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**Draft Approval Extension 39T-08501  
Alanna Riley**

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>G. KOTSIFAS P.ENG. MANAGING DIRECTOR DEVELOPMENT &amp; COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>HIGHLAND GREEN LONDON INC. 181 &amp; 199 COMMISSIONERS ROAD EAST 39T-08501 – HIGHLAND GREEN SUBDIVISION EXTENSION TO DRAFT PLAN OF SUBDIVISION APPROVAL MEETING ON APRIL 11, 2016</b>

<b>RECOMMENDATION</b>
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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 Highland Green London Inc., File No. 39-08501, relating to the properties located at 181 & 199 Commissioners Road East:

- a) The Approval Authority **BE ADVISED** that Council **SUPPORTS** a three (3) year extension of draft approval for draft approved plan 39T-08501 submitted by Highland Green London Inc., prepared by ENG Plus (Project No. 06.257), certified by J. Andrew Smith OLS, on December 18, 2007, as red line amended, which shows 27 single detached residential lots served by an extension of Edwin Drive and an extension of Carnegie Lane **SUBJECT TO** the revised conditions contained in the attached Appendix "39T-08501"; and,
- b) The applicant **BE ADVISED** that the Director of Development Finance has summarized claims and revenues information in the attached Schedule "B".

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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**July 14, 2008** - Report to Planning Committee meeting on application for Draft Plan of subdivision approval and associated Zoning By-law amendment.

**July 21, 2008** - Report to special meeting of Planning Committee with recommendations, as directed by Committee at the July 14th meeting.

**September 27, 2010** - Report to Environment & Transportation Committee recommending the replacement of Conditions 28 & 29 (relating to the construction of a pumping station and forcemain) with a new condition requiring payment to cover the basement flooding mitigation measures for homeowners in the area.

**September 9, 2014** – Report to PEC recommending a one (1) year extension.

<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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The effect of the recommendation is to allow for a further three (3) year extension of the draft approval for the Highland Green subdivision.

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**BACKGROUND**

This application for Draft Plan of Subdivision Approval was accepted on May 28, 2007 and was assigned the subdivision file number 39T-07505. However, it was determined the face of the plan showed incorrect owner information. A corrected plan was filed with the City on January 7, 2008. The previous file was closed and the new file is assigned as 39T-08501. The correspondence and background information from the previous file was transferred into the current file.

The application was circulated to the required agencies and municipal departments. The Public Meeting was held on July 14, 2008. Draft Approval was granted by the Approval Authority on July 31, 2008.

The following extensions have been granted for this draft plan of subdivision:

- A six (6) month emergency extension – July 20, 2011
- A one (1) year extension – October 25, 2011
- A six (6) month extension – October 18, 2012
- A one (1) year extension – April 23, 2013
- A one (1) year extension – October 27, 2014
- A six (6) month emergency extension – September 10, 2015

The draft plan consists of two (2) parcels which are separately owned. As a result the subdivision agreement must be executed by both parties.

The last report to PEC recommended a one year extension to allow sufficient time for the owners to resolve issues in order to execute the Subdivision Agreement. Conditions were not recommended to be changed at that time, however, staff did indicate that any further requests for extensions would not be considered without changes to draft plan conditions. The land owners are still in negotiation and as a result an additional extension to draft approval is required.

**SIGNIFICANT DEPARTMENT/AGENCY COMMENTS**

Development Services 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.

**EVALUATION**

The subject lands are designated Low Density Residential which permits single detached dwellings and other forms of low rise residential development. 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.

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 are to address engineering issues. The amendments to the conditions of draft approval are shown as strikeouts (deletions) and bold italic lettering (additions) on the attached Appendix. If granted, the new draft approval lapse date would be April 30, 2019.

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As a result of these minor changes to the conditions of draft approval, an extension may be granted and there is no requirement for public notice of the changes (in accordance with Section 50 (33) & (47) of the Planning Act).

