

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: G. Kotsifas, P. Eng
Managing Director, Development & Compliance Services And
Chief Building Official

Subject: Application By: 2178254 Ontario Inc., c/o DNL Group Inc.
3425 Emily Carr Lane (1160 Wharnccliffe Road South)
Draft Plan of Subdivision Approval and Zoning By-law
Amendment

Meeting on: Monday, September 24, 2018

Recommendation

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application of 2178254 Ontario Limited c/o DNL Group Inc. relating to the property located at 3425 Emily Carr Lane (1160 Wharnccliffe Road South):

- (a) The proposed by-law attached hereto as **Appendix "A" BE INTRODUCED** at the Municipal Council meeting on October 2, 2018 to amend Zoning By-law No. Z.-1 (in conformity with The London Plan and the Official Plan) to change the zoning of the subject property **FROM** an Urban Reserve (UR4) and Urban Reserve (UR6) Zone **TO** a Holding Residential R4 Special Provision (h.*h-100*h-104*h-155*R4-4(2)) Zone to permit street townhouse dwellings with a minimum lot area of 180 m², and a special provision to permit a minimum lot frontage of 6.7 metres, a Holding Residential R5 (h.*h-100*h-104*h-155*R5-7) Zone to permit cluster townhouse development and a Holding Residential R8 (h*h-100*h-104*h-198*R8-4) Zone to permit apartments to a maximum height of 13 metres.

The following holdings provision have also been applied:

- (h) holding provision - to ensure that there is orderly development through the execution of a subdivision agreement and the provision of adequate securities.
 - (h-100) holding provision - 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 to the satisfaction of the City Engineer, prior to the removal of the h-100 symbol.
 - (h-104) holding provision - to ensure that a comprehensive storm drainage and stormwater management report prepared by a consulting engineer is completed to address the stormwater management strategy for all lands within the subject plan and external lands where a private permanent on-site storm drainage facility is proposed for any block or blocks not serviced by a constructed regional stormwater management facility. The "h-105" symbol shall not be deleted until the report has been accepted to the satisfaction of the General Manager of Planning and Development and City Engineer.
 - (h-155) holding provision - Purpose: The removal of the h-155 symbol shall not occur until such time as the Owner has entered into a development agreement with the City of London, to ensure that the development is consistent with and conforms to the guidelines and vision of OPA 541, Southwest Area Secondary Plan (SWAP).
 - (h-198) holding provision - Purpose: To encourage street-oriented development and discourage noise attenuation walls along arterial roads, a development agreement shall be entered into to ensure that new development is designed and approved consistent with the Southwest Area Secondary Plan.
- (b) Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application by 2178254 Ontario Limited c/o DNL Group Inc. for draft plan of subdivision relating

to the property located at 3425 Emily Carr Lane(1160 Wharncliffe Road South);

(c) Council **SUPPORTS** the Approval Authority issuing draft approval of the recommended plan of residential subdivision, which shows seven (7) medium density residential blocks and three (3) local public street **SUBJECT TO** the conditions contained in the attached Appendix "39T-16508";

(d) The applicant **BE ADVISED** that the Director of Development Finance has summarized claims and revenues information as attached in Schedule "B".

Executive Summary

Summary of Request

To permit a Plan of Subdivision consisting of seven (7) medium density residential blocks, two (2) local public street and the extension of Lismer Way to the west.

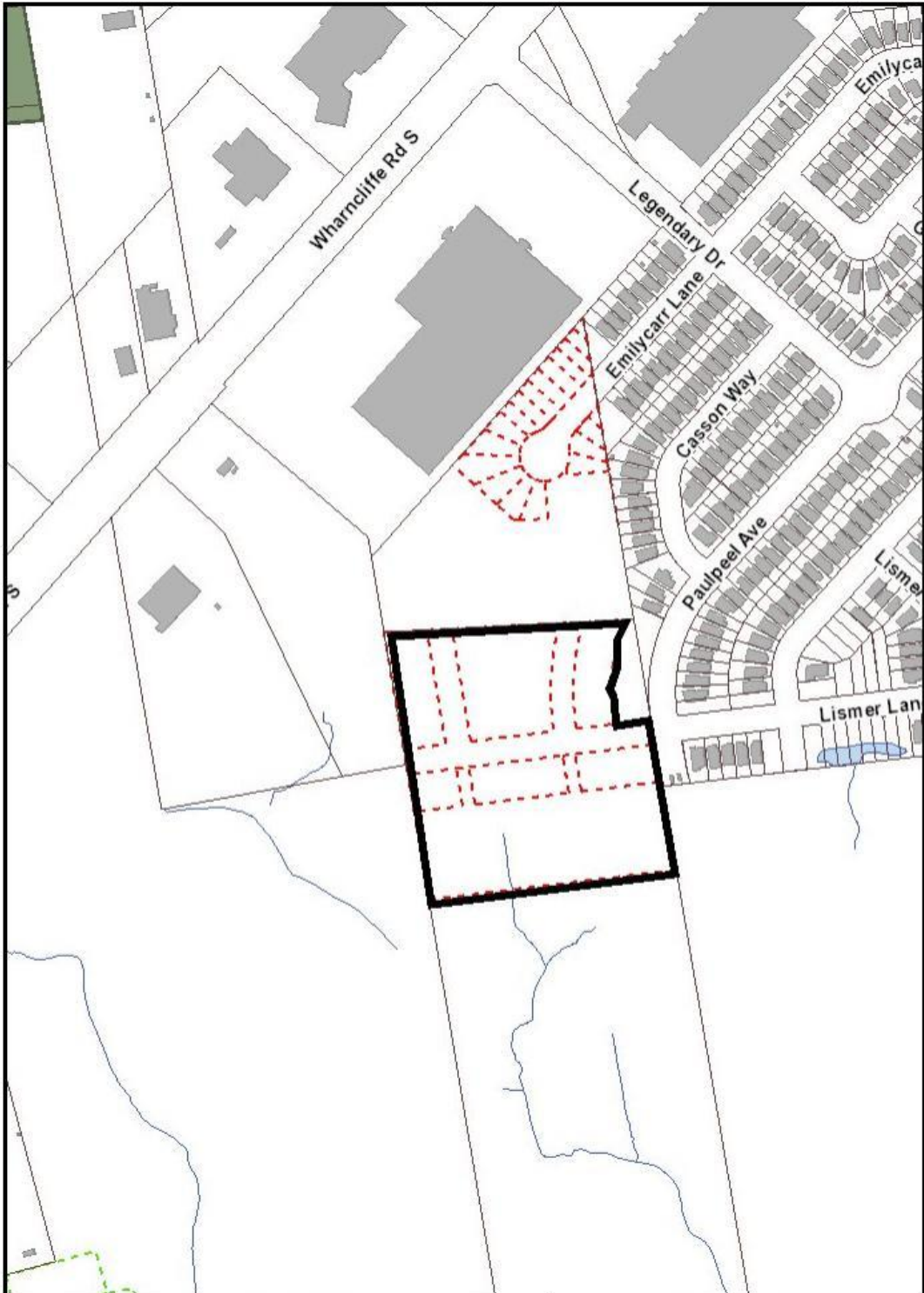
Purpose and the Effect of Recommended Action






The purpose and effect of this application is to permit the development of a Multi-Family Medium Density Residential plan of subdivision on a 2.8 hectare parcel of land located southeast of Wharncliffe Road South, west of White Oak Road.

Rationale of Recommended Action


1. The recommended residential development is consistent with the Provincial Policy Statement.
2. The draft plan conforms with the Neighbourhood designation policies of the City of London, as contained in The London Plan and Multi-Family, Medium Density designation of the Official Plan.
3. The proposed road and lot pattern is integrated with a future subdivision to the north, and an existing residential subdivision to the east, with public road access provided by an extension of Lismer Way.
4. The recommended zoning and conditions of draft approval will ensure that development of services occurs in an orderly manner.
5. The recommended development represents good land use planning.

Location Map



Location Map		Legend	
Subject Property:	3425 Emilycarr Lane		Subject Property
Applicant:	FARHI HOLDINGS CORP		Parks
File Number:	39T-16508		Assessment Parcels
Created By:	Craig Smith		Buildings
Date:	8/30/2018		123 Address Numbers
Scale:	1:4000		

Corporation of the City of London



Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is located on the north side of the proposed Bradley Ave extension, west of Copperfield in Longwoods residential subdivision. The subject site is approximately 2.8 ha in size, and is an irregular shape.

1.2 Current Planning Information

- The London Plan Place Type – Neighbourhood Place Type
- Official Plan Designation – Schedule “A” - Multi Family, Medium Density Residential
- Existing Zoning – Urban Reserve (UR4) and Urban Reserve (UR6)

