

**8TH REPORT OF THE ENVIRONMENTAL AND ECOLOGICAL PLANNING ADVISORY COMMITTEE**

Meeting held on July 16, 2009, commencing at 5:12 p.m.

PRESENT: D. Sheppard (Chair), F. Grafton, J. Groumpos, R. Gupta, R. Morley, D. O'Neil, S. O'Neill, S. Sanford, G. Sass, C. Stewart and S. Turner and L. Fisher (Secretary).

ALSO PRESENT: T. Grawey and S. Russell.

REGRETS: W. Blackburn, M. Carruthers, A. Desai and B. Maddeford.

**I YOUR COMMITTEE RECOMMENDS:**

Recruitment Process for Advisory Committee Vacancies	1. That the Civic Administration <b>BE REQUESTED</b> to provide an update to the Planning Committee (PC) with respect to the status of recommendations previously made by the Environmental and Ecological Planning Advisory Committee (EEPAC) to the PC in 2007 and 2008 which were subsequently referred to staff for review, with respect to alternative advertising for EEPAC members, as well as the recruitment and advertising process for vacancies arising on Advisory Committees in general; it being noted a summary of those recommendations as referred by the PC to staff is <u>attached</u> for reference.
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**II YOUR COMMITTEE REPORTS:**

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| S. Russell - Delegation                        | 2. That the Environmental and Ecological Planning Advisory Committee (EEPAC) heard a delegation from Sean Russell, Corporate Energy Management Engineer, with respect to the current status of and future plans for "green" buildings and LEED designated buildings in the City of London. The EEPAC noted that the City-owned Southeast London Pumping Station and the North London Community Recreation Centre and Library are examples where LEED standards are being incorporated into new buildings, and further noted that staff will consider incorporating EEPAC's suggested parking lot shade guidelines into plans for the North London facility during the final landscape review. The EEPAC was advised that staff will be undertaking a sustainable energy consultation process by September 2009 to seek the public's input for future programs and initiatives that will target all aspects of sustainable energy use both corporately and through individual Londoners, and asked that the EEPAC be included in the consultation. |
| 2010 EEPAC Budget                              | 3. (6) That the Environmental and Ecological Planning Advisory Committee received a communication dated June 17, 2009 from the Manager of Legislative Services with respect to the 2010 Budget Submissions for Advisory Committees, and asked that its 2010 Budget be maintained at the 2009 level of \$1,000.00.   |
| Proposed Amendments – Site Plan Control By-law | 4. (8) That the Environmental and Ecological Planning Advisory Committee received and reviewed comments prepared by its Working Group with respect to proposed amendments to the Site Plan Control By-law, and asked that the <u>attached</u> comments be forwarded to staff for their review and consideration.  |
|  | 5. That the Environmental and Ecological Planning Advisory Committee (EEPAC) received and noted the following:  |
| 7th Report of the EEPAC                        | (a) (1) the 7th Report of the EEPAC from its meeting held on June 18, 2009;   |
| 7th Report of the ACE                          | (b) (2) the 7th Report of the Advisory Committee on the Environment from its meeting held on June 3, 2009;  |
| 6th Report of the TFAC                         | (c) (3) the 6th Report of the Trees and Forests Advisory Committee from its meeting held on June 24, 2009;  |
| EEPAC Member-Only Website                      | (d) (4) a Municipal Council resolution adopted at its meeting held on June 15, 2009 with respect to the creation of an EEPAC member-only webspace;  |

4

26

Parking Lot  
Shade  
Guidelines

(e) (5) a Municipal Council resolution adopted at its meeting held on June 15, 2009 with respect to Parking Lot Shade Guidelines; and

Small Lot  
Design  
Guidelines

(f) (7) a communication dated June 24, 2009 from J. Leunissen, Senior Planner, with respect to the small lot design guidelines.

