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Draft Approval Extension 39T-02509
A. MacLean

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| TO: | CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE |
| FROM: | G. KOTSIFAS DIRECTOR OF BUILDING CONTROLS AND CHIEF BUILDING OFFICIAL |
| SUBJECT: | REQUEST FOR EXTENSION OF DRAFT APPROVAL HYDE PARK MEADOWS SUBDIVISION 1128 FANSHAWE PARK RD W DRAFT APPROVED PLAN 39T-02509 DREWLO HOLDINGS INC. MEETING ON JUNE 18, 2012 |

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| RECOMMENDATION |
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That, on the recommendation of the Senior Planner, Development Services, the following action be taken with respect to the request from Drewlo Holdings Inc. for the property located at 1128 Fanshwe Park Road West;

- a) Council **SUPPORTS** the Approval Authority granting a 3 year extension of the draft plan of subdivision, submitted by Drewlo Holdings Inc. (File No. 39T-02509), prepared by Whitney Engineering Inc. (Drawing No. draftplan_3.DWG, dated March 11, 2002 and revised April 2003) and certified by Bruce Baker, O.L.S., as red-line amended, which shows a total of 10 single detached residential blocks, five (5) multi-family residential blocks, one (1) walkway block, and several reserve blocks served by a westerly extension of Blackacres Boulevard and two (2) new internal roads **SUBJECT TO** the revised conditions contained in the attached Appendix "39T-02509"; and,
- b) The applicant **BE ADVISED** that The Director of Development Finance has summarized claims and revenues information in the attached Appendix "A".

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| PREVIOUS REPORTS PERTINENT TO THIS MATTER |
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June 2009 – Report to Planning Committee on Draft Approval extension request

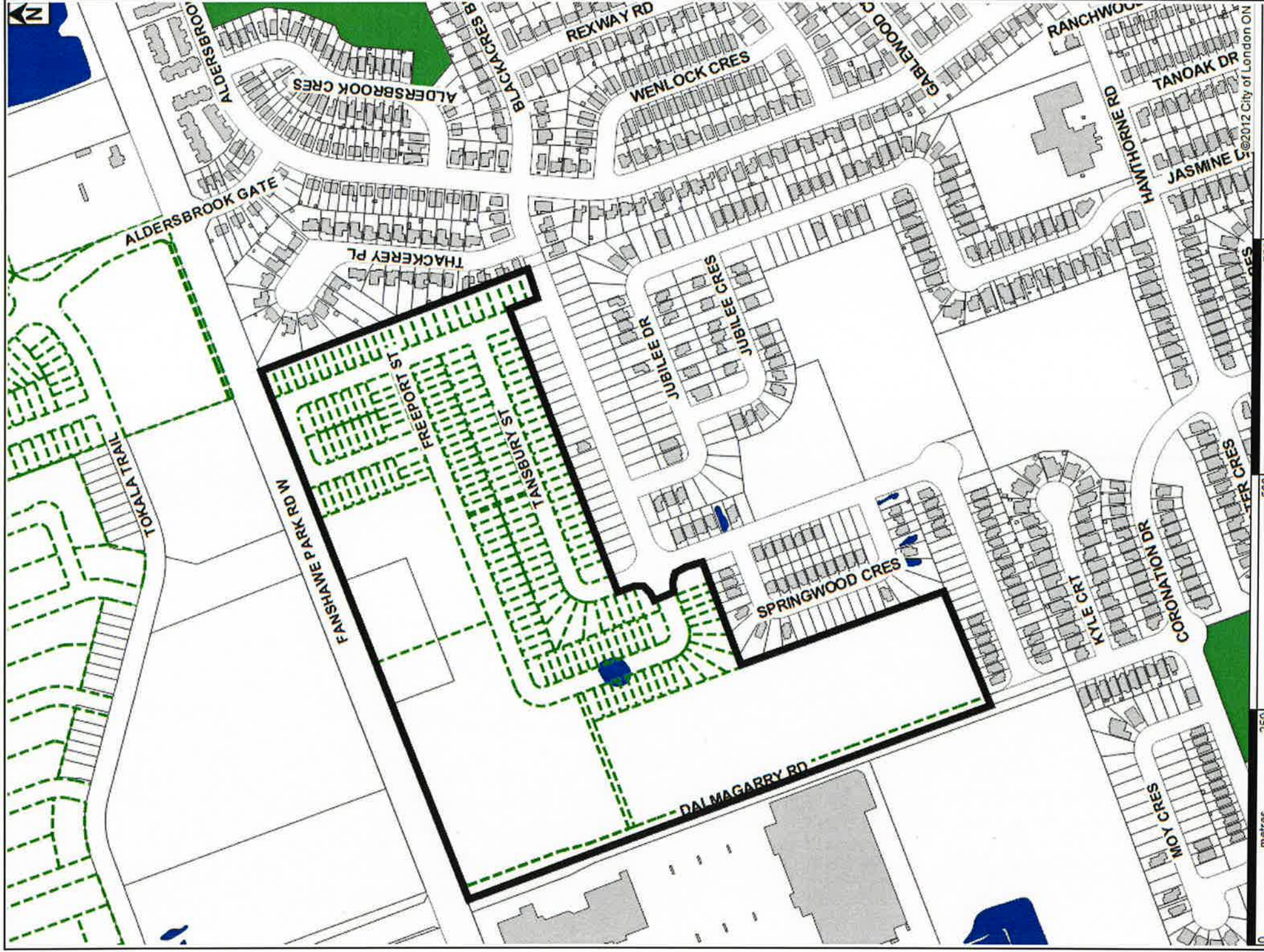
January 2008 - 39T-02509 Special Provisions Report for Phase I

May 2003 - 39T-02509/OZ-6309 Reports to Planning Committee on Draft Plan and Associated Official Plan and Zoning By-law amendments

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| BACKGROUND |
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This extension of draft approval request for three years is being considered by Council, consistent with the Council's delegation By-law (CP-13) for plan of subdivision approval.