1.3 Site Characteristics

- Current Land Use – vacant
- Frontage – N/A
- Area - 2.8 ha
- Shape - irregular

1.4 Surrounding Land Uses

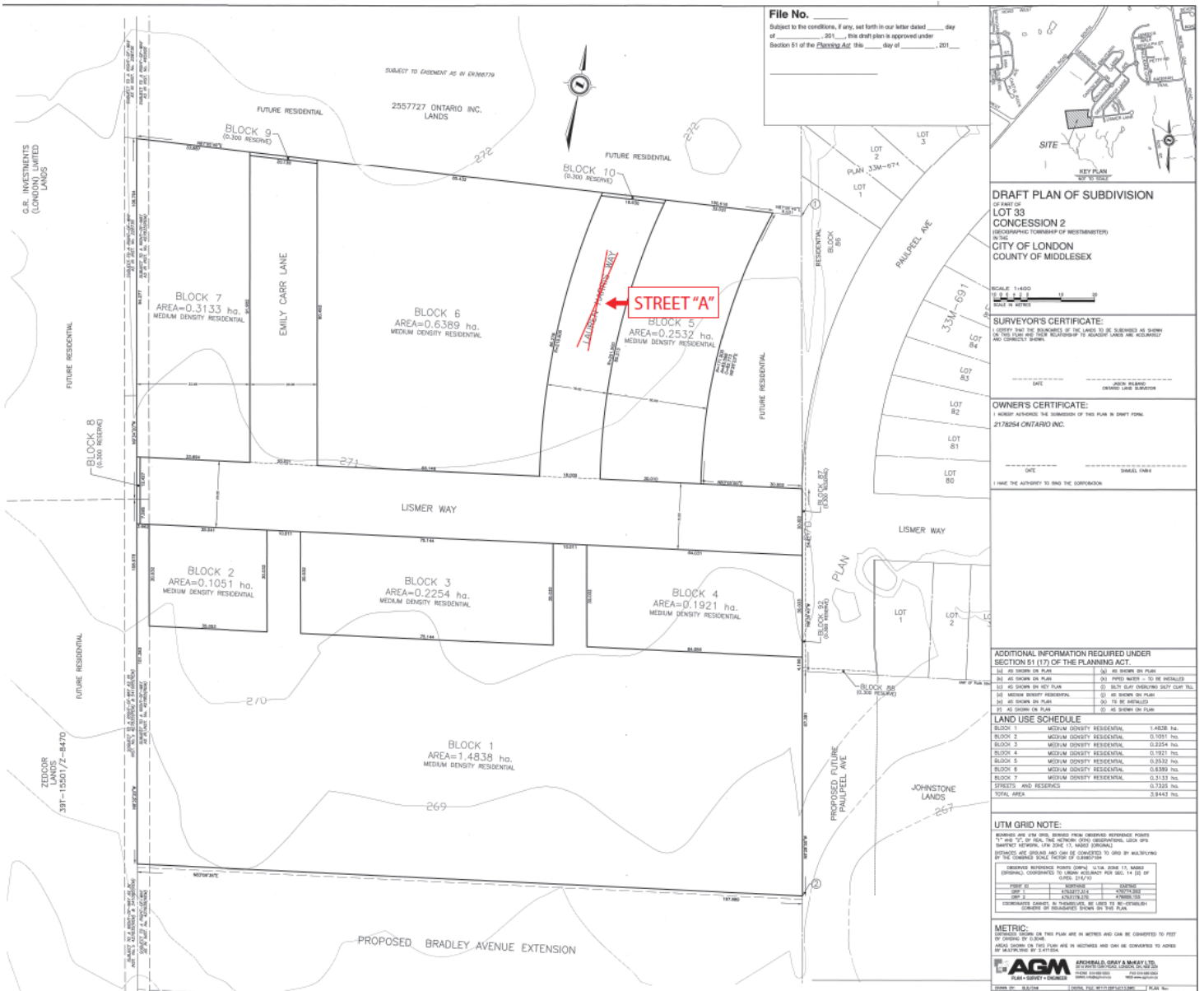
- North – vacant
- East – residential
- South – vacant and proposed Bradley Ave extension
- West – vacant

2.0 Description of Proposal

2.1 Development Proposal

The Applicant is proposing three (3) medium density residential blocks and one local public street (an extension of Lismer Way) to develop as a vacant land condo townhouse development within a plan of subdivision.

Proposed Red Line Draft Plan of Subdivision



3.0 Relevant Background

3.1 Planning History

The subject lands were part of a subdivision application submitted on September 18, 2006. The application was placed immediately on hold, until a number of outstanding issues had been resolved. This status was conveyed to the Applicant prior to their application submission in a letter dated April 26, 2006, and subsequently on May 10, 2006 and November 23, 2006 after the application had been submitted. Revised draft plan submissions were submitted by the Applicant on February 25, 2007, and on September 5, 2007. These applications were later appealed to the OMB on April 17, 2008 by the applicant. Subsequent to this, the appeals were withdrawn and the files closed. On October 17, 2016 a “new” application for draft plan of subdivision approval and zoning by-law amendment was accepted as complete for this property.

3.2 Requested Amendment

The applicant has requested an amendment to the zoning of the subject property from an Urban Reserve (UR4) and Urban Reserve (UR6) Zone to a Holding Residential R4 Special Provision (h.*h-100*h-104*h-155*R4-4(2)) Zone, a Holding Residential R5 (h.*h-100*h-104*h-155*R5-7) Zone and a Holding Residential R8 (h.*h-100*h-104*h-198*R8-4) Zone. The holding provisions are to ensure the orderly development of lands and the adequate provision of municipal services, adequate water service and appropriate access, street orientation and implementation of the Southwest Area Plan Design Guidelines.

3.3 Community Engagement (see more detail in Appendix B)

In response to the Notice of Application, one inquiry was received. A concern was raised regarding the assumption process of the abutting Copperfield subdivision.

3.4 Policy Context

Section 51(24) of the *Planning Act* provides municipalities with criteria which must be considered prior to approval of a draft plan of subdivision. The Act notes that in addition to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality, regard shall be had for,

- the effect of development of the proposed subdivision on matters of provincial interest;
- whether the proposed subdivision is premature or in the public interest;
- whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- the suitability of the land for the purposes for which it is to be subdivided;
- the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity, and the adequacy of them;
- the dimensions and shapes of the proposed lots;
- the restrictions or proposed restrictions, if any, on the land proposed to be subdivided the buildings and structures proposed to be erected on it, and the restrictions, if any, on adjoining land;
- conservation of natural resources and flood control;
- the adequacy of utilities and municipal services;
- the adequacy of school sites;
- the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- the extent to which the plan’s design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area.

The London Plan and City of London Official Plan contains Council’s objectives and policies to guide the short-term and long-term physical development of the municipality.

The policies promote orderly urban growth and compatibility among land uses. While the objectives and policies in The London Plan and City of London Official Plan primarily relate to the physical development of the municipality, they also have regard for social, economic and environmental matters.

4.0 Key Issues and Considerations

4.1 Provincial Policy Statement (2014)

The requested Amendment and Approvals have been reviewed for consistency with the 2014 Provincial Policy Statement. It is staff's position that the recommended draft plan of subdivision will provide for a healthy, livable and safe community. The proposed draft plan of subdivision provides for seven (7) medium density blocks. The plan incorporates medium residential forms of development to assist in meeting projected needs.

The proposed uses achieve objectives for efficient development and land use patterns, represents a form of intensification of a vacant parcel of land which is located within the City's urban growth area, utilizes existing public services and infrastructure, supports the use of public transit, and maintains appropriate levels of public health and safety.

4.2 Planning Act – Section 51(24)

Development Services staff have reviewed the requirements under Section 2 of the *Planning Act* and regard has been given to matters of provincial interest. As previously noted it is staff's position that the proposed draft plan is consistent with the 2014 Provincial Policy Statement. There is access to nearby parks and recreational facilities, fitness facilities, medical facilities, and emergency and protective services. There is an elementary school and various cultural/social facilities in the immediate area. This area is predominantly low and medium density residential. The broader area contains a mix of low and medium density residential, and arterial commercial uses. There is adequate provision for a full range of housing.

The Official Plan designates this area for medium density forms of housing. The recommended redline plan will be integrated with adjacent subdivisions to the east with the extension of Lismer Way. The external transportation infrastructure will be designed to accommodate this development. The proposed draft plan implements the land use policies in accordance with The London Plan and the City's Official Plan. The proposed draft plan supports public transit and promotes pedestrian movement through the adjacent subdivisions.

The proposed zoning provides for a range of medium density forms of housing. There will be no restriction on adjoining land as a result of approving this draft plan of subdivision. There are no natural resources or natural hazards within the subject lands. The owner will be required, as a condition of draft approval, to construct the necessary utilities and services. The development of the medium density residential uses will be addressed through the Site Plan Approval process.

Required parkland dedication shall be calculated pursuant to Section 51 of the *Planning Act* at 5% of the lands within the application. Municipal water is available to service this development. Municipal services are adequately provided including sewage, water, garbage collection, roads and transportation infrastructure. The requirements of London Hydro, Union Gas, and the City of London to adequately provide utilities and services will be addressed through conditions of draft 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.

Based on planning staff's review of the draft plan in conjunction with Section 51(24) of the *Planning Act*, the plan has regard for the health, safety, convenience, accessibility for persons with disabilities, and welfare of the present and future inhabitants of the municipality.

4.3 The London Plan, Official Plan and Southwest Area Plan (SWAP)

The London Plan includes criteria for the evaluation of *Planning Act* Applications. Section 1688 states: *Proposed plans of subdivision will be evaluated based on all of the policies*

of *The London Plan*. The following London Plan policy sections have been considered in evaluating the proposed Zoning By-law Amendment:

1. *Our Strategy.*
2. *City Building policies.*
3. *The policies of the place type in which the proposed subdivision is located.*
4. *The Our Tools policies.*
5. *Relevant secondary plans and specific policies.*

Our Strategy

59_ Build a mixed-use compact city

4. *Plan for infill and intensification of various types and forms to take advantage of existing services and facilities and to reduce our need to grow outward.*
5. *Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place*

The proposed Draft Plan of Subdivision and Zoning By-law Amendment to permit street townhouses, cluster townhouses and low rise apartment buildings will allow for forms of housing that take advantage of the existing servicing and facilities. The proposed housing types ensure a compatible and complete form of residential uses and could allow for an opportunity of aging in place.

61_ Direction #7_ Build strong, healthy and attractive neighbourhoods for everyone.

1. *Plan for healthy neighbourhoods that promote active living, provide healthy housing options, offer social connectedness, afford safe environments,*
2. *Design complete neighbourhoods by meeting the needs of people of all ages, incomes and abilities, allowing for aging in place and accessibility to amenities, facilities and services.*
3. *Implement “placemaking” by promoting neighbourhood design that creates safe, diverse, walkable, healthy, and connected communities, creating a sense of place and character.*

The proposed Draft Plan of Subdivision and Zoning By-law Amendment to permit street townhouses, cluster townhouses and low rise apartment buildings will allow for forms of housing that are street oriented. The proposed development will implement the Urban Design principles contained in the Southwest Area Plan. The resulting development will provide for a mix of housing types that will allow for walkability, the implementation of placemaking principles and create a sense of place. The proposed housing types ensure a compatible and complete form of residential use that will be connected and promotes a healthy walkable lifestyle.

City Building Policies

193_ In all of the planning and development we do and the initiatives we take as a municipality, we will design for and foster:

1. *A well-designed built form throughout the city.*
2. *Development that is designed to be a good fit and compatible within its context.*

The proposed Draft Plan of Subdivision and Zoning By-law Amendment to permit street townhouses, cluster townhouses and low rise apartment buildings will allow for forms of housing that are compatible and a good fit within the Southwest Area. The development will conform to the Urban Design Guidelines of the Southwest Area Plan.

