

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: 2557727 Ontario Inc.
3425 Emily Carr Lane (North Portion)
Draft Plan of Subdivision Approval and Zoning By-law
Amendment

Meeting on: Monday, April 15, 2019

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of 2557727 Ontario Limited relating to the property located at 3425 Emily Carr Lane:

- (a) The proposed by-law attached hereto as **Appendix "A" BE INTRODUCED** at the Municipal Council meeting on April 23, 2019 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) Zone **TO** a Holding Residential R1 Special Provision (h*h-100*R1-3 (7)) Zone and a Holding Residential R1 Special Provision (h*h-94*h-100*R1-3(7)) Zone to permit single detached dwellings with a 11 metre minimum lot frontage and 300 m² minimum lot area.

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-94) holding provision- to ensure that there is a consistent lotting pattern in this area, the "h-94" symbol shall not be deleted until the block has been consolidated with adjacent lands.
 - (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.
- (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 2557727 Ontario Limited for draft plan of subdivision relating to the property located at 3425 Emily Carr Lane;
- (c) Council **SUPPORTS** the Approval Authority issuing draft approval of the recommended plan of residential subdivision, which shows 48 single detached lots, seven (7) part lot blocks and two (2) local public street **SUBJECT TO** the conditions contained in the attached **Appendix "39T-18506"**;

Executive Summary

Summary of Request

The applicant has requested approval of Draft Plan of Subdivision, and Zoning By-law Amendments to facilitate the development of a residential subdivision consisting of low density single detached dwellings, and public road access via local street connections to Emily Carr Lane.

Purpose and the Effect of Recommended Action

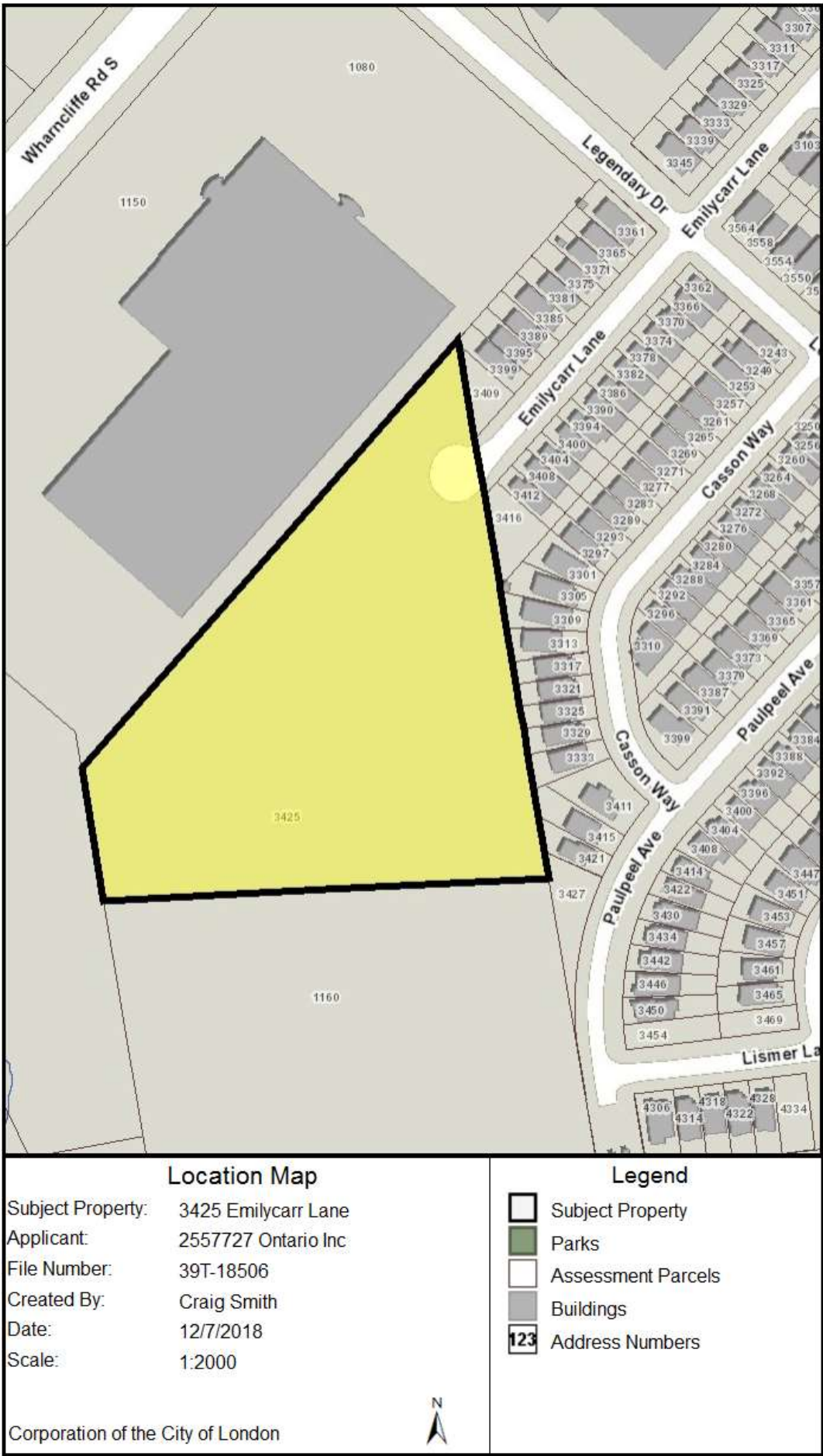
The purpose and effect of this application is to permit the development of a Residential plan of subdivision on a 3.1 hectare parcel of land located southeast of Wharncliffe Road South, west of White Oak Road which will consist of:

- 48 single detached lots;
- 7 part lot blocks;
- 2 one foot reserve blocks;
- extension of Emily Carr Lane; and,
- one new local street.

