



September 21, 2023

MTE File No.: 42446-200

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

Dear James,

**RE: Letter Environmental Impact Study (EIS) – Addendum to Original Letter EIS  
Addressing Terms of Reference – 1494 Commissioners Road**

**Introduction and Site History**

BioLogic (now MTE) submitted an Issues Scoping Report on January 10, 2013, and established a Terms of Reference (TOR) for the proposed development of a residential development at 1494 Commissioners Road West [Figure 1]. Following submission of the ISR, the EIS Terms of Reference were further refined during a site visit on April 29, 2013.

Following a site visit with Will Huys, Dave Hayman, Bonnie Bergsma, Linda McDougall, Christine Creighton and Ric Knutson on April 29, 2013, it was agreed that the Terms of Reference for the EIS could be further refined as follows:

1. tree dripline as staked in the field and agreed to by City ecologist will form the limits of development for the site
2. no additional buffer will be required
3. no additional life science inventories will be required to support the application
4. a landscape plan demonstrating the naturalization of the mowed area under the dripline will accompany the application
5. all parking lot site drainage will be directed away from the adjacent natural area.
6. snow stockpiling area will away from the natural area edge and will be identified on the site plan

An additional visit (March 14 2017) was completed with J. McKay, A. Macpherson, J. Adema (City staff) and W. Huys, D. Hayman and R. Knutson (development team) to review and clarify the above list, in particular the term dripline which in fact a tree to overhang this line. Further correspondence has occurred between City of London staff and the proponent. January 23, 2018 correspondence with the City ecologist identified that submitted proponent deliverables were sufficient and that the original development limit (more appropriate term here) agreed upon is still valid and this report is proceeding on that basis.

An additional record of pre-application consultation meeting was held on October 28, 2019 that identified no new ecology issues other than an updated EIS (which this letter satisfies). To be in compliance with current City of London policies and EIS requirements, an updated TOR using the Appendix A – EIS Issues Summary Checklist Report was submitted for review on September 28, 2021.

The land use proposal has been revised from a spa to residential. A pre-consultation for this revised plan was held on February 16, 2022. This new use is reviewed in this EIS Addendum.

## Land Use Setting

The Subject Lands are a 0.2ha parcel located at 1494 Commissioners Road West and is described as Part Lot 47, Concession B Broken Front, in the City of London [Figure 1]. The Subject Lands are bounded by Commissioners Road W. to the north, a tributary to the Thames River along the south and east sides and existing residential lands to the west. Since prior report submissions, policies of the new London Plan (2021) have been enacted and are discussed below in the context of the Subject Lands property.

## Environmental Designation

There are no environmental features identified within the Subject Lands but the Warbler Woods ESA is identified adjacent to the site to the south, extending northwards towards the Thames River along the east adjacent lands (London Plan – Map 5, 2021). The features mapped on Map 5 (London Plan, 2021) are consistent with Schedule B1 of the prior Official Plan and no additional environmental designations are present that were not included on prior report submissions for this property.

## Land Use Designation

The Subject Lands are designated as Neighbourhoods on Map 1 of the London Plan (2021) with the adjacent ESA lands to the south designated as Green Space

## Zoning

The Subject Lands are zoned Residential (R1-8), as are the adjacent lands to the west. The areas to the north of the Subject Lands are zoned Residential (R5-4). Adjacent lands to the east and south are zoned Open Space (OS5), that corresponds to the Green Space land use designation on Map 1 (London Plan, 2021). The open space areas, that are privately owned, correspond to the City of London ESA known as Warbler Woods (London Plan – Map 5, 2021).

## Terms of Reference Comment Responses

Each recommendation from the accepted EIS Terms of Reference (see page 1) is repeated below, followed by an explanation describing how each item has been addressed. Preliminary engineering and servicing is now available that includes the clarification and additional information for this submission.

### **Tree dripline as staked in the field and agreed to by City ecologist will form the limits of development for the site**

The development limit was agreed to and flagged in the field by Will Huys and Bonnie Bergsma (City Ecologist) on April 29, 2013 and was surveyed in at a later date [Figures 2 & 3]. While it was called the tree dripline, this was not fully the case as one tree along the approximate midpoint was left as an overhang as it was agreed this tree could be saved despite a minor encroachment under the dripline. The nomenclature of the line on the site plan has been fixed (now called development limit) to more properly reflect this agreement. As discussed, the previously agreed upon development limit (formerly the tree dripline) is still valid and this report is proceeding on that basis.