197_ The built form will be designed to have a sense of place and character consistent with the planned vision of the place type, by using such things as topography, street patterns, lotting patterns and streetscapes.

The proposed Draft Plan of Subdivision and Zoning By-law Amendment to permit street townhouses, cluster townhouses and low rise apartment buildings will allow for forms of housing that create a sense of place that is consistent with the planned vision of the place types. The proposed low rise apartment block abutting the Urban Thoroughfare (future Bradley Street extension) will create a positive defined streetscape and built form, promoting walkability and transit options. The street oriented street townhouses and cluster townhouses provide for lotting and streetscapes that are consistent with the vision of the Southwest Area Plan and Neighbourhood Place Type.

221_ *The design of streetscapes will support the planned vision for the place type and will contribute to character and sense of place. The parameters for street character are defined in Table 6 - Street Classification Design Features of the Mobility chapter of this Plan.*

The proposed street townhouses and cluster townhouses are located in the Neighbourhood Place Type on Neighbourhood Streets. The height (2 storeys), density (40uph) and lot sizes are consistent with the Neighbourhood Place Type and Street Classification. The apartment block (block 1) will allow for low rise apartments that are 13m height, 75 units per hectare and provide street orientation to the future Bradley Avenue extension consistent with the Neighbourhood Place Type and Urban Thoroughfare Street Classification.

Place Types

935_ *the following intensity policies will apply within the Neighbourhoods Place Type.*

Type. 3. Zoning will be applied to ensure an intensity of development that is appropriate to the neighbourhood context, utilizing regulations for such things as height, density, gross floor area, coverage, frontage, minimum parking, setback, and landscaped open space.

These lands are within the “Neighbourhood” Place Type of The London Plan. The vision for the Neighbourhoods place type includes a strong neighbourhood character, sense of place and identity, attractive streetscapes, buildings, and public spaces, a diversity of housing choices allowing for affordability and giving people the opportunity to remain in their neighbourhoods as they age if they choose to do so. The proposed Plan provides well-connected neighbourhoods both within the neighbourhood and with other locations in the city such as the downtown. The Plan provides for safe, comfortable, convenient, and attractive alternatives for mobility, easy access to daily goods and services within walking distance, employment opportunities close to where we live, and parks, pathways, and recreational opportunities that strengthen community identity and serve as connectors and gathering places.

The proposed development is consistent with The London Plan and is in conformity with the Our City, Our Strategy, City Building, and Place Type policies of this Plan. The proposal for a street townhouse, cluster townhouse and apartment development at this location meets the policies for the Neighbourhood Place types and street classifications. Municipal services are available, in conformity with the Civic Infrastructure chapter of the Plan and the Growth Management/Growth Financing.

The possible potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated have been considered. The area is serviced by several streets including Wharncliffe Road South, a future connection from Paul Peel Avenue and the future Bradley Avenue extension. Street lighting and sidewalks on both sides of the street will be required as part of the design of the subdivision to ensure pedestrian safety. It is not expected that additional noise or emissions will be generated by the proposed development

Secondary Plan

The lands are located in the North Longwoods Residential Neighbourhood. The Southwest Area Plan (SWAP) designates the subject lands, Medium Density Residential. The Medium Density Residential (MDR) policies require residential development to be at a minimum density of 30 units/ha and a maximum density of 75 units/ha.

Based on the designation which applies to these lands, the development potential for medium density residential development would accommodate the proposed form of development and maintains conformity to the policies of the Secondary Plan.

The City of London Official Plan

The subject lands are designated “Medium Density, Residential” on Schedule “A” of the Official Plan.

The Multi-Family, Medium Density Residential designation supports medium density residential uses at locations which enhance the character and amenity of a residential area, and where there is safe and convenient access to public transit, shopping, public open space, recreation facilities and other urban amenities.

Section 3.1. of the Official Plan defines a series of broad goals and objectives for all forms of residential land use within the City. The following policy objectives are of particular relevance to this proposal:

- i. Provide for a supply of residential land that is sufficient to accommodate the anticipated demand for a broad range of new dwelling types over the planning period;
- ii. Support the provision of a choice of dwelling types according to location, size, affordability, tenure, design, and accessibility so that a broad range of housing requirements are satisfied;
- iii. Support the distribution of a choice of dwelling types by designating lands for a range of densities and structural types throughout the City;
- iv. Encourage infill residential development in residential areas where existing land uses are not adversely affected and where development can efficiently utilize existing municipal services and facilities;
- v. Minimize the potential for land use compatibility problems which may result from an inappropriate mix of: low, medium and high density housing; higher intensity residential uses with other residential housing; or residential and non-residential uses;
- vi. Support the provision of services and amenities that enhance the quality of the residential environment; and,
- vii. Promote residential development that makes efficient use of land and services.

The proposed draft plan is consistent with the goals and objectives as outlined above.

This proposal is compatible with surrounding residential development and building placement. The development of the proposed medium density residential blocks will utilize design techniques in order to mitigate impacts on the future low density development to the east. The medium density residential development is in a location that provides access to on-site amenities, public transit and nearby shopping, cultural and recreational facilities. A conceptual plan has not been designed for the seven (7) medium density residential blocks of the Draft Plan. The building scale and articulation must be designed in a manner in accordance with the Southwest Area Plan. Holding provision are proposed to promote compatibility with adjacent land uses. The holding provisions are recommended to ensure that all the medium density blocks are oriented towards the street, including the apartment block orientation to the future extension of Bradley Avenue. This will further be addressed through the Site Plan Approval Process.

4.5 Zoning By-law

The subject lands are currently zoned Urban Reserve UR4 and Urban Reserve UR6.

The requested amendment to Zoning By-law Z.-1 is for a Holding Residential R4 Special Provision (h.*h-100*h-104*h-155*R4-4(2)) Zone, Holding Residential R5 (h.*h-100*h-104*h-155*R5-7) Zone and a Holding Residential R8 (h*h-100*h-104*h-198*R8-4) Zone to permit a range of low and medium density residential uses such as street townhouses, stacked townhouses, apartment buildings.

Planning Impact Analysis under Section 1578 of The London Plan and Section 3.7 in the Official Plan is used to evaluate applications for an Official Plan and/or Zoning By-law Amendment, to determine the appropriateness of a proposed change in land use, and to identify ways of reducing any adverse impacts on surrounding uses.

Compatibility

The requested zoning permits street townhouse dwellings on freehold lots, cluster townhouse dwellings and apartment buildings developed in conjunction with a plan of subdivision. The requested zoning would permit street townhouse lots with frontage on Lismer Way, Emily Carr Lane and Street A. The proposed zone allows for cluster townhouse development on Block 6 and apartment uses on Block 1.

The surrounding land uses consist of single detached homes to the east, commercial uses to the north and future residential uses to the south and west. The southern boundary of this property abuts the road allowance of the future Bradley Avenue extension. The Applicant has indicated that the proposed townhouse development is likely to be two storeys in height and the apartment uses are proposed to be up to 13 metres in height. The proposed development is of a height and form that has been identified thorough the Southwest Area Plan and the subsequent Official Plan Amendment.

Ability of Site to Accommodate Development

The subject land is 3.4 hectares in size. The size and the shape of the parcel make it a suitable candidate for residential infill development. The existing topography does not pose a challenge to the development of the site.

Building Siting

The shape of the street townhouse blocks 2, 3, 4, 5 and 7 are conducive to street townhouse dwellings. In accordance with the Southwest Area Plan and the proposed holding provision, the proposed street townhouse buildings will be oriented towards Lismer Way, Emily Carr Lane and Street A. The proposed lotting provides a minimum 6.7 metre frontage and 180m² minimum lot area and is sufficient in size to accommodate 2 storey street townhouses.

The shape of Block 6 will allow for cluster townhouse dwelling. The irregular size of the Block 6 cannot accommodate street townhouses as the depth and width is too large to allow for standalone lotting. In accordance with the Southwest Area Plan and the proposed holding provision the proposed cluster townhouses will be required provide street oriented design and still be able to utilize the whole of the block.

The shape and size of Block 1 is intended to permit midrise apartment development. The block will have two accesses located on Lismer Way. In accordance with the Southwest Area Plan and the proposed holding provisions the proposed apartment uses will be required to be oriented to Bradley Avenue.

Vacant Land in the Area

This parcel is located in this area which is currently being built out. There are vacant parcels of land within the immediate vicinity of the subject lands which are designated or zoned for residential development.

Vegetation and Natural Features

The site does not contain any natural heritage features. There are several mature trees located in the southwest portion of the parcel. As part of the conditions of draft approval, a tree preservation plan is required to assess these trees and provide maximum protection through mitigation measures. Also as a standard requirement of the subdivision agreement, street trees will be planted.

Site Access

The site will be accessed from the extension of Lismer Way. Emily Carr Lane will be extended to the north and will connect at Paul Peel Avenue when the lands to the north (owned by others) are developed. One new local street is proposed to extend north and connect to Emily Carr Lane on the lands to the north. In accordance with the Southwest Area Plan, 1.5 metre (5 feet) sidewalk will be constructed on both sides all streets.

Surrounding Natural Features and Heritage Resources

The surrounding area is developed and there are no significant natural features.

Environmental Constraints

Based on our review of the site and its surroundings, and the report on site decommissioning, there are no known environmental constraints, such as soil contamination or noise and vibration sources, which could adversely affect residents.

Compliance with The London Plan, Official Plan, Zoning By-law, and Site Plan Control By-law

The applications being considered as part of this review are evaluated against the policies of The London Plan, Official Plan, and Zoning By-law to ensure compliance prior to approval by the City.

Holding Provisions

Holding provisions have been recommended as follows:

1. The 'h' holding provision is implemented to address servicing, including sanitary, stormwater and water, to the satisfaction of the City Engineer, and the entering of a subdivision agreement.
2. The '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 is available, to the satisfaction of the City Engineer.
3. (h-104) holding provision - to ensure that a comprehensive storm drainage and stormwater management report prepared by a consulting engineer is completed to address the stormwater management strategy for all lands within the subject plan and external lands where a private permanent on-site storm drainage facility is proposed for any block or blocks not serviced by a constructed regional stormwater management facility. The "h-105" symbol shall not be deleted until the report has been accepted to the satisfaction of the General Manager of Planning and Development and City Engineer.
4. (h-155) holding provision - Purpose: The removal of the h-155 symbol shall not occur until such time as the Owner has entered into a development agreement with the City of London, to ensure that the development is consistent with and conforms to the guidelines and vision of OPA 541, Southwest Area Secondary Plan (SWAP).
5. (h-198) holding provision - Purpose: To encourage street-oriented development and discourage noise attenuation walls along arterial roads, a development agreement shall be entered into to ensure that new development is designed and approved consistent with the Southwest Area Secondary Plan.

