

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: John M. Fleming
Managing Director, Planning and City Planner
Subject: Southside Group
3234, 3263, & 3274 Wonderland Road South
Public Participation Meeting on: May 28, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Southside Group relating to the properties located at 3234, 3263, & 3274 Wonderland Road South:

- (a) Municipal Council **BE ADVISED** that this Official Plan and Zoning By-law amendment application (OZ-8590) has been appealed to the Ontario Municipal Board by Analee J. M. Ferreira of Ferreira Law on behalf of the applicant on the basis of non-decision by Council within 180 days;
- (b) The Ontario Municipal Board **BE ADVISED** that Municipal Council **RECOMMENDS** that the request to amend the Official Plan to **ADD** a Specific Area Policy in Chapter 10 to permit an additional 18,700m² of commercial floor area within the Wonderland Road Community Enterprise Corridor land use designation **BE REFUSED** for the following reasons:
 - i) The application does not conform to the Southwest Area Secondary Plan policy that permits a maximum commercial floor area of 100,000m² in the Wonderland Road Community Enterprise Corridor designation, and
 - ii) The application does not conform to the 1989 Official Plan criteria for Specific Area Policies in Chapter 10.
- (c) The Ontario Municipal Board **BE ADVISED** that Municipal Council **RECOMMENDS** that the request to amend Zoning By-law Z.-1 **FROM** an Environmental Review (ER) Zone, an Urban Reserve (UR1) Zone, an Urban Reserve (UR4) Zone, and a Holding Light Industrial (h-17•LI1•LI7) Zone **TO** an Associated Shopping Area Commercial (ASA1•ASA3•ASA4•ASA5•ASA8) Zone, **BE REFUSED** for the following reasons:
 - i) The application is not consistent with the Provincial Policy Statement,
 - ii) The application does not conform to the Southwest Area Secondary Plan policies that direct the built form and design of the site and permits a maximum commercial floor area of 100,000m² in the Wonderland Road Community Enterprise Corridor designation,
 - iii) The application does not conform to the 1989 Official Plan Environmental Policies, and
 - iv) The application does not represent good planning

Executive Summary

Summary of Request

The requested amendment to the Official Plan is to add a Specific Area Policy to Chapter 10 of the 1989 Official Plan to permit commercial development on the site with a floor area of 18,700m² above the 100,000m² cap on commercial floor area in the Southwest Area Secondary Plan (SWAP) that applies to the Wonderland Road Community Enterprise Corridor (WRCEC) designation.

The requested amendment to the Zoning By-law would apply an Associated Shopping Area (ASA) Zone to permit commercial development on the site, in a pattern similar to the existing development on Wonderland Road South north of Bradley Avenue.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to advise the Ontario Municipal Board that City Council recommends that the requested amendments intended to facilitate the development of the site with large format commercial uses, in a form that is consistent with the existing development along Wonderland Road South north of Bradley Avenue, be refused.

There are three key issues identified with the requested amendments, including: conformity to the environmental policies in the 1989 Official Plan, conformity to urban design policies in SWAP, and conformity to the commercial cap in the WRCEC designation.

The first key issue is that the requested amendment does not conform to the natural heritage policies in the 1989 Official Plan. The requested zoning amendment and conceptual site plan show development within a wetland that contains Significant Wildlife Habitat, which is not permitted by the 1989 Official Plan or the Provincial Policy Statement (2014).

The second key issue is that the requested amendment does not conform to the SWAP urban design policies. Where commercial development is permitted, the policies intend to create a main street character. This policy should be implemented through zoning requirements that ensures the future development will meet the intent of the policy and facilitates a built form that is well designed, creates a sense of place, and includes active and vibrant public spaces.

The final key issue is that the requested amendment does not comply with the commercial policy in SWAP that includes a commercial floor area cap of 100,000m² within the WRCEC designation. Council recently considered a comprehensive review of the commercial policies in the WRCEC designation, and decided to retain the 100,000m² cap. The policy states that “commercial development for the entire Wonderland Road Community Enterprise Corridor designation shall not exceed 100,000 square metres gross floor area.” The requested amendment does not conform to SWAP with regards to commercial development in this location.

Other issues were also identified through the department and agency review, all of which could be addressed at this stage of the development process through the inclusion of holding provisions in any approved zoning.

Rationale for Recommended Action

It is recommended that the requested Official Plan and Zoning By-law amendments be refused for the following reasons:

- The requested amendments are not consistent with the Provincial Policy Statement,
- The requested amendments do not conform to the Southwest Area Secondary Plan policies that direct the built form and design of the site and permits a maximum commercial floor area of 100,000m² in the Wonderland Road Community Enterprise Corridor designation,
- The requested amendments do not conform to the 1989 Official Plan Environmental Policies, and
- The application does not represent good planning.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject properties are mostly vacant and include lands on the east and west sides of Wonderland Road, immediately south of Bradley Avenue. There is an existing single detached dwelling on the east side of Wonderland Road South, at the south end of the site. There is also a wetland feature located at the northwest corner of the property on the west side of Wonderland Road South.

The lands are within the Wonderland Road Community Enterprise Corridor, which has developed into a regional commercial centre. There is a large commercial development north of the site, between Southdale Road West and Bradley Avenue. South of the site there is a new commercial development on the west side of Wonderland Road South, while the east side of the street has remained primarily light industrial, despite its designation for commercial, residential, and other uses.

The Wonderland Road corridor policies permit residential, commercial, institutional, and office uses. Mixed-use forms of development are encouraged. While to date the main forms of development have included service commercial and retail uses along the corridor, these other uses may be developed in the future.

1.2 Current Planning Information

- Official Plan Designation – Wonderland Road Community Enterprise Corridor
- The London Plan Place Type – Shopping Area
- Existing Zoning – an Environmental Review (ER) Zone, an Urban Reserve (UR1) Zone, Urban Reserve (UR4) Zone, and a Holding Light Industrial (h-17●L11●L17) Zone

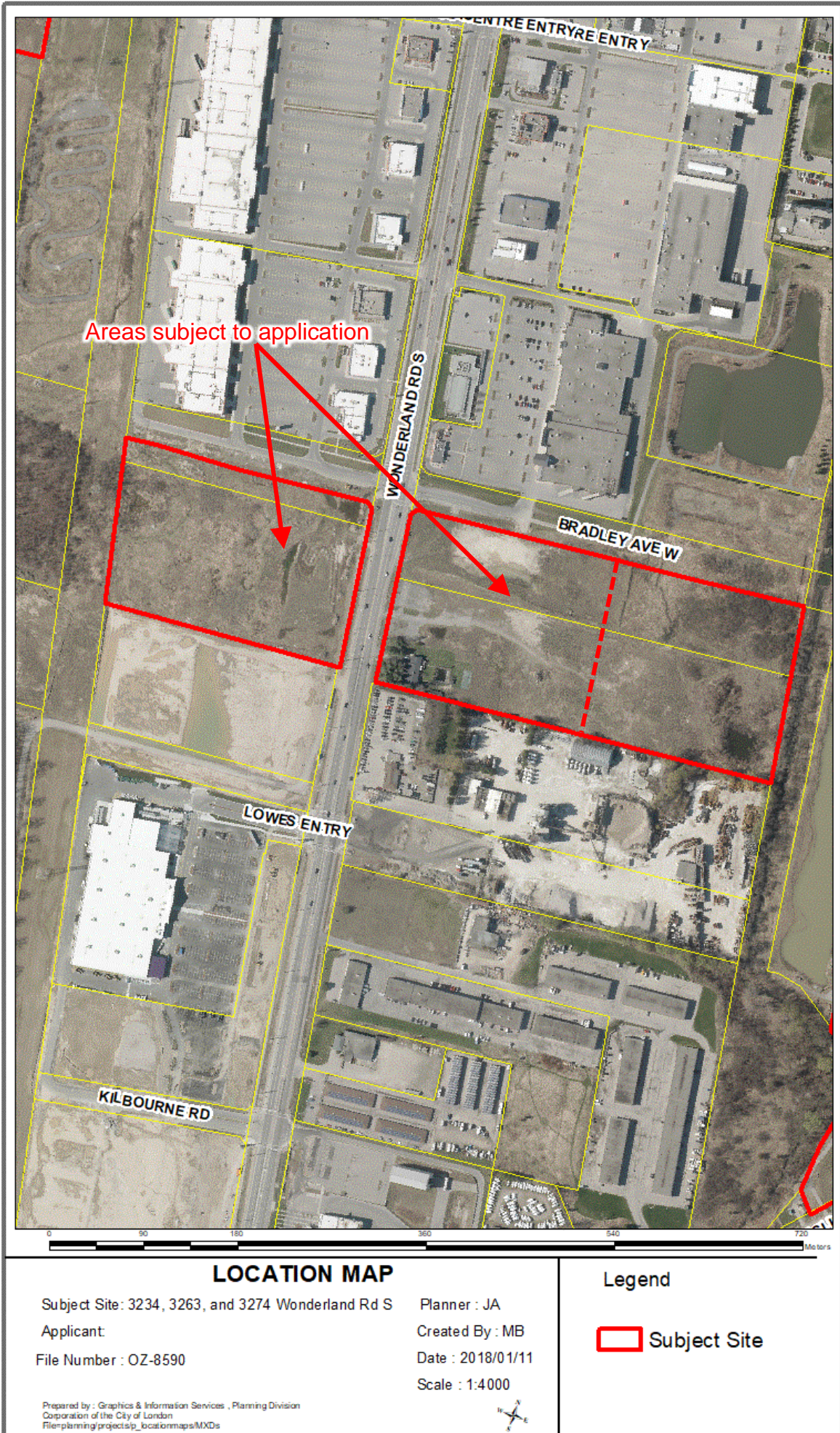
1.3 Site Characteristics

- Current Land Use – vacant
- Frontage – 164.28m (east portion) & 153.18m (west portion)
- Depth – 210m (east portion) & 242.5m (west portion)
- Area – 7.38ha (18.24ac)
- Shape – rectangular

