

Ministry of the Environment,  
Conservation and Parks

Ministère de l'Environnement,  
de la Protection de la nature et des  
Parcs



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357-2018-1072

DEC - 6 2018

Mr. Ted Koza  
Transportation Design Engineer  
City of London  
PO Box 5035  
300 Dufferin Avenue  
London ON N6A 4L9

Dear Mr. Koza:

Between April 16 and May 4, 2018, I received three Part II order requests asking that the City of London be required to prepare an individual environmental assessment for the proposed improvements to Wharncliffe Road South, between Becher Street and Commissioners Road West.

I am taking this opportunity to inform you that I have decided that an individual environmental assessment is not required. This decision was made after giving careful consideration to the issues raised in the requests, the project documentation, the provisions of the Municipal Class Environmental Assessment, and other relevant matters required to be considered under subsection 16(4) of the Environmental Assessment Act.

Despite my not requiring an individual environmental assessment be prepared, in reviewing the requests it was noted that there are concerns regarding the project's potential impacts to heritage resources. In order to ensure these impacts are mitigated, I am imposing the following conditions on the project:

1. The City shall confirm the project's direct and indirect impacts to any heritage resources prior to construction. The City shall consult with the Ministry of Tourism, Culture and Sport to determine what technical cultural heritage studies will be required, consider any recommended mitigation measures, and provide any completed technical cultural heritage studies to the Ministry of Tourism, Culture and Sport, the City's heritage planner, and the City's Advisory Committee on Heritage for comment.

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2. The City shall submit a written report to the Director, Environmental Assessment and Permissions Branch, on how it has fulfilled Condition 1.

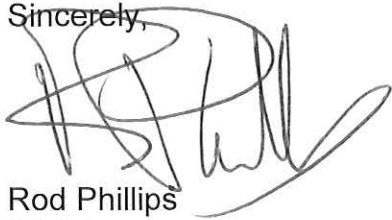
The reasons for my decision may be found in the attached table. In the interest of transparency, I encourage you to make this letter available to the greater public on City's website.

With this decision having been made, the City can now proceed with the project, subject to the conditions I have imposed and any other permits or approvals required. The City must ensure the project is implemented in the manner it was developed and designed, as set out in the project documentation, and inclusive of all mitigating measures, commitments and environmental and other provisions therein. If it is determined that changes are required to the project, please feel free to contact ministry staff for additional guidance.

Lastly, I would like to ensure that the City understands that failure to comply with the act, the provisions of the Municipal Class Environmental Assessment, and failure to implement the project in the manner described in the planning documents, are contraventions of the act and may result in prosecution under section 38 of the act.

I am confident that the City recognizes the importance and value of the act and will ensure that its requirements and those of the Municipal Class Environmental Assessment are satisfied.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rod Phillips', written over a large, light-colored scribble or stamp.

Rod Phillips  
Minister

Attachment

c: Requesters  
EA File No. 18045 – Wharncliffe Road South Improvements (London)

**Wharncliffe Road Improvements – City of London  
Municipal Engineers Association Municipal Class Environmental  
Assessment**

Minister's Review of Issues Raised by Requesters

Issue	Response and Analysis
<p>A heritage-designated property at 100 Stanley Street will be impacted.</p>	<p>The City determined that it must fully replace the Canadian National Railway bridge over Wharncliffe Road. In order to do this, the City plans to construct a replacement bridge to the north of the existing one, and then shift it into place after the old one is demolished. This requires using land immediately north of the existing bridge, which includes 100 Stanley Street.</p> <p>100 Stanley Street is a yellow brick house built in 1893, and was designated as a heritage property under the Ontario Heritage Act. The City was aware early on in the process that the project may impact the property and its heritage, and examined two other alternatives to avoid impacts and preserve the house on-site:</p> <ul style="list-style-type: none"> <li>• Shifting Wharncliffe Road to the west was not feasible as it would create sight line issues, safety concerns, greater impacts to approximately 20 additional properties and increased costs.</li> <li>• Detouring active rail traffic on a temporary structure to the south was not a feasible option because it would increase the construction footprint, increase costs, result in additional road closures, and extend the construction schedule. Some property acquisition of 100 Stanley Street was still required with this option.</li> </ul> <p>The City considered keeping the house on-site with a reduced work area. The City determined this was not feasible, because of potential utility conflicts and risks associated with using work equipment adjacent to the house. There was no guarantee that the City could feasibly construct the bridge with the limited space without damaging the property. Overall, the City determined that keeping 100 Stanley Street on-site was not feasible.</p> <p>In order to complete the bridge replacement and preserve 100 Stanley Street's heritage value to the greatest extent possible, the City has suggested moving the entire house</p>

