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39T-06508  
Alanna Riley

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING ON MONDAY OCTOBER 7, 2014</b>
<b>FROM:</b>	<b>GEORGE KOTSIFAS P.ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES &amp; CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: GUS RAHIM AND AREKA KAZAZIAN REQUEST FOR EXTENSION - DRAFT PLAN 39T-06508 55 &amp; 60 CHALKSTONE DRIVE</b>
<b>RECOMMENDATION</b>	

That, on the recommendation of the Senior Planner, Development Services, regarding a draft approval extension request for the Plan of Subdivision application of Gus Rahim and Areka Kazazian relating to the property located at 55 & 60 Chalkstone Drive:

- (a) The Approval Authority **BE ADVISED** that Municipal Council **SUPPORTS** a three (3) year extension of draft approval for draft approved plan 39T-06508 prepared by Robert D. Stirling, FKS, Drawing No. DP-04, dated October 12, 2006, as red-line amended, which shows a total of 20 industrial lots, served by the extension of Chalkstone Drive and the extension of Blakie Road, **SUBJECT TO** the revised conditions contained in the attached Appendix "39T-06508-1".
- (b) The Applicant **BE ADVISED** that the Director of Development Finance has summarized claims and revenues information in the attached Appendix "A".
- (c) The Approval Authority **BE REQUESTED** to withdraw Draft Approval, if the Official Plan amendment to change the designation of the subject lands from "Light Industrial" to "Urban Reserve Community Growth" (City of London file O-8362) comes into force and effect.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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**September 9, 2014** – Report to the Planning and Environment Committee on Official Plan amendment in the area bounded by Exeter Road, Dingman Drive, White Oak Road and the Marr Drain (File O-8362).

**April 24, 2014** – Report to the Approval Authority for draft plan approval. of an extension to the draft plan for 180 days.

**May 7, 2011** – Report to the Approval Authority for approval of the draft plan for three years.

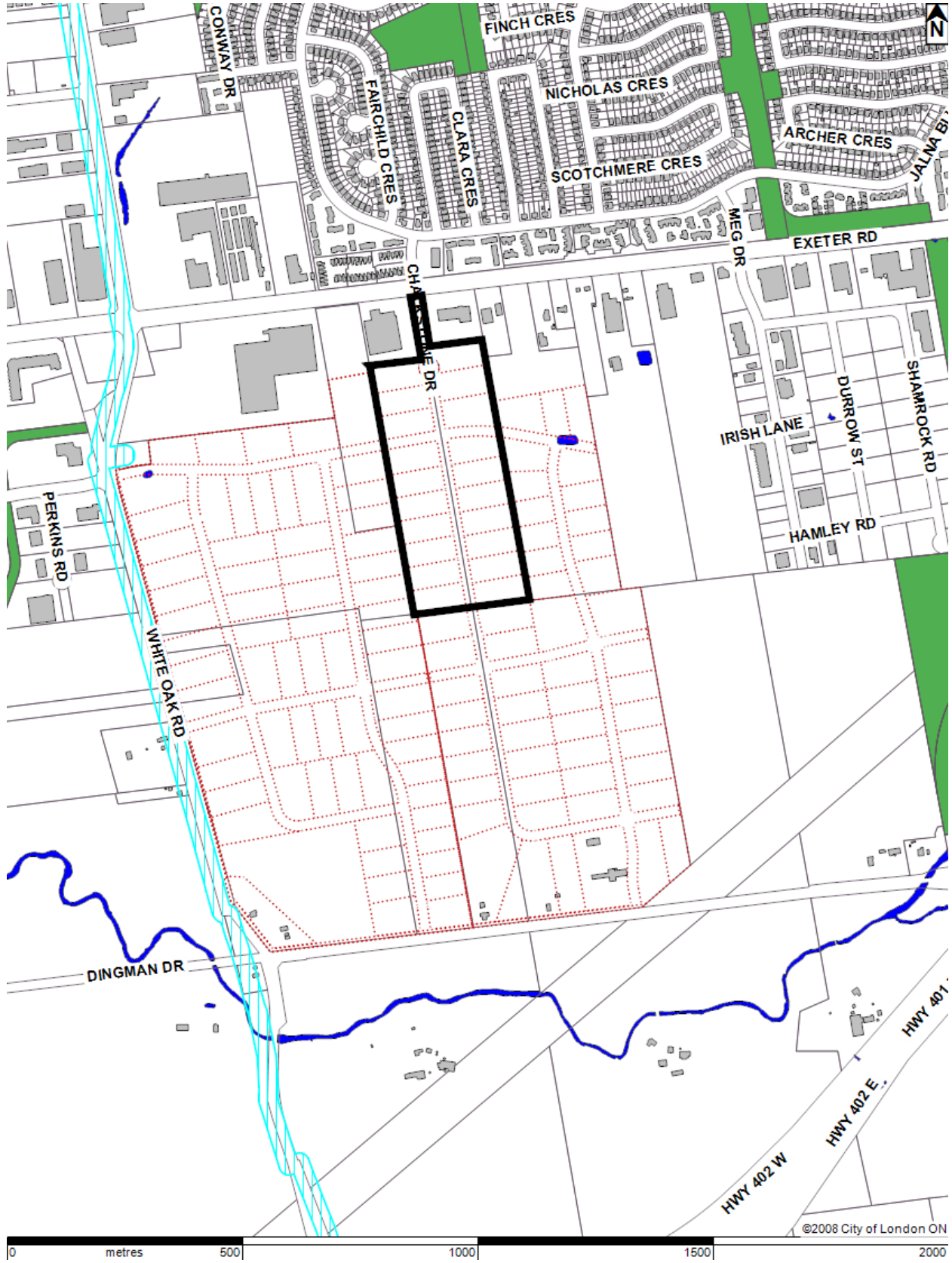
**March 28, 2011** – Report to Planning Committee on application for Draft Plan of subdivision approval and associated Zoning By-law amendment.

