Updated - Sunninglea Scoped EIS

Dated May 16, 2016, provided to EEPAC September 15, 2016

Reviewers: S. Hall, S. Levin, R. Trudeau

I. IMPACTS OF DEVELOPMENT and STORMWATER MANAGEMENT ON INFILTRATION, PERCHED AQUAFER, WETLAND and SEEPS

EEPAC was not provided with the Golders report nor the Preliminary Hydrogeological Assessment by Stantec. Therefore, our recommendations and concerns about infiltration and the perched aquifer are based solely on material found in the Scoped EIS.

From the aerial photographs included and through review of the historical ones on the City's public web site, it appears that the changes to the landscape south of Sunningdale have caused changes to the conditions north of Sunningdale. Without the hydrogeological report, EEPAC is unclear as to the location of the perched aquafer and the study's conclusions, however, we are concerned that the largely impervious surfaces that will form this development, plus the plan to move storm water off site to the SWM facility south of Sunningdale, will have a negative impact on the perched aquafer and any role it plays in health of the wetland, woodlands, and vegetation maintained by the seeps. We agree with page 7.7 of the Scoped EIS that storm water infiltration post development should mimic pre development infiltration. We believe this is a tall order given the amount of impervious surface that will form the development.

Recommendation 1: - The proponent prepare a detailed functional plan that maintains infiltration at pre development levels for approval by the City and UTRCA.

Page 7.6 has a brief comment about the wetland and its relation to groundwater recharge. The consultants suggest changes in infiltration will have a negligible impact on the wetland. However, the report does not speak to changes to surface flows to the wetland caused by the almost complete change of the adjacent land to impervious.

Recommendation 2: If not already contained in other reports not seen by EEPAC, the proponent demonstrate to the satisfaction of the City and UTRCA that the development will not cause a negative impact on the wetland feature or its ecological functions.

II. SHADING IMPACTS ON WETLAND FEATURE

Despite the number of 10 story buildings show adjacent to the east side of the wetland feature, there is no mention of possible impact of shading on this ecosite. Page 4.7 of the Scoped EIS notes a relatively open canopy. Will the new buildings cause shading that will have an impact on this feature? Without any information on the matter, EEPAC recommends such information be collected prior to development.

Recommendation 3: A holding provision be assigned to R9 zoned portions of the land subject to a study of the possible impacts of shading on the wetland feature. EEPAC notes that the 2006 work by Bergsman and DeYoung determined that only 12.65 % of vegetated patches in London are SWD.

III. CONDITIONS FOR DEVELOPMENT AND OTHER AGREEMENTS

Recommendation 4: The condo corporation(s) must include with owner information and its articles a copy of the latest copy of the City's "Living with Natural Areas." Wherever possible, it should also be displayed in public locations of the high rise buildings.

Recommendation 5: Appropriate signage be posted or an information kiosk be installed indicating why the adjacent area is an important part of the City's Natural Heritage System and why it is important to keep pets on a leash, stay on pathways and not plant invasive species.

a. MONITORING PERIOD

We have the following recommendations to replace the consultant's on page 8.4

Recommendation 6: The proponent obtain a minimum warranty period of 3 fall seasons from planting for planted vegetation.

Recommendation 7: Annual monitoring and reporting to the City Ecologist, Development Services and EEPAC be done for three fall seasons from completion of the planting.

b. FENCING

Recommendation 8: The entire border of the property be fenced to discourage unmanaged access to the Natural Heritage System and the slopes.

c. FUTURE PATHWAY

EEPAC **does not support** a pathway in the buffer or the 6 m erosion allowance. EEPAC points out that the pathway standard is 3 meters with 1 meter of mowed land on either side. Buffers should be part of the NHS. As the City can use the Planning Act to site the pathway, it should be outside the NHS and outside the buffer.

EEPAC also notes that Sunningdale Road will be widened at some point in the near future (the EA is complete) and is unclear where staff intend to connect the pathway that is south of Sunningdale. Therefore:

Recommendation 9: The pathway be outside the buffer and erosion allowance and not adjacent to the wetland feature.

d. NATURALIZATION OF BUFFER

Recommendation 10: The naturalization plan for the detail design phase be approved by a City Ecologist.

e. LIGHTING

***Recommendation 11*:** All exterior area lighting installed by the developer be full cut off lighting. All outside unit lighting installed by the builders be equipped with monition detectors to minimize the time that they are on.

IV. CONCERNS ABOUT ENFORCING CONDITIONS THAT APPLY BETWEEN THE CONDO CORPORATION AND CONDO OWNERS

Page 7.5 highlights the increase in human activity this development will cause. The consultants list encroachment, lighting and others that EEPAC has noted and commented on in the previous section. However, EEPAC wishes to raise a concern related to the consultant's comment that "These impacts can (be) mitigated with the implementation of condominium agreements prohibiting these activities." EEPAC is not aware of any mechanism by which the city can compel the condo corporation to enforce measures to protect city owned land from encroachment by its members, let alone environmentally significant lands owned by others.

Recommendation 12: The City seek a legal opinion from its legal staff as to what matters between a condo corporation and its owners can be enforced by the City, particularly those related to encroachment.

If such conditions are not subject to enforcement except by the condo corporation, the City must find a mechanism such that it can compel the corporation to follow through (e.g. if a condo member plants an invasive species adjacent to the woodland).

V. CONSTRUCTION MITIGATION AND VEGETATION REMOVAL AND RENATURALIZATION

EEPAC supports the construction mitigation and re-naturalization recommendations included in Sections 7 and 8, although noting the 0.1 ha increase of natural vegetation noted in Table 6 is only the land area of a large city lot.

Recommendation 13: A complete list of recommendations should be included in Section 9 (which is not a complete list) as well as in the detail design documents and conditions of development.

Recommendation 14: An onsite ecologist with the power to stop work be on site at all times where work near to the buffers and significant components of the Natural Heritage system are taking place. When not on site, a number to contact the ecologist be posted prominently at the construction site.

Recommendation 15: The Clean Equipment protocols be followed.

VI. USE OF PREVIOUS STUDIES

Although the consultants allude to previous studies such as the 1998 and 2004 Community / Area Plans (p. 3.2), there is no information provided on the information gleaned from previous botanical and wildlife habitat surveys. The consultants rely only on information received from the NHIC (pp. 4.8-4.9). EEPAC agrees with UTRCA and City staff that no additional fieldwork is required, but:

***Recommendation* 16:** Previous inventories be reviewed for locations of any species with SRANKs of S3 or higher so that development impacts may be avoided.

VII. LAND USE DESIGNATIONS AND ZONING

The wetland and forested areas determined to be significant components of the Natural Heritage System (as noted by the consultants on page 5.3) must be designated and zoned Open Space and noted on Schedule B1 as components of the Natural Heritage System.

Recommendation 17: The Official Plan and London Plan be revised to reflect the changes in delineation of the components of the Natural Heritage System recommended by the Scoped EIS, including deleting the 'h-' for the section zoned h-4 OS1.