

ECAC review of EIS and Hydrogeology documents for the proposed development at 2060 Dundas Street East

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Reviewed December 6, 2022 by S. Baker, M. Dusenge, S. Hall, S. Levin

ECAC commends the owner for acquiring additional property in order to move the building further from the natural heritage features

### **GREATEST CONCERN**

The most significant omission in the EIS is where over 500 trees will be replanted to make up the loss of trees removed for the building. Page 28 suggests the amount available for planting totals only 0.15 ha. If the final planting plan cannot meet the requirements of City policies re tree replacement, what alternatives are available to the city? It is unclear to ECAC.

### **COMPENSATION PLAN**

*p. 30 - A detailed compensation area plan should be prepared at the Site Plan Application stage which would apply established ecological restoration principles in order to establish self-sustaining native vegetation assemblages and create an opportunity to support increased biodiversity.*

### **ECAC RECOMMENDATION (A)**

ECAC strongly recommends all replanted trees are native species and are shade trees rather than shrubs except those planted to deter trespass into the feature (as per Recommendation 10 on page 30). ECAC notes details of the final planting plan are to be concluded at site plan. The final planting plan must be accepted by the City as a condition of site plan approval or an alternative planting plan must be presented and acceptable to the City.

### **ECAC RECOMMENDATION (B)**

p. 21 concludes that the Woodland meets the city's criteria to be designated as a Significant Woodland. The OP and Zoning change recommendations must include the related changes to the zoning by law and to the London Plan, including Map 5 to reflect this.

### **HYDROGEOLOGY AND WATER BALANCE**

The HydroG report seems to suggest that dewatering will be required. It is unclear whether or not this will take place before or after the realignment and restoration of the drainage feature. Given the water balance report indicates additional water is required from the roof of the building to maintain at least 80% post development, ECAC is concerned that significant damage will occur to the Swamp before the LID measures can become functional.

*A detailed interim stormwater management plan is needed to guide the construction phase and protect the wetland features. Stormwater must be discharged away from the adjacent Wetland and Significant Woodland features. This will be provided along with LID measures at detailed design*

Recommendation 20 on page 33 of the EIS is helpful, however, it is unclear when this recommendation will actually be carried out. It is unclear to ECAC at what phase of the process detailed design will take place for the interim SWM plan. It must precede any grading or dewatering and be based on the Hydrogeological Assessment as approved by the City.

#### **ECAC RECOMMENDATION (C)**

The detailed interim stormwater management plan must be to the satisfaction of the City and UTRCA and should be a condition of development and/or Site Plan approval.

ECAC also wonders about implementing the recommendation on page 37 in the monitoring plan section (7.4) of the EIS. It includes monitoring water levels in the Deciduous Swamp to ensure the post construction water balance is maintained. It must be a condition of approval, however, it is unclear who will do this monitoring?

#### **ECAC RECOMMENDATION (D)**

A contract must be on file indicating who is retained to do the water monitoring before a building permit is issued. A condition of approval must also include compensation if the water balance is not maintained and there is a loss of wetland feature or function.

ECAC also notes that EIS recommendation 34 is unclear – what parameters?

*Recommendation 34:*

*Additional water quality testing could be conducted during construction as construction activities are in close proximity to a Wetland.*

#### **ECAC RECOMMENDATION (E)**

Water quality testing must be a condition of development and the parameters agreed to by the City prior to the issuance of any building permits.

#### **BUFFER**

Page 27 that indicates grading will take place up to the edge of the wetland (see following section in italics). This is clearly within the reduced buffer agreed to by the city. ECAC cannot support this. It also appears that the buffer on the south east side of the subject lands has a buffer even smaller than the 10 meters noted in the EIS and what seems to appear on the southern part of the site. The entire buffer section on the west and south sides is also indicated as a snow storage area. ECAC anticipates that the snow removal and salting will remove and / or kill any of the barrier plantings proposed in this buffer.

