

August 15th, 2013

Via E-Mail

Members of Council through Planning & Environment Committee ("PEC")

The Corporation of the City of London

P.O. Box 5035

300 Dufferin Avenue

London, ON N6A 4L9

**Attention: Chair, Councillor Polhill,
PEC Committee Members and City Council**

Dear Councillor Polhill, PEC Committee Members and City Council:

*Re: File No. OZ-8120 - Application to Amend the Official Plan & Zoning By-Law
Gateway London, 3130 & 3260 Dingman Dr. and the rear portion of 4397 & 4407
Wellington Road South, London, ON (the "Lands")
Applicant - PenEquity Realty Corporation on Behalf of Goal Ventures Inc.
Addendum to August 12, 2013 Letter Report filed with the City Clerk*

Further to our submission to the City Clerk noted above and receipt of Staff's Report on August 13, 2013, we felt compelled to complete, clarify and respond to same as follows:

History of Application:

We submitted our original letter report to the City Clerk on August 8, 2013. The City Clerk directed us to remove a key document (i.e. "Appendix B") from the body of our letter report because it was marked "Confidential". Our letter report was amended, dated August 12, 2013 and re-filed. The City Clerk confirmed that the allegedly "Confidential" document could be provided directly to Members of City Council which we are doing now. We have attached "Appendix B" to provide a complete picture regarding our due diligence, reliance and support for taking on this major development. This document was the pre-consultation letter resulting from the "WG Village Concept - London" team meeting with City Staff. In accordance with the 2007 pre-consultation, City Staff confirmed the lands were zoned, serviced and ready to go for development. At no point in this letter or discussion was the vegetation patch identified as significant or requiring further investigation. City Staff concluded that their "comments were based on knowledge of the site, previous developments" and concluded that "deviation (from the aforementioned comments) will be minimal if at all." This letter was addressed to the applicant and copied to the highest levels of administration including the CAO, and General Managers of Planning and Development and Tourism London.

Status of the Wetland:

The wetland communities within Patch 10102 are NOT Provincially Significant in accordance with the Ontario Wetland Evaluation System ("OWES"), the City has NOT identified the wetlands as Locally Significant and based on the Conservation Authorities Act definition of a wetland, UTRCA has NO regulatory authority in this matter.

Salient points are as follows:

- there is significant evidence to demonstrate that the wetland communities are relatively new and directly linked to the recent enclosure and construction of the Cousins Drain. This work was performed on behalf of the City and created a localized collection area;
- Aecom has completed a formal evaluation of the wetland communities using the OWES and the evaluation score concludes the wetland communities are NOT Provincially Significant;
- Section 15.4.2 of the Official Plan provides a definition of wetlands and states that the determination of significance with respect to the PPS is made by MNR using the OWES. There is NO mention of Locally Significant Wetlands or a related definition or evaluation policy. Thus, there is NO significance to the City; *and*
- Aecom has concluded that the wetland does not "directly contribute to the hydrological function of a watershed through connection with a surface watercourse". There is NO connectivity to the Dingman Creek watershed. See attached letter from Aecom. As such, these lands are NOT regulated by UTRCA. Even if the UTRCA did regulate the feature, there is a comprehensive approval process under the *Conservation Authorities Act* that we are entitled to engage. It is certainly NOT appropriate for a letter from UTRCA staff to be treated as if it has pre-empted that statutory process.

Compensation:

- No compensation is required to remove the Patch and develop the lands.
- PenEquity and Goal Ventures determined as good and caring corporate citizens that we would offer a meaningful gift to the City. After considerable thought, discussion and effort, we have provided 2 options for the City which compliment City goals and requirements. Further variations and non-representative/unscientific comparisons to other sites are NOT appropriate. We are supportive of whichever option of the two that the City chooses.

Potential for Precedence:

In regards to "woodlands facing similar instances", this matter should NOT be incorporated in our recommendation and/or by-law as this is a matter to be dealt with third parties not related to our application. It should be handled as a separate motion.

In conclusion, additional studies, more time and cost to peer review professionally prepared reports, including those from City approved/recommended consultants, and the resultant delays are counterproductive and jeopardize the momentum and interest in both the site and City that we have generated. Considerable time, effort and expense has been invested in London by our team, and our reports stand on their own merit. We hope that you will take the comprehensive information in front of you and affirm that the Gateway London Development, as presented by PenEquity Realty Corporation, on behalf of Goal Ventures Inc., is the type of balanced development London wants for its "front door".

Yours respectfully,

PENEQUITY REALTY CORPORATION



David V. Johnston, CPA, CA
President & CEO