Rationale of Recommended Action

1. The recommended residential development is consistent with the Provincial Policy Statement.
2. The draft plan conforms to the Neighbourhood designation policies of The London Plan.
3. The proposed road and lot pattern is integrated with a future subdivision to the south, and an existing residential subdivision to the east with public road access provided by an extension of Emily Carr Way and Street "A".
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



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 the Copperfield in the Longwoods residential subdivision. The subject site is approximately 3.1 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” - Low Density Residential
- Existing Zoning –Urban Reserve (UR6)

1.3 Site Characteristics

- Current Land Use – vacant
- Frontage – N/A
- Area - 3.1 ha
- Shape - irregular

1.4 Surrounding Land Uses

- North – commercial
- East – residential
- South – vacant draft approved subdivision
- West – commercial

2.0 Description of Proposal

2.1 Development Proposal

The Applicant is proposing a subdivision with 48 single detached lots, 7 part lot blocks and 2 one foot reserve blocks serviced by extension of Emily Carr Lane and one new local street.

Proposed Draft Plan of Subdivision



3.0 Revelant Background

3.1 Planning History

The subject lands were part of a subdivision application accepted by the City on January 25, 2006 (39T-0506). By letter dated May 10, 2016 the application was placed on hold, until a number of outstanding issues, primarily related to infrastructure and site servicing, could be addressed. A further letter dated May 11, 2011 was sent to the applicant requesting additional information to move the file forward. On December 3, 2018, following a required new Internal Proposal Review (IPR) process a “new” application for draft plan of subdivision approval and zoning by-law amendment was accepted as complete by the City. The 2006 subdivision file (39T-06502) has since been closed.

3.2 Requested Amendment

A request to amend the zoning of the subject property from an Urban Reserve (UR4) Zone to a Holding Residential R1 Special Provision (h*h-100*R1-3 (7)) Zone and a Holding Residential R1 Special Provision (h*h-94*h-100*R1-3 (7)) 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 Design Guidelines.

3.3 Community Engagement (see more detail in Appendix B)

No public comments received.

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 the '89 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 the '89 Official Plan primarily relate to the physical development of the municipality, they also have regard for social, economic and environmental matters.

More information and detail on comments received and applicable planning policy is

available in Appendix B and C of this report.

4.0 Key Issues and Considerations

4.1 Provincial Policy Statement (2014)

These applications 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 subdivision plan provides for 48 single detached lots, 7 part lot blocks and 2 one foot reserve blocks serviced by extension of Emily Carr Lane and one new local street. The plan incorporates 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 '89 Official Plan designates this area for low density forms of housing. The recommended plan will be integrated with adjacent subdivisions to the east with the extension of Emily Carr 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 '89 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 low 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.

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, '89 Official Plan and Southwest Area Plan (SWAP)

The London Plan is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). The London Plan policies and maps under appeal to the Local Planning Appeals Tribunal (Appeal PL170100) are not in force and effect and are indicated with an asterisk throughout this report. The London Plan policies under appeal are included in

this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application.

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 section 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 single detached dwellings will allow for a form of housing that takes advantage of the existing servicing and facilities. The proposed housing types ensure a compatible and complete form of residential use 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 single detached dwellings will allow a form of housing that is street oriented. The proposed development will implement the Urban Design principles contained in the Southwest Area Plan. The resulting development, including the adjacent lands, will provide for a mix of housing types within the Southwest Area Plan that will allow for walkability, placemaking and a sense of place. The proposed housing type 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 single detached dwellings will allow for a form of housing that is compatible and a good fit within 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 single detached dwelling will allow for a form of housing that will create a sense of place and is consistent with the planned vision of the place types. The proposed single detached dwellings provide for lotting and streetscapes that are consistent with the vision of the Southwest Area Plan, Neighbourhood Place Type and abutting land uses.

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 single detached dwellings are located in the Neighbourhood Place Type on Neighbourhood Streets. The height (2 storeys), density (30uph) and lot sizes are consistent with the Neighbourhood Place Type and 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 Neighbourhoods 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, well-connected neighbourhoods, from place to place within the neighbourhood and to other locations in the city such as the downtown, lots of 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 single detached dwellings 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 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 with a future connection from Paul Peel Avenue to 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

Southwest Area Secondary Plan

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

Based on the designation which applies to these lands the development potential for low density residential development would accommodate the proposed form of development that conforms to these policies.

The City of London Official Plan

The subject lands are designated "Low Density Residential" on Schedule "A" of the Official Plan.

The Low Density Residential designation supports low 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 placements. The development of the low density residential lots will continue the form and scale of the existing low density development to the east. The low density residential development is in a location that provides access to public transit, nearby shopping, cultural and recreational facilities. The proposed single detached dwelling subdivision represents an efficient use of these lands.

