

August 12, 2013

Executive Summary of Response to Council on Referral Items

The following summarizes our detailed response to Council on referral items and additional comments and questions raised at council:

- Schedule A of the Official Plan designates the Lands as *New Format Regional Commercial Node*;
- The City's Tree Conservation By-Law does not apply to the Lands and a permit is not required to remove Patch 10102;
- The Lands are wholly zoned. We have not relinquished our existing rights to develop by submitting an OPA and ZBA.

The status of the wood lot and wetland is summarized as follows:

- Aecom's SLSR provided a professional opinion that the vegetation patch is not sustainable and is materially in decline;
- Goal Ventures has commissioned a further professional opinion re: ESA, there is no evidence of SAR on site;
- A Tree Inventory has been completed by a certified arborist; there are 1,653 Trees, 79% are Ash or Elm; the Ash trees are heavily infested with "EAB"; the elm trees have Dutch Elm Disease; and both species are in decline or dead;
- An OWES evaluation of the wetland has been completed by Aecom, the score of the wetland is **not** Provincially Significant;
- The wetland communities identified in the SLSR are not within the mapped Regulated Area of the UTRCA and are not a wetland under the prescribed definition under the Conservation Authorities Act;

Potential to retain some or all of the Vegetation patch and the Golder Report

- The Golder Report solution imposes additional servicing costs to the site of \$3.8 million to \$7.6 million dollars;
- Aecom and Stantec have reviewed the Golder Report and have concluded that it is not viable;
- PenEquity, Goal Ventures Inc. and our consulting team have invested in and exhausted all options to save some or all of the Patch in the development plan. The Patch is not viable and cannot be saved.

Compensation

- The Sovereign Road lands were designated "Open Space" under the OP and protected under the Tree Conservation By-Law;
- The compensation lands (above) were owned by the City, no test or science was used as a test to determine the quantity.
- Our Lands are designated New Format Regional Commercial Node and not protected under the Tree Conservation By-Law.
- No compensation is required to remove the Patch and develop the lands, however, PenEquity and Goal Ventures have decided as a sign of good faith to the Community and stewardship of the Natural Heritage System to offer one of the following gifts:

Option 1): Restoration of a 6 acre woodlot in the south-west corner of Lands; or

Option 2): Dedication of 6 acres of land (for a 4 pad arena) to the City; and a \$250K contribution which we have suggested could be used to replant up to 10,000 Trees (Million Tree Challenge) or acquire up to 45 Acres of woodlands; at the City's sole discretion.

Accordingly Council's request to "Have it All, the Development and the Trees" is achieved.

Comment on Job or Net Job Growth

- The Lands are designated New Format Commercial Node;
- The location offers a unique opportunity to create something special at London's gateway for Regional National and International Tenants with an emphasis on attracting new businesses;
- Under any relocation stores will be re-filled i.e. Southgate Centre where Toys "R" Us moved to Wonderland Road, the owner secured new tenants and further expanded the size of the centre by 20%;
- Accordingly, we are confident in responding to Council that the forecast job growth of 1,200 is a net number.



August 12, 2013

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 Rd.
South, London, ON (the "Lands")
Applicant – PenEquity Realty Corporation on Behalf of Goal Ventures Inc.**

Further to Municipal Council's session held on June 25, 2013 we understand the amended recommendation related to Gateway London and our application for OPA and ZBA (as approved by the PEC on June 20, 2013) was referred back to Civic Administration for additional information. Accordingly, our team has been tasked to investigate and respond to Council's referral and additional comments and questions. In consideration of your time we have summarized our findings in this letter with applicable background information attached in appendices as noted. For those PEC or Council members who were not at PEC committee on June 18th we have attached preliminary renderings of Gateway London as Appendix "A". As presented to PEC our development plan for Gateway London serves to create a commercial development that is not only named Gateway London but which physically acts as a branded Highway 401 gateway to the City. Accordingly we have identified our 2,000 lineal foot frontage as part of our gateway experience to celebrate London and the Institutions and Corporations that call London Home. Working with the City and designated stakeholders we propose to re-create London's front door through local, regional, national and international calls for design submissions. We believe in London and this very important project.

Status of Lands and Entitlements

As confirmed in the Staff Report presented to the PEC on June 20, 2013:

1. Schedule A of the Official Plan designates the Lands as *New Format Regional Commercial Node* (passed in Open Council on March 3, 2008). For clarity, Section 4.3.6.1 of the Official Plan identifies that "New Format Regional Commercial Nodes serve a similar function as Enclosed Regional Commercial Nodes but can have a different form and may be larger in size. They are intended to provide for a wide range of commercial uses which meet specialized service and comparison shopping needs. These nodes may have a higher concentration of retail uses than the Enclosed Regional Commercial Nodes. New Format Regional Commercial Nodes are also regarded as major activity centres by reason of their size and range of uses, and may have trade areas that also extend beyond the municipal boundary.";
2. There are no Open Space and / or Environmental Review designations identified on Schedule A of the Official Plan related to the Lands;

3. Schedule B1 of the Official Plan designates an Unevaluated Vegetation Patch on the Lands (Patch 10102);
4. The City's Tree Conservation By-Law C.P. – 1466-469 does not apply to Patch 10102 as the Patch and no part of the Lands are identified as Open Space and / or Environmental Review on Schedule A (of the Official Plan). No permit from the City is required to remove the Patch;
5. The Lands are currently wholly zoned for development with a holding provision to enter into a development agreement. The Lands have approved entitlements and are fully developable. This is consistent with the conclusions of our due diligence exercise that was completed prior to purchasing the Lands. We have not relinquished our existing rights by submitting an OPA and ZBA;
6. Staff have supported our OPA and Zoning modifications to permit a Movie Theatre and the scale of commercial uses proposed for the Lands as they are consistent with the intent of the Official Plan.

History of Application

For clarity, the Gateway London development concept and application made by Goal Ventures Inc. through PenEquity Realty Corporation was not the first concept considered by the current owners for these Lands. As recent as Fall 2007 Staff met with proponents for the "WG Village Concept – London" to discuss an earlier application. Coincidentally changes to the Official Plan re-designation of the Lands to New Format Regional Commercial Node were running a parallel course through Commercial Policy Review – September 2007 (Staff Report and Associated Policy Framework) and OPA 438 presented to PEC in February 2008 (and passed in Open Council on March 3, 2008). Through the pre-consultation process it was confirmed that the lands were zoned, serviced and ready for development and there was no identification or discussion of a vegetation patch as significant or requiring further investigation.

In accordance with same and in good faith, we submitted an OPA and ZBA in the fall of 2012 after considerable on-site investigation pre-consultation and discussion with Staff which began in 2010. For clarity the "Subject Lands Status report" ("SLSR") was scoped by the City and was not meant to supersede work required related to Species at Risk "SAR" for the purposes of MNR and our obligations under the Endangered Species Act. Goal Ventures Inc., PenEquity and our consulting team have invested in and spent considerable time considering all options related to the development of the Lands and our combined professional experience has led to the submission for Gateway London. The plan for Gateway London is fundamentally based on our development experience, and more importantly for this discussion, science.

Response to Council's June 25'th Referral

Evaluation and Status of Vegetation Patch

In accordance with Council's request, the status of the vegetation patch is summarized as follows:

- Aecom's report (SLSR) has provided an opinion on the vegetation patch based on the Evaluation Guidelines;
- In Aecom's opinion and Executive Summary are 7 extenuating factors that need to be considered in evaluating options for the vegetation patch including the fact that no SAR were observed;
- Aecom is clear and concise in their opinion that "In this instance, these extenuating factors significantly dilute the viability and merit of the subject lands as a significant Woodland within the context of the Official Plan policies in this regard."
- We understand Staff are supportive and rely on Aecom's work in London;

- The vegetation patch is not protected by the Tree Conservation By-Law;
- In consideration of the above, and in response to the question of what is within the vegetation patch Mike Boulanger, an ISA Certified Arborist and Forestry Technician recently conducted a tree inventory of the Patch (late June / early July '13). A copy of the Arborist's summary findings are attached as Appendix "C"
- The conclusions of the Arborist are as follows:
 - A total of 1,653 Trees were identified in the vegetation patch;
 - Of the 1,653 Trees 1,307 or 79% of the tree inventory were identified as Ash or Elm;
 - The Ash trees were as identified as being heavily infested with the Emerald Ash Borer "EAB" and that all of these trees are in severe decline or dead;
 - In accordance with the City's website re: EAB:
 - "This insect [EAB] has the potential to kill all of the city's ash trees over a short period of time - it is anticipated within 7 to 10 years, left untreated, most of our ash trees will be dead."
 - "Large dead limbs and trees pose a safety & legal liability to property owners and their neighbors. It is the property owner's responsibility to remove these hazards as soon as possible, also for any costs associated with removal and disposal of this material."
 - "Yes, you may cut trees on your property, however, all ash materials and firewood must stay within the boundaries of the Infested Place Order."
 - The mature elm trees were identified as predominantly in decline or dead due to Dutch Elm Disease;
 - 346 Trees were identified as non-Ash or non-Elm; and
 - No species identified on Schedule E2 ("Species Not to be Destroyed or Injured") of the Tree Conservation By-Law were found in the vegetation patch.
- The comments from the Arborist regarding the dead or dying Ash are consistent with Aecom's observations as stated (pg. 7 of the SLSR) "This community also contained numerous dead Ash trees where foliage dieback was between 95 and 100 percent"
- London's Urban Forest Strategy provide's the vision and strategic direction for long-term planning, planting, protection and maintenance of trees, woodlands, green space and related resources in the City of London. The Strategy's first 2 Guiding Principles are to:
 - 1) Protect and maintain London's urban forest on public and private land where it is providing the benefits of the 'right tree in the right place' and is supporting the integrity of, and connectivity between, natural features; and
 - 2) Expand and manage the urban forest strategically to maximise the social, environmental and economic returns realised for every dollar invested.
- Given the Aecom findings, the Tree inventory and London's very own Urban Forest Strategy our application reflects the goals and aspirations of the community by committing additional resources to the right trees in the right places which have the opportunity to maximise returns on those investments.
- London's Woodland Guideline (March, 2006) was defended by the City all the way to the Supreme Court of Canada. That Guideline identifies options where development is proposed within woodlands that meet the significance criteria. One of those options is the replacement or compensation for all or portions of the woodland.
- By way of the Options identified in our application we remind you that we have provided for a gift of: 1) a 6 acre reforestation plan; or 2) a dedication of 6 acres for the purposes of a recreational facility including 4 ice pads AND the contribution of \$250,000 towards the Million Tree Challenge or acquisition of sustainable

woodlands which better suit the intent of the Official Plan and the City's Urban Forestry Strategy (at the City's option).

