

Draft Approval Extension 39T-04512
Nancy McKee

FROM:	G. KOTSIFAS P.ENG. MANAGING DIRECTOR DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT:	700531 ONTARIO LIMITED (MARSMAN) 1300 FANSHAWE PARK ROAD EAST EXTENSION TO DRAFT PLAN OF SUBDIVISION APPROVAL MEETING ON SEPTEMBER 10, 2013

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the Draft Plan of Subdivision application of 700531 Ontario Limited (Marsman), relating to the property located at 1300 Fanshawe Park Road East:

- a) the Approval Authority **BE ADVISED** that Council supports a three (3) year extension to Draft Approval for the draft plan of subdivision submitted by 700531 Ontario Limited (Marsman), prepared by Development Engineering, certified by Bruce S. Baker, Ontario Land Surveyor (Drawing No. D1082-DPsouth, dated September, 2003) as red-line amended, which shows 2 commercial blocks, 2 high density residential blocks, 2 medium density residential blocks, 1 stormwater management block, 1 open space block, 1 park block, and several reserve and road widening blocks served by 2 new secondary collector roads **SUBJECT TO** the revised conditions contained in the attached Schedule "A"; and
- b) the applicant BE ADVISED that the Director of Development Finance has projected the following claims and revenues information attached as Schedule "B".

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The effect of the recommendation is to allow for a three (3) year extension of the draft approval for the Marsman Subdivision located at 1300 Fanshawe Park Rd E.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

June 19, 2006 – Environment and Transportation Committee approves initiation of the Stoney Creek Sanitary Sewer Extension Municipal Class EA.

February 27, 2006 - Environment and Transportation Committee approves initiation of the Storm Drainage and Stormwater Management Works for Stoney Creek Undeveloped Lands Municipal Class EA – Schedule "B".

September 25, 2006 – Municipal Council recommended the City of London Approval Authority grant draft approval to the plan of subdivision and adopted a zoning by-law to permit residential and commercial uses with holding provisions. (our files 39T-04512/Z-6833)

March 26, 2007 - Municipal Council deferred the request by 700531 Ontario Limited for the Municipal Class EA to be fully funded by the developer without any compensation or implied

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commitment to future development until such time as further financial information is available through the Urban Works Reserve Fund/Development Charge Implementation Team.

June 27, 2007 – Municipal Council resolved that further development approvals BE ALLOWED for up to 3.1 ha of medium density land within draft approved plan 39T-04512. The remaining lands shall BE WITHHELD until a Phased or Full Stormwater Erosion Implementation Plan for Stoney Creek is approved by Council.

September 24, 2007 - Environment and Transportation Committee accepts recommendation of the Storm Drainage and Stormwater Management Works for Stoney Creek Undeveloped Lands Municipal Class EA – Schedule “B”.

November 12, 2007 – Report to the Planning Committee recommending REFUSAL Zoning By-law Amendment application No. Z-7441, submitted by 700531 Ontario Limited for 1300 Fanshawe Park Road East to remove Holding Provisions h- 11 and h-73.

February 11, 2008- Report to the Planning Committee advising that the applicant had filed an appeal against the City for neglecting to amend the zoning by-law within 120 days of receipt of an application, that the City Solicitor be directed to provide legal representation at the hearing and that the City recommends the Ontario Municipal Board refuse the request.

February 21, 2008 – 2008 Budget adopted by City Council, includes provision for funding a Municipal Class EA for Fanshawe Park Road East between Adelaide Street North and Highbury Avenue North.

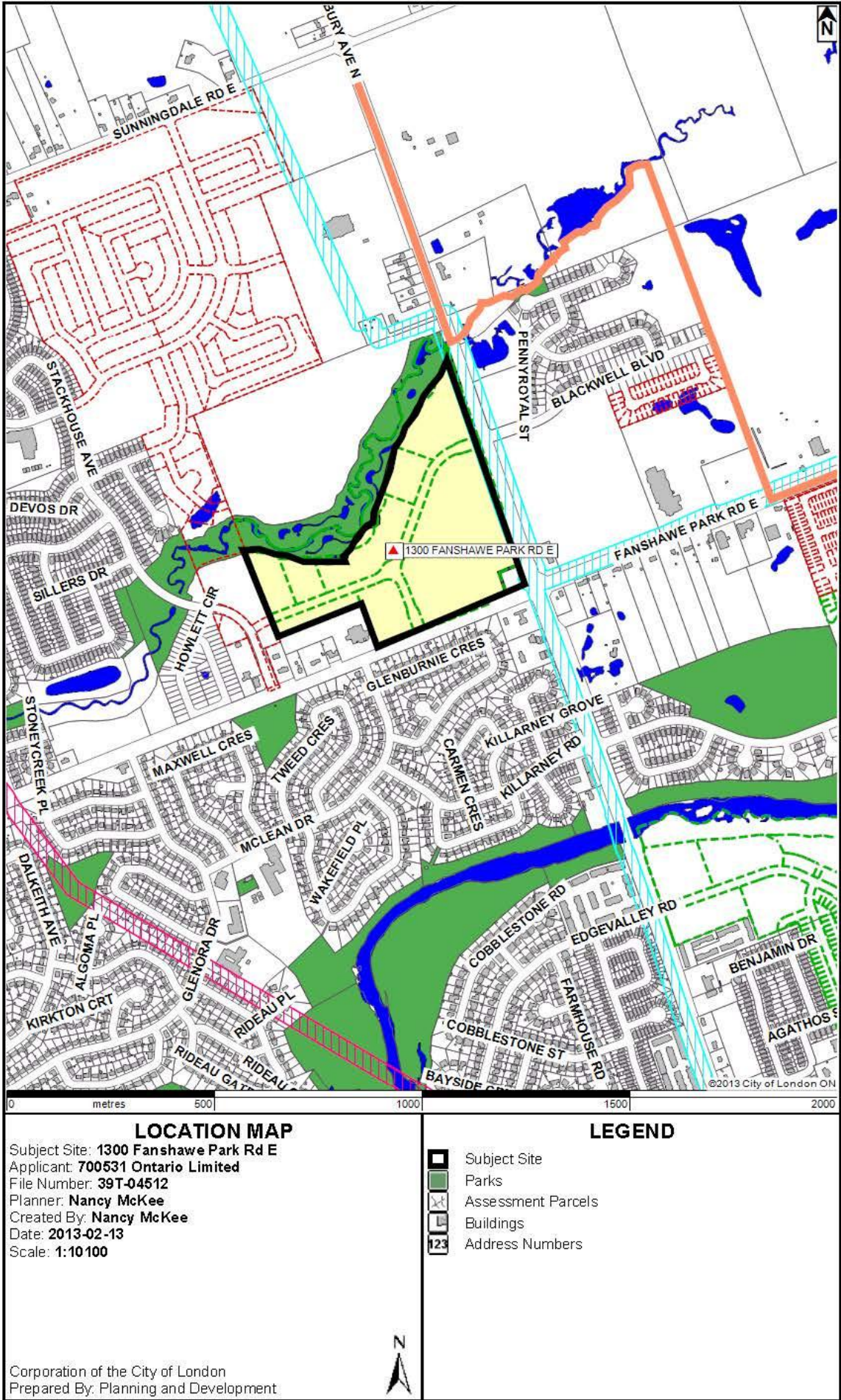
April 6, 2009 – Report to Environment and Transportation Committee regarding acceptance of the recommendations of the Municipal Class EA for Fanshawe Park Road East between Adelaide Street North and Highbury Avenue North.

December 7, 2009 - Information Report to the Planning Committee advising the appeal of Zoning By-law Amendment Application Z-7414 had been resolved.

March 2010 - 2010 Budget adopted by City Council, included provision for funding Phase I of the Fanshawe Park Road East road improvements (Fanshawe Park Road East/Highbury Avenue North intersection).