<b>RATIONALE</b>
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1. An extension for three (3) years will provide a reasonable timeframe within which to complete the process for final approval and registration of this industrial plan if required. However, Official Plan amendments are proposed for this property to change the designations to residential. If approved, the current draft approval will be withdrawn.
2. The revised conditions of draft approval will ensure that the subdivision is serviced and developed in accordance with current municipal design standards.

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**BACKGROUND**

This application for Draft Plan of Subdivision Approval was accepted by the City on January 24, 2007. A report on this application was presented to a public participation meeting at Planning Committee on June 17, 2008. The application was referred back to staff to review the issues raised by the applicant’s agent – specifically, concerns about conditions relating to setbacks, sidewalks, the regulatory use of urban design guidelines and stormwater, and requesting clarification on the continuing use of the site for transport truck parking.

The application for Draft Plan of Subdivision Approval was reactivated in June of 2010, together with applications on the adjacent lands owned by Bluestone Properties (39T-05513) and Tradewind Properties & 1071730 Ontario Inc. (39T-06504). A notice of the reactivated application was circulated to the required agencies and municipal departments on August 9<sup>th</sup>, 2010. A combined notice of application and notice of public meeting was sent out to area landowners on February 24<sup>th</sup>, 2011 and published in “Living in the City” on February 26<sup>th</sup>, 2011. The public meeting was held on March 28<sup>th</sup>, 2011. The plan of subdivision was draft approved on May 13<sup>th</sup>, 2011, subject to conditions and red line modifications. There were no appeals to the Zoning By-law amendment or draft plan approval.

In May 2014, the City initiated an Official Plan Amendment to conduct a review of the land uses within the White Oak Business Park area bounded by Exeter Road, Dingman Drive, White Oak Road and the Murr Drain(which includes the subject lands).

On September 9, 2014 a report went to the Planning and Environment Committee recommending an Official Plan amendment to change the designation for the lands within the study area from “Industrial” to “Urban Reserve-Community Growth” and “Transitional Industrial” to provide the opportunity to consider alternative land designations, including residential uses, and to allow existing uses to transition to new uses. The land use review evaluated the existing industrial lands within the study area and determined it is appropriate for them to be redesignated to non-industrial uses (residential, commercial, institutional and open space). The planning framework was set out in the Provincial Policy Statement and the Official Plan was used to undertake the evaluation and demonstrate that there is justification for the conversion of lands to non-employment uses.

On September 16, 2014 Municipal Council referred this matter back for further review and consultation and report back to Planning and Environment Committee.

The draft approval for this subdivision will lapse in November, 2014. A six month Administrative extension was granted by the Approval Authority to allow sufficient time for a full review of the request. The three(3) year extension will provide enough time for final registration of this subdivision for industrial uses. The proposed Official Plan amendment to apply an “Urban Reserve – Community Growth” designation if approved, will make the draft plan non-conforming and as a result it is also recommended that the Approval Authority withdraw Draft Approval, if the proposed Official Plan amendment comes into force and effect.

**SIGNIFICANT DEPARTMENT/AGENCY COMMENTS**

**Development Engineering**

Development Engineering has no objection to the extension of draft approval for this subdivision. Several modifications and new conditions of draft approval, which reflect updated City of London servicing standards, have been included in the amended conditions of draft approval.

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<b>EVALUATION</b>
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The subject lands are currently designated Light Industrial. The draft plan of subdivision was previously reviewed in conjunction with the 2005 Provincial Policy Statement and was considered to be consistent with those policies. The plan has also been reviewed in conjunction with the 2014 PPS and is also considered to be consistent with the new policies.

**Recommended Actions:**

Recommended modifications include the replacement of several conditions. Conditions have been revised to reflect updated requirements to meet current servicing design terminology and engineering standards.