Public Comment

One response was received outlining the ongoing assumption issue in the abutting Copperfield subdivision located east of the subject lands (see attached email Appendix B).

The concern has been forwarded to the Special Municipal Policy Liaison in the City's Development and Compliance Services Department. The City is continuing to work with the Copperfield subdivider and with the residents to resolve the assumption process issues.

5.0 Conclusion

Approval and development of these lands is consistent with Provincial Policy, is in conformity with The London Plan and the Official Plan and is in compliance with the Zoning By-law. The recommended draft plan and conditions of draft plan approval ensures a compatible form of development with the existing neighbourhood. Overall, the draft plan of subdivision, with associated conditions, represents good land use planning and is advancing an appropriate form of development.

Prepared and Recommended by:	C. Smith MCIP, RPP Senior Planner, Development Planning
Reviewed by:	Lou Pompili, MCIP, RPP Manager, Development Planning
Concurred in by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P. Eng. Managing Director, Development and Compliance Services and Chief Building Official
<p>Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.</p>	

September 18, 2018
CS/

Appendix A

Bill No. (number to be inserted by Clerk's Office)
2018

By-law No. Z.-1-18_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 3425
Emily Carr Lane

WHEREAS have applied to rezone an area of land located at 3425 Emily Carr Lane as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 3425 Emily Carr Lane, as shown on the attached map, from an Urban Reserve (UR4) and Urban Reserve (UR6) Zone to a Holding Residential R4 Special Provision (h.*h-100*h-104*h-155*R4-4(2)) Zone, Holding Residential R5 (h.*h-100*h-104*h-155*R5-7) Zone and a Holding Residential R8 (h*h-100*h-104*h-198*R8-4) Zone

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

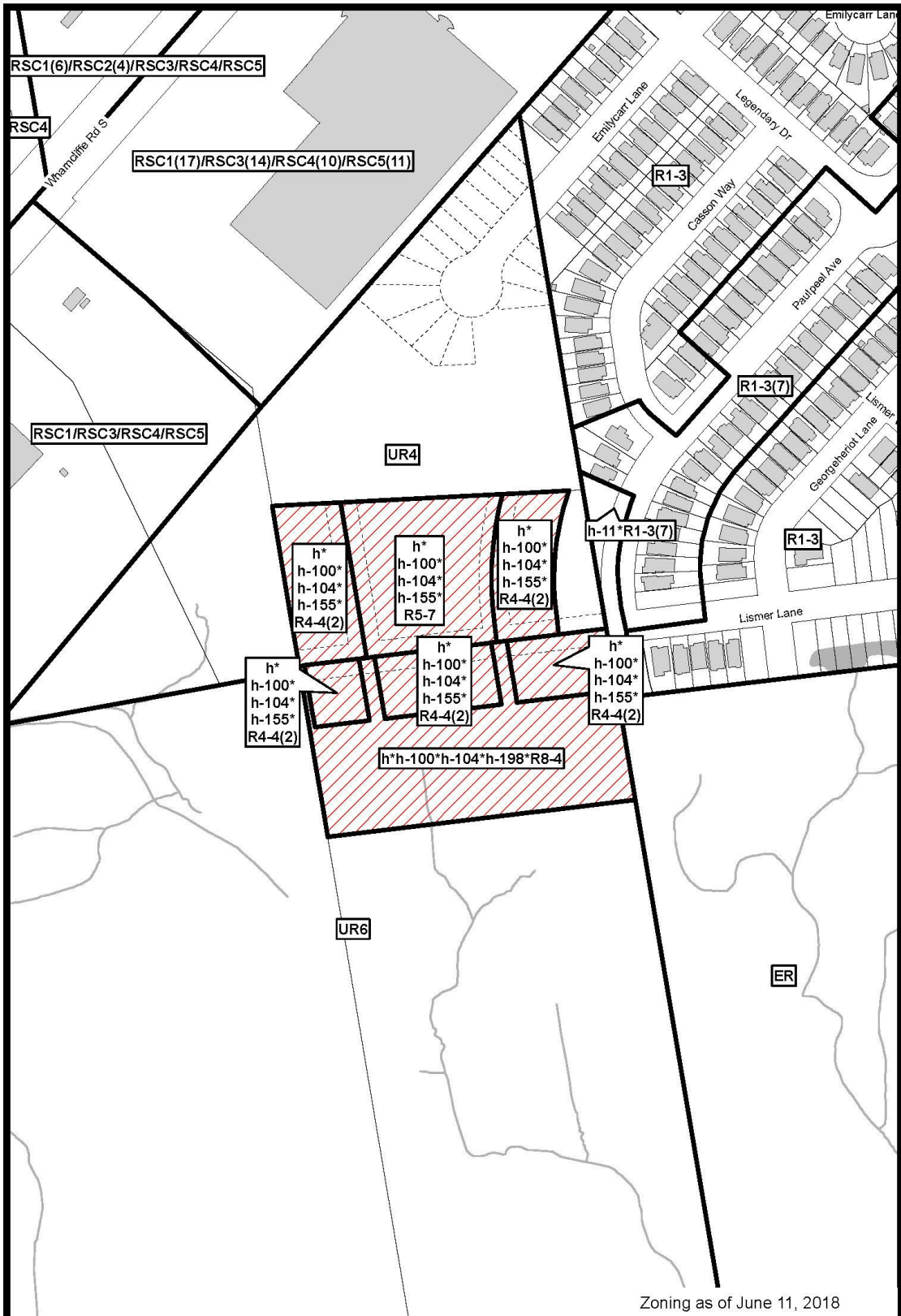
PASSED in Open Council on October 2, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – October 2, 2018
Second Reading – October 2, 2018
Third Reading – October 2, 2018

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



Zoning as of June 11, 2018

File Number: 39T-16508 / Z-8697

Planner: CS

Date Prepared: 2018/08/16

Technician: RC

By-Law No: Z-1-

SUBJECT SITE 

1:3,000

0 15 30 60 90 120 Meters



Appendix B – Public Engagement

Community Engagement

Public liaison: On November 17, 2016 Notice of Application was sent to all property owners within 120m of the subject property. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on November 24, 2016. On June 21, 2018 a Revised Notice of Application was sent to all property owners with 120m of the Subject Property and on June 28, 2018 the Revised Notice of Application was published in the *Londoner*.

Nature of Liaison: The purpose and effect of this application is to permit the development of a Multi-Family Medium Density Residential plan of subdivision on a 2.8 hectare parcel of land located southeast of Wharncliffe Road South, west of White Oak Road

Responses: One (email as follows).

Hi Craig,

Thank you for getting back to me and the attached images. The legend was missing from the printed copy so we had no idea where this development was taking place. I am still confused as to how Emily Carr will meet the new development area...perhaps if/when you have a image of that you can send also.

As for the history...i will try to be brief.

2012 our house is last to be built on the street. We moved in nov 2014. There was no top coat on the street. Began chats with the City, who tell me subdivision not yet assumed so developer has to finish. I try calling developer to find out when...no reply. I have been working with Greg Laforge from the City and got a date of May 2015...then August 2015...then we have to fix curbs first (2nd time for this on the street)...then 2016...no date...finally said end of season 2017. But this came with more work.

August 2017 the city decided to take a look at a now 10 year old subdivision (none of which, from white oak rd to wharncliffe road, has been assumed) and decided that our drive ways are too wide based on a post dated Bi-Law put in place 2014 or 2015 (90% of the houses built in Copperfield were built before 2014) So here comes the developer to take 1 to 2 feet away from the bottom half of our driveways based on a ridiculous bi law and one that should not have affected us both due to date enacted and developer screw up and City never did inspections I guess.

This is when I reached out to Anna Hopkins for help in this area. Nothing came of it, our driveways were gutted and replaced with grass...which is now mud since we need to use our double car driveways still. Ms. Hopkins said there would be a meeting, and a session to reach out to the City in a public forum, but nothing ever came of that. I have not heard from Ms. Hopkins now in about 10 months.

Last I heard the City/developer was to send out letters to the rest of the subdivision to have driveways amended....this has not happened either, which is good for those property owners...for now. More and more people are getting stamped concrete or new driveways and are unsuspecting of the City who may drop this letter without warning once more.

Last bit of history, the Copperfield signs of White oak road were beautiful once in 2014, until someone stole/vandalized them for the Cooper I assume. Fought with the City to fix those (Greg was very helpful though) and after an assessment was done and deemed unsafe (due to electricity behind the signs, the developer finally stepped up and fixed them with a new sign (not as nice, but we will take it). that was in 2017 they got fixed....so 3 years. And it was all for not, because here comes a new developer who is

building LGA of white oak road...and destroyed the 1 month old newly built sign. I spoke to LGA who were told by the City of London that they didnt know anything about a sign on the property and gave the developer permission to destroy it...

As you can tell my faith in this City has diminished over the last 4 years. Just seem like no one is on the same page/care about result as long as the City get their payments from developers. Home owners are just a blip in the radar.