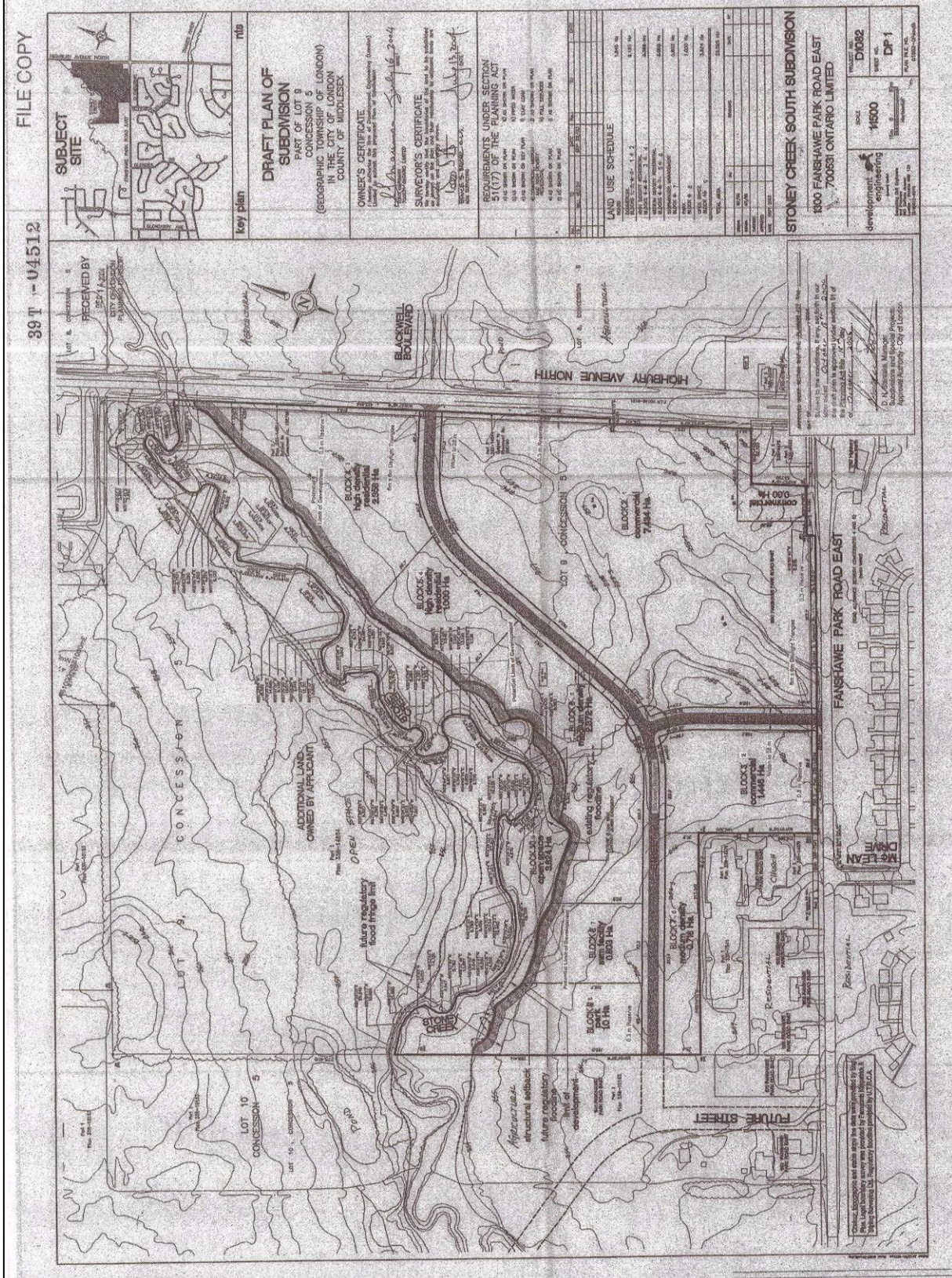
March 22, 2010 – Report to Planning Committee on three year extension for draft plan of subdivision .

Location Map



Original Draft Approved Plan 2006

Original Draft Approved Plan
October, 2006



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BACKGROUND

Overview:

The submitted plan of subdivision contained 23.1 hectares (57 ac.) of land located at 1300 Fanshawe Park Road East, legally described as Part of Lot 9, Concession 5, (geographic Township of London.

This application for Draft Plan of Subdivision Approval was accepted on December 9, 2004. It was circulated to the required agencies and municipal departments on February 8, 2005 and advertised in the London Free Press Civic Corner on February 12, 2005. A notice of Public Meeting was advertised in the London Free Press on September 9, 2006, and a notice of Public Meeting was sent out to area property owners on September 12, 2006. The Public Meeting was held on September 25, 2006. Draft Plan of Subdivision Approval with Conditions was granted by the Approval Authority on October 18, 2006. No appeals to the Draft Plan Approval were received within the time allowed for such appeals.

Subsequent to the granting of draft approval in October 2006, the City of London acquired the northern portion of the lands (generally Block 9) for stormwater management purposes. The remaining lands have an area of approximately 19.27 ha (47.6 ac). A previous extension of draft plan approval was granted in April, 2010.

On March 1, 2013, the Approval Authority granted a six (6) month extension to the draft approved plan subject to the previously approved conditions. The current draft plan is set to expire on October 18, 2013.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Servicing Related Comments

From an engineering perspective, Development Services, the Transportation and Planning Division, the Wastewater and Drainage Engineering Division, the Water Engineering Division and the Stormwater Management Unit have no objection to the extension of draft approval for the subdivision with due consideration of the following updates.

Please note the following additions and/or revisions are required to be made to the Approval Authority Conditions. It is noted that these revised conditions include Approval Authority and Engineering standard conditions.

Staff Response: Conditions to support the Engineering comments have been added to the draft plan.

Environmental & Ecological Planning Advisory Group (EEPAC)

The EEPAC requested the following with respect to the application:

- a) conditions 30, 31 and 32 should BE RETAINED;
- b) the last line of condition 33 should BE REMOVED;
- c) the final boundaries of the natural hazard lands BE DETERMINED;
- d) all natural heritage issues BE RESOLVED, prior to the approval of this application;
- e) the Stoney Creek Master Drainage Plan, the Stoney Creek Stormwater Management Class Environmental Assessment, and any applications for the construction of the Stoney Creek On-line Flood Control Facility, that may be outstanding, BE COMPLETED prior to the approval of this application; and,

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- f) the Environmental and Ecological Planning Advisory Committee BE CIRCULATED the Environmental Impact Statement for the proposed stormwater management pond;

Staff Response: the City will be acquiring the lands for the public trail corridor in advance of final approval of the plan of subdivision, therefore, Conditions 30-32 are no longer necessary. However, if this does not occur prior to the extension of draft approval, Conditions 31 & 32 will remain. The final boundary for the natural hazard lands has also been determined, and these lands will also be conveyed to the City prior to final approval. The Stoney Creek Master Drainage Plan, the Stoney Creek Stormwater Management Class Environmental Assessment, and the construction of the Stoney Creek On-line Flood Control Facility are now complete. An Environmental Impact Study (EIS) was not completed for this application as the limit of development was beyond 30 m from the creek meander. A follow up memo to EEPAC will also be sent.

Middlesex-London Health Unit (MLHU)

The applicant has requested the deletion of items 31 and 32 under PARKS and OPEN SPACE on Page 4 of the application. The Middlesex-London Health Unit (MLHU) recommends that the City of London (COL) reject the requested deletion of items 31 and 32 based on contravention of COL Official Plan policies that encourage the continuity of open space along streams and rivers and the environmental, social, economic, and human health benefits of such trails.

Relevant Sections from City of London Official Plan Policies:

- 18.1. Transportation Objectives
 - xii) Support the planning and development of bicycle routes and pedestrian paths that provide linkages among open space areas...
- 8A.1. Objectives for the Open Space Designation
 - i) Provide for a continuous linear open space network which generally follows the Thames River and its tributaries
 - ii) Provide for linkages among open space areas throughout the City
- 8.A.2.4. Linkages shall be provided among open space areas, where feasible, as a means of encouraging continuity and accessibility to open space areas. Examples of such linkages include open space and utility corridors, abandoned railway lines, or physical features such as streams and ravines.
- 16.1. General Objectives for Parks and Recreation
 - v) Promote the concept of a continuous or linked accessible public open space system
 - vi) Recognize and develop the Thames River Valley and tributaries as major public recreational resources.
- 16.3.4. Continuity: Wherever possible, the creation of a continuous linked open space system utilizing linear parks in addition to more traditional block shaped parks will be achieved by:
 - ii) Striving towards a continuous park system along river valley and tributary lands.

Value of continuity of trail system:
 Approximately half (47%) of Middlesex-London residents are inactive during their leisure time with 52% being overweight or obese (Statistics Canada, 2009/2010). Co-morbidities related to physical inactivity and obesity, including cardiovascular disease, cancer, and type 1 diabetes, are among the top ten causes of adult deaths in Canada (Statistics Canada, 2010). Providing a variety of opportunities for physical activity to occur within neighbourhoods and communities is a means of increasing physical activity levels and reducing obesity and related health effects. Trails offer an affordable and convenient opportunity for physical activity that can serve to entice people to exercise more frequently. Brownson et al. (2000) found in their study of walking trails that 39% of people who had access to trails used them and walked more because of this

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access. Within Middlesex-London, 63.1% of residents have identified using the trails (Rapid Risk Factor Surveillance System [RRFSS], 2008). In 2009, 90.0% (±1.8%) of people living in Middlesex-London said they thought it was important to have parks, trails and open green spaces within a 10 minute walk or 1 km from their home (RRFSS, 2009), to which the Stoney Creek trail would contribute.

Continuous trails, in particular, provide a means of convenient, safe, non-motorized travel throughout communities for both recreational and utilitarian purposes. They provide connections within the immediate neighbourhood as well as to the greater surrounding area. In 2010, about half (51.1% ±4.9%) of the population of Middlesex-London reported walking or cycling for reasons other than recreation or fitness, such as walking to work, or running errands (RRFSS, 2010). A continuous trail would provide increased access to such amenities. Active transportation also results in improved respiratory health due to decreased traffic congestion and green-house gas emissions that create air pollution and irritants (Schwartz, 2004; Woodcock et al., 2009).