### **No additional buffer will be required**

The development limit has been established [Figures 2 & 3]. Nevertheless, in most areas, the development is further yet from the agreed development limit to allow space for some construction activities.

Additional 2022 City Pre-consultation comments: As a result of updated geotechnical review [Figure 3], the building has been shifted to the north. An area at the back, currently the location of the existing building, will be restored to a naturalized landscaped area after the existing building is removed. While the City pre-consultation discussion suggested this rear yard area be called a buffer, we disagree given the current area is a structure and the shift in the new building location is strictly hazard related. The rear yard to be naturalized would more appropriately be named a hazard setback. This area should be rezoned appropriately to recognize the development does not require additional setbacks once an OS zone is applied.

**No additional life science inventories will be required to support the application**

No further work required.

**A landscape plan demonstrating the naturalization of the mowed area under the dripline will accompany the application.**

A landscape plan demonstrating the naturalization of the mowed area under the dripline has been completed [Figure 4]. Some additional shrub and tree planting is also proposed in areas where the erosion hazard limits (discussed later in this letter) extend beyond the original development limit line. The area between the building and naturalization landscape area will remain as maintained lawn or gardens.

An updated Tree Preservation plan will be provided as part of the building permit process.

Additional 2022 City Pre-consultation comments: See above and Figure 4 for added landscape concept at the rear of the property.

**All parking lot site drainage will be directed away from the adjacent natural area.**

A preliminary grading plan for the former spa use was established to drain along the parking lot and driveway as part of the previous application.

However, with a change of use to a multi-family residential zone application which includes underground parking, the majority of hard surface area is rooftop [Figure 3 – first floor plan of 4 storey building). A very small area of parking and road surface remains and as such, options to drain either to the rear of the property or to Commissioners Road have been explored in the Functional Servicing Report (MTE, 2023). More details will be developed through the building permit stage following a review of the zoning amendment application.

**Recommendation A:**

Revise snow storage location as part of the building permit process.

**Snow stockpiling area will away from the natural area edge and will be identified on the site plan**

The snow storage on the zoning concept plan [Figure 3] is now shown along the west side of the entrance, away from the natural area to be protected.

Additional 2022 City Pre-consultation comments: Bird friendly design was requested by the City in the pre-consultation process. Notes have been added to the elevation plans to accommodate this request.

## **Additional Studies and Information**

### **Slope Stability Study**

This report has been completed as part of the zoning application. The development limit incorporates the recommendations in this report (exp, October 2022). The updated Erosion Hazard limit is shown on Figure 3.

## **Sediment and Erosion Control Plan**

A robust sediment and erosion control plan will be needed for this site to protect the feature to the east. These plans, as part of the building permit process, should be reviewed by a qualified natural sciences consultant to ensure adequate protection is in place. All protection should be properly installed and certified before any works on site take place.

### **Recommendation 1:**

Sediment and erosion control fencing will be installed according to the Guidelines for Erosion and Sediment Control for Urban Construction Sites (OMNR, 1987) and the applicable standards established in the Ontario Provincial Standard Specification/Ontario Provincial Standard Drawings (OPSS/OPSD) documents.

### **Recommendation 2:**

All fence should be installed prior to any site works on the property and remain in place until home construction is complete and the remainder of the yard is sodded or seeded and stabilized.

### **Recommendation 3:**

Sediment and erosion control fencing should be inspected prior construction to ensure it was installed correctly and during construction to ensure that the fencing is being maintained and functioning properly. Any issues that are identified are resolved in the same day.

### **Recommendation 4:**

Soil stock piles should be established on the tableland in locations where natural drainage is away from the ESA. If there is a possibility of any stock pile slumping, moving toward the ESA edge, these stockpiles should be protected with robust sediment and erosion control. Access to the stockpile should be confined to the up-gradient side.

### **Recommendation 5:**

The stockpile locations should be reviewed at detailed design.

### **Recommendation 6:**

All disturbed areas should be re-seeded as soon as possible to maximize erosion protection and to minimize volunteer populations of invasive species which may spread to the adjacent feature.

### **Recommendation 7:**

Roof runoff to bare ground can generate considerable sediment movement beyond the construction limits. Until rear yards have been vegetated and stable for housing backing onto vegetation, roof leaders should be directed to the streets or nearby stabilized vegetated areas.

## **Site Servicing**

Design engineers have reviewed preliminary servicing requirements and two options have been proposed for stormwater drainage (MTE, 2023) included with the submission package. While summarized here, the original report should be referenced for more detail.