<b>CONCLUSION</b>
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The request for extension of draft approval is being made by the Highland Green London Inc. to allow sufficient time within which to complete final registration of the plan. A three year extension is being recommended, together with modifications to the 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

<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>JENNIE RAMSAY P.ENG. MANAGER DEVELOPMENT SERVICES &amp; ENGINEERING LIAISON</b>	<b>GEORGE KOTSIFAS P.ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES &amp; CHIEF BUILDING OFFICIAL</b>

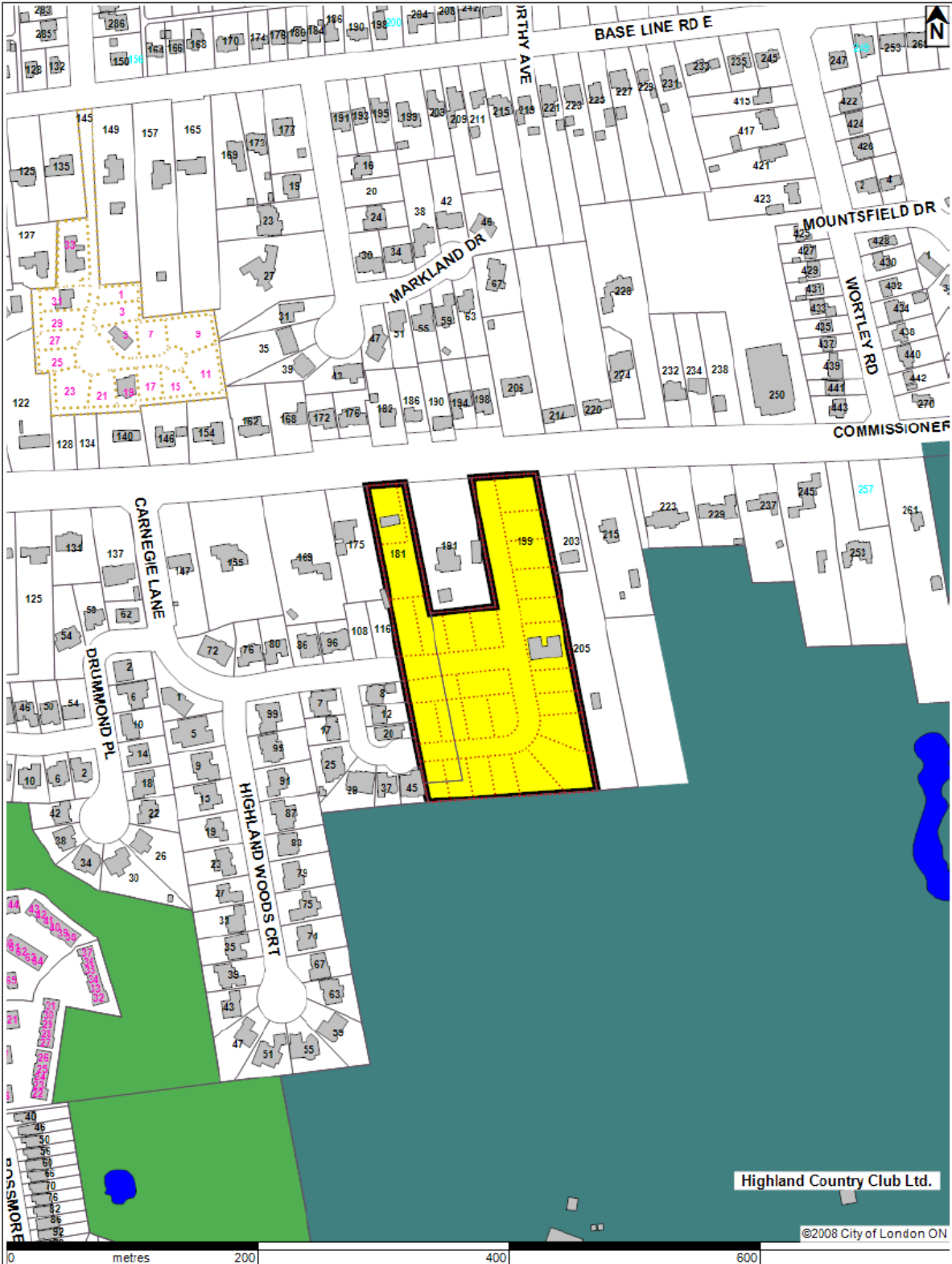
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Cc Highland Green London Inc.  
88 York Street  
London ON  
N6A1A7