Ensuring there is a trail along Stoney Creek could also benefit the community through increased quality of life and economic development. Trails enhance property values of communities by connecting them to open space areas (The County of San Diego). The COL Official Plan also supports access to nature through policy 15.1.1.1 Natural Heritage Objectives: “iv) enhance the contribution of the Natural Heritage System to urban form and community design.”

It is also worth noting that, “an important by-product of trails is improved self-image and social relationships, reduced crime, a livelier community atmosphere and a lifestyle which encourages young people to find their entertainment in healthier and more wholesome ways” (Active Living - Go for Green, 1996, as reported in Hike Ontario Fact Sheet 10). Trails encourage opportunities to meet and interact with neighbours, engage in quality time with family and friends, and to teach respect for the environment to children. “Finally, trails and greenways are hands-on environmental classrooms. People of all ages can see for themselves the precious and intriguing natural world from which they often feel so far removed” (National Trails Training Partnership, 2009).

Conclusion:

London should be congratulated on its current trail system along the Thames River and its tributaries. New developments need to sustain this important use of land as the city continues to grow and develop for many reasons including those outlined in this response. Therefore, the MLHU recommends that the applicant remain required to provide a viable corridor for a public trail along the south side of Stoney Creek along the length of the plan. These recommendations are based on policies within the Official Plan that continuity of open space be maintained along Thames River tributaries, as well as the health, social, economic, and environmental benefits associated with trails.

Staff Response: the City will be acquiring the lands for the public trail corridor in advance of final approval of the plan of subdivision and, therefore, Conditions 31 and 32 are no longer necessary. However, if this does not occur prior to the extension of draft approval, Conditions 31 & 32 will remain.

Upper Thames River Conservation Authority (UTRCA)

No objection to the extension request.

<p>ANALYSIS</p>

Request for Extension to Draft Approval:

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On February 11, 2013, 700531 Ontario Limited submitted a request for extension of draft approval for a period of three years. Notice of the requested extension was circulated to affected agencies and those who requested a copy of the Decision on February 14, 2013. On March 1, 2013, the Approval Authority granted a six (6) month extension to the draft approved plan subject to the previously approved conditions. The 6 month extension was granted in order to allow more time to review the requested three year extension. Unless granted final approval or a subsequent extension, the plan will lapse on October 18, 2013. This extension request is being considered by Council, consistent with Council’s delegation By-law (CP-13) for plan of subdivision approval. Attached for reference is a location map and reduced version of the Draft Approved Plan.

While the applicant is not proposing any revisions to the draft approved plan as part of this application, red-line revisions to the plan and conditions are required to reflect changes that have taken place since draft approval was granted including:

- the corner property, located at 1370 Fanshawe Park Road East, has been acquired by the applicant. This 0.2 ha parcel should be added to the plan of subdivision as a condition of final approval and incorporated into any design studies and servicing drawings;
- the City is in the process of purchasing the northern portion of the plan for stormwater management purposes and a pedestrian corridor;
- a number of administrative conditions as a part of the file manager process must be applied such as design studies and final approval packages; and,
- a few conditions have either been satisfied or become redundant since draft approval was granted in 2006; therefore, the satisfied and redundant conditions are recommended to be deleted.

Through circulation, municipal departments and public agencies have expressed they have no objection to the requested extension, provided the revised and/or additional municipal requirements are included as conditions of draft approval. A number of the conditions of draft approval relating to parks planning, water servicing, sanitary servicing, stormwater drainage and stormwater management have been modified or are new proposed conditions, as well as other modifications to existing standard conditions to be consistent with current City practice.

The recommended changes are highlighted in grey. A strikeout or an underline of the word indicates where a change has occurred. A # denotes a new condition. A * denotes conditions that will remain until such time as the City has acquired the additional lands. Attached is a copy of the revised conditions of draft Approval, Schedule “A” as recommended by Development Services.

The Applicant has received the additions and deletions and has no concerns.

Public Notice:

Notice of the extension request was circulated to those individuals who requested the notice of decision from the previous plan of subdivision.

One comment was received from the public. A neighbour from nearby Glenburnie Crescent has concerns about the dust and debris from the site in the summer months and the impact this has on neighbouring properties. The neighbour requests that any conditions related to watering the site and minimizing dust and dirt remain in the draft approval. The conditions related to watering and dust minimizing are contained within the site alteration agreement between the City and the Applicant. This agreement will continue to be enforced until final approval is given and a subdivision agreement is enacted for the property, which will then cover off on any mitigation measures to be provided during construction.

Notice of the decision to extend draft approval will be given to those who requested copies of the initial decision.

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<p>CONCLUSION</p>

It is the opinion of Development Services that the extension of draft approval should be supported and that a three year extension be granted subject to the attached changes to the conditions of draft approval. Public notice of the decision to extend draft approval will be given to those who requested notice as there are a number of changes/additions to the existing conditions of draft approval relating to water, sanitary and stormwater servicing arrangements for this subdivision.

PREPARED AND RECOMMENDED BY:	REVIEWED BY:
NANCY MCKEE, MCIP, RPP SENIOR PLANNER DEVELOPMENT SERVICES	BRUCE HENRY MANAGER, DEVELOPMENT PLANNING DEVELOPMENT SERVICES
CONCURRED BY:	SUBMITTED BY:
TERRY GRAWAY, MCIP, RPP MANAGER, DEVELOPMENT SERVICES & PLANNING LIAISON	GEORGE KOTSIFAS P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

August 29, 2013
NM/nm

"Attach."
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PEC (Final).doc

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Responses to Public Liaison Letter

Telephone

Andy Shaw
99 Glenburnie Crescent
N5X 2A1

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Schedule “A”

THE CORPORATION OF THE CITY OF LONDON’S CONDITIONS AND AMENDMENTS TO FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T-04512 ARE AS FOLLOWS:

NO.	CONDITIONS
1.	This draft approval applies to the draft plan submitted by 700531 Ontario Limited, prepared by Development Engineering (London) Limited, certified by Bruce Baker, Ontario Land Surveyor, dated SEP 22, 2003, File No. 39T-04512, Plan File No. D1082-DPSouth, <u>as red-line amended</u> , which shows 2 commercial blocks, 2 high density residential blocks, 2 medium density residential blocks, 1 stormwater management block, 1 park block, 1 open space block and several reserve and road widening blocks served by 2 new secondary collector roads.
2.	This approval of the draft plan applies until <u>October 18, 2016</u> October 18, 2013 , and if final approval is not given by that date, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.
3.	The road allowances included in this draft plan shall be shown on the face of the plan and dedicated as public highways.
4.	<u>Street “A” shall be named Rob Panzer Road and Street “B” shall be named Blackwell Boulevard, to the satisfaction of the City.</u>
5.	The municipal address shall be assigned to the satisfaction of the Manager of Subdivision and Special Projects. <u>The Owner shall request that municipal addresses shall be assigned to the satisfaction of the City.</u>
6.	Prior to final approval, the Owner shall submit to the Approval Authority a digital file of the plan to be registered in a format compiled to the satisfaction of the City of London and referenced to NAD83UTM horizon control network for the City of London mapping program.
7.	Prior to final approval, appropriate zoning shall be in effect for this proposed subdivision.
8.	The Owner shall satisfy all the requirements, financial and otherwise, of the City of London in order to implement the conditions of this draft approval.
9.	The subdivision agreement between the Owner and the City of London shall be registered against the lands to which it applies.
10.	The Owner shall grant to the appropriate authorities such easements and/or land dedications as may be required for utility, road, drainage or other municipal purposes. <u>In conjunction with registration of the Plan, the Owner shall provide to the appropriate authorities such easements and/or land dedications (eg. 0.3 metre reserve blocks) as may be required for all municipal works and services associated with the development of the subject lands, such as road, utility, drainage or stormwater management (SWM) purposes, to the satisfaction of the City, at no cost to the City.</u>

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- 11. ~~Phasing of this subdivision (if any) shall be to the satisfaction of the General Manager of Planning and Development and the City Engineer.~~

Phasing of this subdivision (if any) shall be to the satisfaction of the City.

- 12. ~~Prior to the issuance of a Certificate of Conditional Approval for each construction stage of this subdivision, all servicing works for the stage must be completed and operational, all to the specification and satisfaction of the City Engineer.~~

Prior to the issuance of a Certificate of Conditional Approval for each construction stage of this subdivision, all servicing works for the stage and downstream works must be completed and operational, in accordance with the approved design criteria and accepted drawings, all to the specification and satisfaction of the City.

- 13. Prior to Final Approval, all required connections from this plan to municipal services shall be available.

- 14. The Owner shall implement the requirements of the City of London concerning sedimentation and erosion control measures during all phases of construction. The Owner’s ~~consulting professional~~ engineer shall have these requirements established and approved by the City, prior to any work on the site.

- 15. The Owner shall not commence construction or install any services (eg. Clearing or servicing of land) involved with this plan prior to entering into a site alteration agreement or subdivision agreement and obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, unless otherwise approved by the City in writing; (eg. MOE certificates; City/Ministry/Agency permits: Approved Works, water connection, water-taking, navigable waterways; approvals: UTRCA, MNR, MOE, City; etc; etc.).

