

39T-11502/OZ-7921
Nancy Pasato

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICANT/APPELLANT: 1705825 ONTARIO LIMITED 2054 ADELAIDE STREET NORTH APPEALS TO THE ONTARIO MUNICIPAL BOARD MEETING ON OCTOBER 10, 2017

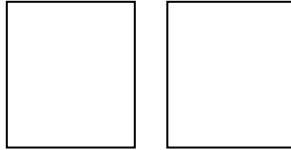
RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services in response to the appeal to the Ontario Municipal Board, dated October 15, 2014, as submitted by Peter Sergautis (Sherway Limited), relating to the Official Plan and Zoning By-law Amendments concerning the property located at 2054 Adelaide Street North:

- a) the Ontario Municipal Board **BE ADVISED** that Municipal Council supports the revised redlined draft plan of subdivision and revised conditions, attached as Appendix "A", submitted by Sherway Limited (File No. 39T-11502), which shows 132 single detached lots, one (1) low density block, two (2) medium density blocks, four (4) open space blocks, one (1) future access block, one (1) road widening block, several 0.3 m reserves, all served by four (4) new local streets and one (1) new secondary collector (Superior Drive) for the following reasons:
 - i) The proposed draft plan is consistent with the Provincial Policy Statement;
 - ii) The proposed draft plan is consistent with the Planning Act;
 - iii) The proposed draft plan is consistent with the Official Plan;
 - iv) The recommended Official Plan and Zoning By-law amendments encourage the development of a plan of subdivision that includes placemaking elements, and protects significant natural heritage features;

- b) the Ontario Municipal Board **BE ADVISED** that Municipal Council **RECOMMENDS** that the Official Plan **BE AMENDED** on the subject lands attached hereto as Appendix "B" to:
 - i) Amend Schedule A - From Low Density Residential, Multi-Family, Medium Density Residential and Environmental Review to Low Density Residential, Multi-Family, Medium Density Residential, and Open Space; and
 - ii) Amend Schedule C – add a Secondary Collector (Superior Drive); and,

- c) the Ontario Municipal Board **BE ADVISED** that Municipal Council **RECOMMENDS** that the Zoning By-law No. Z.-1 **BE AMENDED** as attached as Appendix "C", in conformity with the Official Plan as amended in part (b) above **FROM**, an Environmental Review (ER) Zone, and an Urban Reserve (UR3) Zone **TO**:
 - i) a Holding Residential R1 Special Provision (h*h-100*R1-4(**)) Zone to permit single detached dwellings with a minimum lot area of 360 m² and a minimum lot frontage of 12 m, with special provisions for reduced front yard setbacks of 3.0 metres to the main dwelling and 5.5 metres to the garage from a collector or local street and a 16.5 metres rear yard setback from the high pressure gas pipeline easement;
 - ii) a Holding Residential R5 Special Provision/Residential R6 Special Provision (h*h-35*h-100*R5-2(*)/R6-1(*) Zone to permit cluster townhouses and stacked townhouses at a maximum height of 12 metre and a maximum density of 30 units per hectare with a special provision for a minimum lot frontage of 12.0m



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(whereas 30.0 m is required in an R5 Zone), and to permit cluster single detached dwellings at a height of 10.5 metres and a maximum density of 15 units per hectare within the R6 Zone variation, with a special provision for a minimum lot frontage of 12.0m (whereas 30.0 m is required in an R6 Zone);

- iii) a Holding Residential R5 Special Provision/R6 Special Provision (h*h-100*R5-4(**)/R6-5(**)) Zone to permit cluster townhouses and stacked townhouses at a maximum height of 12 metres and a maximum density of 30 units per hectare, with special provisions for reduced front yard setbacks of 3.0 metres to the main dwelling and 5.5 metres to the garage from a collector or local road and a 16.5 metres rear yard setback from the high pressure gas pipeline easement (within the R5 Zone variation), and to permit cluster single detached, semi-detached or duplex dwellings at a height of 10.5 metre and a maximum density of 30 units per hectare, with special provisions for reduced front yard setbacks of 3.0 metres to the main dwelling and 5.5 metres to the garage from a collector or local road and a 16.5 metres rear yard setback from the high pressure gas pipeline easement;
- iv) a Holding Residential R5 Special Provision/R6 Special Provision/Residential R8 (h. h-100•R5-4(*)/R6-5(*)/R8-4) Zone to permit cluster townhouses and stacked townhouses at a maximum height of 12 metres and a maximum density of 40 units per hectare (within the R5 Zone variation), with special provisions for reduced front yard setbacks of 3.0 metres to the main dwelling and 5.5 metres to the garage from a collector or local road, and to permit cluster single detached, semi-detached or duplex dwellings at a height of 12 metres and a maximum density of 35 units per hectare (within the R6 Zone variation), with special provisions for reduced front yard setbacks of 3.0 metre to the main dwelling and 5.5 metre to the garage from a collector or local road, and to permit apartment buildings, handicapped person’s apartment buildings, lodging house class 2, stacked townhousing, senior citizen apartment buildings, emergency care establishments, and continuum-of-care facilities at a maximum height of 13.0 metres and a maximum density of 75 units per hectare;
- v) an Open Space (OS1) Zone to permit conservation lands and works, public and private parks, and public and private golf courses (used as a public pathway); and,
- vi) an Open Space (OS5) Zone to permit conservation land and works;

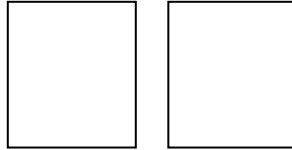
The holding provisions will address the following:

- (h) - to ensure that there is orderly development through the execution of a subdivision agreement and adequate securities; and
- (h-100) -to ensure there is adequate water service and appropriate access, a looped watermain system must be constructed and a second public access must be available.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

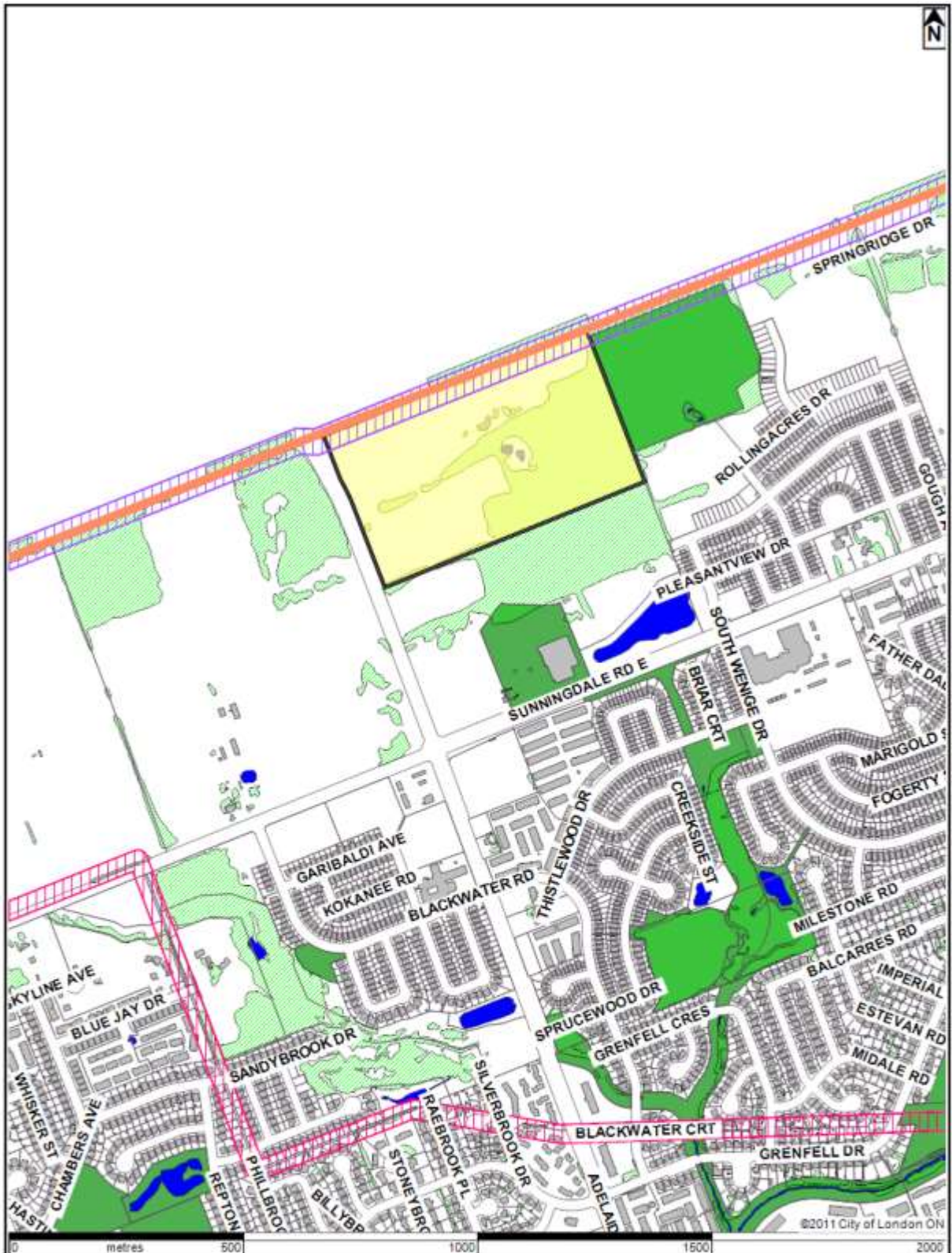
September 9, 2014 – public meeting relating to the Draft Plan of Subdivision, Official Plan & Zoning By-law Amendment (39T-11502/OZ-7921).






March 2, 2015 – information report advising Municipal Council of the appeal on the Official Plan & Zoning By-law Amendment (39T-11502/OZ-7921).

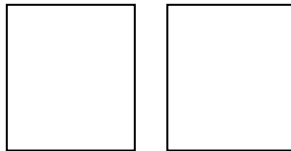


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Location Map



LOCATION MAP	LEGEND
Subject Site: 2054 Adelaide St N Applicant: 1705825 Ontario Limited File Number: 39T-11502/OZ-7921 Planner: Nancy Pasato Created By: Nancy Pasato Date: 2011-06-27 Scale: 1:10100	<ul style="list-style-type: none">  Subject Site  Parks  Assessment Parcels  Buildings  Address Numbers
Corporation of the City of London Prepared By: Planning and Development	



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PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the recommended action is to provide the Ontario Municipal Board with a possible settlement in the form of a revised draft plan of subdivision and Official Plan and Zoning By-law amendment and direct Staff to provide planning support to facilitate the settlement at the OMB.

