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**Draft Approval Extension 39T-04512
Nancy Pasato**

FROM:	G. KOTSIFAS P.ENG. MANAGING DIRECTOR DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT:	700531 ONTARIO LIMITED (MARSMAN) 1300 FANSHAWE PARK ROAD EAST EXTENSION TO DRAFT PLAN OF SUBDIVISION APPROVAL MEETING ON FEBRUARY 6, 2017

RECOMMENDATION

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

- a) the Approval Authority **BE ADVISED** that Council supports a three (3) year extension to Draft Approval for the draft plan of subdivision submitted by 700531 Ontario Limited, prepared by AGM Ltd., certified by Bruce S. Baker, Ontario Land Surveyor (Plan No. 9-L-4901, dated August 30, 2016), which shows one (1) commercial block, two (2) high density residential blocks, one (1) medium density residential block, one (1) park block, and several reserve and road widening blocks served by one (1) new secondary collector road (Blackwell Boulevard) **SUBJECT TO** the revised conditions contained in the attached Schedule "A"; and
- b) the applicant **BE ADVISED** that the Director of Development Finance has projected the following claims and revenues information attached as Schedule "B".

PURPOSE AND EFFECT OF RECOMMENDED ACTION

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

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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June 19, 2006 – Environment and Transportation Committee approves initiation of the Stoney Creek Sanitary Sewer Extension Municipal Class EA.

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

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

March 26, 2007 - Municipal Council deferred the request by 700531 Ontario Limited for the Municipal Class EA to be fully funded by the developer without any compensation or implied commitment to future development until such time as further financial information is available

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through the Urban Works Reserve Fund/Development Charge Implementation Team.

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

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

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

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

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

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

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

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

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

September 10, 2013 - Report to Planning Committee on three year extension for draft plan of subdivision.

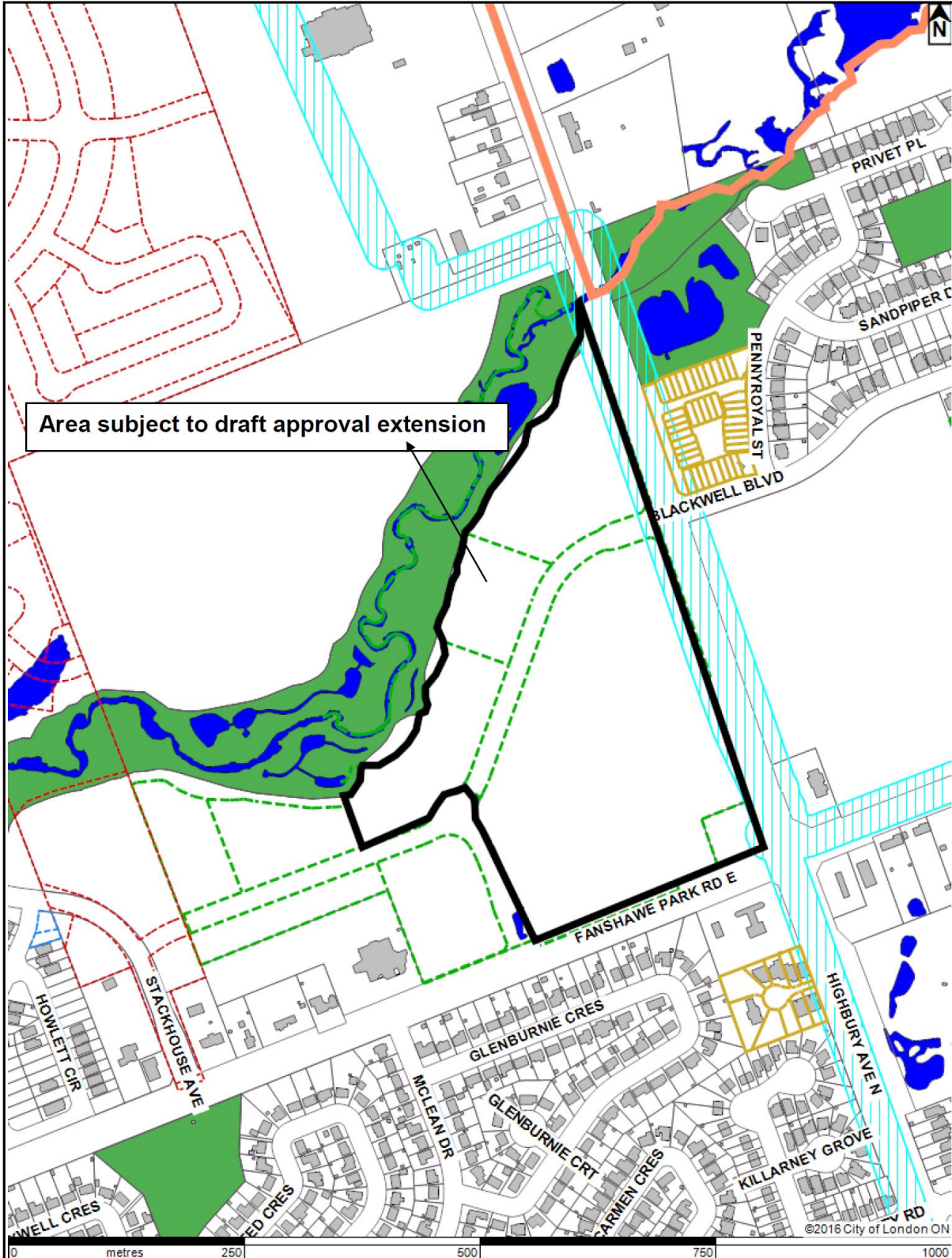
June 20, 2016 - Report to Planning Committee on special provisions for the subdivision agreement for Phase 1 of the draft plan of subdivision.

July 18, 2016 - Report to Planning Committee on removal of holding provisions for Phase 1 of the draft plan (H-8600) three year extension for draft plan of subdivision.