- 16. ~~Prior to the submission of engineering drawings, the Owner shall have a report prepared by a qualified consultant, and if necessary a detailed hydro geological investigation carried out by a qualified consultant, to determine the effects of the construction associated with this subdivision on the existing ground water elevations and domestic or farm wells in the area, to the satisfaction of the City Engineer. If necessary, the report shall also address any potential contamination impacts that may be anticipated or experienced as a result of the said construction. Any recommendations outlined in the report shall be reviewed and accepted by the City Engineer, and included in the pertinent agreement(s) with the City of London prior to any work on the site. Should any remedial works be recommended in the report, the Owner shall complete these works prior to issuance of Certificate of Approval to the satisfaction of the City, at no cost to the City.~~

In conjunction with the Design Studies submission, the Owner shall have a report prepared by a qualified consultant, and if necessary, a detailed hydro geological investigation carried out by a qualified consultant to determine the effects of the construction associated with this subdivision on the existing ground water elevations and springs, water wells and domestic or farm wells in the area and identify any abandoned wells in this plan, assess the impact on water balance and any fill required in the plan, to the satisfaction of the City. If necessary, the report is to also address any contamination impacts that may be anticipated or experienced as a result of the said construction as well as provide recommendations regarding soil conditions and fill needs in the location of any existing watercourses or bodies of water on the site.

Prior to the issuance of any Certificate of Conditional Approval, any remedial or other

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works as recommended in the above accepted hydrogeological report shall be implemented, by the Owner to the satisfaction of the City at no cost to the City.

- 17. The Owner shall obtain and submit to the City prior to any work on the site a letter of archaeological clearance from the Southwestern Regional Archaeologist of the Ministry of Culture. No final approval shall be given, and no grading or other soil disturbance shall take place on the subject property prior to the letter of release from the Ministry of Culture.
- 18. ~~Prior to any servicing on the site, the Owner shall decommission and permanently cap any abandoned water wells located on the property, in accordance with the Ontario Water Resources Act and the Ministry of Environment requirements and file the necessary reports with the Ministry of the Environment and the City of London.~~

~~In the event that an existing well in this plan is to be kept in service, the Owner shall protect the well and the underlying aquifer from any development activity.~~

Prior to any work on the site, the Owner shall decommission and permanently cap any abandoned wells located in this Plan, in accordance with current provincial legislation, regulations and standards. In the event that an existing well in this Plan is to be kept in service, the Owner shall protect the well and the underlying aquifer from any development activity.

- 19. In conjunction with the Design Studies submission, the Owner shall have its professional engineer provide an opinion for the need for an Environmental Assessment under the Class EA requirements for the provision of any services related to this plan. All class EA's must be completed prior to the submission of engineering drawings.
- 20. The Owner shall provide inspection during construction by its professional engineer for all work to be assumed by the City, and have its professional engineer supply the City with a certificate of compliance upon completion in accordance with the plans approved by the City.
- 21. The Owner shall comply with all City of London standards, guidelines and requirements in the design of this draft plan including required engineering drawings. Any deviation to the City's standards, guidelines, or requirements shall be completed to the satisfaction of the City and General Manager of Planning and Development.
- 22. For the purpose of satisfying any of the conditions of draft approval herein contained, the Owner shall file, with the City, complete submissions consisting of all required studies, reports, data, information or detailed engineering drawings, all to the satisfaction of the City. The Owner acknowledges that, in the event that a submission does not include the complete information required by the City, such submission will be returned to the Owner without detailed review by the City.
- 23. Prior to Final Approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the Approval Authority a complete submission consisting of all required clearances, fees, and final plans for registration, and to advise the Approval Authority in writing how each of the conditions of draft approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the Approval Authority, such submission will be returned to the Owner without detailed review by the City.

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PLANNING

- 24. Prior to final approval, the Owner shall have a qualified acoustical consultant prepare a noise study in accordance with the Ministry of Environment Guidelines and City of London Official Plan concerning the impact of traffic noise on Block 3. The final accepted recommendations shall be incorporated into the subdivision agreement with the City.
- 25. For residential Blocks proposed for street townhouse dwellings, the Owner, shall as part of the registration of the plan, make the necessary legal arrangements to establish a minimum of a one (1.0) metre rear yard maintenance easement where the units to be built do not provide direct access to the rear yard from the garage for “internal unit” (not “end unit”) Owners.
- 26. Prior to any application for site plan approval or any application for a plan of condominium for Blocks 3, 4, and 5, the Owner shall submit a building orientation plan to the City for acceptance. The building orientation plan shall demonstrate how the development is oriented to the streetscape. The accepted building orientation plan will be incorporated into the approved development agreement and site plan agreement between the Owner and the City.
- 27. ~~The plan to be registered does not include the lands previously acquired by the City for the Stoneycreek on-line stormwater facility, described as Parts 3 and 4 on 33R-16595.~~

PARKS and OPEN SPACE

- 28. ~~A the time of registration of the plan, dedication of Block 8 (1 ha in area) to the City to satisfy the parkland dedication at the time of initial registration satisfies parkland dedication requirements for commercial Blocks 1 and 2 and the first 245 dwelling units on residential Blocks 3, 4, 5, and 6. Cash-in-lieu of parkland in accordance with By-law CP-9 shall be required for the 246th dwelling unit or greater in residential Blocks 3, 4, 5, and 6.~~
- 29. ~~At the time of the Development Agreement for Blocks 3, 4 and 5, Within one (1) year of registration of the plan of subdivision, the Owner shall erect a 1.5 m high chain link fence (SPO4.8), or alternative arrangement for the fence or timing to install the fence, to the satisfaction of the City, along the northern limit of Blocks 3, 4 and 5.~~
- 30. * In conjunction with the Design Studies submission, the Owner shall demonstrate, to the satisfaction of the City, that there is a viable corridor for a public trail along the south side of Stoney Creek along the length of this plan.
- 31. * The Owner shall grant an easement to the City of London for public trail purposes to the satisfaction of the City over any servicing easement.
- 32. ~~The Owner agrees there shall not be no grade into any open space area. Where Blocks abut an open space area, all grading of the developing lots or blocks at the interface with the open space areas are to match grades to maintain exiting slopes, topography and vegetation. In instances where this is not practical or desirable, any grading into the open space shall be to the satisfaction of the City.~~
- 33. The Owner shall submit the landscaping plan as part of the first submission engineering drawings for the stormwater management facility on Block 7, to the satisfaction of the City.

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- 34. The Owner shall prepare an Environmental Impact Statement Addendum to the satisfaction of the City to address the possible impacts of the stormwater management facility outlet on Stoney Creek.
- 35. In conjunction with the Design Studies submission, a park concept plan of Block 8 shall be prepared by the Owner’s landscape consultant (OLA), in consultation with Parks Planning and Design, and submitted for review and approval by the City.
- # The Owner shall grade, service and seed Block 8 within one year of registration of the plan, to the satisfaction of the City.
- # Within one year of the registration of this plan, the Owner shall construct the approved neighbourhood park plan for Block 8, in accordance with the approved concept plan, to the satisfaction of the City.

UTRCA

- 36. ~~The Owner shall obtain all necessary approvals from the Upper Thames River Conservation Authority prior to grading or soil disturbance on the subject lands.~~
- 37. The Owner shall show existing and ultimate Regulatory floodlines and erosion access setback (6 metres) on all engineering drawings submitted for review.
- 38. The Owner shall provide engineering and ecological supporting documentation to the UTRCA for all drainage outlets to the Regulatory floodplain prior to final approval.
- 39. The Owner shall obtain a permit pursuant to Section 28 of the Conservation Authorities Act prior to any filling, grading, or construction within the Regulated Area. The submissions for approval may include slope protection and restoration drawings and supporting technical justification.
- 40. * ~~The northern development limit (lot line) of Blocks 3, 4 and 5 shall be the greater of the following: the Stoney Creek On-Line Flood Control Facility boundary, proposed top of constructed floodway (1:250 year) based on the UTRCA approved elevation of 255.50, the limit of 6.0 metre erosion access setback, and the geotechnical stable slope line (including maintenance access).~~

SANITARY

- 41. ~~The Owner shall construct municipal sanitary sewers to service this plan and connect them to the existing 375 mm (15”) municipal sanitary sewer located on Highbury Avenue North adjacent to this plan. All blocks are to be connected by gravity sewers to the Highbury Avenue North sanitary sewer without the need for pumping systems to the satisfaction of the City Engineer. In addition, the Owner must ensure that any site re-grading (filling) necessary to accommodate the gravity sewer connections, will not adversely affect any adjacent properties.~~

~~Any portion of the site which cannot be serviced to the Highbury Avenue North sanitary sewer by gravity sewer shall be held out of development until it can be serviced to the future extension of the Stoney Creek Trunk sanitary sewer.~~
- 42. ~~In conjunction with the Design Studies submission, the Owner shall ensure the sanitary trunk sewer routing shall not interfere with the proposed stormwater management~~

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facilities.