The Hyde Park Meadows subdivision is comprised of a 41hectare (101 ac.) property located at 1128 Fanshawe Park Rd. West, east of Hyde Park Road. The application for Draft Plan of Subdivision Approval was accepted on June 25, 2002 and approved by the Approval Authority



LEGEND

-  Subject Site
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers

LOCATION MAP

Subject Site: 1128 Fanshawe Park Road West
 Applicant: Drewlo Holdings Inc
 File Number: 39T-02509-2
 Planner: Allister MacLean
 Created By: Allister MacLean
 Date: 2012-04-16
 Scale: 1:5000



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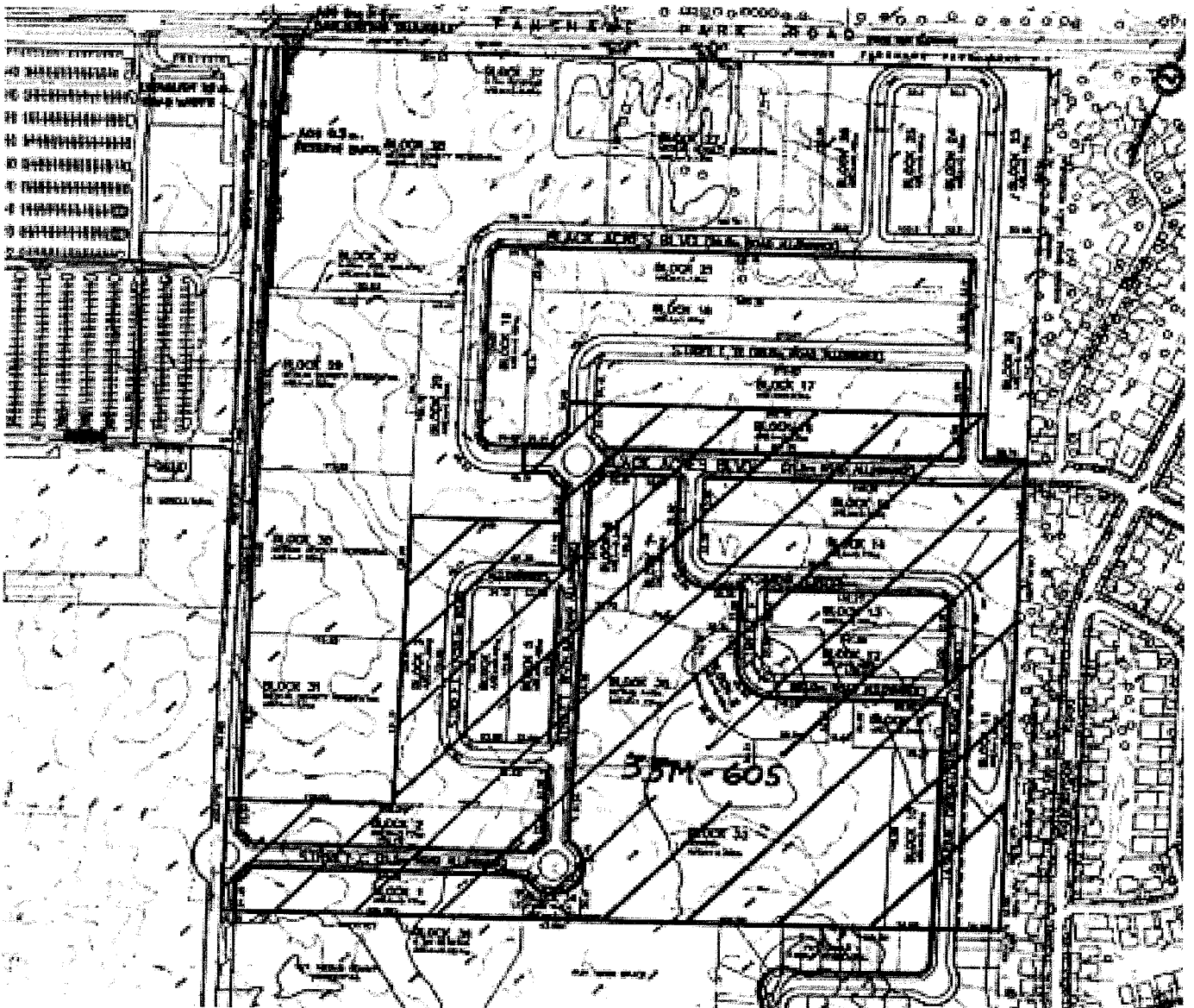
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on July 31, 2003. There were no appeals to the draft plan. A previous three (3) year extension of draft approval was granted by the Approval Authority on July 25, 2006. The Owner registered the first phase (33M-605 consisting of 239 sfd lots, two park blocks and 1 school block) of this subdivision on May 4, 2009. In 2009 a further three (3) year extension was granted to the developer.

Due to the time required to complete the remainder of this subdivision, the owners are requesting a further three (3) year extension to the draft approval. In it anticipated that the developer will be registering the final phase of this subdivision later this year.

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| Date Request Accepted: January 13, 2012 | Agent: George Bikas, Drewlo Holdings Inc. |
| REQUESTED ACTION: Request for a 3 year extension to draft approval. | |

Draft Approved Plan



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ANALYSIS

The attached amendments to the conditions of draft approval are required to ensure that these lands are developed to today's standards. The changes to conditions are to address engineering issues. The amendments to the conditions of draft approval are shown as strikeouts(deletions) and shaded areas(additions) on the attached Appendix. If granted, the new draft approval lapse date would be July 31, 2015.

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

Dalmagarry Road

Staff advised the applicant early in the process of the importance of having Dalmagarry Road constructed as part of this 2nd phase of the Hyde Park Meadows Subdivision. Our rationale deals with the broader transportation network requirements including access for the greater area north of Gainsborough and access to the Smart Centre mall. The construction of Dalmagarry Road will also help to alleviate capacity issues on Hyde Park Rd and traffic issues in the White Hills neighbourhood to the east.

In addition, staff have requested that the construction access, which is currently located off of Fanshawe Park Road-east of Dalmagarry Rd, be relocated to Dalmagarry Road. The construction of Dalmagarry Road will allow for the relocation of the construction access which will assist in alleviating issues of construction traffic turning movements on Fanshawe Park Rd. in this area.