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<p><b>LOCATION MAP</b></p> <p>Subject Site: Soufan - Plan of Subdivision          Applicant: 1441380 Ontario Ltd.          File Number: 39T-08501          Planner: Heather McNeely          Created By: Heather McNeely          Date: 2008-07-03          Scale: 1:3700</p>	<p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; border: 2px solid black; margin-right: 5px;"></span> Subject Site</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #90EE90; margin-right: 5px;"></span> Parks</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px dashed black; margin-right: 5px;"></span> Assessment Parcels</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #D3D3D3; margin-right: 5px;"></span> Buildings</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px solid black; margin-right: 5px;"></span> Address Numbers</li> </ul>
<p>Corporation of the City of London          Prepared By: Planning and Development</p>	



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measures to control silt to the specifications of the City Engineer. These measures are to remain in place until no longer needed, to the satisfaction of the City Engineer.

b) The Owner shall have its professional engineer inspect the measures on a daily basis and keep a log of the dates inspected and any deficiencies identified. The Owner shall have any deficiencies corrected forthwith. The logs shall be made available to the City Engineer upon request.

13. Prior to the acceptance of 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, private domestic or farm wells in the area and to assess the impact on the water balance of the subject plan, identifying all required mitigation measures, 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 the 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 Engineer, at no cost to the City.

- ~~14. Prior to any work on the 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.~~

14. **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.**

- ~~15. 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.~~

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

16. Prior to final approval, all required connections from this plan to all municipal services shall be available. No servicing of these lands shall take place until adequate servicing

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connections are available.

- ~~17. The Owners professional engineer shall provide inspection services for all work 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 Engineer.~~
- 17. The Owner’s professional engineer shall provide inspection services during construction for all work to be assumed by the City, and shall supply the City with a Certification of Completion of Works upon completion, in accordance with the plans accepted by the City Engineer.**
- ~~18. The Owner shall comply with all City of London standards, guidelines and requirements in the design of this draft plan. Any deviation to the City’s standards, guidelines, or requirements shall be completed to the satisfaction of the City Engineer and Managing Director, Development Approvals Business Unit.~~
- 18. 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.**
- 19. 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, 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.
- 20. 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 and/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 Director of Development Planning and the City Engineer, such submission will be returned to the Owner without detailed review by the City.
- ~~21. Prior to final approval, the Owner shall pay in full all financial obligations/encumbrances on the said lands, including property taxes and local improvement charges.~~

**PARKLAND:**

- 22. Prior to registration, the Owner shall make a cash-in-lieu payment of the 5% parkland dedication pursuant to City of London By-law CP-9.
- 23. Prior to the submission of engineering drawings, the Owner shall have a Tree Preservation Report, prepared by a Landscaped Architect or a Registered Professional Forester, for lands within the proposed draft plan of subdivision. The Tree Preservation Report shall be established prior to any grading/servicing design to accommodate maximum tree preservation.

The Tree Preservation Report shall focus on the preservation of quality specimen trees within Lots and Blocks and shall be completed in accordance with the current City of London Guidelines for the preparation of Tree Preservation Reports and Tree Preservation Plans to the satisfaction of the City Planner. The Owner shall incorporate

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the approved Tree Preservation Report and its recommendations into the accepted grading plans.

24. As part of the design studies, the Owner shall prepare and submit a detailed tree restoration plan including Lots 20 to 25, inclusive as identified on the draft plan of subdivision. The species selected to be planted both on the municipal road allowance and on the proposed lots shall meet the requirements of the City of London Guidelines for Tree Planting.

A restoration/tree replanting plan shall be prepared in consultation with the City' Planning Division and to the satisfaction of the City Planner. All planting work on the public road allowance shall be undertaken within one year of registration of this plan, at the sole expense of the Owner, completed to the satisfaction of the City Planner.

For Lots 20 to 25, inclusive, all plantings will be completed within one year of issuing the first building permit for the lot. Required securities to be posted and warranty periods shall be contained within the subdivision agreement and will be established to the satisfaction of the Director of Development Planning.