44. ~~Should the Municipal Class EA for the Stoney Creek Trunk Sanitary Sewer extension identify the preferred route through the lands within this draft plan not within a municipal road allowance or other public lands, the owner shall, on request by the City provide, a easement suitable for future construction and maintenance access at no cost to the City and to the satisfaction of the City of London.~~
45. ~~The Municipal Class EA for the Stoney Creek Trunk Sanitary Sewer extension is to be completed prior to final approval of any lands north of and including Blackwell Boulevard.~~
46. ~~In conjunction with the Design Studies submission, the Owner shall demonstrate to the satisfaction of the City Engineer that there are viable servicing options, which meet City standards, for 1150, 1152, 1170, 1186, 1208, 1212, and 1240 Fanshawe Park Road East at no cost to the City of London. If the preferred options require the dedication of easements for servicing of the said properties, such easements shall be granted to the said properties on this plan at the time of registration of this plan.~~
47. ~~In advance of the completion of the Municipal Class Environmental Assessment (EA) for the Stoney Creek Trunk Sanitary Sewer, the Owner shall have its professional consulting engineer demonstrate, to the satisfaction of the City Engineer, that it is possible to route the proposed Stoney Creek trunk sanitary sewer extension east of Trossacks Avenue, which meet City standards, through the lands within this draft plan of subdivision. In establishing the depth and width of the easement, the Owner's professional consulting engineer shall ensure parameters such as grade, depth, slope stability, maintenance access, etc. are addressed.~~
48. ~~The Owner shall restrict development to areas which do not conflict with the proposed routing where lands may be reasonably affected by the land needs of the sanitary routing for the future extension of the Stoney Creek trunk sanitary sewer.~~

~~If, upon it's completion, the Municipal Class EA for the Stoney Creek Trunk Sanitary Sewer identifies that the trunk sewer alignment will be routed through this draft plan, the Owner shall address the timing of construction of the trunk sewer with respect to the build out of the subdivision lands.~~
49. ~~In conjunction with the Design Studies submission, the Owner shall update the Kilally Sanitary Trunk Sewer design sheets and the Kilally North master sanitary area plan (ie. Pittao-DelCan) in accordance with the proposed sanitary sewershed for this draft plan and submit it to the Wastewater and Drainage Engineering Division for review and approval.~~
50. ~~Prior to registration of this plan, the Owner shall obtain consent from the City Engineer to reserve capacity at the Adelaide Pollution Control Plant for this subdivision. This treatment capacity shall be reserved by the City Engineer subject to capacity being available, on the condition that registration of the subdivision agreement and the plan of subdivision occur within one (1) year of the date specified in the subdivision agreement.~~

~~Failure to register the plan within the specified time may result in the Owner forfeiting the allotted treatment capacity and, also, the loss of his right to connect into the outlet sanitary sewer, as determined by the City Engineer. In the event of the capacity being forfeited, the Owner must reapply to the City to have reserved sewage treatment capacity reassigned to the subdivision.~~
51. ~~In conjunction with the Design Studies submission, the Owner shall provide an analysis which shall indicate the water table level of lands within the subdivision and an~~

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~~evaluation of additional measures, if any, which need to be undertaken in order to meet allowable sanitary system inflow and infiltration levels as identified by OPSS 410 and OPSS 407. Detailed reports for the analysis to show compliance with OPSS 410 and 407 shall be submitted to the satisfaction of the City Engineer prior to the occupancy permits being provided.~~

- ~~52. Where trunk sewers are greater than 8 metres in depth and are located within the municipal roadway, the Owner shall construct a local sanitary sewer to provide servicing outlets for private drain connections. The local sanitary sewer will be at the sole cost of the Owner. Any exception will require the approval of the City Engineer.~~
- ~~53. Throughout the duration of construction within this draft plan of subdivision, the Owner shall undertake measures within this draft plan to control and prevent any inflow and infiltration and silt from being introduced to the sanitary sewer system during construction, all at the Owner's cost. Testing measures are also required to prevent inflow and infiltration from entering the sanitary sewer system after construction, all satisfactory to the City Engineer and all at no cost to the City.~~
- ~~54. In the event the Owner chooses to submit a claim against the City's Capital Works Budget (Wastewater and Drainage Engineering Division) for the reimbursement of the Capital Works Budget share of the cost of construction of the cost of private drain connections for servicing of the external parcel of 1240 Fanshawe Park Road East, the Owner shall comply with all City requirements for submission of a claim, in accordance with City policies, guidelines, By-laws and procedures. Any claim submitted shall be **limited to a maximum amount of \$10,000.00** upon completion of these works.~~

~~The Owner acknowledges that notwithstanding submission of such a claim or the assumption of the works by the City, the City is under no obligation or promise under the terms of this agreement, or otherwise, to reimburse the Owner. The amounts of any capital funding are subject to separate Council Approval. Any amounts considered in this draft plan approval are to be viewed as general estimates only and not approved claims. Any or all claims may be refused at the full discretion of Council.~~

~~The Owner acknowledges that City Council may consider inclusion of an item for reimbursement of its share in the Capital Works Budget for the year immediately following completion of construction, but the inclusion of such item shall not be taken to be an acknowledgement by the City of any obligation or promise by the City to make such reimbursement. With that intention, the cost of construction of the works shall be at all times, notwithstanding the assumption of the works by the City, at the sole expense and risk of the Owner.~~

- ~~55. The Owner shall provide any necessary oversizing of the internal sanitary sewers in this subdivision to accommodate upstream lands external to the plan to the specifications of the City Engineer.~~
- ~~56. The Owner shall not permit any weeping tile connections into the sanitary sewers within this plan.~~

- 42. In conjunction with the Design Studies submission, the Owner shall have his consulting engineer prepare and submit the following sanitary servicing design information:
 - i) Provide a sanitary drainage area plan, including the sanitary sewer routing and the external areas to be serviced to the satisfaction of the City;
 - ii) Provide a sanitary servicing plan to confirm that connections to the Stoney Creek Trunk Sanitary Sewer will be limited to large diameter pipes to serve blocks or local streets within this plan. If multiple private drain connections are proposed, a

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plan to the storm outlet for the subject lands which is the Stoney Creek via the proposed Stormwater Management Facility to be located in Block 7 of this plan.

58. In conjunction with the Design Studies submission, the Owner shall submit a report to confirm the stable top-of-slope line, identify any necessary structural design considerations. The report shall be prepared to the satisfaction of the City and the Upper Thames River Conservation Authority.
59. ~~The Owner shall have a consulting professional engineer design and oversee the construction of the proposed SWM Facility and storm/drainage servicing system for the subject lands, all to the specifications and satisfaction of the City Engineer and according to the requirements of the following:~~
- ~~i) The SWM targets and criteria for the Stoney Creek Subwatershed Study.~~
 - ~~ii) The Municipal Class EA for Storm Drainage and Stormwater Management Servicing Works for the Stoney Creek Undeveloped Lands (2008).~~
 - ~~iii) The approved Function STM Servicing and SWM Plan for the subject lands.~~
 - ~~iv) The approval Functional SWM Plan report for the Stoney Creek Regional Flood Control Facility.~~
 - ~~v) The City's Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements and practices.~~
 - ~~vi) The Ministry of the Environment SWM Practices Planning and Design Manual, and~~
 - vii) Applicable Acts, Policies, Guidelines, Standards and Requirements of all relevant SWM agencies.

The Owner shall have his consulting professional engineer design and construct the proposed storm/drainage and Stormwater Management servicing works for the subject lands, all to the specifications and satisfaction of the City in accordance to the requirements of the following:

- i) The SWM criteria and environmental targets for the Stoney Creek Subwatershed Study;
 - ii) The approved Storm/Drainage and SWM Servicing Functional Report for the subject lands;
 - iii) The accepted Muncipal Class EA for Storm Drainage and Stormwater Management Servicing Works for the Stoney Creek Undeveloped Lands (2008);
 - iv) The approved Functional Stormwater Management Plan report for the Stoney Creek Regional Flood Control Facility;
 - v) The stormwater Letter/Report of Confirmation for the subject development prepared and accepted in accordance with the file manager process;
 - vi) The City's Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements and practices;
 - vii) The City of London Environmental and Engineering Services Department Design Specifications and Requirements, as revised;
 - viii) The Ministry of the Environment SWM Practices Planning and Design Manual (2003); and
 - ix) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.
60. ~~The Owner shall only develop 193 lots (or equivalent) within this plan prior to the completion of Phase 3 of the Stoney Creek Capital Remediation Works (Stoney Creek Wetland), in accordance with resolution of City of London Council on July 23, 2008.~~
61. The Owner's shall implement SWM soft measure Best Management Practices (BMP's)

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within the plan to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this plan and the approval of the City.

62. In conjunction with the Design Studies submission and servicing design for this site, the Owner shall have its professional engineer identify the major and minor storm flow routes for the entire catchment area(s) to the satisfaction of the City.
63. ~~Prior to final approval, the Owner's consulting engineer shall certify that increased and accelerated stormwater runoff from this subdivision will not cause damage to downstream lands, properties or structures beyond the limits of this subdivision. Notwithstanding any requirements of the City, or any approval given by the City Engineer, the Owner shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from this subdivision.~~

Prior to the acceptance of engineering drawings, the Owner's consulting engineer shall certify the development has been designed such that increased and accelerated stormwater runoff from this subdivision will not cause damage to downstream lands, properties or structures beyond the limits of this subdivision. Notwithstanding any requirements of and/or any approvals given by the City, the Owner shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from this subdivision.