- We are supportive of either decision made by Council in this regard and will work with Staff accordingly.

Evaluation and Status of Wet Features within the Vegetation Patch

Findings from the SLSR

- Aecom identified 2 wetland communities within the northern portion of the patch (SLSR, Section 2.6, pg. 8);
- No SAR was found in the wetland communities;
- Aecom found (SLSR, Section 2.6, pg. 8) the wetland features were a result of perched surface water from rain and spring melts ;
- No natural watercourses are associated with Patch 10102 (SLSR, Section 2.2, pg. 5);
- In accordance with Aecom's findings the patch is not directly linked to Dingman Creek due to the location of Dingman Drive and the absence of any surface water connection (SLSR, Section 2.1, pg. 5); and
- In accordance with comment from Aecom, Stantec and City Engineering Staff 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. Formerly, localized rain / snow melt from the collection area would have drained through an open ditch down to Dingman Creek (SLSR, pg. 8). As lands surrounding Gateway London re-develop we would expect that current City of London SWM standards will be incorporated into the new developments and current overland flows (which currently feed the wetland communities) will be significantly diminished if not eliminated. Based on information from the City's Engineering Department we understand that the current SWM regime in area currently cannot handle events greater than a 2 yr storm event. As a result, significant overland flows drain through the Lands which both Aecom and Stantec confirm is the primary water source feeding the wetland communities.

Wetland Evaluation using the Ontario Wetland Evaluation System

- In accordance with a request from the MNR and subsequent to the Council meeting Aecom has completed a formal evaluation of the wetland communities using the Ontario Wetland Evaluation System "OWES"; and
- The OWES evaluation score (attached as Appendix "D") concludes the wetland communities are **not** Provincially Significant;

Conservation Authority

- The UTRCA was copied by Staff on our application and the SLSR;
- On December 14, 2012 correspondence received from the UTRCA, indicated that no concerns were identified outside of the regulated areas shown on the mapping attached to the letter and that the Authority had no objections to the application;
- The wetland communities identified in the SLSR are not within the mapped Regulated Area on the UTRCA's mapping; and
- The Conservation Authorities Act defines a wetland in a very specific and prescribed manner (Section 28(25)) consistent with the role of Conservation Authorities in regulating watershed hydrology and potential hazards. In order for a wetland to be regulated by a Conservation Authority it must (among other things) "directly contribute to the hydrological function of a watershed through connection with a surface watercourse." Aecom has confirmed that the features here do not meet that test. As such, they are not regulated by the UTRCA.

Other General Comments

- Our team has reviewed the topic of a Locally Significant Wetland. Based on information received from the City which defines Environmentally Significant Areas ("ESA"), we have not been identified as having any ESA's in any mapping, work, comment or Staff Report; and
- Section 15.4.2 of the Official Plan provides a definition of wetlands (in general) 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.

In conclusion, the wetland communities within Patch 10102 are not Provincially Significant in accordance with the OWES, they are not regulated by the UTRCA and the City has not identified the wetlands as Locally Significant (nor is there any test confirming same).

Potential to retain some, or all of the Vegetation patch

As stated earlier Goal Ventures Inc., PenEquity and our consulting team have invested in and spent considerable time considering all options related to the development plan; our combined professional experience has led to the submission for Gateway London. To be explicit, irrespective of the design and operational challenges of having this Patch within a functioning commercial development we have had Aecom evaluate multiple scenarios to determine if the patch can be incorporated into our development plan (attached as Appendix "E"). In all instances Aecom has concluded that given the constraints above the long-term viability of the patch is diminished.

The "Golder Report" (Golder Associates, technical Memorandum – Summary of Technical Assessment of Viability for a SWM and Ecological Strategy to Preserve a Significant Woodland in South, London) was presented by Staff as a viable option to preserve a portion of the Vegetation Patch however it was only distributed to our team after Staff submitted its report to PEC. Our team was not offered the opportunity to review nor meet with staff to review same. Based on Council's referral we have now had an opportunity to do so, a summary of our findings presented to Staff is as follows:

Aecom Comments to Golder Report (attached as Appendix "F")

In Aecom's opinion the approach proposed by Golder is not ecologically viable for the following reasons:

1. The proposed approach relies on infiltration of surface water via a bioswale oriented around the perimeter of a portion of the vegetation patch. It is our opinion that the primary source of water to the existing wetland within the Significant Woodland is from surface water runoff from surrounding lands. The proposed approach, therefore, changes the delivery of water to the patch and has potential to change the hydrology of the woodland and wetland. Additionally, the dense nature of the soils within the woodland is likely to prevent effective infiltration of surface water.
2. The proposed approach ignores vegetation community boundaries in its shape, orientation and layout. The rectangular shape of the proposed area does not follow vegetation community boundaries and in doing so eliminates portions of the wetland communities that would be intended to be protected.
3. The proposed approach will presumably deliver water to both wetland and upland communities and has no means to control the delivery to one or the other. Under existing conditions, surface water flows directly to the low lying swamp community in the northwest portion of the vegetation patch and to the swamp/meadow mosaic in the eastern portion of the patch. The proposed approach will alter the hydrology of the entire area of the remaining vegetation and has the potential to significantly change the composition and structure of vegetation communities remaining.

4. There appears to be no technical rationale for the proposed buffer zone surrounding the area being protected. In order to provide a defensible buffer recommendation, the ecological features and functions of the vegetation patch need to be considered in conjunction with the potential land-use derived impacts that can reasonably be expected from the proposed development. Furthermore, a buffer zone for the vegetation patch would most appropriately be situated between the woodland and the proposed bioswale.
5. The proposed approach provides no linkage to the Dingman Creek corridor. In order for such a small vegetation patch to be viable it requires some form of linkage to a large natural heritage system.

Stantec Technical Comments to the Golder Report (attached as Appendix "G")

In accordance with the Stantec memo, it is their opinion that the proposed bioswale design is not a feasible solution for this site for reasons including but not limited to:

1. The existing clay soils are very tight and have a low permeability which have material implications on the performance of the bioswale in that: i) detention times within the bioswale are estimated at 12 days. The MOE recommends detention times in the 24-72 hour range and TRCA/CVC in the 24 hour range in accordance with their respective design manuals; and ii) it is estimated that it will take 5 years for water in the bioswale to reach the interior of the vegetation patch;
2. The proposed bioswale design does not meet the design criteria for bioretention areas established by the CVC and TRCA; and
3. In addition to scope and costs identified in the Golder Report, the proposed bioswale concept will impose significant fill requirements which are estimated to cost between \$3.8 million to \$7.6 million dollars).

As stated through out the process and our previous presentation to the PEC the preservation of some or all of the vegetation patch is not a viable option in the context of development or in-situ (Aecom has reported in detail about the non-viability of the patch). The recommendations proposed in the Golder Report have been reviewed in detail by our consulting team and in context of actual on-site conditions are not feasible.

Compensation

In accordance with our comments above and as confirmed by Staff the Tree Conservation By-Law does not protect Patch 10102; the vegetation patch can be removed and our rights to do so have not been affected by our Application. In addition 79% of the Trees within the vegetation patch are Ash or Elm. In accordance with the City's own policies land owners are obligated to remove this material which is dead or dying (at their cost) as soon as possible, without compensation.

Further, the Sovereign Road decision and context of the Sovereign Road application is materially different from the application for Gateway London in that the Lands at 585, 613 and 687 Sovereign Road ("Sovereign Road Lands") were designated "Open Space" under the Official Plan and protected under the Tree Conservation By-Law. Our Lands are not designated Open Space and not protected, they are designated New Format Regional Commercial Node and were acquired for development purposes. Finally, the Application for the Sovereign Road Lands was not only approved by Council but it was actually made by the City of London and that the compensation lands were also owned by the City of London. No test or science was used to quantify the compensation lands. Accordingly it is not appropriate for the Sovereign Road Decision to be used as a measure against our proposal(s).

Given the above, no compensation is required to remove Patch 10102 and develop the lands, however, PenEquity and Goal Ventures have decided as a sign of good faith to the Community and stewardship of the Natural Heritage System to offer one of the following gifts:

Option 1

The restoration of a 6 acre woodlot in the south-west corner of lands in accordance with a detailed proposal prepared by Aecom; or

Option 2

The dedication of 6 acres of land for the purpose of a City of London recreation centre (3 existing recreational facilities including 4 ice pads in the area have to be de-commissioned due to age as previously reported to council and that that budget has already been approved for their replacement). Additionally Goal Ventures Inc. will contribute \$250,000 to the City towards re-forestation and / or protection of sustainable natural areas throughout the City as determined by the City which actually meet the intent of the City's Official Plan and Urban Forest Strategy (Right Tree in the Right Place and maximizing the social, environmental and economic returns realised for every dollar invested).

In perspective, Option 2 can further be summarized as follows:

- Land Dedication: 6 Acres for Recreation Centre
- Tree re-planting: Up to 10,000 Trees¹ through a contribution to the City's Million Tree Challenge of \$250,000;

or

- Land Dedication: 6 Acres for Recreation Centre
- Acquired Lands: 45 Acres² to be acquired by City of London funded through a contribution of \$250,000
51 Acres of Comparable land value

Notes:

¹ \$250,000 / \$25 per Tree = 10,000 Trees re-planted

² By-law CP-9, constrained lands, like a significant woodland are dedicated at a rate relative to their value at \$13,590/Ha (+/- \$5,500 / Acre)

It should further be noted that Option 1 or Option 2 would be in addition to enhanced landscaping and tree planting contemplated for the site. Accordingly, Council's request to "Have it All, the Development and the Trees" is achieved.

Comment on Job or Net Job Growth

With respect to job or net job creation we believe the City has been clear in previously designating these lands and the surrounding area New Format Regional Commercial Node (Official Plan). Therefore there should not be a debate as to whether retail and commercial activities are appropriate for the Lands and surrounding area. To the contrary Staff have confirmed through their report to PEC that our proposed zoning amendment is consistent with the Official Plan and will permit a full range of commercial uses, commercial recreational and cinemas uses that enhance the significant "gateway" location along the 401 corridor".

The definition of New Format Regional Commercial Node in the Official Plan includes direction that they are meant to be "major activity centres by reason of their size and range of uses, and may have trade areas that also extend beyond the municipal boundary". We have been very clear from our initial meetings with Staff that this location, at Highway 401 and Wellington Road offers a unique opportunity to improve the existing Wellington Street Retail Node (not relocate it south of highway 401) and create something special at London's gateway to bring additional dollars in from the South-Western Ontario Region and traffic on the NAFTA Corridor.

