015) and Hydrogeological Assessment - Proposed Apartment Buildings, 2300 Richmond Street, (exp. Services Inc., March 12, 2015) as required by the City as part of a complete application in accordance with Chapter 15 – Environmental Policies and Section 19.16 – Complete Application, of the Official Plan.

AECOM completed a peer review of the Environmental Impact Study (EIS) on behalf of the City and subsequently the Environmental and Parks Planning Section (E&PP) of the City's Planning Services provided general comments. Overall, the EIS report does not comply with the City's Environmental Management Guidelines (EMG), the City's Official Plan policies and the Provincial Policy Statement (2014). While the detailed comments of both AECOM and E&PP are contained in their specific correspondence submitted in response to the application, core issues identified by E&PP are summarized as follows:

- The City's Evaluation of Ecologically Significant Woodlands was not accurately applied. AECOM's Significant Woodland mapping of the ELC communities should be used;
- The boundaries of the natural features was not accurately identified or staked in the field. This was to have been organized by Biologic, and to have included City staff and UTRCA in the site meeting. Biologic did not organize this site meeting and therefore an accurate boundary delineation of the natural features was not carried out;
- The EIS did not apply appropriate buffers, based on the EMG buffer calculations produced in the EIS (inadequate width for the significance and sensitivity of the features), and based on the buffer being measured from the edge/dripline of the natural features (not the property line);
- A thorough impact assessment and net effects was not carried out;
- The north-south ecological corridor was not adequately described and is inadequate in width;
- The exp. Services Inc. Hydrogeological Report and the EIS do not explicitly detail how the PSWs will be protected and maintained, or improved. There are technical issues with the content of the exp. Services Inc. report.
- The EIS does not thoroughly review, identify, and discuss the implications of the significant site alterations to the long-term sustainability of the wetlands, their features and functions;
- The exp. Services Inc. report which informs the EIS, is to accurately identify the drainage areas for the north and south PSWs and revise the water balance;
- The EIS is required to provide technical analysis and discussion on how pre-development water quantity and quality to the PSWs will be maintained post construction;
- The Ministry of Natural Resources and Forestry's (MNR) current PSW boundaries are not reflected in the EIS; and,
- No Environmental Monitoring program is identified or detailed in the EIS.

In conclusion Parks Planning indicated the proponent is required to address the major and numerous deficiencies of the EIS, addressing all of the comments made by Parks Planning and AECOM as part of their peer review.

Based on the above, and the comments received from the Ministry of Natural Resources and Forestry, the Upper Thames River Conservation Authority and the Environmental and Ecological Planning Advisory Committee detailed elsewhere in this report, the supporting documentation submitted with the application has not demonstrated that development adjacent to the PSW's and other natural features will protect and maintain these natural heritage features and areas for the long term, or that development will be directed away from natural hazard areas, in accordance with Section 2.1 of the Provincial Policy Statement and the relevant policies of Chapter 15 of the Official Plan, respectively. As a result, the potential impact of the development on the surrounding natural features and heritage resources in the area has not been adequately addressed and requires resolution before proceeding with any kind of development approval on the subject lands, including the requested Official Plan and Zoning By-law amendments.

The outcome of the submission of acceptable EIS and Hydrogeological Reports will be the identification of the boundaries of the natural heritage features and the buffers required to protect them, along with the identification and width of a north-south corridor for the movement of wildlife, and other recommendations including mitigation measures both during and after construction. This, in turn, will allow staff to more accurately define the development limit, affecting the application of zoning lines and setbacks, density calculations, and site and servicing design. Until such time as acceptable reports are submitted, it is inappropriate to support any Official Plan or Zoning By-law amendments to permit a change of use or the development of the land.

Form of Proposed Development

Analysis on the form of the proposed development has not been included in this report since the recommendation is for refusal. Should Council wish to move in the direction of approval of the Official Plan and Zoning By-law amendment applications, then staff requests the applications be referred back to the civic administration to provide recommendations on the proposed form of development.

Notwithstanding the above, comments on the form may include, among other elements:

- Built form, massing and height;
- Zoning permissions for requested structure types;
- Zoning setbacks to property lines;
- The relationship of the site and buildings to the street and adjacent land uses;
- The nature and location of public road and/or private driveway access to the site;
- The relationship of the site to natural landforms and features; and,
- The co-ordination with or provision of land for anticipated public features such as pathways and parks.

CONCLUSION

As a result of the completion of the Uplands North Area Plan in 2003, the subject lands were placed in the Low Density Residential, Open Space and Environmental Review designations of the Official Plan.

The requested Official Plan and Zoning By-law amendments are not consistent with the Provincial Policy Statement as the proposed high density residential development will contribute to an oversupply of lands planned to support high density residential development and an imbalance in the range and mix of residential densities in the area. Other vacant lands that are designated and/or zoned for high density residential use in the area and within the Built-area Boundary better meet the locational criteria of the Official Plan and provide for a compact urban form that uses services and facilities efficiently. These sites are located in proximity to a planned mixed-use node that incorporates high density residential land uses, a broad range of service, retail, office, recreation, entertainment, institutional and education uses, and open space. In the future, the existing and planned high density residential uses and commercial/open space node are intended to function as an activity node with components that support each other, are readily serviced with planned municipal services, and are close to anticipated future local bus transit services.

The creation of additional high density residential oversupply at the proposed location will have a number of negative planning impacts, including the creation of a housing mix that does not reflect the anticipated demand patterns for developing or green field areas of the City, undermines the planned function of superior sites planned for high density residential use in the Built-area Boundary and in the area at and near the intersection of Richmond Street and Sunningdale Road, undermines the future provision of a critical mass at the appropriate location of potential future users of both the planned rapid transit system and local bus service, and the planned symbiotic relationship between residential and non-residential land uses.

The applicant has requested a special zoning provision to allow the Open Space lands to be used as part of the land area base for density calculations within the requested Residential R9 Zone. There is no policy basis for the City to consider the request and applying this special policy could set an undesirable precedent. There are, however, other mechanisms such as the inclusion of the ecological buffers, or bonusing in return for the provision of specific services, facilities or matters identified by Council, that could potentially be considered based on appropriate submissions from the applicant, in the event the requested amendments are being considered for approval.