Next Meeting

6. That the Environmental and Ecological Planning Advisory Committee will hold its next meeting on September 17, 2009.

The meeting adjourned at 7:10 p.m.

re: **Advisory Committees**

**April 2007 - EEPAC Recommendations** (referred from PC to the Clerks Office and Corporate Communications)

That the following information for inclusion on the City's website BE CONSIDERED in the interest of improving the efficiency and transparency for soliciting applications and selecting candidates for volunteers for Advisory Committees and Boards and Commissions:

- (a) mandates for all Boards and Commissions to which the City of London makes appointments, as is already done for Advisory Committees;
- (b) the number of City appointments to each Board and Commission, and the qualifications expected of applicants;
- (c) the current number of vacancies on each Advisory Committee and Board, Commission, accurately maintained current to ensure maximum participation by citizens; and
- (d) clear information on how to apply for a vacancy and how the application will be dealt with once received;

it being noted the Environmental and Ecological Planning Advisory Committee believes that the above items provide the minimum level of transparency essential in promoting and facilitating citizen involvement and engagement within London as a community, and that these website enhancements would not only benefit the existing Committees, Boards and Commissions by raising their profile within the community but also offer the City of London an easy tool in focusing an active, engaged and creative citizenry.

**January 2008 - Supplementary EEPAC Information and Recommendations**

**1) Regarding lettered points c) and d) above:**

**c) Advertising Actual Vacancies**

- i) The website regularly declares there are no vacancies on Advisory Committees when this is not the case. EEPAC can currently and almost always can, accept additional members. It is counterproductive for the website to declare no vacancies while EEPAC volunteers try to spread the exact opposite message.
- ii) If it is too labour intensive to maintain and publish an accurate count of committee vacancies, then at least all the committees with at least one vacancy should be listed on the Committee Vacancies webpage.

**d) Applying and Responding to Applicant**

- i) The City process of reviewing, nominating, recommending by BoC and approving by Council is not made clear to applicants. The process takes much longer than applicants would intuitively expect. This leads to a perception by the potential volunteer that their offer of service may not be valued.
- ii) It is important to properly set expectations and to do our best to make the process as transparent and understandable as possible.
- iii) A maximum timeframe should be adopted within which an application will be reviewed by the nominating committee and forwarded to the BoC for consideration.

**2) Publication of Members Names**

In the interest of thorough transparency, consideration should be given to publishing the names of all sitting members of Boards, Commissions and Advisory Committees. In addition to enhancing transparency, it would give a more personal face to these appointed positions and may even stimulate more interest and participation by Londoners.

3) **Survey of EEPAC Members re: How did they find out about EEPAC?**

Means of Awareness	Number of Respondents
Referred by Planning Staff	1
Referred by Friend/Neighbour	1
Referred by Professional Colleague	2
Referred by UTRCA staff	1
Referred by EEPAC Member	4
Living in the City (LFP)	1
City of London website	0
Own initiative	1
Other	4

4) **Alternative/Additional Advertising Possibilities**

- .1 Send periodic notices to all Advisory Committees to inform them of current vacancies on other committees and to invite them to refer people.
- .2 For the few Advisory Committees that are the most difficult to recruit qualified persons or which have the most frequent vacancies, develop specific communication channels with local associations or groups whose mandate/activities are relevant to the Advisory Committee in question. Keep these groups informed when there are committee vacancies.
- .3 Specifically for EEPAC: Develop direct communication channels with UWO science and geography faculty, including retirees.
- .4 Specifically for EEPAC: Periodically inform UTRCA of EEPAC vacancies and ask the notice to be circulated to staff for possible referrals.
- .5 Add "Advisory Committee" link under new Residents webpage
- .6 Add "Advisory Committee" link under new Speak Up webpage
- .7 Partner with Engage London to promote Advisory Committee opportunities
- .8 City of London could become a member of Pillar Non-Profit and can then promote Advisory Committee opportunities on the premier volunteer website in the City. (Cost of membership would be \$300).
- .9 Link on Urban League of London to "Advisory Committee" webpage
- .10 Place a new, unique advertisement in the LFP, outside the usual Living in the City format.
- .11 Conduct survey of all Advisory Committee members to learn if the current City advertising and recruitment strategies have been the mechanism for their volunteerism.
- .12 Periodically inform City Hall staff of ongoing Advisory Committee vacancies. They could be well informed ambassadors for the City. Use internal newsletter or elevator notices.
- .13 Partner with local newspaper(s) to run feature on the contribution of Advisory Committees and to promote the volunteer opportunities

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**Review of: Site Plan Control Bylaw Proposed Changes**

as per Planning Report to PC dated June 22, 2009

Reviewers: R. Morley, D. Sheppard  
July 16, 2009

The large majority of recommendations below are *re-statements* of recommendations first submitted in October 2008. Though some generalized incorporation of some of the concepts are reflected in the proposed Bylaw, by and large, the proposed Bylaw falls far short of fully incorporating recommendations previously submitted by EEPAC in October 2008.