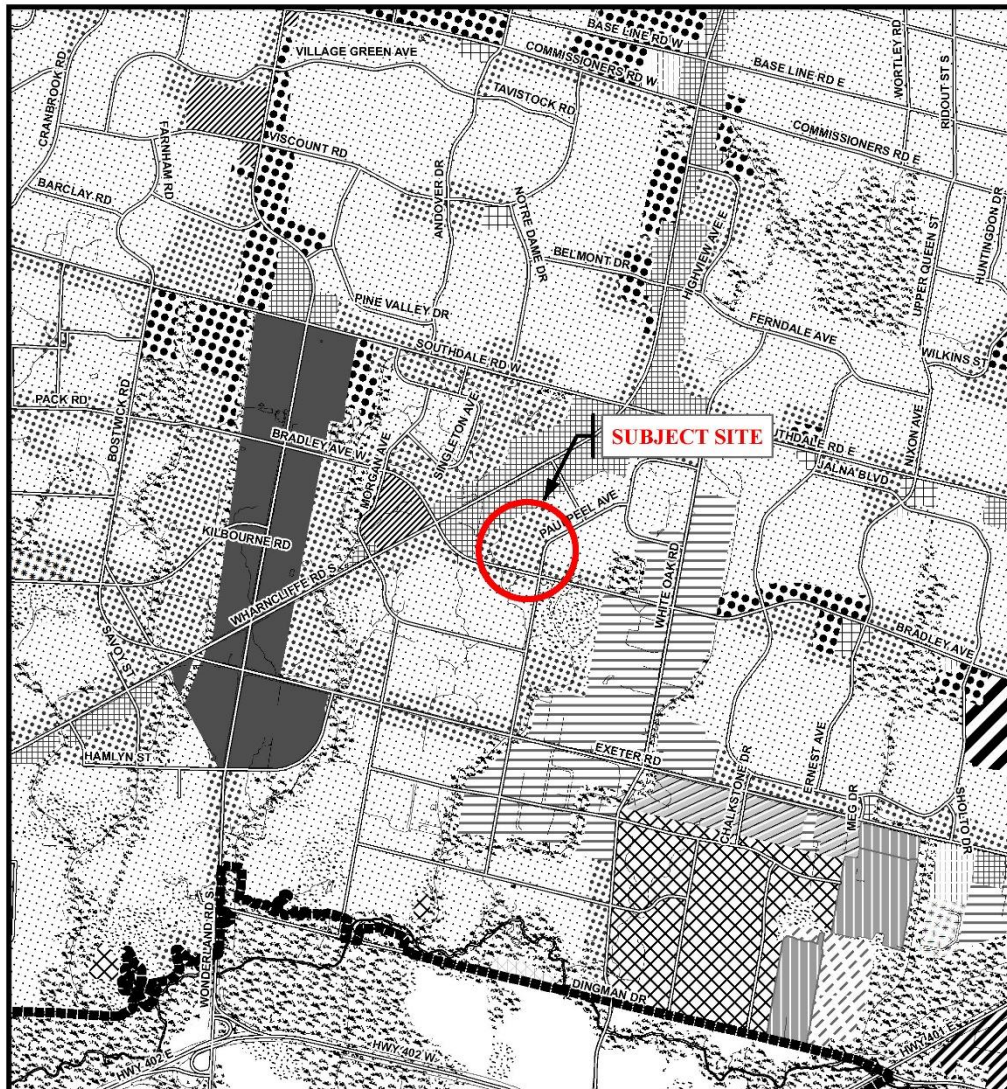
So Craig :) Do what you can with the info provided and perhaps you can tell me if the City has assumed or has plans to ever assume Copperfield subdivision.

Thank you for reaching out...perhaps you wish you didn't :)

Dustin Plomp

Appendix C – Relevant Background

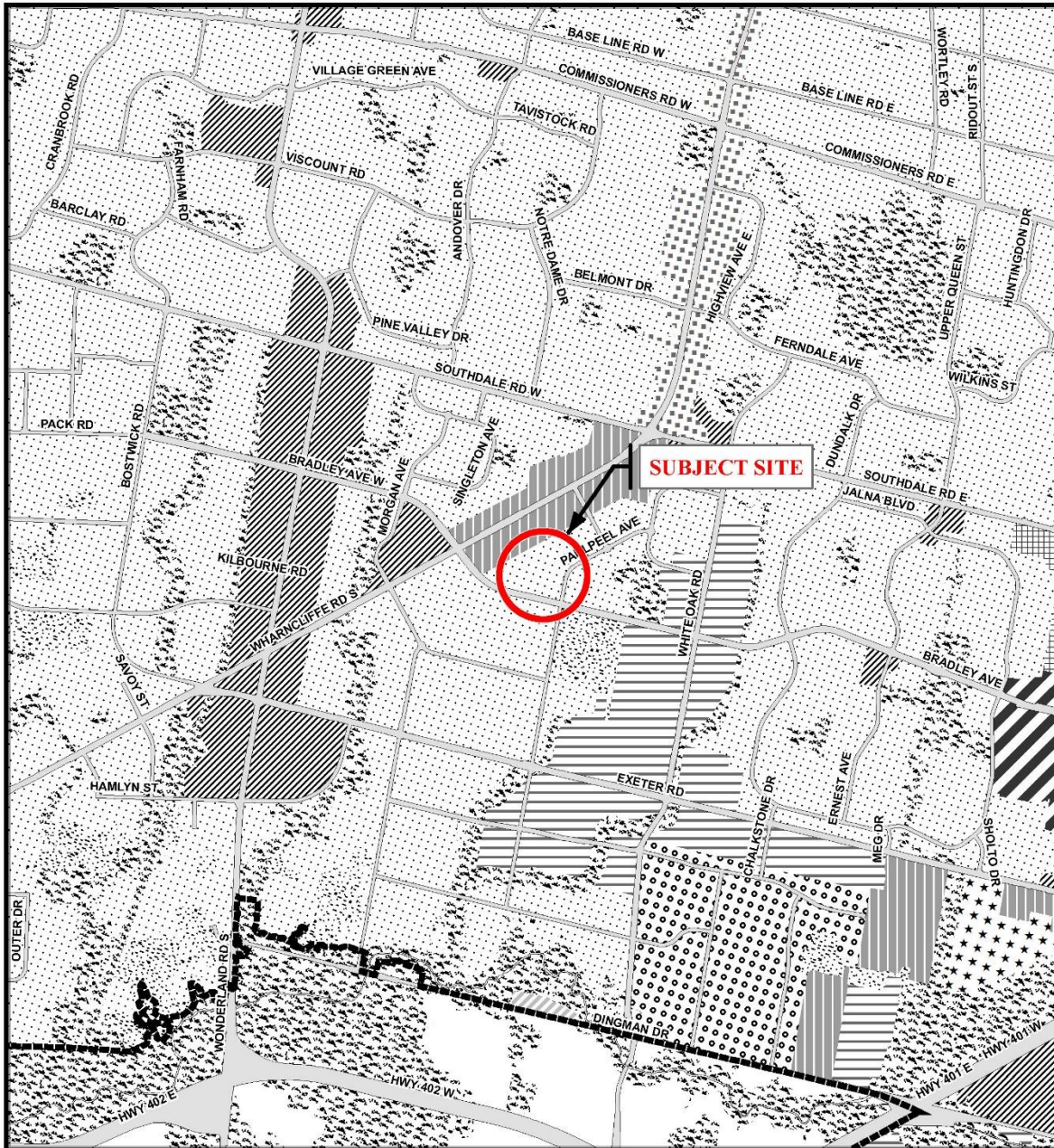
Additional Maps Official Plan Schedule “A” Excerpt



Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial
Community Commercial Node	Regional Facility	Transitional Industrial
Neighbourhood Commercial Node	Community Facility	Rural Settlement
Main Street Commercial Corridor	Open Space	Environmental Review
Auto-Oriented Commercial Corridor	Urban Reserve - Community Growth	Agriculture
Multi-Family, High Density Residential	Urban Reserve - Industrial Growth	Urban Growth Boundary

<p>CITY OF LONDON Planning Services / Development Services OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: 39T-16508 / Z-8697</p> <p>PLANNER: CS</p> <p>TECHNICIAN: RC</p> <p>DATE: 2018/08/17</p>
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London Plan Place Types Excerpt



Legend

Downtown	Future Community Growth	Environmental Review
Transit Village	Heavy Industrial	Farmland
Shopping Area	Light Industrial	Rural Neighbourhood
Rapid Transit Corridor	Future Industrial Growth	Waste Management Resource Recovery Area
Urban Corridor	Commercial Industrial	Urban Growth Boundary
Main Street	Institutional	
Neighbourhood	Green Space	

This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

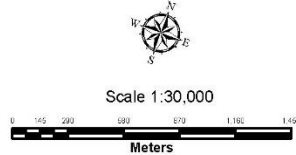
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON

Planning Services /
Development Services

LONDON PLAN MAP 1 - PLACE TYPES -

PREPARED BY: Planning Services



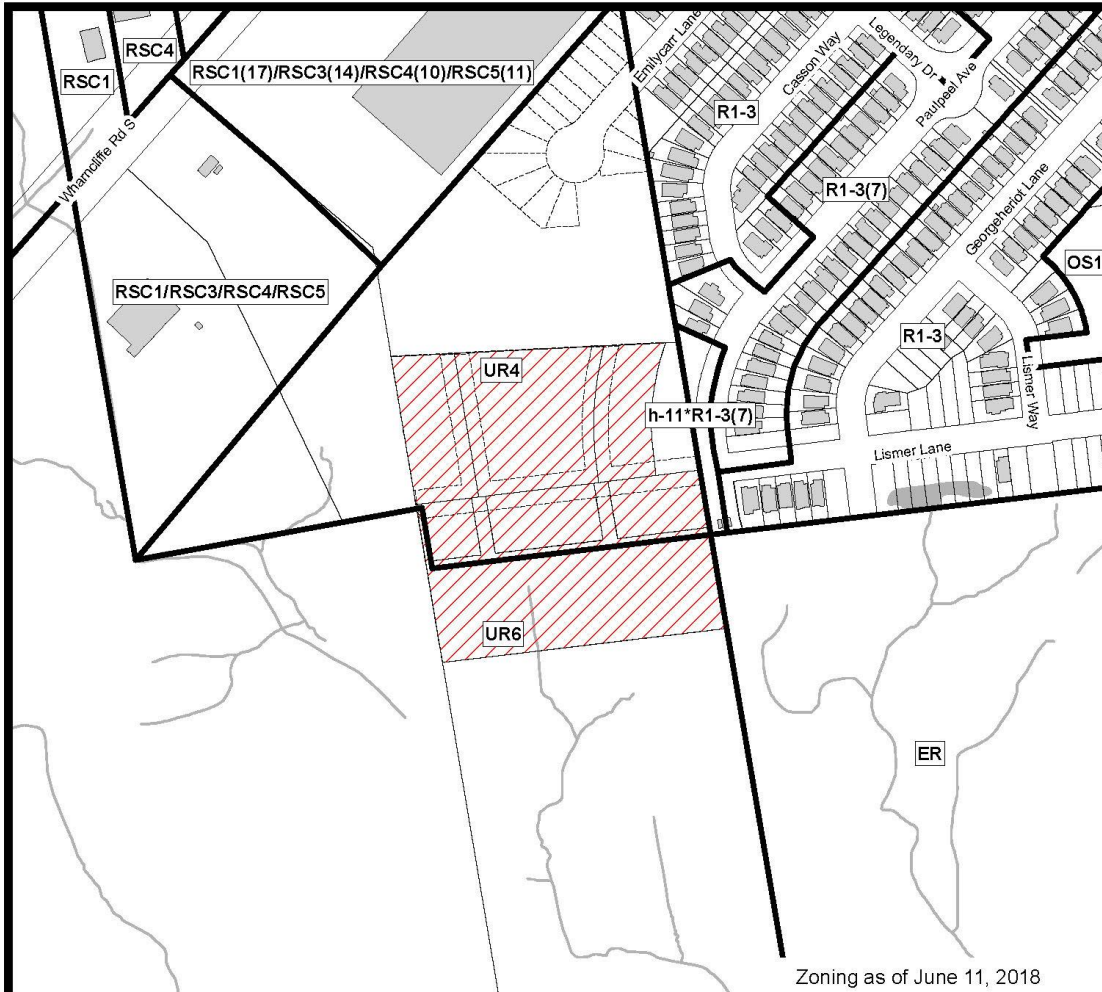
File Number: 39T-16508 / Z-8697

Planner: CS

Technician: RC

Date: August 17, 2018

Zoning By-law Map Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

1) LEGEND FOR ZONING BY-LAW Z-1

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | |
| R7 - SENIOR'S HOUSING | OS - OPEN SPACE |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | CR - COMMERCIAL RECREATION |
| R9 - MEDIUM TO HIGH DENSITY APTS. | ER - ENVIRONMENTAL REVIEW |
| R10 - HIGH DENSITY APARTMENTS | |
| R11 - LODGING HOUSE | OB - OFFICE BUSINESS PARK |
| DA - DOWNTOWN AREA | LI - LIGHT INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | GI - GENERAL INDUSTRIAL |
| CSA - COMMUNITY SHOPPING AREA | HI - HEAVY INDUSTRIAL |
| NSA - NEIGHBOURHOOD SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| BDC - BUSINESS DISTRICT COMMERCIAL | UR - URBAN RESERVE |
| AC - ARTERIAL COMMERCIAL | |
| HS - HIGHWAY SERVICE COMMERCIAL | AG - AGRICULTURAL |
| RSC - RESTRICTED SERVICE COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| SS - AUTOMOBILE SERVICE STATION | TGS - TEMPORARY GARDEN SUITE |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | RT - RAIL TRANSPORTATION |
| OR - OFFICE/RESIDENTIAL | "h" - HOLDING SYMBOL |
| OC - OFFICE CONVERSION | "D" - DENSITY SYMBOL |
| RO - RESTRICTED OFFICE | "H" - HEIGHT SYMBOL |
| OF - OFFICE | "B" - BONUS SYMBOL |
| | "T" - TEMPORARY USE SYMBOL |

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

ZONING BY-LAW NO. Z.-1 SCHEDULE A



THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

FILE NO:

39T-16508 / Z-8697 CS

MAP PREPARED:

2018/08/16 RC

1:4,000

0 20 40 80 120 160
Meters

Conditions of Draft Approval

THE CORPORATION OF THE CITY OF LONDON'S CONDITIONS AND AMENDMENTS TO FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T-16508 ARE AS FOLLOWS:

NO. CONDITIONS

1. This approval applies to the draft plan, submitted by 2178254 Ontario Inc.. (File No. 39T-16508), prepared by AGM Ltd., certified by Jason Wilband, OLS, (dated June 7, 2018), as redlined revised, which shows 7 residential blocks 3 local public streets (extension of Lismar Way, Emily Carr Lane and a new Street "A").
2. This approval of the draft plan applies for a period of three (3) years, 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 Owner shall within 90 days of draft approval submit proposed street names for this subdivision to the City.
5. 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. The Owner, prior to final approval, shall submit to the Approval Authority a digital file of the plan to be registered in a format compiled to the satisfaction of the City of London and referenced to NAD83UTM horizon control network for the City of London mapping program.
7. Prior to final approval, appropriate zoning shall be in effect for this proposed subdivision.
8. The Owner shall enter into a subdivision agreement and shall satisfy all the requirements, financial and otherwise, of the City of London in order to implement the conditions of this draft approval.
9. The subdivision agreement between the Owner and the City of London shall be registered against the lands to which it applies once the plan of subdivision has been registered.
10. In conjunction with registration of the Plan, the Owner shall provide to the appropriate authorities such easements and/or land dedications as may be required for all municipal works and services associated with the development of the subject lands, such as road, utility, drainage or stormwater management (SWM) purposes, to the satisfaction of the City, at no cost to the City.
11. No construction or installations of *any* kind (eg. clearing or servicing of land) involved with this plan shall be undertaken by the Owner 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 Manager of Development Planning in writing (eg. MOE certificates; City/Ministry/Agency permits: Approved Works, water connection, water-taking, navigable waterways; approvals: UTRCA, MNR, MOE, City; etc; etc.). 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 and the City of London.

Planning

12. The Owner shall carry out an archaeological survey and rescue excavation of any significant archaeological remains found on the site to the satisfaction of the Southwestern Regional Archaeologist of the Ministry of Culture; and no final approval shall be given, and no grading or other soil disturbance shall take place on the subject property prior to the letter of release from the Ministry of Culture.
13. The Owner shall pay parkland dedication pursuant to section 51 of the Planning Act at 5% of the lands within the application or 1 hectare per 300 units, whichever is greater.
14. In conjunction with the Engineering Drawings submission, the owner shall 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. 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 Manager of Environmental and Parks Planning. Tree preservation shall be established first and grading/servicing design shall be developed to accommodate maximum tree preservation.

SEWERS & WATERMAINS

Sanitary:

15. In conjunction with the engineering drawings submission, the Owner shall have his consulting engineer prepare and submit a Sanitary Servicing Study to include the following design information:
 - i.) Provide a sanitary drainage area plan, including the preliminary sanitary sewer routing and the external areas to be serviced, to the satisfaction of the City;
 - ii.) Provide clarification that the respective changes in population, drainage area and the outlet(s) are compatible with accepted record drawings and drainage area plans. Any upgrades, if required, are to be at no cost to the City.
 - iii.) Propose a suitable routing for the sanitary sewer to be constructed through this plan.
 - iv.) To meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407, provide an hydrogeological report that includes an analysis to establish the water table level of lands within the subdivision with respect to the depth of the sanitary sewers and recommend additional measures, if any, which need to be undertaken; and
 - v.) Demonstrate that the servicing to the proposed street townhouses can be constructed with adequate separation distances and avoid conflicts with City services, which meet City of London standards and requirements.
16. In accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of sanitary services for this draft plan of subdivision:
 - i.) Construct sanitary sewers to serve this Plan and connect them to the existing municipal sewer system, namely, the 200 mm diameter sanitary sewer located on Lismer Lane and the 250 mm diameter sanitary sewer located on Paul Peel Avenue;

- ii.) Construct a maintenance access road, if necessary, and provide a standard municipal easement for any section of the sewer not located within the road allowance, to the satisfaction of the City;
 - iii.) Make provisions for oversizing of the internal sanitary sewers, if necessary, in this draft plan to accommodate flows from the upstream lands external to this plan, all to the satisfaction of the City. This sewer must be extended to the limits of this plan and/or property line to service the upstream external lands; and
 - iv.) Where trunk sewers are greater than 8 metres in depth and are located within the municipal roadway, the Owner shall construct a local sanitary sewer to provide servicing outlets for private drain connections, to the satisfaction of the City. The local sanitary sewer will be at the sole cost of the Owner. Any exception will require the approval of the City Engineer.
17. In order to prevent any inflow and infiltration from being introduced to the sanitary sewer system, the Owner shall, throughout the duration of construction within this plan, undertake measures within this draft plan to control and prevent any inflow and infiltration and silt from being introduced to the sanitary sewer system during and after construction, satisfactory to the City, at no cost to the City, including but not limited to the following:
- i.) Not allowing any weeping tile connections into the sanitary sewers within this Plan;
 - ii.) Permitting the City to undertake smoke testing or other testing of connections to the sanitary sewer to ensure that there are no connections which would permit inflow and infiltration into the sanitary sewer.
 - iii.) Installing Parson Manhole Inserts (or approved alternative satisfactory to the City Engineer) in all sanitary sewer maintenance holes at the time the maintenance hole(s) are installed within the proposed draft plan of subdivision. The Owner shall not remove the inserts until sodding of the boulevard and the top lift of asphalt is complete, all to the satisfaction of the City Engineer.
 - iv.) Having his consulting engineer confirm that the sanitary sewers meet allowable inflow and infiltration levels as per OPSS 410 and OPSS 407; and
 - v.) Implementing any additional measures recommended through the Design Studies stage.
18. Prior to registration of this Plan, the Owner shall obtain consent from the City Engineer to reserve capacity at the Greenway Pollution Control Plant for this subdivision. This treatment capacity shall be reserved by the City Engineer subject to capacity being available, on the condition that registration of the subdivision agreement and the plan of subdivision occur within one (1) year of the date specified in the subdivision agreement.