Based on the review of documents submitted with the application and the technical expertise of the relevant staff of City Planning Services, the Ministry of Natural Resources and Forestry and the Upper Thames River Conservation Authority, as well as the informed opinion of EEPAC, the Provincial Policy Statement and other relevant guidelines and regulations have not been sufficiently addressed to demonstrate the proposed development will have no negative impact on the natural heritage features and functions existing on and adjacent to the subject site. An accurate delineation of the development limit through the application of zoning, density calculations and detailed site and servicing design is dependent on the receipt of acceptable EIS and Hydrogeological reports.

The proposed form of development has not been discussed in this report; however it should be considered by staff and Council in the event the requested amendments are being considered for approval.

Overall, refusal of the application is recommended as it is not consistent with the Provincial Policy Statement, is not in keeping with the intent of the Official Plan, and does not represent good planning.

PREPARED BY:	SUBMITTED BY:
BARB DEBBERT, SENIOR PLANNER CURRENT PLANNING	MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

November 23, 2015
 BD/
 Attach

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Responses to Public Liaison Letter and Publication in “The Londoner”

<u>Telephone</u>	<u>Written</u>
Jim Kennedy	Ben Puzanov Senior Planner County of Middlesex
	Dave Schmidt Corlon Properties Inc. 379 Sunningdale Road West London ON N6G 5B9

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OZ-8501**

Request for Approval:

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Appendix "A"

Upper Thames River Conservation Authority Comments



"Inspiring a Healthy Environment"



September 16, 2015

City of London
Planning Services
P.O. Box 5035
London, Ontario N6A 4L9

Attention: Barb Debbert (sent via e-mail)

Dear Ms. Debbert:

Re: **File No. OZ-8501 - Application to Amend the Official Plan & Zoning By-Law**
Applicant: Old Oak Properties
2300 Richmond Street, London, Ontario

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies in *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*. These policies include regulations made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (2014)*. The *Upper Thames River Source Protection Area Assessment Report* has also been reviewed in order to confirm whether the subject lands are located in a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the Planning Act. We offer the following comments.

PROPOSAL

The applicant is seeking to amend the Official Plan and Zoning By-Law to develop a high density residential complex on these lands.

CONSERVATION AUTHORITIES ACT

As shown on the enclosed mapping, the entire property is regulated by the UTRCA in accordance with Ontario Regulation 157/06, made pursuant to Section 28 of the *Conservation Authorities Act*. The regulation limit is comprised of the Arva Moraine Provincially Significant wetland and the surrounding areas of interference. The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL

Policy which is applicable to the subject lands includes:

3.2.2 General Natural Hazard Policies

These policies direct new development and site alteration away from hazard lands. Any development which is permitted in hazard lands must provide appropriate floodproofing measures, protection works and safe or dry access during times of flooding, erosion and other emergencies. Furthermore, no new hazards are to be created and existing hazards should not be aggravated.

UTRCA Comments
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3.2.6 & 3.3.2 Wetland Policies

New development and site alteration is not permitted in wetlands. Furthermore, new development and site alteration may only be permitted in the area of interference and /or adjacent lands* of a wetland if it can be demonstrated through the preparation of an Environmental Impact Study (EIS) that there will be no negative impact on the hydrological and ecological function of the feature.

3.3.3.1 Significant Woodlands Policies

The UTRCA does not permit new development and site alteration in woodlands considered to be significant. Furthermore, new development and site alteration is not permitted on adjacent lands* to significant woodlands (within 50 metres) unless an EIS has been completed to the satisfaction of the UTRCA.

The UTRCA is providing the following comments to assist the City in assessing the natural heritage implications of the proposal as it relates to the broader landscape perspective. The woodland feature that is located on the subject property and the adjacent lands has been identified as being significant in the Middlesex Natural Heritage Systems Study (MNHSS, 2014).

[*Note: *Natural Heritage Reference Manual, Second Edition (OMNR, 2010)*

Table 4-2 of the *Natural Heritage Reference Manual Second Edition (OMNR, 2010)* identifies adjacent lands from significant natural heritage features as being 120 metres from the feature for considering potential negative impacts. The *Natural Heritage Reference Manual* provides technical guidance for implementing the natural heritage policies of the *Provincial Policy Statement, 2014*. The purpose of an EIS is to demonstrate no negative impacts on the ecological form and function of the features.]

Environmental Impact Study

The following comments are based on the review of the *Environmental Impact Study 2300 Richmond Street* prepared by BioLogic dated April 9, 2015. Please note that this review did not include the analysis of significance for vegetation community 2 since it was evaluated using the City of London Guideline Document for the evaluation of Ecologically Significant Woodlands.

1. Please confirm that the April 9, 2015 EIS is consistent with the 2014 PPS that came into effect April 30, 2014.
2. In Section 2.0, please include that the subject lands are bound by a natural area in addition to the City limits to the north.
3. In Section 2.1, please include that the Provincially Significant Arva Moraine Wetland feature is identified to the north as well as to the south of the subject lands. It is then appropriate to state that only the south wetland is identified on the OP Schedule B1 (July 2014).
4. In Section 2.3, there appears to be some inconsistency in the planning documents. Please clarify the following given that an Open Space (OS5) zoning is on an Environmental Review land use, and an Environmental Review (ER) zone is on an Open Space (OS) land use:

PSW	Schedule B1 (NH Features)	Schedule A (Land Use)	Zoning
North PSW	absent	ER	OS5
South PSW	present	OS	ER

5. In Section 4.1.4, reference is made to a study undertaken by exp. (2015) which “suggests” that the wetland feature to the south is partially influenced by water contained within a sand lens while to the north, it “appears” that the wetland has been created as a result of the accumulation of water at a topographic low spot from the construction of the pipeline. The exp. (2105) report further concludes that the subject lands contribute mainly precipitation and surface runoff. However, no additional information is provided about the amount of runoff and groundwater (base flow), nor is there any discussion about how the quality of water input into the wetlands will