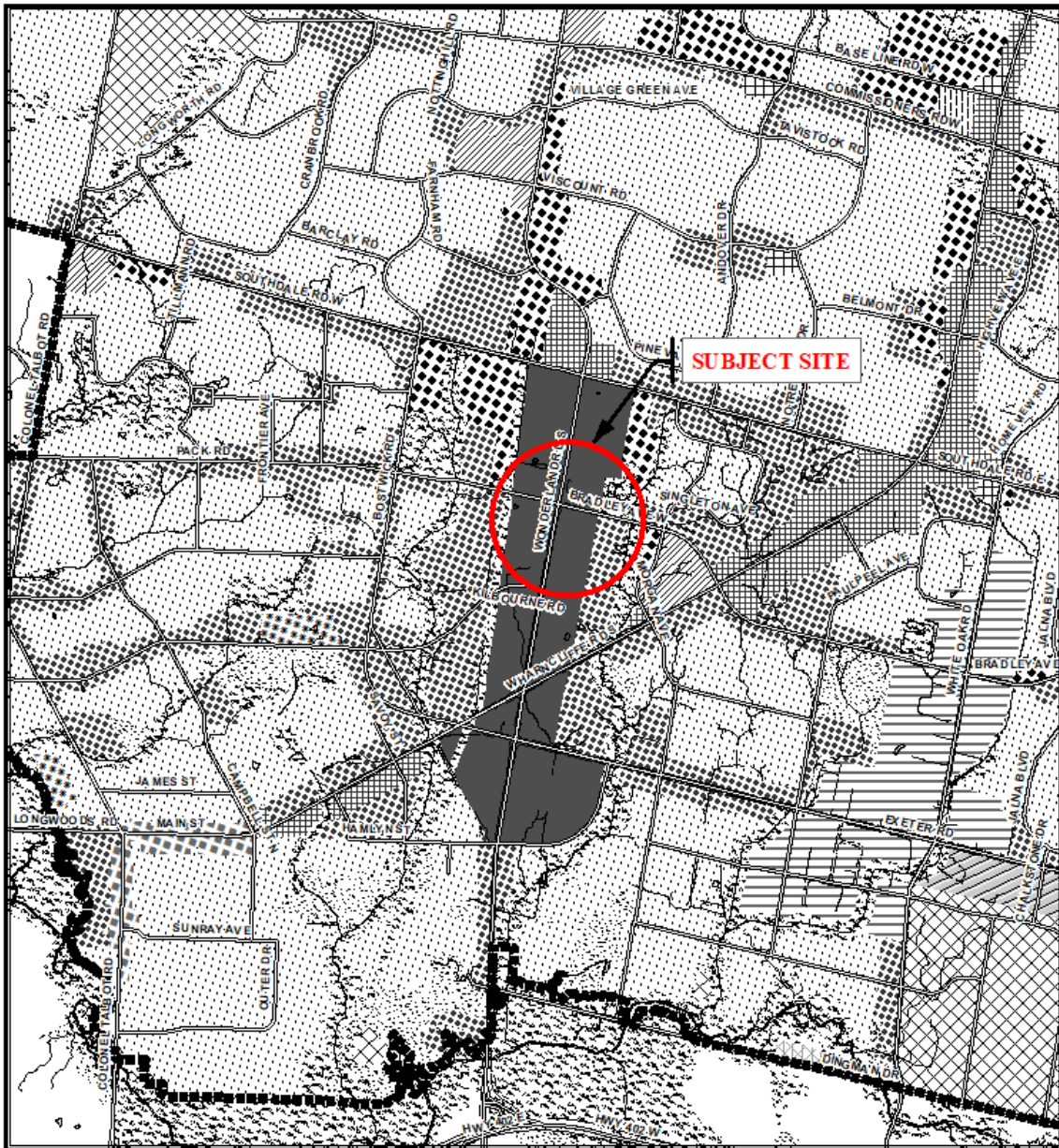
1.4 Surrounding Land Uses

- North – large format commercial uses
- East – open space
- South – large format commercial uses, light industrial uses
- West – open space, hydro corridor

1.5 Location Map



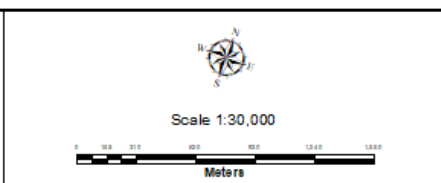
1.6 Official Plan Map



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

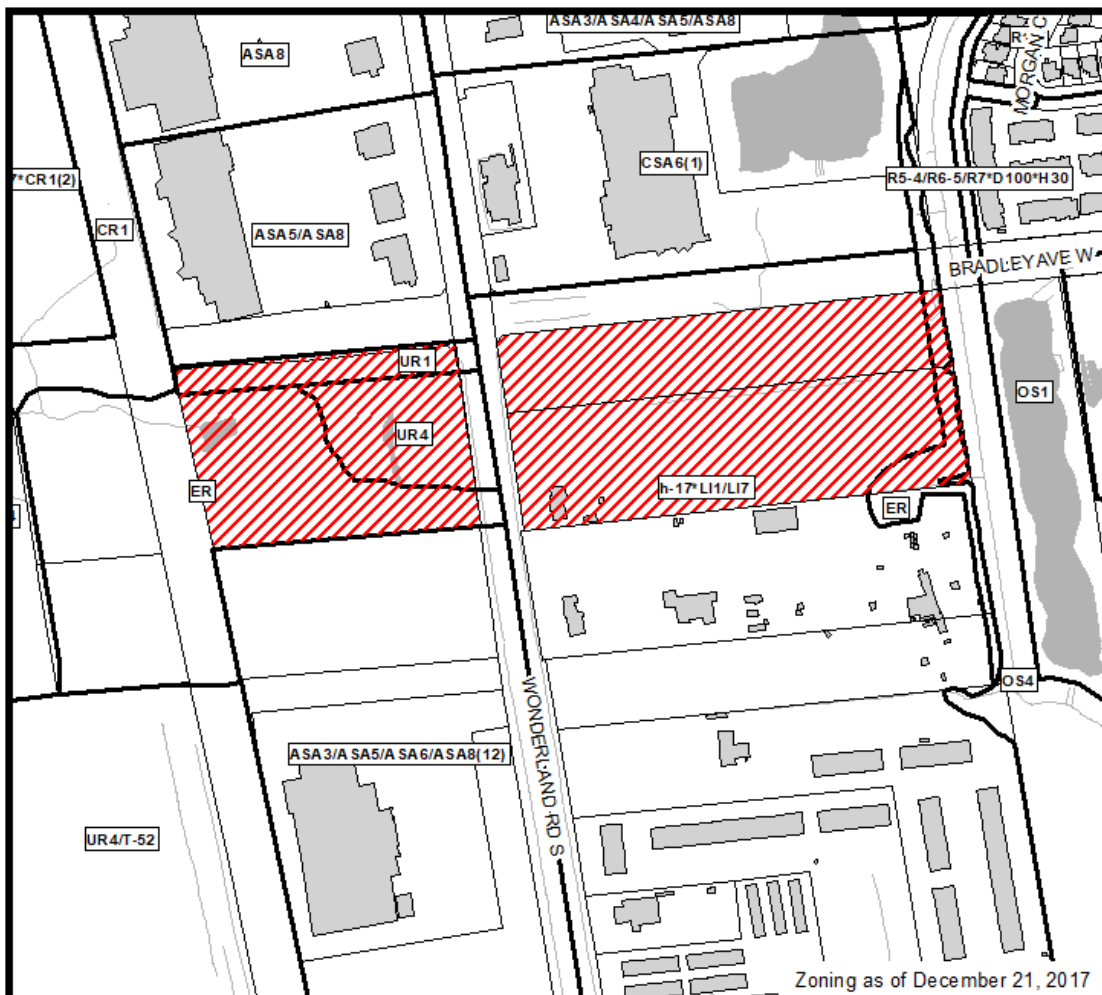
CITY OF LONDON
 Planning Services /
 Development Services
OFFICIAL PLAN SCHEDULE A
 - LAND USE -


PREPARED BY: Graphics and Information Services



FILE NUMBER: OZ-8590
 PLANNER: JA
 TECHNICIAN: MB
 DATE: 2018/01/11

1.7 Zoning Map



 COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h-17*L11/LI7 and UR1 and UR4 and ER

1) LEGEND FOR ZONING BY-LAW Z-1

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | |
| R7 - SENIOR'S HOUSING | OS - OPEN SPACE |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | CR - COMMERCIAL RECREATION |
| R9 - MEDIUM TO HIGH DENSITY APTS. | ER - ENVIRONMENTAL REVIEW |
| R10 - HIGH DENSITY APARTMENTS | |
| R11 - LODGING HOUSE | OB - OFFICE BUSINESS PARK |
| DA - DOWNTOWN AREA | LI - LIGHT INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | GI - GENERAL INDUSTRIAL |
| CSA - COMMUNITY SHOPPING AREA | HI - HEAVY INDUSTRIAL |
| NSA - NEIGHBOURHOOD SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| BDC - BUSINESS DISTRICT COMMERCIAL | UR - URBAN RESERVE |
| AC - ARTERIAL COMMERCIAL | |
| HS - HIGHWAY SERVICE COMMERCIAL | AG - AGRICULTURAL |
| RSC - RESTRICTED SERVICE COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| SS - AUTOMOBILE SERVICE STATION | TGS - TEMPORARY GARDEN SUITE |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | RT - RAIL TRANSPORTATION |
| OR - OFFICE/RESIDENTIAL | "h" - HOLDING SYMBOL |
| OC - OFFICE CONVERSION | "D" - DENSITY SYMBOL |
| RO - RESTRICTED OFFICE | "H" - HEIGHT SYMBOL |
| OF - OFFICE | "B" - BONUS SYMBOL |
| | "T" - TEMPORARY USE SYMBOL |

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

**ZONING
 BY-LAW NO. Z-1
 SCHEDULE A**



THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

FILE NO:

OZ-8590 JA

MAP PREPARED:

2018/01/11 MB

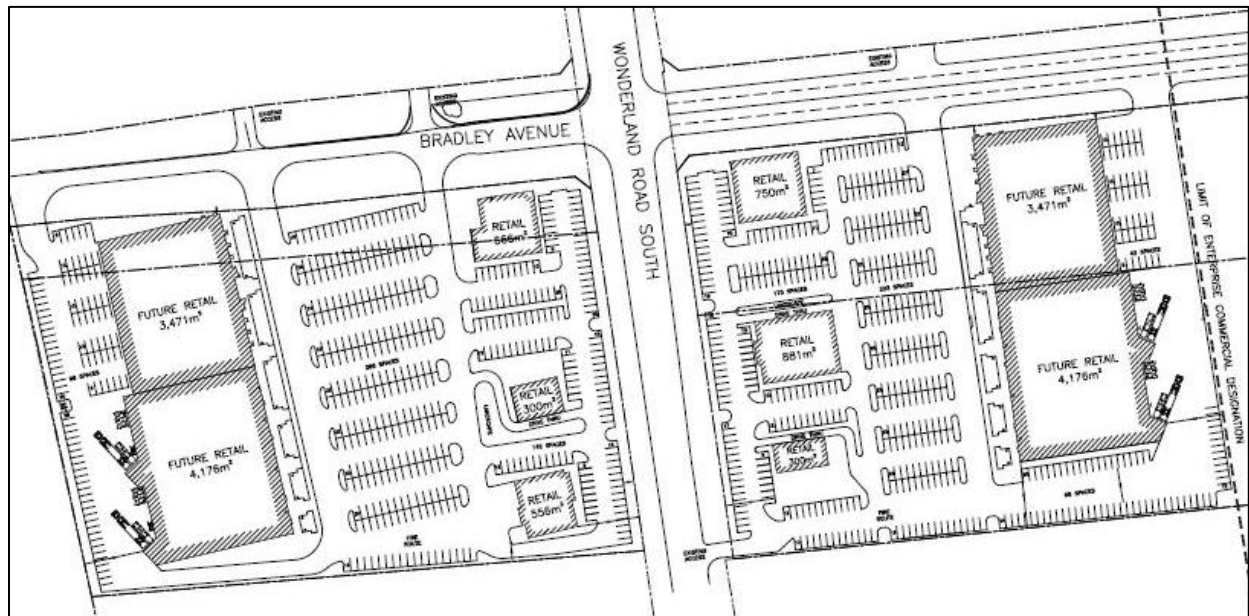
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2.0 Description of Proposal

2.1 Development Proposal

The requested amendments are intended to facilitate up to 18,700m² of commercial development on the subject site. A conceptual site plan provided as part of the application includes six retail units on each side of Wonderland Road South. The plan shows four big-box format retail units to the rear of the site and six smaller retail units on pads closer to the front of the property. The conceptual site plan shows parking along the entire frontage on both sides of Wonderland Road South, and does not provide details such as landscaped areas, setbacks, lot coverage, or other details. The conceptual site plan is shown in the figure below.



3.0 Relevant Background

3.1 Planning History

The subject site is within the Wonderland Road Community Enterprise Corridor (WRCEC) land use designation within the Southwest Area Secondary Plan (SWAP). This designation was established in 2012 when the Secondary Plan was approved by the Ontario Municipal Board (OMB). The policies permit a range of uses but include a 100,000m² gross floor area cap on commercial development within the WRCEC designation south of Bradley Avenue. Soon after the SWAP was approved all of the permitted commercial gross floor area under the cap was allocated, thereby not allowing any further commercial development along the corridor on sites not already zoned.

This application was accepted on January 28, 2016, and the applicant was advised soon after by staff that there was no more gross floor area remaining to be allocated under the commercial cap. Planning staff determined that the best course of action was to undertake a separate analysis of the commercial cap and review the application based on the outcome of that review. The applicant was advised of this approach and agreed to wait until the outcome of that review.