Gateway London's locational characteristics (Highway 401 and Wellington Road) have a greater ability and likelihood to draw new retailers in new formats to the City from Regional, National and International markets due to its unique location, access, highway exposure and regional draw. In this regard, we are very pleased with the feedback that we have received from the market and we are confident that we will be successful in achieving these goals and objectives as we have done in the past.

During Council's discussion it was questioned whether the 1,200 jobs identified in Altus' Economic Benefits Study were new jobs or just a relocation of the existing jobs in the node (i.e. the potential to re-locate the theatre). In addition to the comments above which identify our strategy to develop a centre with an emphasis on attracting new businesses to this node (from Local, Regional, National and International markets) and bring in Regional trade dollars we would like to thank Council members who correctly and appropriately commented that if an existing business from the Wellington Road Node was to relocate to Gateway London, the existing store or facility in the market would be filled with new tenants.

In many instances the re-location of an existing retailer allows the node to adapt, stabilize and grow beyond the status quo. There are many examples of this growth and re-generation but a relevant example in the City London just occurred on Wellington Road at the Southgate Centre (1025 – 1037 Wellington Road). One of the centre's anchors (Toys "R" Us) moved to Wonderland Road. The centre did not die, become vacant and jobs transferred; on the contrary the owner secured new high profile tenants and re-invested in the centre by renovating the entire centre and expanded it by 20% of the area (site plan attached as Appendix "H") creating a material number of new jobs not only because it expanded in size but also the mix of new tenants employed more people. Further we would also note that Gateway London would have given Toys "R" Us an option to stay in the Wellington Street Retail Node (rather than re-locating from the Wellington Node to the Wonderland Node) as opposed to relocating out of the node. This relocation to the Wonderland Node away from Wellington is a greater risk to the Wellington Road retail node if opportunities on Wellington Road do not exist to allow the retail market to expand in a meaningful and economic way.

Accordingly, we have reviewed council's question with our team and are very confident in responding that the 1,200 jobs are real and not a relocation of existing jobs.

Conclusion

In accordance with this response to Council we respectfully request that the Planning and Environment Committee vote to return the recommendation approved at the June 20th PEC and attached as Appendix "I" to the next session of Council with the following further amendments*:

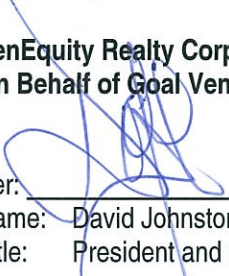
1. Item c) last bullet point - should be deleted as the 3 to 1 tree planting was never agreed to as part of submission nor was it part of Staff's recommendation;
2. Item d) - should be deleted as it contradicts Item b);
3. Item e) - should not be incorporated in our recommendation and / or by-law as this is a matter to be dealt with third parties not related to our application (it should be handled as a separate motion);

4. Item f) – The recommendation should recognize Option 1 or Option 2 above and the requirement to enter into an agreement to confirm which option; and
5. We request that the 7 hold provisions be reduced to: 1) the applicant entering into a Development Agreement (which is consistent with our current zoning); and 2) completion of a Traffic Impact Study. The remaining issues will be resolved through the site plan review and development process and do not affect whether the zoning is appropriate for the site.

* Please note, these amendments seek to amend the PEC Recommendation related to our application to reflect the spirit of the previous decision made by the PEC on June 18th, 2013 and set-out in the Minutes of the June 18th PEC meeting, specifically, that "the Civic Administration is to report back (at the June 20th meeting) with an amended By-law to reflect the applicant's request as outlined in the attached" (the attached referring to the submission made by Goal Ventures on June 18th to the PEC attached as Appendix "J").

Yours Truly,

PenEquity Realty Corporation
On Behalf of Goal Ventures Inc.,

Per: 
Name: David Johnston, CPA CA
Title: President and CEO

Cc: Mr. Joel Albin, Goal Ventures Inc.
Mr. Glenn Miller, PenEquity Realty Corporation
Mr. Leger Xavier, PenEquity Realty Corporation



Celebrate London Signage Opportunity for City, Stakeholders and Corporations



Proposed Central Street- Gateway London



Proposed Amenity Areas- Gateway London

Appendix B

Intentionally Deleted

Summary of Tree Species within Patch 10102

Species	Area C		Area A		Total	
	<u>Number of Trees</u>		<u>Number of Trees</u>			
Ash and Elm	478	86%	829	76%	1307	79%
Remaining Tree Species	81	14%	265	24%	346	21%
		559			1094	1653

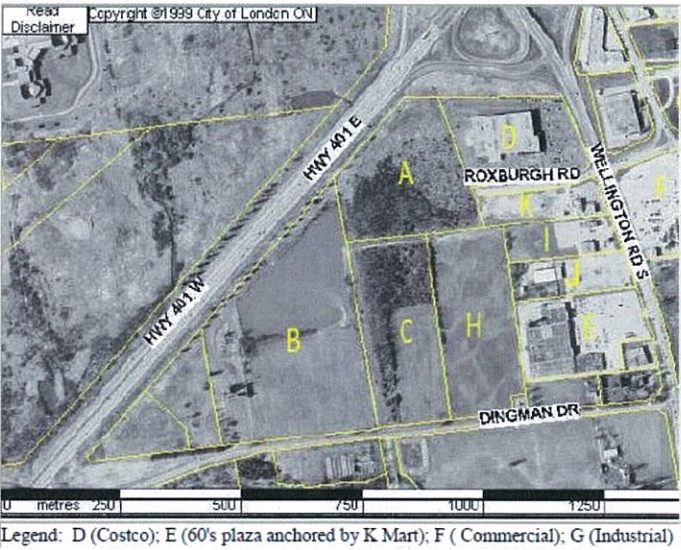
NOTES:

Report Prepared by: Mike Boulanger
ISA Certified Arborist & Forestry Technician
416-791-1840

Date of Field Work: June 29, July 1, and July 11, 2013
All of the aforementioned trees are of a DBH greater than 15 centimeters.

Other Comments: Areas A and C are per the attached aerial
The Ash trees are heavily infested with EAB. All of these trees are dead or in severe decline.
"EAB" Emerald Ash Borer
Most of the mature elm trees are predominantly dead or in decline due to Dutch elm disease.
Combined Ash and Elm comprise 79% of the Tree inventory of Patch 10102

APPENDIX C: Ariel View of Property



Appendix D



AECOM

50 Sportsworld Crossing Road, Suite 290

Kitchener, ON, Canada N2P 0A4

www.aecom.com

519.650.5313 tel

519.650.3424 fax

July 29, 2013

Calvin McCourt
Director of Development
10 Dundas Street East, Suite 1002
Toronto, Ontario
M5B 2G9

Dear Mr. McCourt:

Project No: 60302651

Regarding: Wetland Evaluation Results – Patch No. 10102

The following Wetland Evaluation Report evaluates the wetland communities found within Patch No. 10102 located southeast of Highway 401, west of Wellington Road South and north of Dingman Drive in the City of London. This evaluation is in accordance with the Ministry of Natural Resources' Ontario Wetland Evaluation System: Southern Manual (OMNR, 2013 3rd edition). The results from this evaluation qualify the wetland as one that is **Non-provincially significant**.

Should you have any questions or need for clarification, please contact me at 519-650-8694 or jillian.deman@aecom.com.

Sincerely,

AECOM Canada Ltd.

A handwritten signature in black ink that reads "Jillian deMan".

Jillian deMan, H.B.Sc
Terrestrial and Wetland Ecologist
jillian.deman@aecom.com

TS:jd
Encl.
cc:



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January 27, 2012

Calvin McCourt
Director of Planning
Pen Equity Corporation
10 Dundas Street East, Suite 1002
Toronto, ON
M5B 2G9

BY E-MAIL & MAIL

Dear Mr. McCourt:

Project No: 60214391

**Regarding: Pen Equity Corporation
Brockley Area Property, City of London
Proposed Development - Subject Lands Status Report
Vegetation Patch # 10102 Retention**

Further to your request, we are providing the following opinion regarding the potential for retention of a portion of the Vegetation Patch (# 10102) identified within the subject lands in the Brockley Area of the City of London.

As noted in our Subject Lands Status Report, the long-term viability of the patch as a fully functioning woodland within a developing landscape is dubious due to the disconnected nature of natural heritage features within the immediate surrounding landscape, the disturbance from existing and future urban land uses, and the limited size of the patch.

We have delineated four (4) options for woodland retention for the purposes of discussion. These four options range from a very limited area of retention to nearly complete retention of the patch. The options are attached to this letter and are described below with the general implications for development and woodland integrity and functions:

1. **Option 1-** This option was described by yourself as one discussed with Parks Planning & Development. Option 1 protects the Silver Maple Deciduous Swamp community and a portion of the Gray Dogwood Mineral Thicket Swamp and Narrow-leaved Sedge Mineral Meadow Marsh Complex. It is our opinion that with surrounding development this option would result in loss of most of the functions of the patch and over time invasive plant growth would dominate the remaining patch rendering it to a patch of limited ecological value.
2. **Option 2 –** This option allows for the extension of Roxburgh Road into the subject lands and protects the patch north of this extension plus some cultural vegetation adjacent to Highway 401. Option 2 protects all of the Silver Maple Deciduous Swamp community, all of the Fresh-Moist Bur Oak Deciduous Forest, a small portion of the Fresh-Moist White Elm Lowland

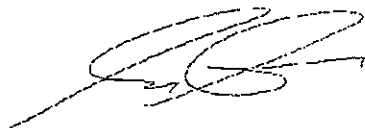
Deciduous Forest, and a larger portion of the Gray Dogwood Mineral Thicket Swamp and Narrow-leaved Sedge Mineral Meadow Marsh Complex. Generally, this option would maintain few of the functions of the original woodland patch. The avifauna and amphibian habitat functions are likely to be significantly compromised by the limited size of the patch and the edge effects caused by the elimination of the southern portions of the patch. The intent of this option would be to provide some patch retention and tree cover. Edge management and restoration in the cultural area adjacent to Hwy 401 would be necessary mitigation and compensation measures.

3. **Option 3-** This option protects the area of the patch north of the sewer easement that bisects the patch and would preclude the extension of Roxburgh Road into the site. Option 3 protects all of the Silver Maple Deciduous Swamp community, all of the Fresh-Moist Bur Oak Deciduous Forest, a small portion of the Fresh-Moist White Elm Lowland Deciduous Forest, all of the Gray Dogwood Mineral Thicket Swamp and Narrow-leaved Sedge Mineral Meadow Marsh Complex, and a small portion of the Mineral Cultural Thicket Ecosite. Similar to Option 2 many of the wildlife functions would be compromised. Overall impacts to the patch would be somewhat less than Option 2, but not to a significant degree.
4. **Option 4 –** This Option protects most of the woodland patch, with the exception of the projection to the south-end of the patch. While not included, the cultural area north of the patch, adjacent to Hwy 401 would be isolated and not useable for development. Option 4 protects all of the Silver Maple Deciduous Swamp community, all of the Fresh-Moist Bur Oak Deciduous Forest, a majority of the Fresh-Moist White Elm Lowland Deciduous Forest, all of the Gray Dogwood Mineral Thicket Swamp and Narrow-leaved Sedge Mineral Meadow Marsh Complex, and a majority of the Mineral Cultural Thicket Ecosite. Option 4 affords the most protection of the woodland and its functions, however, in order to adequately protect the identified patch area buffer areas would be required that extend beyond these limits. Overall, ecological function of the woodland would be compromised by the surrounding development and edge effects would reduce the integrity of the patch if appropriate buffers are not provided.