4.5 Zoning

The subject lands are currently zoned Urban Reserve (UR4).

The applicant has requested a Zoning By-law amendment to a Holding Residential R1 Special Provision (h*h-100*R1-3 (7)) Zone and a Holding Residential R1 Special Provision (h*h-94*h-100*R1-3 (7)) Zone to permit single detached dwellings with minimum lot frontage of 11 metres and minimum lot area of 300m².

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 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 surrounding land uses consist of single detached homes to the east, commercial uses to the north and future multi-family residential uses to the south and west. The proposed development is of a height, scale and form that has been identified thorough the Southwest Area Plan and the subsequent Official Amendment.

Ability of Site to Accommodate Development

The subject land is 3.1 hectares in size. The size and the shape of the parcel make it a suitable candidate for residential development. The existing topography does not pose a challenge.

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. As part of the conditions of draft approval, a tree preservation plan is required to asses all existing 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 Emily Carr Lane that will connect to Lismer Lane. Lismer Lane will provide for access to Paul Peel Avenue when the lands to the south (owned by others) are developed. One new local street is proposed to extend south and connect to Lismer Lane to the lands to the south. In accordance with the Southwest Area Plan, 1.5 metre (5') 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.

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-94 holding provision is implemented to address that there is a consistent lotting pattern in this area that the part residential blocks be consolidated with adjacent lands.
3. 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.

5.0 Conclusion

Approval and development of these lands is consistent with the Provincial Policy Statement, The London Plan, '89 Official Plan and the Zoning By-law. The recommended draft plan and conditions of draft 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 an appropriate form of development.

Prepared by:	C. Smith MCIP, RPP Senior Planner, Development Planning
Recommended by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P. Eng. Managing Director, Development and Compliance Services and Chief Building Official
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.	

April 8, 2019
CS/

CC: Matt Feldberg, Manager, Development Services
Lou Pompilii, Manager Development Services
Ismail Abushehada, Manager, Development Services

Appendix A

Bill No. (number to be inserted by Clerk's Office)
2019

By-law No. Z.-1-19_____

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) Zone to a Holding Residential Special Provision (h*h-100*R1-3 (7)), and a Holding Residential Special Provision (h*h-94*h-100*R1-3 (7)) 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.

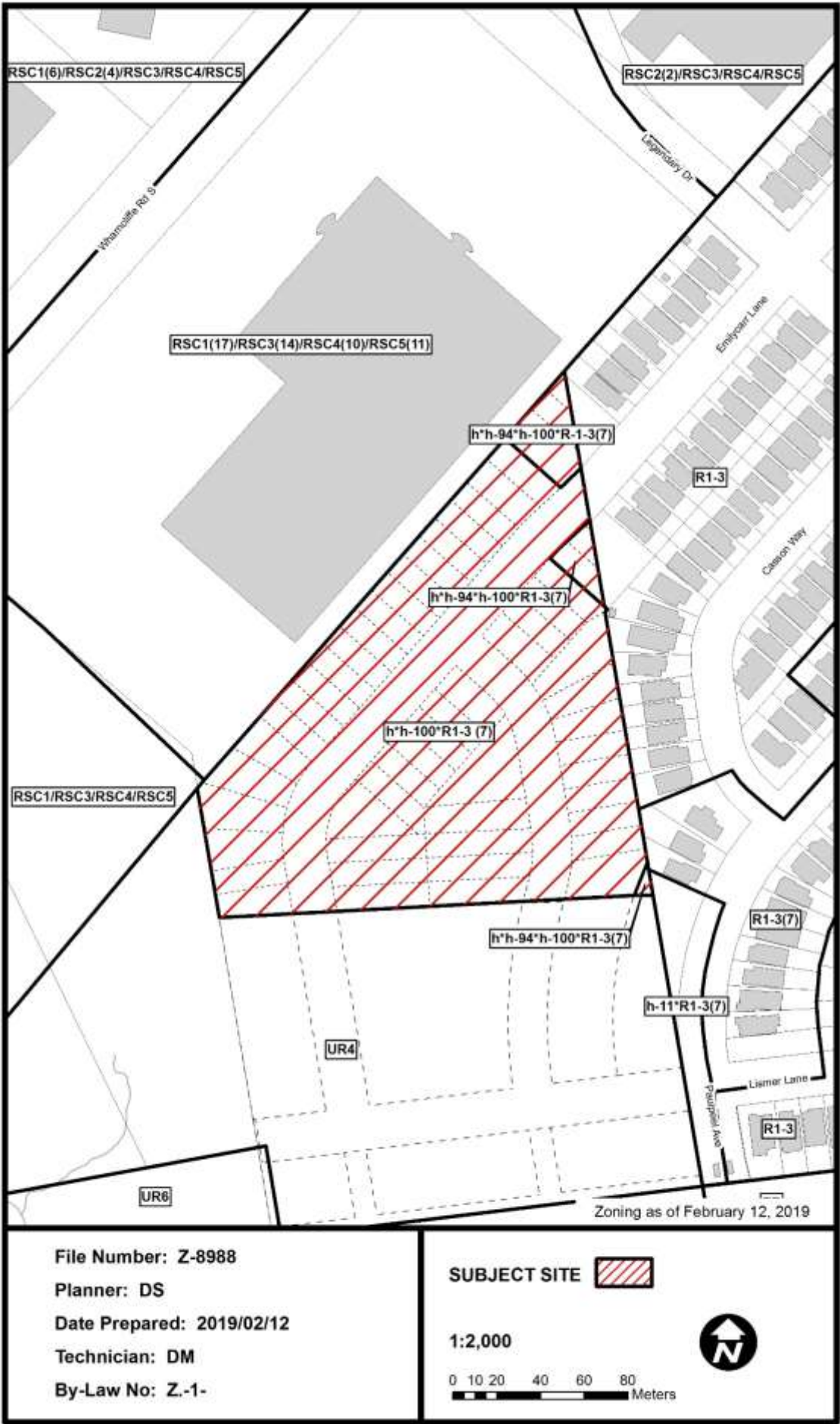
PASSED in Open Council on April 23, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – April 23, 2019
Second Reading – April 23, 2019
Third Reading – April 23, 2019