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Location Map



<p align="center">LOCATION MAP</p> <p>Subject Site: 1300 Fanshawe Park Rd E Applicant: 700531 Ontario Limited File Number: 39T-04512 Planner: Nancy Pasato Created By: Nancy Pasato Date: 2016-08-08 Scale: 1:5000</p>	<p align="center">LEGEND</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 20px; text-align: center;">■</td> <td>Subject Site</td> </tr> <tr> <td style="width: 20px; text-align: center;">■</td> <td>Parks</td> </tr> <tr> <td style="width: 20px; text-align: center;">■</td> <td>Assessment Parcels</td> </tr> <tr> <td style="width: 20px; text-align: center;">■</td> <td>Buildings</td> </tr> <tr> <td style="width: 20px; text-align: center;">■</td> <td>Address Numbers</td> </tr> </table>	■	Subject Site	■	Parks	■	Assessment Parcels	■	Buildings	■	Address Numbers
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<p>Corporation of the City of London Prepared By: Development and Compliance Services</p>											

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BACKGROUND

Overview:

The original submitted plan of subdivision contained 23.1 hectares (57 ac.) of land located at 1300 Fanshawe Park Road East, legally described as Part of Lot 9, Concession 5, (geographic Township of London. It consisted of two (2) commercial blocks, two (2) high density residential blocks, two (2) medium density residential blocks, one (1) stormwater management block, one (1) open space block, one (1) park block, and several reserve and road widening blocks served by two (2) new secondary collector roads. The application for Draft Plan of Subdivision was accepted in December, 2004. The plan was draft approved on October 18, 2006. No appeals to the Draft Plan Approval were received within the time allowed for such appeals.

Subsequent to the granting of draft approval in October 2006, the City of London acquired the northern portion of the lands (generally Block 9 “Open Space” lands) for stormwater management purposes. Two extensions of draft plan approval were granted for the file in April, 2010, and in October, 2013.

Since the most recent draft plan extension, additional lands were acquired by the City adjacent to the Stoney Creek (May, 2016). Phase 1 of the draft plan (approximately 4.2 ha), consisting of one (1) multi-family block (street townhomes), one (1) commercial block, one (1) park block, one (1) stormwater management block, and five (5) reserve blocks, all served by two new secondary collector roads (Rob Panzer Road, and Blackwell Boulevard), was granted final approval by the Approval Authority on September 12, 2016 and is registered as 33M-701.

The Applicant has requested draft plan extension for the remainder of the lands. A six month emergency extension was granted by the Approval Authority in October, 2016. The current draft plan is set to expire on February 20, 2017.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Upper Thames River Conservation Authority (UTRCA)

The subject lands are regulated by the UTRCA in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the Conservation Authorities Act. The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

Please be advised that the UTRCA issued permit No. 84/16 on July 15, 2016. We remind the applicant that the works are to be completed in accordance with the submitted plans and supporting documentation, and the Conservation Authority is to be notified when the works have been completed.

Accordingly, the UTRCA is prepared to clear condition numbers 15, 38, 39, 40, 46, 53, 54 55 and 60.

We note that there are conditions (i.e. 30 and 31) which speak to a public trail which is to be located along the south side of Stoney Creek. We note that this trail is proposed to be located within the 6 metre erosion access allowance, within a setback also serving as the maintenance access road servicing the stormwater management facility on the subject lands. While UTRCA policy stipulates that development is not permitted in natural hazard lands which includes the 6

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metre erosion access allowance, we acknowledge that the channel and the berm have been evaluated and approved through an Environmental Assessment process and that that these features are engineered and therefore are stable and safe. Because of these factors, the Conservation Authority is prepared to allow this policy exception and have no objections to the public trail being located within the 6 metre erosion access allowance.

The Authority has no objections to this request for extension of draft plan approval.

Staff Response: Revisions to specific conditions have been made as per UTRCA's request.

ANALYSIS

On July 20, 2016, 700531 Ontario Limited submitted a request for extension of draft approval for a period of three years. Notice of the requested extension was circulated to affected agencies and those who requested a copy of the decision on August 10, 2016. In order to allow sufficient time to process this extension request a six (6) month emergency extension was granted by the Approval Authority. This emergency extension is set to expire on February 20, 2017.

The Applicant has proposed a number of changes to the draft plan conditions as a result of additional lands acquired by the City, and the registration of Phase 1 (which consisted of the park block and the stormwater management block).

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

The 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 Schedule "A". If granted, the new draft approval lapse date would be February 20, 2020.

No changes are being proposed to the current zoning, road alignments and block pattern in this draft plan. 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).

The Applicant has received the proposed conditions and has no concerns.

The London Plan

The subject lands are located within a "Neighbourhood" and "Shopping Area" Place Type. Blackwell Boulevard and Rob Panzer Road are classified as a "Neighbourhood Connector" in the London Plan.

The new London Plan recognizes that some previously designated High Density Residential areas, even where they are not within the targeted place, should be allowed to develop for high density uses. Map 2 in the London Plan identifies these previously designated areas. The subject site is one of the areas identified on Map 2.

While the proposed form and intensity of development, as currently zoned and draft approved, are substantially consistent with the policy framework of the London Plan, there are some elements of the London Plan that could affect the pattern of development if future draft plan extensions are requested, including but not limited to, restrictions on form (such as fourplexes,

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stacked townhouses and low-rise apartments) and height within multi-family Block 2, and restrictions on height for Blocks 3 and 4. The proposed development is consistent with the policy regime of the Official Plan in effect at the time the application for draft plan extension was accepted.

Public Notice

Notice of the extension request was circulated to those individuals who requested the notice of decision from the previous plan of subdivision. No comments were received.

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

CONCLUSION

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

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

January 30, 2017
NP/np

"Attach."