The attached amendments to the conditions of draft approval are required to ensure that these lands are developed to today’s standards. The changes to conditions of draft approval are to address engineering and planning issues. The amendments to the conditions of draft approval are shown as ~~strikeouts~~ (deletions) and underlined (additions) on the attached Appendix “39T-06508-1”. If granted, the new draft approval lapse date would be November 14, 2017.

These changes to the conditions of draft approval are considered to be minor in nature. As a result, draft approval extension may be granted and there is no requirement for public notice of the changes to the conditions (in accordance with Section 51 (33) & (47) of the Planning Act).

<b>CONCLUSION</b>
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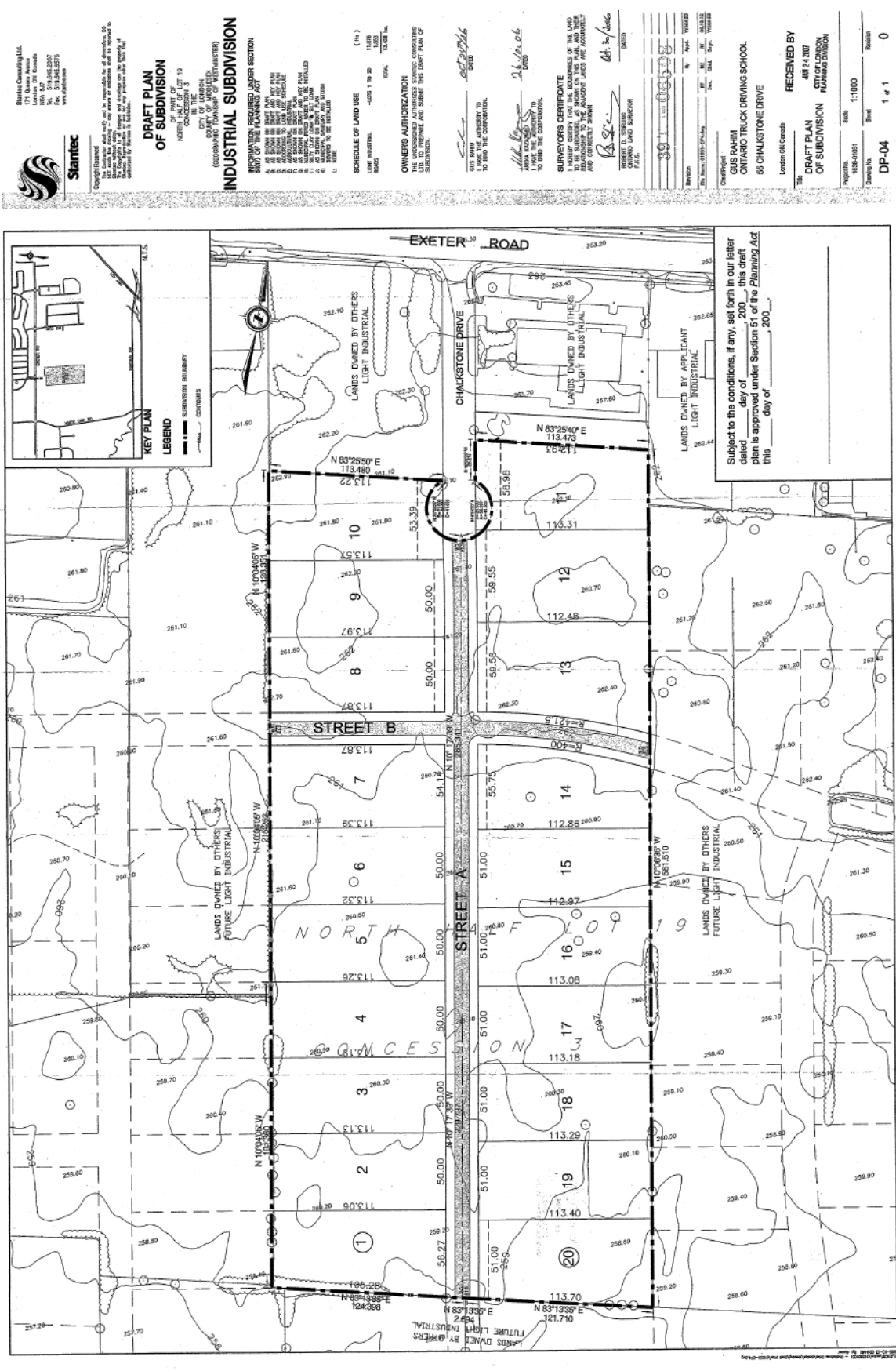
The plan of subdivision was draft approved in 2011. The request for extension of draft approval is being made by the owner to allow sufficient time for final registration of the plan. A three year extension is being recommended, together with minor modifications to the draft plan and conditions of draft approval which will update terminology and implement current municipal servicing standards. These modifications do not affect the approved zoning or lotting pattern. The Approval Authority is to withdraw draft approval if the proposed Official Plan amendments for and “Urban Reserve – Community Growth” designation are adopted by Council.