- be maintained in the post development scenario. We agree with the statement in Section 5.2 that “flows to and from the wetland features will need to be retained and protected”. The continuation of the base flow and the quality of the runoff under the proposed conditions are important for the survival of the two wetlands. The UTRCA recommends undertaking a hydrogeological investigation to determine whether the two wetlands are connected and to quantify the sources of water (groundwater and / or surface water) supporting the wetlands. We note that the Hydrogeological Assessment that has been submitted does not meet the UTRCA’s requirements. This information should be incorporated into the EIS to determine appropriate development limits and water balance recommendations. Please provide explanation of the runoff quality discharging into the wetlands both pre and post development.
6. Section 4.2.1 states that floral ELC field work was completed in the fall (October 8, 2013) with supporting visits in spring (June 2013 and March 2015). However, all the plant species listed in Appendix C, except for 9 plant species that were recorded in June, 2013, were identified on October 8, 2013, so this statement is misleading. Please explain how a site specific floral inventory completed in June 3, 2013 only recorded 9 plant species. As well, the pre-consultation Issues Scoping Checklist (Appendix A) states that a summer season visit from mid-July to early August is needed (Section 1.2.5 of the checklist). Recognizing that wetland species tend to emerge from the ground later in the season (since wetland habitats tend to be cooler), a summer inventory is required to capture all wetland species to determine an appropriate buffer and to accurately delineate the boundary of the wetland since it depends on plant composition.
 7. Please note that any changes to the wetland boundary from that delineated by the Ministry of Natural Resources and Forestry (MNRF) will not be accepted without MNRF approval.
 8. Please clarify whether the vegetation community sizes are for the entire natural feature, or only for that portion of the feature found on the subject lands. If the latter, then there is no need to record the size as it is meaningless.
 9. Please discuss the importance of Table 2e; especially given that the south wetland is Significant Wildlife Habitat (SWH) for amphibians and that there is potential linkage between the north and south wetlands. Please support the statement in Section 5.2 that “it appears wildlife movement generated north or south of the site does not generally move through the subject lands” as the EIS does not clearly demonstrate that the vegetation along the eastern edge of the property was specifically targeted for faunal surveys.
 10. In Section 4.2.3, please discuss the watercourse found adjacent to the subject lands to the south. What will the impact of development be on this feature and its functions?
 11. In Section 4.2.4, please show the location of the Smooth Aster in vegetation community 1 on Figure 6.
 12. Section 6.0 states that a 5 m buffer is adequate to protect the PSW. However, Section 8.1 (Adjustment E) and Section 8.2, as well as Figures 8 and 9, only show a renaturalized buffer of 2.5 m. Given our comments regarding the need for a hydrogeological investigation as well as additional floral and faunal surveys, we are not in a position to accept that 5 m is an adequate buffer. As well, we request an analysis be conducted using the City of London buffer guidelines to determine the appropriate starting point for the buffer once these additional studies have been conducted.
 13. Recognizing that the buffer calculation for the southern feature was completed using the City of London buffer calculations, we cannot comment on the calculated setback distance of 24 metres and will rely on the expertise of the City’s Ecologist to interpret this result. However, we disagree that a buffer of 10 metres is adequate protection for the southern natural heritage feature given that the EIS has demonstrated the following features and functions are present in this natural feature:
 - there are snag trees present for the Northern Flicker
 - there is woodland and wetland breeding SWH for amphibians
 - there is a significant woodland
 - there is a Provincially Significant Wetland

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- there is an endangered butternut along the northern edge of this southern feature
 - there is a potential amphibian movement corridor connecting this feature to the feature to the north
14. Regardless of size, development (e.g. grading, retaining walls, vehicular turning circles, recreational trail systems, or other forms of development) is not permitted within the buffers / setbacks for the natural features.
15. Please provide more detail in Section 6.0 with respect to the size and composition of the proposed naturalized corridor connection to the east, and enhancements to the north wetland. In Section 7.0, how much of the footprint is setback from the east property boundary to facilitate this corridor connection?
16. Please clarify whether seeps and springs were specifically searched for in the woodland as required in the Issues Scoping Checklist (Appendix A).

Hydrogeological Assessment

The UTRCA reviewed *Hydrogeological Assessment Proposed Apartment Buildings 2300 Richmond Street, London, Ontario* prepared by exp dated March 12, 2015. The stated objective of the Hydrogeological Assessment (with Water Balance Assessment) was to examine the hydrogeological characteristics of the site relating to the proposed multiple apartment buildings and associated parking garage proposed at 2300 Richmond Street.

The Arva Moraine Provincially significant Wetland exists on the subject property and is also on the adjacent property. The UTRCA minimum requirements are that all Hydrogeological Assessments meet the Hydrogeological Assessment Submissions Conservation Authority Guidelines to Support Development Applications and APGO, Professional Practice Guidelines for Groundwater Resources Evaluation, Development, Management and Protection Programs in Ontario.

The submitted document (March 12, 2015) does not meet the Guidelines and therefore does not meet the UTRCA's requirements. Outlined below are *some* of the deficiencies. Comments must be read in conjunction with Conservation Ontario Hydrogeological Assessment Guidelines (Enclosed). The Hydrogeological Assessment is a standalone document and all figures and maps should be clearly labelled and of suitable scale to be legible in the format provided. Maps need to include a scale appropriate location of the site. Maps and figures must include a scale (include a bar scale) and legend for all parameters included. Included for reference are diagrams from consultants in the London area.

The following is a sample of some of the report deficiencies:

- a. *Introduction and Background: Site Location & Description* should include the following information:
- Site location including street address, UTM (or northing and easting, NAD83),
 - Township/municipality, lot, concession (MOECC well logs are described in concessions and lots. Clear mapping should indicate these locations), size of property, area to be developed/disturbed
 - Description of the proposed undertaking or development (size and purpose)
 - Identification of the type of site servicing
 - Description of construction/site disturbance activities
 - Provision of the development plan or draft plan in readable format
 - Land use designations of the Official Plan(s) and permitted uses in the zoning of the site
 - Present land use of the site and adjacent lands
 - Regional map
 - Local map showing the site, major/minor roads, environmentally sensitive areas, wetland and watercourse features within 500 metres of the site or the area of influence; whichever is greater.