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Schedule “A”

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

NO.	CONDITIONS
1.	<p>This draft approval applies to the draft plan submitted by 700531 Ontario Limited, prepared by <u>AGM Ltd.</u>, certified by Bruce Baker, Ontario Land Surveyor, dated <u>August 30, 2016</u>, File No. <u>LT-05-09-10</u>, Plan No. <u>9-L-4901</u>, <u>as redlined</u>, which shows <u>one (1) commercial block, two (2) high density residential blocks, one (1) medium density residential block, one (1) park block, and several reserve and road widening blocks served by one (1) new secondary collector road (Blackwell Boulevard).</u></p> <p>This draft approval applies to the draft plan submitted by 700531 Ontario Limited, prepared by Development Engineering (London) Limited, certified by Bruce Baker, Ontario Land Surveyor, dated SEP 22, 2003, File No. 39T-04512, Plan File No. D1082-DPSouth, as red-line amended, which shows 2 commercial blocks, 2 high density residential blocks, 2 medium density residential blocks, 1 stormwater management block, 1 park block, 1 open space block and several reserve and road widening blocks served by 2 new secondary collector roads.</p>
2.	<p>This approval of the draft plan applies until <u>October 18, 2019</u>, 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.</p> <p>This approval of the draft plan applies until <u>October 18, 2016</u> <u>October 18, 2013</u>, 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.</p>
3.	<p>The road allowances included in this draft plan shall be shown on the face of the plan and dedicated as public highways.</p>
4.	<p>Street “A” shall be named Rob Panzer Road and Street “B” shall be named Blackwell Boulevard, to the satisfaction of the City.</p>
5.	<p>The Owner shall request that municipal addresses shall be assigned to the satisfaction of the City.</p>
6.	<p>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.</p>
7.	<p>Prior to final approval, appropriate zoning shall be in effect for this proposed subdivision.</p>
7.	<p>The Owner shall satisfy all the requirements, financial and otherwise, of the City of London in order to implement the conditions of this draft approval.</p>
8.	<p>The subdivision agreement between the Owner and the City of London shall be registered against the lands to which it applies.</p>
9.	<p>In conjunction with registration of the Plan, the Owner shall provide to the appropriate authorities such easements and/or land dedications (e.g. 0.3 metre reserve blocks) as may be required for all municipal works and services associated with the development of</p>

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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.

10. Phasing of this subdivision (if any) shall be to the satisfaction of the City.
 11. 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.
 12. Prior to Final Approval, all required connections from this plan to municipal services shall be available.
 13. The Owner shall implement the requirements of the City of London concerning sedimentation and erosion control measures during all phases of construction. The Owner's professional engineer shall have these requirements established and approved by the City, prior to any work on the site.
 14. The Owner shall not commence construction or install *any* services (eg. Clearing or servicing of land) involved with this plan prior to entering into a site alteration agreement or subdivision agreement and obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, unless otherwise approved by the City in writing; (e.g. MOE certificates; City/Ministry/Agency permits: Approved Works, water connection, water-taking, navigable waterways; approvals: UTRCA, MNR, MOE, City; etc.).
 - ~~16. In conjunction with the Design Studies submission, the Owner shall have a report prepared by a qualified consultant, and if necessary, a detailed hydro geological investigation carried out by a qualified consultant to determine the effects of the construction associated with this subdivision on the existing ground water elevations and springs, water wells and domestic or farm wells in the area and identify any abandoned wells in this plan, assess the impact on water balance and any fill required in the plan, to the satisfaction of the City. If necessary, the report is to also address any contamination impacts that may be anticipated or experienced as a result of the said construction as well as provide recommendations regarding soil conditions and fill needs in the location of any existing watercourses or bodies of water on the site.~~
- ~~Prior to the issuance of any Certificate of Conditional Approval, any remedial or other works as recommended in the above accepted hydrogeological report shall be implemented, by the Owner to the satisfaction of the City at no cost to the City.~~
- ~~17. The Owner shall obtain and submit to the City prior to any work on the site a letter of archaeological clearance from the Southwestern Regional Archaeologist of the Ministry of Culture. No final approval shall be given, and no grading or other soil disturbance shall take place on the subject property prior to the letter of release from the Ministry of Culture.~~
 15. Prior to any work on the site, the Owner shall decommission and permanently cap any abandoned wells located in this Plan, in accordance with current provincial legislation, regulations and standards. In the event that an existing well in this Plan is to be kept in service, the Owner shall protect the well and the underlying aquifer from any development activity.
 - ~~19. In conjunction with the Design Studies submission, the Owner shall have its professional engineer provide an opinion for the need for an Environmental Assessment under the~~

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~~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.~~

16. 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.
~~The Owner shall provide inspection during construction by its professional engineer for all work to be assumed by the City, and have its professional engineer supply the City with a certificate of compliance upon completion in accordance with the plans approved by the City.~~
17. 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.
~~The Owner shall comply with all City of London standards, guidelines and requirements in the design of this draft plan including required engineering drawings. Any deviation to the City's standards, guidelines, or requirements shall be completed to the satisfaction of the City and General Manager of Planning and Development.~~
18. For the purpose of satisfying any of the conditions of draft approval herein contained, the Owner shall file, with the City, complete submissions consisting of all required studies, reports, data, information or detailed engineering drawings, all to the satisfaction of the City. The Owner acknowledges that, in the event that a submission does not include the complete information required by the City, such submission will be returned to the Owner without detailed review by the City.
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 for registration, and to advise the Approval Authority in writing how each of the conditions of draft approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the Approval Authority, such submission will be returned to the Owner without detailed review by the City.

PLANNING

- ~~23. Prior to final approval, the Owner shall have a qualified acoustical consultant prepare a noise study in accordance with the Ministry of Environment Guidelines and City of London Official Plan concerning the impact of traffic noise on Block 3. The final accepted recommendations shall be incorporated into the subdivision agreement with the City.~~
- ~~24. For residential Blocks proposed for street townhouse dwellings, the Owner, shall as part of the registration of the plan, make the necessary legal arrangements to establish a minimum of a one (1.0) metre rear yard maintenance easement where the units to be built do not provide direct access to the rear yard from the garage for "internal unit" (not "end unit") Owners.~~
- ~~25. Prior to any application for site plan approval or any application for a plan of condominium for Blocks 3, 4, and 5, the Owner shall submit a building orientation plan to the City for acceptance. The building orientation plan shall demonstrate how the development is oriented to the streetscape. The accepted building orientation plan will~~

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~~be incorporated into the approved development agreement and site plan agreement between the Owner and the City.~~

PARKS and OPEN SPACE

- 20. ~~A the time of registration of the plan, dedication of Block 8 (1 ha in area) to the City to satisfy the parkland dedication requirements for commercial Blocks 1 and 2 and the first 245 dwelling units on residential Blocks 3, 4, 5, and 6. At the time of registration of the plan, an easement will be given to the City over a portion of Block 4 (approx. 0.021 ha in size) to be used as part of the future pathway. This easement will satisfy parkland dedication for four (4) units. Cash-in-lieu of parkland in accordance with By-law CP-9 shall be required for the 223rd dwelling unit or greater in residential Blocks 3, 4, 5, and 6.~~