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



Appendix B – Circulation/Comments

Community Engagement

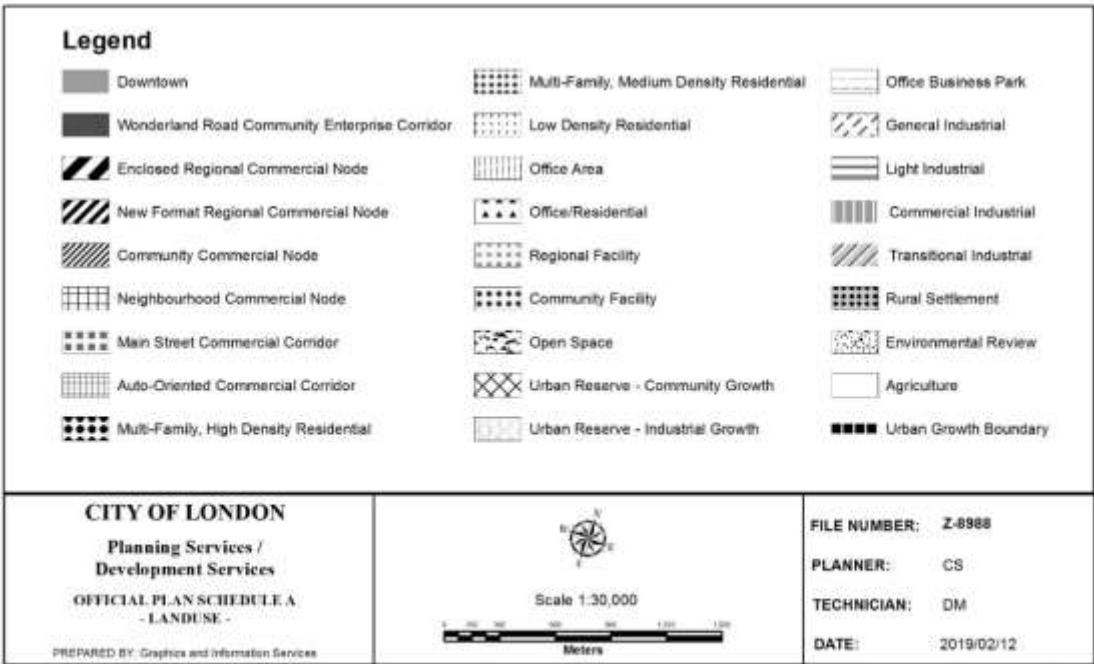
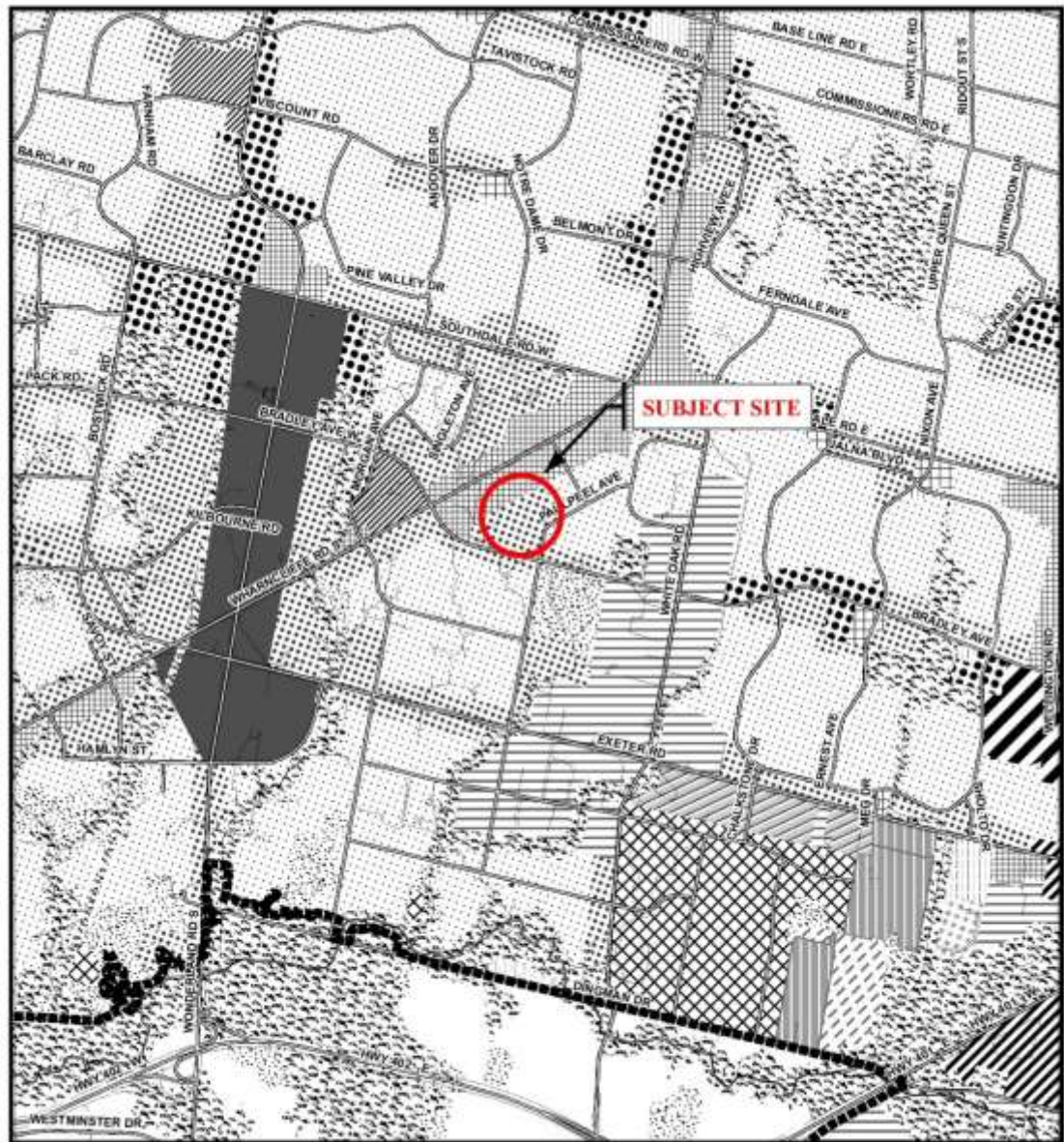
Public liaison: On December 20, 2019 Notice of Application was sent to all property owners within 120m of the subject property. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on December 20, 2018. On June 21, 2018 a Revised Notice 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 subdivision with 48 single detached lots, 7 part lot blocks and 2 one foot reserve blocks serviced by extension of Emily Carr Lane and one new local street.