BACKGROUND

SUBJECT SITE

The subject site is a 21 hectares (52 acres) parcel of land located east of Adelaide Street, north of Sunningdale Road and adjacent to the municipal boundary (Municipality of Middlesex Centre). It currently houses an estate home with an access to Adelaide Street North. The majority of the property is currently being farmed. The lands generally roll from east to west and north to south.

The site also contains a Potential Environmentally Significant Area, and a Provincially Significant Wetland.

The subject site is bounded to the west by a recently approved draft plan of subdivision (known as the Applewood Subdivision, also owned by the Applicant, file 39T-09501). The lands directly abutting to the north are within the Municipality of Middlesex Centre, designated as agricultural and open space, and are being used for cash crops. The existing Sun Canadian Oil Pipeline runs along the entire north limit of this site. A location map of the site is attached as Appendix A.

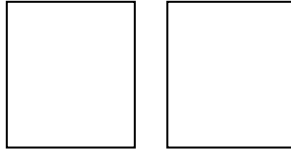
The original application consisted of 14 low density residential blocks (approximately 330 units comprised of single detached and/or street townhouse units, or cluster housing at a maximum density of 30 units per hectare); 1 future residential block (to be combined with lands to the south); 2 low/medium density residential blocks (approximately 80 cluster singles/semi-detached/townhouse or stacked townhouse units); 2 open space/walkway blocks; 3 road reserves/ road widening blocks; 1 future road block; and served by 1 new secondary collector road.

Staff ultimately recommended a redlined draft plan of subdivision (and associated revised Zoning By-law amendment) with 15 low density blocks, 2 medium density blocks, 3 open space blocks, 1 park block, and several 0.3 m reserves and road widening's, all served by 1 new secondary collector and 4 new local streets.

On September 9th, 2014, a public meeting was held for the above noted application. The Applicant did not formally object to any conditions at the public meeting. The Planning and Environment Committee (PEC) recommended approval of the Official Plan and Zoning By-law amendments, and recommended that the Approval Authority draft approve the redline plan of subdivision, as proposed by Staff. This was subsequently supported by Municipal Council on September 16, 2014. On October 16, 2014, an appeal was received by the Ontario Municipal Board for the Official Plan and Zoning By-law Amendments for this site. Both appeals were made by the Owner/Applicant, Peter Sergautis (Sherway Limited). The basis of the appeal is stated as the following:

- Environmental setbacks and mapping are incorrect;
- Conditions of draft approval are unreasonable and will interfere with orderly and economic development of subject lands;
- Access to publically funded and available municipal services on municipal road allowances restricted.

The Applicant subsequently appealed a lack of decision on the draft plan of subdivision in July, 2016 and has asked the OMB to consolidate all of the appeals.



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CURRENT REPORT & RECOMMENDED ACTION

Since the consolidation of hearings, the Applicant has met with Staff on a without prejudice basis to discuss the development limit and the extent of the natural heritage features.

After reviewing the drip line in relation to the significant natural heritage features, reviewing correspondence from the Ministry of Natural Resources (MNR) and the revised wetland boundary, mapping the potential buffer(s) and staking the limit on site, the City and the Applicant have come to a possible resolution on the development limit. Subsequently, Environmental and Parks Planning reviewed the additional material, and met on site to confirm and stake the boundary limits of the significant areas. A revised development limit is shown in Appendix “A” on the redlined plan. Staff are prepared to attend the OMB in support of the revised development limit.

Also at the time of these discussions, the Applicant provided a proposed revised plan of subdivision. The original application consisted of low and medium density blocks on public streets. The Applicant is now proposing the following: 132 single detached lots, one (1) low density block, two (2) medium density blocks, four (4) open space blocks, one (1) future access block, one (1) road widening block, several 0.3 m reserves, all served by four (4) new local streets and one (1) new secondary collector (Superior Drive).

PROVINCIAL POLICY STATEMENT AND PLANNING ACT

As of May 1, 2014, all applications are required to be consistent with the new Provincial Policy Statement. The following commentary applies to the proposed redline plan of subdivision.

1. Building Strong Healthy Communities

The proposed subdivision accommodates a range of residential units and densities, such as zoning to permit single detached dwellings and various cluster housing zones. The proposed subdivision layout allows for pedestrian walkability and efficiency in services by providing a direct link to the proposed recreational trail to be located along the northern edge of the City, and connections along Adelaide Street and south towards future commercial uses and the Stoney Creek Community Centre.

The subject lands are within the Urban Growth Boundary (settlement area) as identified in the Official Plan and are designated to permit a mix of uses.

2. Wise Use and Management of Resources

The subject lands include a Potential Environmentally Significant Area (ESA) and a Provincially Significant Wetland. The agreed upon development limit does not propose development within the significant natural heritage features and provides adequate buffering to further protect the features.

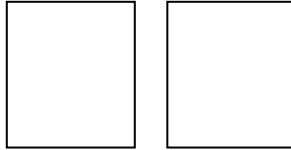
The subject lands also abut active agricultural lands, although no potential livestock facilities are located within 500 m of the property. The recommended draft plan provides an intervening land use (a 15 m open space corridor) between proposed residential uses and agricultural operations in the Municipality of Middlesex Centre. In addition the conditions of draft approval require a warning clause to be placed in the subdivision agreement to advise future residents of the potential impacts of nearby agricultural operations.

There are no Mineral and Petroleum or Mineral Aggregate Resources issues associated with this proposal.

3. Protecting Public Health and Safety

There are no Natural or Human Made Hazards associated with this plan.

Overall, the plan has been reviewed and it has been determined to be consistent with the 2014 Provincial Policy Statement.



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PLANNING ACT - SECTION 51(24)

Planning Staff have reviewed the requirements under section 2 of the Planning Act and regard has been given to matters of provincial interest. The subject lands contain a significant natural heritage feature which has been assessed and the appropriate buffers and mitigation have been proposed and incorporated through the redlined revised draft plan and conditions. Municipal services are planned for the site and will need to be extended by the Applicant prior to development occurring. Other municipal services such as roads and transportation infrastructure will be provided and constructed as conditions of draft plan approval. The proposed draft plan is located in a municipality which actively promotes waste recycling/recovery programs, and will be served by the Blue Box collection and other municipal waste recycling facilities. As part of the draft plan, several walkways and a municipal pathway located at the northern boundary of this subdivision will be constructed to service the area. This municipal pathway will connect lands to the east and west. Cash in lieu-of-parkland will also be required in addition to parkland. There is also access to nearby parks and recreational facilities, medical facilities, and emergency and protective services. The surrounding area is predominantly single family residential. This plan proposes a range of housing types. There is adequate provision of employment areas throughout the City and in close proximity to this site. The proposed draft plan implements the land use policies in accordance with the City’s Official Plan. The proposed draft plan supports public transit and promotes pedestrian movement through the adjacent subdivisions.

The requirements of London Hydro, Union Gas, and the City of London to adequately provide utilities and services are normally addressed in the subdivision agreement.

Based on Staff’s review of the criteria in the Planning Act under Section 51(24), the proposed draft plan has regard for the health, safety, convenience, accessibility for persons with disabilities, and welfare of the present and future inhabitants of the municipality.

OFFICIAL PLAN

The Stoney Creek North Community Plan was never adopted by Municipal Council or the Ontario Municipal Board. It has no status therefore it was not used in the evaluation of this plan of subdivision.

The existing Official Plan designations were, however, applied through the Ontario Municipal Board hearings related to the Stoney Creek North Area Plan (2001). The subject site is currently designated for Low Density Residential throughout most of the site, Multi-Family, Medium Density Residential along Adelaide Street, and Environmental Review for the Potential ESA and Provincially Significant Wetland.

The Applicant has proposed small changes to the Official Plan:

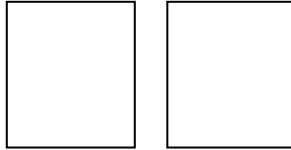
Schedule “A” – Land Use

- A shift in the Multi-Family, Medium Density Residential designation along Adelaide Street to the south to allow single detached dwellings to front along Street B (Block 134);
- Redlined Block 139 will be redesignated to “Open Space”

Schedule “C” – Transportation Corridors

- Superior Drive between Adelaide Street and Street C as a secondary collector.

The requested change to the Multi-Family, Medium Density Residential along the Adelaide Street frontage is in keeping with the policies of the Official Plan. These lands abut an arterial road, but can be accessed off of Superior Drive to limit any direct traffic impact on Adelaide Street. The proposed height and scale is low rise in nature and will not have a significant impact on surrounding low density residential uses. The proposed medium density use is compatible with surrounding proposed land uses, can accommodate the proposed use, is in close proximity to public open space and recreational facilities (such as the Stoney Creek Community Centre) and future transit. The proposed change to the Open Space designation is also appropriate in order to recognize the extent of the natural heritage features.



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SUBDIVISION DESIGN

The major issue between parties has been the delineation of the Significant Woodland Boundary which is located within the Potential Environmentally Significant Area (ESA). As mentioned previously in the report, the Applicant has met with Staff on a without prejudice basis to discuss the development limit and the extent of the natural heritage features and have come to a possible resolution on the development limit. A revised development limit is shown in Appendix “A” on the redlined plan. Staff are prepared to attend the OMB in support of the revised development limit.

As part of the conditions of draft approval, additional studies have been added (water balance assessment, hydrogeological assessment) to ensure the ultimate protection of the significant environmental features. Recommendations and mitigation measures from these studies will be incorporated into servicing drawings, and subdivision agreement clauses.

The Upper Thames River Conservation Authority (UTRCA) has indicated that further groundwater assessment/hydrogeological assessment will be required for Block 135. If it is determined through additional studies that the north pond currently within the development limit on Block 135 is contributing groundwater to the adjacent wetland as well as other functions, Block 135 may be subject to a further redline.

No changes were proposed to Schedule B1 through the EIS/EMS submitted neither for the site nor by Staff. The full extent of the Potential ESA, Significant Woodland and associated buffers will be included in the Open Space designation and afforded protection. It is recommended that through any future subdivision applications for lands to the south of the subject site, any additional EIS submitted can recommend the addition of this feature as a full ESA.

Conditions of draft approval will include adequate parkland/pathways and cash in lieu, servicing, consideration of the rural/urban interface, and setbacks from the Sun Canadian Pipeline.