With the exception of sections E), F) and J) below, EEPAC considers all of the recommendations to be relatively straightforward propositions which **should be easy to incorporate** into the current Bylaw revision. Additionally, the recommendations are also foreseen as not being costly to the City in any way.

**A) Concept of Shade**

- 1) Bylaw should explicitly state that a primary goal of tree planting is to provide shade. Therefore species should be selected to provide the maximum amount of shade (as opposed to commonly planted small ornamental species that never grow large enough to provide any shade).

Currently the Bylaw only acknowledges two functions of trees: Screening and Ornamental. Trees of course have many many more functions, including community improvement, air quality improvement and shade. It is not a theoretical leap nor costly to acknowledge and encourage the function of shade with the Bylaw.

**B) Provision of Shade**

- 2) The use of ornamental trees should be severely restricted in favour of shade providing trees.

In support of the desirability of increasing shade cover, the use of small ornamental only tree species should be severely restricted. The goal should be to ensure that greatest leaf canopy and shade will be achieved by encouraging larger growing species (as appropriate for the site) over the all too common choices of trees which never grow beyond a "lollipop" and fail to provide shade nor significant ecological function.

EEPAC' understanding of ornamental trees is taken in the context of the City of London Street Tree Planting Guidelines wherein ornamental trees are only those trees which remain quite small at maturity, including species such as ornamental pear and ivory silk lilac.

- 3) Plant Selection Criteria (s9.4) should state more clear objectives such as: tall branching trees which provide a canopy are preferable; more shade is desirable over less shade;
- 4) s9.3 Types of Landscaping and s9.5 Parking Lost Landscaping – shade should be an explicit goal of landscaping.

Surely encouraging taller trees and more shade is at least as valuable as the current direction on considering winter interest and fall colour.

- 5) Parking islands should be minimum of 1m wide and should be landscaped in all cases. Concrete islands should be prohibited.
- 6) Tree spacing requirements are too general. There should be a maximum spacing specified in addition to the current minimums. Spacings are currently too general. Spacing ranges should be specified for each of small, medium and large trees (at maturity), as per the City Tree Planting Guidelines. There currently

remains too much room for interpretation and therefore too much possibility not to achieve sufficient canopy cover.

- 7) Shade tree planting should be required around all bus transit stops

C) **Planting Technique and Conditions**

- 8) Bylaw should refer to City Tree Planting Specifications *as an external document* instead of incorporating planting specs within Site Plan Bylaw.

City tree planting guidelines should be the same for all City departments and processes. The Site Plan Control Bylaw currently duplicates and incorporates the City Tree Planting Guidelines. Duplication inevitably means discrepancy and lack of coordination.

Additionally, the City Tree Planting Guidelines should be able to be updated with additional planting specs (e.g. structural soil, planter soil volume, etc), completely independently of the Site Plan Control Bylaw and without the need to update the Site Plan Control Bylaw as well when City planting specs are updated.

- 9) For trees planted in islands within parking lots, require all the fill within the island be quality organic soil to a depth of 2 to 3 ft. Parking islands are a very harsh environment making soil quality and volume critical to tree survival.

The proposed Bylaw is silent on the need for suitable planting medium and soil volume. If trees are to survive in parking lots, proper site preparation is crucial. As a benchmark, the City of Toronto minimum depth for good soil is 3 feet (*Design Guidelines for Greening Surface Parking Lots*, City of Toronto) .

- 10) "Mounding" of the landscape should be prohibited. Design should allow for the *collection and saturation* of rainwater as opposed to the run-off of water.

Trees are often witnessed to be planted on the crown of a mound or berm. This grading is very detrimental to the tree receiving sufficient rain water. The water runs immediately down the mound to the pavement, depriving the roots of water.