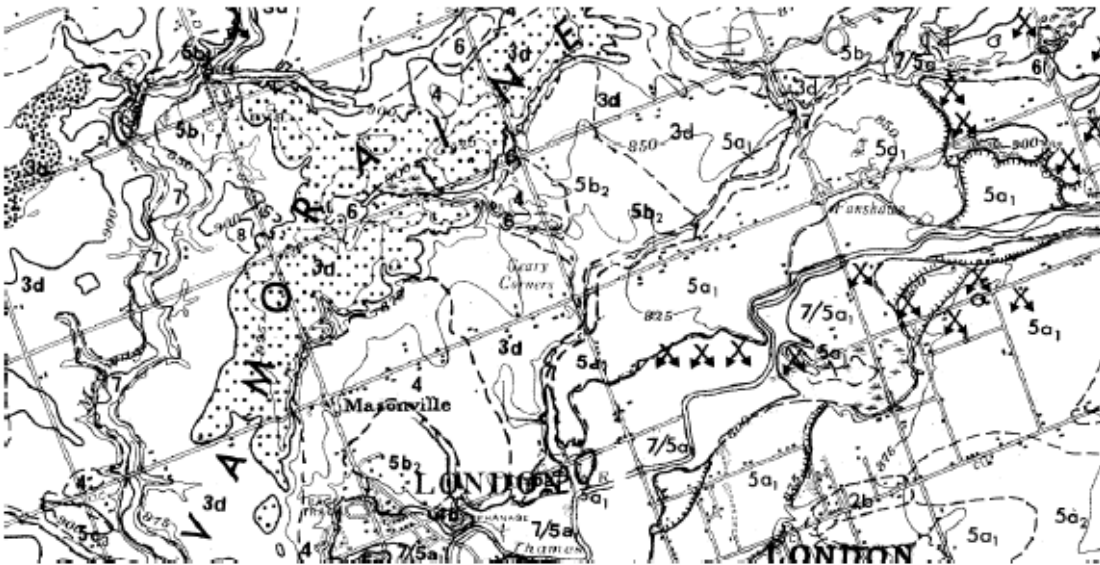
A basic site assessment as identified above is missing. Figure 1 – road names are barely legible, there is a scale and north arrow, but otherwise quality is poor.

- a. *Scope of Work:* The site specific hydrogeologic model developed from the MOECC water well logs (Section 1.2 Desktop study) was not included in the report and is a requirement. This regional cross section is a guide to locate the monitoring wells (target individual horizons and justify why) and ensure that all wells were screened

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across a relevant interval. Generally BH 101-108 were completed at an arbitrary depth of 3 m. The rationale for this assignment is missing. Depth of wells should be based on the preliminary assessment.

- b. *Site description:* The figure does not adequately display the location of the proposed development. Addresses are absent on the referenced figure. Text is barely legible. Wetlands are poorly defined. The wetlands are the Arva Moraine Provincially Significant Wetlands. Moraines commonly have groundwater dependent ecosystems - wetlands. The fact that they are associated with the Arva moraine requires some physiography description and its relevance to the wetlands. Where is the site in association with the Arva Moraine- on? adjacent? North? South?
- c. *Site physiography and surficial geology:* All relevant/supporting information should be provided within the report. The report should contain a minimum of two cross-sections (along perpendicular lines) to support discussions on geology, stratigraphy and flow patterns. 2 cross section were provided. The cross sections did not extend off the site and did not include any MOECC wells off site to demonstrate how the site fits into the local hydrogeology and surficial geology. Surficial geology should be interpreted to the landscape on the cross sections somewhere. Is the brown clayey silt till the same unit across the site or is it multiple tills? Explain why you have interpreted the geology where there are no boreholes. Do pump tests confirm interpretation? Ideally, the cross-sections will be oriented along the groundwater flow path and across the groundwater flow path. Flow paths were not described in text nor was the relevance of the cross sections and no water table map was provided. In this particular area, the shallow groundwater is affected by the Arva moraine- describe this relationship. Section 2.5 Hydrogeologic Setting is a description of the boreholes and not the setting.



- d. *Well Survey:* Well data for private wells within 500 m of the margins of the site is to be used for the impact assessment. The proponent may refer to published reports regarding typical hydraulic conductivity properties for the geologic units or utilize data from field tests (single well response tests) conducted on monitoring or test wells on the site. Both Kh and Kv estimates should be provided where available and discussed in the text. Remember the pump tests used are crude and this should be included in the discussion. Discuss the relevance of the parameters used.
- e. *Surface water features* and drainage are inadequately described. Site drainage and hydrogeology needs to be referenced with respect to the wetlands and the property.
- f. *Monitoring wells:* To characterize the groundwater conditions at the site, both groundwater levels and flow patterns should be discussed along with the appropriate documentation and maps. A water table was drawn on

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the profiles but no groundwater water table map was provided. This should include: 1) a description of groundwater levels and seasonal fluctuations; 2) direction of groundwater flow; and 3) areas of groundwater discharge along with estimated volumes. A description of both shallow and deep (where appropriate) groundwater flow systems should be provided along with a contour plan showing flow direction. Flow system attributes such as the average horizontal hydraulic gradient, and vertical gradients between hydrogeological units should be included. An indication of seasonal fluctuations and highest seasonal water table is expected over a period of time. Where site grade alterations are anticipated, the water table should be discussed in relation to both pre-development and the finished grade.

- a) Field work should be carried out to assess the potential impacts of the proposed development on sensitive groundwater dependent features such as surface water (and wetlands where applicable). In addition, the consultant should also provide a description of regional groundwater conditions that can be summarized from regional monitoring well data (where available) and water well records within the vicinity of the site (range and average well depth, range and average pumping rate, shallowest /deepest well, any flowing well conditions, etc.) to supplement site specific data.
- b) Identification and characterization of hydrostratigraphic units, including local and regional aquifers
- c) A summary of infiltration and recharge rates associated with the site materials
- d) Description and characterization of hydraulic conductivity and hydraulic gradients
- e) General description of surface water/groundwater relationships
- f) Water well characteristics that may be useful in characterization of the system (well depth, pumping rate, water level, types of wells, flowing conditions etc.)
- g) Summary of groundwater levels, including seasonal fluctuations and highest water table evaluation
- h) Groundwater flow characteristics
- i) Characterization of hydraulic gradients
- j) Well completion details: include grout, cement, sand pack, screen length and diameter, casing diameter, slot size, and purge and clean records. This information is a necessity for corroboration of well response tests. Reference to this information needs to be included in the body of the report and clearly labeled on the borehole logs and single well response reports. Saturated thickness and characterize whether the screen is completed below the water table. All units need to be clearly labelled. Appropriate legends for well completion need to be included on the borehole logs. Boreholes are present on the maps but not included in the appendix. Borehole logs are missing elevations in some logs.