- ~~26. At the time of the Development Agreement for Blocks 3, 4 and 5, the Owner shall erect a 1.5 m high chain link fence (SPO4.8), or alternative arrangement for the fence or timing to install the fence, to the satisfaction of the City, along the northern limit of Blocks 3, 4 and 5.~~

- ~~27. In conjunction with the Design Studies submission, the Owner shall demonstrate, to the satisfaction of the City, that there is a viable corridor for a public trail along the south side of Stoney Creek along the length of this plan.~~

- ~~28. The Owner shall grant an easement to the City of London for public trail purposes to the satisfaction of the City over any servicing easement.~~

- 21. The Owner shall not grade into any open space area. Where Blocks abut an open space area, all grading of the developing lots or blocks at the interface with the open space areas are to match grades to maintain existing slopes, topography and vegetation. In instances where this is not practical or desirable, any grading into the open space shall be to the satisfaction of the City.

- ~~29. The Owner shall submit the landscaping plan as part of the first submission engineering drawings for the stormwater management facility on Block 7, to the satisfaction of the City.~~

- ~~30. The Owner shall prepare an Environmental Impact Statement Addendum to the satisfaction of the City to address the possible impacts of the stormwater management facility outlet on Stoney Creek.~~

- ~~31. In conjunction with the Design Studies submission, a park concept plan of Block 8 shall be prepared by the Owner's landscape consultant (OLA), in consultation with Parks Planning and Design, and submitted for review and approval by the City.~~

- ~~32. The Owner shall grade, service and seed Block 8 within one year of registration of the plan, to the satisfaction of the City.~~

- ~~33. Within one year of the registration of this plan, the Owner shall construct the approved neighbourhood park plan for Block 8, in accordance with the approved concept plan, to the satisfaction of the City.~~

UTRCA

- ~~34. The Owner shall show existing and ultimate Regulatory floodlines and erosion access setback (6 metres) on all engineering drawings submitted for review.~~

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- ~~35. The Owner shall provide engineering and ecological supporting documentation to the UTRCA for all drainage outlets to the Regulatory floodplain prior to final approval.~~
- ~~36. The Owner shall obtain a permit pursuant to Section 28 of the Conservation Authorities Act prior to any filling, grading, or construction within the Regulated Area. The submissions for approval may include slope protection and restoration drawings and supporting technical justification.~~

SANITARY

- ~~37. In conjunction with the Design Studies submission, the Owner shall have his consulting engineer prepare and submit the following sanitary servicing design information:

 - ~~i) Provide a sanitary drainage area plan, including the sanitary sewer routing and the external areas to be serviced to the satisfaction of the City;~~
 - ~~ii) Provide a sanitary servicing plan to confirm that connections to the Stoney Creek Trunk Sanitary Sewer will be limited to large diameter pipes to serve blocks or local streets within this plan. If multiple private drain connections are proposed, a local sanitary sewer would be required and included on the sanitary servicing plan; and~~
 - ~~iii) Provide a hydrogeological report which includes an analysis of the water table level of the lands within the subdivision with respect to the depth of the local sanitary sewers 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.~~~~
- ~~38. In accordance with City standards or as otherwise required by the City, 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 _____ mm (____") diameter sanitary sewer located on Blackwell Boulevard; If the subject plan develops in advance of the subdivision to the ____ of this plan, the Owner shall make arrangements with the affected property owner(s) for the construction of any portions of the outlet sewers situated on private lands outside this plan and shall provide satisfactory easements, as necessary, all to the specifications of the City. Construct the extension of the Stoney Creek Trunk Sanitary Sewer from the existing stub at the western limit of this plan to Highbury Avenue in accordance with the Stoney Creek Trunk Sanitary Sewer Class EA (July 2010).~~
 - ~~ii) Construct local sanitary sewers to serve this Plan and connect them to the extension of the Stoney Creek Trunk Sanitary Sewer provided for in Condition 43 i);~~
 - ~~iii) 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. This sewer must be extended to the limits of this plan and/or property line to service the upstream external lands; and~~
 - ~~iv) 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. If necessary, 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. –~~~~

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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) Install Parson Manhole Inserts (or approved alternative satisfactory to the City Engineer) in all sanitary sewer maintenance holes at the time the maintenance hole(s) are installed within the proposed draft plan of subdivision. The Owner shall not remove the inserts until sodding of the boulevard and the top lift of asphalt is complete, all to the satisfaction of the City Engineer.
- iv) Having his consulting engineer confirm that the sanitary sewers meet allowable inflow and infiltration levels as per OPSS 410 and OPSS 407; and
- v) Implementing any additional measures recommended through the accepted Design Studies.

~~In order to prevent any inflow and infiltration from being introduced to the sanitary sewer system, the Owner shall undertake the following:~~

- ~~i) 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, at no cost to the City;~~
- ~~ii) Not allowing any weeping tile connections into the sanitary sewers within this Plan;~~
- ~~iii) 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 sewers; and~~
- ~~iv) Having his consulting engineer confirm that the sanitary sewers meet allowable inflow and infiltration levels as per OPSS 410 and OPSS 407.~~

23. Prior to registration of this Plan, the Owner shall obtain consent from the City to reserve capacity at the Adelaide Pollution Control Plant for this subdivision. This treatment capacity shall be reserved by the City 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. 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.