Issue	Response and Analysis
	<p>intact to a nearby parcel of land. The proposal comes after consultation with the Ministry of Tourism, Culture and Sport, as well as the City's Advisory Committee on Heritage. The City has committed to this in the Environmental Study Report.</p> <p>The ministry is satisfied that the City considered impacts to 100 Stanley Street.</p>
<p>The project will impact other heritage-designated properties.</p>	<p>The City completed a Cultural Heritage Assessment Report to take an inventory of known and potential heritage resources along Wharncliffe Road South, and the project's potential impacts to them. The project may have direct and significant impacts on seven known and potential heritage resources:</p> <ul style="list-style-type: none"> <li>• 100 Stanley Street;</li> <li>• The Canadian National Railway underpass, which must be completely replaced;</li> <li>• Three built heritage resources: 69, 87, and 189 Wharncliffe Road South, which will be demolished; and,</li> <li>• Two heritage landscapes: 185-191 and 315-325 Wharncliffe Road South, a total of six additional structures that will be demolished.</li> </ul> <p>With the exception of the Canadian National Railway underpass, the City committed to reviewing all directly impacted built heritage resources and heritage landscapes against the Criteria for Determining Cultural Heritage Value or Interest (Ontario Regulation 9/06) to determine if they qualify for designation under the Ontario Heritage Act. The City also committed to completing any further studies for any significant resources with direct impacts.</p> <p>Indirect impacts are anticipated to another 34 properties, as well as the Wortley Village Heritage Conservation District. These impacts are generally limited to acquiring small portions of land along the edge of the properties, and will not directly impact structures. The City has determined no mitigation is required for these minor impacts. I am satisfied that impacts to heritage resources were identified and considered during the Municipal Class Environmental Assessment process.</p> <p>The ministry reached out to the Ministry of Tourism, Culture</p>

Issue	Response and Analysis
	<p>and Sport for comment on the City's study of heritage impacts. The Ministry of Tourism, Culture and Sport stated that there were inconsistencies in the potential impacts, mitigation measures and commitments identified in the Cultural Heritage Assessment Report, and how they were summarized in the Environmental Study Report.</p> <p>The Ministry of Tourism, Culture and Sport also raised impacts to the Canadian National Railway underpass itself as a concern. The underpass is owned by a federally regulated railway and cannot be listed or designated under the Ontario Heritage Act. The City, however, must still examine potential impacts to heritage resources. The Ministry of Tourism, Culture and Sport recommends that technical cultural heritage studies are completed for the Canadian National Railway underpass.</p> <p>I am imposing a condition requiring the City to confirm the project's direct and indirect impacts to any heritage resources. This will require the City to consult with the Ministry of Tourism, Culture and Sport to determine what technical cultural heritage studies will be required, consider any recommended mitigation measures, and submit this information to the Ministry of Tourism, Culture and Sport, the City's heritage planner, and the City's Advisory Committee on Heritage for comment.</p>
<p>Construction will impact local businesses and local residences due to road closures and traffic diversions.</p>	<p>Through the Municipal Class Environmental Assessment process, the City selected an alternative that minimizes the amount and duration of disruption to local roads during construction. The City provided general estimates of construction closures and durations, and completed a preliminary design. The City will be able to provide more precise details about construction closures as it proceeds through detailed design, and committed to ongoing consultation with local businesses and residents.</p> <p>I am satisfied that construction impacts were considered and minimized.</p>
<p>The City's public consultation was ineffective.</p>	<p>The City issued project notices directly by mail to all property owners within the study area in February 2015, May 2015, November 2016, and March 2018.</p> <p>The mailing list was expanded during the Class</p>

Issue	Response and Analysis
	<p>Environmental Assessment process to anyone that requested to be added. The City met with requesters who were located in the Riverforks neighbourhood (north of the Canadian National Railway underpass) in November 2015 and September 2016. As a result of this interest, the City expanded its mailing list to include all residents of the Riverforks area.</p> <p>The City held two public information centres on June 11, 2015, and November 30, 2016, and they were attended by the requesters. Following public information centres, the City also had direct correspondence and separate meetings with the requesters.</p> <p>I am satisfied that the City completed the consultation requirements of the Municipal Class Environmental Assessment, and consulted further with the requesters directly.</p>
<p>The City treated Canadian National Railway differently than the requesters.</p>	<p>The City consulted with Canadian National Railway throughout 2016, as it owns the railway bridge over Wharncliffe Road, giving it authority over any design and construction plans for the bridge. The project may create impacts on railway operations due to temporary track closures, and the City has consulted with Canadian National Railway to mitigate those impacts.</p> <p>The City also met with the requesters. The City assessed property impacts of different alternatives and alternative designs, and selected alternatives that reduced the total number of property owners affected. The project may create property impacts, and the City has consulted with those directly affected landowners to mitigate those impacts.</p> <p>I am satisfied that it provided similar opportunities to work with all stakeholders and the public, and has worked to mitigate all potential impacts.</p>
<p>The project will impact air quality and result in increased greenhouse gas emissions.</p>	<p>The project area is a 2.7 kilometre portion of an existing roadway that experiences localized traffic and bottleneck conditions. The purpose of the project is to improve safety and to alleviate congestion in a localized area. One of the City's objectives was to encourage more active transportation. The project provides for a safer walking</p>

Issue	Response and Analysis
	<p>environment for this purpose.</p> <p>I am satisfied that the City is not significantly expanding vehicular capacity, and is aiming to improve traffic flow and reduce idling.</p>
<p>The project is piecemealing the environmental assessment requirements for future bus rapid transit.</p>	<p>The City has confirmed that it is not planning bus rapid transit along this stretch of Wharnccliffe Road South. The City is planning a bus rapid transit corridor north of the project area through a separate transit project assessment process to fulfill its environmental assessment requirements. The City is optimizing local bus service along Wharnccliffe Road to support the future bus rapid transit corridor. This will includes removing six existing bus stops and installing bus bays at two major existing bus stops.</p> <p>I am satisfied that these are separate undertakings, and the City's environmental assessment requirements are not being piecemealed.</p>