Figures:

- a. Water table figure showing shallow groundwater flow direction
- b. Piezometric surface for deeper aquifers showing groundwater flow direction (if applicable to the study)

Description of Surface Water Features:

A description of the site should include all surface water features (e.g. wetlands) on/or bounding the site which include a description of size and extent. Surface and groundwater interactions and associated features should be noted. Areas of groundwater discharge should be noted where anticipated; either through water table elevations generated from water well records mapped above or near ground surface elevation or observed in the field. Where groundwater models exist, figures showing simulated groundwater discharge within the gauged reach may be provided. Where tile drainage is known to exist, it should be noted. General description of surface water features on or near the site and their relationship to groundwater discharge and location to the water table. *Figure of watercourses and wetlands (provincially and locally significant) on or near the site.*

Water Quality:

A description of water quality (ground and surface) should be provided. This is to establish a baseline to assess potential future impacts. The consultant should request monitoring data where such data are available, and comment on anticipated impacts from the development to both ground and surface water bodies in the area. Where impacts are anticipated, the consultant should suggest ways to mitigate these impacts. Even where these impacts may be unavoidable or necessary to ensure human safety (such as impacts from road salting), such considerations would allow a holistic approach to the maintenance of watershed health.

Groundwater Levels:

Where the pre-development shallow groundwater levels are shown to support natural features (wetland and/or discharge to another surface water feature), and where the proposed development will require dewatering or is anticipated to result in a change in the volume and/or alteration to infiltration or recharge rates, an impact assessment of the groundwater levels must be included in the report. The following information should be included:

- Where the proposed development will result in a change in the infiltration/recharge rate, information on how and where water levels will be changed (i.e. increased or decreased)
- Anticipated impacts to sensitive groundwater-dependent features (wetland and watercourse) - mitigation plans to address the impacts

Pumping Tests:

Where the proposed development requires a dewatering pumping test, the design and interpretation of the test should be done by a qualified professional. The following information should be provided:

- Rate and duration of pumping test water level data in the form of hydrographs from observation wells used to measure impacts (i.e. shallow and deep aquifer units, mini piezometers in surface water features, nearby private wells)
- Documentation of the test and interpretations should be provided (i.e. data and output from a manual analysis or from a commercially available software e.g. AquiferTest)

Groundwater Discharge (Baseflow):

As part of their mandate, Conservation Authorities are concerned with the potential impact of development on groundwater contribution to baseflow. In many areas in the province, baseflow represents between 50 and 90% of summer flow in many creeks with established aquatic life and watershed species dependencies. Dewatering and tile drain or large pipe installations can significantly reduce the volume of baseflow contributions from the subsurface. Changes to shallow groundwater flow patterns induced through development have also been linked to flooding and resulting damage to private property. It is recommended that the proponent ensure that the impact assessment considers and either avoids, or sufficiently mitigates, impacts to baseflow - Estimate/quantify reduction to baseflow.

Groundwater Quality:

The impact of the proposed development on groundwater quality should be assessed. This may include impacts to a surface water feature from road maintenance, landscaping practices and/or chemical processing or storage. In addition, water quality should be assessed as it relates to:

- Private water supply servicing
- Discharge water as a result of dewatering activities
- The existing water quality will need to be determined by sampling and testing of the water source to understand baseline conditions. The parameters analyzed should include general chemistry, bacteriological parameters, and site specific parameters of concern relating to past, existing and proposed land use. Based on the type of proposed development, an appropriate guideline (e.g. Ontario Drinking Water Quality Standards or Provincial Water Quality Objectives) should be selected from which to compare the test results. Other water quality guidelines may be considered for comparison on a case by case basis. Regardless of the aquifer chosen for the water supply, the water quality, and the potential impacts that might arise from the proposed development, within the upper shallow aquifer, if applicable, must be assessed. This assessment will include the potential water quality impacts to the shallow groundwater flow system as well as to any sensitive groundwater dependent features such as wetlands or watercourses.

Mitigation Requirements:

The majority of development application studies should include recommendation(s) for actions to mitigate potential impacts identified through the hydrogeological studies. Specific measures should be described to mitigate the potential impacts identified in Section 3.2. Mitigation recommendations shall address both the anticipated long-term and short-term impacts. To this end, a monitoring program to address potential impacts prior to, during and post-development may be requested by the Conservation Authority at its discretion. In this case a contingency plan may also be required (see contingency plans). Mitigation measures might include, but are not limited to:

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- Recharge or infiltration basins for urban runoff
- Preservation of setbacks (buffer areas) from recharge/discharge areas
- Sedimentation control plans to prevent siltation of recharge/discharge areas
- Spill Control Plans
- Re-vegetation plans for disturbed areas
- Re-orientation of local surface water drainage
- Provisions for land use and site control plans (e.g., tree cutting restrictions, prohibition of use or storage of specified contaminants, access restrictions, etc.)

Maintenance of Infiltration:

The maintenance of infiltration and interflow hydraulic functions is a key target to ensure that discharge to ecological features in close proximity will not be impacted and that the overall watershed health is sustained. It is recommended that especially in areas delineated Ecologically Significant Recharge Areas, pre-development infiltration should be matched in the post-development scenarios utilizing low impact development solutions.

It should be noted that promoting infiltration from paved surfaces, such as parking lots, roadways, etc. will generally not be approved unless the water has been pre-treated to prevent groundwater contamination.