STORM AND STORMWATER MANAGEMENT

24. The Owner shall construct the storm sewers to serve this plan and connect them to this plan to the storm outlet for the subject lands which is the Stoney Creek via the existing storm sewer, namely, the 750 mm diameter storm sewer on Blackwell Boulevard and Rob Panzer Way. ~~proposed Stormwater Management Facility to be located in Block 7 of this plan.~~

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- ~~39. In conjunction with the Design Studies submission, the Owner shall submit a report to confirm the stable top-of-slope line, identify any necessary structural design considerations. The report shall be prepared to the satisfaction of the City and the Upper Thames River Conservation Authority.~~
25. The Owner shall have his consulting professional engineer design and construct the proposed storm/drainage and Stormwater Management servicing works for the subject lands, all to the specifications and satisfaction of the City in accordance to the requirements of the following:
- i) The SWM criteria and environmental targets for the Stoney Creek Subwatershed Study;
 - ii) The approved Storm/Drainage and SWM Servicing Functional Report for the subject lands;
 - iii) The accepted Municipal Class EA for Storm Drainage and Stormwater Management Servicing Works for the Stoney Creek Undeveloped Lands (2008);
 - iv) The approved Functional Stormwater Management Plan report for the Stoney Creek Regional Flood Control Facility;
 - v) The stormwater Letter/Report of Confirmation for the subject development prepared and accepted in accordance with the file manager process;
 - vi) The City's Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements and practices;
 - vii) The City of London Environmental and Engineering Services Department Design Specifications and Requirements, as revised;
 - viii) The City's Design Requirements for Permanent Private Stormwater Systems approved by City Council and effective as of January 1, 2012. The stormwater requirements for PPS for all medium/high density residential, institutional, commercial and industrial development sites are contained in this document, which may include but not be limited to quantity/quality control, erosion, stream morphology, etc.;
 - ix) The Ministry of the Environment SWM Practices Planning and Design Manual (2003); and
 - x) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.
26. The Owner's shall implement SWM soft measure Best Management Practices (BMP's) within the plan to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this plan and the approval of the City.
- ~~40. In conjunction with the Design Studies submission and servicing design for this site, the Owner shall have its professional engineer identify the major and minor storm flow routes for the entire catchment area(s) to the satisfaction of the City.~~
27. Prior to the acceptance of engineering drawings, the Owner's consulting engineer shall certify the development has been designed such that increased and accelerated stormwater runoff from this subdivision will not cause damage to downstream lands, properties or structures beyond the limits of this subdivision. Notwithstanding any requirements of and/or any approvals given by the City, the Owner shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from this subdivision.
- ~~41. Prior to the issuance of certificate of conditional approval, the Owner's professional engineer shall submit a Monitoring and Operational Procedure Manual, satisfactory to the City, for the maintenance and monitoring program for the SWM Facility, in accordance with the City's "Monitoring and Operational Procedure for Stormwater Management Facilities" requirements to the City. The program shall include, but not be~~

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limit to, the following:

- ~~i) a work program manual for the maintenance and monitoring of these facilities.~~
- ~~ii) the protocol for sediment sampling and recording of sediment accumulation volumes.~~
- ~~iv) the protocol for storage and discharge monitoring.~~

~~42. Following construction and prior to the assumption of the permanent SWM Facility within this plan, the Owner shall complete the following, at no cost to the City, and all to the specifications and satisfaction of the City:~~

- ~~i) operate, maintain and monitor the SWMF(s) in accordance with the approved maintenance and monitoring program and the City's "Monitoring and Operational Procedure for Stormwater Management Facilities."~~
- ~~ii) have its professional engineer submit semi-annual monitoring reports in accordance with the approved maintenance and monitoring program and the City's "Monitoring and Operational Procedure for Stormwater Management Facilities" to the City for review and approval, satisfactory to the City.~~

~~43. In conjunction with the Design Studies submission, the Owner shall develop an erosion/sediment control plan that will identify all erosion and sediment control measures for the subject lands in accordance with City of London and Ministry of Environment standards and requirements, all to the satisfaction of the City and UTRCA. This plan is to include measures to be used during all phases on construction. Prior to any work on the site, the Owner shall implement these measures satisfactory to the City and UTRCA. The Owner shall correct any deficiencies of the erosion and sediment control measures forthwith.~~

~~44. In conjunction with the Design Studies submission, the Owner shall have his consulting engineer prepare and submit a Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation to address the following:~~

- ~~i) Identifying the storm/drainage and SWM servicing works for the subject and external lands and how the interim drainage from external lands will be handled, all to the satisfaction of the City;~~
- ~~ii) Identifying major and minor storm flow routes for the subject and external lands, to the satisfaction of the City;~~
- ~~iii) Providing a geotechnical report to address all geotechnical issues and all required (structural, maintenance and erosion) setbacks related to slope stability for lands within this plan, to the satisfaction and specifications of the City. The Owner shall provide written acceptance from the Upper Thames River Conservation Authority for the final setback;~~
- ~~v) Developing an erosion/sediment control plan that will identify all erosion and sediment control measures for the subject lands in accordance with City of London and Ministry of the Environment standards and requirements, all to the satisfaction of the City. This plan is to include measures to be used during all phases on construction; and~~
- ~~vi) Implementing SWM soft measure Best Management Practices (BMP's) within the Plan, where possible, to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this Plan and the approval of the City.~~

~~28. In accordance with City standards or as otherwise required by the City, the Owner shall complete the following for the provision of stormwater management (SWM) and stormwater services for this draft plan of subdivision:~~

- ~~i) Construct the proposed SWM Facility on Block 7 of this draft plan, to the satisfaction of the City;~~
- ~~ii) Implement all geotechnical recommendations with respect to erosion, maintenance and structural setbacks related to slope stability associated with~~