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

Storm and Stormwater Management (SWM)

19. In conjunction with the engineering drawings submission, the Owner shall have his consulting engineer prepare and/or submit an update to the Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation to address the following:
- i.) Identifying the storm/drainage and SWM servicing works for the subject and external lands and how the interim drainage from external lands will be handled, all to the satisfaction of the City;
 - ii.) Identifying major and minor storm flow routes for the subject and external lands, to the satisfaction of the City;

- iii.) Providing an overall drainage area plan identifying the revised total catchment area reviewed in the report that will be contributing flows to the existing White Oaks SWM Facility # 2 (P2);
 - iv.) Identifying in the report that all major and minor storm flows from the future development lands to the north of this plan have been reviewed and can be accommodated within the existing White Oaks SWM Facility # 2 (P2) via this plan of subdivision;
 - v.) Developing an erosion/sediment control plan that will identify all erosion and sediment control measures for the subject lands in accordance with City of London and Ministry of the Environment standards and requirements, all to the satisfaction of the City. This plan is to include measures to be used during all phases on construction; and
 - vi.) Implementing SWM soft measure Best Management Practices (BMP's) within the Plan, where possible, to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this Plan and the approval of the City Engineer.
20. 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 Dingman Creek Subwatershed based on the final accepted Dingman Creek Stormwater Servicing Strategy Schedule C Municipal Class Environmental Assessment;
 - ii.) The approved Storm/Drainage and SWM Servicing Functional Reports (White Oaks SWM Facility # 2) and Detailed Design for the subject lands;
 - iii.) The Stormwater Letter/Report of Confirmation for the subject development prepared and accepted in accordance with the File Manager Process;
 - iv.) The City's Design Requirements for Permanent Private Stormwater Systems approved by City Council and effective as of January 1, 2012. The stormwater requirements for PPS for all medium/high density residential, institutional, commercial and industrial development sites are contained in this document, which may include but not be limited to quantity/quality control, erosion, stream morphology, etc.;
 - v.) The City of London Environmental and Engineering Services Department Design Specifications and Requirements, as revised;
 - vi.) The City's Waste Discharge and Drainage By-laws, lot grading standards, Policies, requirements and practices;
 - vii.) The Ministry of the Environment, Conservation and Parks (MOECP) SWM Practices Planning and Design Manual (2003), including updates and companion manuals; and
 - viii.) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.
21. 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 to serve this plan, located within the Dingman Creek Subwatershed, and connect them to the existing municipal storm sewer system, namely, the 675 mm diameter storm sewer located on Paul Peel Avenue and proposed storm sewer system within this draft plan of subdivision to outlet to the existing White Oaks SWM Facility # 2, to the satisfaction of the City. Should the existing storm sewers require upsizing to accommodate this plan, these sewers shall be increased at no cost to the City;
 - ii.) Make provisions to oversize and deepen the internal storm sewers in this plan to accommodate flows from upstream lands external to this plan;

- iii.) Construct and implement erosion and sediment control measures as accepted in the Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation for these lands and the Owner shall correct any deficiencies of the erosion and sediment control measures forthwith; and
 - iv.) Address forthwith any deficiencies of the stormwater works and/or monitoring program.
22. Prior to the issuance of any Certificates of Conditional Approval for any lot in this plan, the Owner shall complete the following:
- i.) For lots and blocks in this plan or as otherwise approved by the City Engineer, all storm/drainage and SWM related works to serve this plan must be constructed and operational in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City;
 - ii.) Construct and have operational the major and minor storm flow routes for the subject lands, to the satisfaction of the City;
 - iii.) Implement all geotechnical/slope stability recommendations made by the geotechnical report accepted by the City;
23. The Owner acknowledges that all major and minor flows shall be accommodated in accordance with the SWM Servicing letter provided by SBM dated June 19, 2018, generally outletting to White Oaks SWM Facility #2 and through on-site LIDS. Should the Owner's professional engineer determine through detailed design that the major flows cannot be accommodated within the existing White Oaks SWM Facility # 2, the Owner acknowledges that these lands shall be tributary to the White Oak SWM Facility # 3 and shall be serviced in accordance with the final accepted Dingman Creek Stormwater Servicing Strategy Schedule C Municipal Class EA and in accordance with the final accepted Functional SWM Report for the White Oak SWM Facility # 3.
24. Should the major and minor flows from this draft plan and future lands to the north be required to be directed to White Oak SWM Facility # 3, the Owner shall develop the proposed plan of subdivision in accordance with the Design and Construction of Stormwater Management Facilities, Policies and processes identified in Appendix 'B-1' and 'B-2' Stormwater Management Facility "Just in Time" Design and Construction Process adopted by Council on July 30, 2013 as part of the Development Charges Policy Review: Major Policies Covering Report.
25. Prior to the acceptance of engineering drawings, the Owner's professional engineer shall certify the subdivision has been designed such that increased and accelerated stormwater runoff from this subdivision will not cause damage to downstream lands, properties or structures beyond the limits of this subdivision. Notwithstanding any requirements of, 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.
26. In conjunction with the engineering drawings 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, including but not limited to, the following:
- i.) identify a target infiltration rate in millimetres per hectare and implement Low Impact Development measures to achieve the water balance and meet groundwater recharge objectives, to the satisfaction of the City Engineer;
 - ii.) the effects of the construction associated with this subdivision on the existing ground water elevations and domestic or farm wells in the area
 - iii.) identify any abandoned wells in this plan
 - iv.) assess the impact on the water balance in the plan
 - v.) any fill required in the plan

- vi.) provide recommendations for foundation design should high groundwater be encountered
- vii.) identify all required mitigation measures including the design and implementation of Low Impact Development (LIDs) solutions
- viii.) address any contamination impacts that may be anticipated or experienced as a result of the said construction
- ix.) provide recommendations regarding soil conditions and fill needs in the location of any existing watercourses or bodies of water on the site.
- x.) to meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407, include 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

all to the satisfaction of the City.

- 27. 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 are implemented by the Owner, to the satisfaction of the City, at no cost to the City.
- 28. The Owner shall ensure the post-development discharge flow from the subject site must not exceed capacity of the stormwater conveyance system. In an event where the condition cannot be met, the Owner shall provide SWM on-site controls that comply to the accepted Design Requirements for permanent Private Stormwater Systems.
- 29. The Owner shall ensure that all existing upstream external flows traversing this plan of subdivision are accommodated within the overall minor and major storm conveyance servicing system(s) design, all to the specifications and satisfaction of the City Engineer.

Watermains

- 30. In conjunction with the engineering drawings 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:
 - a) Water distribution system analysis & modeling and hydraulic calculations for the Draft Plan of Subdivision confirming system design requirements are being met;
 - b) Identify domestic and fire flows for the residential Blocks from the low-level water distribution system;
 - c) Address water quality and identify measures to maintain water quality from zero build-out through full build-out of the subdivision;
 - d) Include modeling for two fire flow scenarios as follows:
 - i. Max Day + Fire confirming velocities and pressures within the system at the design fire flows, and
 - ii. Max Day + Fire confirming the available fire flows at fire hydrants at 20PSI residual. Identify fire flows available from each proposed hydrant to be constructed and determine the appropriate colour hydrant markers (identifying hydrant rated capacity);
 - e) Include a staging and phasing report as applicable which addresses the requirement to maintain interim water quality;
 - f) Develop a looping strategy to the satisfaction of the City Engineer for when development is proposed to proceed beyond 80 units;
 - g) Provide a servicing concept acceptable to the City Engineer for the proposed street townhouse (or narrow frontage) lots which demonstrates separation requirements for all services is being achieved;
 - h) Identify any water servicing requirements necessary to provide water servicing to external lands, incorporating existing area plans as applicable;

- i) Identify any need for the construction of or improvement to external works necessary to provide water servicing to this Plan of Subdivision;
 - j) Identify any required watermain oversizing, if necessary, and any cost sharing agreements;
 - k) Identify the effect of development on existing water infrastructure – identify potential conflicts;
 - l) Include full-sized water distribution and area plan(s) which identifies the location of valves & hydrants, the type and location of water quality measures to be implemented (including automatic flushing device settings), the fire hydrant rated capacity & marker colour, and the design fire flow applied to development Blocks.
31. 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.
32. The Owner shall ensure 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 for the following:
- i.) to meter and pay the billed costs associated with any automatic flushing devices including water discharged from any device at the time of their installation until removal;
 - ii.) any incidental and/or ongoing maintenance of the automatic flushing devices;
 - iii.) payment for maintenance costs for these devices incurred by the City on an ongoing basis until removal;
 - iv.) all works and the costs of removing the devices when no longer required; and
 - v.) ensure the automatic flushing devices are connected to an approved outlet.
33. The Owner shall ensure the limits of any request for Conditional Approval shall conform to the staging and phasing plan as set out in the accepted water servicing report and shall include the implementation of the interim water quality measures. In the event the requested Conditional Approval limits differ from the staging and phasing as set out in the accepted water servicing report, the Owner would be required to submit revised plans and hydraulic modeling as necessary to address water quality.
34. Prior to the issuance of any Certificates 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 service to this draft Plan of Subdivision:
- i.) Construct watermains to serve this Plan and connect them to the existing low-level municipal system, namely, the existing 200 mm diameter watermain on Emily Carr Lane to the north and the 200 mm diameter watermain stub at the intersection of Paulpeel Avenue and Lismer Way to the east;
 - ii.) If the subject Plan of Subdivision develops in advance of the subdivision to the north (39T-06502), the Owner shall make arrangements with the affected property owner(s) for the construction of any portions of watermain situated on private lands outside this Plan to connect to the watermain on Emily Carr Lane in Plans 33M-582 and 33M-691 and shall provide satisfactory easements, as necessary, all to the specifications of the City;
 - iii.) Deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development is proposed to proceed beyond 80 units;

- iv.) Available fire flows and appropriate hydrant rated capacity colour code markers are to be shown on the engineering drawings; coloured fire hydrants markers will be installed by the City of London at the time of Conditional Approval; and
 - v.) Have their consulting engineer confirm to the City that the watermain system has been constructed, is operational, and is looped from the watermain on Emily Carr Lane in Plan 33M-582 to the north, through this Plan, to Lismer Way in Plan 33M-691 to the east.
35. The Owner shall obtain all necessary approvals from the City Engineer for the servicing of the medium density blocks (Blocks 1 to 7, inclusive) in this Plan of Subdivision prior to the installation of any water services to or within these Blocks.
36. With respect to the proposed blocks, the Owner shall include in all agreements of purchase and sale, and/or lease of Blocks in this plan, a warning clause advising the purchaser/transferee that should these develop as a Vacant Land Condominium or in a form that may create a regulated drinking water system under O.Reg. 170/03, the Owner shall be responsible for meeting the requirements of the legislation.