ZONING

Low Density Lots 1-133

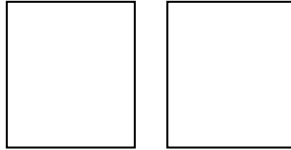
The Applicant has requested the Residential R1 Special Provision (R1-4(**)) Zone for Lots 1-133. The R1 Zone would permit single detached dwellings, with a minimum lot area of 360 m², a maximum height of 9.0 metres and a minimum lot frontage of 12.0 metres.

The previous application had recommended a mix of R1-13 Zones and the R1-4 Zones. The R1-13 Zones permitted single detached lots with a minimum lot frontages of 9.0 metres, which are considered “small lots”. Small lot subdivisions have guidelines which are to be used in their review to manage the impacts of small lot residential subdivisions. The application of the R1-4 Zone and removal of the R1-13 Zone will ensure the issues associated with small lots can be avoided.

The special provision for reduced front yard setbacks of 3.0 metres to the main dwelling and 5.5 metre to the garage from a collector or local road (6.0 m maximum setback for all) is appropriate, as it will help to facilitate buildings being constructed closer to the street and discourage garage dominated frontages. A 16.5 m rear yard setback from the high pressure gas pipeline easement has also been added to the zone to ensure adequate setbacks from the high pressure pipeline.

Low Density Block 135

The zoning for this block has not changed from the previous application. Staff continue to recommend combining the R6-1 Zone with an R5-2 Zone variation, to allow some flexibility for future housing choices. The proposed R5-2 Zone for the Low Density Blocks provides for a range of cluster housing, including cluster townhouse and stacked townhouse dwellings, at a maximum density of 30 units per hectare. Both of these Zones are consistent with the Low Density Residential designation. Special provisions are also recommended for a minimum lot frontage of 12.0 metres (whereas 30.0 metres is required) to allow for a reduced access to Street E. The proposed 12.0 metres lot frontage will still ensure adequate driveway access to the Block.



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Medium Density Blocks 133-134

The proposed zoning for the Medium Density Blocks provides for a range of cluster housing, including cluster single detached, semi-detached or duplex dwellings, townhouse and stacked townhouse dwellings, at a maximum height of 12 metres, and a maximum density of 40 units per hectare. This is consistent with the Multi Family, Medium Density Residential designation for these lands. The only change from the previous application is the addition of the R8-4 Zone variation to Block 134. The R8-4 permits low rise apartment buildings, handicapped person’s apartment buildings, lodging house class 2, stacked townhousing, senior citizen apartment buildings, emergency care establishments, and continuum-of-care facilities at a maximum height of 13.0 metres (approx.. 4 stories) and a maximum density of 75 units per hectare. The addition of this Zone would ensure a range of housing types within this development and permits a high density use adjacent to the arterial road. The application of the R8 Zone is consistent with the policies for Multi-Family, Medium Density Residential development in the Official Plan. The special provision are also recommended as per the original application, for reduced front yard setbacks of 3.0 metre to the main dwelling and 5.5 metres to the garage from a collector or local road for the R5 and R6 Zone variations. This special provision will ensure that any development, even cluster development, shall be orient towards the street and create a strong street presence. An additional special provision for Block 133 will include a 16.5 metres rear yard setback from the high pressure gas pipeline easement. No special provision is proposed for the R8 Zone.

Open Space Blocks 136, 138 and 139

A redline amendment to Block 139 is reflected on the revised plan. It is recommended an OS5 Zone be applied to Block 139 to reflect the significance of the natural heritage feature. An OS1 Zone is recommended for Blocks 136 and 138 to reflect the future walkway/pathway. All of these lands will be dedicated to the City.

Holding Provisions

Staff continue to recommend the following holding provisions for all development Blocks:

- ‘h’ holding provision is implemented with respect to servicing, including sanitary, stormwater and water, to the satisfaction of the City Engineer and the entering of a subdivision agreement.
- ‘h-100’ holding provision is implemented with respect to water services and appropriate access that no more than 80 units may be developed until a looped watermain system is constructed and there is a second public access available, to the satisfaction of the City Engineer.

Overall, the proposed zoning will meet the intent of the Official Plan.

THE LONDON PLAN

Although the application and appeal predates the policies of the London Plan, a review of the proposed subdivision using the policies of the new London Plan was undertaken.

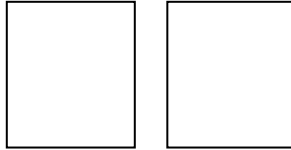
Overall, the subdivision reflects the intent of the policies and is generally consistent with the London Plan.

Neighbourhoods Place Type:

The proposed subdivision is consistent with both the vision for neighbourhood place types (916) and the role the future development will have within the City structure (917) as provided in the London Plan. The proposed use of the site for single detached dwellings and cluster housing meets the locational criteria from the London Plan. The single detached dwellings are situated on Neighbourhood Streets internal to the subdivision, while the more intensive cluster housing forms (including low rise apartments) are oriented towards Adelaide Street, a Civic Boulevard (Table 10 and 11). The range of housing types realizes the vision from the London Plan and provides diversity, while ensuring public spaces are accessible to the population, and protecting the natural Heritage System (918).

Green Space Place Type:

The proposed subdivision is consistent with the Green Space Place Type provisions of the London through the system of public parks/ open spaces and natural areas included within this



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development (757). The Green Space Place Type is comprised of natural heritage features and areas recognized by City Council as having significance, including contributing to important ecological functions and other natural physical features which are desirable for green space use or preservation in a natural state (758). The proposed subdivision offers suitable protection to the natural areas and keeps development at an appropriate distance from hazard lands that should contribute significantly to the quality of life for Londoners (759).

The extent and protection of the significant natural heritage feature is important for areas that have been identified, studied and recognized by Council. With the protection and addition of pathways within the plan, the City will provide for linkages among green space areas throughout the city, provide for green space areas in all parts of the city to allow for a balanced distribution of locations for both active and passive recreational pursuits, and enhance the accessibility of publicly owned green space areas where there is no danger to public safety and where significant natural features and ecological functions can be protected (761).

The proposed subdivision supports the Neighbourhoods and Green Space Place Types, meets the vision for London, and is generally consistent with the London Plan.

CONCLUSION

The proposed revisions to the subdivision and subsequent Official Plan and Zoning By-law Amendment are consistent with the Provincial Policy Statement, the Planning Act, and the current Official Plan. The recommended Official Plan and Zoning By-law Amendments encourage the development of the plan of subdivision that includes placemaking elements, and protects significant natural heritage features.

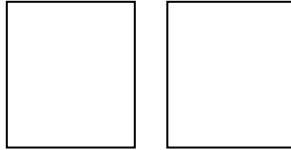
Staff have worked closely with the Applicant to ensure a development limit that protects the important natural heritage features on site. The Applicant is in agreement with the staff recommendations. Staff will attend the OMB and provide evidence for the settlement.

This report has been prepared in consultation with the City Solicitor’s Office.

RECOMMENDED BY:	REVIEWED BY:
NANCY PASATO, MCIP, RPP SENIOR PLANNER, DEVELOPMENT SERVICES	LOU POMPILII, MPA, RPP MANAGER, DEVELOPMENT PLANNING
CONCURRED IN BY:	SUBMITTED BY:
PAUL YEOMAN, RPP, PLE DIRECTOR, DEVELOPMENT SERVICES	GEORGE KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL

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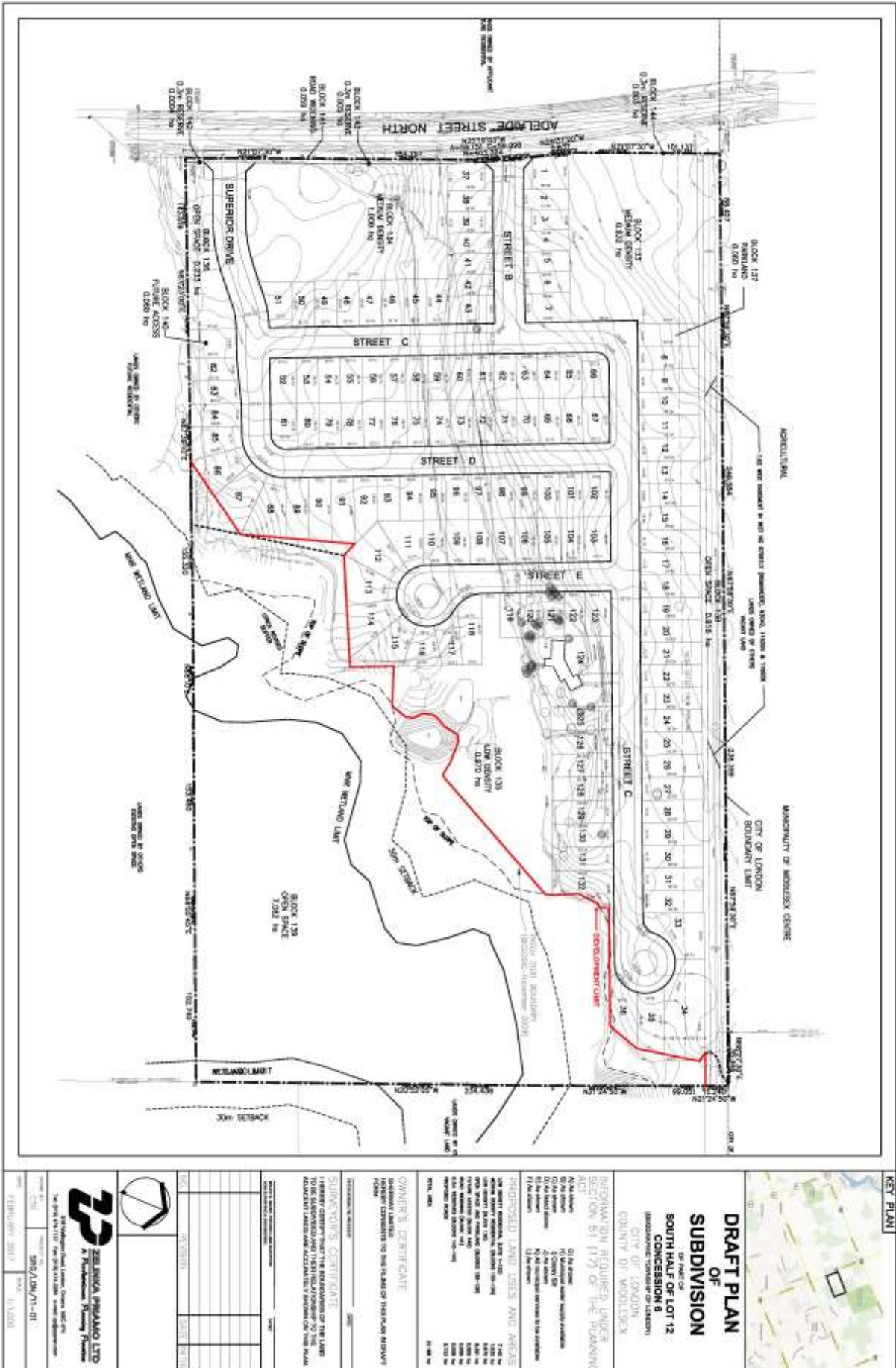
cc: Nicole Hall, City Solicitor’s Office