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- ~~existing Stoney Creek and ensure they are adequately addressed for the subject lands, to the satisfaction of the City and the Upper Thames River Conservation Authority;~~
- iii) Make provisions to oversize and deepen the internal storm sewers ~~and the SWM Facility~~ in this plan to accommodate flows from upstream lands within the drainage area external to this plan;
 - iv) Construct and implement erosion and sediment control measures as accepted in the Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation for these lands and the Owner shall correct any deficiencies of the erosion and sediment control measures forthwith; and
 - v) Address forthwith any deficiencies of the stormwater works and/or monitoring program.
29. Prior to the issuance of any Certificates of Conditional Approval for any lot in this plan, the Owner shall complete the following:
- i) For lots and blocks in this plan or as otherwise approved by the City Engineer, all storm/drainage and SWM related works to serve this plan must be constructed and operational in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City;
 - ii) The SWM Facility to serve this plan must be constructed and operational; and
 - iii) Construct and have operational the major and minor storm flow routes for the subject lands, to the satisfaction of the City.
- ~~Prior to the issuance of a Certificate of Conditional Approval for lots and blocks in this plan, or as otherwise approved by the City, all storm servicing and drainage works, including major and minor storm flow routes, and stormwater management (SWM) related works, to serve this plan, shall be constructed and operational in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City.~~
- ~~a. The Owner shall provide all adequate easements, if required, at no cost to the City, in relation to storm/drainage and SWM servicing works of the subject lands, all to the specifications and satisfaction of the City.~~
30. The Owner shall ensure the post-development discharge flow from the subject site must not exceed the capacity of the stormwater conveyance system. In an event, where the above condition cannot be met, the Owner shall provide SWM on-site controls that comply to the City's Design Specifications and Requirements for Permanent Private Stormwater Systems.
- ~~45. The Owner shall provide storm drainage servicing in this subdivision to accommodate for major overland flows from Fanshawe Park Road to the proposed SWM facility located on Block 7 within this plan, all to the specifications and satisfaction of the City.~~
- ~~46. The Owner's professional engineer shall ensure that all geotechnical issues, including erosion, maintenance and structural setbacks related to slope stability associated with existing Stoney Creek are adequately addressed for the subject lands, all to the specifications and satisfaction of the City and the Upper Thames River Conservation Authority.~~
- ~~47. The Owner shall ensure adequate setbacks will be maintained and allocated in accordance with the City Council approved Official Plan Policies relating to open watercourse setbacks and in accordance with the Ministry of Environment and City requirements.~~
- ~~48. The Owner shall provide a security in the amount of \$60,000 for this Plan to ensure that the Erosion and Sediment Control Plan (ESCP) be executed in accordance with the City~~

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~~approval procedure and criteria. In the event of failure to properly implement and maintain the require ESCP, the ESCP security will be used by the City to undertake all necessary clean-up work, all to the satisfaction of the City.~~

31. The Owner shall ensure that all existing upstream external flows traversing this plan of subdivision, as shown on the accepted engineering drawings for Plan 33M-701, are accommodated within the overall minor and major storm conveyance servicing system(s) design, all to the specifications and satisfaction of the City Engineer.

WATER

- ~~49. In accordance with City standards or as otherwise required by the City, the Owner shall deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development of this plan of subdivision is proposed to proceed beyond 80 units or commercial equivalent.~~

- ~~50. In conjunction with the Design Studies submission, the Owner shall have his consulting engineer prepare and submit the following water servicing design information, all to the satisfaction of the City Engineer:~~

- ~~i) A water servicing report which addresses the following:

 - ~~a) Identify external water servicing requirements;~~
 - ~~b) Confirm capacity requirements are met;~~
 - ~~c) Identify need to the construction of external works;~~
 - ~~d) Identify the effect of development on existing water infrastructure — identify potential conflicts;~~
 - ~~e) Water system area plan(s)~~
 - ~~f) Water network analysis/hydraulic calculations for subdivision report;~~
 - ~~g) Phasing report;~~
 - ~~h) Oversizing of watermain, if necessary and any cost sharing agreements.~~
 - ~~i) Water quality~~
 - ~~j) Identify location of valves and hydrants~~~~
- ~~ii) Design calculations which demonstrate there is adequate water turnover to address water quality requirements for the watermain system or recommend the use of the following:

 - ~~a) valving to shut off future connections which will not be used in the near term; and/or~~
 - ~~b) automatic flushing devices to maintain water quality, with it being noted that the water flushed by the device is to be measured (by a water meter in a meter pit) and the cost of water charged to the Owner; and/or~~
 - ~~c) make suitable arrangements with Water Operations for the maintenance of the system in the interim.~~~~

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

32. Prior to the issuance of any Certificate of Conditional Approval and in accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of water services for this draft plan of subdivision:

- i) Construct watermains to serve this Plan and connect them to the existing municipal system, namely, the existing 250 mm diameter watermain on Blackwell Boulevard and the 300 mm diameter watermain on Highbury Avenue.
- ii) Deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development is proposed to proceed beyond 80 units or commercial equivalent; and

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iii) The available fireflow and appropriate hydrant colour code (in accordance with the City of London Design Criteria) are to be shown on engineering drawings; The fire hydrant colour code markers will be installed by the City of London at the time of Conditional Approval.

~~The Owner shall construct the proposed watermains to serve this plan and connect them to the existing municipal water system, namely to the existing municipal 400 mm (16") diameter watermain on Fanshawe Park Road East and the existing 1200 mm (48") diameter watermain on Highbury Avenue North.~~

33. The Owner shall obtain all necessary approvals from the City Engineer for individual servicing of blocks in this subdivision, prior to the installation of any water services for the blocks.
34. In conjunction with the submission of revised engineering drawings, the Owner shall have his consulting engineer identify fireflows available from each hydrant proposed to be constructed and identify appropriate hydrant colour code markers in accordance with City of London Design Criteria. The fire hydrant colour code markers will be installed by the City of London at the time of Conditional Approval.
35. Prior to the issuance of a Certificate of Conditional Approval, the Owner shall install and commission temporary automatic flushing devices and meters at all dead ends and/or other locations as deemed necessary by the hydraulic modelling results to ensure that water quality is maintained during build out of the subdivision. These devices are to remain in place until there is sufficient occupancy use to maintain water quality without their use. The location of the temporary automatic flushing devices as well as their flow settings are to be shown on engineering drawings. The Owner is responsible to meter and pay billed cost of the discharged water from the time of their installation until assumption. Any incidental and/or ongoing maintenance of the automatic flushing devices is/are the responsibility of the Owner.
36. With respect to the proposed blocks, the Owner shall include in all agreements of purchase and sale, and/or lease of Blocks in this plan, a warning clause advising the purchaser/transferee that should these develop as a Vacant Land Condominium or in a form that may create a regulated drinking water system under O.Reg. 170/03, the Owner shall be responsible for meeting the requirements of the legislation.

If deemed a regulated system, there is potential the City of London could be ordered to operate this system in the future. As such, the system would be required to be constructed to City standards and requirements.
37. The Owner shall obtain all necessary approvals from the City Engineer for individual servicing of blocks in this subdivision, prior to the installation of any water services for the blocks.