Two options have been developed in the FSR (MTE, 2023). One option involves the control and discharge of water to the rear of the property. The location and design of the outlet structure should be finalized at the building permit stage. The second option involves construction of a connecting service to the existing stormwater system approximately 50m from the proposed

road entrance. Again, the details of this option can be further explored at the building permit stage.

## Post-Construction Mitigation

It is our opinion that the most critical time for protection of natural heritage features is during the construction phase. Additional recommendations have been provided to ensure that indirect impacts to adjacent natural features are protected post-construction during residence occupation.

### Recommendation 8:

Installation of permanent fencing feature is recommended for the southern boundary of the proposed development. This fencing will deter encroachment into the adjacent Warbler Woods ESA and will help prevent garbage and other debris from entering the wooded area. Details for the height and material of fencing required should be recommended by the City of London.

### Recommendation 9:

Regular cleanup of the Subject Lands must be completed during construction and post-construction to ensure the adjacent ESA natural heritage feature is not degraded.

### Recommendation 10:

The installation of educational plaque on permanent fencing post-development is recommended to inform residents of the significance of the adjacent Warbler Woods ESA.

## Conclusions

With the above measures, it is our opinion that the requested zoning and development proposal will not impact the adjacent natural features to be protected. All recommendations for sediment and erosion control should be followed to ensure indirect impacts to adjacent features are avoided. Additional details involving the site servicing option to be used will need to be reviewed as part of the building permit application process to follow.

Yours Truly,

**MTE Consultants Inc.**



**Dave Hayman, M.Sc.**

Senior Biologist

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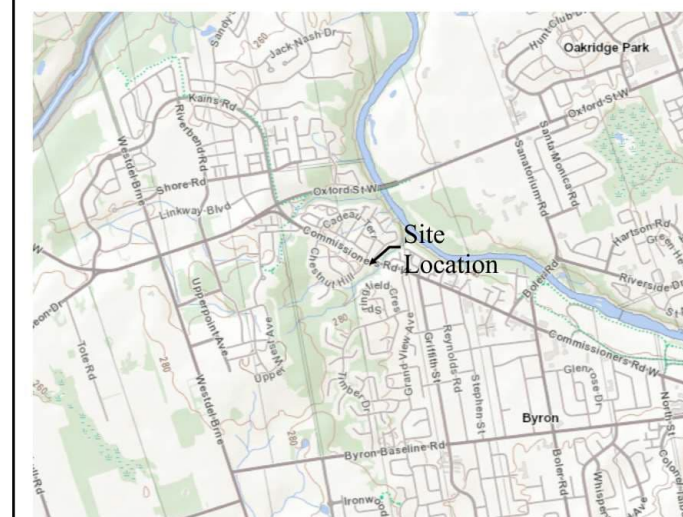
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Attachments: Figures 1-4



Figure 1: Site Location  
(2021 City of London Air Photo)



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Scale 1:50,000  
Key Plan

\* Locations are approximate and should be verified by survey where necessary.