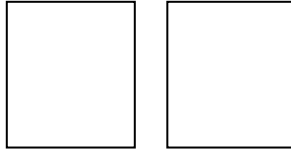


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Appendix A

Revised Draft Plan and Conditions of Draft Approval



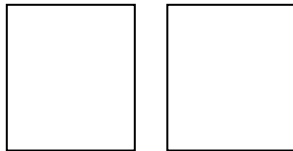


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THE CORPORATION OF THE CITY OF LONDON'S CONDITIONS AND AMENDMENTS TO FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T-11502 ARE AS FOLLOWS:

NO. CONDITIONS

1. This draft approval applies to the draft plan as submitted by 1705825 Ontario Limited c/o Peter Sergautis (File No. 39T-11502), prepared by Zelinka Priamo Limited and certified by Bruce Baker, AGM Surveying (Project No. SRG/LON/11-01, dated August, 2016), as red-lined, which shows 132 single detached lots, one (1) low density block, two (2) medium density blocks, three (3) open space/parkland blocks, one (1) future access block, one (1) road widening and three (3) 0.3 m reserves, all served by one (1) new secondary collector (Superior Drive) and four (4) new local streets.
2. This approval applies for five years, and if final approval is not given by that date, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.
3. The road allowances included in this draft plan shall be shown on the face of the plan and dedicated as public highways.
4. The Owner shall request that street(s) shall be named to the satisfaction of the City.
5. The Owner shall request that the municipal address shall be assigned to the satisfaction of the City.
6. Prior to final approval, the Owner shall submit to the City a digital file of the plan to be registered in a format compiled to the satisfaction of the City of London and referenced to NAD83UTM horizon control network for the City of London mapping program.
7. The subdivision agreement between the Owner and the City shall be registered against the lands to which it applies. Prior to final approval the Owner shall pay in full all municipal financial obligations/encumbrances on the said lands, including property taxes and local improvement charges.
8. In conjunction with registration of the plan, the Owner shall provide to the appropriate authorities such easements as may be required for all municipal works and services associated with the development of the subject lands, such as road, utility, drainage or stormwater management (SWM) purposes, to the satisfaction of the City, at no cost to the City.
9. Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with City a complete submission consisting of all required clearances, fees, and final plans, and to advise the City 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 City, such submission will be returned to the Owner without detailed review by the City.
10. Prior to final approval 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.



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Planning

- 11. The Owner shall provide the purchasers of all lots in the subdivision with a zoning information package pertaining to residential driveway locations and widths. The Owner shall obtain and provide to the City written acknowledgement from the purchaser of each lot in this plan that their driveway will be installed and maintained in accordance with the requirements of the Zoning By-law. The information package and written acknowledgement shall be in a form satisfactory to the City.
- 12. The Subdivision Agreement shall contain warning clauses advising future residents of nearby agricultural operations and its potential impact on residential uses by owners.
- 13. Within one year of registration of this plan, the Owner shall construct a 1.5m high chain link fencing without gates in accordance with current City park standards (SPO 4.8) or approved within Block 138 parallel to the rear property line of Lots 8-33 inclusive, and the side property line of Lot 34 adjacent to the City's proposed pathway and the Sun Canadian High Pressure Pipeline, to the satisfaction of the City.
- 14. The Owner shall include the following clauses to be registered on title within the Subdivision Agreement:

“Purchasers are advised that Block 133 and Lots 8-34 inclusive are adjacent to the registered Easement Lands of Sun Canadian which contains within a high-pressure petroleum products transmission pipeline. Unauthorized use of the easement by others will not be permitted. A 1.5m high chain link fence has been installed between the subject property and the City’s pathway and registered easement for the Sun Canadian pipeline. The fence will be located on the City’s property and will be under the ownership, control and maintenance of the City of London.

Adjoining land owners shall not alter the fence or install private/public access gates in the fence. Sun-Canadian shall inspect the fence annually, as part of the pipeline maintenance program.

Purchasers of Block 133 and Lots 8-34 inclusive are advised that Block 139 will contain a granular, or asphalt surface walkway in passive parkland.”

The Easement Lands will be owned and maintained by The Corporation of the City of London, and will be utilized for passive parkland purposes accommodating a bicycle/pedestrian pathway. Unauthorized use of the Easement Lands by others will not be permitted.

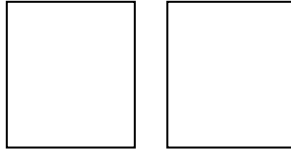
Removal or alteration of the City owned fence located within the easement shall not be permitted. Construction equipment access shall not be permitted across the Easement Lands or through the fence.

Any proposed additions or renovations to dwelling units or structures that may reduce the setback distance to the pipeline as stipulated in the City of London Zoning By-law will not be permitted.

No further excavations, alterations to surface or subsurface drainage, including swimming pools, decks, patios etc. shall be constructed within 16.5 m of the rear property line of Lots 8-34 inclusive and within 16.5 m of the side lot line for Block 133 without first obtaining prior written approval from Sun Canadian Oil Limited and the City of London.”

Upper Thames River Conservation Authority (UTRCA) and Parks Planning

- 15. In conjunction with the Design Studies submission, the Owner shall submit a water balance report, prepared by a qualified consultant, to assess the impact the development will have on the Provincially Significant Wetland, and identifying all required mitigation measures, including any requirements to be implemented in the



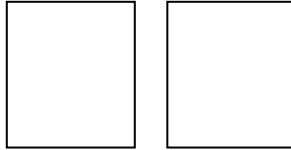
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subdivision agreement, to the satisfaction of the City and the UTRCA. The recommendations shall be incorporated into the final EIS and implemented in the subdivision agreement.

16. In conjunction with the Design Studies submission, the Owner shall submit a Hydrogeological Assessment, prepared by a qualified consultant, to evaluate the north pond within Block 135 in order to determine if it is contributing groundwater to the adjacent wetland as well as other functions, and to assess the impact development will have on the Provincially Significant Wetland, and identifying all required mitigation measures, including any requirements to be implemented in the subdivision agreement. The study shall be prepared in accordance with the Hydrogeological Assessment Submissions Conservation Authority Guidelines to Support Development Applications (June, 2013) to the satisfaction of the City and the UTRCA and the findings shall be incorporated into the final EIS and may result in the redlining of the plan.
17. In conjunction with the Design Studies submission, a revised Environmental Impact Study shall be prepared that addresses the UTRCA's and Environmental and Parks Planning's outstanding concerns and incorporates recommendations and findings from the Hydrogeological assessment and the water balance assessment, to the satisfaction of the City and the UTRCA.
18. In conjunction with Design Studies submissions, the Stormwater Management Report (Functional and Final) and Drainage Plan be circulated to the UTRCA for review and sign-off.
19. In accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the Conservation Authorities Act, the proponent shall obtain the necessary permit/approvals from the UTRCA.

Environmental & Parks Planning

20. In conjunction with Design Studies submission, a Buffer Naturalization Plan and Edge Management Plan shall be provided for Block 139 that includes recommendations for the removal of invasive species within the Significant Woodland and the creation of wildlife habitat, to the satisfaction of the City.
21. In conjunction with the Design Studies submission, the Owner shall identify how the recommendations of the EIS, addendums, Hydrogeological and Water Balance reports will be implemented, to the satisfaction of the City.
22. The Owner shall dedicate Blocks 136, 137, 138, and redlined 139 to cover a portion of the required parkland dedication. The remaining parkland dedication for Block 133 will be taken as cash-in-lieu as per By-law CP-9.
23. In conjunction with the Design Studies submission, the Owner shall provide initial pathway concepts for Blocks 136, 137 and 138, to the satisfaction of the City.
24. Within one year of registration of this plan, the Owner shall grade, service and seed Blocks 137 and 138 and construct all works within the park blocks and pathway corridors within the phase being registered, in accordance with the approved plan, to the satisfaction of the City.
25. Within one year of registration of this plan, the Owner shall construct a 1.5m high chain link fencing without gates in accordance with current City park standards (SPO 4.8) or approved alternate, along the property limit interface of all private lots and blocks adjacent to existing and/or future Park and Open Space Blocks, to the satisfaction of the City.
26. The Owner shall not grade into any open space areas (Block 139). Where lots or 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



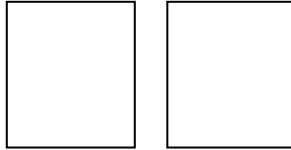
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vegetation. In instances where this is not practical or desirable, any grading into the open space shall be to the satisfaction of the City.

27. In conjunction with the Design Studies submission, the Owner shall prepare an education package which explains the stewardship of natural area, the value of existing tree cover and the protection and utilization of the grading and drainage pattern on these lots. The package shall be delivered to all homeowners upon registration of the transfer to each purchaser within this plan, to the satisfaction of the City.
28. In conjunction with the Design Studies submission, the Owner shall have a qualified arborist prepare a tree preservation report and plan for lands within the proposed draft plan of subdivision. The tree preservation report and plan shall be focused on the preservation of quality specimen trees within lots and blocks. Tree preservation shall be established first and grading/servicing design shall be developed to accommodate maximum tree preservation. The tree preservation report and plan shall be completed in accordance with current approved City of London guidelines for the preparation of tree preservation reports and tree preservation plans, to the satisfaction of the City.
29. In conjunction with the Design Studies submission, the Owner shall, in lieu of the standard park grade, service and seed requirements, undertake, by a Registered Professional Forester, a Hazard Tree Assessment Study for the portion of Block 139 that abuts park and open space. The study will include a tree risk assessment to identify hazard trees or hazardous parts of any trees within falling distance of the park and residential lot lines (this being the hazard tree management zone) and trails (as approved by the City).