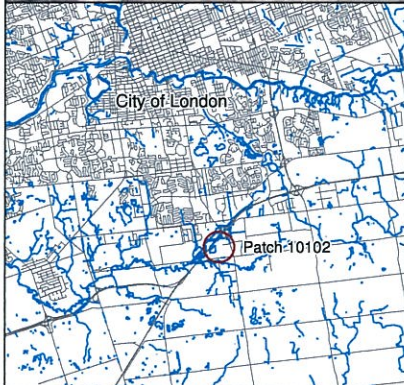
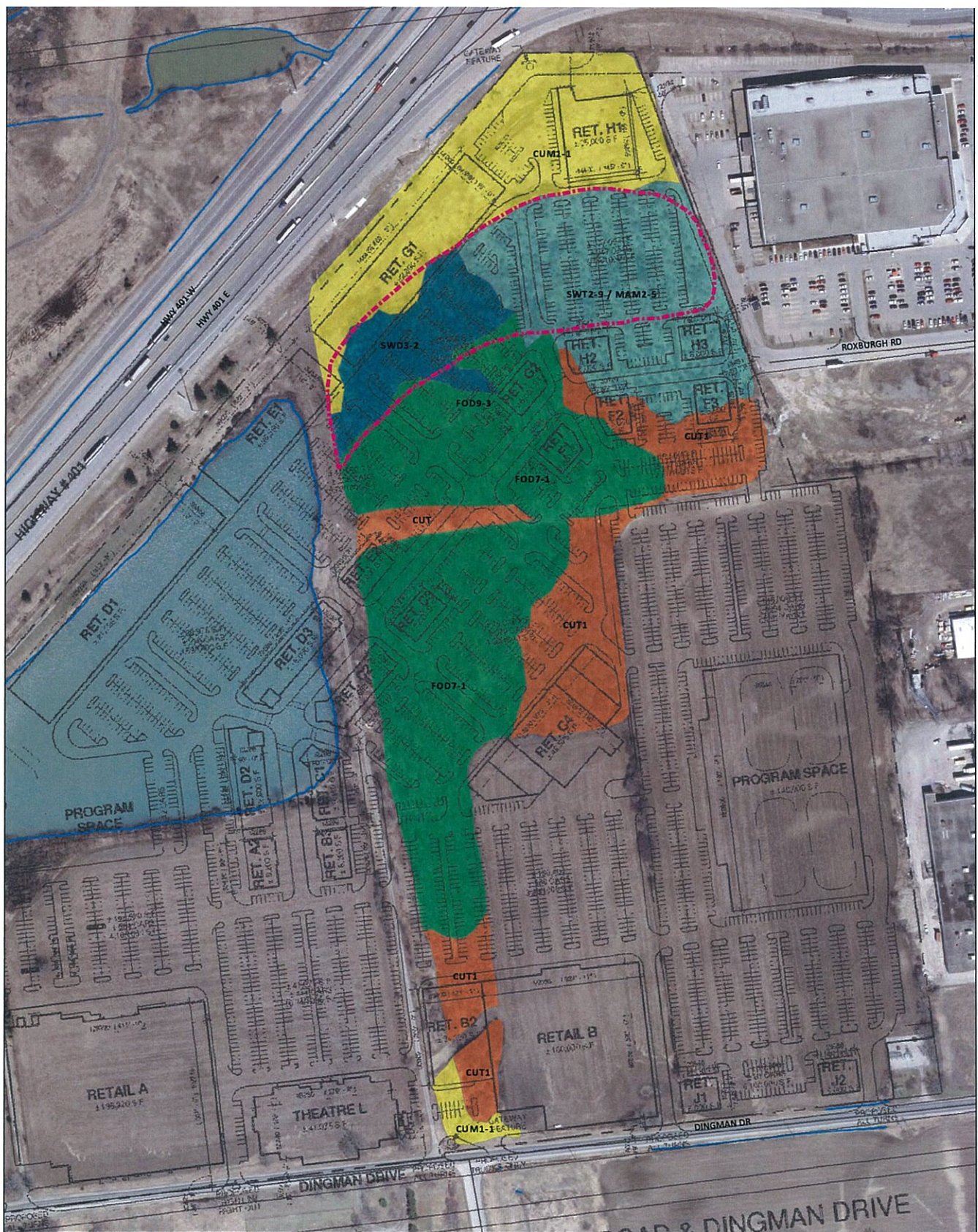
As previously stated, with respect to all the options discussed above, the long-term viability of the woodland patch is likely to be diminished by the development of lands on all sides of the patch and the consequential loss of an ecological linkage to other natural heritage features such as the Dingman Creek corridor.

If you have any questions or concerns, please do not hesitate to contact me at 519-650-8693 (office).

AECOM Canada Ltd.



Gary A. Epp, M.Sc., Ph.D.
Manager of Ecological Services
GAE:ge



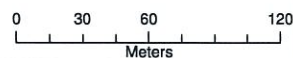
Legend

- Rivers
- Roads

ELC

- CUM1-1
- CUT
- CUT1
- FOD7-1
- FOD9-3
- SWD3-2
- SWT2-9 / MAM2-5

ELC Code	Description
CUM1-1	Dry-Moist Old Field Meadow Type
CUT1	Mineral Cultural Thicket Ecosite
FOD7-1	Fresh-Moist White Elm Lowland Deciduous Forest
FOD9-3	Fresh-Moist Bur Oak Deciduous Forest Type
MAM2-5	Narrow-leaved Sedge Mineral Meadow Marsh
SWD3-2	Silver Maple Mineral Deciduous Swamp Type
SWT2-9	Gray Dogwood Mineral Thicket Swamp Type



Pen Equity Subject Lands Status Report

Ecological Land Communities within Patch 10102

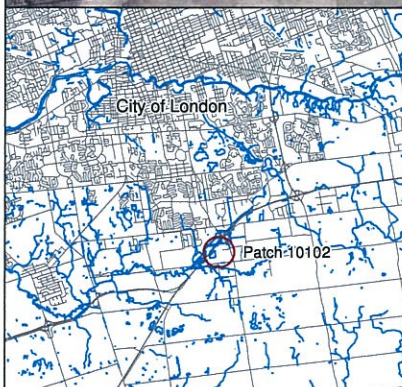
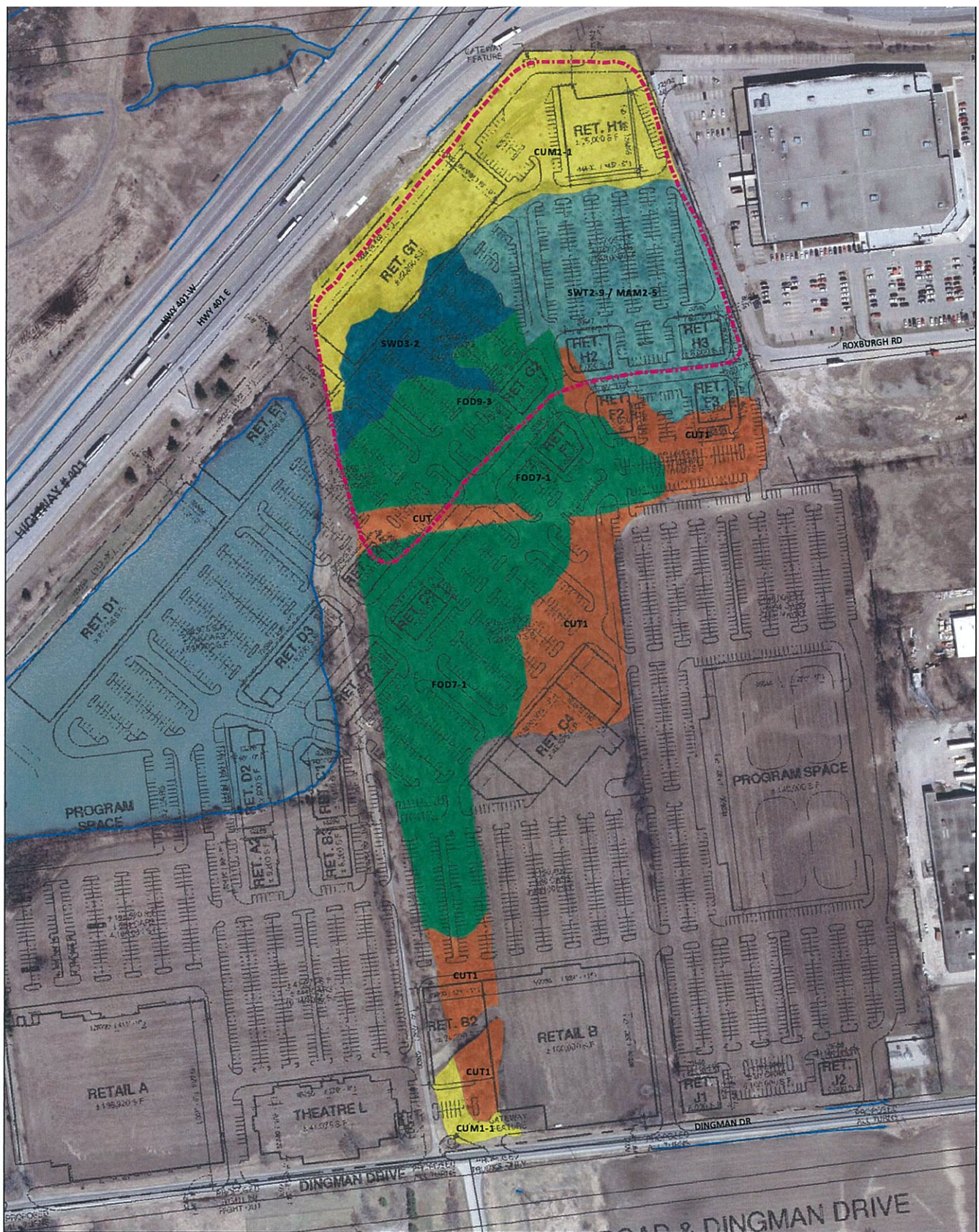
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Source: City of London