64. Prior to the issuance of certificate of conditional approval, the Owner's professional engineer shall submit a Monitoring and Operational Procedure Manual, satisfactory to the City, for the maintenance and monitoring program for the SWM Facility, in accordance with the City's "Monitoring and Operational Procedure for Stormwater Management Facilities" requirements to the City. The program shall include, but not be limit to, the following:
- i) a work program manual for the maintenance and monitoring of these facilities.
 - ii) the protocol for sediment sampling and recording of sediment accumulation volumes.
 - iii) the protocol for storage and discharge monitoring
65. Following construction and prior to the assumption of the permanent SWM Facility within this plan, the Owner shall complete the following, at no cost to the City, and all to the specifications and satisfaction of the City:
- i) operate, maintain and monitor the SWMF(s) in accordance with the approved maintenance and monitoring program and the City's "Monitoring and Operational Procedure for Stormwater Management Facilities."
 - ii) have its professional engineer submit semi-annual monitoring reports in accordance with the approved maintenance and monitoring program and the City's "Monitoring and Operational Procedure for Stormwater Management Facilities" to the City for review and approval, satisfactory to the City.
66. In conjunction with the Design Studies submission, the Owner shall develop an erosion/sediment control plan that will identify all erosion and sediment control measures for the subject lands in accordance with City of London and Ministry of Environment standards and requirements, all to the satisfaction of the City and UTRCA. This plan is to include measures to be used during all phases on construction. Prior to any work on

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the site, the Owner shall implement these measures satisfactory to the City and UTRCA. The Owner shall correct any deficiencies of the erosion and sediment control measures forthwith.

- # In conjunction with the Design Studies submission, the Owner shall have his consulting engineer prepare and submit a Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation to address the following:
- i) Identifying the storm/drainage and SWM servicing works for the subject and external lands and how the interim drainage from external lands will be handled, all to the satisfaction of the City;
 - ii) Identifying major and minor storm flow routes for the subject and external lands, to the satisfaction of the City;
 - iii) Providing a geotechnical report to address all geotechnical issues and all required (structural, maintenance and erosion) setbacks related to slope stability for lands within this plan, to the satisfaction and specifications of the City. The Owner shall provide written acceptance from the Upper Thames River Conservation Authority for the final setback;
 - v) Developing an erosion/sediment control plan that will identify all erosion and sediment control measures for the subject lands in accordance with City of London and Ministry of the Environment standards and requirements, all to the satisfaction of the City. This plan is to include measures to be used during all phases on construction; and
 - vi) Implementing SWM soft measure Best Management Practices (BMP's) within the Plan, where possible, to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this Plan and the approval of the City.
- # In accordance with City standards or as otherwise required by the City, the Owner shall complete the following for the provision of stormwater management (SWM) and stormwater services for this draft plan of subdivision:
- i) Construct the proposed SWM Facility on Block 7 of this draft plan, to the satisfaction of the City;
 - ii) Implement all geotechnical recommendations with respect to erosion, maintenance and structural setbacks related to slope stability associated with existing Stoney Creek and ensure they are adequately addressed for the subject lands, to the satisfaction of the City and the Upper Thames River Conservation Authority;
 - iii) Make provisions to oversize and deepen the internal storm sewers and the SWM Facility in this plan to accommodate flows from upstream lands external to this plan;
 - iv) Construct and implement erosion and sediment control measures as accepted in the Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation for these lands and the Owner shall correct any deficiencies of the erosion and sediment control measures forthwith; and
 - v) Address forthwith any deficiencies of the stormwater works and/or monitoring program.
- # Prior to the issuance of a Certificate of Conditional Approval for lots and blocks in this plan, or as otherwise approved by the City, all storm servicing and drainage works, including major and minor storm flow routes, and stormwater management (SWM) related works, to serve this plan, shall be constructed and operational in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City.
- # The Owner shall provide all adequate easements, if required, at no cost to the City, in relation to storm/drainage and SWM servicing works of the subject lands, all to the specifications and satisfaction of the City.

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- # The Owner shall ensure the post-development discharge flow from the subject site must not exceed the capacity of the stormwater conveyance system. In an event, where the above condition cannot be met, the Owner shall provide SWM on-site controls that comply to the City's Design Specifications and Requirements for Permanent Private Stormwater Systems.
- # The Owner shall provide storm drainage servicing in this subdivision to accommodate for major overland flows from Fanshawe Park Road to the proposed SWM facility located on Block 7 within this plan, all to the specifications and satisfaction of the City.
- # The Owner's professional engineer shall ensure that all geotechnical issues, including erosion, maintenance and structural setbacks related to slope stability associated with existing Stoney Creek are adequately addressed for the subject lands, all to the specifications and satisfaction of the City and the Upper Thames River Conservation Authority.
- # The Owner shall ensure adequate setbacks will be maintained and allocated in accordance with the City Council approved Official Plan Policies relating to open watercourse setbacks and in accordance with the Ministry of Environment and City requirements.
- # The Owner shall provide a security in the amount of \$60,000 for this Plan to ensure that the Erosion and Sediment Control Plan (ESCP) be executed in accordance with the City approval procedure and criteria. In the event of failure to properly implement and maintain the require ESCP, the ESCP security will be used by the City to undertake all necessary clean-up work, all to the satisfaction of the City

WATER

- 67. ~~The Owner shall provide “looping” of the water main system prior to more than 80 residential units, or commercial equivalent, being constructed to the satisfaction of the City Engineer.~~

In accordance with City standards or as otherwise required by the City, the Owner shall deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development of this plan of subdivision is proposed to proceed beyond 80 units or commercial equivalent.
- 68. In conjunction with the Design Studies submission, the Owner shall have its professional engineer provide a water servicing report which addresses the following:
 - i) ~~identify external water servicing requirements;~~
 - ii) ~~confirm capacity requirements are met;~~
identify need for the construction of external works;
 - iii) ~~identify the effect of development on existing water infrastructure/identify potential conflicts;~~
 - iv) ~~water system area plan(s);~~
 - v) ~~water network analysis/hydraulic calculations for subdivision report;~~
 - vi) ~~phasing report;~~
 - vii) ~~oversizing of water main/cost sharing agreements.~~

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In conjunction with the Design Studies submission, the Owner shall have his consulting engineer prepare and submit the following water servicing design information, all to the satisfaction of the City Engineer:

- i) A water servicing report which addresses the following:
 - a) Identify external water servicing requirements;
 - b) Confirm capacity requirements are met;
 - c) Identify need to the construction of external works;
 - d) Identify the effect of development on existing water infrastructure – identify potential conflicts;
 - e) Water system area plan(s)
 - f) Water network analysis/hydraulic calculations for subdivision report;
 - g) Phasing report;
 - h) Oversizing of watermain, if necessary and any cost sharing agreements.
 - i) Water quality
 - j) Identify location of valves and hydrants
- ii) Design calculations which demonstrate there is adequate water turnover to address water quality requirements for the watermain system or recommend the use of the following:
 - a) valving to shut off future connections which will not be used in the near term; and/or
 - b) automatic flushing devices to maintain water quality, with it being noted that the water flushed by the device is to be measured (by a water meter in a meter pit) and the cost of water charged to the Owner; and/or
 - c) make suitable arrangements with Water Operations for the maintenance of the system in the interim.

Prior to the issuance of any Certificate of Conditional Approval, the Owner shall implement the accepted recommendations to address the water quality requirements for the watermain system, to the satisfaction of the City Engineer, at no cost to the City.

- 69. ~~In conjunction with the Design Studies submission, the Owner shall have its professional engineer determine if there is sufficient water turnover to ensure water quality and determine how many homes need to be built and occupied to maintain water quality in the water system. If the water quality cannot be maintained in the short term, the Owner shall install automatic blow offs, where necessary, to the satisfaction of the City Engineer, or make suitable arrangements with Water Operations for the maintenance of the system in the interim.~~
- 70. ~~The Owner shall connect the proposed watermains to serve this plan to an existing municipal water system, namely to the existing municipal 400 mm (16”) diameter watermain on Fanshawe Park Road East and the existing 1200 mm (48”) diameter watermain on Highbury Avenue North.~~

The Owner shall construct the proposed watermains to serve this plan and connect them to the existing municipal water system, namely to the existing municipal 400 mm (16”) diameter watermain on Fanshawe Park Road East and the existing 1200 mm (48”) diameter watermain on Highbury Avenue North.
- 71. The Owner shall obtain all necessary approvals from the City Engineer for individual servicing of blocks in this subdivision, prior to the installation of any water services for the blocks.