- ~~22. Prior to registration, the Owner shall make a cash payment in lieu of the 5% parkland dedication pursuant to City of London By-law CP-9.~~

- ~~23. Prior to the submission of engineering drawings, the Owner shall have a Tree Preservation Report and Plan prepared for lands within the proposed draft plan of subdivision. Tree preservation shall be established prior to grading/servicing design to accommodate maximum tree preservation. The Tree Preservation Report and Plan shall focus on the preservation of quality specimen trees within Lots and Blocks and shall be completed in accordance with the current City of London Guidelines for the preparation of Tree Preservation Reports and Tree Preservation Plans to the satisfaction of the Director of Development Planning. The Owner shall incorporate the approved Tree Preservation Plan on the accepted grading plans.~~

- ~~24. Prior to the submission of engineering drawings and concurrently with the submission of engineering drawings, the Owner shall prepare and submit a detailed tree replanting plan which covers Lots 20 to 25, inclusive identified on the draft plan of subdivision, as amended. The species selected to be planted both on the municipal road allowance and on the future proposed lots shall meet the requirements of the City of London Guidelines for Tree Planting. The re-naturalization/tree replanting plan shall be prepared in consultation with the City' Planning Division and to the satisfaction of the Director of Development Planning. All planting work on the public road allowance shall be undertaken within one year of registration of this plan, at the sole expense of the Owner, completed to the satisfaction of the Director of Development Planning. For Lots 20 to 25, inclusive, all plantings will be completed within one year of issuing the first building permit for the lot. Required securities to be posted and warranty periods shall be contained within the subdivision agreement and will be established to the satisfaction of the Director of Development Planning.~~

**PLANNING:**

25. Prior to final approval, the Owner shall remove, or demolish any accessory structures that exist on the subject lands necessary to bring any proposed lot into compliance with the zoning by-law.
26. Prior to submission of engineering drawings, the Owner shall have a qualified acoustical consultant prepare a noise study concerning the impact of traffic noise which considers alternative noise abatement measures that are to be applied in accordance with the



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requirements of the M.O.E. and the City Official Plan to be reviewed and accepted by the Director of Development Planning. The final accepted recommendations shall be constructed or installed by the Owner or may be incorporated into the subdivision agreement.

27. As part of the engineering drawing submission, the Owner shall incorporate enhanced landscaping and design on the north limit of proposed Lot 5, as amended, and the face of the dwelling, and in the side-exit of the local road accessing to Commissioners Road E, to the satisfaction of the Director of Development Planning. Any fence treatment shall consist of wrought iron, consistent with the fence treatment on the south side of Commissioners Road E.

**SANITARY:**

28. Prior to final approval, the Owner shall provide a lump sum payment in the amount of \$189,000 to the City of London, to cover the cost of basement flooding mitigation measures for homeowners in the area, who are determined by the City to require protection and agree to have the works undertaken.

~~29. (Deleted January 2011)~~

29. a) **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 200 mm (8") diameter sewer located on Commissioners Road E and;**
  - ii) **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 specifications of the City Engineer. This sewer must be extended to the limits of this plan and/or property line to service the upstream external lands.**
- b) **In order to prevent any inflow and infiltration from being introduced to the sanitary sewer system, the Owner shall undertake the following, throughout the duration of construction within this draft plan of subdivision, 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 Engineer, at no cost to the City, including but not limited to the following:**
- i) **Not allow any weeping tile connections into the sanitary sewers within this Plan;**
  - ii) **Have his consulting engineer confirm that the sanitary sewers meet allowable inflow and infiltration levels as per OPSS 410 and OPSS 407 and;**
  - iii) **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 sewers.**

**ALL NUMBERING WILL CHANGE WITH THE FOLLOWING CONDITIONS**

- ~~30. The Owner shall not connect any weeping tile connections into the sanitary sewers within this plan and all lots shall be connected to municipal sanitary sewers.~~

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**STORM/STORMWATER MANAGEMENT:**