Another application (File O-8543/Z-8712) was also received seeking a site-specific increase in permitted commercial floor area within the WRCEC designation. This application was submitted by Westbury International c/o The Decade Group for the site at 3680 Wonderland Road South, and proposes to increase the commercial cap by 8,548m². The Westbury International application was also held pending the outcome of the commercial policy review, and is expected to be presented at the Planning and Environment Committee later this year.

The City retained Kircher Research Associates to consider the existing policy framework and the impacts of the commercial cap. Several changes to the WRCEC policies were recommended after this review and were presented to the Planning and Environment Committee on June 6, 2017. They included:

1. Removing the maximum commercial floor area;
2. Reducing maximum and minimum permitted residential intensity;
3. Reducing the maximum office floor area per building; and
4. Re-formatting the policies to be structured by use, intensity, and form.

At its meeting on June 13, 2017 Council decided to approve amendments 2, 3, and 4; but referred the first recommended amendment, to remove the commercial cap, back to staff for further study. This application was appealed for non-decision following this referral by Council and is scheduled for a hearing beginning on August 13, 2018.

Another report was taken to the Planning and Environment Committee on March 19, 2018 in response to the previous Council resolution. The report provided additional information regarding the commercial cap, including a study prepared by Coriolis Consulting Corporation evaluating the impacts of removing the cap. On March 27, 2018 Council decided to maintain the commercial cap, retaining the policy that would not allow any commercial development on the corridor beyond what is already zoned or was previously developed.

3.2 Requested Amendment

The requested Official Plan amendment would add a specific policy area to Chapter 10 of the 1989 Official Plan, to permit an additional 18,700m² of commercial floor area on the subject site, above the 100,000m² maximum established in the SWAP for portions of the WRCEC designation south of Bradley Avenue.

The requested Zoning By-law Amendment would change the zone on the property from an Environmental Review (ER) Zone, Urban Reserve (UR1) Zone, Urban Reserve (UR4) Zone, and Holding Light Industrial (h-17•LI1•LI7) Zone to an Associated Shopping Area Commercial (ASA1•ASA3•ASA4•ASA5•ASA8) Zone. The Environmental Review zone requires that lands remain in a natural condition until their significance is determined through the completion of environmental studies. The Urban Reserve zones permit a limited number of uses and is primarily intended to permit and regulate existing uses until the future land uses have been determined through comprehensive planning processes. The Light Industrial Zone permits a range of light industrial uses. The requested Associated Shopping Area Zones would permit a wide range of commercial uses.

3.3 Community Engagement

A Notice of application was circulated to all properties within 120m of the subject site on March 16, 2016, the application was listed in the Londoner public notices section, and a sign was placed on the property. No responses were received from the public.

One response was received after a notice of public meeting was sent on March 28, 2018 with concerns regarding wildlife along Pincombe Drain. Those concerns were addressed by clarifying that the area where commercial zoning has been requested does not include the portion of the site nearest to Pincombe Drain.

3.4 Department and Agency Comments (see more detail in the Appendix)

The application was circulated to various departments and agencies. Significant comments were received from the following:

- Urban Design
- Urban Design Peer Review Panel
- Environmental and Parks Planning
- Transportation Planning
- Wastewater and Drainage Engineering
- Upper Thames River Conservation Authority (UTRCA)

The Urban Design and Urban Design Peer Review Panel comments relate to the urban design concerns and are discussed in detail in the analysis section below. The Environmental and Parks Planning comments relate to natural heritage concerns and are also discussed in detail in the analysis section below.

Transportation Planning comments identify issues with the Transportation Impact Assessment that was submitted as well as with the access points and internal circulation on the site. A holding provision is recommended in the event that this application is approved to ensure these issues are addressed and that the access is designed to the satisfaction of the City Engineer.

Wastewater and Drainage Engineering comments identify several remaining issues. A holding provision is recommended in the event that this application is approved to ensure that all of the identified concerns are addressed.

UTRCA comments include that development should not be permitted on portions of the site near the Pincombe Drain within hazard areas and a significant woodland. These features are not within the area to be rezoned.

3.5 Policy Context

There are three primary planning documents to consider in the evaluation of the requested amendment. These are the Provincial Policy Statement (2014), the Official Plan for the City of London (1989) and the Southwest Area Secondary Plan (2012). The application was accepted on January 28, 2016, which is prior to Council's adoption of The London Plan.

The 1989 Official Plan includes that "more specific land use designations and associated policies may be established through the Secondary Plan" (20.1.1). As such the policies contained in SWAP prevail over the policies in the 1989 Official Plan. Given the comprehensive nature of SWAP, it is the primary planning document that applies to the site, unless the specific issue is not addressed in the Secondary Plan.

4.0 Key Issues and Considerations

4.1 Natural Heritage

The portion of the subject site located on the west side of Wonderland Road South, municipally known as 3263 Wonderland Road South, includes a significant natural heritage feature requiring protection. The requested amendment proposes that the Associated Shopping Area (ASA) Zone apply to this area, whereas an Open Space (OS5) Zone is required to protect this feature plus an ecological buffer according to Provincial and Official Plan policies.

Applicable Policies

The identified feature is within the Environmental Review (ER) Zone. The general purpose of the Environmental Review (ER) Zone is to ensure that lands remain in a natural condition until their significance can be determined through the completion of environmental studies.

The Provincial Policy Statement (PPS), 2014 includes policy direction for the wise use and management of resources, including natural heritage resources. It states that Development and site alteration shall not be permitted in Significant Wildlife Habitat (2.1.5.d) and development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in Policy 2.1.5 unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions (2.1.8).

The PPS defines significant in this context as meaning "*ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system*" and the PPS defines Wildlife Habitat as "*areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species*" (Section 6.0 – Definitions). The PPS also states that "*Natural features and areas shall be protected for the long term*" (2.1.1). Specific criteria for establishing significance are listed in the MNR Ontario Natural

Heritage Reference Manual (Second Edition, 2010), and the MNRF Significant Wildlife Habitat Criteria Schedules for Ecoregion 7E (2015).

The SWAP policies for natural heritage include that Natural Heritage Features will be confirmed and/or delineated, and that ecological buffers will be established based upon the recommendations of an approved Environmental Impact Study, in accordance with Section 15 of the Official Plan (Policy 20.5.3.6.c)).

Section 15 of the 1989 Official Plan includes the Environmental Policies. The natural heritage objectives include to “Provide for the identification, protection, and rehabilitation of significant natural heritage areas” (15.1.1.ii), “Protect, maintain and improve surface and groundwater quality and quantity by protecting wetlands, groundwater recharge areas and headwater streams” (15.1.1.iii), and “Maintain, restore, and improve the diversity and connectivity of natural features, and the long-term ecological function with biodiversity of natural heritage systems” (15.1.1.v). The definition of what constitutes a natural heritage area to be designated as Open Space includes, but is not limited to, “Significant Woodlands, Woodlands, Significant Wildlife Habitat, Habitat of Species of Special Concern, Fish Habitat, Locally Significant Wetlands, and Renaturalization Corridors and Linkages as described in Section 15.4, that are deemed by Council, on the basis of an appropriate environmental study, to satisfy the criteria in Section 15.4” (15.3.1.f). Ecological buffers are required around natural heritage features and will also be included in the zoning of the open space area (15.3.6). Wildlife Habitat is also protected as part of the natural heritage system Official Plan policies, any areas that meet the criteria for significance will be designated Open Space (15.4.7.ii).

Based on these policies and the status of the wetland as Significant Wildlife Habitat, the PPS and 1989 Official Plan require that it be designated as Open Space and protected for the long term. Therefore, the requested amendment to change the zoning of these lands from an Environmental Review zone to an Associated Shopping Area zone does not conform to the policy of the 1989 Official Plan or SWAP.

Communications with Applicant

The application was first submitted in 2016 and included an Environmental Impact Study (EIS) that was prepared for the applicant, dated February 18, 2016. The EIS concludes by stating that “with the proposed Draft Plan there is no direct loss of any significant natural heritage features that warrant protection”.

City staff responded to the conclusions of the EIS in a memo dated June 8, 2016. This memo indicated that multiple revisions were required to the EIS. One particular concern had to do with the identification of a wetland feature located in the northwest corner of the site, identified on ‘Figure 6 – Vegetation Communities’ in the EIS as vegetation community 3a and described in the report as an “*Anthropogenic Dug Depression.*” Comments from the City’s ecologist include that the feature is in fact a wetland, and that based on the data provided in the EIS the feature meets criteria identified in the MNRF Significant Wildlife Habitat Criteria Schedules for Ecoregion 7E for Significant Wildlife Habitat - Amphibian Breeding Habitat (Woodlands). The figure below is taken from the EIS and shows vegetation community 3a with the conceptual site plan overlaid on top.

The data provided by the applicant’s ecologist shows that the feature meets the Official Plan policy for Wildlife Habitat (15.4.7), and is a Locally Significant Wetland under the Official Plan. Given this information, the PPS and the Official Plan require that the feature be protected. This also includes the application of a 30m ecological buffer around the wetland, and designating the Woodland located to the west of the subject site (on lands also owned by the applicant but are not subject to this application) as Significant Wildlife Habitat. The Provincial criteria require that confirmed Significant Wildlife Habitat for Amphibian Breeding Habitat (Woodlands) includes not only the wetland area, but also woodland areas within a 230m radius.



City staff met with the applicant on February 6, 2017 to review the issues on the site. There was a difference of opinion regarding the interpretation of criteria for significance for determining Significant Wildlife Habitat based on Provincial criteria. The criteria for Amphibian Breeding Habitat includes that there be two or more of the listed frog species with at least 20 individuals. The data provided in the EIS identifies that there were more than 20 Spring Peepers and 2 Western Chorus Frogs (both listed species) based on amphibian call surveys, thereby meeting the threshold for Provincial significance. The applicant's representative contended that the criteria were meant to indicate that 20 individuals from each species is required, not in total. It was agreed in the meeting that both the City and the applicant would confirm the interpretation with the Ontario Ministry of Natural Resources and Forestry.

The applicant's ecologist provided a letter dated February 16, 2017 indicating that the MNRF Peterborough office confirmed to them that the City's interpretation of the MNRF Significant Wildlife Habitat Criteria Schedules for Ecoregion 7E is correct. Emails to the City ecologist from the MNRF Aylmer office (which has jurisdiction in the London area) on February 21, 2017 also confirm the City's interpretation to be correct. This confirmation validates the opinion that the area is a Provincially Significant Wildlife Habitat that requires protection as per the PPS (2014) and under the Official Plan policies in effect.

In order to resolve this matter, City staff continued the conversation by providing two options to the applicant. Option one was to apply a 30m buffer around the wetland feature (which is the minimum buffer to wetlands identified by the City's Environmental Management Guidelines 2006 and Official Plan policy 15.3.6), zone the feature Open Space (OS5), and zone the associated woodland as Open Space (OS5). This would allow commercial zoning and development to proceed on the remaining portions of the site.

Option two was to relocate the feature closer to the existing woodland west of the subject site on lands owned by the applicant that are not subject to this application. This would allow for more development area on the subject site but would require the works to move the feature to be completed, and would still require the Woodland to be rezoned to Open Space (OS5) as required by both the MNRF Significant Wildlife Habitat Criteria Schedules for Ecoregion 7E and Official Plan policy. The potential relocation of the wetland feature was supported in this specific case by the London Plan wetland policies (1330-1336), which were used to assist the Applicant with providing the second option for consideration. The City also offered to initiate this amendment, so as to not require additional fees or materials from the applicant.

The applicant's ecologist provided possible locations for the relocated feature in an email on May 11, 2017. However, on May 26, 2017 the applicant's ecologist provided

another email stating that zoning of lands outside of the application to open space was a “non-starter for the client.”