Staff originally proposed that the existing condition relating to the construction of Dalmagarry Road be amended as follows:

~~The Owner shall construct Dalmagarry Road with lands outside this plan abutting the full length of Dalmagarry Road as a fully serviced secondary collector road from Fanshawe Park Road W. to the south limit of this subdivision, at no cost to the City. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct Dalmagarry Road as shown on this plan and the abutting lands to the west as a fully serviced secondary collector road (with a minimum base asphalt) from Fanshawe Park Road West to the south limit of this plan, at no cost to the City, to the satisfaction of the City.~~

The applicant has indicated that they do not support the inclusion of this revised condition as it hinders their ability to close on the sale of lots since builders would not be able to obtain building permits. In response to Drewlo's concerns, staff have proposed the following condition:

The Owner shall construct Dalmagarry Road as shown on this plan and the abutting lands to the west as a fully serviced secondary collector road (with a minimum base asphalt) from Fanshawe Park Road West to the south limit of this plan, at no cost to the City, to the satisfaction of the City.

No Certificate of Conditional Approval shall be issued for this Phase until the contract for the construction of Dalmagarry Rd. has been awarded. Further, a Certificate of Conditional Approval may be granted for no more that 95 single detached residential lots prior to the construction of Dalmagarry Road as noted above.


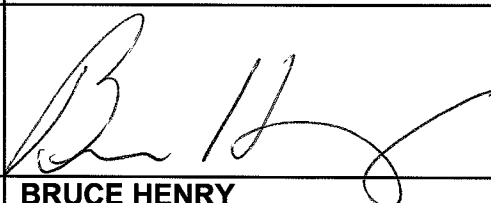

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With this revised clause, once the contract has been awarded, up to 95 single detached building permits may be issued prior to the completion of Dalmagarry Road. It is staff's contention that this addresses the applicant's concerns by allowing a limited number of building permits to be issued while providing the City with a level of comfort that Dalmagarry Road will be constructed in the short term to address transportation issues in this area.

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| CONCLUSION |
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The attached revised conditions of draft approval are appropriate to ensure that this subdivision is developed under current standards.

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| PREPARED and RECOMMENDED BY: | REVIEWED BY: |
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| ALLISTER MACLEAN SENIOR PLANNER | BRUCE HENRY MANAGER – DEVELOPMENT PLANNING |
| SUBMITTED BY: | |
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| G. KOTSIFAS DIRECTOR – DEVELOPMENT CONTROLS | |

June 7, 2012

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Appendix "A"

Related Estimated Costs and Revenues

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| Estimated Costs – This Agreement | |
| Claims from Urban Works Reserve Fund – General - Roadworks (traffic signals) | \$120,000 |
| Stormwater Management | Nil |
| Capital Expense | Nil |
| Other | Nil |
| Total | \$120,000 |
| Estimated Revenues - This Agreement (2012 rates) | |
| CSRF | \$5,749,750 |
| UWRF | \$2,316,391 |
| Total | \$8,066,141 |

1. Estimated Costs are based on approximations provided by the applicant. Final claims will be determined based on actual costs in conjunction with the terms of the subdivision agreement and the applicable By-law.
2. Estimated Revenues are calculated using 2012 DC rates and may take many years to recover. The revenue estimates includes DC cost recovery for "soft services" (fire, police, parks and recreation facilities, library, growth studies). There is no comparative cost allocation in the Estimated Cost section of the report, so the reader should use caution in comparing the Cost with the Revenue section.
3. The revenues and costs in the table above are not directly comparable. This subdivision, like others in the area, also relies on the recently constructed roadwork and SWM facilities, the cost of which is not reported above. Other growth related costs (like wastewater treatment plant and road capacity expansion) incurred to serve this subdivision and surrounding areas are not reported above, though the revenue for those service components is included in the "Estimated Revenues – This Agreement" section above. As a result, the revenues and costs reported above are not directly comparable. The City employs a "citywide" approach to recovery of costs of growth – any conclusions based on the summary of Estimated Costs and Revenues (above table) should be used cautiously.
4. The Owner should take note that there are currently significant delays in payment of claims from the Urban Works Reserve Fund.

Reviewed By:



Peter Christiaans
 Director, Development Finance

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Additions/Deletions

APPENDIX "39T-02509"

(Conditions to be included for Draft Plan Approval)

THE CORPORATION OF THE CITY OF LONDON'S CONDITIONS AND AMENDMENTS TO FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T-02509 ARE AS FOLLOWS:

1. This approval applies to the Revised draft plan of subdivision, as submitted by Drewlo Holdings Inc. (File No. 39T-02509), prepared by Whitney Engineering Inc. (Drawing No. draftplan_3.DWG, dated March 11, 2002 and revised April 2003) and certified by Bruce Baker, O.L.S., as red-line amended, which shows a total of 10 single detached residential blocks, five (5) multi-family residential blocks, one (1) walkway blocks, and several reserve blocks served by a westerly extension of Blackacres Boulevard and two (2) new internal roads.
2. The approval of this draft plan and these conditions replace the draft approval granted on July 31, 2006. The approval of the draft plan applies until July 31, 2012, and if final approval is not given within that time, 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 and dedicated as public highways.
4. ~~The street(s) shall be named to the satisfaction of the General Manager of Planning and Development.~~
5. ~~The municipal address shall be assigned to the satisfaction of the General Manager of Planning and Development.~~ The Owner shall request that addresses be assigned to the satisfaction of the City in conjunction with the request for the preparation of the subdivision agreement.
6. Prior to final approval, the Owner shall submit to the Approval Authority a digital file of the plan to be registered in a format compiled to the satisfaction of the City of London and referenced to NAD83UTM horizon control network for the City of London mapping program.
7. ~~Prior to final approval, the Approval Authority is to be advised by the City Clerk of the City of London that appropriate zoning is in effect for this proposed subdivision. Prior to final approval, appropriate zoning shall be in effect for this proposed subdivision.~~
8. The Owner shall in an agreement satisfy all the requirements, financial and otherwise, of the City of London including, but not limited to, surfacing of roads, installation and maintenance of services, drainage and grading, tree planting and tree preservation.
9. The subdivision agreement between the Owner and the City of London be registered against the lands to which it applies.
10. ~~The Owner shall grant to the appropriate authorities such easements and/or land dedications as may be required for utility, road, drainage or other municipal purposes. In conjunction with registration of the Plan, the Owner shall provide to the appropriate authorities such easements and/or land dedications (eg. 0.3 metre reserve blocks) as may be required for all municipal works and services associated with the development of the subject lands, such as road, utility, drainage or stormwater management (SWM)~~

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purposes, to the satisfaction of the City Engineer, at no cost to the City.