Engineering – Sanitary

30. In conjunction with the Design Studies submission, the Owner shall have his consulting engineer prepare and submit the following sanitary servicing design information:
- i) a sanitary drainage area plan, including the preliminary sanitary sewer routing and the external areas to be serviced, to the satisfaction of the City;
 - ii) propose a suitable routing for the trunk sanitary sewer to be constructed through this plan. Further to this, the consulting engineer shall be required to provide an opinion for the need for an Environmental Assessment under the Class EA requirements for this sanitary trunk sewer; and,
 - iii) an analysis to establish the water table level of lands within the subdivision with respect to the depth of the sanitary sewers and recommend additional measures, if any, which need to be undertaken to meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407.
31. 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 (including the extension of a minimum 300 mm (12") sanitary sewer on Sunningdale Road East, at no cost to the City) and connect them to the existing municipal sewer system, namely, the 300 mm (12") diameter sanitary sewer located on Sunningdale Road East, west of 920 Sunningdale Road East which connects to the 375 mm (15") sanitary sewer that runs through an easement in the condominium complex at 620 Thistlewood Drive eventually connecting to the 525 mm (21") municipal trunk sanitary sewer at Thistlewood Drive and Creekside Street;
 - ii) construct a maintenance access road and provide a standard municipal easement for any section of the sewer not located within the road allowance, to the satisfaction of the City; and,
 - iii) 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.



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32. 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 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, 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. The City may require smoke testing to be undertaken until such time as the sewer is assumed by the City;
- iii) having his consulting engineer confirm that the sanitary sewers meet allowable inflow and infiltration levels as per OPSS 410 and OPSS 407;
- iv) installing Parson Manhole Inserts (or approved alternative satisfactory to the City Engineer) in all sanitary sewer maintenance holes at the time the maintenance holes 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; and,
- v) any additional measures recommended through the Design Studies stage.

33. Prior to registration of this Plan, the Owner shall obtain consent from the City Engineer to reserve capacity at the Adelaide Pollution Control Plant for this subdivision. This treatment capacity shall be reserved by the City Engineer subject to capacity being available, on the condition that registration of the subdivision agreement and the plan of subdivision occur within one (1) year of the date specified in the subdivision agreement.

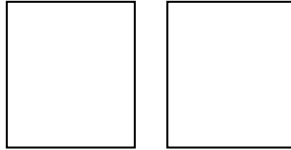
Failure to register the Plan within the specified time may result in the Owner forfeiting the allotted treatment capacity and, also, the loss of his right to connect into the outlet sanitary sewer, as determined by the City Engineer. In the event of the capacity being forfeited, the Owner must reapply to the City to have reserved sewage treatment capacity reassigned to the subdivision.

Engineering – Storm and Stormwater Management (SWM)

34. 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) identify the storm/drainage and SWM servicing works for the subject and external lands, if necessary, and how the interim drainage from external lands will be handled, all to the satisfaction of the City;
- ii) identify major and minor storm flow routes for the subject and external lands, all to the satisfaction of the City, including the preliminary storm sewer routing from this plan to the existing outlet;
- iii) any geotechnical recommendations in the geotechnical report with respect to construction, grading and drainage of this subdivision in relation to steep slopes and setbacks;
- iv) 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 the Environment standards and requirements, all to the satisfaction of the City. This plan is to include measures to be used during all phases of construction; and,
- v) implement 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 Engineer.

35. 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



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investigation carried out by a qualified consultant, to determine, including but not limited to, the following:

- i) the effects of the construction associated with this subdivision on the existing ground water elevations and domestic or farm wells in the area;
- ii) identify any abandoned wells in this plan;
- iii) assess the impact on water balance in the plan;
- iv) any fill required in the plan;
- v) provide recommendations for foundation design should high groundwater be encountered;
- vi) identify all required mitigation measures including Low Impact Development (LIDs) solutions;
- vii) address any contamination impacts that may be anticipated or experienced as a result of the said construction; and,
- ix) provide recommendations regarding soil conditions and fill needs in the location of any existing watercourses or bodies of water on the site, all to the satisfaction of the City.

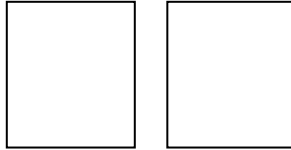
Prior to the issuance of any Certificate of Conditional Approval, the Owner's professional engineer shall certify that any remedial or other works as recommended in the accepted hydro geological report have been implemented by the Owner, to the satisfaction of the City, at no cost to the City.

36. 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) construct storm sewers, located within the Stoney Creek Subwatershed, and connect them to the existing municipal storm sewer system, namely, the 1200 mm (48") diameter storm sewer stub located within an easement at 920 Sunningdale Road East on private lands which outlet to the Regional Stoney Creek SWM Facility 1N;
- ii) make provisions to oversize and deepen the internal storm sewers, if necessary, in this plan, if necessary, 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 for this plan.

37. The above-noted Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation, prepared by the Owner's consulting professional engineer, shall be in accordance with the recommendations and requirements of the following:

- i) the SWM criteria and environmental targets for the Stoney Creek Subwatershed Study and any addendums/amendments;
- ii) the accepted Municipal Class EA for Storm Drainage and Stormwater Management Servicing Works for the Stoney Creek Undeveloped Lands (2008) and the Minor revisions/amendments to the Municipal Class EA for Storm Drainage and Stormwater Management Servicing Works for the Stoney Creek Undeveloped Lands (May 2011);
- iii) the approved Storm/Drainage and SWM Servicing Functional Report for the subject lands;
- iv) the approved Functional Stormwater Management Plan for Regional SWM Facility 1N – AGM Engineering – Revised September 2008 or any updated Functional Stormwater Management Plan;
- v) 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,



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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.;

- vi) the City of London Environmental and Engineering Services Department Design Specifications and Requirements, as revised;
- vii) the City's Waste Discharge and Drainage By-laws, lot grading standards, Policies, requirements and practices;
- viii) the City Council approved Official Plan Policies relating to open watercourse and wetland setbacks, the Owner shall allocate and maintain adequate setbacks as per the Ministry of the Environment and the City requirements, and as per the accepted Environmental Impact Study;
- ix) the Ministry of the Environment and Climate Change SWM Practices Planning and Design Manual, as revised; and,
- x) applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.

38. Prior to the issuance of any Certificates of Conditional Approval, 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) construct and have operational the major and minor storm flow routes for the subject lands, to the satisfaction of the City; and
- iii) the Owner shall make arrangements with affected property owner(s) to direct overland flows from this plan to SWM Facility 1N via the private lands to the south or provide alternative routing or alternative strategies to manage overland flows as identified through design studies, to the satisfaction and specifications of the City. The Owner shall construct all necessary works and obtain all required easements for the City, as necessary, to the specifications and satisfaction of the City, at no cost to the City.

39. 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 or any approval 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.

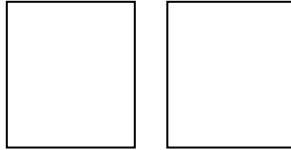
40. The Owner's professional engineer shall ensure that all existing upstream external flows traversing this plan of subdivision are accommodated within the overall minor and major storm conveyance servicing system(s) design, all to the specifications and satisfaction of the City Engineer.

41. The Owner shall ensure the post-development discharge storm flows from the subject site must not exceed the capacity of the stormwater conveyance system. In an event, where the above conditions cannot be met, the Owner shall provide SWM on-site controls that comply to the accepted Design Requirement for Permanent Private Stormwater Systems.

Engineering – Water

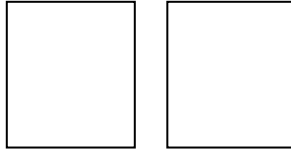
42. In conjunction with the Design Studies submission, the Owner shall have their consulting engineer prepare and submit a water servicing report which addresses the following, all to the satisfaction of the City Engineer:

- i) water distribution system analysis & modeling and hydraulic calculations for the Plan of Subdivision confirming system design requirements are being met;



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- ii) address water quality and identify measures to maintain water quality from zero build-out through full build-out of the subdivision;
 - iii) identify fire flows available from each proposed hydrant to be constructed and determine the appropriate colour hydrant markers (identifying hydrant rated capacity);
 - iv) include a phasing report as applicable which addresses the requirement to maintain interim water quality;
 - v) identify any water servicing requirements necessary to provide water servicing to external lands, incorporating existing area plans as applicable;
 - vi) identify any need for the construction of or improvement to external works necessary to provide water servicing to this Plan of Subdivision;
 - vii) identify the effect of development on existing water infrastructure – identify potential conflicts;
 - viii) include full-sized water distribution and area plan(s); and,
 - ix) identify on the water distribution plan the location of valves, hydrants, and the type and location of water quality measures to be implemented (including automatic flushing devices).
43. Prior to the issuance of a 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. This site shall be serviced from the Uplands High Level Water distribution System. Currently the closest watermain for this pressure system is the existing 300 mm (12”) diameter high level watermain on located on Sunningdale Road at Blackwater Road;
 - ii) extend watermains to site along municipal rights of way, or through future proposed municipal rights of way, in accordance with design standards and requirements through future developments 39T-09501 (660 Sunningdale Road) or along Sunningdale Road and Adelaide Street North to the subjects site, at no cost to the City; and,
 - iii) in accordance with the Design Standards and requirements, the subdivision shall be serviced from 2 sources of water supply (the watermain system shall be looped) to the satisfaction of the City Engineer where development or phasing of the development is proposed to proceed beyond 80 units.
44. Prior to the issuance of any Certificates of Conditional Approval the Owner shall install and commission the accepted water quality measures required to maintain water quality within the water distribution system during build-out, all to the satisfaction of the City Engineer, at no cost to the City. The measures which are necessary to meet water quality requirements, including their respective flow settings, etc shall be shown clearly on the engineering drawings.
45. Implemented water quality measures shall remain in place until there is sufficient occupancy demand to maintain water quality within the Plan of Subdivision without their use. The Owner is responsible to meter and pay the billed costs associated with any automatic flushing devices including water discharged from any device from the time of their installation until removal. Any incidental and/or ongoing maintenance of the automatic flushing devices is/are the responsibility of the Owner.
46. The staging limits in any request for Conditional Approval shall conform to the phasing plan as set-out in the accepted water servicing design study and shall include the implementation of the interim water quality measures. In the event the requested phasing limits differ from the accepted design study the Owner would be required to submit revised phasing plans and hydraulic modeling addressing water quality.
47. 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



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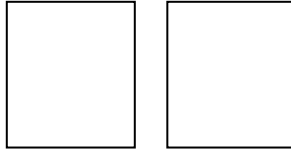
shall be responsible for meeting the requirements of the legislation. If deemed a regulated system, there is potential the City of London could be ordered to operate this system in the future. As such, the system would be required to be constructed to City standards and requirements.