Another consideration in recommending enhanced infiltration techniques is thermal considerations. Thermal impacts are important to aquatic life in areas where shallow discharge to streams is significant. Where proposed mitigation measures to increase infiltration are identified, these can also be beneficial to creeks with cold water thermal regimes by buffering them from prolonged spikes in air temperatures or inputs of hot urban stormwater. Cold water fish community assemblages have limits to the water temperatures they can tolerate. If these limits are surpassed frequently or for prolonged periods of time, then degradation in the health and the makeup of the fish community can be expected. As such, mitigation measures that promote stormwater infiltration can be of great benefit to enhancing groundwater contributions to cold water creeks thereby protecting and enhancing the thermal stability of these fish communities.

Pre and Post development monitoring programs and contingency plans should be addressed as recommended in the CO standards.

Comments on Figure Requirements and Inclusions:

Any symbol included on a diagram should be included in the legend. The report should include appropriately scaled figures sufficient to describe the subject property. All information needs to be legible.

Cross-sections should include a scale and scale bar, directions and placement of the site require all details to understand the site. All elements of the diagram need to be legible in the form submitted- in this case a paper copy. The discussion includes how the site was mapped and how it relates to the surficial geology and water resources. For example provide description of rationale for correlating units beyond the well logs. The cross sections need to include correlation to nearby MOECC wells offsite.

Discussion of hydraulic conductivity: example of included discussion in the report. This information is not buried in an appendix. Anything that appears in an appendix needs discussion in the text of the main document which includes interpretation and rationale not a simple copy of the text in the appendix to the main document.

5.2.3 Hydraulic Conductivity Testing

Short duration pumping tests were conducted in two of the on-Site monitoring wells (11-DH-080 and 11-DH-081) on August 2, 2012 to estimate the hydraulic conductivity of the sand and gravel deposit. Prior to initiating the tests, each monitoring well was instrumented with a pressure transducer equipped with a datalogger to continuously measure water levels within the well during the tests.

A Grundfos Redi-Flo 2 submersible electric pump was used for the pumping tests, with the discharge directed away from the wells using 16 mm inside diameter polyethylene tubing. During the tests, the pumping rate was manually measured at regular intervals at the discharge location. Monitoring well 11-DH-080 was pumped at a rate of approximately 28.8 L/min for a duration of 180 minutes. Monitoring well 11-DH-081 was pumped at a rate of approximately 25.2 L/min for a duration of 60 minutes. The volume pumped from each well was less than the threshold value of 50,000 L/day, above which a Permit to Take Water from the MOECC would be required. The water level data collected during the tests is provided graphically in Appendix D.

The water level dataset collected during the pumping tests was analyzed using the AQTESOLV software package. Aquifer transmissivity values for each test were estimated using the Cooper-Jacob solution for an unconfined aquifer. The results of the analysis were used in conjunction with the inferred saturated aquifer thickness to estimate the hydraulic conductivity at each location. The results indicate that the hydraulic conductivity of the sand and gravel deposit in the vicinity of 11-DH-080 and 11-DH-081 ranges between

Required inclusions require discussion. Example the MOECC well data is not a place holder but is a review that should be completed prior to any installation of monitoring wells. Describe aquifer(s) possibly present on the site based on well logs and other reports.

As indicated, the submitted document (March 12, 2015) does not meet the Hydrogeological Assessment Submissions Conservation Authority Guidelines to Support Development Applications and therefore does not meet the UTRCA's requirements. When the minimum standards as outlined above are met, a hydrogeological assessment review will be completed. Low Impact Structures need to be approved before inclusion in the water balance.

Stormwater Management

The UTRCA has reviewed the *Concept Stormwater Management Brief for 2300 Richmond Street North London, Ontario* prepared by Development Engineering dated March 13, 2015 and offers the following comments.

1. There are existing wetlands located on the northerly portion of the site and on the lands to the south. It is indicated that a hydrogeological study was undertaken by exp. however, no additional information has been provided about the sources of the runoff into the wetlands and base flows into the wetlands. The continuation of the base flow and the quality of the runoff under the proposed conditions are important for the survival of the two wetlands. Again, the UTRCA recommends undertaking hydrogeological investigations to find out if the two wetlands may be connected.
2. Furthermore, the water balance analysis that was undertaken for the site shows a decrease in infiltration for both wetlands particularly for the northerly feature where the infiltration decreased considerably under the proposed conditions. The reduced infiltration will adversely affect the wetlands and their biodiversity. Please use SWM design approach to mimic the hydrological cycle on the site to continue base flow and infiltration to the North and South wetlands. Please address.
3. Please provide an explanation regarding the runoff quality discharging to the wetland located to the south of the subject site.
4. We understand that the site area is 3.21 ha with an external area of 8.4 ha. however, there is no explanation of how the external area is contributing runoff to the existing wetlands and how the runoff will be maintained under the proposed conditions. Please address.
5. Please provide a drawing showing the external drainage area.

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6. In Section 2.4 it is indicated that the groundwater recharge in the north may be due to surface runoff or the LHWSS trunk sewer system easement. The hydrogeological assessment should have identified the source of the groundwater recharge as it is essential for the survival of the wetlands. Please address.
7. Please update the report by reporting all the flows in m³/sec and not L/sec.
8. The UTRCA suggests that some Figures in the report be named properly and referenced in the report. Also, please add a legend to the Figures to easily understand the site and the SWM concepts for the site.
9. The UTRCA suggest that the proposed 300 mm diameter pipe leading from the oil/grit separator to the north wetland can be partially replaced with swale such that the runoff will be discharged into the pipe and then into the swale. The swale will further add to the quality of the runoff by offering resistance to the runoff discharging from the oil/grit separator. Please consider.

DRINKING WATER SOURCE PROTECTION

The Clean Water Act (CWA), 2006 is intended to protect existing and future sources of drinking water. The Act is part of the Ontario government's commitment to implement the recommendations of the Walkerton Inquiry and protecting and enhancing human health and the environment. The CWA sets out a framework for source protection planning on a watershed basis with Source Protection Areas established based on the watershed boundaries of Ontario's 36 Conservation Authorities. The Upper Thames River, Lower Thames Valley and St. Clair Region Conservation Authorities have entered into a partnership for The Thames-Sydenham Source Protection Region. Drinking Water Source Protection represents the first barrier for protecting drinking water including surface and ground water from becoming contaminated or overused thereby ensuring a sufficient, clean, safe supply now and for the future.