11. ~~The subdivision agreement between the Owner and the municipality may contain phasing arrangements to the satisfaction of the General Manager of Planning and Development and the City Engineer. This subdivision shall be registered in one phase.~~
12. ~~In conjunction with the Design Studies, the Owner shall develop an erosion/sediment control plan that will identify all erosion and sediment control measures for the subject lands in accordance with City of London and Ministry of Environment standards and requirements, all to the satisfaction of the City Engineer. This plan is to include measures to be used during all phases on construction. Prior to any work on the site, the Owner shall submit these measures as a component of the Functional SWM and/or Drainage Servicing Report for these lands and shall implement these measures satisfactory to the City Engineer. In conjunction with the engineering drawing submission, the Owner shall develop an erosion/sediment control plan (ESCP) that will identify all erosion and sediment control measures for the subject lands in accordance with the Functional SWM and/or Drainage Servicing Report for these lands, the City of London and Ministry of the Environment standards and requirements, for review and acceptance by the City (SWM unit). This Plan is to include measures to be used during all phases of construction. Prior to any work on the site, the Owner shall implement these measures satisfactory to the City. The Owner shall correct any deficiencies of the erosion and sediment control measures forthwith.~~
13. The Owner shall not commence construction or installation of any services (eg. Clearing or servicing of land) involved with this plan prior to entering into a site alteration agreement or subdivision agreement and obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, unless otherwise approved by the General Manager of Planning and Development in writing; (eg. MOE certificates; City/Ministry/Agency permits: Approved Works, water connection, water-taking, navigable waterways; approvals: UTRCA, MNR, MOE, City; etc.).
14. ~~Prior to final approval, the owner shall have a report prepared by a qualified consultant, and if necessary a detailed hydro geological investigation carried out by a qualified consultant, to determine the effects of the construction associated with this subdivision on the existing ground water elevations and domestic or farm wells in the area, to the satisfaction of the City Engineer. If necessary, the report is to also address any contamination impacts that may be anticipated or experienced as a result of the said construction. Any recommendations outlined in the report are to be reviewed and approved by the City Engineer, prior to any work on the site. Should any remedial works be recommended in the report, the owner agrees to complete these works to the satisfaction of the City, at no cost to the City.~~

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

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Prior to the issuance of any Certificate of Conditional Approval, any remedial or other works as recommended in the above accepted hydro geological report shall be implemented by the Owner, to the satisfaction of the City, at no cost to the City.

15. ~~That prior to final approval of this plan and subject to the satisfaction of the Thames Valley District School Board, the Board may require the owner to agree in the subdivision agreement to include a suitable clause to advise future purchasers that this area has been designated a "Holding Zone" for school accommodation purposes and students will be accommodated at a "Holding School".~~
16. ~~That prior to final approval of the plan and subject to the satisfaction of the London District Catholic School Board, the Board may require the owner to include a suitable warning clause in the subdivision agreement to advise future purchasers of residential units that students may be accommodated in temporary facilities and/or bused outside the neighbourhood for their education.~~
17. The Owners professional engineer shall provide inspection services for all work during construction by its professional engineer for all work to be assumed by the City, and have its professional engineer supply the City with a certificate of compliance upon completion in accordance with the plans approved by the City Engineer.
18. The Owner shall comply with all City of London standards, guidelines and requirements in the design of this draft plan including required engineering drawings. Any deviation to the City's standards, guidelines, or requirements shall be completed to the satisfaction of the City Engineer and General Manager of Planning and Development.
19. Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the Approval Authority a complete submission consisting of all required clearances, fees, and final plans, and to advise the Approval Authority in writing how each of the conditions of draft approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the Approval Authority, such submission will be returned to the Owner without detailed review by the City.
20. For the purpose of satisfying any of the conditions of draft approval herein contained, the Owner shall file, with the City, complete submissions consisting of all required studies, reports, data, information or detailed engineering drawings, all to the satisfaction of the General Manager of Planning and Development and the City Engineer. The Owner acknowledges that, in the event that a submission does not include the complete information required by the General Manager of Planning and Development and the City Engineer, such submission will be returned to the Owner without detailed review by the City.
21. ~~That prior to final approval the Owner shall pay in full all financial obligations/encumbrances on the said lands, including property taxes and local improvement charges. Prior to final approval for the registration of the subdivision the Approval Authority, is to be advised in writing by the City that all financial obligations/encumbrances on the said lands have been paid in full, including property taxes and local improvement charges.~~
22. Prior to the submission of engineering drawings, the Owner shall have its professional engineer certify that sufficient sewage treatment and conveyance capacity is available to service the subdivision, to the satisfaction of the City Engineer.

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Planning

- 23. As part of the Design Studies submission, the Owner shall submit a parking plan to the satisfaction of the General Manager of Planning and Development. The accepted parking plan required for each registered phase of development and will form part of the subdivision agreement for the registered plan.
- 24. As part of the Design Studies submission, the Owner shall submit a plan confirming the lotting pattern which shall be consistent with the approved zoning for these blocks and acceptable to the General Manager of Planning and Development. This lotting pattern shall be reflected on the final plan submitted for approval and registration.
- 25. ~~That~~ The Owner ~~agrees to~~ shall implement the recommendations and findings in the Vegetation Assessment Report for this subdivision (BioLogic, May 2002) to the satisfaction of the General Manager of Planning and Development.
- 26. The Owner shall obtain approval from the London Fire Department prior to any burning of materials on site.
- 27. The Owner shall comply with the requirements of the London Transit Commission with respect to the location of and installation of transit stops.

Sanitary

- 28. Prior to registration of this plan, the Owner shall obtain consent from the City Engineer to reserve capacity at the Oxford 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.