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January 2012

Option 1

AECOM



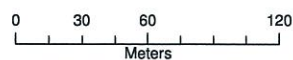
Legend

- Rivers
- Roads

ELC

- CUM1-1
- CUT
- CUT1
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Pen Equity Subject Lands Status Report

Ecological Land Communities within Patch 10102

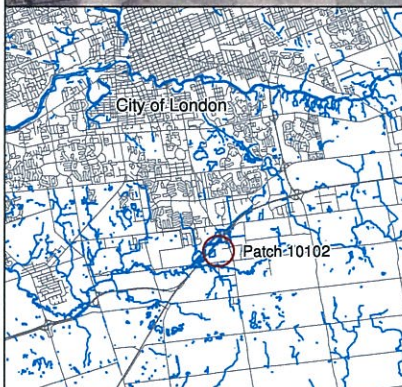
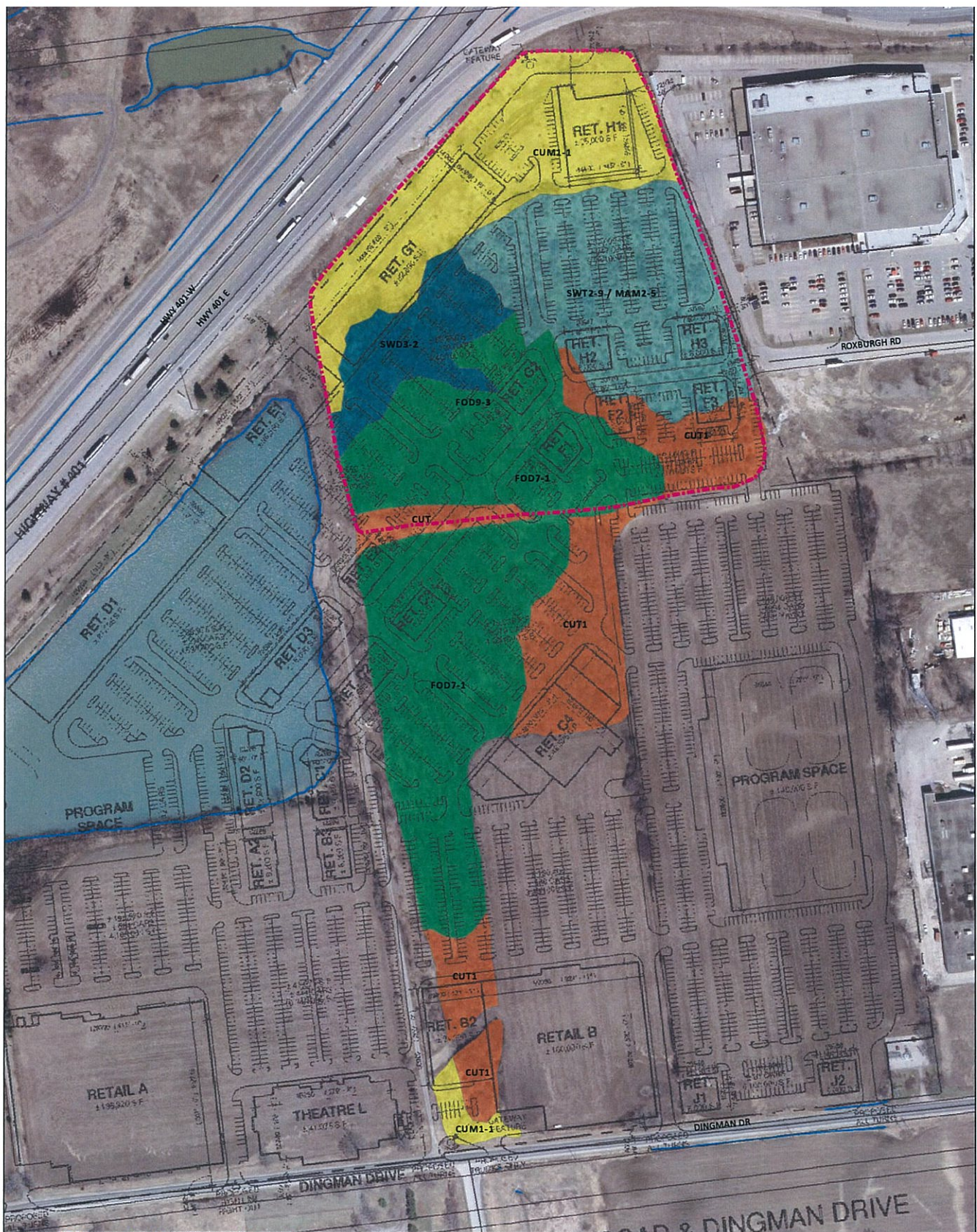
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Source: City of London

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January 2012

Option 2

AECOM



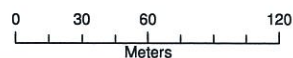
Legend

- Rivers
- Roads

ELC

- CUM1-1
- CUT
- CUT1
- FOD7-1
- FOD9-3
- SWD3-2
- SWT2-9 / MAM2-5

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SWT2-9	Gray Dogwood Mineral Thicket Swamp Type



Pen Equity Subject Lands Status Report

Ecological Land Communities within Patch 10102

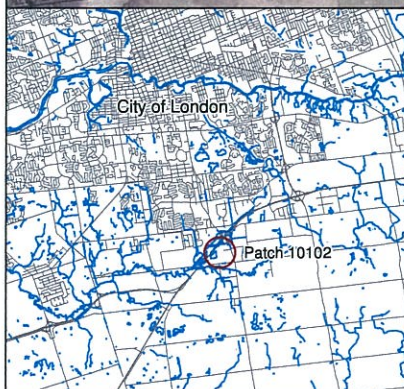
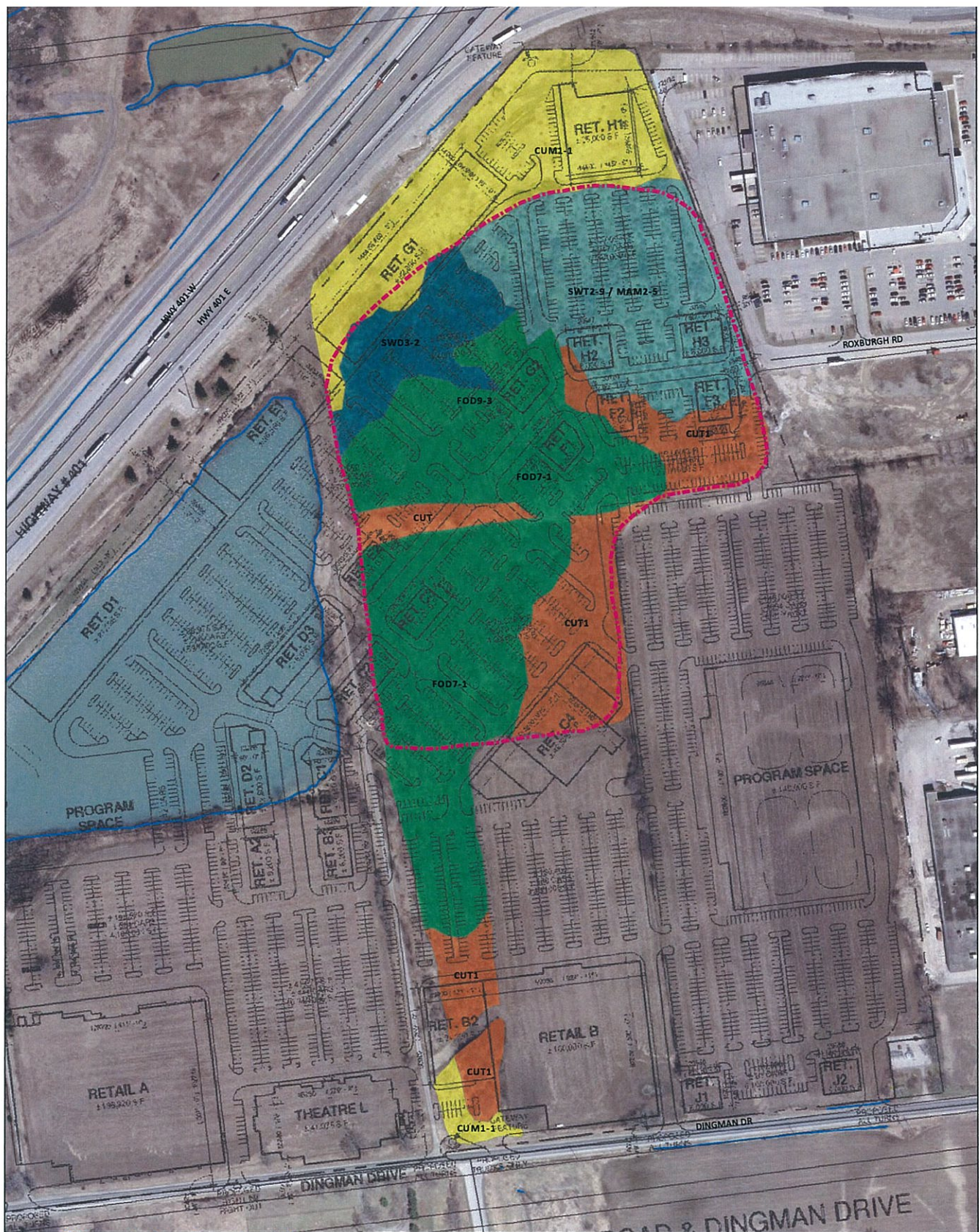
Datum: NAD 83, Zone 17
Source: City of London

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January 2012

Option 3

AECOM



Legend

- Rivers
- Roads

ELC

- CUM1-1
- CUT
- CUT1
- FOD7-1
- FOD9-3
- SWD3-2
- SWT2-9 / MAM2-5

ELC Code	Description
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SWT2-9	Gray Dogwood Mineral Thicket Swamp Type

0 30 60 120
Meters



Pen Equity Subject Lands Status Report

Ecological Land Communities within Patch 10102

Datum: NAD 83, Zone 17
Source: City of London

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January 2012

Option 3

AECOM

Appendix F



AECOM
50 Sportsworld Crossing Drive
Suite 290
Kitchener, ON, Canada N2P 0A4
www.aecom.com

519 650 5313 tel
519 650 3424 fax

July 26 2013

Calvin McCourt
Director of Planning
Goal Ventures Inc.
10 Dundas Street East, Suite 1002
Toronto, ON
M5B 2G9

Dear Mr. McCourt:

Project No: 60302651

**Regarding: Goal Ventures Inc.
Brockley Area Property, London
Review of Golder Associates Technical Memorandum**

Further to your request, we are pleased to provide the following review of technical memoranda prepared by Golder Associates regarding the assessment of a proposed approach to preserve the Significant Woodland associated with Vegetation Patch No. 10102, in the City of London.