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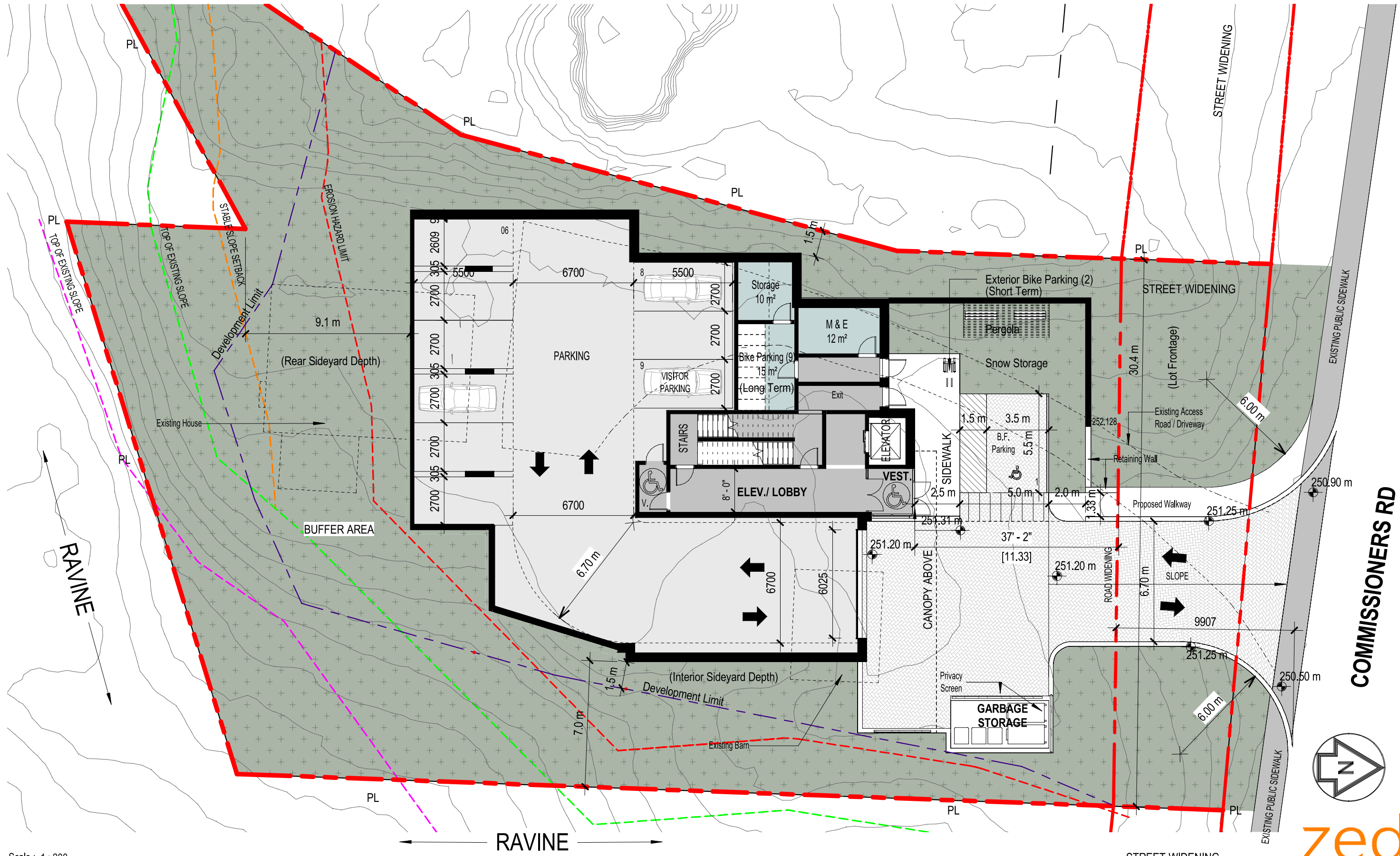
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November 2021