- 29. ~~The Owner shall connect the proposed sanitary sewer to serve this plan to the existing municipal 375 mm (15") diameter sanitary sewer on Dalmagarry Road. The Owner shall construct the sanitary sewers to serve this plan and connect them to the existing municipal sewers, namely, the 200 mm (8") diameter sewer on Dalmagarry Road at the south limit of the plan, the 200 mm (8") diameter sewer on Blackacres Boulevard and the 200 mm (8") diameter sewer on Tansbury Street.~~

- 30. ~~The Owner shall oversize sanitary sewers for the subdivision plan to accommodate flows from upstream lands external to this plan if necessary, to the satisfaction of the City Engineer.~~

~~The Owner shall undertake measures within this draft plan to control and prevent any inflow and infiltration and silt from being introduced to the sanitary sewer system during construction, all at the Owner's cost. Quality control measures are also required to prevent inflow and infiltration from entering the sanitary sewer system after construction, all satisfactory to the City Engineer and all at no cost to the City. In order to prevent any inflow and infiltration from being introduced to the sanitary sewer system, the Owner shall undertake the following:~~

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- i) Throughout the duration of construction within this draft plan of subdivision, undertake measures within this draft plan to control and prevent any inflow and infiltration and silt from being introduced to the sanitary sewer system during and after construction, satisfactory to the City, at no cost to the City;
 - ii) Not allow any weeping tile connections into the sanitary sewers within this Plan; and
 - iii) Permit the City to undertake smoke testing or other testing of connections to the sanitary sewer to ensure that there are no connections which would permit inflow and infiltration into the sanitary sewer. The City may require smoke testing to be undertaken until such time as the sewer is assumed by the City.
 - iv) Have his consulting engineer confirm that the sanitary sewers meet allowable inflow and infiltration levels as per OPSS 410 and OPSS 407.
32. Where street townhouses are planned for any sites in this subdivision, the Owner shall make provisions for the installation of separate sanitary private drain connections and water services, all connecting to municipal sewers or water mains, for each individual street townhouse unit, and for adequate storm private drain connections, all as specified by the City Engineer and in accordance with applicable City standards.
33. No sewers are to be constructed on easements or on lands designed for future use as a park or school without the necessary approvals from the Environmental Services Department and the appropriate school board of education where a school block is involved.
34. ~~The Owner agrees that no weeping tile connections will be permitted into the sanitary sewers within this plan.~~

Storm Water

35. The Owner shall have its consulting professional engineer design and construct the SWM/drainage system for the proposed lands to the satisfaction of the City Engineer and according to the requirements of the Stanton Drain Subwatershed Study; the Hyde Park Community Storm Drainage and Stormwater Management Servicing Municipal Class Environmental Assessment; the Hyde Park Community Functional Stormwater Management Report approved by the City of London Environmental Services Department; and, the City's Drainage By-Law and lot grading standards, policies, requirements and practices.
36. ~~The Owner shall outlet the storm flows to service this plan of subdivision to the Stanton Drain. Further, the Owner shall discharge all minor and major flows from these lands to the Hyde Park Regional Stormwater Management Facility # 3E. The only exception to this will be a small portion of rear yard drainage (less than 5% of total area of this plan) from the south east corner of this plan which can be outlet to the municipal storm sewer on Aldersbrook Road via the existing rear yard drainage system and sewer easement on the lands south of this plan, all to the specifications and satisfaction of the City Engineer. Note this plan is located within both the Stanton Drain and Medway Creek Subwatersheds.~~
37. Prior to the submission of servicing drawings, the Owner shall ensure that any affected services and facilities to be constructed in conjunction with this plan will be in compliance with the following:
- i) The City's drainage and lot grading standards, stormwater management (SWM) targets and criteria for the Stanton Drain Subwatershed Study, Storm/Drainage and SWM Design Specifications and Standards and the approved Drainage and Lot Grading Plans for this plan.

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- ii) The Ministry of the Environment's SWM Practices Planning and Design Manual.
 - iii) The accepted Hyde Park Community Stormwater Management and Storm and SWM Servicing Municipal Class Environmental Assessment Study.
 - iv) The accepted Functional Design Report for the Hyde Park Community Regional SWM Facility # 3E.
 - v) The City's Drainage and Waste Discharge By-laws.
 - vi) All applicable Acts, Policies, Guidelines, standards and requirements of the applicable SWM agencies, including the Ministry of Environment, the Upper Thames River Conservation Authority, all to the specifications and satisfaction of the City Engineer.
38. The Owner shall abide by the City of London's City Council resolution date August 7, 2002 for development of this plan, inclusive of all blocks, to ensure that post development surface water flows into the Woodlot Area are equivalent to pre-development conditions in accordance with the Water Balance included in the Hyde Park Community Functional Stormwater Management Report for Facility 3.
39. ~~Prior to the issuance of a Certificate of Conditional Approval, all applicable external and internal storm drainage and SWM servicing works to serve this plan shall be constructed and operational in accordance with the approved design criteria, and all to the specifications and satisfaction of the City Engineer.~~ Prior to the issuance of a Certificate of Conditional Approval for lots and blocks in this plan and all applicable external lands, or as otherwise approved by the City Engineer, all storm servicing and drainage works, including major and minor storm flow routes, shall be constructed and operational in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City.
40. ~~Prior to or in conjunction with the Design Studies and servicing design for this site, the Owner shall have its professional engineer identify the major and minor storm flow routes for the entire catchment area(s) to the satisfaction of the City Engineer. In conjunction with the engineering drawing submission, the Owner's professional engineer shall identify major and minor storm flow routes for the subject lands, all to the satisfaction of the City.~~

Transportation

41. ~~Prior to final approval, the Owner shall submit a plan to the City which identifies a landscaped centre median, or other suitable gateway feature, at the north end of Dalmagarry Road that is consistent with the Hyde Park Community Plan Urban Design Guidelines; and, the Owner further agrees to construct the gateway feature in accordance with the specifications of the City Engineer. To accommodate this gateway feature, Street 'A' shall be red-lined to a width of 28 metres, or a width that is acceptable to the City Engineer, for a minimum length of 110.0 metres (360') tapered back over a distance of 30.0 metres (100') to the standard secondary collector road right-of-way width of 21.5 metres, all to the specifications of the City Engineer. Prior to final approval, the Owner shall submit a plan to the City which identifies a landscaped centre median, or other suitable gateway feature, at the north end of Dalmagarry Road that is consistent with the Hyde Park Community Plan Urban Design Guidelines; and the Owner further agrees to construct the gateway feature, including the alignment of that street with the street to the north, in accordance with the specifications of the City Engineer. To accommodate this gateway feature, Street 'a' shall be red-lined to a width of 28 metres, or a width that is acceptable to the City Engineer, for a minimum length of 110.0 metres (360') tapered back over a distance of 30.0 metres (100') to the standard secondary collector road right-of-way width of 21.5 metres, all to the specifications of the City Engineer.~~