If berms must be used as a landscape design feature, they should be sufficiently wide to accommodate flat or dished surface on the top of the berm for water collection and saturation.

An additional benefit of this simple design change will be to lessen peak storm water flows in parking lots which are notorious for generating peak flows.

- 11) Boulevards which are not required to be landscaped or sodded should be prohibited from being surfaced with any kind of impervious material. Current bylaw allows use of asphalt and concrete.

D) **Ecological Integrity**

- 12) In harmonization with the Tree Conservation Bylaw, the Site Plan Control Bylaw should explicitly prohibit non-native invasive species such as Norway Maple, Tree of Heaven, Black Locust etc.

- 13) Developments adjacent to any natural area (e.g. waterway, woodland, wetland) should be prohibited from using invasive landscaping cover such periwinkle, lily of the valley, English ivy and goutweed.

- 14) Proposed changes do not state a desirability for native species and is not clear on non-invasive species.

The addition the descriptor “non-invasive” a positive step but is not considered to be strongly enough presented nor well defined. The City should not rely wholly on the perception of the landscape architect nor the understanding of the site plan reviewer to decide what is invasive. The Bylaw should refer to the City of London Tree Conservation Bylaw for an established list of trees and shrubs which are considered to be invasive.

The current Bylaw makes no differentiation in plant selection criteria for a site located next to a natural feature (even an ESA). This not only does not serve to protect London’s natural heritage system from invasive plants but misses an opportunity actually protect and enhance it. The Bylaw should refer to the existing City approved *Guide to Plant Selection for Natural Heritage Areas and Buffers*. This guide also includes a list of undesirable species.

The desirability of using native species where possible and appropriate is at least as important in Plant Selection as fall colour or winter interest. It should be added as a desirable attribute in section 9.4.

#### **E) Compliance Enforcement**

- 15) Bylaw should state the explicit City intention to enforce maintenance and/or replacement of any and all trees installed via approved site plan.

It is not inappropriate to include general information regarding enforcement of the Site Plan Control Bylaw and Site Plan Agreements within the Bylaw itself. It is an intuitive place for this information to be conveyed to not only developers undergoing the site plan process but also for any interested Londoner seeking some assurance and transparency into the process.

- 16) **The current citizen complaint-based enforcement is not appropriate to ensure the maintenance or replacement of trees.**

The goal of inspection and enforcement should be to **ensure Londoners are receiving the economic and environmental benefits of trees** planted within an approved landscape plan. It is not appropriate for these long term benefits to be assured only via a citizen complaint system.

This especially true for commercial developments – nobody is likely to complain and therefore there will be no inspection or enforcement. Furthermore, how is it exactly that neighbours or other citizens should know what plantings are meant to be in place and therefore that they should complain if they are missing? Or how should a citizen know that the City will only enforce tree replacements if someone lodges a complaint?

The Site Plan Agreement is a legally binding agreement and it is not unreasonable for Londoners to expect that the City exert some proactive assurance and enforcement.

It is not unreasonable for taxpayers to expect the City to enforce site plan agreement with developers. The local resident or concerned citizen should not be the sole trigger for enforcement of duly approved site plans.

There should be some inspection schedule to ensure trees and planting areas are retained and maintained as approved. The need for tree replacement is especially great in parking lots which are harsh environments (heat, drought, snow plowing). Trees need to be replaced as soon as practical to ensure their benefit is realized.

Recognizing the limited resources of the City, EEPAC recommends that on a “go forward basis” only, that all future Site Plan Agreements be subject to a planned inspection visit within the first five years of the site clearance. Trees which survive their first 2-5 years after planting are most likely to continue to survive.

Additionally, there is no current inherent incentive for site owners to ensure their trees are maintained once they have received their original site plan approval. They only face enforcement if someone actually complains. Knowing they will face a landscaping inspection can easily be predicted to improve tree care practices.

The City could even consider introducing a cost recovery fee if the planned inspection results in non-compliances with the Site Plan Agreement. This model is already in place with the Tree Conservation Bylaw.

Ultimately, EEPAC views it as unfair and inappropriate that the assurance of community and environmental benefits of approved tree plantings is wholly dependant on citizen complaints and the City takes no proactive actions.