Recommended Action

Based on the information now available, the feature identified as vegetation community 3a is confirmed to be Provincially Significant Wildlife Habitat and a Locally Significant Wetland. In addition, the associated Woodland (community 4) is also required to be protected from development or site alteration according to MNRF and Official Plan policies.

The applicant has not agreed to either of the two options presented by the City, and the application is not consistent with the PPS and does not conform to the 1989 Official Plan or SWAP with regards to natural heritage protection. Staff therefore recommend that the application be refused on the basis of non-conformity with natural heritage policies.

4.2 Urban Design

Urban design is a significant concern with the proposed development both by City staff and the Urban Design Peer Review Panel. If zoning for commercial uses is to be approved on this site it should include site specific provisions that ensure the form of development will comply with the urban design policies in SWAP. This site specific zoning should implement a site plan, provided by the applicant, that is consistent with the vision for development in this part of the City.

Applicable Policies

Urban design is a growing concern in the consideration of planning applications across Ontario, as shown in recent changes to the Planning Act where the Matters of Provincial Interest listed in Section 2 has been updated to include:

The promotion of built form that,

- i) is well-designed,*
- ii) encourages a sense of place, and*
- iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*

This change to the Planning Act reinforces the important role design plays in forming the built environment into interesting and exciting places to live, work, or visit. The specific vision and policy direction for urban design within the Wonderland Road South corridor is included in SWAP.

The approach to urban design policies in SWAP is laid out in section 20.5.3.9. In general, SWAP provides flexibility in prominent locations with respect to land use, but requires that a high standard of urban design be applied. Principles for development include:

- buildings should respond to and interact with the street to provide an effective interface between the public and private realms (20.5.3.8.iv.a)
- Development should be compact, and pedestrian and transit oriented (20.5.3.9.i.a)
- Buildings should be located and scaled to enhance the pedestrian experience on the street by providing a sense of enclosure (20.5.3.9.iii.a)
- Commercial development should be in a main street format, where shops are oriented to the street to create a pedestrian shopping experience on the sidewalk (20.5.3.9.iii.b).
- Commercial development at an intersection of arterial and collector roads should be oriented towards the intersection (20.5.3.9.iii.c)

In particular, policy 20.5.3.9.iii) b) is an important consideration for this application as it applies to the design of commercial developments. As stated above, this policy encourages development in a main street format. It also lists criteria for commercial development. The policy includes:

Where commercial development is permitted it will be encouraged in a “main street” format where retail and service commercial uses are oriented to the street creating a pleasant, pedestrian shopping environment, whether in stand-alone stores or in the ground floor of mixed-use buildings. In these areas:

- *the principal public entrance shall provide direct access onto the public sidewalk;*
- *the primary windows and signage shall face the street;*
- *buildings facing the street shall be encouraged to have awnings, canopies, arcades or front porches to provide weather protection;*
- *no parking, driveways, lanes or aisles shall be permitted between the buildings and public sidewalks;*
- *buildings shall have a consistent setback and parking lots abutting the street shall be limited and designed in accordance with the parking provisions in subsection g) below;*
- *the location and design of any large-format retail stores shall consider the design alternatives set out in subsection g) below; and,*
- *any commercial nodes including large-format retail stores shall be integrated into the pattern of streets and blocks of which they are a part. The pattern of blocks and the physical design of the buildings in relation to the street shall encourage pedestrian circulation to, from and within this commercial area. Streets, sidewalks and the orientation of buildings shall be designed to create comfortable, enjoyable pedestrian movement in a vibrant public realm*

The Wonderland Road South corridor is considered as a gateway to the City, and as such the policies for the WRCEC designation include these extra considerations for the built form:

- Low to mid-rise height are permitted, however development will be required to provide enclosure to the Wonderland Road corridor. This may be achieved through minimum height requirements (20.5.6.vi.a).
- Development is required to provide opportunities for future intensification, through location of buildings where they will allow for future development on the site (20.5.6.vi.b).
- Large format retail uses may be permitted, but shall not detract from the pedestrian experience on the public street (20.5.6.vi.c).

Urban Design Analysis

The application was circulated to staff and the Urban Design Peer Review Panel for review. Both identified issues with regards to the site layout and proposed buildings. Comments are provided in the Appendix to this report.

The staff comments identify the various aspects of the conceptual site plan that do not conform to the applicable policies. These include:

- Large format, single use complexes are not consistent with the compact, mixed use, pedestrian oriented built form that is required.
- The site does not provide a grid pattern of driveways to accommodate future intensification.
- Parking and drive aisles are not permitted between the street and buildings. This area should be designed to meet the main street character requirements of the Plan.

- Development should be oriented to the corner of Wonderland Road South and Bradley Avenue.
- Where parking is exposed to the street, provide enhanced landscaping in order to screen the parking areas from the street.
- Ensure parking islands can accommodate tree planting.
- Provide pedestrian connections throughout the site.

The staff comments also recommend that holding provisions be required to ensure buildings are oriented to the street and that development conforms to the SWAP policies.

Comments from the Urban Design Peer Review Panel were direct in their dissatisfaction with the conceptual site plan and lack of urban design analysis provided. The comments include that *“It was evident that the proponent decided to ignore the SWAP in its entirety.”*

Recommended Action

The conceptual site plan does not comply with the policy requirements or intent of the SWAP policies for Wonderland Road South. Some of the issues may be addressed at the Site Plan stage. However, if zoning to permit commercial uses is considered, it should include provisions that can be implemented through site plan approval by a development concept that conforms to the SWAP policies. This would include site specific provisions for issues such as site layout, building setback and orientation, location of parking, and other considerations identified through the urban design comments.

The applicant has stated that the site layout is appropriate as it is consistent with the existing development north of Bradley Avenue. It is important to note that these existing uses were approved prior to the approval of SWAP and were therefore not subject to the same policy regime and these lands are not contiguous with the existing development due to the extension of Bradley Avenue. Lands being developed south of the subject site on the west side of Wonderland Road South, which are contiguous to the subject site, were subject to the SWAP, and as a result they feature elements such as building orientation to the street and direct pedestrian access from buildings to the sidewalk. These features help to achieve the built form objectives of the SWAP. All future development within the WRCEC designation must implement these policies so that a consistent urban character can be achieved. Allowing some sites to develop in a way that does not comply with the vision for urban design will undermine the ability of the whole corridor to achieve its planned function.

To date an acceptable development concept has not been received, so City staff have not been able to prepare site-specific zoning regulations. Due to the lack of conformity to the SWAP policy direction in the requested amendment and conceptual site plan, it is recommended that the requested zoning be refused.

4.3 Commercial Policies

Background of issue

Another key issue in the review of this application is the WRCEC policy that includes a 100,000m² cap on gross commercial floor area. The entire gross floor area permitted under the cap has been allocated through zoning or existing development, and as a result no further commercial zoning may be contemplated within the corridor.

As previously described in the planning history section of this report, City staff recommended that the commercial cap be removed after receiving separate market studies from Kircher Research Associates and Coriolis Consulting Corporation that both concluded that the cap was not a useful planning tool. Council decided to maintain the policy that includes the cap, and this application must be considered in the context of this policy.

Applicable Policies

Policy 20.5.6. v) a) includes that “Commercial development for the entire Wonderland Road Community Enterprise Corridor designation shall not exceed 100,000 square metres gross floor area. For the purpose of this limit, this shall not include those lands generally located north of the Bradley Avenue extension that are currently developed or are approved/under construction as of October, 2012.”

The requested amendment seeks to add a specific policy to Chapter 10 – Policies for Specific Areas in the 1989 Official Plan to permit an additional 18,700m² of commercial gross floor area in the Corridor. It is therefore also subject to the criteria for specific policies in section 10.1.1, which includes:

- i) The change in land use is site specific, is appropriate given the mix of uses in the area, and cannot be accommodated within other land use designations without having a negative impact on the surrounding area.*
- ii) The change in land use is site specific and is located in an area where Council wishes to maintain existing land use designations, while allowing for a site specific use.*
- iii) The existing mix of uses in the area does not lend itself to a specific land use designation for directing future development and a site specific policy is required.*
- iv) The policy is required to restrict the range of permitted uses, or to restrict the scale and density of development normally allowed in a particular designation, in order to protect other uses in an area from negative impacts associated with excessive noise, traffic, loss of privacy or servicing constraints.*

Recommended Action

The SWAP policies do not permit any commercial uses beyond what has already been built or zoned for future development. The policies are clear that the 100,000m² limit shall not be exceeded. The use of the word shall in the commercial cap policy indicates that there is no flexibility and that no application for additional commercial floor area, even on a site specific basis, may be considered. Therefore, the requested amendment to increase to the cap does not conform to the SWAP policy and should be refused.

For any site specific policy to be added to Chapter 10, the application must meet one or more of the criteria listed in Section 10.1.1 that are quoted above.

The application fails to meet criteria i) as the policies provide for commercial uses within the corridor up to a certain limit, and the proposed uses could be accommodated elsewhere in the corridor where zoning has been approved without having a negative impact on the surrounding area. The policies establish the limit on commercial development in order to prevent the potential negative impacts of overdevelopment given market conditions.

The application fails to meet criteria ii) as Council has determined that the cap is an important tool to control commercial development, and this site specific increase may incrementally lead to overdevelopment of commercial uses. Market studies commissioned by the City have shown that the existing commercial supply on the corridor exceeds demand, so it cannot be argued that additional commercial floor area is required to meet demand.

The application fails to meet criteria iii) as the corridor has been planned with a wide range of uses that could be developed instead of commercial uses in excess of the commercial cap.

Criteria iv) is not applicable as the application seeks to expand uses on the site, not limit

them to mitigate a potential impact.

Given Council's recent decision to maintain the cap, and the wording of the policy that does not permit commercial gross floor area in excess of the 100,000m² cap, the requested amendment does not conform to the Official Plan and should be refused.

4.4 Other Department and Agency Comments

In addition to the significant concerns identified above in this section, other issues were also identified through the department and agency circulation that need to be resolved prior to development. Transportation Planning comments and Wastewater and Drainage Engineering comments both recommend that holding provisions be applied. The application should be revised to include the appropriate holding zones if the application is to proceed.

Given that there are other recommended changes to the zones requested for the site, any work undertaken in the future to prepare an appropriate site specific zone should also include the recommended holding zones.

5.0 Conclusion

The application for amendment to the Official Plan and Zoning By-law was received on January 28, 2016, but was deferred by City staff until a comprehensive review of commercial policies could be completed. Upon the completion of this review, City Council has decided to retain the commercial cap. In light of this decision, the requested amendment needs to be evaluated in the context of this policy. The application does not comply with the commercial policies for the corridor and should be refused.

Other major issues also remain with regards to conformity to urban design and natural heritage policies. The conceptual site plan fails to incorporate urban design features that are required by policy and proposes development within a wetland containing Significant Wildlife Habitat. These two issues warrant refusal in their own right, and must be addressed in order for any zoning to be applied that would permit development of the site. Several more minor issues also remain, which are identified in the department and agency comments and could be resolved at this stage in the planning approvals process through the application of holding provisions.