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42. The Owner shall construct a centre median island on Dalmagarry Road approximately 30 metres south of the gateway treatment. The centre median island shall be approximately 90 metres long to restrict accesses from the commercial lands on the west side of Dalmagarry Road to rights-in/rights-out only, to the satisfaction of the City.
43. The Owner shall direct all construction traffic associated with this plan to access the site via Fanshawe Park Road W. at a location acceptable to the City Engineer.
44. That, in accordance with the requirements and design guidelines in the Hyde Park Community Plan, the Owner agrees to shall not install a noise attenuation wall between Blocks 23/24/25/26/27/28 and Fanshawe Park Road West. Prior to the submission of a site plan application for development on these blocks, the Owner shall have a qualified acoustical consultant prepare a noise study concerning the impact of traffic noise from Fanshawe Park Road West and identify appropriate noise attenuation measures that do not include the construction of a noise attenuation wall. The noise study is to include recommendations for noise abatement in accordance with M.O.E. Standards and approved by the City Engineer.
44. The Owner shall ensure a minimum of 5.5 metres (18') will be required along the curb line between the projected property lines of irregular shaped lots around the bends and/or around the cul-de-sacs.
45. The Owner shall ensure any emergency access required is satisfactory to the City Engineer with respect to all technical aspects, including adequacy of site lines, provision of channelization, adequacy of road geometries and structural design, etc.
46. In the event any work is undertaken on an existing street, the Owner shall establish and maintain a Traffic Management Plan (TMP) in conformance with City guidelines and to the satisfaction of the City Engineer for any construction activity that will occur on existing public roadways. The Owner shall have it's contractor(s) undertake the work within the prescribed operational constraints of the TMP. The TMP will be submitted in conjunction with the subdivision servicing drawings for this plan of subdivision.
47. The Owner shall ensure that the intersection of Blackacres Boulevard, Street "F" and Street "G", the easterly streetline of Street "F" and Street "G" is to align north and south of Blackacres Boulevard.
48. The Owner shall construct Dalmagarry Road at Fanshawe Park Road W. opposite the proposed secondary collector road on the north side as established by the Hyde Park Community Plan.
49. The Owner shall construct Dalmagarry Road at the southern boundary of the subject property in alignment with the proposed secondary collector road to the south of the subject property as established by the Hyde Park Community Plan.
50. Dalmagarry Road, as shown on this plan, together with lands outside this plan abutting the full length of Dalmagarry Road Street "A" are to have a total minimum road pavement width (excluding gutters) of 9.5 metres (31.2') with a total minimum road allowance of 21.5 metres (70').
51. The following streets are to have a minimum road pavement width (excluding gutters) of 8.0 metres (26.2') with a minimum road allowance of 20 metres (66'):
 - i) ~~Street "B"~~ Tansbury Street north from Blackacres Boulevard to ~~Street "G"~~ Tribalwood Street;
 - ii) ~~Blackacres Boulevard~~ Freeport Street west from ~~Street "B"~~ Tansbury Street to ~~Street "G"~~ Tribalwood Street; and

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- iii) ~~Street "G" Tribalwood Street from Freeport Street to Blackacres Boulevard~~

- 52. ~~Street F is to have a minimum road pavement width (excluding gutters) of 7.0 metres (23') with a minimum road allowance of 19 metres (62').~~

- 53. The Owner shall amend the plan so that ~~Tribalwood Street from Freeport Street (east leg) to Freeport Street (west leg)~~ Street "F" has a minimum pavement width (*excluding gutters*) of 7.0 metres (23') with a minimum road allowance of 19.0 metres (62'), for the entire length of the crescent, including the portion fronting Fanshawe Park Road W. , unless otherwise approved by the Utilities Co-ordinating Committee and the City Engineer.

- 54. The Owner shall construct a 1.5 metre (5') sidewalk on both sides of the following streets:
 - i) ~~Street "A" Dalmagarry Road together with lands outside this plan abutting the full length of Dalmagarry Road Street "A";~~
 - ii) ~~Blackacres Boulevard Freeport Street west from Tansbury Street Street "B" to Street "G" Tribalwood Street; and~~
 - iii) ~~Street "G" Tribalwood Street from Freeport Street to Blackacres Boulevard~~

- 55. The Owner shall construct a 1.5 metre (5') sidewalk on one side of the following streets:
 - i) ~~Street "B" Tansbury Street north from Blackacres Boulevard to Blackacres Boulevard Tribalwood Street (west and north boulevards);~~
 - ii) ~~Street "F" Tribalwood Street – east boulevard adjacent to Block 23 and west boulevard adjacent to Block 26 from Freeport Street Blackacres Boulevard including sidewalk links to tie into the proposed existing sidewalk on Fanshawe Park Road West.~~

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

- 57. The Owner shall construct the pedestrian walkways to the "City Standard for Pedestrian Walkways", including lighting and fencing if necessary in accordance with City requirements and standards.

- 58. The Owner shall construct a left turn auxiliary lane on Fanshawe Park Road W. at Street "A" Dalmagarry Road with sufficient storage and taper to accommodate the traffic demand anticipated as a result of full build out of the Hyde Park Community.

- 59. The Owner shall install traffic signals at the intersection of Fanshawe Park Road W. and Street "A" when determined warranted by the City Engineer.