<b>PREPARED AND RECOMMENDED BY:</b>	<b>REVIEWED BY:</b>
<b>ALANNA RILEY, MCIP, RPP SENIOR PLANNER DEVELOPMENT SERVICES</b>	<b>ALLISTER MACLEAN MANAGER DEVELOPMENT PLANNING</b>
<b>REVIEWED BY:</b>	<b>SUBMITTED BY:</b>
<b>TERRY GRAWAY, MCIP, RPP MANAGER DEVELOPMENT SERVICES &amp; PLANNING LIAISON</b>	<b>GEORGE KOTSIFAS P.ENG. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES &amp; CHIEF BUILDING OFFICIAL</b>

September 26, 2014  
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Alanna Riley



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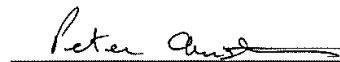
**Appendix "A"**

**Related Estimated Costs and Revenues**

<b>Estimated Costs – This Draft Plan</b>	
Claims from CSRF - Industrial	Nil
Capital Expense	Nil
Other	Nil
<b>Total</b>	<b>Nil</b>
<b>Estimated Revenues - This Draft Plan (Aug 2014 rates) <sup>(4)</sup></b>	
CSRF	\$11,691,885
UWRF	\$257,020
<b>Total</b>	<b>\$11,948,905</b>

1. The property in question is currently the object of a rezoning application to redesignate the land use from Industrial to Community Growth. The information above is based on the assumption that the rezoning does not proceed, and the property maintains its Industrial zoning designation.
2. Estimated Costs are based on approximations provided by the applicant. Final claims will be determined based on actual costs in conjunction with the terms of the subdivision agreement and the applicable By-law.
3. Estimated Revenues are calculated using August 2014 DC rates and may take many years to recover. Together with the two other draft applications for which Draft Plan Extension is now being sought, the industrial development projected in the three applications together would surpass the ten (10) year projection for all Industrial Development across the entire City and could take many more years to recover. Revenues above have been projected using maximum (60%) block coverage ratio.
4. Under current policy, taxpayers bear 100% of the DC charges on industrial.
5. 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 extreme caution in comparing the Cost with the Revenue section.
6. The revenues and costs in the table above are not directly comparable. This subdivision, like others in the area, also relies on recently constructed roadwork and SWM facilities, the cost of which is not reported above. Other growth related costs (like wastewater treatment plant and road capacity expansion) incurred to serve this subdivision and surrounding areas are not reported above, though the revenue for those service components is included in the "Estimated Revenues – This Agreement" section above. As a result, the revenues and costs reported 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.

Reviewed By:



Peter Christiaans  
Director, Development Finance

Agenda Item #	Page #

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**“Appendix 39T-06508-1”**

**THE CORPORATION OF THE CITY OF LONDON’S CONDITIONS AND AMENDMENTS TO FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T-06508 ARE AS FOLLOWS:**

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NO.	CONDITIONS
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**Standard:**

1. This draft approval applies to the draft plan submitted by Gus Rahim and Areka Kazazian, prepared by Robert D. Stirling, FKS (Drawing no. DP-04, dated October 12, 2006), as red-line amended, which shows a total of 20 industrial lots, served by the extension of Chalkstone Drive and the extension of Blakie Road.
2. This approval of the draft plan applies for three years, 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. The Owner shall within 90 days of draft approval submit proposed street names to the satisfaction of the Director of Development Planning.
5. The Owner shall request that municipal addresses be assigned to the satisfaction of the Director of Development Planning in conjunction with the request for the preparation of the subdivision agreement.
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 enter into a subdivision agreement and 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 required subdivision agreement between the Owner and the City of London shall be registered against the lands to which it applies.
10. ~~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 Engineer and General Manager of Planning and Development.~~

**The Owner shall comply with all City of London standards, guidelines and requirements in the design of this draft plan and all required engineering drawings, to the satisfaction of the City. Any deviations from the City’s standards, guidelines or requirements shall be satisfactory to the City.**

11. 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

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consisting of all required clearances, fees, and final plans, 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.

12. 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 Director of Development Planning and the City Engineer. The Owner acknowledges that, in the event that a submission does not include the complete information required by the General Manager of Planning and Development and the City Engineer, such submission will be returned to the Owner without detailed review by the City.
13. Prior to final approval for the registration of the subdivision by the Approval Authority, the Director of Development Planning is to be advised in writing by the Finance Department, City of London, that all financial obligations/encumbrances owing to the City on the said lands have been paid in full, including property taxes and local improvement charges.
14. The Owner shall obtain and submit to the Director of Development Planning a letter of archaeological clearance from the Southwestern Regional Archaeologist of the Ministry of Culture. The Owner shall not grade or disturb soils on the property prior to the release from the Ministry of Culture.
15. The Owner shall not commence construction or installations of any services (e.g. clearing or servicing of land) involved with this plan prior to 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; (e.g. Ministry of Environment Certificates; City/Ministry/Government permits; Approved Works; water connection; water taking; Crown land; navigable waterways; approvals; Upper Thames River Conservation Authority; Ministry of Natural Resources; Ministry of Environment; City etc.).