#### F) Shade Plans and Targets

EEPAC first introduced the idea of Shade Plans and Targets in October 2008 and has recently followed up with a detailed proposal for Parking Lot Shade. The proposed Bylaw does introduce the concept of tree cover but stops short of suggesting or requiring any specific amount of tree cover for a site. The staff report indicates that future efforts will include a methodology for reviewing various trees and their growth patterns.

- 17) EEPAC respectfully requests a target timeline for a staff report on Shade Plan Requirements. EEPAC also offers to assist with this process in any manner which may be helpful.

EEPAC suggests the following sources as guidance in determining shade targets:

- American Forests - recommends overall coverage and coverage by land use type:
  - Average leaf cover across all zones 40% with
    - Suburban residential zones 50%
    - Urban residential zones 25%
    - Central business districts 15%
- Toronto Green Development Standard 2007 – requires 30% coverage of all hardscape surfaces at grade

EEPAC offers the following sources as guidance on determining the growth pattern of various trees over time:

- USDA Forestry Service must have some kind of similar data. Inventories taken according to the UFORE protocol can then be simulated to some future time point. So they must have at least a generalized method for determining “grow out” rates.
- Multiple North American cities must already use such a table of 15 year canopy sizes since they already have shade cover requirements in place. They include Toronto, Sacramento and Davis, California.

#### G) Tree Preservation

- 18) Required content for Tree Preservation Reports should include explicit statements regarding:
- a) that there are, or are not, any individual trees worthy of noting according to species, location, health or age. (*Council Policy 19(36)*)
  - b) the existence, or not, of endangered, rare or threatened tree species (*Council Policy 19(36)*)
  - c) the existence of any trees > 30 cm dbh
  - d) any remedial tree care required during and after construction (e.g. inspection, watering) for trees which are retained

EEPAC has witnessed Tree Preservation reports which are silent on the above types of trees which intuitively seems to undermine the entire foundation of the report.

- 19) Objectives of Tree Preservation should include clear direction on the desirability of retaining trees fall into categories a) to c) above.

**H) Tree Protection**

- 20) For trees or group of trees recommended for retention by a Tree Preservation report, the Bylaw should require the use of physical tree protection measures (such as temporary fencing) to protect the trees and root zones.

Physical protective measures are necessary to ensure trees and roots do not suffer damage or compaction during the construction process. Such physical protection measures are being utilized during road and sewer construction projects and should also be used for site development.

**I) Lighting**

- 21) The objectives of lighting (s.8.1) should include reference to avoid glare or light cast onto or into natural areas.

The Bylaw currently only aims to protect adjacent residential properties and public streets. Natural areas are very sensitive to light impacts and should be included.

- 22) The Lighting section of the Bylaw (sec. 8) should be expanded to include additional guidance and criteria in the completion of required Light Studies. This approach is congruent with the format and content of other sections of the Bylaw.

The following lighting concepts and approaches are desirable and should be encouraged:

- Hooded or cut-off fixture designs preferable over drop lens design
- Control light by limiting overhead lighting to a maximum height of sixteen feet
- Perimeter lighting need not be of tall overhead style, rather at lower, human scale
- Use of lighting in bollards or human scale lighting along the periphery of the lot and along walkways to reduce need of overhead lighting and provide human scale design
- Locate features such as bicycle racks, shopping cart kiosks, etc. under light posts, providing added security and reducing risk of accident.
- For reduced light pollution for parking lots, an idea of using overhead lighting, preferably powered by solar power and hooded for the interior of the parking lot and using lower, human scale lighting surrounding the lot. The use of lighting in bollards or human scale lighting along the periphery of the lot and along walkways would be the recommended approach.
- Use of solar powered lighting where appropriate
- Use of LED lighting where appropriate, which is known to reduce light glare plus reduce the cost of operation due to lower electricity use

**J) Suggestions Future Improvement**

- 23) Develop higher tree preservation expectations and standards for development blocks that are most conducive to tree preservation e.g. SWM, schools, parks
- 24) Implement checklist of what content comprises a complete Tree Preservation Report so that incomplete reports may be quickly and easily returned to the proponent, thereby optimizing City staff resources.

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