TRANSPORTATION

38. The Owner shall be permitted one limited access vehicular access from Block 1 to Highbury Avenue North and one limited access vehicular access from Block 1 to Fanshawe Park Road East. The location of these access points shall be to the satisfaction of the City.
39. The Owner shall not be permitted any vehicular access from ~~Block 2 to Fanshawe Park Road East or any vehicular access to~~ Block 4 to Highbury Avenue North.
40. The ~~Street "A" road allowance at Fanshawe Park Road East and the~~ Blackwell Boulevard road allowance at Highbury Avenue North shall be a minimum of 28 m for a

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minimum length of 45 metres. Within this road allowance the Owner shall construct gateway treatments. Beyond this widened road allowance, the road allowance shall be tapered to 21.5 m.

- ~~51. In conjunction with the Design Studies submission, the Owner shall have its professional engineer provide a conceptual design of the proposed traffic calming measures along Street 'A' and Blackwell Boulevard, including parking bays, curb extensions and other measures, to the satisfaction of the City.~~
- ~~52. Unless the Owner can demonstrate that other traffic calming measures can discourage cut through traffic and control vehicles speeds and be a traffic control device to the satisfaction of the City the Owner shall construct a roundabout at the intersection of Street "A" and Blackwell Boulevard as red line amended on the plan and curb extensions along the north side of Blackwell Boulevard from the western boundary of the plan of subdivision to Highbury Avenue North with the parking bays removed for utilities (fire hydrants) and for transit stop locations as defined by the London Transit Commission. If the City is satisfied with alternate traffic calming measures at the intersection of Street "A" and Blackwell Boulevard and the roundabout is not required, no red line amendment is required to remove the roundabout from this plan.~~
- 41. The Owner shall construct sidewalks within this plan on both sides of Blackwell Boulevard and Street "A", to the satisfaction of the City.
- ~~53. If temporary turning facilities for vehicles be provided as required by the City, they shall be shown on the final plans as easements. These easements shall be conveyed to and held by the City of London until the extension of the road allowance, when the blocks shall be conveyed without charge to the Owners of abutting Lots or Blocks.~~
- 42. Any dead ends and open sides of road allowances created by this draft plan, or by phasing of this plan, shall be terminated in 0.3 metre reserves to be conveyed to, and held in trust, by the City of London until required for the future production of such road allowance.
- 43. The Owner shall direct all construction traffic to Fanshawe Park Road East and/or Highbury Avenue North to the satisfaction of the City and the General Manager of Planning and Development.
- ~~54. The Owner shall dedicate sufficient land to widen Fanshawe Park Road East to 18.0 metres (59.06') from the centerline of the original road allowance, or consistent with the approved EA, whichever is greater.~~
- ~~55. The Owner shall dedicate sufficient land to widen Highbury Avenue North to 18.0 metres (59.06') from the centerline of the original road allowance, or consistent with the approved EA, whichever is greater.~~
- ~~56. The Owner shall dedicate 6.0 m x 6.0 m "daylighting triangles" at the intersection of Rob Panzer Road Street 'A' with Fanshawe Park Road East and Blackwell Boulevard with Highbury Avenue North in accordance with the Z-1 Zoning By-law, Section 4.24.~~
- 44. The Owner shall dedicate 0.3 m (1') reserves blocks to the City of London at the following locations:
 - ~~i) Blackwell Boulevard - west limit~~
 - i) Along the entire frontage of Fanshawe Park Road East; and
 - ii) Along the entire frontage of Highbury Avenue North.

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45. In the event any work is undertaken on an existing street, the Owner shall establish and maintain a Traffic Management Plan (TMP) in conformance with City guidelines and to the satisfaction of the City for any construction activity that will occur on existing public roadways. The Owner shall have its 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.
- ~~57. The Owner shall construct temporary turning facilities for vehicles at the west limit of Blackwell Boulevard, to the specifications of the City.~~
- ~~58. In conjunction with the Design Studies submission of engineering drawings, the Owner shall have its professional consulting engineer confirm with the submission of engineering drawings that all streets in the subdivision have centreline radii which conforms to the City of London Standard "Minimum Centreline Radii of Curvature of Roads in Subdivisions", to the satisfaction of the City. Streets that do not meet the City standards may need to be revised.~~
- ~~59. In conjunction with the Design Studies submission, the Owner shall provide a conceptual confirmation with the submission of engineering drawings that the layout of the roads and rights-of-way of the plan to the City for review and are in accordance with the acceptance accepted design studies 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.—~~
46. All through intersection and connections with existing streets and internal to this subdivision shall align with the opposing streets based on the centrelines of the street aligning through their intersections thereby having these streets centred with each other, unless otherwise approved by the City.
47. Within one year of registration of the plan, the Owner shall install street lighting on all streets and walkways within 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 London Hydro for the City of London.
- ~~The Owner shall install street lighting on all streets in this plan to the satisfaction of the City, at no cost to the City.~~
48. The Owner shall be required to make minor boulevard improvements on Fanshawe Park Road East and Highbury Avenue North adjacent to this Plan, to the specifications of the City and at no cost to the City, consisting of clean-up, grading and sodding as necessary.
- ~~60. Should any temporary turning circle exist on the abutting streets at the time this plan is registered, the Owner shall remove any existing temporary turning circles and restore the road including sidewalks to the satisfaction of the City, at no cost to the City. If funds have been provided to the City by the Owner(s) of adjacent lands for the removal of the temporary turning circle(s) and the construction of this section of road(s) and all associated works, the City shall reimburse the Owner for the substantiated cost of completing these works, up to a maximum value that the City has received for this work.~~

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

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

50. The Owner shall ensure access to lots and blocks for the portion adjacent to gateway treatments as shown on the accepted engineering drawings will be restricted to rights-in and rights-out only.
51. The Owner shall make modifications to the curb radii on Highbury Avenue North and all associated works, to the satisfaction of the City, at no cost to the City.

OTHER SERVICING ISSUES

52. 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.

~~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.~~

53. 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.
54. 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.
55. 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.
56. ~~In conjunction with the Design Studies submission,~~ In the event the Owner wishes to further phase this plan of subdivision, the Owner shall submit as part of the revised engineering plan submission 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. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
57. 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.

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58. 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.

The connection into and use of the subject services by an outside Owner will be conditional upon the outside Owner satisfying any requirements set out by the City, and agreement by the outside Owner to pay a proportional share of the operational maintenance and/or monitoring costs of any affected unassumed services and/or facilities.