48. 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.

Engineering – Transportation

Roadworks

49. The Owner shall construct a cul-de-sacs on Street 'C' and Street 'E' in accordance with City of London Standard DWG. SR-5.0 (or variation thereof as shown on the draft plan and as approved by the City Engineer.) The Owner shall provide a raised circular centre island (R=8.25m) within the cul-de-sacs or as otherwise directed by the City Engineer.
50. In conjunction with the Design Studies submission, the Owner shall have it's professional engineer complete the following, all to the specifications and satisfaction of the City:
- i) demonstrate how Superior Drive will align with Street 'D' in Plan 39T-09501 to the west and confirm that the centreline of Superior Drive is aligned perpendicular to Adelaide Street North and opposite the centreline of Street 'D' in Plan 39T-09501;
 - ii) provide a conceptual layout of the roads and rights-of-way of the plan to the City for review and acceptance with respect to road geometries, including but not limited to, right-of-way widths, tapers, bends, intersection layout, daylighting triangles, pavement markings, etc., and include any associated adjustments to the abutting lots; and,
 - iii) confirm that all streets in the subdivision have centreline radii which conforms to the City of London Standard "Minimum Centreline Radii of Curvature of Roads in Subdivisions.
51. The Owner shall construct Superior Drive at the western boundary of the plan in an alignment with Street 'D' in Plan 39T-09501 to the west, to the satisfaction of the City.
52. The Owner shall construct Superior Drive to secondary collector standards.
53. The Owner shall revise Superior Drive to provide 6.0 metre tangents on Street 'D', west of Street 'C', as per City standards.
54. All through intersections and connections with existing streets and internal to this subdivision shall align with the opposing streets based on the centrelines of the street aligning through their intersections thereby having these streets centred with each other, unless otherwise approved by the City Engineer.
55. The Owner shall construct the right-of-way width on Superior Drive, east of Street 'C' , to be 21.5 metres tapered back over a distance of 30 metres to the standard road allowance of 19 metres (62').
56. The Owner shall provide a minimum of 5.5 metres (18') along the curb line between the projected property lines of irregular shaped lots around the bends on streets in this plan. If not possible, the Owner shall limit the bulge in the curb line on streets in this plan to only a maximum offset from the standard radius required to achieve the minimum curb distance for driveways, as approved by the City Engineer. Further, the bulge in the street line is only to be to the extent required to achieve the minimum frontage for the abutting lots.



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57. The Owner shall design and construct the roadworks, as designed by its professional engineer, in accordance with the following road widths:

- i) Superior Drive has a minimum road pavement width (excluding gutters) of 9.5 metres (31.2') with a minimum road allowance of 21.5 metres (70');
- ii) Street 'B' and Street 'C' (Superior Street to Street 'E'), have a minimum road pavement width (excluding gutters) of 8.0 metres (26.2') with a minimum road allowance of 20 metres (66');
- iii) Street 'C' (east of Street 'E'), Street 'E' and Street 'D' has a minimum road pavement width (excluding gutters) of 7.0 metres (23') with a minimum road allowance of 19 metres (62'); and,
- iv) Superior Drive from Adelaide Street North to 45 metres (150') east has a minimum road pavement width (excluding gutters) of 11.0 metres (36.1') with a minimum road allowance of 22.5 metres (75'). The widened road on Superior Drive shall be equally aligned from the centreline of the road and tapered back to the 9.5 metres (31.2') of road pavement width (excluding gutters) and 21.5 metres (70') of road allowance width for this street with 30 metre (100') long tapers on both street lines.

58. The Owner shall convey Block 140 to the City for a future public road at no cost to the City.

Prior to Final Approval, if an application for draft plan of subdivision has been accepted by the City on lands to the south of the subject site (known municipally as 1924 Adelaide Street North) and it is determined that a public road connection is needed to service these lands, then the Owner will be required to construct a fully serviced road, to the satisfaction of the City.

If no application for draft plan of subdivision has been received for 1924 Adelaide Street North prior to final approval for the subject site, Block 140 shall be conveyed to the City for a future public road at no cost to the Municipality.

If it is determined that the access block is required for a private access, Block 140 shall be sold at market value, as determined by the City acting reasonably to the owners of the adjacent lands for access purposes, and the City shall pay the net proceeds of that sale minus any City costs to the Owner of this plan (39T-11502) within 30 days of such sale.

Should the City determine that Block 140 is not needed for access purposes (private or public) within ten years from date of the Board Decision, then the City will transfer it back to the Owner of this plan for a nominal fee.

59. Ensure all streets with bends of approximately 90 degrees shall have a minimum inside street line radius with the following City standard:

<u>Road Allowance</u>	<u>S/L Radius</u>
20.0 m	9.0 m
19.0 m	9.5 m
18.0 m	10.0 m

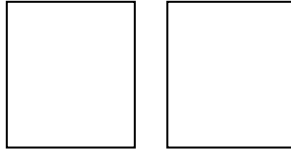
Sidewalks/Bikeways

60. The Owner shall construct a 1.5 metre (5') sidewalk on both sides of Superior Drive.

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

- i) Street 'B' – north boulevard;
- ii) Street 'C' – south and west boulevard; and,
- iii) Street 'D' – east and south boulevard.

Street Lights



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62. 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 London Hydro for the City of London.

Boundary Road Works

63. In conjunction with the Design Studies submission, the Owner shall have it's professional consulting engineer submit design criteria for the turn lanes on Adelaide Street North at Superior Drive and Street 'B' and any associated works, for review and acceptance by the City.

64. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall complete the following works, to the satisfaction of the City:

- i) restrict access to Street 'B' at Adelaide Street North to right-in and right-out only by constructing a centre median island on Adelaide Street North and associated works, to the satisfaction of the City;
- ii) construct a right turn taper on Adelaide Street at Street 'B' and associated works, to the satisfaction of the City;
- iii) construct turn lanes on Adelaide Street North at Superior Drive, and any associated works, with sufficient storage and taper to accommodate traffic anticipated by the full build-out of the subdivision to the satisfaction of the City; and,
- iv) install street lighting at the intersection of Superior Drive and Street 'B' with Adelaide Street North to adequately illuminate the intersection, to the specifications and satisfaction of the City, at no cost to the City.

65. The Owner shall be required to make minor boulevard improvements on Adelaide Street 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.

Road Widening

66. The Owner shall be required to dedicate sufficient land to widen Adelaide Street North to 18.0 metres (59.06') from the centreline of the original road allowance.

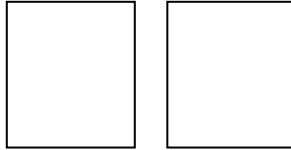
67. The Owner shall be required to dedicate 6.0 m x 6.0 m "daylighting triangles" at the intersection of Superior Drive with Adelaide Street North and Street 'B' with Adelaide Street North in accordance with the Z-1 Zoning By-law, Section 4.24.

Construction Access/Temporary/Second Access Roads

68. The Owner shall direct all construction traffic associated with this draft plan of subdivision to utilize Adelaide Street North or other routes as designated by the City.

69. In the event any work is undertaken on an existing street, the Owner shall establish and maintain a Traffic Management Plan (TMP) in conformance with City guidelines and to the satisfaction of the City for any construction activity that will occur on existing public roadways. The Owner shall have it's contractor(s) undertake the work within the prescribed operational constraints of the TMP. The TMP will be submitted in conjunction with the subdivision servicing drawings for this plan of subdivision.

Engineering – Other

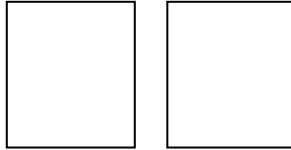


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70. The Owner shall comply with all City of London standards, guidelines and requirements in the design of this draft plan and all required engineering drawings, to the satisfaction of the City. Any deviations from the City's standards, guidelines or requirements shall be satisfactory to the City.
71. 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.
72. 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.
73. Once construction of any private services, i.e: water storm or sanitary, to service the lots and blocks in this plan is completed and any proposed relotting of the plan is undertaken, the Owner shall reconstruct all previously installed services in standard location, in accordance with the approved final lotting and approved revised servicing drawings all to the specification of the City Engineer and at no cost to the City.
74. 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.
75. The Owner shall have the common property line of Adelaide Street 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 Adelaide Street North are the future ultimate centreline of road grades as determined by the Owner's professional engineer, satisfactory to the City. From these, the Owner's professional engineer is to determine the ultimate elevations along the common property line which will blend with the ultimate reconstructed road, all to the satisfaction of the City.
76. 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.
77. 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.
78. 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

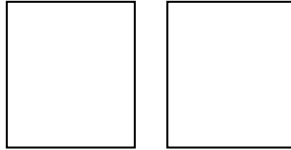


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facilities by outside owners whose lands are served by the said services and/or facilities, prior to the said services and/or facilities being assumed by the City.

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.

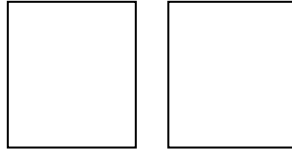
79. If, during the building or constructing of all buildings or works and services within this subdivision, any deposits of organic materials or refuse are encountered, the Owner shall report these deposits to the City Engineer and Chief Building Official immediately, and if required by the City Engineer and Chief Building Official, the Owner shall, at his own expense, retain a professional engineer competent in the field of methane gas to investigate these deposits and submit a full report on them to the City Engineer and Chief Building Official. Should the report indicate the presence of methane gas then all of the recommendations of the engineer contained in any such report submitted to the City Engineer and Chief Building Official shall be implemented and carried out under the supervision of the professional engineer, to the satisfaction of the City Engineer and Chief Building Official and at the expense of the Owner, before any construction progresses in such an instance. The report shall include provision for an ongoing methane gas monitoring program, if required, subject to the approval of the City engineer and review for the duration of the approval program. If a permanent venting system or facility is recommended in the report, the Owner shall register a covenant on the title of each affected lot and block to the effect that the Owner of the subject lots and blocks must have the required system or facility designed, constructed and monitored to the specifications of the City Engineer, and that the Owners must maintain the installed system or facilities in perpetuity at no cost to the City. The report shall also include measures to control the migration of any methane gas to abutting lands outside the Plan.
80. The Owner's 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 Certification of Completion of Works upon completion, in accordance with the plans accepted by the City Engineer.
81. In conjunction with the Design Studies submission, the Owner shall have its professional engineer provide an opinion for the need for an Environmental Assessment under the Class EA requirements for the provision of any services related to this Plan. All class EA's must be completed prior to the submission of engineering drawings.
82. The Owner shall have its 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".
83. 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.)
84. 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.
85. In conjunction with the Design Studies submission, in the event the Owner wishes to phase this plan of subdivision, the Owner shall submit a phasing plan identifying all



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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.