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

37. STREETS, TRANSPORTATION & SURVEYS

Roadworks

38. 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.
39. In conjunction with the engineering drawings submission, the Owner shall have its consulting engineer provide the following, all to the specifications and satisfaction of the City Engineer:
- i.) provide a proposed road layout plan of the internal road network with respect to road geometries, including but not limited to, right-of-way widths, bends, alignments, tapers, tangents, intersection layout, daylighting triangles, etc., and include any associated adjustments to the abutting lots conforming to City standards.
 - ii.) prepare and submit a parking plan
 - 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:"
40. At 'tee' intersection, the projected road centreline of the intersecting street shall intersect the through street at 90 degrees with a minimum 6 metre tangent being required along the street lines of the intersecting road, to the satisfaction of the City.
41. The Owner shall have its professional engineer design and construct the roadworks in accordance with the following road widths:
- 42.
- i.) Lismer Way and Emily Carr Lane have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 20 metres.
 - ii.) Street "A" has a minimum road pavement width (excluding gutters) of 6.0 metres with a minimum road allowance of 18 metres.

43. The Owner agrees that, if a parking plan is required for this subdivision, and increased pavement width is proposed to accommodate the parking plan, the road allowance width will be increased a corresponding amount in order to maintain the standard 6.0 metre wide boulevards on either side of the road. Further, the Owner agrees that any proposed widening of the pavement and the road allowance will be to the satisfaction of the City Engineer.

Sidewalks

44. The Owner shall construct a 1.5 metre (5') sidewalk on both sides of the following streets in accordance with the Southwest Area Plan:
- a. Lismer Way
 - b. Emily Carr Lane
 - c. Street "A"

Street Lights

45. 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

46. The Owner shall be required to make minor boulevard improvements on PaulPeel Avenue 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.
47. The Owner shall reconstruct or relocate any surface or subsurface works or vegetation necessary to connect Lismer Way to PaulPeel Avenue in Plan 33M-691, to the satisfaction of the City and at no cost to the City.

Vehicular Access

48. The Owner shall ensure that no vehicular access will be permitted to the future Bradley Avenue or Paul Peel Avenue by establishing a 0.3 metre reserve on the entire south limit of Block 1 and east limit of Block 4, to the satisfaction of the City. All vehicular access is to be via the internal subdivision streets.

49. Construction Access/Temporary/Second Access Roads

50. The Owner shall direct all construction traffic associated with this draft plan of subdivision to utilize Wharncliffe Road South via Legendary Drive and PaulPeel Avenue or other routes as designated by the City.
51. In conjunction with the engineering drawings submission, the Owner shall provide a design and the location of a temporary/emergency access, to the satisfaction of the City. The Owner shall also have it's professional engineer verify the adequacy of decision sight distance at the temporary access road, to the satisfaction of the City. If the sight lines are not adequate, the temporary access is to be relocated and/or road work undertaken to establish adequate decision sight distance at the intersection, to the satisfaction of the City.
52. The Owner shall construct a temporary emergency access with the understanding that this temporary access is to be closed to the satisfaction of the City Engineer

upon development of abutting lands and the creation of a permanent alternative public road access. This temporary emergency access is to be constructed and maintained by the Owner to the specifications and satisfaction of the City Engineer and at no cost to the City.

53. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make modifications to this plan, if necessary, and provide any necessary easements to provide an emergency access to this subdivision, to the specifications and satisfaction of the City engineer, at no cost to the City and as per the accepted engineering drawings.
54. Prior to commencing any construction on this site, the Owner shall notify the City of London Police Services of the start of construction of this plan of subdivision.
55. The Owner shall construct a temporary turning facility for vehicles at the following location(s), to the specifications of the City:
 - i.) Emily Carr Lane – north limit
 - ii.) Street “A”- north limit

Temporary turning circles for vehicles shall be provided to the City as required by the City, complete with any associated easements. When the temporary turning circles(s) are no longer needed, the City will quit claim the easements which are no longer required, at no cost to the City.

56. In the event any work is undertaken on an existing street, the Owner shall establish and maintain a Traffic Management Plan (TMP) in conformance with City guidelines and to the satisfaction of the City for any construction activity that will occur on existing public roadways. The Owner shall have its contractor(s) undertake the work within the prescribed operational constraints of the TMP. The TMP will be submitted in conjunction with the subdivision servicing drawings for this plan of subdivision.
57. The Owner shall make all necessary arrangements to have the existing right-of-way easement over Block 8, Instrument No. 427835 (REM), quit claimed to the satisfaction of the City and at no cost to the City. The Owner shall protect any existing private services in the said easement(s) until such time as they are removed and replaced with appropriate municipal and/or private services at no cost to the City.

GENERAL CONDITIONS

58. 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.
59. 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.
60. 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.
61. In conjunction with the engineering drawings 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.) identifying all required mitigation measures including Low Impact Development (LIDs) solutions,

and any other requirements as needed by the City, all to the satisfaction of the City.

62. The Owner shall implement all geotechnical recommendations to the satisfaction of the City.
63. Once construction of any private services, ie: 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.
64. 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.
65. "In conjunction with engineering drawings submission, the Owner shall have his consulting engineer demonstrate how all servicing (water, sanitary, storm, gas, hydro, street lighting, water meter pits, Bell, Rogers, etc.) shall be provided to condominiums/townhouses on Emily Carr Lane, Street "A" and Lismer Way, to the satisfaction of the City. It will be a requirement to provide adequate separation distances for all services which are to be located on the municipal right-of-way to provide for required separation distance (Ministry of Environment Design Standards) and to allow for adequate space for repair, replacement and maintenance of these services in a manner acceptable to the City."
66. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall implement the approved servicing for the street townhouse units on Emily Carr Lane, Street "A" and Lismer Way, to the satisfaction of the City Engineer.
67. In the event that servicing is constructed on streets in this plan of subdivision fronting proposed street townhouse blocks prior to site plan approval, the Owner shall relocate any services as necessary, all to the specifications and satisfaction of the City, at no cost to the City.
68. The Owner shall have the common property line of the future Bradley Avenue 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 the future Bradley Avenue 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.

69. The Owner shall advise the City in writing at least two weeks prior to connecting, either directly or indirectly, into any unassumed services constructed by a third party, and to save the City harmless from any damages that may be caused as a result of the connection of the services from this subdivision into any unassumed services.

Prior to connection being made to an unassumed service, the following will apply:

- i.) In the event discharge is to unassumed services, the unassumed services must be completed and conditionally accepted by the City;
- ii.) The Owner must provide a video inspection on all affected unassumed sewers;

Any damages caused by the connection to unassumed services shall be the responsibility of the Owner.

70. 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.

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

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

72. 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.

73. Should any contamination or anything suspected as such, be encountered during construction, the Owner shall report the matter to the City Engineer and the Owner shall hire a geotechnical engineer to provide, in accordance with the Ministry of the Environment "Guidelines for Use at Contaminated Sites in Ontario", "Schedule A – Record of Site Condition", as amended, including "Affidavit of Consultant" which summarizes the site assessment and restoration activities carried out at a contaminated site, in accordance with the requirements of latest Ministry of Environment and Climate Change "Guidelines for Use at Contaminated Sites in Ontario" and file appropriate documents to the Ministry in this regard with copies provided to the City. The City may require a copy of the report should there be City property adjacent to the contamination.

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

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

74. The Owner's professional engineer shall provide inspection services during construction for all work to be assumed by the City, and shall supply the City with a Certification of Completion of Works upon completion, in accordance with the plans accepted by the City Engineer.
75. 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.
76. The Owner shall have it's professional engineer notify existing property owners in writing, regarding the sewer and/or road works proposed to be constructed on existing City streets in conjunction with this subdivision, all in accordance with Council policy for "Guidelines for Notification to Public for Major Construction Projects".
77. 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.)
78. 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.
79. In conjunction with the engineering drawings submission, in the event the Owner wishes to phase this plan of subdivision, the Owner shall submit a phasing plan identifying all required temporary measures, and identify land and/or easements required for the routing of services which are necessary to service upstream lands

outside this draft plan to the limit of the plan to be provided at the time of registration of each phase, all to the specifications and satisfaction of the City.

80. 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.
81. 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.
82. In conjunction with registration of the Plan, the Owner shall provide to the appropriate authorities such easements and/or land dedications as may be required for all municipal works and services associated with the development of the subject lands, such as road, utility, drainage or stormwater management (SWM) purposes, to the satisfaction of the City, at no cost to the City.
83. 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.
84. 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.
85. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
86. The Owner shall make all necessary arrangements with any required owner(s) to have any existing easement and/or rights-of-way(s) in this plan quit claimed to the satisfaction of the City and at no cost to the City. The Owner shall protect any existing private services in the said easement(s) until such time as they are removed and replaced with appropriate municipal and/or private services at no cost to the City.

Following the removal of any existing private services from the said easement and the appropriate municipal services and/or private services are installed and operational, the Owner shall make all necessary arrangements to have any section(s) of easement/right-of-way(s) in this plan quit claimed to the satisfaction of the City, at no cost to the City.

The Owner shall include in all agreements of purchase and sale and register on the title of all Lots/Blocks in this plan a warning clause advising the purchaser/transferee that these Lots/Blocks are not to be developed until the existing services are removed, alternate services are installed, if necessary, to replace the existing private services and the existing easement/right-of-way is quit claimed, to the satisfaction of the City.

Schedule B

DLN Group Inc. on behalf of 2178254 Ontario Inc.

Revised Draft Plan

39T-16508

Related Estimated Costs and Revenues

Estimated DC Funded Servicing Costs^(Note 1)		Estimated Cost
Claims for developer led construction from CSRF		
-	None identified.	\$0
Claims for developer led construction from UWRF		
-	None identified.	\$0
Total		\$0
Estimated Total DC Revenues^(Note 2)		Estimated Revenue
	CSRF	\$1,344,716
	UWRF	\$121,727
	TOTAL	\$1,466,443

1 There are no claims for DC funded works associated with this application.

2 Estimated Revenues are calculated using 2018 DC rates and may take many years to recover. The revenue estimates includes DC cost recovery for "soft services" (fire, police, parks and recreation facilities, library, growth studies). There is no comparative cost allocation in the Estimated Cost section of the report, so the reader should use caution in comparing the Cost with the Revenue section.

3 The revenues and costs in the table above are not directly comparable. The City employs a "citywide" approach to recovery of costs of growth – any conclusions based on the summary of Estimated Costs and Revenues (above table) should be used cautiously.

Reviewed by:

Date

Matt Feldberg
Manager, Development Services