**Planning & Urban Design:**

16. Prior to final approval, the Owner shall remove, or demolish any accessory structures that exist within the draft approved plan of subdivision, to the satisfaction of the Director of Development Planning.
17. As part of the engineering drawing submission for Chalkstone Drive, the Owner shall incorporate enhanced landscaping and design into the boulevard or side entrances at the intersection of Chalkstone Drive and Exeter Road, to the satisfaction of the Director of Development Planning.
18. Prior to any development within the subdivision, the Owner's approved design consultant shall review and certify that the site plan applications, including elevations of the proposed structures, are in accordance with the intent of the approved Dingman Drive (Industrial) Area Plan Urban Design Guidelines, at no cost to the City of London and to the satisfaction of the Director of Development Planning. The approved design consultant shall be responsible for reviewing all permit applications with respect to the orientation and exterior design criteria for buildings, landscaping and other site design elements, within the context of the approved Urban Design Guidelines. The purpose is to ensure a high quality of urban design, landscape standards and construction. This requirement shall be to the satisfaction of the City of London and applied on an ongoing basis throughout the development of the Dingman Drive (Industrial) Area. All building permit applications must be accompanied by a design consultant certification of compliance.



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**Sanitary:**

19. The Owner shall construct sanitary sewers to serve this plan and connect them to the municipal sewer system, namely, the 675 mm (27") trunk sanitary sewer on White Oak Road.
20. ~~Should this development proceed prior to the plan to the west (T-05513), the Owner shall make arrangements to construct sanitary sewers over external lands and provide sufficient lands and/or easements to the City for this purpose, all to the specifications and satisfaction of the City Engineer.~~
21. ~~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.~~
22. ~~Prior to registration of this plan, the Owner shall obtain consent from the City Engineer to reserve capacity at the Greenway 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.~~
23. ~~The Owner shall construct sanitary sewers within this plan at an appropriate size and depth to accommodate flows from upstream lands which are tributary to this system and external to this plan.~~
24. ~~No weeping tile connections shall be permitted into the sanitary sewers within this plan.~~
25. ~~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. Quality control 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.~~
26. ~~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 evaluation of additional measures, if any, which need to be undertaken in order to meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407.~~
27. ~~The Owner shall permit the City to undertake smoke testing or other testing of connections to the sanitary sewer to ensure that there are no connections which would permit inflow and infiltration into the sanitary sewer. Alternatively, the City may require the Owner to undertake smoke testing at his own cost for this purpose and provide a record of the results to the City. The City may require smoke testing to be undertaken until such time as the sewer is assumed by the City.~~
20. **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 preliminary sanitary sewer routing and the external areas to be serviced, to the satisfaction of the City; and**
  - ii) **A hydrogeological report which includes an analysis to establish the water table level of lands within the subdivision with respect to the depth of the sanitary sewers and recommend additional measures, if any, which need to be undertaken**

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meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407A.

**21. In accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of sanitary services for this draft plan of subdivision:**

- i) Construct sanitary sewers to serve this Plan and connect them to the existing municipal sewer system, namely, the 675 mm (27") diameter trunk sanitary sewer located on White Oak Road;**
- ii) Should this development proceed prior to the plan to the west (39T-05513), the Owner shall make arrangements to construct sanitary sewers over external lands and provide sufficient lands and/or easements to the City for this purpose, all to the specifications and satisfaction of the City Engineer.**
- iii) Construct a maintenance access road and provide a standard municipal easement, if necessary, for any section of the sewer not located within the road allowance, to the satisfaction of the City;**
- iv) Make provisions for oversizing of the internal sanitary sewers in this draft plan to accommodate flows from the upstream lands external to this plan, all to the satisfaction of the City. This sewer must be extended to the limits of this plan and/or property line to service the upstream external lands; and**
- v) 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, to the satisfaction of the City. The local sanitary sewer will be at the sole cost of the Owner. Any exception will require the approval of the City Engineer.**

**22. In order to prevent any inflow and infiltration from being introduced to the sanitary sewer system, the Owner shall, throughout the duration of construction within this plan, 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 and after construction, satisfactory to the City, at no cost to the City, including but not limited to the following:**

- i) Not allowing any weeping tile connections into the sanitary sewers within this Plan;**
- ii) Permitting the City to undertake smoke testing or other testing of connections to the sanitary sewer to ensure that there are no connections which would permit inflow and infiltration into the sanitary sewer.**
- iii) Having his consulting engineer confirm that the sanitary sewers meet allowable inflow and infiltration levels as per OPSS 410 and OPSS 407; and**
- iv) Implementing any additional measures recommended through the Design Studies stage.**