MTE Project#: 42446-200



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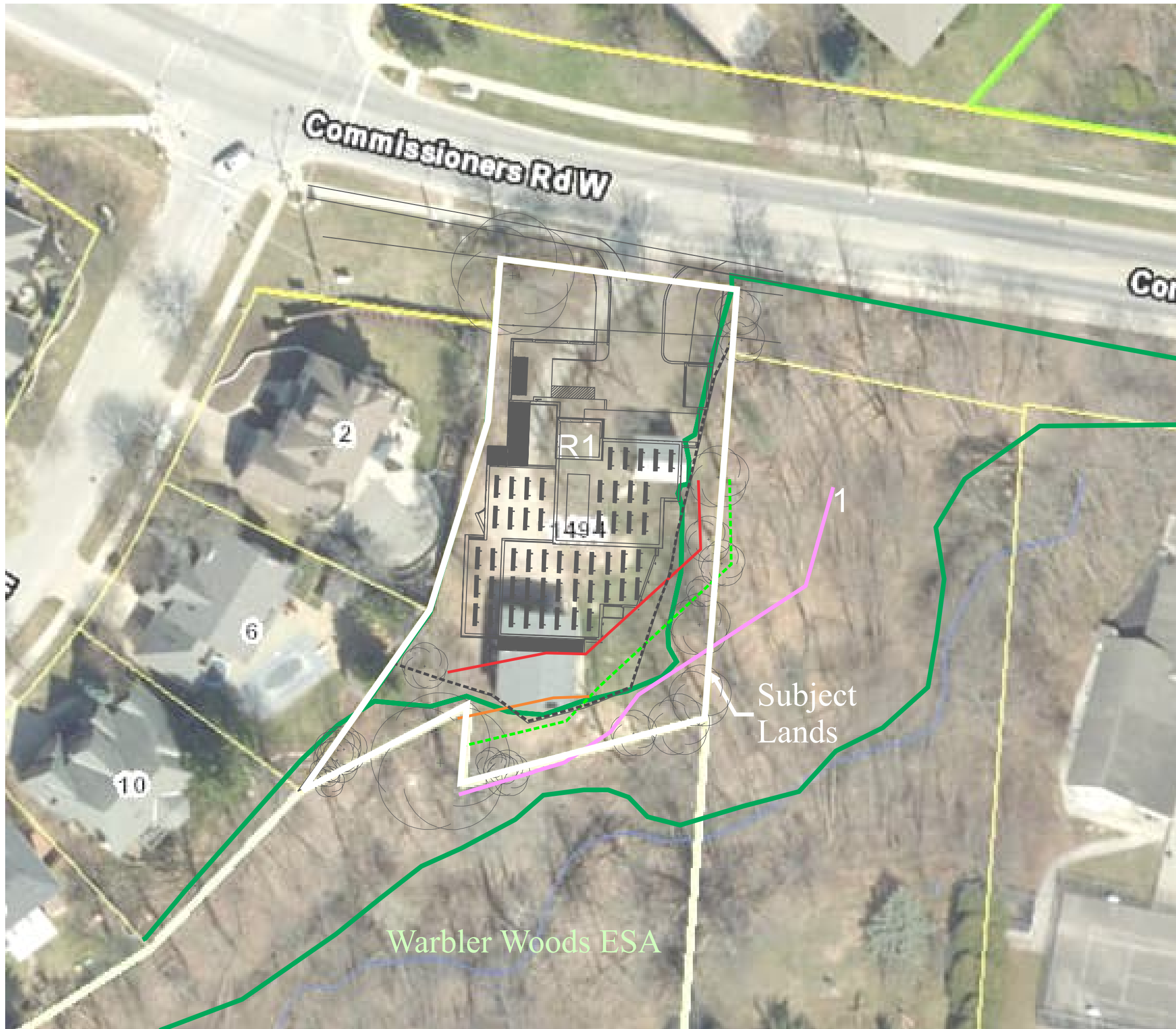
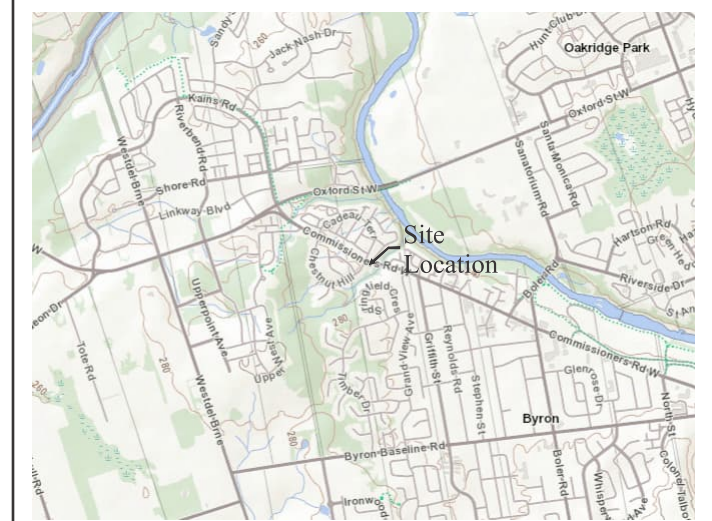


Figure 3: Development Proposal Overlay

(2021 City of London Air Photo)



Scale 1:50,000  
Key Plan

**Legend**

- R1 - Residential (house, barn and landscaping)
- 1 - FOD6 Fresh-Moist Sugar Maple Deciduous Forest Ecosite (ash die-off, high level of invasives in ground-layer, very sparse understory layer)
- Development Limits
- Toe of Existing Slope
- Tope of Existing Slope
- Stable Slope Setback
- Erosion Limit Hazard

\* Locations are approximate and should be verified by survey where necessary.