86. If any temporary measures are required to support the interim conditions in conjunction with the phasing, the Owner shall construct temporary measures and provide all necessary land and/or easements, to the specifications and satisfaction of the City Engineer, at no cost to the City.
87. 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.
88. 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.
89. 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.
90. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
91. Prior to the issuance of any Certificates of Conditional Approval, the Owner shall have the existing access and services to 2054 Adelaide Street North relocated and/or reconstructed to the satisfaction of the City should the existing dwelling on Lot 124 be retained. Any portion of the existing services not used shall be removed or abandoned and capped to the satisfaction of the City, at no cost to the City. In addition, the Owner shall regrade, if necessary, areas within Block 135 to be compatible with the proposed subdivision grading and drainage, to the satisfaction of the City.
92. In conjunction with the Design Studies submission, the Owner shall provide, to the City for review and acceptance, a geotechnical report or update the existing geotechnical report recommendations to address all geotechnical issues with respect to the development of this plan, including, but not limited to, the following:
 - i) servicing, grading and drainage of this subdivision;
 - ii) road pavement structure;
 - iii) dewatering;
 - iv) foundation design;
 - v) removal of existing fill (including but not limited to organic and deleterious materials);
 - vi) the placement of new engineering fill;
 - vii) any necessary setbacks related to slope stability for lands within this plan;
 - viii) identifying all required mitigation measures including Low Impact Development (LIDs) solutions; and,
 - ix) cutting/filling, erosion, maintenance and structural setbacks related to slope stability associated with the existing wetlands, all to the satisfaction of the City and the Upper Thames River Conservation Authority (UTRCA).
93. The Owner shall implement all geotechnical recommendations to the satisfaction of the City.
94. 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



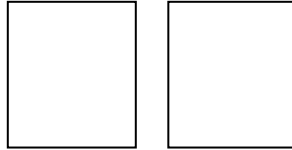
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documents to the Ministry in this regard with copies provided to the City. The City may require a copy of the report should there be City property adjacent to the contamination.

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.

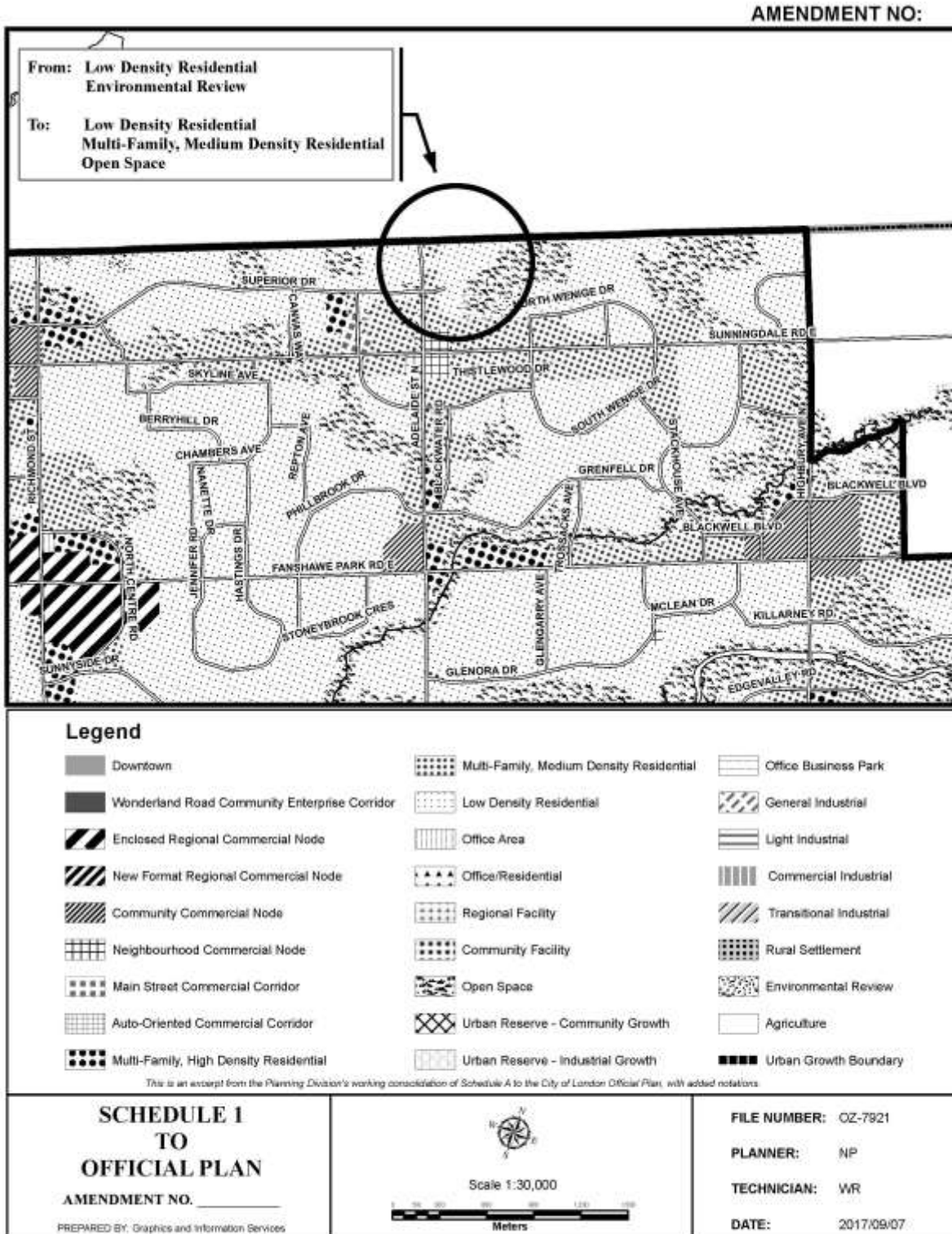
95. In conjunction with the Design Studies submission, the Owner shall submit a Development Charge work plan outlining the costs associated with the design and construction of the DC eligible works. The work plan must be approved by the City Engineer and City Treasurer (as outlined in the most current DC By-law) prior to advancing a report to Planning and Environment Committee recommending approval of the special provisions for the subdivision agreement.



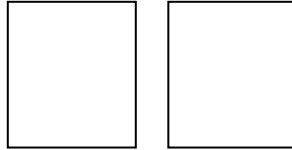
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Appendix B

Proposed Official Plan Amendment

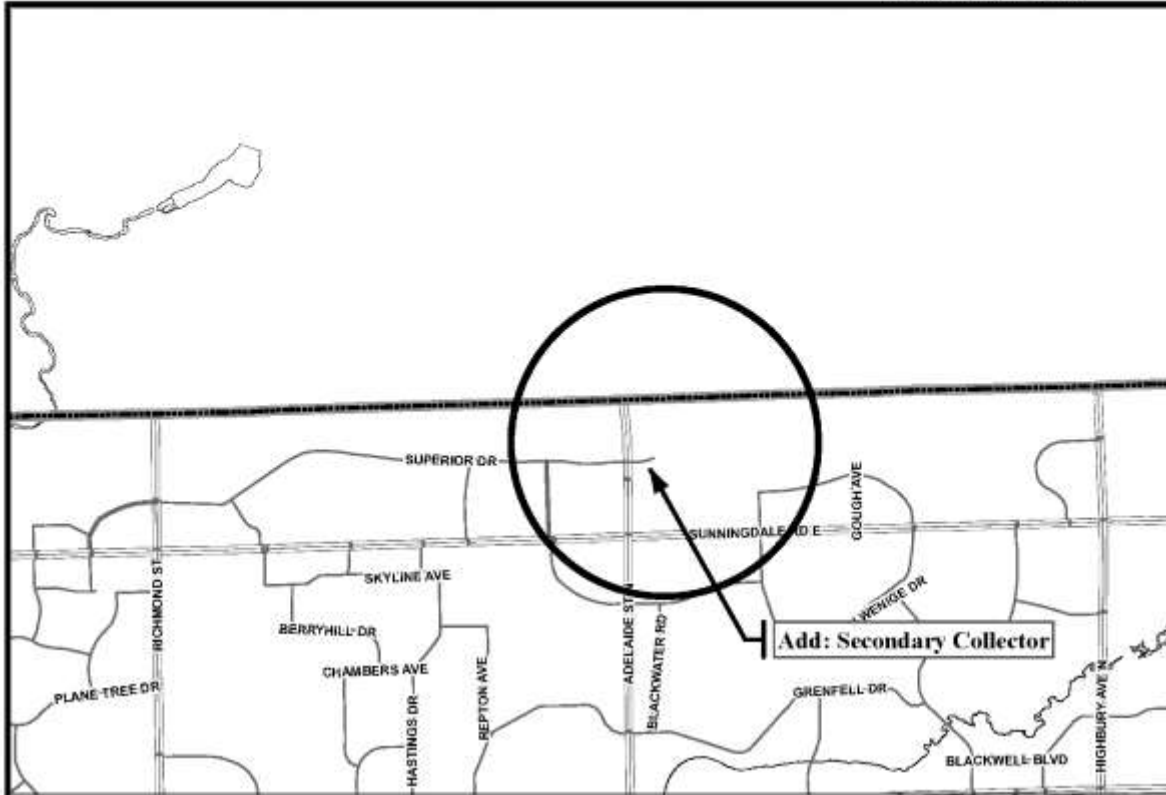


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AMENDMENT NO:



Legend

ROAD CLASSIFICATION

- Secondary Collector
- Primary Collector
- Arterial
- Freeway
- Expressway

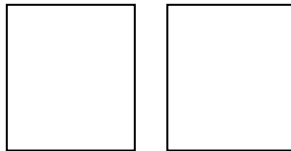
PROPOSED ROAD CORRIDOR

- Proposed Secondary Collector
- Proposed Primary Collector
- Proposed Arterial
- Proposed Freeway
- Proposed Expressway
- Proposed Interchange

THIS IS AN EXCERPT FROM THE PLANNING DIVISION'S WORKING CONSOLIDATION OF SCHEDULE C TO THE CITY OF LONDON OFFICIAL PLAN, WITH ADDED NOTATIONS

<p align="center">SCHEDULE ##### TO OFFICIAL PLAN</p> <p>AMENDMENT NO. _____</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p align="center"> Scale 1:30,000 Meters </p>	<p>FILE NUMBER: OZ-7921</p> <p>PLANNER: NP</p> <p>TECHNICIAN: WR</p> <p>DATE: 2017/09/07</p>
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PROJECT LOCATION: e:\planning\projects\p_official\plan\work\consolid00\amendments\????\mxd\scheduleC_bkr_8r11_with_SWAP.mxd



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Appendix C

Proposed Zoning By-law Amendment

Zoning By-law Amendment

Bill No. (number to be inserted by Clerk's Office)
2017

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 2054 Adelaide Street North.