**23. Prior to registration of this Plan, the Owner shall obtain consent from the City Engineer to reserve capacity at the Greenway 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.**

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**Storm & Stormwater Management:**

24. The Owner shall construct storm /drainage servicing works to serve this plan and connect the works to the storm outlet for the subject lands being the Dingman Creek, via the proposed Stormwater Management (SWM) Facility to be constructed by the City, located within the Dingman Creek Subwatershed.
- ~~30. In conjunction with the Design Studies submission, the Owner shall provide the City with a Storm Drainage and SWM Servicing Report for the regional SWM Facility that serves the Old Oak Area 2 and a storm/drainage Servicing Letter/Report of Confirmation prepared in accordance with the File Manager Process and requirements for the subject development.~~
- 25. Prior to the issuance of any Certificates of Conditional Approval for lots and blocks in this plan or as otherwise approved by the City Engineer, the Owner shall construct and have operational all storm/drainage and SWM related works, including major and minor storm flow routes, to serve this plan and the regional White Oak SWM Facility for Area 2 must be constructed and operational, in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City.**
26. The Owner shall have a consulting professional engineer design and supervise the construction the proposed storm/drainage SWM servicing works for the subject lands within this plan to the specifications and satisfaction of the City Engineer and according to the requirements of the following:
  - i) The SWM criteria and environmental targets for the Dingman Creek Subwatershed Study (Update 2005);
  - ii) The accepted Old Oak Area Storm Drainage and Stormwater management Servicing Class Environmental Assessment for the Old Oak development area.
  - iii) The approved functional Storm Drainage and SWM Servicing Report for the regional SWM Facility that serves the Old Oak Area 2;
  - iv) The accepted storm/drainage Servicing Letter/Report of Confirmation prepared in accordance with the File Manager Process and requirements for the subject development;
  - v) The City's Drainage By-law and lot grading standards, policies, requirements and practices;
  - vi) Ministry of the Environment SWM Practices Planning and Design Manual (2003); and
  - vii) Applicable Acts, Policies, Guidelines, Standards and Requirements of all relevant SWM agencies.
27. In conjunction with the Design Studies submission, the Owner shall have its consulting professional engineer identify the major and minor storm flow routes for the subject lands, all to the satisfaction of the City Engineer.
28. The Owner shall construct and have operational all major and minor storm flow routes for the subject lands, all to the satisfaction of the City Engineer.
29. The Owner shall promote the implementation of SWM soft measure Best Management Practices (BMP's) within the plan, where possible, to the satisfaction of the City Engineer. 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 Engineer.
- ~~35. 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.~~

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- 30. Prior to the acceptance of engineering drawings, the Owner’s consulting engineer shall certify the subdivision 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.**
- ~~36. 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 Engineer. This plan is to include measures to be used during all phases on construction. Prior to any work on the site, the Owner shall submit these measures as a component of the Functional SWM and/or Drainage Servicing Report for these lands and shall implement these measures satisfactory to the City Engineer. The Owner shall correct any deficiencies of the erosion and sediment control measures forthwith.~~
- 31. Prior to the acceptance of engineering drawings, the Owner’s consulting engineer shall certify the subdivision 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.**
- ~~37. The Owner shall provide security, satisfactory to the City Engineer, to ensure that the Erosion Sediment Control Plan (ESCP) will be effective in undertaking all necessary clean up work, all to the satisfaction of the City Engineer.~~
- 32. In conjunction with the Design Studies submission or update to the existing Design Studies, 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, and to the satisfaction of the City:**
- 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;**
- 33. In conjunction with the Design Studies submission, the Owner shall provide, to the City for review and acceptance, a geotechnical report to address all geotechnical issues with respect to the development of this plan, including, but not limited to, servicing, grading and drainage of this subdivision, road pavement structure, dewatering, any necessary setbacks related to slope stability for lands within this plan and any other requirements as needed by the City.**
- 34. In accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of stormwater management (SWM) and stormwater services for this draft plan of subdivision:**
- i) Implement all geotechnical recommendations with respect to all geotechnical issues, including erosion, maintenance and structural setbacks related to slope stability, if necessary, and ensure they are adequately addressed for the subject lands, to the satisfaction of the City;**
  - ii) Make provisions to oversize and deepen the internal storm sewers in this plan to accommodate flows from upstream lands external to this plan;**

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- iii) **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**
- iv) **Address forthwith any deficiencies of the stormwater works associated with this Plan.**

**Water Mains:**

35. The Owner shall connect the proposed watermains to serve this plan to the existing municipal 300 mm (12”) diameter water mains on Chalkstone Drive. The Owner shall construct the watermain on Chalkstone Drive with a minimum 300 mm diameter pipe, to the specifications and satisfaction of the City Engineer.