Print on 11X17, Landscape Orientation

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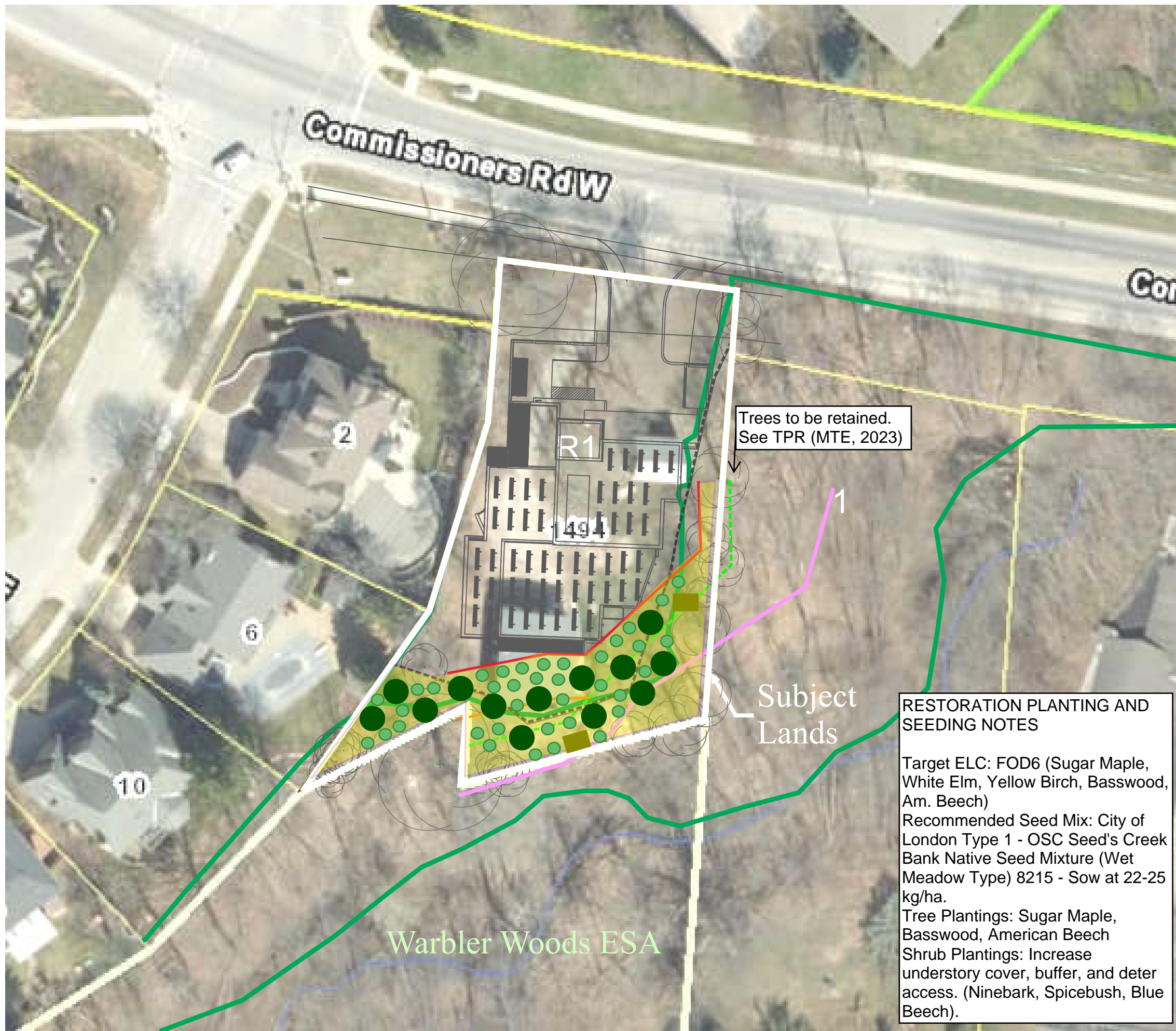


Figure 4: Landscape Plan

(2021 City of London Air Photo)



Scale 1:50,000  
Key Plan

**Legend**

- R1 - Residential (house, barn and landscaping)
- 1 - FOD6 Fresh-Moist Sugar Maple Deciduous Forest Ecosite (ash die-off, high level of invasives in ground-layer, very sparse understory layer)

- Development Limits
- Toe of Existing Slope
- - - - - Tope of Existing Slope
- Stable Slope Setback
- Erosion Limit Hazard
- Shrub Planting
- Tree Planting
- Brush Pile
- Naturalization Area

\* Locations are approximate and should be verified by survey where necessary.

Print on 11X17, Landscape Orientation

Scale 1:500

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**RESTORATION PLANTING AND SEEDING NOTES**

Target ELC: FOD6 (Sugar Maple, White Elm, Yellow Birch, Basswood, Am. Beech)  
 Recommended Seed Mix: City of London Type 1 - OSC Seed's Creek Bank Native Seed Mixture (Wet Meadow Type) 8215 - Sow at 22-25 kg/ha.  
 Tree Plantings: Sugar Maple, Basswood, American Beech  
 Shrub Plantings: Increase understory cover, buffer, and deter access. (Ninebark, Spicebush, Blue Beech).