31. a) The Owner shall have its consulting professional engineer design and supervise the construction of the storm/drainage system to service this plan and the total catchment area, to the specification and satisfaction of the City Engineer and according to the requirements of the following:
  - i) The SWM targets and criteria for the Thames Valley Area Subwatershed Study;
  - ii) The approved storm/servicing and Stormwater Management Functional Report for these lands;
  - iii) City of London SWM Pond requirements (update January 2003);
  - iv) The City's Drainage and Waste Discharge By-laws, lot grading standards, policies, requirements and practices;
  - v) Ministry of the Environment SWM Practices Planning and Design Manual; and
  - vi) Applicable Acts, Policies, Guidelines, Standards and Requirements of all relevant SWM agencies.
- b) The Owner shall construct the storm/drainage system to service this plan and the total catchment area, entirely at its own expense, to the satisfaction of the City Engineer and according to the requirements in part (a) above.
32. Prior to acceptance of the Design Studies submission, the Owner shall develop an erosion/sediment control plan (ESCP) 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 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.
33. Prior to the acceptance of the Design Studies submission, the Owner shall implement 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.
34. 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.
35. Prior to the submission of engineering servicing drawings, the Owner shall have its consulting professional engineer identify the major and minor storm flow routes for the entire catchment area(s) to the satisfaction of the City Engineer.

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- 57. The Owner shall construct storm sewers to serve this plan and connect them to the existing municipal sewer system, namely, the existing 600 mm (24") diameter storm sewer on Commissioners Road East.
  
- 58. In conjunction with the submission of the design studies, the Owner shall have their consulting engineer submit a stormwater servicing report/plan satisfactory to the City Engineer. This report shall include identification of the major and minor stormwater overland flow routes for the entire catchment area to the satisfaction of the City Engineer.
  
- 59. Prior to the issuance of a Certificate of Conditional Approval for lots and blocks in this plan or as otherwise approved by the City Engineer, all storm/drainage and stormwater management (SWM) works, including major and minor storm flow routes, shall be constructed and operational in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City Engineer.
  
- # 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;**
  - 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 and/or monitoring program.**
  
- # The Owner shall ensure the post-development discharge flow from the subject site must not exceed capacity of the stormwater conveyance system. In an event, where the condition cannot be met, the Owner shall provide SWM on-site controls that comply to the accepted Design Requirements for Permanent Private Stormwater Systems.**
  
- # The Owner shall ensure that all existing upstream external flows traversing this plan of subdivision are accommodated within the overall minor and major storm conveyance servicing system(s) design, all to the specifications and satisfaction of the City Engineer.**
  
- # Prior to the issuance of any Certificate of Conditional Approval, the Owner shall install the proposed stormwater management system, as identified on the accepted engineering drawings, including all orifice control devices on private property and on Commissioners Road East, to the satisfaction of the City.**
  
- # The Owner shall have it's professional engineer submit semi-annual monitoring reports to the City demonstrating that the works perform in accordance with the approved design criteria. The reports are to provide test results on the volume and nature of the sediment accumulating in the stormwater management works. The timing and content of the monitoring reports is to be in accordance with the City's "Monitoring and Operational Procedure for Stormwater Management Facilities" guidelines. The Owner shall ensure that the monitoring program**

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**commences when building permits have been issued on fifty percent (50%) of the lots in the Plan and shall continue until assumption.**

- # The Owner shall register against the title of Lots 6, 7, 13, 14, 16, 17, 23 and 24 in this Plan and shall include the following in the Agreement of Purchase and Sale for the transfer of each of the said lots, a covenant by the purchaser or transferee to observe and comply with the following:**
- i) Stormwater management controls have been implemented on the affected lots which will provide storage volumes on these lots in conjunction with the stormwater management system for this Plan of subdivision in accordance with the approved SWM Report prepared by Eng Plus Ltd.**
  - ii) The purchaser or transferee shall not alter or adversely affect the said stormwater management controls and/or stormwater storage areas on the said lots as shown on the accepted lot grading and servicing drawings for this subdivision.**

**WATER:**

- 36. The Owner shall connect the proposed watermains to serve this plan to the existing municipal 300 mm diameter watermain on Commissioners Road East, the 200 mm diameter watermain on Carnegie Lane and the 100 mm watermain on Edwin Drive.**

~~The Owner shall connect the proposed watermains to serve this plan to the existing municipal 300 mm (12") diameter water main on Commissioners Road E, the existing municipal 200 mm (8") diameter watermain on Carnegie Lane and the existing municipal 100 mm (6") diameter watermain on Edwin Drive.~~

- # Prior to the acceptance of the Design Studies submission, the Owner shall have it's 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.**