~~39. With the submission of the Design Studies, 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;~~
- ~~iii) identify need for the construction of external works;~~
- ~~iv) identify the effect of development on existing water infrastructure/identify potential conflicts;~~
- ~~v) water system area plan(s);~~
- ~~vi) water network analysis/hydraulic calculations for subdivision report;~~
- ~~vii) phasing report;~~
- ~~viii) oversizing of water main/cost sharing agreements.~~

36. In conjunction with the Design Studies submission or provide an update to the existing Design Studies, 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;
  - a) Identify need to the construction of external works;
  - b) Identify the effect of development on existing water infrastructure – identify potential conflicts;
  - c) Water system area plan(s)
  - d) Water network analysis/hydraulic calculations for subdivision report;
  - e) Phasing report;
  - f) Oversizing of watermain, if necessary and any cost sharing agreements.
  - g) Water quality
  - h) 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.

Prior to the issuance of any Certificate of Conditional Approval, the Owner shall implement the accepted recommendations to address the water quality

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**requirements for the watermain system, to the satisfaction of the City Engineer, at no cost to the City.**

~~40. 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~~

**Roadworks & Transportation:**

37. The following intersections are to be aligned in accordance with the requirements specified below, all to the specifications of the City Engineer:

- i) Street 'B' at the westerly limit of the plan of subdivision with Blakie Road in the proposed draft plan of subdivision 39T-05513;
- ii) Street 'B' at the easterly limit of the plan of subdivision with Street 'D' in the proposed draft plan of subdivision 39T-06504;
- iii) Street 'A' at the southerly limit of the plan of subdivision with Street 'B' in the proposed draft plan of subdivision 39T-06504;

~~42. The Owner shall ensure that all streets in the subdivision are to have centerline radii which conform to the City of London Standard "Minimum Centreline Radii of Curvature of Roads in Subdivisions" and will accommodate heavy truck traffic movements.~~

**38. 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" and will accommodate heavy truck traffic movements, to the satisfaction of the City. Streets that do not meet the City standards may need to be revised.**

~~43. The Owner shall have its professional engineer design and supervise the construction of the roadworks in accordance with the following road widths:~~

- ~~i) The proposed street outside this plan, between the north limit of Street 'A' to Exeter Road, (to be named Chalkstone Drive) has a minimum road pavement width (excluding gutters) of 11.0 metres (36.1'). The widened road on the proposed street from Exeter Road to 45 metres (150') south, shall be equally aligned from the centerline of the road and tapered back to the 9.5 metres (31.2') of road pavement width (excluding gutters) with a minimum road allowance of 21.5 metres (70').~~

**39. Street 'A' and Street 'B' have a minimum road pavement with (excluding gutters) of 9.5 metres (31.2') with a minimum road allowance of 21.5 metres (70').**

40. The Owner shall construct a 1.5 metre (5') sidewalk on one side of the following streets:

- i) Street 'A' – west boulevard
- ii) Street 'B' – south boulevard
- iii) Proposed street outside this plan between the north limit of Street 'A' to Exeter Road (to be named Chalkstone Drive) – west boulevard.

41. The Owner shall construct the sidewalks required as outlined in these conditions within a time-frame as directed by the City Engineer, upon determination by the City Engineer that these sidewalks are needed.

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42. The Owner shall reconstruct the proposed street outside this plan between the north limit of Street 'A' to Exeter Road (to be named Chalkstone Drive) from Exeter Road to the northerly limit of the draft plan of subdivision to industrial secondary collector road standards, including street lights, all at the Owner's expense and to the specifications of the City Engineer.
47. Upon completion of construction of the proposed street outside this plan between the north limit of Street 'A' to Exeter Road (to be named Chalkstone Drive), or as otherwise acceptable to the City Engineer, the Owner shall make arrangements with the City to have this section of road dedicated as public highway and named Chalkstone Drive.
43. The Owner shall dedicate 3.0 m x 3.0 m "daylighting triangles" at the intersection of 'collector' road streets in the plan (ie. Street 'A' at Street 'B' where 21.5 m r.o.w.'s meet) to satisfy requirements necessary for servicing bus transit routes, as specified by the City Engineer.
44. The Owner shall utilize construction access routes designated by the City Engineer from time to time.
45. The Owner shall ensure any emergency access required is satisfactory to the City Engineer with respect to all technical aspects, including adequacy of site lines, provision of channelization, adequacy of road geometries and structural design etc.
46. 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 Engineer 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.
47. The Owner shall construct Street 'A' and Street 'B' to industrial secondary collector road standards, to the specifications of the City Engineer.
48. The Owner shall construct a temporary turning facility to accommodate industrial traffic for vehicles at the following locations to the specifications of the City Engineer:
  - i) south limit of Street 'A'
  - ii) east and west limit of Street 'B'