59. 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”.
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; and
- 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.

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, 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. 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,

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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.

63. 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, in accordance with the requirements of latest Ministry of Environment and Climate Change "Guidelines for Use at Contaminated Sites in Ontario" and file appropriate documents to the Ministry in this regard with copies provided to the City. The City may require a copy of the report should there be City property adjacent to the contamination.

Should any contaminants be encountered within this Plan, the Owner shall implement the recommendations of the geotechnical engineer to remediate, removal and/or disposals of any contaminates within the proposed Streets, Lot and Blocks in this Plan forthwith under the supervision of the geotechnical engineer to the satisfaction of the City at no cost to the City.

In the event no evidence of contamination is encountered on the site, the geotechnical engineer shall provide certification to this effect to the City.

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

64. If any temporary measures are required to support the interim conditions in conjunction with the phasing, the Owner shall construct temporary measures and provide all necessary land and/or easements, to the specifications and satisfaction of the City, at no cost to the City.
65. The Owner shall decommission any abandoned infrastructure, at no cost to the City, including cutting the water service and capping it at the watermain, all to the specifications and satisfaction of the City.

The Owner shall remove all existing accesses and restore all affected areas, all to the satisfaction of the City, at no cost to the City.

- ~~61. In conjunction with Design Studies submission, the Owner shall have his consulting engineer submit a concept plan which shows how all servicing (water, sanitary, storm, gas, hydro, street lighting, water meter pits, Bell, Rogers, etc.) shall be provided to condominiums/townhouses indicated on Block 6 on Blackwell Boulevard. It will be a requirement to provide adequate separation distances for all services which are to be located on the municipal right of way to provide for required separation distance (Ministry of Environment Design Standards) and to allow for adequate space for repair, replacement and maintenance of these services in a manner acceptable to the City.~~

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- 66. In conjunction with the revised engineering drawings, the Owner shall provide to the City for review and acceptance an updated hydrogeological and geotechnical report and/or supplemental letter prepared by a qualified consultant, to determine, including but not limited to, the following:
 - i) Provide recommendations for foundation design should high groundwater be encountered, all to the satisfaction of the City.
- 67. Prior to the issuance of any Certificate of Conditional Approval, the Owner's professional engineer shall certify that any remedial or other works as recommended in the accepted updated hydro geological and geotechnical report are implemented by the Owner, to the satisfaction of the City, at no cost to the City.
- 68. Should the current or any future Owner come in with 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.
- 69. The Owner shall either register against the title of Block 1 in this Plan, or shall include in the agreement of purchase and sale for the transfer of each of the Blocks, a covenant by the purchaser or transferee stating that the purchaser or transferee of the Blocks may be required to construct sewage sampling manholes, built to City standards in accordance with the City's Waste Discharge By-law No. WM-2, as amended, regulating the discharge of sewage into public sewage systems. If required, the sewage sampling manholes shall be installed on both storm and sanitary private drain connections, and shall be located wholly on private property, as close as possible to the street line, or as approved otherwise by the City Engineer.
- 70. The Owner shall submit the required revised engineering drawings to the satisfaction of the City for review and acceptance by the City.
- 71. The Owner shall construct this plan of subdivision in accordance with the accepted Design Studies for this plan of subdivision, to the satisfaction of the City.

GENERAL

- ~~62. The Owner shall not burn any materials on site.~~
- ~~63. The Owner in consultation with the LTC, shall indicate on the approved engineering drawings the possible 'Future Transit Stop Areas'. The owner shall install signage as the streets are constructed, indicating "Possible Future Transit Stop Area" in the approximate stop locations. The exact stop locations shall be field located as the adjacent sites are built, at which time the developer shall install a 1.5 metre wide concrete pad between the curb and the boulevard at the finalized stop locations.~~
- ~~64. Prior to final approval of this Plan and subject to the satisfaction of the local School Boards, the Owner shall include in the subdivision agreement a suitable warning clause advising future purchasers of residential units that students may be accommodated in temporary or holding facilities and/or bused outside the neighbourhood for their education.~~
- ~~65. As part of the final approval for this plan, the Owner shall extend the limits of the plan of subdivision to include adjacent lands to the south (1370 Fanshawe Park Rd E), which are under their ownership, and consideration for these lands will be included in any design studies and servicing drawings.~~

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**Draft Approval Extension 39T-04512
Nancy Pasato**

Schedule "B"

Related Estimated Costs and Revenues

Estimated DC Funded Servicing Costs ^(Note 1)	Estimated Cost (excludes HST)
Claims for developer led construction from CSRF	
- Blackwell Boulevard internal widening (DC 14-RS00063)	\$26,390
- internal widening engineering (DC 14-RS00063) ^(Note 4)	\$3,959
Claims for City led construction from CSRF	
- None identified.	\$0
Total	\$30,349
Estimated Total DC Revenues ^(Note 2)	Estimated Revenue
CSRF	\$13,401,344
UWRF	\$1,490,012
TOTAL	\$14,891,356

- 1 Estimated Costs are based on approximations provided by the applicant and include engineering, construction and contingency costs without HST. Final claims will be determined based on actual costs incurred in conjunction with the terms of the final subdivision agreement and the applicable By-law.
- 2 Estimated Revenues are calculated using 2017 DC rates and may take many years to recover. The revenue estimates includes DC cost recovery for "soft services" (fire, police, parks and recreation facilities, library, growth studies). There is no comparative cost allocation in the Estimated Cost section of the report, so the reader should use caution in comparing the Cost with the Revenue section.
- 3 The revenues and costs in the table above are not directly comparable. The City employs a "citywide" approach to recovery of costs of growth – any conclusions based on the summary of Estimated Costs and Revenues (above table) should be used cautiously.
- 4 The developer led construction work above will require a work plan to be provided with the first submission of design drawings and approved by the City prior to preparation of the subdivision agreement. The work plan should include summary of work completed and costs incurred as well as estimated costs of all Engineering and construction of the eligible subdivision works. The engineering fees have been estimated at 15% of the works above and will be updated to actual amounts at the subdivision agreement stage.

Reviewed by:

Jan 25/17
Date

P. Christiaans
Peter Christiaans
Director, Development Finance