The memoranda reviewed include:

- Golder Associates, Technical Memorandum – Summary of Proposed Approach to Preserve a Significant Woodland in South London, Ontario. May 24, 2013.
- Golder Associates, Technical Memorandum – Summary of Technical Assessment of Viability for a SWM and Ecological Strategy to Preserve a Significant Woodland in South, London.

We have reviewed the approach presented by Golder Associates based on our knowledge of the existing features and functions of Vegetation Patch No. 10102 and the ecological viability of such an approach. We rely on the information and evaluation documented in our report entitled "Subject Lands Status Report for Patch 10102", dated May 7 2012.

It is our opinion that the approach proposed is not ecologically viable for the following reasons:

1. The proposed approach relies on infiltration of surface water via a bioswale oriented around the perimeter of a portion of the vegetation patch. It is our opinion that the primary source of water to the existing wetland within the Significant Woodland is from surface water runoff from surrounding lands. The proposed approach, therefore, changes the delivery of water to the patch and has potential to change the hydrology of the woodland and wetland.

Additionally, the dense nature of the soils within the woodland is likely to prevent effective infiltration of surface water.

2. The proposed approach ignores vegetation community boundaries in its shape, orientation and layout. The rectangular shape of the proposed area does not follow vegetation community boundaries and in doing so eliminates portions of the wetland communities that would be intended to be protected.
3. The proposed approach will presumably deliver water to both wetland and upland communities and has no means to control the delivery to one or the other. Under existing conditions, surface water flows direct water to the low lying swamp community in the northwest portion of the vegetation patch and to the swamp/meadow mosaic in the eastern portion of the patch. The proposed approach will alter the hydrology of the entire area of the remaining vegetation and has the potential to significantly change the composition and structure of vegetation communities remaining.
4. There appears to be no technical rationale for the proposed buffer zone surrounding the area being protected. In order to provide a defensible buffer recommendation, the ecological features and functions of the vegetation patch need to be considered in conjunction with the potential land-use derived impacts that can reasonably be expected from the proposed development. Furthermore, a buffer zone for the vegetation patch would most appropriately be situated between the woodland and the proposed bioswale.
5. The proposed approach provides no linkage to the Dingman Creek corridor. In order for such a small vegetation patch to be viable it requires some form of linkage to a large natural heritage system.

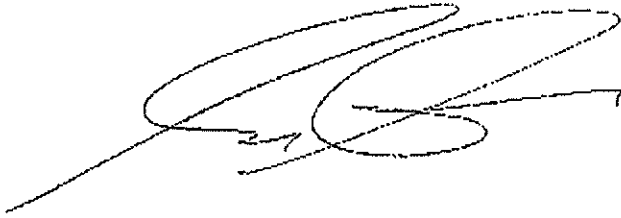
In accordance with our opinion stated in the Subject Lands Status Report and correspondence dated January 27, 2012, the viability of the patch over the long-term is dubious. However, if an attempt was to be made the following would be required:

- Protection of a majority or all of the woodland and wetland communities with a portion of cultural communities for supporting habitat;
- Development and implementation of a scientifically defensible buffer zone based on the features and functions of the patch and the potential land use derived impacts that can be expected from the proposed development plan.
- Maintenance of water balance to the patch based on matching pre-development conditions and by providing surface water input to the wetland component of the patch.
- Maintenance and or enhancement of a linkage between the vegetation patch and the Dingman Creek corridor;

This option for protection of the vegetation patch would involve most of the existing vegetation patch and some adjacent lands for an ecological buffer zone. Implementation of this option would bisect the subject property and leave developable lands east and west of the woodland patch.

If you have any questions or concerns, please do not hesitate to contact me at 519-650-8693 (office).

AECOM Canada Ltd.

A handwritten signature in black ink, appearing to be 'G. Epp', written over a horizontal line.

Gary A. Epp, M.Sc., Ph.D.
Director of Ecology, Environment

GAE.ge

Appendix G



Stantec

Stantec Consulting Ltd.
171 Queens Avenue 6th Floor
London ON N6A 5J7
Tel: (519) 645-2007
Fax: (519) 645-6575

July 28, 2013
File: 1614-03378

Attention: Mr. Calvin McCourt
Director of Planning

PenEquity Realty Corporation
10 Dundas Street East, Suite 1002
Toronto, ON M5B 2G9

Dear Calvin,

Reference: London Gateway Project
Significant Woodland Preservation Approach
Review Comments

Further to our letter of June 17, 2013 and our meeting with City on July 23, 2013, we provide the following comments relating to the issue of retaining the woodlot on the subject site.

As requested, we have reviewed the following documents prepared by Golder Associates:

- Summary of Proposed Approach to Preserve a Significant Woodland in South London, Ontario, dated May 24, 2013, and
- Summary of Technical Assessment of Viability for a SWM and Ecological Strategy to Preserve a Significant Woodland in South London, ON, dated June 2, 2013.

Our review comments are as follows. While we have additional specific technical concerns regarding the presented work the review comments are limited to more general comments as summarized below:

JUSTIFICATION

- There is an implicit assumption that all runoff which enters the woodlot under existing conditions is vital for sustaining it. However, the necessity of matching the existing water volumes following site development is not justified in the reviewed documentation.
- Vegetation of any given species can tolerate and thrive under a range of annual water volumes. There is no information presented to identify the range of volumes required to sustain the existing woodlot.
- The existing Cousins Drain crosses the proposed woodlot, and the land along its alignment should be managed as a utility corridor. This may affect the area identified as "Significant Woodland" and its future management.

July 28, 2013
Mr. Calvin McCourt
Director of Planning

Page 2 of 5

**Reference: London Gateway Project
Significant Woodland Preservation Approach
Review Comments**

WATER BALANCE

- The memo states that “post development water budget volumes are to be within a deviation limit of 10 to 15% surplus or deficit of the existing condition total annual runoff and infiltration volumes.” Based on Stantec’s experience in commercial, industrial, and residential land development, this criterion is not achievable in the City of London. Furthermore, this water budget criterion has not been reviewed and approved by Council. Consequently, it should not be applied to the proposed PenEquity site.
- Since a pre-development water budget is not provided for the woodlot, the water balance information does not demonstrate that the net volume of water that enters the woodlot changes following development. Both an existing conditions and proposed conditions water budget should be developed for the woodlot to:
 1. justify the need to provide water balance mitigation measures, and
 2. verify that the proposed mitigation measures address the identified water deficit.
- While some of the water balance assumptions are summarized, the water balance calculations are not provided.

BIOSWALE DESIGN

The bioswale relies upon the native soils to convey groundwater to the woodlot. Given that the native soils are mostly silty clay, the permeability of these soils is low creating many issues noted below.

- The benefit that the proposed bioswale provides to the proposed woodlot is unclear. Based on the assumed infiltration rates, the subsurface travel time from the bioswale to the interior of the proposed woodlot is approximately 5 years.
- The local groundwater elevations are too high for the proposed bioswale design. The observed groundwater elevations in the vicinity of the proposed bioswale are approximately 1.0 to 1.4 m below ground level. In contrast, the bioretention measure design guidance presented in the TRCA LID manual states that “bioretention should be separated from the seasonally high water table by a minimum of one (1) metre”.
- Due to the low permeability of the native soils, the proposed detention time is too long. Based on the assumptions presented by Golder Associates, the drawdown time for the proposed bioswale is approximately 12 days. In contrast, the bioretention measure design guidance presented in the TRCA LID manual states that “the maximum allowable surface ponding time is 24 hours after the storm event”.

July 28, 2013
Mr. Calvin McCourt
Director of Planning

Page 3 of 5

**Reference: London Gateway Project
Significant Woodland Preservation Approach
Review Comments**

- The proposed ponding depth is too deep. The design ponding depth is 0.5 m. In contrast, TRCA LID manual states that the "maximum ponding depth will be between 150-250 millimetres at the end of a storm".
- Due to the long detention time, there is a significant risk that the proposed bioswale could become a mosquito breeding area and consequently, a source of West Nile virus.
- The proposed design was developed based on assumed infiltration rates. The actual site infiltration rates could be substantially less than the assumed values.
- Portions of the bioswale sit atop and cross the existing storm and sanitary sewers on the site. Access will need to be maintained to these sewers which has not been considered in the bioswale design.
- The bioswale is designed to provide a homogeneous flow of groundwater to the woodlot. As discussed at the meeting, the woodlot contains some wetland and upland elements which have differing water requirements. This system is not designed to be able to accommodate these different requirements.

SITE DEVELOPMENT

- Since the proposed bioswale invert is 1 m below existing grades or must be 1 m above the seasonally high groundwater level, a significant volume of fill would be required to provide sufficient cover over the proposed third pipe system.
- As the site is relatively flat, draining portions of the site to the proposed bioswale will have a significant effect on the site grading and will require a significant import of fill material. Stantec's preliminary calculations estimate this fill requirement for the entire site at 380,000 m³. Our estimate is that the cost of importing this volume of fill would be approximately \$ 3.8M to \$ 7.6M.
- Preserving the woodlot in the location identified on Figure 2 leaves narrow strips of land both north and east of the woodlot. Development of these areas in accordance with the site's commercial zoning may not be feasible.

COST ESTIMATION

- The cost estimates presented were completed without a site plan design nor any detailed design of the proposed third pipe system or bioswale. Accordingly, the cost estimates carry a high degree or potential variation from actual cost.
- The cost estimates make very broad assumptions regarding maintenance. They further assume that these costs will be borne by the City of London. Given that this system is installed on a private site, these costs will fall upon the PenEquity for future maintenance.

July 28, 2013
Mr. Calvin McCourt
Director of Planning

Page 4 of 5

**Reference: London Gateway Project
Significant Woodland Preservation Approach
Review Comments**

HISTORIC DRAINAGE CONSIDERATIONS

In addition to the above, there was some discussion at the meeting regarding the wetland element contained within the woodlot. It was indicated by City staff at the meeting that the existing Cousins Drain was once an open ditch across the property. This drain was enclosed in a pipe around 1989 and the lands modified. Additionally the as-built drawings indicate that the existing pond was partially filled during this construction activity. Accordingly, it is highly likely that the wetland element present today is a manmade feature created by modifying existing drainage patterns.