WHEREAS 1705825 Ontario Limited has applied to rezone an area of land located at 2054 Adelaide Street North, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 2054 Adelaide Street North, from an Urban Reserve (UR3) Zone and an Environmental Review (ER) Zone to a Holding Residential R1 Special Provision (h. h-100•R1-4(**)) Zone, a Holding Residential R5 Special Provision/Residential R6 Special Provision (h. h-100•R5-2(**)/R6-1(**)) Zone, a Holding Residential R5 Special Provision/R6 Special Provision/Residential R8 Special Provision (h. h-100•R5-4(*)/R6-5(*)/R8-4(*) Zone, a Holding Residential R5 Special Provision/R6 Special Provision (h. h-100•R5-4(**)/R6-5(**)) Zone, an Open Space (OS1) Zone and an Open Space (OS5) Zone.

1) Section 5.4 of the Residential R1 Zone to By-law No. Z.-1 is amended by adding the following Special Provision:

5.4 d) ___ R1-4(**)

(a) Regulations

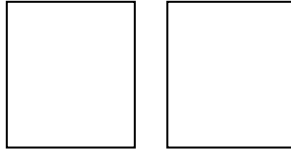
- i) Front Yard Setback, Main Dwelling (Minimum): 3 metres (9.8 feet)
- ii) Front Yard Depth for Garages (Minimum.): 5.5 metres (18.0 feet)
- iii) Interior Side Yard Depth (Minimum): 1.2 metres (3.9 feet), except where there is no attached garage, then 3.0 metres (9.8 feet) is required on one side.
- iv) Dwelling Setback From High Pressure Pipeline (Minimum): 16.5 metres (54 feet)

2) Section 9.4 of the Residential R5 Zone to By-law No. Z.-1 is amended by adding the following Special Provision:

9.4 b) ___ R5-2(*)

(a) Regulations

- i) Front Yard Setback, 3 metres (9.8 feet)



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Main Dwellings (Minimum):

- ii) Front Yard Depth for Garages (Minimum.): 5.5 metres (18.0 feet)

3) Section 9.4 of the Residential R5 Zone to By-law No. Z.-1 is amended by adding the following Special Provision:

9.4 d) ___ R5-4(*)

(a) Regulations

- i) Front Yard Setback, Main Dwellings (Minimum): 3 metres (9.8 feet)
- ii) Front Yard Depth for Garages (Minimum.): 5.5 metres (18.0 feet)

4) Section 9.4 of the Residential R5 Zone to By-law No. Z.-1 is amended by adding the following Special Provision:

9.4 d) ___ R5-4(**)

(a) Regulations

- i) Front Yard Setback, Main Dwellings (Minimum): 3 metres (9.8 feet)
- ii) Front Yard Depth for Garages (Minimum.): 5.5 metres (18.0 feet)
- iii) Dwelling Setback From High Pressure Pipeline (Minimum): 16.5 metres (54 feet)

5) Section 10.4 of the Residential R6 Zone to By-law No. Z.-1 is amended by adding the following Special Provision:

10.4 a) ___ R6-1(*)

(a) Regulations

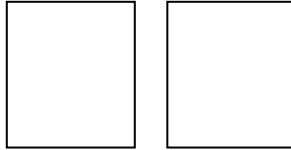
- i) Front Yard Setback, Main Dwellings (Minimum): 3 metres (9.8 feet)
- ii) Front Yard Depth for Garages (Minimum.): 5.5 metres (18.0 feet)

6) Section 10.4 of the Residential R6 Zone to By-law No. Z.-1 is amended by adding the following Special Provision:

10.4 a) ___ R6-1(**)

(a) Regulations

- i) Front Yard Setback, Main Dwellings (Minimum): 3 metres (9.8 feet)



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- ii) Front Yard Depth for Garages (Minimum.): 5.5 metres (18.0 feet)
 - iii) Dwelling Setback From High Pressure Pipeline (Minimum): 16.5 metres (54 feet)

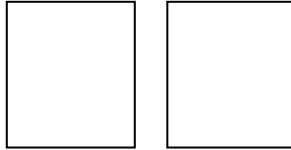
- 7) Section 10.4 of the Residential R6 Zone to By-law No. Z.-1 is amended by adding the following Special Provision:
 - 10.4 e) ___ R6-5(*)
 - (a) Regulations
 - i) Front Yard Setback, Main Dwellings (Minimum): 3 metres (9.8 feet)
 - ii) Front Yard Depth for Garages (Minimum.): 5.5 metres (18.0 feet)

- 8) Section 10.4 of the Residential R6 Zone to By-law No. Z.-1 is amended by adding the following Special Provision:
 - 10.4 e) ___ R6-5(**)
 - (a) Regulations
 - i) Front Yard Setback, Main Dwellings (Minimum): 3 metres (9.8 feet)
 - ii) Front Yard Depth for Garages (Minimum.): 5.5 metres (18.0 feet)
 - iii) Dwelling Setback From High Pressure Pipeline (Minimum): 16.5 metres (54 feet)

- 9) Section 12.4 of the Residential R8 Zone to By-law No. Z.-1 is amended by adding the following Special Provision:
 - 12.4 d) ___ R8-4(*)
 - (a) Regulations
 - i) Front Yard Setback, Main Dwellings (Minimum): 3 metres (9.8 feet)

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with subsection 34(21) of the *Planning Act, R.S.O. 1990, c. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said subsection.



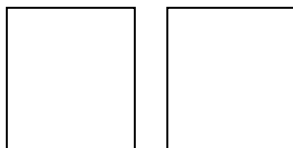
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PASSED in Open Council on

Matt Brown
Mayor

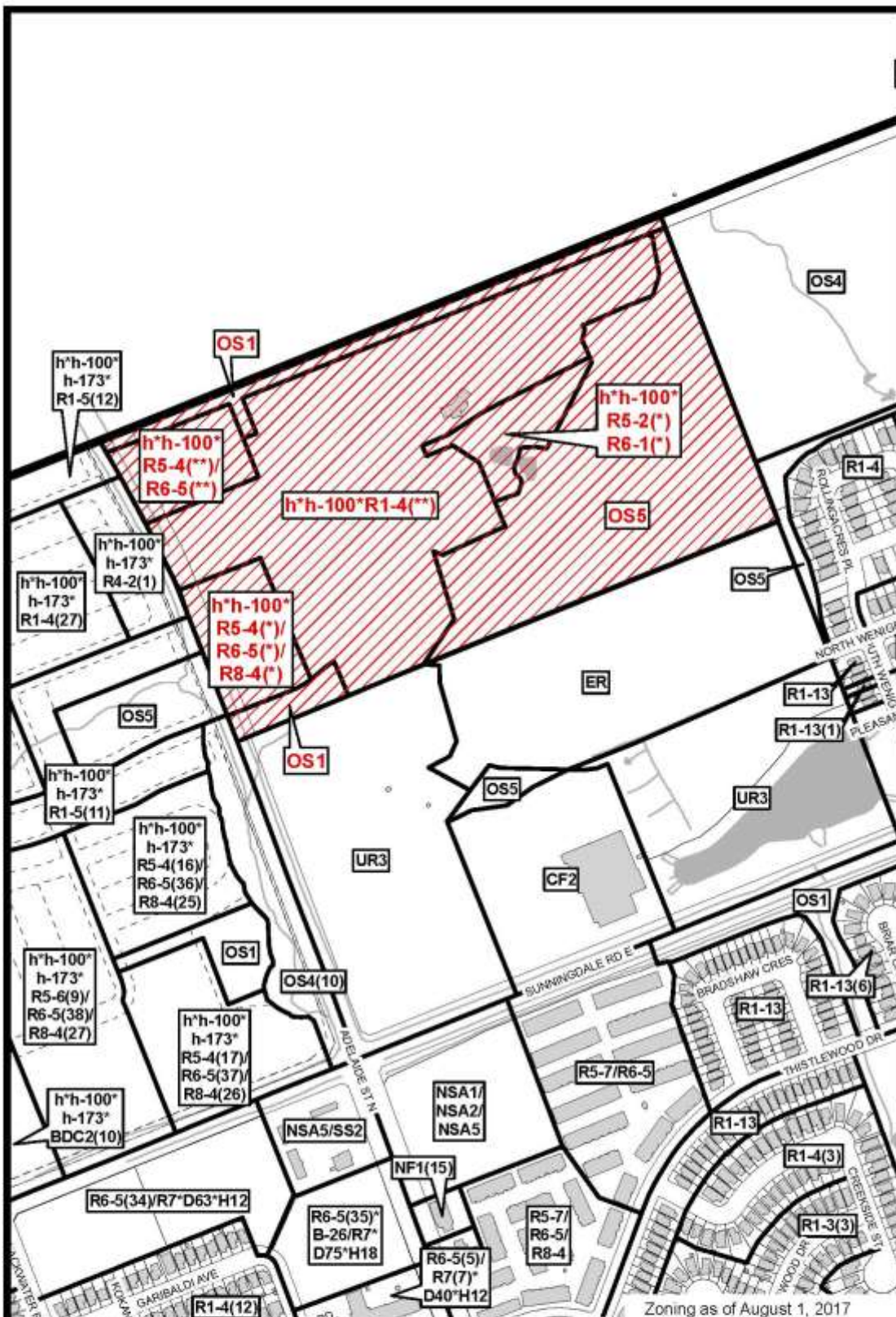
Catharine Saunders
City Clerk



First Reading -
Second Reading -
Third Reading -



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AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



<p>File Number: OZ-7921 Planner: NP Date Prepared: 2017/09/01 Technician: WR By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:5,000</p> <p>0 25 50 100 150 200 Meters</p> 
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