Prepared by:	Justin Adema, MCIP, RPP Planner II, Long Range Planning & Research
Submitted by:	Michael Tomazincic, MCIP, RPP Manager, Current Planning
Recommended by:	John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner

May 18, 2018
JA/ja

Appendix – Department and Agency Comments

The following full comments are included below:

1. Urban Design
2. Urban Design Peer Review Panel
3. Environmental and Parks Planning (comments and subsequent correspondence)
 - 3.1 Environmental and Parks Planning Comments – June 8, 2016
 - 3.2 Biologic Response – February 16, 2017
 - 3.3 Ministry of Natural Resources and Forestry email – February 21, 2017
 - 3.4 Environmental and Parks Planning email – March 28, 2017
 - 3.5 BioLogic Inc. email – March 28, 2017
 - 3.6 BioLogic Inc. email – May 11, 2017
 - 3.7 Planning Services email – May 23, 2017
 - 3.8 BioLogic Inc. email – May 26, 2017
4. Wastewater and Drainage Engineering
5. Transportation Planning
6. Upper Thames River Conservation Authority

1. Urban Design Comments



Memo

To: Justin Adema
Planner II

From: Jerzy Smolarek
Urban Designer

Cc: Sean Galloway, Manager, Urban Design

Date: January 30, 2017

RE: OZ-8590: 3234, 3263, & 3274 Wonderland Road South

Justin,

Urban design staff have reviewed the proposed site plan concept for the application at the above mentioned property and provide the following comments:

As the subject site falls within the boundaries of the South West Area Secondary Plan (SWASP) it is important that the site plan concept has regard for the policies found in SWASP. In particular the General Policies related to Urban Design (20.5.3.9) and the Wonderland Boulevard Neighbourhood Policies (20.5.6). The following are specific elements that have been found to be deficient or non-existent in the submitted site plan concept:

- The South West Area Secondary Plan envisioned that the Wonderland Road corridor would be designed in a form that is compact, mixed-use, pedestrian oriented and transit friendly. As such single use commercial complexes, as depicted by the submitted concept site plan are not in accordance with policy 20.5.3.8 iv) a), 20.5.3.9 i) a) & iii) a), as well as policy 20.5.6 i) which indicates that the Wonderland Boulevard Neighbourhood is intended to develop as a mixed-use community with a high intensity of built form to support transit services that provides for pedestrian scale, street oriented land use development.
- As it is anticipated that the area may redevelop over time, such that new mixed-use developments or reformatted commercial developments may occur, a grid pattern of streets and blocks should be established on the site with the provision of local roads running perpendicular to Wonderland Road S. in accordance with policies 20.5.3.9 i) c), 20.5.6.1 i), 20.5.6.1 iii).
- The amount of parking area abutting the street should be reduced and the amount of built form at the street increased in accordance with policy 20.5.3.9 iii) b) *bullet 5* in order to implement the "main street" intent of the Wonderland Boulevard which is to create pleasant, pedestrian shopping environment. All buildings proposed directly adjacent to Wonderland Road should be designed in a main street format with the buildings oriented to the street.

- Parking, driveways, lanes and aisles should not be located between the City sidewalk and any proposed buildings along the Wonderland Road and Bradley Avenue frontages.
- Any building(s) proposed at the corner of Bradley Avenue and Wonderland Rd or at the intersections of Wonderland Road/Bradley Avenue and proposed internal driveways should define the corner by providing an active frontage to the street as indicated in policy 20.5.3.9 iii) d).
- Provide enhanced landscaping along street frontages in order to screen all exposed parking lots from the street, in accordance with policy 20.5.3.9 iii) g). This may be achieved introducing a low landscape wall.
- Ensure all parking islands are appropriately landscaped and of a sufficient size to allow for the planting of trees.
- Provide for continuous pedestrian connections through the site, including between this site and the future residential and commercial developments as indicated in policy 20.5.3.9 iii) h). Ensure all buildings have a walkway to the street as well as continuous walkways connecting to other buildings on the site.
- Include a holding provision to ensure buildings are oriented to the street, this would apply to all buildings located directly adjacent to a public Right-of-Way.
- Include the h-184 holding provision which speaks to ensure that the development of the site is consistent with and conforms to the Urban Design Policies of the Southwest Area Secondary Plan.

In addition, there are policies within the secondary plan that affect more detailed design issues surrounding building facades, landscaping and parking lot design. Urban Design staff can send an addendum to this memo if those policies are needed as part of the ZBA process otherwise these policies will be used to review a future site plan application.

If you have any questions or concerns please do not hesitate to get in touch with me.

Sincerely,



Jerzy Smolarek, MAUD
Urban Designer

JS

2. Urban Design Peer Review Panel Comments



City of London Urban Design Peer Review Panel - Evaluation Summary

To: Proponents

- Michelle Doombosch, Planner, Zelinka Priamo Ltd.
- Vito Frijia, Southside Construction

City of London Personnel

- Jerzy Smolarek, Urban Designer
- Mike David, Site Plan Approval Officer

From: Urban Design Peer Review Panel (UDPRP)

- David Yuhasz, Architect, Chair
- Julie Bogdanowicz, Architect
- Adrian Dyer, Architect
- Sung Ae Sim, Landscape Architect
- Blair Scorgie, Urban Designer
- Jason McIntyre, Architect

Recused
Regrets

RE: OPA and ZBA Official Plan and Zoning By-Law Amendment
3244, 3263 & 3274 Wonderland Road South – Commercial Development

Site Design

1. The Proponents Submission contained very little information as required by the Urban Design Brief requirements and therefore the panel had difficulty in providing comments to an incomplete submission.
2. Noted, is that opportunities abound in the Southwest Area Plan (SWAP) with regards to design characteristics, Use, Layout, Density and Intensity. It was evident that Proponent decided to ignore the SWAP in its entirety.
3. The drawings provided were insufficient, where required for a proper review it is recommended that a more complete set of architectural drawings and landscape plan, including plans, elevations, details and statistics are provided.
4. There was no apparent effort to establish pedestrian circulation or connections.
5. The entire site plan ignores City's urban streetscape strategies which could have in part included concepts such as:
 - Ensure a high quality of architectural and landscape architectural design.
 - Incorporate an appropriate mix of uses, including a combination of commercial and employment uses, within small format buildings.
 - Prioritize commercial uses at-grade with office uses on upper floors, exploring opportunities for seasonal outdoor uses in key locations (i.e. corners) including patio uses.
 - Locate small format buildings closer to the Wonderland Road edge, orienting entrances toward the street and adjacent surface parking areas.
 - Incorporate double height or two-storey small format buildings along the Wonderland Road frontage.

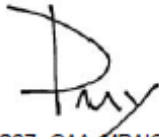
- Mass small format buildings to occupy a greater proportion of the Wonderland Road frontage.
- Minimize surface parking in front of small format buildings by providing a single loaded corridor adjacent to the Wonderland Road frontage, focusing surface parking at the sides and rear of such buildings.
- Provide dedicated and continuous pedestrian connections throughout each site, connecting small and large-format buildings to adjacent surface parking areas. Ensure that pedestrian circulation is not hindered by drive-through aisles, loading and servicing areas, and other obstructions.
- Landscape adjacent street frontages and screen back-of-house functions. Landscape surface parking areas by breaking up parking stalls and providing trees, shrubs and other vegetation.

Building Design

1. There were no building designs provided to comment upon.

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 in this instance the proposed development based upon the review by the panel is suitable for the site and provides for a high level of architectural design.

Sincerely on behalf of the UDPRP,



David Yuhasz, OAA, MRAIC, BFA, B.Arch
Chair, City of London Urban Design Peer Review Panel

3. Environmental and Parks Planning Comments (and subsequent correspondence with applicant)

3.1 Environmental and Parks Planning Comments – June 8, 2016



Memo

To: Mike Davis, B.U.R.Pl.
Planner II – Current Planning
City of London

From: Environmental and Parks Planning

Date: June 8, 2016

RE: BioLogic Environmental Impact
Study Wonderland Road

Environmental and Parks Planning (E&PP) has reviewed the Environmental Impact Study (EIS) completed by BioLogic for the properties located at 3234 and 3274 Wonderland Road South, received on April 26, 2016. From our review, E&PP have identified a number of deficiencies in the EIS report. E&PP conclude that Biologic's EIS does not comply with our Environmental Management Guidelines (EMG), City of London Official Plan (OP) policies, and the Provincial Policy Statement (PPS 2014). Therefore the EIS cannot be supported by E&PP at this time. Detailed comments on the EIS are presented below.

Detailed Comments on the Environmental Impact Study

1. Section 2.4 UTRCA Regulation, as wetlands have been identified on site, the UTRCA has regulatory authority over these features, regardless of if their mapping has it shown as a regulated area or not. It is up to the UTRCA to determine if the features are regulated by the Conservation Authority. **Action: Revise section to accurately reflect that the UTRCA has not been consulted with regards to their regulatory authority for the features on this site.**
2. Section 4.1.4. Hydrology, There is a tributary located adjacent to the west property that flows through the woodland and is clearly visible. **Action: Revise this section accordingly.**
3. Section 4.2.1 Vegetation, Community 3a is referred to as a man-made depression by BioLogic, but should be identified as a wetland community given its composition. BioLogic also referred to this feature as a wetland earlier in the EIS report. The feature may be man-made, however a review of air photos going back almost 20 years clearly show that this feature has been around for at least that long and indicates potentially much longer, and has naturalized as a result. Furthermore, a site visit conducted by E&PP identified multiple wetland pockets and vernal pools throughout the site, which have not been identified by BioLogic. Biologic indicates that there is "no outlet" from the wetland,

however this is incorrect. A site visit conducted by E&PP clearly identified an opening at the rear of the feature (photos taken by E&PP staff) where water can traverse overland out of the feature. All vegetation is to be accurately identified and reported on regarding existing conditions. Community 2 is not an accurate description as shown; there is old field habitat, vernal pools and potential wetlands present and were not identified in BioLogic's report. Community 2 is not simply "1.96 ha" of "cleared topsoil and rubble piles etc". The ELC category for Community 4 does not appear to be accurate as many overstory trees are still present despite dieback. Community 5 classification also does not identify what appears to be wetland habitat located within part of the corridor. **Action: Properly identify this as a wetland feature and provide an accurate ELC code. Provide an accurate description of all of the features (wetlands, vernal pools, ELC codes) for all existing conditions. Provide an explanation of how a clear outlet to the wetland is present yet BioLogic indicates that it does not exist.**

4. Section 4.2.3 Aquatic, the tributary located on the adjacent lands is not identified in BioLogic's EIS report. **Action: Accurately account for the existing conditions and features located on and adjacent to the subject site.**
5. Section 4.2.4 Flora, BioLogic indicates that a life science inventory was recommended as part of the EIS Terms of Reference in the ISR. BioLogic should also note that at the meeting (January 27, 2016) for confirming the scope of the EIS, BioLogic was to carry out the items identified in the ISR, the consultation meeting on January 27, 2016, and the Memo provided to BioLogic dated January 14, 2016. It was made clear to BioLogic that a full 3 season inventory was required for this site. While June 2, 2015 can count as a spring inventory according to the EMG. The June 25, 2015 inventory is quite close to the spring visit and according to the EMG Section 2.0 a summer visit is to take place in mid-July to early August, therefore a summer flora inventory has not taken place as part of the 3 season inventory. The fall (September) inventory is in accordance with the EMG. **Action: BioLogic did not complete a summer flora inventory according to EMG criteria. BioLogic must complete a full 3 season inventory of the subject site as required.**
6. Section 4.2.5 Fauna, ponded water was found along with wetland species on the east property; in addition American toads were heard calling from it. It is unclear how BioLogic could have missed this feature and not identified it. In community 3a, BioLogic identified a substantial number of spring peepers and also a couple Western Chorus frogs and American Toads. Based on a review of BioLogic's data records for this site, it is clear that BioLogic did not conduct the required standard amphibian calling surveys. As BioLogic should be aware, 3 separate site visits are required during specific timing windows to accurately capture all of the potential amphibians using the site. BioLogic did not complete an early spring survey. The first survey occurred on May 4th, 2015, which is well past the early spring window for certain species including but not limited to the Western Chorus frog. Furthermore, the temperature recorded during this site visit was 17 C, which is substantially over the initial temperature window where early spring species call within. The fact that 2 Western Chorus frogs were still calling this late into the season indicates that there may have been many more calling during the early spring breeding window. **Action: Complete and accurate amphibian calling surveys were not carried out by**

BioLogic. BioLogic was required to conduct a full 3 season inventory of the subject site and all of its features as per the ISR, the discussions that occurred at the meeting held on January 27, 2016, and the memo provided to BioLogic from E&PP dated January 14th, 2016. BioLogic is responsible for carrying out the tasks as required and agreed to.