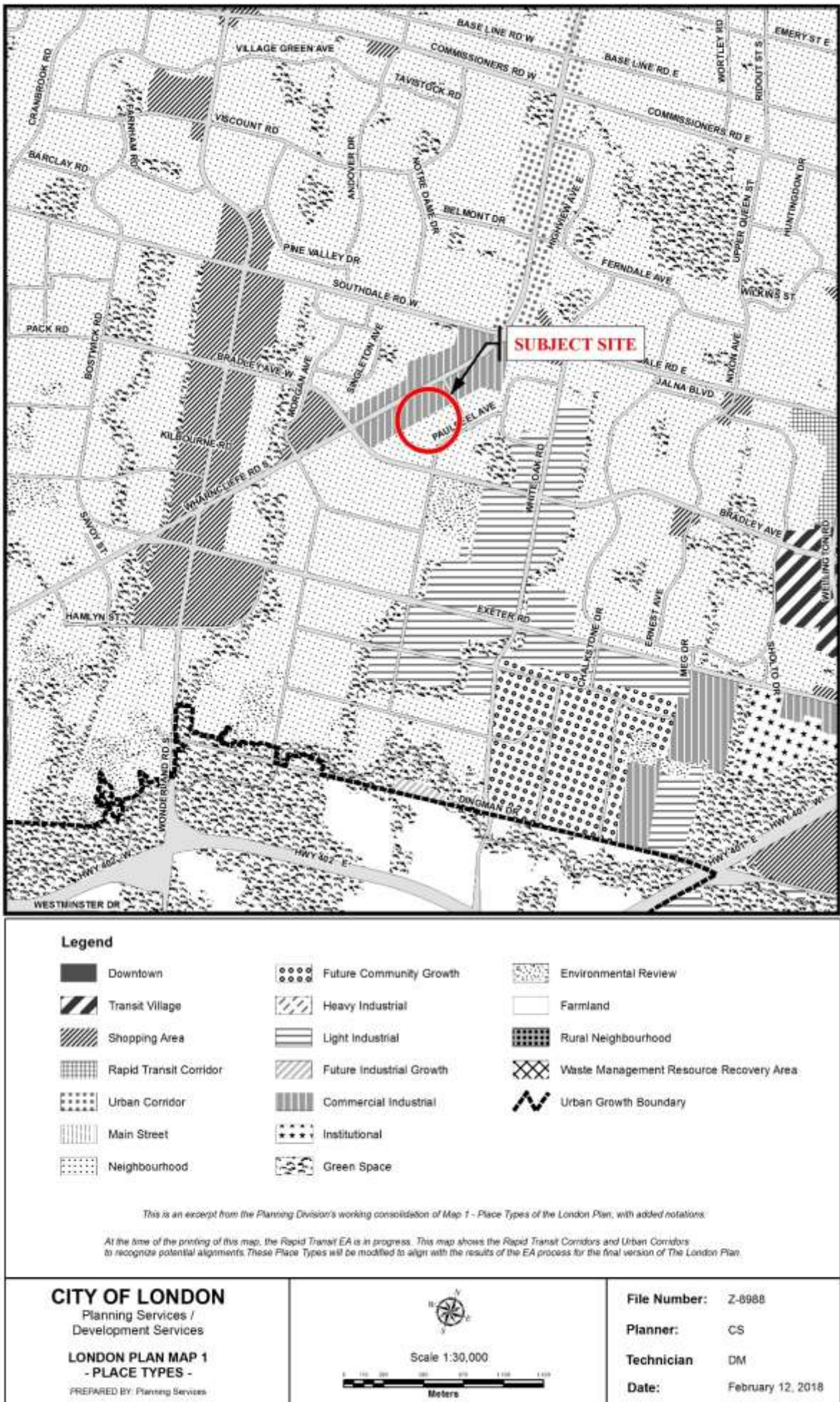
Responses: No Public Responses Received.