*Through consultation with UTRCA and the City of London, the Site Plan has been designed to minimize impacts to Community 1 (Mineral Deciduous Swamp). Approximately 0.05 ha of the east edge of Community 1 is proposed for removal, with the remaining 0.27 ha to be retained and enhanced. Compensation and mitigation measures are provided below. Tree protection measures discussed in Section 7.1.1 will protect the retained trees in Community 1. **A five metre setback is proposed between the parking lot and Community 1 which will be graded up to the wetland edge.***

## **ECAC RECOMMENDATION (F)**

The parking area be reduced so that a 10 m buffer is in place for the natural heritage features on the site.

## **INVASIVE SPECIES**

ECAC commends the proposed removal of invasive species along the east edge of the Deciduous Swamp (recommendation 11, page 30 and section 7.3). However, it is unclear at what stage this requirement will be put in writing (site plan?) and what is the time line for removal, who inspects and how is removal measured to the satisfaction of the condition? Section 7.4 mentions a monitoring plan to be developed at detail design but it is unclear at what point this occurs and what legal document will compel compliance.

ECAC also notes that the monitoring plan on page 36 has boilerplate recommendations including one that is not relevant to this development regarding 80% build out.

## **ECAC RECOMMENDATION (G)**

As a condition of approval (either a holding provision or condition of development or site plan), an invasive species removal plan be submitted that is accepted by the City. The plan must include indicators of successful achievement of removal including a time period for maintaining the site in a state to the satisfaction of the City.

## **PROPERTY DEMARCATION AND RESIDENT EDUCATION**

ECAC doubts the demarcation proposed on page 30 will be effective in deterring encroachment. We also feel Recommendation 40 in the EIS is insufficient.

### *Recommendation 40:*

*Develop an information package (brochure and/or web-based resources) to educate the future residents on appropriate ways to protect the natural heritage components beyond the property boundaries. This should include information on the impact of pets on wildlife and natural areas, impacts of garbage on natural features, and potential impacts of recreational activities in natural features.*

## **ECAC RECOMMENDATION (H)**

Although a web based information package is better than one in print delivered to residents, resident education must be supplemented by information that is on permanent display inside the apartment building in a common area such as the laundry room or in the lobby. This should be included as part of Recommendation 40 on page 35, which has good content, but leaves out how it would be a lasting reminder to residents for the long term. It would also be a better support to Recommendation 41 (on site signage) on the same page which ECAC concurs with.

## PAGE 31 DRAIN REALIGNMENT

Who will do this work? It should proceed the compensation work which should come after the building is constructed and before people move in (ideally to allow one growing season before people and their pets arrive).

It also appears that this feature will have increased flows and better connectivity to Pottersburg Creek. ECAC anticipates that this may result in improved likelihood of it becoming warm water fish habitat.

ECAC notes that Recommendation 32 in the EIS is a nice to have but fully expect it will not be carried out as there is no way to require it.

### *Recommendation 32:*

*Limit the use of commercial fertilizers and other chemical applications within the Subject Lands. Consideration may be given to using grass varieties which are heartier and require less extensive watering or fertilizers.*

## OF NOTE

It is hoped that recommendation 39 is enforceable. It is unclear who such an agreement would be between – the owner and the city? On title?

### Recommendation 39:

In consultation with the City of London, a stewardship agreement and/or a conservation easement should be implemented at detailed design for the planting compensation area and the Significant Woodland to protect the natural heritage features and functions post-development.

## **ECAC RECOMMENDATION (I)**

ECAC suggests that the City consult with the Thames Talbot Land Trust for an example of a successful stewardship agreement.

## **ECAC RECOMMENDATION (J)**

Approval include the requirement that the proponent arrange to remove the waste in the woods which are indicated on the drawing in the EIS.

## OFF SITE ISSUE

A concern noted in the air photos for the site to the northeast (2072 Dundas Street E). It appears the natural heritage feature is being used by the land owner as a dump/storage site. According to Google Maps, this may be owned by Drewlo Properties. Mr. Drewlo should be approached to quit using the feature. This feature is likely a Significant Woodland under the London Plan and is definitely in a Tree Protection Area as shown on the City map on the City's web page.