7. Section 5.0 Natural Heritage Policy Considerations – 2.1.5 c) Significant Woodlands, The SWAP study specifically indicated that this woodland did not meet the criteria at a desktop application level, but required an evaluation according to the EMG Section 4.0 at a future point when a more specific application was brought forward in the vicinity along with appropriate field investigations. BioLogic did not conduct an evaluation of this woodland according to the City OP and EMG policies. **Action: A full evaluation according to OP and EMG policies is required as identified by the SWAP, OP policies, and the zoning of these lands as ER.**
8. Section 5.0 Natural Heritage Policy Considerations – Amphibian Breeding (woodland), even with BioLogic not carrying out complete amphibian calling surveys, the wetland located within 120m of the woodland still meets the criteria of having 2 or more of the listed frog species with at least 20 individuals (Spring Peeper + Western Chorus Frog). This is confirmed SWH. **Action: Revise this section to indicate that the MNR criteria for SWH have been met.**
9. Section 5.0 Natural Heritage Policy Considerations – Municipal Policy Woodlands & patches >0.5 hectares, BioLogic indicates that there are no woodlands located on or adjacent to the property, however as noted in the EIS Report and through the SWAP document, there is a woodland located adjacent to the west property that requires evaluation according to City OP policy and the EMG section 4.0. **Action: Revise this section accordingly.**
10. Section 5.0 Natural Heritage Policy Considerations – Municipal Policy Wildlife Habitat, based on the available information and even with the incomplete data collection conducted by BioLogic, portions of the site and surrounding area would meet the criteria for Significant Wildlife Habitat. **Action: Revise this section accordingly.**
11. Section 5.3 UTRCA Policy Considerations and Regulatory Lands, the UTRCA must confirm this conclusion in the EIS and indicate that the UTRCA agrees it has no regulatory authority over portions of these lands. **Action: Revise this section accordingly.**
12. Section 6.0 Development Proposal, this section and the proposed plan will require substantial modification based on the wetlands and associated SWH. A minimum 30m wetland buffer and associated water balance will be needed to ensure the wetland feature(s) are sustained over the long term. **Action: Revise this section accordingly.**
13. Section 7.0 Impacts and Mitigation, this section will require a complete update once the previous sections of the report have been revised. **Action: Revise this section accordingly.**

14. Section 8.0 Summary and Conclusions, this section will require revisions once the previous sections of the report have been revised. **Action: Revise this section accordingly.**
15. Appendix A, E&PP does not agree with how the minutes of the January 27, 2016 meeting have been presented by BioLogic. E&PP provided specific comments with regards to the meeting minutes that were to be incorporated as BioLogic indicates that they were considered. However, it does not appear that BioLogic properly address or incorporate the comments provided by E&PP into the meeting minutes. The meeting minutes do not accurately represent what was discussed or agreed to at the meeting. **Action: Revise this section accordingly.**

3.2 Biologic Response – February 16, 2017



James McKay,
City Ecologist
City of London,
300 Dufferin Ave,
London, ON ,
N6A 4L9

February 16 2017

Dear James:

Re: OZ-8590 Wonderland Road South - email comments February 9 2017

Further to our discussion at the meeting on Monday February 6th, the only remaining issue with respect to this development, is the status of a wetland feature at the west end of the property; a dug pond with berms elevated above the surrounding natural topography. It is less than 0.5 ha (actually only 0.1 ha) and has undergone some naturalization since it was created some time ago.

This wetland remains an issue as we have a disagreement as to whether or not it meets the criterion to be considered significant under the MNRF guideline document. You have indicated you have contacted the MNRF and they have confirmed your interpretation of the guideline, yet we have not been supplied with the correspondence to support this position. The reason I have waited for this correspondence is to see what was actually asked.

I am going to quote the Significant Wildlife Habitat (SWH) schedule so that we can be clear in this discussion.

“Presence of breeding population of 1 or more of the listed salamander species or 2 or more of the listed frog species with at least 20 individuals (adults, juveniles, eggs/larval masses) 1xXi. Or 2 or more of the listed frog species with Call Level Codes of 3^E”
(MNRF, 2015)

There are a number of survey protocols which can be adopted to assess amphibian breeding habitat. The standard for amphibian breeding surveys has been to follow the Marsh Monitoring Protocols (MMP) developed by Environment Canada. This protocol requires evening surveys which rely on surveys of amphibian calls (sound) to determine presence/absence of amphibians and to track trends over time. While for some species (green frogs and bull frogs for instance), this MMP protocol can also provide a reasonable assessment of individuals. For others, the assessment of numbers through calling codes is not reliable or accurate. Spring peepers are

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Telephone: 519-434-1516
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Windsor, Ontario N9C 4E4
Telephone: 519-966-1645
Fax: 519-966-1645

particularly notorious for this as their calling frequency is in the neighbourhood of once every few seconds (Lovett, 2013). A handful of these specimens can then reach a calling code of 3 when calls overlap. As a result, a count estimate is not reliable with numbers below 20 (as a result, we will no longer be putting conservative number estimates in for calling code surveys to avoid confusion, unless the representation of the number of individuals is very clear).

It is our opinion that to claim a site as SWH for individuals (20 according to the SWH) we would need to do more detailed investigations later in the season, looking for breeding success. Because MMP studies are focused on calling codes, not population estimates for individuals, the only filter to use here is the criterion based on the calling codes study method (See more discussion on this later in this letter with respect to individuals and calling surveys.)

The confusion over the 20 individuals versus calling code of 3 for two target species is prevalent. In one of the most recent City of London documents (Pedestrian Trail Environmental Assessment), the consultant specifically states SWH for amphibians requires 20 of 2 species based on calling surveys (Aecom, 2016). This analysis and interpretation was reviewed and accepted by yourself. MNRF has also accepted this interpretation of the SWH in our reports for aggregate applications. This acceptance is based on calling codes and a recognition the call surveys does not reflect individuals with sufficient reliability to act as a direct measure.

For the Wonderland Road site in question, we recorded a calling code of 3 for Spring Peeper in the early spring. At that same time, there were only two individual W. Chorus Frog (calling code 1). Based on calling code filters for SWH (two indicator species with calling code 3) which is the appropriate filter given the study protocol, this site does not meet the criterion for SWH.

Summary

It remains our opinion this small anthropogenic feature does not meet the SWH criterion based on the methodology used to determine amphibian breeding use. Notwithstanding this technical discussion, there are opportunities to create a breeding pool feature nearby. We have discussed this option with the landowner and they are prepared to do this. Habitat creation can become a condition of site plan approval.

Additional Discussion

The wording of the SWH guideline is not clear, in the context of 20 individuals particularly with the addition of requiring high calling codes for two indicator species. Nevertheless, in SW Ontario at least, where we conduct most of our amphibian surveys, we find amphibian breeding ponds to either be clearly SWH or clearly not SWH, regardless of the filter used for meeting SWH (20 individuals, 20 +20 individuals or 2 indicators with code 3). The only area where we get into the above debate is when Spring Peepers and/or Gray Tree frog are present at calling code 3. It is why it has been our interpretation, until recently, that when using calling codes, the individual numbers would also be 20+20. It is a function of our experience in the field.

Having said this, if we found a ponded feature with 15 wood frog calling, which is a rare occurrence, we would tend to call the feature significant, even if it didn't meet the SWH standard above (individuals or calling codes). We contacted MNRF Peterborough, to clarify and there

response was that the “intent” was to make features significant with 20 individuals (total) when represented by at least two of the indicator species. Their example was 7 Wood Frogs and 15 Chorus frogs would be significant. I would agree with this mix of indicator species. I would not if it were Code 3 of Spring Peepers and 2 Chorus Frogs.

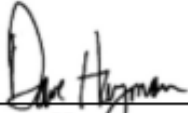
So it is clear now, based on our discussion with MNRF, that to meet the SWH filter for amphibian breeding (although the SWH wording should be fixed to improve the clarity of these filters) that it is 20 individuals represented by detailed studies for population, or 2 indicator species with calling code 3 if MMP is used.

Moving Forward

As suggested above, using the Marsh Monitoring Protocol, estimations of individuals for Spring Peeper and Gray Tree frog is not reliable. We need to be careful when it is one of these two species that puts us above calling code 3. Chorus Frogs and Wood Frogs are more easily related to numbers and rarely at calling code 3, so I have no issue with relating calling codes to numbers for the latter species.

However, we would be happy to meet with City staff to discuss alternative protocols for amphibian monitoring that leads to reliable population estimates instead. Or perhaps even look at hydroperiod for these small wetland pockets to assess amphibian breeding suitability (Skidd and Golet, 2005). This would mean daytime surveys which are safer for staff to conduct and can be completed in a more controlled setting later in the season, even as part of another site visit. This protocol should reduce costs and improve reliability.

Yours truly,
BioLogic



Dave Hayman MSc.

SouthsideWondrifiedResponseToJamesMcKayAmphibians.wpd

cc. V. Frijia, Southside Group
J. Adema, City of London
M. Tomazincic, City of London
M. Doorbosch, Zelnka Priamo
J. Fleming, City Planner.

3.3 Ministry of Natural Resources and Forestry email – February 21, 2017

MacKay, James

From: Webb, Jason (MNRF) [REDACTED]
Sent: Tuesday, February 21, 2017 2:24 PM
To: MacKay, James [REDACTED]
Subject: RE: Amphibian Wetland SWH in a dug pond

Hi James,

Cam's interpretation of the Amphibian Breeding Habitat criteria/thresholds is correct and is how MNRF Aylmer District applies criteria.

20 individuals total of a combined 2 species (e.g. 6 American Toad, 16 Leopard Frogs).

Let me know if you have any other questions.

Thanks,

Jason Webb
Management Biologist
Ministry of Natural Resources and Forestry
Aylmer District

[REDACTED]

3.4 Environmental and Parks Planning email – March 28, 2017

Adema, Justin

From: MacKay, James
Sent: Tuesday, March 28, 2017 10:52 AM
To: [REDACTED] Hayman, Dave
Cc: Tomazincic, Michael; Adema, Justin; Macpherson, Andrew; Page, Bruce
Subject: RE: OZ-8590 Wonderland Road South
Attachments: MNRFCorrespondence_Amphibians_2014&2017_JM.pdf
Importance: High

Hi Dave,

At this stage to move the project forward, it is not really helpful for me to go into great detail discussing/ disagreeing with a number of issues that you have raised in your memo dated February 16, 2017. The key point for this project file is that the MNRF both the Aylmer district (which has jurisdiction in London) and the Peterborough office agree with the position I have been consistently applying since before starting at the City of London which is that it is a combination total of 20 individuals of 2 or more species. It is unfortunate that you have been consistently claiming it is 20+20 individuals for each species, which has been incorrect. I have attached emails from the MNRF confirming it is a combination of individuals. Based on your data sheet indicating that >20 spring peepers were heard calling in addition to 2 chorus frogs, that combination adds up to 20 or more individuals using 2 or more indicator species as per the SWH Criteria. The City does appreciate, that despite your continued disagreement with what the MNRF has confirmed, the proponent is willing to relocate the wetland. This is a positive direction to proceed, as it will allow for the long-term protection of this significant feature and its functions in the area, and it is also in keeping with the policies of the Council approved and MNRF approved (2016) London Plan, where given how few wetlands remain on the landscape, that all wetlands are considered part of the Natural Heritage System. In addition, the London Plan wetland policies allow for the consideration, in certain circumstances, to relocate wetlands.

Please provide a quick air photo highlighting/confirming (as per the meeting discussion) the proposed location of the relocated wetland feature.