**TRANSPORTATION:**

- 37. At the time of registration, the Owner shall dedicate sufficient land to widen Commissioners Road E to 18 metres (59.06 ft.) from the centreline of the original road allowance.**
- 38. At the time of registration, the Owner shall dedicate 6.0 m x 6.0 m "daylighting triangles" at the intersection of Edwin Drive and Commissioners Road E in accordance with Section 4.24 of Zoning By-law no. Z.-1, and such "daylighting triangles" shall be shown and dedicated as public highways on the final plan.**
- 39. The Owner shall construct a 1.5 metres (5') sidewalk on one side of the following streets within a time-frame as directed by the City Engineer:**
- i) Carnegie Lane – north boulevard**
  - ii) Edwin Drive – west boulevard, from Carnegie Lane to Commissioners Road E**
- 40. The Owner shall design and construct Edwin Drive access at Commissioners Road E to rights-out only using a design satisfactory to the City Engineer.**

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41. The Owner shall direct all construction traffic associated with this draft plan of subdivision to use Commissioners Road E or other routes as designated by the City Engineer from time to time.
42. Prior to the submission of engineering drawings, the Owner shall notify the Utilities Coordinating Committee (UCC) that the extension of Edwin Drive in this draft plan of subdivision, being the extension of Edwin Drive, is a non-standard cross section previously approved under Plan 33M-433.
43. The Owner shall establish and maintain a Traffic Management Plan (TMP), when directed by the City, in conformance with City guidelines and to the satisfaction of the City Engineer for any construction activity that will occur on existing public roadways needed to provide services for this plan of subdivision. The TMP is a construction scheduling tool intended to harmonize a construction project's physical requirements with the operational requirements of the City of London, the transportation needs of road users and access concerns of area property owners. The Owner's contractor(s) shall undertake the work within the prescribed operational constraints of the TMP. The TMP will be submitted and become a requirement of the subdivision servicing drawings for this plan of subdivision.
44. At the time of registration, the Owner shall dedicate 0.3 metre road reserve blocks at the following locations:
  - i. West side of Street 'A' abutting lands (191 Commissioners Road E) outside of this plan, and
  - ii. North boundary of the subdivision, east of Street 'A',
45. ~~As part of the design studies submission, the Owner shall have its consulting engineer identify in a report and on acceptable drawings how the grading issues will be resolved upon the removal of the existing retaining walls at the east limit of Carnegie Lane and Edwin Drive in Plan M-433 to the west of this plan. Any remedial action required outside the boundaries of this plan shall be at the cost of the Owner.~~
46. The Owner shall have the common property line of Commissioners Road East 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 Commissioners Road East are the existing centreline of road grades as determined by the Owner's professional engineer, satisfactory to the City Engineer. From these, the Owner's professional engineer is to determine the elevations along the common property line which will blend with the existing road, all to the satisfaction of the City Engineer.
47. During the construction of Edwin Drive, the Owner shall remove the temporary turning circle at the limit of Edwin Drive in Plan 33M-433, all at no cost to the City. Upon completion of the removal of the temporary turning circle, the City shall provide \$10,000 to the Owner, which the City presently holds for this work.
- # **The Owner shall have it's professional engineer construct the roadworks in accordance with the following road widths:**
  - i) **Edwin Drive (between Commissioners Road East and Carnegie Lane) and Carnegie Lane have a minimum road pavement width (excluding gutters) of 6.0 metres (19.7') with a minimum road allowance of 18 metres (60').**

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- ii) **Edwin Drive (from Carnegie Lane to the west limit of the plan) shall have a minimum road pavement width (excluding gutters) of 6.0 metres (19.7') with a minimum road allowance of 15.0 metres.**
  
- # **The Owner shall be required to make minor boulevard improvements on Commissioners Road East 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.**
  
- # **Within one year of registration of the plan, the Owner shall install street lighting on all streets and walkways in this plan to the satisfaction of the City, at no cost to the City. Where an Owner is required to install street lights in accordance with this draft plan of subdivision and where a street from an abutting developed or developing area is being extended, the Owner shall install street light poles and luminaires, along the street being extended which match the style of street light already existing or approved along the developed portion of the street, to the satisfaction of the City.**
  