Temporary turning circles for vehicles shall be provided to the City as required by the City Engineer, complete with any associated easements. When the temporary turning circle(s) are no longer needed, the City will quit claim the easements which are no longer required, at no cost to the City.
49. The Owner shall remove the existing temporary turning circle adjacent to Lots 10 and 11 and restore the road including sidewalks to the satisfaction of the City Engineer, at no cost to the City.
50. **All through intersections 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 Engineer.**
51. **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.**

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- 52. The Owner shall design and install street lighting on all streets and walkways in this plan to the satisfaction of the City, at no cost to the City. Where a street from an abutting development or developing area is being extended, the street lighting shall match the style of street light already existing or approved along the developed portion of the street, to the satisfaction of the City.**

**Phasing:**

53. Phasing of this subdivision (if any) shall be to the satisfaction of the Director of Development Planning and the City Engineer.
54. 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.

**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 Engineer, at no cost to the City.**

- ~~58. If this plan is developed in phases and any temporary measures are required, these temporary measures shall be constructed to the specifications and satisfaction of the City Engineer, at no cost to the City.~~
- ~~59. In the event the Owner wishes to phase this plan of subdivision, in conjunction with the Design Studies submission, the Owner shall submit a phasing plan, all to the specifications and satisfaction of the City of London.~~
- 55. 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.**

**GENERAL CONDITIONS**

- ~~60. 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.~~
- 56. 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.**
- ~~61. 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 Engineer.~~
- 57. Prior to final approval, the Owner shall make arrangements with the affected property owner(s) for the construction of any portions of services or grading situated on**



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**private lands outside this plan, and shall provide satisfactory easements over these works, as necessary, all to the specifications and satisfaction of the City, at no cost to the City.**

- 58. 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 Engineer.
- 59. 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 Engineer.
- 60. 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;
  - iii) Any damages caused by the connection to unassumed services shall be the responsibility of the Owner.
- 61. 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 Engineer, 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.
- 62. 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.
- 63. 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

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include measures to control the migration of any methane gas to abutting lands outside the plan.

64. The Owner’s professional engineer shall provide inspection services for all work during construction for all work to be assumed by the City, and have its professional engineer supply the City with a Certificate of Completion of Works upon completion in accordance with the plans accepted by the City Engineer.

65. 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.

66. 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”.

~~71. 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 domestic or farm wells in the area, to the satisfaction of the City Engineer. If necessary, the report is to also address any contamination impacts that may be anticipated or experienced as a result of the said construction. Any recommendations outlined in the report are to be reviewed and approved by the City Engineer, prior to any work on site. Any remedial works recommended in the report shall be constructed or installed by the Owner, prior to the issuance of a Certificate of Conditional Approval, to the satisfaction of the City, at no cost to the City.~~

**67. In conjunction with the Design Studies submission, the Owner shall provide an update to an existing hydrogeological report or 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 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.**

~~72. If this plan is developed in phases and any temporary measures are required, these temporary measures shall be constructed to the specifications and satisfaction of the City Engineer, at no cost to the City.~~

~~73. Prior to any work on site, the Owner shall determine if there are any abandoned wells in this plan and shall decommission and permanently cap any abandoned wells located in this plan, in accordance with current Provincial legislation, regulations and standards. It is the responsibility of the Owner to determine if any abandoned wells exist in this plan. 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.~~

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68. **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.**
- ~~74. In conjunction with registration of the plan, the Owner shall provide to the appropriate authorities such easements 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 Engineer, at no cost to the City.~~
69. **In conjunction with registration of the Plan, the Owner shall provide to the appropriate authorities such easements and/or land dedications 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.**
70. 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 of the City Engineer.
71. The Owner shall remove all existing accesses and restore all affected areas, all to the satisfaction of the City Engineer, at no cost to the City.
72. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
73. 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 Engineer.
- ~~79. In the event the Owner wishes to phase this plan of subdivision, in conjunction with the Design Studies submission, the Owner shall submit a phasing plan, all to the specifications and satisfaction of the City of London.~~
74. The Owner shall submit confirmation as part of Design Studies that they have complied with any requirements of Union Gas for this draft plan of subdivision.
75. The Owner shall notify all future developers that sewage control manholes, built to City of London standards, may be required for each individual industrial lot in accordance with the Waste Discharge By-law No. WM-16.
76. **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 property adjacent to the contamination. Should the site be free of contamination, the geotechnical engineer shall provide certification to this effect to the City.**
77. **Prior to the issuance of any Certificate of Conditional Approval, the Owner shall not develop this plan of subdivision until the plan of subdivision, Plan 39T-05513, to the west develops. Alternatively, make all necessary arrangements to construct**

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**adequate municipal services, grading, drainage and accesses over the external lands, to develop this plan, all to the satisfaction of the City Engineer, at no cost to the City.**