SUMMARY

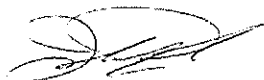
Based on the provided information, it is our opinion that the proposed bioswale design is not a feasible solution for this site for the following reasons:

- No documentation has been provided to demonstrate that there will be a net reduction in the volume of water below the threshold necessary to sustain the woodlot following development.
- The proposed bioswale concept does not appear to address the design objective of mimicking the existing volume and character of water that is available to the woodlot.
- The existing soils on the site have a low permeability. The detention times within the bioswale are estimated at 12 days which creates many potential aesthetic and social issues.
- The proposed bioswale design does not meet the design criteria for bioretention areas established by the CVC and TRCA.
- The proposed bioswale will impose a significant fill requirement onto the site which is estimated to cost between \$ 3.8M and \$ 7.6M.

Please feel free to contact us if you have any further questions or concerns.

Regards,

STANTEC CONSULTING LTD.



Jeffrey Paul, P.Eng.
Managing Principal
Tel: (519) 645-2007
Fax: (519) 645-6575
jeff.paul@stantec.com

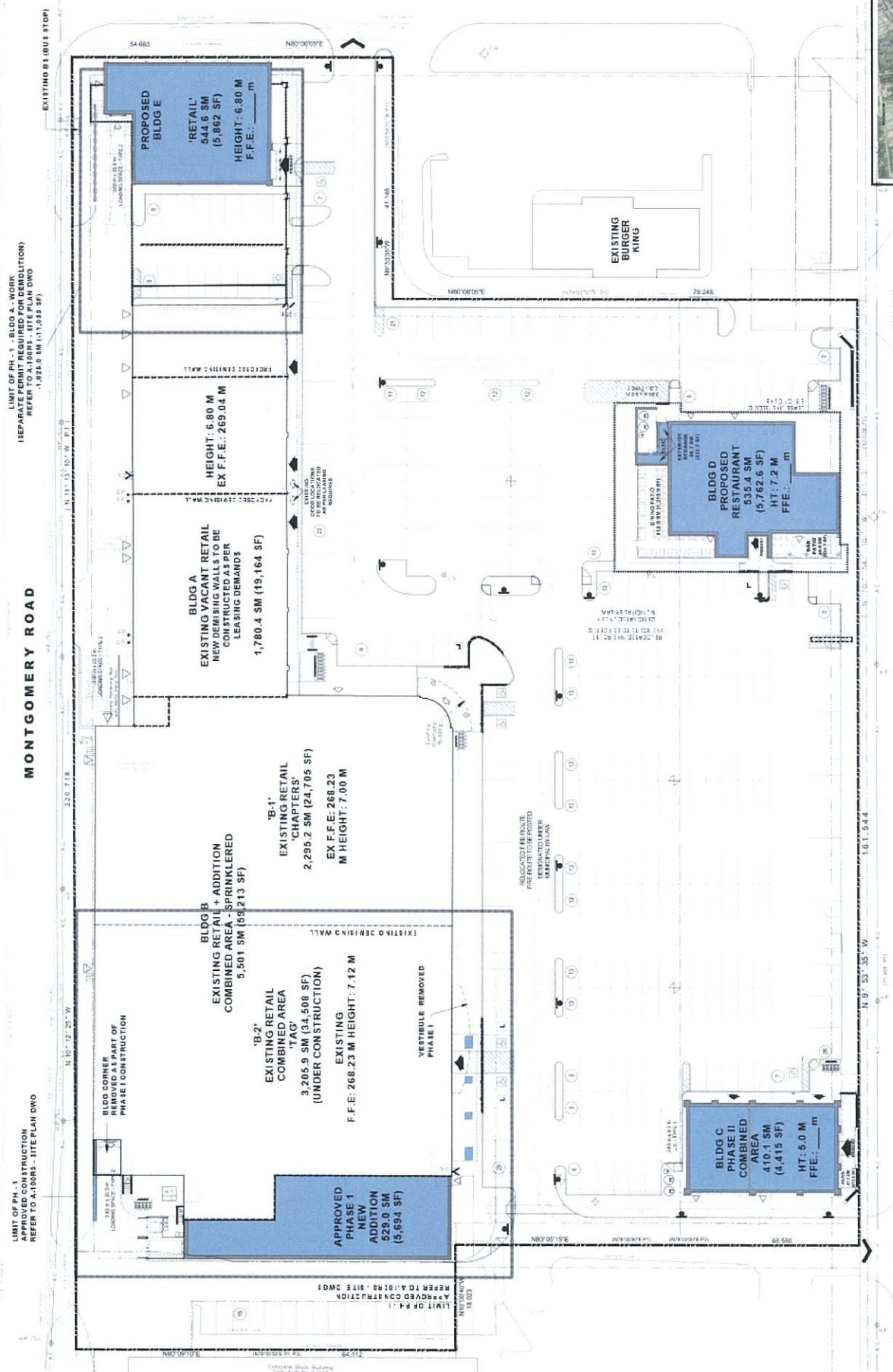
Stantec

July 28, 2013
Mr. Calvin McCourt
Director of Planning

Page 5 of 5

**Reference: London Gateway Project
Significant Woodland Preservation Approach
Review Comments**

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Appendix I

Excerpt from the 15TH REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE

Meeting held on June 20, 2013, commencing at 4:05 PM, in the Council Chambers, Second Floor, London City Hall.

PRESENT: Councillor B. Polhill (Chair), Councillors D.G. Henderson, P. Hubert and S.E. White and H. Lysynski (Secretary).

ABSENT: Councillor N. Branscombe

ALSO PRESENT: Mayor J.F. Fontana, Councillors M. Brown, J.L. Bryant and H.L. Usher and J.P. Barber, G. Barrett, J. Braam, M. Corby, B. Coxhead, P. Christiaans, B. Debbert, M. Elmadhoon, J.M. Fleming, T. Grawey, B. Henry, G. Kotsifas, B. Krichker, J. Lucas, A. MacLean, A. Macpherson, S. Mathers, L. Mottram, D. Mounteer, M. Ribera, A. Riley, C. Saunders, C. Smith, E. Soldo, B. Turcotte, B. Warner and J. Yanchula.

Recommendation: That, on the direction of Municipal Council, in recognition of the circumstance where these lands have been previously zoned and designated to permit a range of commercial uses, and that an "Unevaluated Vegetation Patch" (Patch 10102) as identified on Schedule "B-1" of the Official Plan is located on a portion of these lands, the following actions be taken with respect to the application of PenEquity Realty Corporation, relating to the property located at 3130 and 3260 Dingman Drive and the rear portion of 4397 and 4407 Wellington Road South:

- a) the proposed by-law, as appended to the staff report dated June 20, 2013, BE INTRODUCED at the Municipal Council meeting to be held on June 25, 2013, to amend the Official Plan as follows:
 - i) by adding a special policy in Chapter 10 – "Policies for Specific Areas" to permit cinema use outside of the downtown area in the New Format Regional Commercial Node; and,
 - ii) by amending Schedule B-1- Natural Heritage Features, to delete "Unevaluated Vegetation Patch";
- b) the proposed by-law, as appended to the staff report dated June 20, 2013, BE INTRODUCED at the Municipal Council meeting to be held on June 25, 2013, to amend Zoning By-law No. Z-1, (in conformity with the Official Plan as amended in part a), above), FROM a Holding Restricted Service Commercial Special Provision/Light Industrial (h*RSC1(9)/RSC5/LI6) Zone, a Holding Restricted Service Commercial Special Provision (h*RSC1(9)/RSC3/RSC4(5)/RSC5) Zone, which permits a wide range of service commercial uses such as automobile services, home and auto supply, service repair and light industrial uses and a Community Shopping Area (CSA6) which allows for a large range of commercial uses TO a Holding Associated Shopping Area Commercial Special Provision (h*h-5*h-18*h-55*h-103*h-141*h()*ASA3/ASA5/ASA6 ()/ASA7()/ASA8()) Zone, to allow for commercial retail use, 14,000m² of commercial recreational use, 4,000m² cinema use, a gas bar use, and a hotel use, subject to holding provisions to ensure the provision of municipal servicing, archaeological evaluation be completed, a transportation study be completed, Ministry of Transportation permits be obtained, urban design matters be addressed, and a natural heritage compensation agreement between the City and the applicant be entered into to address the natural heritage compensation measures to be implemented resulting from the removal of the Unevaluated Vegetation Patch (Patch 10102);

- c) the Site Plan Approval Authority BE REQUESTED to consider the following design issues through the site plan process:
- ensure a high level of architectural and landscape quality on all portions of the site with visual exposure to Highway 401;
 - ensure that the design of the buildings located along Highway 401 and Dingman drive are of a high design standard and do not appear as "the back of house";
 - screen all parking areas visible from Highway 401 as well as Dingman Drive using enhanced landscaping;
 - create a block pattern on the site in order to allow for future redevelopment;
 - create a high quality main street through the centre of the site that includes:
 - on-street parking;
 - wide sidewalks;
 - street trees;
 - landscaping as well as street furniture (i.e.: lamp posts, signage, benches, garbage bins, etc...);
 - improved pedestrian experience and access throughout the site;
 - locate buildings along the main street that are oriented towards the street with accented main pedestrian entry points, transparent glass, articulated facades and rooflines, in order to create an active frontage;
 - include a key building at the view terminus of the proposed main street (e.g., proposed movie theatre);
 - provision of a variety of high quality materials (such as transparent glass, brick, stone, etc.) on all proposed buildings, in particular the elevations facing Highway 401, Dingman Drive and the mainstreet;
 - create a centralized public space, located along the main street;
 - provide for continuous pedestrian connections through the site;
 - ensure all buildings have a walkway to the proposed on site main street commercial corridor as well as continuous walkways connecting to other buildings on the site;
 - include adequately sized landscape islands to break up large surface parking areas, these landscape islands should include trees as well as enhanced landscaping;
 - submit an updated urban design brief to the Urban Design Review Panel for a more comprehensive review of the final proposal through the site plan process; and,
 - plant three trees for every tree removed, at a location of the applicant's choice, on the property;
- d) the request to amend Zoning By-law No. Z.-1 from a Holding Restricted Service Commercial Special Provision/Light Industrial (h*RSC1(9)/RSC5/LI6) Zone, a Holding Restricted Service Commercial Special Provision (h*RSC1(9)/RSC3/RSC4(5)/RSC5) Zone, which permits a wide range of service commercial uses such as automobile services, home and auto supply, service repair and light industrial uses and a Commercial Shopping Area (CSA6) Zone, which allows for a large range of

commercial uses to an Associated Shopping Area Commercial Special Provision (ASA3/ASA5/ASA6 ()/ASA7()/ASA8) Zone and an Open Space (OS1) Zone, to allow for 50,183m² of commercial retail use, 13,564m² of commercial recreational use, 3,921m² cinema use, a gas bar use and a passive recreational use, BE REFUSED for the following reasons:

- i) the requested amendment is not consistent with the Provincial Policy Statement, 2005, including Wise Use and Management of Resources policies; and,
 - ii) the requested amendment is not consistent with the Environmental policies of the Official Plan;
- e) the Civic Administration **BE DIRECTED** to determine if there are similar instances where "Unevaluated Vegetation Patches" on Schedule "B-1" of the Official Plan are not shown as "Open Space" or "Environmental Review" on Schedule "A" of the Official Plan, and to initiate an Official Plan Amendment to show these lands as "Open Space" or "Environmental Review" on Schedule "A" of the Official Plan, noting that this would then make these lands subject to the City's Tree Conservation By-law (By-Law C.P.-1466-249);
- f) the Civic Administration **BE DIRECTED** to work with the Applicant to develop the Natural Heritage Compensation Agreement required by the h() holding provision for Municipal Council approval that reflects the natural heritage value of the natural heritage feature to be removed, and is consistent with the compensation achieved through the Sovereign Woods resolution, it being noted that the Natural Heritage Compensation Agreement may include both natural heritage lands and lands that may be planted; and,
- g) pursuant to Section 34(17) of the Planning Act, as determined by the Municipal Council, no further notice **BE GIVEN** in respect of the proposed by-law as Insert reason why no further notice is required;

it being pointed out that the Planning and Environment Committee reviewed and received a communication, dated June 17, 2013, from Roslyn Houser, Goodmans, with respect to this matter. (2013-D14A)

Staff Recommendation amended by Goal Ventures Inc. and presented to the Planning and Environment Committee, June 18, 2013

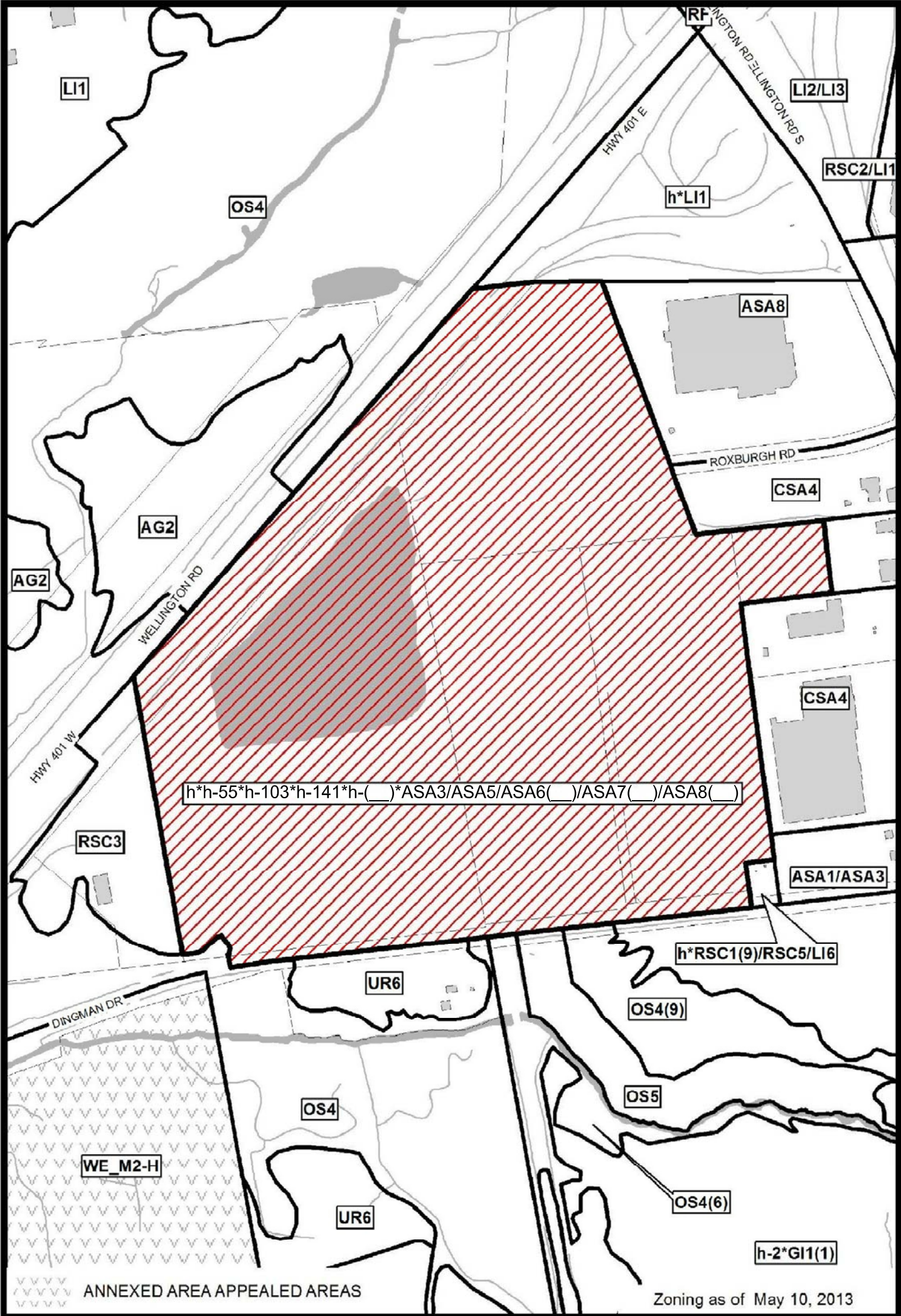
RECOMMENDATION

That, ~~on the recommendation of the Managing Director, Planning and City Planner,~~ the following actions be taken with respect to the application of PenEquity Realty Corporation relating to the property located at 3130 and 3260 Dingman Drive and the rear portion of 4397/4407 Wellington Road South:


- a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on June 25, 2013 to amend the Official Plan by **ADDING** a special policy in Chapter 10 – “Policies for Specific Areas” to permit cinema use outside of the downtown area in the New Format Regional Commercial Node; and
- b) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on June 25, 2013 to amend the Official Plan to:
 - i) ~~Amend Schedule “A” Land Use to change the designation FROM New Format Regional Commercial Node TO Open Space to allow for the protection of the existing Significant Woodland;~~
 - ii) Amend Schedule B-1- Natural Heritage Features, TO DELETE Unevaluated Vegetation Patch, ~~and TO ADD “Significant Woodlands”; and~~
- c) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on June 25, 2013, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in parts (a) and (b) above, **FROM** a Holding Restricted Service Commercial Special Provision/Light Industrial (h*RSC1(9)/RSC5/LI6) Zone, a Holding Restricted Service Commercial Special Provision (h*RSC1(9)/RSC3/RSC4(5)/RSC5) Zone which permits a wide range of service commercial uses such as automobile services, home and auto supply, service repair and light industrial uses and a Community Shopping Area (CSA6) which allows for a large range of commercial uses **TO** ~~an Open Space (OS5) Zone and~~ a Holding Associated Shopping Area Commercial Special Provision (h*h-2*h-18*h-55*h-103*h-141*h-()*ASA3/ASA5/ASA6()/ASA7()/ASA8()) Zone to allow for ~~50,183m2 of commercial retail uses, 13,600564m2 of commercial recreational use, 4,0003924m2 of~~ cinema use, a gas bar use, hotels, home improvement and furnishing stores, factory outlets, commercial schools, liquor, beer and wine stores, and places of entertainment and a passive recreational use, subject to holding provisions to ensure the provision of municipal servicing, ~~an EIS be completed, archaeological evaluation be completed,~~ a transportation study be completed, Ministry of Transportation permits be obtained, ~~and~~ urban design issues are implemented and an agreement be entered into addressing the removal of Unevaluated Patch 10102 from Schedule B-1 of the Official Plan through the dedication of six (6) acres of land for public purposes and a financial contribution of \$250,000 towards the City’s Million Tree Challenge; that if the woodland is maintained substantive redesign will be required;and
- d) The Site Plan Approval Authority **BE REQUESTED** to consider the following design issues through the site plan process:
 - ensure a high level of architectural and landscape quality on all portions of the site with visual exposure to Highway 401;
 - ensure that the design of the buildings located along Highway 401 and Dingman Drive are of a high design standard and do not appear as “the back of house”;
 - screen all parking areas visible from Highway 401 as well as Dingman Drive using enhanced landscaping;
 - create a block pattern on the site in order to allow for future redevelopment; create a high quality main street concept through the centre of the site that includes (where possible):
 - on-street parking;
 - wide sidewalks;
 - street trees;
 - landscaping as well as street furniture (i.e.: lamp posts, signage, benches, garbage bins, etc...);
 - improved pedestrian experience and access throughout the site;

- where possible, locate buildings along the main street that are oriented towards the street with accented main pedestrian entry points, ~~transparent glass~~, articulated facades and rooflines, in order to create an active frontage;
 - ~~include a key building at the view terminus of the proposed main street (e.g., proposed movie theatre);~~
 - where possible, provision of a variety of high quality materials (such as ~~transparent glass~~, brick, stone, etc...) on all proposed buildings, in particular the elevations facing Highway 401, Dingman Drive and the mainstreet;
 - ~~create a centralized public space, located along the main street;~~
 - provide for continuous pedestrian connections through the site;
 - ~~ensure all buildings have a walkway to the proposed on site main street commercial corridor as well as continuous walkways connecting to other buildings on the site;~~
 - include adequately sized landscape islands to break up large surface parking areas, these landscape islands should include trees as well as ~~enhanced~~ landscaping; and
 - submit an updated urban design brief to the Urban Design Review Panel for a more comprehensive review of the final proposal through the site plan process.
- e) ~~the request to amend Zoning By-law No. Z-1 from a Holding Restricted Service Commercial Special Provision/Light Industrial (h*RSC1(9)/RSC5/LI6) Zone, a Holding Restricted Service Commercial Special Provision (h*RSC1(9)/RSC3/RSC4(5)/RSC5) Zone which permits a wide range of service commercial uses such as automobile services, home and auto supply, service repair and light industrial uses and a Commercial Shopping Area (CSA6) which allows for a large range of commercial uses to an Associated Shopping Area Commercial Special Provision (ASA3/ASA5/ASA6 (-)/ASA7(-)/ASA8) Zone and an Open Space (OS1) Zone to allow for 50,183m² of commercial retail use, 13,564m² of commercial recreational use, 3,921m² cinema use, a gas bar use and a passive recreational use, BE REFUSED for the following reasons;~~
- i) ~~the requested amendment is not consistent with the Provincial Policy Statement, 2005, including Wise Use and Management of Resources policies; and~~
 - ii) ~~the requested amendment is not consistent with the Environmental policies of the Official Plan.~~

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



File Number: OZ-8120
Planner:
Date Prepared: 2013/06/18 MHBC
Technician:
By-Law No: Z.-1-

SUBJECT SITE 
1:5,000
0 25 50 100 150 200 Meters