- # **Prior to any construction activity in this plan of subdivision, the Owner shall install a temporary rights-in/rights-out only access from Commissioners Road to Edwin Drive, to the satisfaction of the City, at no cost to the City.**
  
- # **The Owner shall maintain the temporary rights-in/rights-out only access until the permanent rights-out access is installed and barricades at Carnegie Lane and Edwin Drive are removed as directed by the City.**
  
- # **Barricades are to be maintained at the east limit of Edwin Drive and Carnegie Lane in Plan 33M-433 until the removal of the temporary rights-in/rights-out only access on Commissioners Road East servicing Edwin Drive, or as otherwise directed by the City Engineer. At that time, the Owner shall remove the barricades with the removal of the temporary turning circles in Plan 33M-433.**
  
- # **The Rights-in/Rights-out access servicing Edwin Drive at Commissioners Road East will only be permitted on a temporary basis. The Owner shall install base asphalt and curb and gutter in this Plan of Subdivision prior to the removal of the temporary rights-in/rights-out only access from Commissioners Road East. At that time, the Owner shall construct the permanent rights-out only access to Commissioners Road East at Edwin Drive and remove the barricades at Carnegie Lane and Edwin Drive in Plan 33M-433 to the west of this Plan, all to the satisfaction and/or direction by the City.**
  
- # **The Owner shall register against the title of all lots in this plan and shall include the following in the Agreement of Sale for the transfer of each of the said lots, a covenant by the purchaser or transferee to observe and comply with the following:**
  - i) **Temporary rights-in/rights-out only access to Commissioners Road East at Edwin Drive will remain in place only during the construction stage of this plan or as directed by the City; and**
  - ii) **The permanent rights-out only access to Commissioners Road East at Edwin Drive will be installed following the removal of the temporary rights-in/rights-out access. Full access to Commissioners Road East will be available via Carnegie Lane.**

48. ~~(Condition deleted October 2011)~~

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**OTHER SERVICE ISSUES:**

49. ~~Where services required by this plan are located outside this plan, the Owner shall demonstrate that arrangements have been made for these services all satisfactory to the City Engineer. Confirmation of the arrangements shall be submitted in conjunction with the design studies.~~
50. In conjunction with the Design Studies submission, the Owner shall have it's 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.
51. The Owner shall not burn any materials on site.
52. Prior to the issuance of a Certificate of Conditional Approval, the Owner shall have the existing access and services to 199 Commissioners Road East, 203 Commissioners Road East, 205 Commissioners Road East and 279 Commissioners Road East relocated and/or reconstructed to the satisfaction of the City Engineer. Any portion of existing services not used shall be abandoned and capped to the satisfaction of the City Engineer, all at no cost to the City. In addition, the Owner shall regrade areas within Lot 10 (199 Commissioners Road East) to be compatible with the proposed subdivision grading and drainage, to the satisfaction of the City Engineer.
53. As part of the detailed design drawings, the Owner shall identify locations of all existing infrastructure, ie, water, septic, storm, hydro, driveways, etc., and their decommissioning or relocation, to the satisfaction of the City Engineer.
54. As part of the design studies submission, the Owner shall have his consulting engineer investigate whether there is a municipal drain located on this site. Should there be a municipal drain, the Owner shall identify and prepare a report of any works required to keep this municipal drain in operation or the decommissioning of the drain, to the satisfaction of the City Engineer.
55. Upon registration of the plan, the Owner shall register a warning clause on the title of Lots 10 to 25, as amended, inclusive to advise potential purchasers that their use and enjoyment of their property may be negatively impacted by proximity of golf course operations on an adjoining property.
56. As part of the design studies submission, the Owner shall have its consulting engineer identify how the grading issues will be resolved along the west limit of this plan, to the satisfaction of the Director of Development Planning and City Engineer, any remedial action is at the cost of the Owner.
60. As part of the design studies submission, the Owner shall provide the dwelling design on Lot 5 by incorporating street-oriented development to avoid the need for a noise attenuation wall along Commissioners Road E, to the satisfaction of the Director of Development Planning.
61. Upon registration of the plan, the Owner shall convey an easement over the east limit of Lot 26, as amended, in favour of 191 Commissioners Road E for a possible future common driveway access in the event the lands at 191 Commissioners Road E develop.