- 60. ~~The Owner shall construct Dalmagarry Road as shown on this plan and the abutting lands to the west as a fully serviced secondary collector road (with a minimum base asphalt) from Fanshawe Park Road West to the south limit of this plan, at no cost to the City, to the satisfaction of the City.~~

~~No Certificate of Conditional Approval shall be issued for this Phase until the contract for the construction of Dalmagarry Rd. has been awarded. Further, a Certificate of Conditional Approval may only be granted for no more that 95 single detached residential lots prior to the construction of Dalmagarry Road as noted above.~~

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- 61. The Owner shall make minor boulevard improvements on Fanshawe Park Road W. adjacent to this plan to the specifications of the City Engineer and at no cost to the City, consisting of clean-up, grading and sodding as necessary.
- 62. No direct vehicular access will be permitted to Blocks 23, 26, 27 and 28 from Fanshawe Park Road W.
- ~~63. No vehicular access will be permitted to Block 28 from Dalmagarry Road. All vehicular access Block 28 is to be via Blackacres Boulevard.~~
- ~~64. The Owner agrees that as a condition of site plan approval for Block 29, a future joint access and/or joint internal driveway agreement with the property to the south will be required to facilitate access to Dalmagarry Road while maintaining the integrity of the traffic calming island (raised median) constructed along Dalmagarry Road. As a condition of site plan approval for Block 29, the Owner shall provide a joint access and/or common internal driveway with the property to the south (Block 30) to facilitate access to Dalmagarry Road.~~
- ~~65. The Owner agrees that as a condition of site plan approval for Block 30, a future joint access and/or joint internal driveway agreement with the properties to the north and/or south will be required to facilitate access to Dalmagarry Road while maintaining the integrity of the traffic calming island (raised median) constructed along Dalmagarry Road. As a condition of site plan approval for Block 30, the Owner shall provide a joint access and/or common internal driveway with the properties to the north and/or south (Block 29 or Block 31) to facilitate access to Dalmagarry Road.~~
- 66. —The Owner shall implement the following traffic calming measures:
 - ~~a) continuous traffic calming island (raised median) along Street "A" from the Fanshawe Park Road W. gateway treatment to approximately the southern limit of the commercial development located on the lands abutting to the west,~~
 - ~~b) curb extensions along the east side of Street 'A; from approximately the southern limit of the commercial development located on the lands abutting to the west, to the southern boundary of the plan of subdivision with the parking bay removed.~~
 - ~~c) reduced curb radii (5.0 metre) on the secondary collector roads at the inbound approach to all local roads.~~

~~The traffic calming measures selected for these locations are subject to the approval of the Transportation Division and are to be designed and constructed to the satisfaction of the City Engineer.~~
- ~~67. The Owner shall install street lighting along Fanshawe Park Road W. from Dalmagarry Road to Aldersbrook Gate as determined to be warranted by and to the specifications of the City Engineer.~~
- 68. Blocks for 0.3 m (1') reserves will be required at the following locations:
 - i) Along Fanshawe Park Road W. abutting Blocks 23, Tribalwood Street (fronting Fanshawe Park Road) Street "F", Blocks 26, 27 and 28 inclusive; and
 - ii) Along Street "A" abutting Block 28.

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Water

69. ~~The Owner shall connect the proposed watermain to serve this plan to the existing municipal 300 mm (12") diameter watermain on Blackacres Boulevard, and to the existing municipal 300 mm (12") diameter watermain on Dalmagarry Road. The Owner shall construct watermain to serve this Plan and connect them to the existing municipal system, namely, the existing 200 mm (8") diameter watermain on Freeport Street (southeast limit), the 150 mm (6") diameter watermain on Tansbury Street (southwest limit), the 200 mm (8") diameter watermain on Tribalwood Street, 300 mm (12") diameter watermain on Blackacres Boulevard, 300 mm (12") diameter watermain on Dalmagarry Road and 400 mm (16") diameter watermain on Fanshawe Park Road West.~~
70. Prior to applying for the 81st building permit, the Owner shall have its professional engineer deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer.
71. The Owner shall have its professional engineer provide a water servicing report which addresses the following:
- i) identify external water servicing requirements;
 - ii) confirm capacity requirements are met;
 - iii) identify need for the construction of external works;
 - iv) identify the effect of development on existing water infrastructure/identify potential conflicts;
 - v) water system area plan(s);
 - vi) water network analysis/hydraulic calculations for subdivision report;
 - vii) phasing report
 - viii) oversizing of watermain/cost sharing agreements.
72. ~~The Owner shall have its professional engineer determine if there is sufficient water turnover to ensure water quality and determine how many homes need to be built and occupied to maintain water quality in the water system. If the water quality cannot be maintained in the short term, the Owner shall install automatic blow offs, where necessary, to the satisfaction of the City Engineer, or make suitable arrangements with Water Operations for the maintenance of the system in the interim. In conjunction with the engineering drawing submission, the Owner shall have his consulting engineer prepare and submit an update to the existing water servicing design information to address water quality requirements for the watermain system by the use of the following:~~
- ~~design calculations which demonstrate there is adequate water turnover to maintain water quality; and/or~~
 - ~~the use of valving to shut off future connections which will not be used in the near term; and/or~~
 - ~~the use of automatic flushing devices to maintain water quality, with it being noted that the water flushed by the device is to be measured (by a water meter in a meter pit) and the cost of water charged to the Owner; and/or~~
 - ~~make suitable arrangements with Water Operations for the maintenance of the system in the interim.~~

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

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General

73. Prior to the issuance of a Certificate of Conditional Approval for each construction stage of this subdivision, all servicing works for the stage must be completed and operational, all to the specification and satisfaction of the City Engineer.
74. Prior to final approval, the Owner shall make arrangements with the affected property owner(s) for the construction of any portions of services situated on private lands outside this plan, and shall provide satisfactory easements over the sewers as necessary, all to the specifications and satisfaction of the City Engineer.
75. In the event that relotting of the plan is undertaken, the Owner shall relocate and construct services to standard location, all to the specifications and satisfaction of the City Engineer.
76. 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.
77. In the event the draft plan develops in phases, upon registration of any phase of this subdivision, the Owner shall provide land and/or easements along the routing of services which are necessary to service upstream lands outside of this draft plan to the limit of the plan.
78. Should this plan be developed in phases and any temporary measures be required, these temporary measures shall be constructed to the specifications and satisfaction of the City Engineer, at no cost to the City.
79. The Owner shall remove any temporary works when no longer required and restore the land, at no cost to the City, to the specifications and satisfaction of the City Engineer.
80. ~~In the event the Owner wishes to phase this plan of subdivision, the Owner shall submit a phasing plan, all to the specifications and satisfaction of the City of London.~~
81. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
82. ~~The Owner shall provide adequate easements, if required, at no cost to the City, in relation to stormwater/drainage servicing of the subject lands.~~
83. The Owner shall promote the implementation of SWM soft measure Best Management Practices (BMP's) within the plan, where possible, to the satisfaction of the City Engineer. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this plan and the approval of the City Engineer.
84. ~~The Owner shall use his best endeavors to ensure that increased and accelerated stormwater runoff from this subdivision shall not cause damage to downstream lands, properties or structures beyond the limits of this subdivision and notwithstanding any requirements of the City, or any approval given by the City Engineer, the Owner shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from this subdivision.~~
85. The Owner shall obtain all necessary approvals from the City Engineer for individual servicing of blocks in this subdivision, prior to the installation of any water services for the blocks.