Appendix C – Relevant Background

Additional Maps
Official Plan Schedule “A” Excerpt

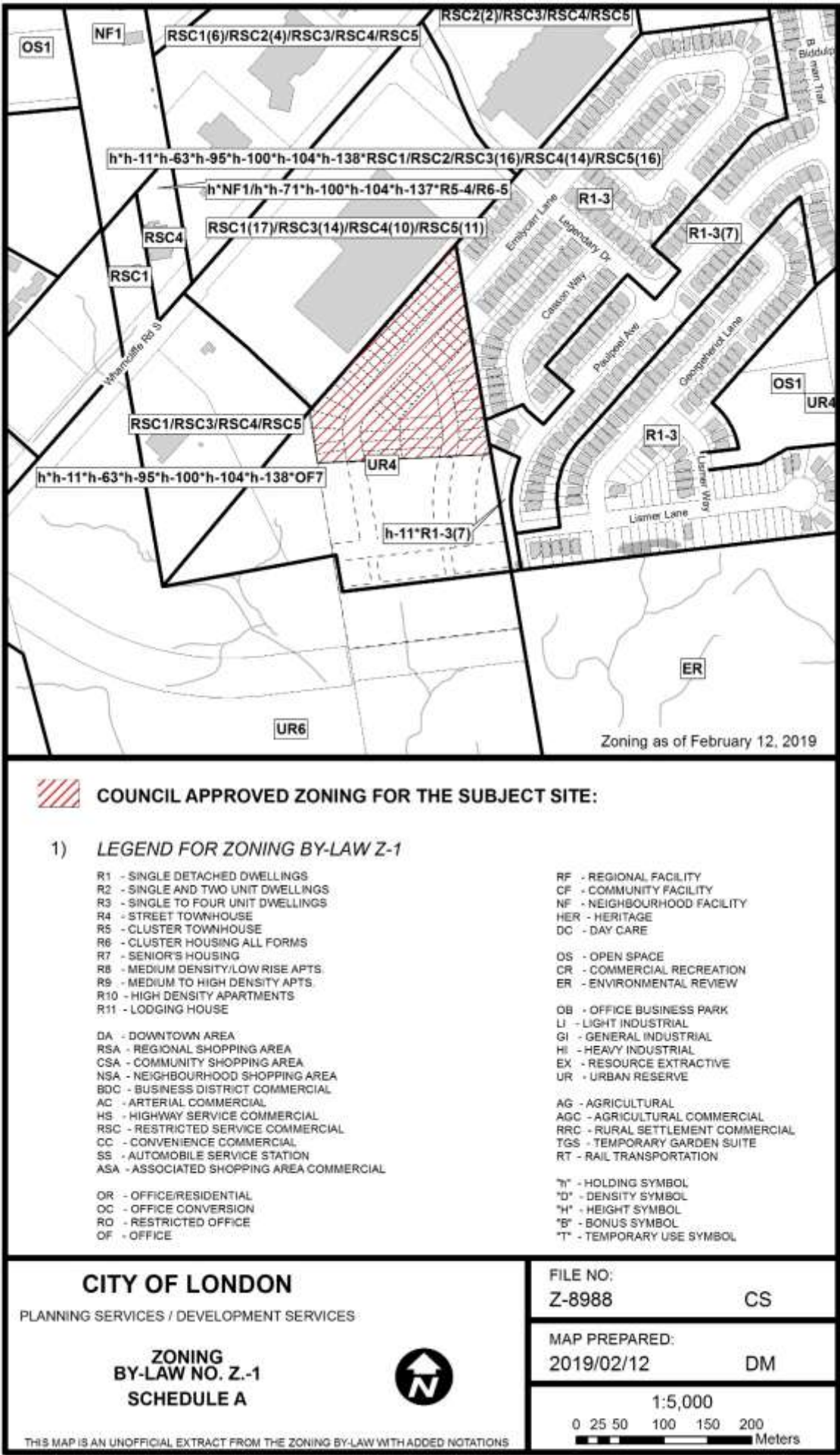


London Plan Place Types Excerpt



Project Location: \\cfile1\giswork\Planning\Projects\p_zoning\z-1zones\amendments\Z-8988\projects\Z-8988-London Plan Excerpt.mxd

Zoning By-law Map Excerpt



Appendix 39T-18506

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-18506 ARE AS FOLLOWS:

NO. CONDITIONS

1. This approval applies to the draft plan, submitted by 2178254 Ontario Inc.. (File No. 39T-18506), prepared by AGM Ltd., certified by Jason Wilband, OLS, (dated October 17, 2018), which shows 48 single detached lots, 7 part lot blocks and 2 one foot reserve block serviced by 2 public streets (extension of 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.

12. Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with City a complete submission consisting of all required clearances, fees, and final plans, and to advise the City in writing how each of the conditions of draft approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the City, such submission will be returned to the Owner without detailed review by the City.

Planning

13. 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.
14. The Owner shall convey up to 5% of the lands included within this plan to the City of London for park purposes and/or a provide a cash-in-lieu payment in accordance with By-law CP-9.
15. In conjunction with the first submission engineering drawings, the Owner shall have a Tree Preservation Report and Plan prepared for lands within the proposed draft plan of subdivision. Tree preservation shall be established prior to grading/servicing design to accommodate maximum tree preservation. The Tree Preservation Report and Plan shall focus on the preservation of quality specimen trees within Lots and Blocks and shall be completed in accordance with the current City of London Guidelines for the preparation of Tree Preservation Reports and Tree Preservation Plans to the satisfaction of the City. The Owner shall incorporate the approved Tree Preservation Plan on the accepted grading plans.
16. The Owner shall make all necessary arrangements to combine Blocks 49, 50, 51, 52, 53, 54, 55, and 56 in this Plan with adjacent lands to create developable Lots and/or Blocks, to the satisfaction of the City; (eg. Block 86 in 33M-691 with Block 56 in this Plan). The above-noted Blocks shall be held out of development until they can be combined with adjacent lands to create developable Lots and/or Blocks.

SEWERS & WATERMAINS

Sanitary:

17. In conjunction with the first submission of engineering drawings, 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 and identify any existing external connections, to the satisfaction of the City. The sanitary drainage area plan is to include external areas from the north; namely, the existing commercial property at 1150 Wharncliffe Road (Tepperman Ltd.) ;
 - ii.) Propose a suitable routing for the sanitary sewer to be constructed through this plan;
 - iii.) Provide or confirm easements for the sanitary outlet and connection;
 - 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;

18. 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 EmilyCarr Lane and the sanitary sewer system to the south of this Plan in Plan of Subdivision 39T-16508;
 - ii.) Construct a maintenance access road and provide a standard municipal easement for any section of the sewer not located within the road allowance, to the satisfaction of the City;
 - iii.) Make provisions for oversizing of the internal sanitary sewers in this draft plan to accommodate flows from the upstream lands external to this plan, all to the 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.

19. 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 detailed Engineering Drawing Stage.

20. 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)

21. In conjunction with the first submission of engineering drawings, the Owner's consulting engineer shall prepare and submit a Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation to address the following:
 - i.) Identifying the storm/drainage and SWM servicing works for the subject and external lands and how the interim drainage from external lands will be handled, all to the satisfaction of the City;
 - ii.) Identifying major and minor storm flow routes for the subject and external lands, to the satisfaction of the City;
 - iii.) Identify and demonstrate 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.
 - iv.) Confirm capacity of the minor system for this plan to outlet to the existing White Oaks 2 SWM Facility via the existing 1350 mm storm sewer constructed by others along EmilyCarr Lane and that the White Oaks 2 SWM Facility servicing for this plan of subdivision can achieve minor storm requirements for water quality, quantity and erosion control;
 - v.) Demonstrate major storm events can be safely conveyed within the Municipal right-of-way and accommodated to safely reach the ultimate outlet;
 - vi.) Determine overland flow routes to be constructed and operational, all to the satisfaction of the City Engineer;
 - vii.) Provide supporting overland flow route capacity calculations and associated drawings for the conveyance of the major overland flows from this plan of subdivision to the intended receiving system to the south of this plan;
 - viii.) 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);
 - ix.) 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
 - x.) 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.

22. 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 Addendum to the Municipal Class Environmental Assessment "Schedule B" for Storm/Drainage and Stormwater Management Servicing Works for the White Oak Area;
 - ii.) The approved Stormwater Management Design for the White Oaks 2 SWM Facility;
 - iii.) The Stormwater design associated with the Bradley Avenue extension detailed design;
 - 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 (MECP) 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.
23. 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 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.
24. 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; and
 - iv.) Implement all hydrogeological recommendations made by the updated hydrogeological report accepted by the City.
25. The Owner acknowledges that all major and minor flows shall be accommodated generally outletting to White Oaks SWM Facility #2. 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 or by an alternate servicing strategy, to the satisfaction of the City.
26. 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.