**New Conditions:**

- ~~62. Prior to the acceptance of servicing drawings, the Owner shall contact the Utilities Coordinating Committee (UCC) should the right-of-way for Carnegie Lane and Edwin Drive,~~

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~~between Carnegie Lane and Commissioners Road East, be less than the City standards of 20.0 metres. Carnegie Lane and Edwin Drive, between Carnegie Lane and Commissioners Road East, are to have a minimum pavement width of 8.0 metres. It is noted the plan of subdivision may require adjustments to accommodate the pavement widths.~~

- 63. The Owner shall have its professional engineer design and supervise the construction of Edwin Drive, between Commissioners Road East and Carnegie Lane to City standards with regards to the existing grade and conditions along the boundary of this street and the abutting lands to the west, to the specifications of the City Engineer. The Owner shall make any necessary adjustments to the right-of-way, pavement, boulevard, sidewalks, utilities and services to accommodate the existing grades and conditions without requiring a retaining wall and to the satisfaction of the City Engineer, at no cost to the City.
  
- 64. The Owner shall not commence construction or installations of any services (eg. 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 (eg. Ministry of the 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 the Environment, City, etc.)
  
- ~~65. 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 and after construction, satisfactory to the City Engineer, at no cost to the City.~~
  
- ~~66. Following construction of the sanitary sewers, the Owner shall have its consulting engineer confirm that the sanitary sewers meet allowable inflow and infiltration levels as per OPSS 410 and OPSS 407. Also, if requested, the Owner shall permit the City to undertake smoke testing of the system at any time prior to assumption of the subdivision.~~
  
- ~~67. 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.~~
  
- 67. 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.**

~~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.~~
  
- 68. 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 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.**



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~~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.~~

69. 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.
- ~~70. 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 Engineer. 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.~~
- ~~71. In the event the draft plan develops in phases, prior to final approval 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.~~
72. 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.
73. 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.
74. 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.
75. 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

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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.

- 76. The Owner shall have it's professional 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".
- 77. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
- 78. 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. The Owner shall decommission any existing infrastructure affected by the development of this site, at no cost to the City, including cutting the water service and capping it at the watermain, as required by and to the specifications of the City Engineer.
- 80. Prior to final approval, the Owner shall apply for and receive draft plan of condominium approval (and if required, an associated Zoning By-law amendment) on Lots 1, 2, 3 and 4, to provide for the ongoing maintenance of the private drywell system that receives surface drainage from these lots. The ongoing maintenance and associated cost of the system shall be identified as the sole responsibility of the benefitting lot owners.
- # 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.**
- # 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.**
- # 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.**
- # Prior to the issuance of any Certificate of Conditional Approval, the Owner shall remove the existing retaining walls at the east limit of Carnegie Lane and Edwin Drive in Plan 33M-433 to the west of this Plan and make all necessary arrangements to grade the adjacent lands outside the boundaries of this Plan to be compatible with the accepted grades in this Plan, to the satisfaction of the City, at no cost to the City.**

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- # **Prior to the issuance of any Certificate of Conditional Approval, in order to develop this site, the Owner shall make arrangements with the adjacent property owner to the west to regrade a portion of the property abutting Lots 1 to 4 and Edwin Drive, north of Lot 4, in conjunction with grading and servicing of this subdivision, to the specifications of the City, at no cost to the City.**
  
- # **Should the current or any future Owner submit a revised development proposal for these lands, the applicant may be required to complete a design studies submission as per the File Manager process and resubmit engineering drawings, all to the satisfaction of the City.**

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**SCHEDULE 'B'**

**Related Estimated Costs and Revenues**

Estimated DC Funded Servicing Costs <sup>Note 1</sup>	Estimated Cost <sup>Note 3</sup> (excludes HST)
Claims for developer led construction from CSRF - None Identified.	\$0
Total	\$0
Estimated Total DC Revenues <sup>Note 2</sup> (2016 Rates)	Estimated Revenue <sup>Note 3</sup>
CSRF	\$709,344
UWRF	\$63,747
TOTAL	\$773,091

1 No claims have been identified by the applicant.

2 Estimated Revenues are calculated using 2016 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.

Reviewed by:

Mar 30/16  
Date

P. Christiaans  
Peter Christiaans  
Director, Development Finance