Assessment Reports:

The Thames-Sydenham Source Protection Region has prepared Assessment Reports which contain detailed scientific information that identify vulnerable areas associated with drinking water systems, assess the level of vulnerability in these areas and identify activities within those vulnerable areas which pose threats to the drinking water systems, and assess the risk due to those threats. We wish to advise that there are no vulnerable areas associated with these lands.

RECOMMENDATION

Based on the outstanding concerns, the UTRCA recommends that this application be deferred to provide the applicant with an opportunity to respond to the issues. Our staff would be pleased to meet.

UTRCA REVIEW FEES

Consistent with UTRCA Board of Directors approved policy, Authority Staff are authorized to collect fees for the review of Planning Act applications. Our fee for this review is \$300.00 and will be invoiced under separate cover. In addition, the UTRCA collects a peer review for the review of technical reports. Our fee for this review is \$1500.00. Please note that our peer review fee includes *one comprehensive review and one revised report review* and that additional fees will be collected for subsequent peer reviews.

Thank you for the opportunity to comment. If you have any questions, please contact the undersigned at extension 293.

Yours truly,
UPPER THAMES RIVER CONSERVATION AUTHORITY



Christine Creighton
Land Use Planner
TT/LN/IS/CC/cc

Appendix “B”

Environmental and Ecological Advisory Committee Comments

OLD OAK PROPERTIES: 2300 Richmond St.
EIS Prepared By: BioLogic Inc. (April 2015)

Reviewed by: Lauren Des Marteaux, Peter Ferguson, Meaghan Murphy, and David Hiscott

Summary Recommendations:

3. The EIS does not meet the PPS or OP requirements to demonstrate no negative impact to the PSW. The City should not approve the EIS.
4. EEPAC supports the comments from the UTRCA contained in its September 16, 2015 memo to City staff.

General Comments

- The status of the northern wetland is inconsistent throughout the document. Why is BioLogic challenging the North wetland PSW designation? If the MNR have considered this to be a PSW, then it should be referred to as and treated as such.
- Despite a number of adjustments to the building plan, no figure with an adjusted development overlay exists. Please include the original development overlay figure in addition to an adjusted development overlay figure.
- The drastically reduced buffers proposed for wetlands are inappropriate and go against the City of London’s Environmental Management Guidelines. Even with the reduced buffers they propose, the proponent encroaches upon them during construction, and post-construction with permanent structures.
- As the two evaluated wetlands (north and south) are already close to urban designated land use, studies should be taken to understand the devaluation of land from continuous development and encroachment. Both wetlands (designated Arva Moraine Complex – PSW) should be studied in conjunction with the Pedestrian Pathway connection study. As this land is already adjacent to multi-family high density and multi-family medium density designations, the ecological resilience of the PSW should be properly evaluated for ecological function and stability if proposed development on either side is to be accepted by the City of London Planning Department. Jeopardizing the quality of a PSW should be avoided at all cost.
- Very little effort appears to have been put in for wildlife surveys. The amphibian surveys are incomplete, the aquatic survey is based on preexisting data from 2012, breeding birds were only surveyed for 1 year etc.
- Many of the figures have extremely poor resolution making interpretation of the site and figure legends difficult. Figure 4 has no legend. Some figures are so pixelated that it is difficult to put the site in context with adjacent space. Many figures are tables were not titled.
- The appendices need page numbers, and the figures/tables within should have titles for reference. Organization of the appendices should be improved.
- The document was poorly referenced throughout and did not commit to a singular report style. Consider merging varying documents from subcontractors properly. Vague

information on drainage, storm water management, and groundwater recharge despite indicating importance of site as water source for two PSW areas.

Specific Comments

- 1) Section 1.1 “Report Objective”
 - a) The plan is aimed at rezoning the site, yet there was no detailed concept design for the proposed development. The designation is low-density residential, and open space 5 (OS5), as shown on Figure 4. As limited information was given on the actual building, will we see an updated building proposal?
- 2) Section 1.4 “Consultation”

Where is the information from the Pedestrian Pathway study, and why was that not incorporated before you decided to design the residential area?
- 3) The “Meta-corridor”
 - a) What are the implications of building across this meta-corridor? If the developers are able to ignore it, then this meta-corridor concept has been ineffective. At some point, the idea of “a corridor” is understood by the proponents, as they plan to amend the original design to allow a north-south corridor on the eastern edge of the property to link the north and south PSWs. Not sure how effective this will be, and does not mitigate the reduced buffers they envision.
- 4) Sections 2.2 – 2.4 have conflicting terminology for the northern wetland. It was labeled under “Environmental Review”, but it is now also Provincially Significant Wetland (PSW). The terminology when referring to this wetland jumps between “wetland” and “PSW” (Pg. 2)
 - a) Please use the term PSW.
 - b) Northern Wetland is within the City of London boundary on Figure 3 and 5, but Figure 2 does not show PSW as identified by the MNR and approved by the OMB.
- 5) Section 4.1.2 “Soils” - The data from EXP is written as though it were a reference; this is hard to follow because the names of the figures were not given in the BioLogic report. Please cite as: (Appendix #, exp 2015), and title the documents in the appendices.
- 6) Section 4.1.4 - Rainfall is not appropriately referenced in the East and West divide. Please revise and clarify to the reader what the implications are for rainfall.
 - a) Referenced Appendix E – Hydrology Assessment: Please number the pages
 - b) The checklist does not assess the information appropriately
- 7) Figure 3 clearly shows a watercourse within the southern wetland to the east of Richmond St., but Figure 2 only shows the watercourse on the west side of Richmond. Figure quality is poor and the legend is difficult to interpret. Better GIS images are required. **This watercourse is clearly shown in the UTRCA regulatory mapping.**
- 8) Section 4.2.1
 - a) Help the reader by defining the OWE “50% rule”, based on vegetation found in the area.
 - b) Communities in the wetland function and water attenuation were conducted by Development Engineering.
 - i) When was this survey completed?
 - c) In “Summary”, considering you are requesting a revision of the MNR wetland boundary, proper photographic documentation and labeling should be provided.
 - i) Regardless of the fact that the wetland community to the south is mostly below the property, the impacts could be greater based on construction near the PSW. Consider studying the PSW again for encroachment and public usage to determine what buffer would be appropriate, or if fencing is needed.