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TRANSPORTATION

72. The Owner shall be permitted one limited access vehicular access from Block 1 to Highbury Avenue North and one limited access vehicular access from Block 1 to Fanshawe Park Road East. The location of these access points shall be to the satisfaction of the City.
73. The Owner shall not be permitted any vehicular access from Block 2 to Fanshawe Park Road East or any vehicular access to Block 3 to Highbury Avenue North.
74. The Street “A” road allowance at Fanshawe Park Road East and the Blackwell Boulevard road allowance at Highbury Avenue North shall be a minimum of 28 m for a minimum length of 45 metres. Within this road allowance the Owner shall construct gateway treatments. Beyond this widened road allowance, the road allowance shall be tapered to 21.5 m.
75. ~~Prior to the first submission of engineering drawings, the Owner shall develop a traffic calming plan for Street “A” and Blackwell Boulevard to the satisfaction of the City Engineer. The accepted traffic calming plan shall be incorporated into the engineering drawings.~~

In conjunction with the Design Studies submission, the Owner shall have it's professional engineer provide a conceptual design of the proposed traffic calming measures along Street ‘A’ and Blackwell Boulevard, including parking bays, curb extensions and other measures, to the satisfaction of the City.

76. Unless the Owner can demonstrate that other traffic calming measures can discourage cut through traffic and control vehicles speeds and be a traffic control device to the satisfaction of the City the Owner shall construct a roundabout at the intersection of Street “A” and Blackwell Boulevard as red-line amended on the plan and curb extensions along the north side of Blackwell Boulevard from the western boundary of the plan of subdivision to Highbury Avenue North with the parking bays removed for utilities (fire hydrants) and for transit stop locations as defined by the London Transit Commission. If the City is satisfied with alternate traffic calming measures at the intersection of Street “A” and Blackwell Boulevard and the roundabout is not required, no red-line amendment is required to remove the roundabout from this plan.
77. The Owner shall construct sidewalks within this plan on both sides of Blackwell Boulevard and Street “A”, to the satisfaction of the City.
78. If temporary turning facilities for vehicles be provided as required by the City, they shall be shown on the final plans as easements. These easements shall be conveyed to and held by the City of London until the extension of the road allowance, when the blocks shall be conveyed without charge to the Owners of abutting Lots or Blocks.
79. Any dead ends and open sides of road allowances created by this draft plan, or by phasing of this plan, shall be terminated in 0.3 metre reserves to be conveyed to, and held in trust, by the City of London until required for the future production of such road allowance.
80. The Owner shall direct all construction traffic to Fanshawe Park Road East and/or Highbury Avenue North to the satisfaction of the City and the General Manager of Planning and Development.
81. The Owner shall dedicate sufficient land to widen Fanshawe Park Road East to 18.0 metres (59.06’) from the centerline of the original road allowance, or consistent with the

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approved EA, whichever is greater.

- 82. The Owner shall dedicate sufficient land to widen Highbury Avenue North to 18.0 metres (59.06') from the centerline of the original road allowance, or consistent with the approved EA, whichever is greater.
- 83. The Owner shall dedicate 6.0 m x 6.0 m “daylighting triangles” at the intersection of Street ‘A’ with Fanshawe Park Road East and Blackwell Boulevard with Highbury Avenue North in accordance with the Z-1 Zoning By-law, Section 4.24.
- 84. The Owner shall dedicate 0.3 m (1') reserves blocks to the City of London at the following locations:
 - i) Blackwell Boulevard - west limit
 - ii) along the entire frontage of Fanshawe Park Road East
 - iii) along the entire frontage of Highbury Avenue North
- 85. In the event any work is undertaken on an existing street, the Owner shall establish and maintain a Traffic Management Plan (TMP) in conformance with City guidelines and to the satisfaction of the City for any construction activity that will occur on existing public roadways. The Owner shall have it's contractor(s) undertake the work within the prescribed operational constraints of the TMP. The TMP will be submitted in conjunction with the subdivision servicing drawings for this plan of subdivision.
- 86. The Owner shall construct temporary turning facilities for vehicles at the west limit of Blackwell Boulevard, to the specifications of the City.

- # In conjunction with the Design Studies submission, the Owner shall have its professional consulting engineer confirm that all streets in the subdivision have centreline radii which conforms to the City of London Standard “Minimum Centreline Radii of Curvature of Roads in Subdivisions”, to the satisfaction of the City. Streets that do not meet the City standards may need to be revised.
- # In conjunction with the Design Studies submission, the Owner shall provide a conceptual layout of the roads and rights-of-way of the plan to the City for review and acceptance with respect to road geometries, including but not limited to, right-of-way widths, tapers, bends, intersection layout, daylighting triangles, etc., and include any associated adjustments to the abutting lots.
- # All through intersection and connections with existing streets and internal to this subdivision shall align with the opposing streets based on the centrelines of the street aligning through their intersections thereby having these streets centred with each other, unless otherwise approved by the City.
- # The Owner shall install street lighting on all streets in this plan to the satisfaction of the City, at no cost to the City.
- # The Owner shall be required to make minor boulevard improvements on Fanshawe Park Road East and Highbury Avenue North adjacent to this Plan, to the specifications of the City and at no cost to the City, consisting of clean-up, grading and sodding as necessary.
- # Should any temporary turning circle exist on the abutting streets at the time this plan is registered, the Owner shall remove any existing temporary turning circles and restore the road including sidewalks to the satisfaction of the City, at no cost to the City.

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If funds have been provided to the City by the Owner(s) of adjacent lands for the removal of the temporary turning circle(s) and the construction of this section of road(s) and all associated works, the City shall reimburse the Owner for the substantiated cost of completing these works, up to a maximum value that the City has received for this work.

The Owner shall have the common property line of Fanshawe Park Road East and Highbury Avenue North graded in accordance with the City of London Standard “Subdivision Grading Along Arterial Roads”, at no cost to the City.

Further, the grades to be taken as the centreline line grades on Fanshawe Park Road East and Highbury Avenue North are the future ultimate centreline of road grades as determined by the Owner’s professional engineer, satisfactory to the City. From these, the Owner’s professional engineer is to determine the ultimate elevations along the common property line which will blend with the ultimate reconstructed road, all to the satisfaction of the City.

OTHER SERVICE ISSUES

- 87. Prior to final approval, the Owner shall make arrangements with the affected property owner(s) for the construction of any portions of services situated on private lands outside this plan, and shall provide satisfactory easements over the sewers as necessary, all to the specifications and satisfaction of the City.
- 88. In the event that relotting of the plan is undertaken, the Owner shall relocate and construct services to standard location, all to the specifications and satisfaction of the City.
- 89. The Owner shall connect to all existing services and extend all services to the limits of the draft plan of subdivision, at no cost to the City, all to the specifications and satisfaction of the City.
- 90. In the event the draft plan develops in phases, upon registration of any phase of this subdivision, the Owner shall provide land and/or easements along the routing of services which are necessary to service upstream lands outside of this draft plan to the limit of the plan.
- 91. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
- 92. The Owner shall remove any temporary works when no longer required and restore the land, at no cost to the City, to the specifications and satisfaction of the City.
- 93. With respect to any services and/or facilities constructed in conjunction with this plan, the Owner shall permit the connection into and use of the subject services and/or facilities by outside owners whose lands are served by the said services and/or facilities, prior to the said services and/or facilities being assumed by the City.
- 94. The Owner shall have its engineer notify existing property owners in writing, regarding the sewer and/or road works proposed to be constructed on existing City streets in conjunction with this subdivision, all in accordance with Council policy for “Guidelines for Notification to Public for Major Construction Projects”.

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The Owner shall advise the City in writing at least two weeks prior to connecting, either directly or indirectly, into any unassumed services constructed by a third party, and to save the City harmless from any damages that may be caused as a result of the connection of the services from this subdivision into any unassumed services.

Prior to connection being made to an unassumed service, the following will apply:

- i) In the event discharge is to unassumed services, the unassumed services must be completed and conditionally accepted by the City;
- ii) The Owner must provide a video inspection on all affected unassumed sewers;

Any damages caused by the connection to unassumed services shall be the responsibility of the Owner.

The Owner shall pay a proportional share of the operational, maintenance and/or monitoring costs of any affected unassumed sewers or SWM facilities (if applicable) to third parties that have constructed the services and/or facilities to which the Owner is connecting. The above-noted proportional share of the cost shall be based on design flows, to the satisfaction of the City, for sewers or on storage volume in the case of a SWM facility. The Owner’s payments to third parties shall:

- i) commence upon completion of the Owner’s service work, connections to the existing unassumed services; and
- ii) continue until the time of assumption of the affected services by the City.

If, during the building or constructing of all buildings or works and services within this subdivision, any deposits of organic materials or refuse are encountered, the Owner shall report these deposits to the City Engineer and Chief Building Official immediately, and if required by the City Engineer and Chief Building Official, the Owner shall, at his own expense, retain a professional engineer competent in the field of methane gas to investigate these deposits and submit a full report on them to the City Engineer and Chief Building Official. Should the report indicate the presence of methane gas then all of the recommendations of the engineer contained in any such report submitted to the City Engineer and Chief Building Official shall be implemented and carried out under the supervision of the professional engineer, to the satisfaction of the City Engineer and Chief Building Official and at the expense of the Owner, before any construction progresses in such an instance. The report shall include provision for an ongoing methane gas monitoring program, if required, subject to the approval of the City Engineer and review for the duration of the approval program.