We understand from Michael Tomazincic that Planning Services could proceed with the application, if a holding provision is applied. This holding provision would include the wetland feature plus a reasonable buffer and would ensure that the significant feature is protected until the relocated wetland is established. Planning Services will also require that the woodland and relocated wetland feature be zoned Open Space (OS5) to ensure that it is protected in the future. Applying the OS5 Zone may be completed as a City-initiated Zoning By-law amendment considered concurrently with file OZ-8590.

Environmental and Parks Planning looks forward to working with the proponent to provide input into and review the wetland relocation and associated restoration plan.

Regards,



James MacKay, M.Sc.
Ecologist
ISA Certified Arborist
City of London, Planning Services
Environmental and Parks Planning



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3.5 BioLogic Inc. email – March 28, 2017

Adema, Justin

From: Dave Hayman [REDACTED]
Sent: Tuesday, March 28, 2017 2:46 PM
To: MacKay, James; [REDACTED]
Cc: Tomazincic, Michael; Adema, Justin; Macpherson, Andrew; Page, Bruce
Subject: RE: OZ-8590 Wonderland Road South

Before I let this issue go completely, I just want to re-iterate the position for the benefit of those cc'd.

I stand corrected on the 20 individuals total as opposed to 20+20 as we have had the same response back from MNRF. I still disagree that Spring Peeper should be part of this collective as they are very commonly found meeting calling code 2 and 3. In fact, if I take Spring Peeper and possibly Gray Treefrog out of this equation, then I would have no issue with the 20 total for amphibian woodland breeding. I think if I found 8 Wood frog and 10 W. chorus frog, I still might call this significant as that is much more unusual.

The issue then is data collection. We are using the calling code measurement approach, so we are not collecting individual information but calling codes. On the SWH sheets it is clear that two species of calling code 3 must occur to be SWH.

I have suggested we discuss an alternative monitoring protocol to address this particular measurement and am still willing to do so.

In the meantime, we will provide the information requested after I speak to the planner and landowner.

Dave Hayman, MSc.
BioLogic Incorporated
110 Riverside Drive
London, ON N6H 4S5

Direct: [REDACTED]
Office: [REDACTED]
Fax: [REDACTED]
Windsor: [REDACTED]

3.6 BioLogic Inc. email – May 11, 2017

Adema, Justin

From: Dave Hayman [REDACTED]
Sent: Thursday, May 11, 2017 10:14 AM
To: Adema, Justin
Cc: Michelle Doornbosch [REDACTED] Vito Frijia - Southside Group
Subject: FW: OZ-8590 - Wonderland Road
Attachments: Fig 7 - Frog Breeding Replace...pdf

Justin:

This has taken some time on our end to resolve. The main concern for the landowner, with the attached frog habitat opportunity, is the potential constraint this created habitat might pose on them and neighbouring landowners in future development applications.

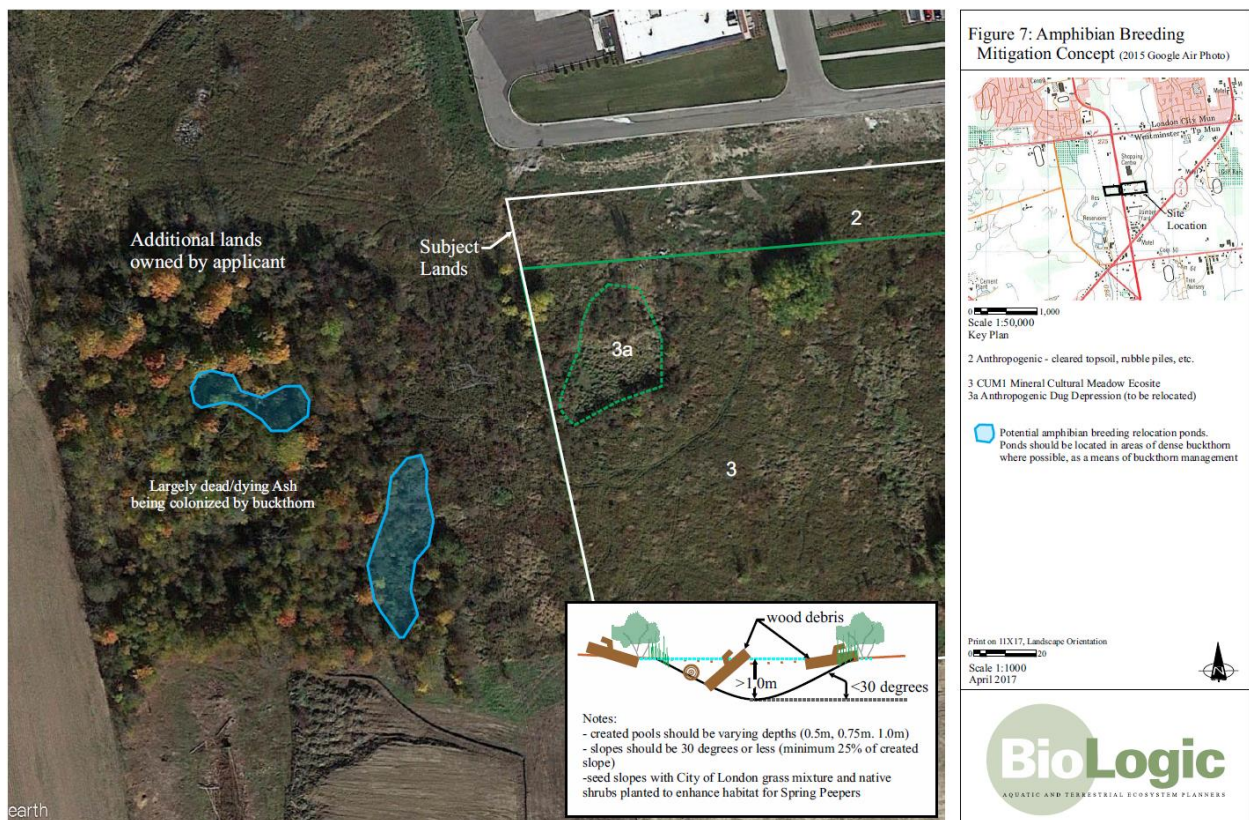
We had other options that made sense but they fell within a hydro easement and it is difficult to get an okay from hydro to go ahead.

Can you have your team review this naturalization opportunity?

Thanks

Dave Hayman M. Sc.
BioLogic Incorporated
110 Riverside Drive, Suite 201
London ON N6H 4S5
Direct: [REDACTED]
Office: [REDACTED]
Fax: [REDACTED]

Windsor: [REDACTED]



3.7 Planning Services email – May 23, 2017

Adema, Justin

From: Adema, Justin
Sent: Tuesday, May 23, 2017 10:54 AM
To: 'Dave Hayman'
Cc: Tomazincic, Michael; MacKay, James
Subject: FW: OZ-8590 - Wonderland Road

Hi Dave,

Please see the response from James below.

Regards,
Justin



Justin Adema, MPL, MCIP, RPP
Planner II
Planning Services
City of London

206 Dundas Street | London, Ontario | N6A 3C4

[REDACTED]
jadema@london.ca | www.london.ca

From: MacKay, James
Sent: Thursday, May 18, 2017 4:18 PM
To: Adema, Justin [REDACTED]
Cc: Tomazincic, Michael [REDACTED]
Subject: RE: OZ-8590 - Wonderland Road

Hi Justin,

The potential locations are generally acceptable for the relocation of the Significant Wildlife Habitat, the design details and naturalization can be detailed once the project moves forward with the OS5 zoning (as per my previous email) and appropriate conditions are in place.

Regards,



James MacKay, M.Sc.
Ecologist
ISA Certified Arborist
City of London, Planning Services
Environmental and Parks Planning
[REDACTED]

3.8 BioLogic Inc. email – May 26, 2017

Adema, Justin

From: Dave Hayman [REDACTED]
Sent: Friday, May 26, 2017 10:48 AM
To: Adema, Justin
Cc: Tomazincic, Michael; MacKay, James; Vito Frijia - Southside Group
[REDACTED]
Subject: RE: OZ-8590 - Wonderland Road

Justin:

The zoning of lands that have not yet been planned is a non-starter for the client. The offer for habitat opportunity is now off the table. This is a huge stretch to suggest a small pocket (actually less than 500m²) is significant just because some peepers were there. Particularly since SWAP has been completed and the proposed development is fully consistent with the landuse and identified natural heritage features of that comprehensive study.

Vito has asked that you set up a meeting with John Fleming to discuss.

Dave Hayman, MSc.
BioLogic Incorporated
110 Riverside Drive
London, ON N6H 4S5

Direct: [REDACTED]
Office: [REDACTED]
Fax: [REDACTED]

Windsor: [REDACTED]

4. Wastewater and Drainage Engineering Comments

Adema, Justin

From: Moore, Robert
Sent: Tuesday, January 17, 2017 3:14 PM
To: Adema, Justin
Subject: FW: 3234, 3263, 3274 Wonderland Road South (Notice of Application to Amend the Official Plan & Zoning By-law)

From: Moore, Robert
Sent: Wednesday, April 06, 2016 4:04 PM
To: Davis, Michael W. [REDACTED]
Cc: Roobroeck, Richard [REDACTED]; Almusawi, Mustafa [REDACTED]; Kuehr, Rico [REDACTED]
Subject: 3234, 3263, 3274 Wonderland Road South (Notice of Application to Amend the Official Plan & Zoning By-law)

The subject lands do not currently have a municipal sanitary outlet available. WADE is currently exploring possible municipal servicing opportunities for these lands through the Bradley Ave. Extension project and would be pleased to meet with the applicant to discuss.

In accordance with the conditions of the Agreement of Purchase and Sale, dated October 6, 2003, between the City and Wonderland Power Centre Inc., the City granted a temporary easement over Part 5 of 33R15502 for the purpose of a sanitary sewer in favour of Part 7 (3234 Wonderland Road S). In order for 3274 Wonderland Road S. to benefit from this temporary easement, it may be necessary to merge the properties on title. Notwithstanding the existing easement across City lands, a joint use and maintenance and/or private easement registered on title of the affected private properties will be required. This would be a non-standard temporary servicing arrangement until a municipal sanitary sewer is available and the applicant should be advised that the proposed connection into the private system will need to comply with OBC and MOE regulations, as applicable.

The submitted Proposal Summary does not clearly identify how ultimate sanitary servicing is expected to be provided to 3263 Wonderland Road S. If the expectation is for a temporary sanitary sewer to be permitted across the City lands to the north, the applicant will be required to negotiate a licensing agreement with City. The licensing agreement will outline the conditions under which a temporary servicing arrangement will be permitted. A joint use and maintenance and/or private easement registered on title of the affected private properties will be required. Again, this would be a non-standard temporary servicing arrangement until a municipal sanitary sewer is available and the applicant should be advised that the proposed connection into the private system will need to be in compliance with OBC and MOE regulations, as applicable.

The servicing concerns flagged at the Pre-Application Consultation have not been addressed.

WADE will require confirmation that:

- the applicant has entered into the required licensing agreement with the City and
- the applicant has registered the private easement(s) and/or joint use and maintenance agreements on all affected properties.
- The applicant will be required to have his consulting engineer submit a sanitary servicing report which outlines the temporary and ultimate servicing strategy.

WADE recommends the inclusion of a holding provision in the by-law.