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- 86. The Owner shall service any lands with finished ground elevations of 275m or higher off of the City's high pressure system, which will be available off of the existing 400mm (16") diameter watermain on Fanshawe Park Road W.
- 87. The Owner shall have the common property line of Fanshawe Park Road W. and the north boundary of this subdivision are 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 centerline grades on Fanshawe Park Road W. are the future centerline of road grades as determined by the Owners professional engineer and accepted by the City Engineer. From these, the Owners professional engineer is to determine the elevations along the common property line which will blend with the reconstructed road

- 88. 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 any connection being made to an unassumed service, the following will apply:

- i) The unassumed services must be completed and Conditionally Accepted by the City;
- ii) The Owner must have a video inspection completed on all affected unassumed sewers;
- iii) All MOE Certificates of Approval associated with the Owner's proposed servicing works and all applicable permits must be obtained.

- 89. 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 contributing flows for sewers or on storage volume in the case of a SWM facility. The subdivider's payments to third parties, shall:

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

- ~~90. With respect to any services and/or facilities constructed in conjunction with this plan, the Owner shall to permit the connection into and use of the subject services and/or facilities by outside owners whose lands are served by the said services and/or facilities, prior to the said services and/or facilities being assumed by the City.~~

~~The connection into and use of the subject services by an outside owner will be conditional upon the outside owner satisfying any requirements set out by the City, and agreement by the outside owner to pay a proportional share of the operational, maintenance and/or monitoring costs of any affected unassumed services and/or facilities. With respect to any services and/or facilities constructed in conjunction with this Plan, the Owner shall permit the connection into and use of the subject services and/or facilities by outside owners whose lands are served by the said services and/or facilities, prior to the said services and/or facilities being assumed by the City.~~

- 91. The Owner shall construct all municipal services, including boulevard tree planting, for the subject lands at the sole expense of the Owner.

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92. ~~The Owner agrees that 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, these deposits must be reported to the City Engineer/Chief Building Official immediately, and if required by the City Engineer/Chief Building Official, the Owner/contractor will, 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/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/Chief Building Official shall be implemented and carried out under the supervision of the professional engineer, to the satisfaction of the City Engineer/Chief Building Official and at the expense of the owner/contractor, 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 further agrees to 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. 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.~~

93. The Owner shall install standard barricades/warning signs at the limits of dead end streets within this plan to the specifications of the City Engineer.

94. ~~The Owner's professional engineer shall determine the need for an Environmental Assessment under the Class EA requirements for the provision of any services related to this plan. No construction involving installation of services requiring an EA is to be undertaken prior to fulfilling the obligations and requirements of the Province of Ontario's Environmental Assessment Act. In conjunction with the engineering drawing submission, the Owner shall have it's professional engineer provide an opinion for the need for an Environmental Assessment under the Class EA requirements for the provision of any services related to this Plan. All class EA's must be completed prior to the submission of engineering drawings.~~

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95. Minimum side yard setbacks will be required as specified by the City Engineer for buildings which are adjacent to rear yard catch basin leads which are not covered by an easement on lots in this plan.
96. The Owner agrees to have its engineer notify existing property owners in writing, regarding the sewer and/or road works proposed to be constructed on existing City streets in conjunction with this subdivision, all in accordance with Council policy for "Guidelines for Notification to Public for Major Construction Projects".
97. The Owner will be required to plant boulevard trees along existing roads abutting this subdivision in accordance with the City's tree planting guidelines, all at no cost to the City and as specified by the City Engineer.
98. Prior to Final Approval, the Owner shall be required to resubmit a revised draft plan for this subdivision to the Environmental Services Department (Development Services Division) showing any amendments or revisions made to this plan as a result of any requirements and/or conditions covering the plan, or otherwise (ie. Owner initiated).
99. ~~Prior to any work on site, the Owner shall determine if there are any abandoned wells in this plan and shall decommission and permanently cap any abandoned wells located in this plan, in accordance with current Provincial legislation, regulations and standards. It is the responsibility of the Owner to determine if any abandoned wells exist in this plan~~

~~In the event that an existing well in this plan is to be kept in service, the Owner shall protect the well and the underlying aquifer from any development activity. 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.~~
100. In conjunction with the engineering drawing submission, the Owner shall have his consulting engineer confirm whether, based on the groundwater conditions, additional manhole joint protection is recommended in order to prevent any inflow and infiltration from being introduced to the sanitary sewer system.
101. 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.
102. The Owner shall provide a security in the amount of \$60,000 for this Plan to ensure that the Erosion and Sediment Control Plan (ESCP) be executed in accordance with the City approval procedure and criteria. In the event of failure to properly implement and maintain the require ESCP, the ESCP security will be used by the City to undertake all necessary clean-up work, all to the satisfaction of the City. This security shall not be reduced or released until such time as the Owner can demonstrate to the satisfaction of the City that the site has been adequately stabilized.
103. The Owner shall extend the existing 300 mm (12") watermain on Dalmagarry Road at Blackacres Boulevard and connect it to the existing 400 mm (16") diameter watermain on Fanshawe Park Road West, at the Owner's expense.

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104. The Owner shall advise all purchasers that the existing barricade located on the east limit of Blackacres Boulevard in Plan 33M-605 is to be maintained and no access through existing City streets will be permitted until assumption or as otherwise approved by the City.
105. At the time the roads are constructed to Granular 'B' and connected to the roads in Plan 33M-605 in this Plan, the existing barricades in Plan 33M-605 (excluding at the east limit of Blackacres Boulevard) may be removed.
106. At the time Dalmagarry Road is constructed to base asphalt, the temporary construction access to Fanshawe Park Road West shall be decommissioned, at the Owner's expense, to the satisfaction of the City.
106. The Owner shall remove all other existing accesses and restore all affected areas, all to the satisfaction of the City, at no cost to the City.
107. The Owner shall install street lighting on all streets in this plan to the satisfaction of the City, at no cost to the City.
108. 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.