- ii) They recommend revision to the MNRF wetland boundary, but state two paragraphs earlier that their boundaries agreed with the MNRF. Why revise?
- 9) Section 4.2.2: Wildlife Habitat
- a) Photos to confirm these candidate habitat areas should be included.
- 10) Section 4.2.4: Flora
- a) Habitat for 17 floral species of provincial interest “may be found within 1 km of the subject lands”.
 - i) The ambiguous statement suggests that further research should be conducted to determine whether the lands **do** have S-ranked species.
 - ii) The habitat for Butternut is evident on Figure 6, and falls within the land parcel. Why was that not listed in this section? What are the impacts to this species?
 - b) Smooth Aster was observed in Community 1 between 2013 and 2015 and then no longer be present according to AECOM in 2015? What was the cause of its disappearance?
- 11) Section 4.2.5: Fauna
- a) W. Huys conducted the site-specific bird study in 2013, but what is his relationship with BioLogic (employee, contracted etc.)? What are his credentials?
 - b) The appendix for this section gives the wintering raptor surveys first, but they are referenced in the text after the breeding bird surveys. This is an example of sloppy document preparation which makes this EIS difficult to navigate. It would be somewhat less confusing if appendices had page numbers which were referenced in the text.
 - c) Bird studies were only conducted for one month over three weeks, and only in one calendar year. The recommendation is two years.
 - d) Six breeding birds with conservation concern found within subject lands, but BioLogic indicates that there is no habitat for END, THR, or SC birds. Various excuses are given for why there doesn't need to be any conservation for the bird habitats in the site.
- 12) Section 9.0: Summary and Conclusions
- a) Table 7 state post construction ‘enhanced corridor for wildlife’ for south PSW and north PSW, with little expansion on that comment in the EIS.
- 13) Snakes are listed under “amphibians” as possible foragers for toads. However, this should be listed under the “reptile” section instead.
- a) Section 6 “Environment Management Plan”
“Natural Heritage Features” A 5 m buffer adjacent to the PSW is inappropriate.
 - i) This feature requires a minimum of a 30m buffer zone between the development and the PSW.
 - (1) Page 39 states that no buffer is required, and therefore a naturalized buffer of 2.5 m along the south end of the wetland is proposed.
 - (a) This is not acceptable for a PSW. Please revise.
 - ii) “South Wetland Boundary”: A 10 m buffer is no better, regardless of whether this is a PSW or a wetland, the buffer requirements of the Environmental Management Guidelines (COL, 2007) require a 30 m buffer zone.
 - (1) It is stated that within the 10 m buffer zone there will be construction in this area in the form of ATVs.
 - (a) This is unacceptable activity in the buffer areas and defeats the very purpose of a buffer.
 - iii) “Life science data...” this directly contradicts Section 15.4.12 on Page 30.
- 14) Section 15.4.1 water quality and quantity does not refer to Appendix E, which is the water quality assessment and calculations.

- 15) Figure 1 (in Appendix A) show bore holes for the area, with an overlay of the design in subsequent pages. What are the impacts to hydrology? The water distribution information is lacking, as well as the mitigation measures for those.
- a) Figure 9 – Overlay
 - i) The mapping of the overlap is missing information regarding “2.2 Description of the Proposed Development”, Environmental Management Guidelines (2007).
 - ii) Butternut was shown on the map, but where were the other significant wildlife located (i.e. birds)?
 - iii) The report/figure is missing:
 - Groundwater recharge areas (implied)
 - Potential alterations to drainage
 - Conceptual location of storm water management facilities.

Appendices

- 16) Appendix A - Page 1
- a) Summary checklist was documented one year before the EIS was issued. Is it appropriate for the documentation to be incorporated? How have they addressed these issues?
- 17) Appendix B – EXP figure “North-South” is monochromatic and you cannot read the text.
- 18) Appendix D – poor labeling
- a) What is this table referring to?
 - b) What is the use of this table?
- 19) Appendix E - Water Balance Calculations were provided by exp Services Inc. Dec 2014. It comprises 7 pages (2 maps, 5 pages of tables and calculations) describing annual rainfall, infiltration and recharge of groundwater, and surface flows of water - yet receives scant treatment in the text of the EIS, save for section 8.3.2 (pg 40-41), which refers to work done by exp in 2015 (sic).
- a) It doesn't direct the reader to the data (the work actually was done in 2014 reported in Appendix E. [Note: Appendix E in the wrong location, being placed after Appendices A and B but before C, D, and F].
 - b) Contains water balance assessment for area 01 (about 2.4 ha) pre- and post-development, but the water balance assessment of area 02 (the 0.8 ha strip that runs east west along the southern edge of the subject lands) has the pre-development data listed twice and the data for post-development is missing. We therefore cannot assess the validity of these statements in section 8.3.2: “The water balance calculations specific to the site’s overland flow and infiltration contributions suggest there will be an increase in run-off flows to the north and a decrease to the south; and a decrease in infiltration in the north, and an increase in the south.” They later opine: “the relative increase and decrease in the water balance to the wetlands is marginal since the water contributions from the subject lands is small.” Since they did not provide data on run-off contributions from lands to the west, east, and south of the southern PSW, we cannot assess their conclusions above.
- 20) Appendix F – Amphibian Surveys were not complete
- a) Frogs were identified, but none were making calls?
 - b) GPS coordinates not given
 - c) Why on the field sheets, were the wildlife features not marked?
 - d) Surveys for Amphibians were conducted in June, which is not an appropriate time window for monitoring and needs to be redone.
- Amphibian surveys are not complete (e.g. only garbage is listed as a feature in one wetland, but wetland/marsh/open space isn't checked, the headings in one table are blacked out, June is not a recommended time of year for surveys, some survey times aren't listed, AM/PM not indicated, frog calls listed but “Frogs calling” not checked off).