Erik Veittiaho, P.Eng.
Wastewater and Drainage Division
City of London

300 Dufferin Ave. P.O.Box 5035 London ON N6A 4L9

[Redacted]

www.london.ca

Erik Veittiaho, P.Eng.
Wastewater and Drainage Engineering
City of London

Phone

[Redacted]

Email

[Redacted]

5. Transportation Planning Comments

Adema, Justin

From: Giesen, Andrew
Sent: Tuesday, January 24, 2017 8:50 AM
To: Adema, Justin
Cc: Roobroeck, Richard; Moore, Robert; Lambert, Brent; Elmadhoon, Maged
Subject: RE: engineering comments for OZ-8590 3234 Wonderland Road

Good Morning,

Please find below Transportations comments regarding rezoning OZ-8590:

- Transportation will be seeking a holding provision for access to the satisfaction of the City Engineer
- Road widening dedication of 21.0m from centre line required on Wonderland road South as identified in the Council Approved Wonderland Road EA,
- Or a Road Widening dedication of 22.5m from centre line as identified in the London Plan
- Road widening required on Bradley Ave of 22.5m from centre line as identified in the London Plan
- Additional sight triangles required as identified in the Council Approved Wonderland Road EA

- Access for the east parcel is as follows
 - First access east of Wonderland Road is to be RI/RO/LI only no left out allowed, access will need to be located across from existing access to the north and designed in accordance with the City's AMG, the construction of a left turn lane will be required
 - Second access east of Wonderland Road is to be restricted to RI/RO in accordance with the Bradley Ave detailed design
 - Access to Wonderland Road is to be RI/RO only designed in accordance with the City's AMG

- Access for the west parcel is as follows:
 - The first access as proposed west of Bradley will not be permitted due to its proximity to the intersection with Wonderland Road
 - The second and third access west of Bradley Ave would be permitted provided a left turn lane is constructed
 - internal accesses to be constructed and to align with proposed internal access with property to the South (SP 15-000937 York Developments)

Comments regarding the TIA are as follows:

- Trip reduction for site interaction, rationale for the reduction needs to be provided
- Site plan provided should be consistent with the Bradley Ave detailed design and the Wonderland road EA
- Recommendations should identify turn lane and access requirements/restrictions
- No dual left turn lanes will be permitted at Bradley and Wonderland Road
- Analysis should not be undertaken using the ultimate configuration of Wonderland road as there are no proposed plans to construct (analysis should use existing lane configuration)
- Intersection analysis needs to be performed for the following horizon years (Existing, Build out, 5 years after build out)

Thanks,



Andrew Giesen, C.E.T.
Senior Transportation Technologist
Transportation Planning & Design
City of London

300 Dufferin Ave, P.O. Box 5035, London ON N6A 4L9



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3

6. Upper Thames River Conservation Authority Comments



"Inspiring a Healthy Environment"



April 7, 2016

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

Attention: Mike Davis (sent via e-mail)

Dear Mr. Davis:

Re: **File No. OZ-8590 - Application to Amend the Official Plan & Zoning By-Law**
Applicant: Southside Construction Management Ltd.
3234, 3263 & 3274 Wonderland Road South, London, Ontario

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies in the *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.

CONSERVATION AUTHORITIES ACT

As shown on the enclosed mapping, the portion of the subject lands that is located on the east side of Wonderland Road South 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 a riverine flooding hazard associated with the Pincombe Drain and a tributary thereof. The UTRCA has jurisdiction over these lands and landowners may be required to 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. No new hazards are to be created and existing hazards should not be aggravated. The Authority also does not support the fragmentation of hazard lands which is consistent with the Provincial Policy (PPS) and is intended to limit the number of owners of hazardous land and thereby reduce the risk of unregulated development etc.

3.2.3 Riverine Flooding Hazard Policies

These policies address matters such as the provision of detailed flood plain mapping, flood plain planning approach (one zone vs. two zones), and uses that may be allowed in the flood plain including the flood fringe subject to satisfying the UTRCA's Section 28 permit requirements.

UTRCA Comments
File No. OZ-8590

3.2.5 Watercourse Policies

The conversion of open surface watercourses and/or drains to closed drains is discouraged. Alterations to a watercourse may be permitted subject to satisfying a number of conditions and factors such as:

- Compliance with relevant EA (where applicable)
- Impacts on upstream and downstream flooding
- The loss of flood plain
- The loss of riparian function
- Overland erosion impacts
- Capacity of existing vs. proposed conditions

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 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 features that are located on the subject lands have been identified as being significant in the Middlesex Natural Heritage System Study (MNHSS, 2014). The MNHSS assessed woodland patches across the County of Middlesex at a landscape level, including the City of London to determine criteria that could be utilized as indicators of significance. The study's conclusions included that those patches which met one criterion are significant woodland patches on the Middlesex landscape and should be protected as key elements of the natural heritage framework.

DRINKING WATER SOURCE PROTECTION

Clean Water Act

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 as well as 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.

The Assessment Report for the Upper Thames watershed delineates three types of vulnerable areas: Wellhead Protection Areas, Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas. We wish to advise that the subject lands are identified as being within a vulnerable area. Mapping which shows these areas is available at:

http://maps.thamesriver.on.ca/GVH_252/?viewer=tsassessmentreport

Provincial Policy Statement (PPS, 2014)

Section 2.2.1 requires that: "Planning authorities shall protect, improve or restore the quality and quantity of water by:
e) implementing necessary restrictions on development and site alteration to:

1. protect all municipal drinking water supplies and designated vulnerable areas; and
2. protect, improve or restore vulnerable surface and ground water features, and their hydrological functions."

Section 2.2.2 requires that "Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored."

Municipalities must be consistent with the Provincial Policy Statement when making decisions on land use planning and development.

UTRCA Comments
File No. OZ-8590

Policies in the *Approved Source Protection Plan* may prohibit or restrict activities identified as posing a *significant threat* to drinking water. Municipalities may also have or be developing policies that apply to vulnerable areas when reviewing development applications. Proponents considering land use changes, site alteration or construction in these areas need to be aware of this possibility. The *Approved Source Protection Plan* is available at:

<http://www.sourcewaterprotection.on.ca/source-protection-plan/approved-source-protection-plan/>

RECOMMENDATION

The UTRCA recommends that the hazard lands be appropriately designated and zoned. Furthermore, the applicant should contact the Conservation Authority to obtain written approval prior to undertaking any site alteration or development within the regulated area.

Lastly, as indicated, the woodland which is located on easterly portion of the subject lands has been identified as being significant in the recently completed Middlesex Natural Heritage Systems Study (2014). The UTRCA recommends that this feature be appropriately designated and zoned and protected with a suitable buffer.

MUNICIPAL PLAN REVIEW FEE

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.

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

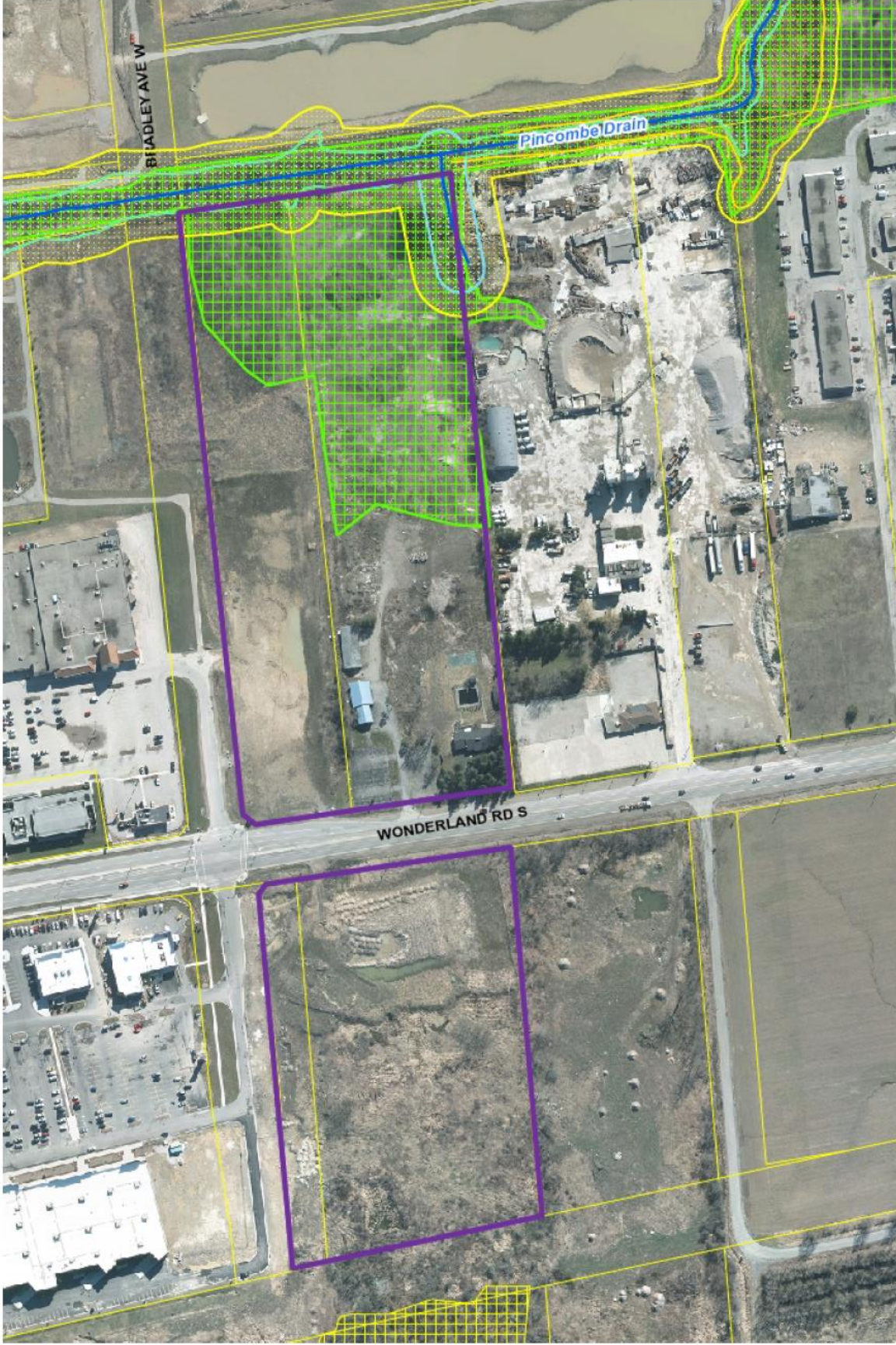
Yours truly,
UPPER THAMES RIVER CONSERVATION AUTHORITY



Christine Creighton
Land Use Planner
CC/cc

Enclosure – Regulations Mapping (please print on legal size paper to ensure that the scales are accurate)

c.c. Applicant – Southside Construction Management Ltd.
UTRCA – Mark Snowsell, Land Use Regulations Officer (sent via email)



Regulation Limit

Regulation under s.29 of the Conservation Authorities Act
Development, interference with wetlands, and alterations
to shorelines and watercourses. O.Reg. 157/06, 97/04.

- Legend**
- Watercourse**
 - Open
 - Tiled
 - Wetland Hazard**
 - London Hazard**
 - FLD250**
 - Remnant Valley**
 - Stable Slope**
 - Toe Erosion - Stable Slope**
 - Top of Slope**
 - Flooding Hazard**
 - Erosion Hazard**
 - Regulation Limit 2015**
 - Middlesex NHSS (2014)**
 - No Criteria Met
 - 1+ Criteria Met
 - Wetlands (MNR)**
 - Evaluated-Provincial
 - Evaluated-Other
 - Not Evaluated
 - Assessment Parcel (MPAC)**

The Regulation Limit depicted on this map schedule is a representation of O.Reg. 157/06 under O.Reg. 97/04.

The Regulation Limit is a conservative estimation of the hazard lands within the UTRCA watershed. Depending on the specific characteristics of the hazard land and the land use proposed, the Regulation Limit may be subject to change.

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This map is not a substitute for professional advice. Please contact UTRCA staff for any changes, updates and amendments to the information provided.

Source: Base data 2010 Aerial Photography used under license with the Ontario Ministry of Natural Resources Copyright © Queen's Printer for Ontario; City of London.

Notes:
3234, 3263 & 3274 Wonderland Road South, London
Created By: CC April 7, 2016

Please note: Any reference to scale on this map is only appropriate when it is printed unaltered on legal-sized (8.5 x 14") paper.

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