If a permanent venting system or facility is recommended in the report, the Owner shall register a covenant on the title of each affected lot and block to the effect that the Owner of the subject lots and blocks must have the required system or facility designed, constructed and monitored to the specifications of the City Engineer, and that the Owners must maintain the installed system or facilities in perpetuity at no cost to the City. The report shall also include measures to control the migration of any methane gas to abutting lands outside the Plan.

The Owner hereby agrees that, should any contamination or anything suspected as such, be encountered during construction, the Owner shall report the matter to the City Engineer and the Owner shall hire a geotechnical engineer to provide, in accordance with the Ministry of the Environment “Guidelines for Use at Contaminated Sites in Ontario”, “Schedule A – Record of Site Condition”, as amended, including “Affidavit of Consultant” which summarizes the site assessment and restoration activities carried out at a contaminated site. The City may require a copy of the report should there be City

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property adjacent to the contamination. Should the site be free of contamination, the geotechnical engineer shall provide certification to this effect to the City.

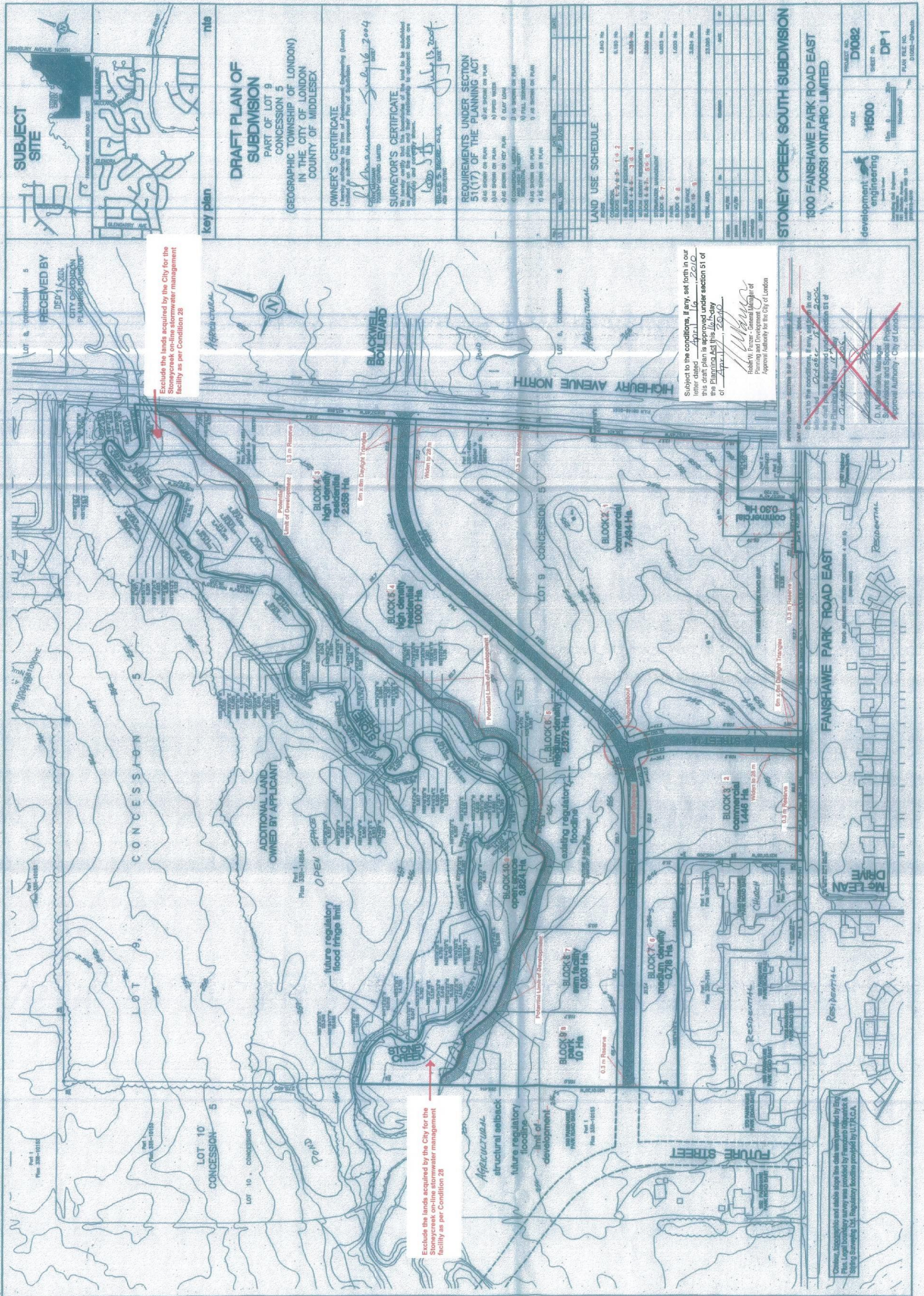
- # In conjunction with the Design Studies submission, in the event the Owner wishes to phase this plan of subdivision, the Owner shall submit a phasing plan identifying all required temporary measures, and identify land and/or easements required for the routing of services which are necessary to service upstream lands outside this draft plan to the limit of the plan to be provided at the time of registration of each phase, all to the specifications and satisfaction of the City.
- # If any temporary measures are required to support the interim conditions in conjunction with the phasing, the Owner shall construct temporary measures and provide all necessary land and/or easements, to the specifications and satisfaction of the City, at no cost to the City.
- # The Owner shall decommission any abandoned infrastructure, at no cost to the City, including cutting the water service and capping it at the watermain, all to the specifications and satisfaction of the City.
- # The Owner shall remove all existing accesses and restore all affected areas, all to the satisfaction of the City, at no cost to the City.
- # In conjunction with Design Studies submission, the Owner shall have his consulting engineer submit a concept plan which shows how all servicing (water, sanitary, storm, gas, hydro, street lighting, water meter pits, Bell, Rogers, etc.) shall be provided to condominiums/townhouses indicated on Block 6 on Blackwell Boulevard. It will be a requirement to provide adequate separation distances for all services which are to be located on the municipal right-of-way to provide for required separation distance (Ministry of Environment Design Standards) and to allow for adequate space for repair, replacement and maintenance of these services in a manner acceptable to the City.

GENERAL

- 95. The Owner shall not burn any materials on site.
- 96. The Owner in consultation with the LTC, shall indicate on the approved engineering drawings the possible ‘Future Transit Stop Areas”. The owner shall install signage as the streets are constructed, indicating “Possible Future Transit Stop Area” in the approximate stop locations. The exact stop locations shall be field located as the adjacent sites are built, at which time the developer shall install a 1.5 metre wide concrete pad between the curb and the boulevard at the finalized stop locations.
- 97. Prior to final approval of this Plan and subject to the satisfaction of the local School Boards, the Owner shall include in the subdivision agreement a suitable warning clause advising future purchasers of residential units that students may be accommodated in temporary or holding facilities and/or bused outside the neighbourhood for their education.
- # As part of the final approval for this plan, the Owner shall extend the limits of the plan of subdivsion to include adjacent lands to the south (1370 Fanshawe Park Rd E), which are under their ownership, and consideration for these lands will be included in any design studies and servicng drawings.

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Schedule “B”

Related Estimated Costs and Revenues

Estimated Costs – This Draft Plan	
Claims from Urban Works Reserve Fund – General - Storm sewer oversizing subsidy	\$145,000
Claims from Urban Works Reserve Fund - Stormwater Management (includes SWMF Stoney Creek #4 land and construction estimate)	\$1,881,000
Capital Expense - Sanitary trunk sewer - Fanshawe road arterial construction drainage – to be based on allocation of sewer on a flow basis	\$899,000 \$200,000
Other	Nil
Total	\$3,125,000
Estimated Revenues - This Draft Plan (2013 rates)	
CSRF	\$8,886,296
UWRF	\$3,902,269
Total	\$12,788,565

1. Estimated Costs are based on approximations provided by the applicant. Final claims will be determined based on actual costs incurred in conjunction with the terms of the final subdivision agreement and the applicable By-law.
2. Estimated Revenues are calculated using 2013 DC rates and may take many years to recover. The revenue estimates includes DC cost recovery for “soft services” (fire, police, parks and recreation facilities, library, growth studies). There is no comparative cost allocation in the Estimated Cost section of the report, so the reader should use caution in comparing the Cost with the Revenue section.
3. The revenues and costs in the table above are not directly comparable. The City employs a “citywide” approach to recovery of costs of growth – any conclusions based on the summary of Estimated Costs and Revenues (above table) should be used cautiously.
4. The Owner should take note that there are currently significant delays in payment of claims from the Urban Works Reserve Fund.
5. New requirements of developer constructed works will be incorporated into the new DC By-law. The new requirements generally involve greater application of City procurement practices to work completed under agreements under the Planning Act and greater documentation.

Reviewed By:

Peter Christiaans

Director, Development Finance