27. In conjunction with the first submission of engineering drawings, the Owner shall a qualified consultant provide an update to the detailed hydrogeological investigation, to include, but not limited to, the following:
- i.) provide an evaluation of the proposed final mitigation measures to be utilized in the Plan. Once determined, to minimize the infiltration deficit predicted by the water balance calculations;
 - ii.) provide an evaluation of the LID considerations proposed for the development, if applicable;
 - iii.) provide details related to the water taking requirements to facilitate construction (i.e. PTTW or EASR be required to facilitate construction), including sediment and erosion control measures and dewatering discharge locations;
 - iv.) provide an evaluation of the Plan's water balance in the context of the potential impacts of the Plan's balance on nearby natural features, most notably the woodlot to the southeast;
 - v.) provide details regarding mitigation measures associated with construction activities specific to the development (eg. special construction activities related to dewatering)
 - vi.) 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;
 - vii.) the effects of the construction associated with this subdivision on the existing ground water elevations and domestic or farm wells in the area
 - viii.) identify any abandoned wells in this plan
 - ix.) assess the impact on water balance in the plan
 - x.) any fill required in the plan
 - xi.) provide recommendations for foundation design should high groundwater be encountered
 - xii.) identify all required mitigation measures including Low Impact Development (LIDs) solutions
 - xiii.) address any contamination impacts that may be anticipated or experienced as a result of the said construction
 - xiv.) provide recommendations regarding soil conditions and fill needs in the location of any existing watercourses or bodies of water on the site.
 - xv.) 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.
28. 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.
29. 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.

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:
- i.) Water distribution system analysis & modeling and hydraulic calculations

for the Draft Plan of Subdivision confirming system design requirements are being met (residential A.D.D. shall be 255 litres per capita per day; maximum residual pressure 80 psi);

- ii.) Identify domestic and fire flows for the residential Lots and development Blocks from the low-level water distribution system;
- iii.) Address water quality and identify measures to maintain water quality within all watermains throughout the entire subdivision from zero build-out through full build-out of the subdivision;
- iv.) 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);
- v.) Include a staging and phasing report as applicable which addresses the requirement to maintain interim water quality;
- vi.) Develop a looping strategy to the satisfaction of the City Engineer for when development is proposed to proceed beyond 80 units;
- vii.) Identify any water servicing requirements necessary to provide water servicing to external lands, incorporating existing area plans as applicable;
- viii.) Identify any need for the construction of or improvement to external works necessary to provide water servicing to this Plan of Subdivision;
- ix.) Identify any required watermain oversizing, if necessary, and any cost sharing agreements;
- x.) Identify the effect of development on existing water infrastructure – identify potential conflicts;
- xi.) 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 (high-level) municipal system, namely the existing 200 mm diameter watermain on EmilyCarr Lane.
 - ii.) If the subdivision to the south, (39T-16508) develops in advance to the subject Plan, the Owner shall connect the watermains within the subject plan to the watermains on EmilyCarr Lane and LaurenHarris Way within the subdivision to the south (39T-16508). The Owner shall make arrangements with the affected property owner(s) for the construction of any portions of the watermain situated on private lands outside this Plan and shall provide satisfactory easements, as necessary, all to the specifications of the City and the satisfaction of the City Engineer;
 - 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; the coloured fire hydrant 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 and is operational.
35. In the event either or both Plans 33M-582 and 39T-16508, as applicable, remain unassumed at the time of development, the Owner shall make the appropriate arrangements and co-ordinate with the adjacent affected property owner(s) to connect to those unassumed watermains.

STREETS, TRANSPORTATION & SURVEYS

Roadworks

36. All through intersections and connections with existing streets and internal to this subdivision shall align with the opposing streets in Plan 33M-582 and 39T-16508 based on the centrelines of the street aligning through their intersections thereby having these streets centred with each other and perpendicular, unless otherwise approved by the City Engineer.
37. In conjunction with the first submission of engineering drawings, the Owner shall have its consulting engineer include the following information on the engineering drawings, all in accordance with City standards and to the specifications and satisfaction of the City Engineer:
 - i.) road geometries, including right-of-way widths, tapers, bends, tangents, bends, intersection layout, daylighting triangles, "Minimum Centreline Radii of Curve of Roads in Subdivisions" in accordance with City standards, etc., and any associated adjustments to the abutting lots. The roads shall be equally tapered and aligned based on the road centrelines and it should be noted tapers are not to be within intersections.
 - ii.) prepare and submit a parking plan in areas where lot frontages of 11.0 metres are present;
38. 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.

39. The Owner shall have it's professional engineer design and construct the roadworks in accordance with the following road widths:
- 40.
- i.) EmilyCarr Lane has 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.
41. The Owner shall comply with the Complete Streets Design Manual, to the satisfaction of the City.

Sidewalks

42. The Owner shall construct a 1.5 metre sidewalk on both sides of the following streets in accordance with the Southwest Area Plan:
- i.) EmilyCarr Lane
 - ii.) Street 'A'

Street Lights

43. 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. The Owner shall be required to match the style of street lights in the Draft Plan of Subdivision to the south in Plan 39T-16508."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

44. The Owner shall make minor boulevard improvements on EmilyCarr Lane connecting to this Plan, if necessary, to the specifications of the City and at no cost to the City, consisting of clean-up, grading and sodding as necessary.
45. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make adjustments to the existing works and services on EmilyCarr Lane in Plan 33M-582, adjacent to this plan to accommodate the proposed works and services on this street to accommodate this Plan (eg. private services, street light poles, traffic calming, etc.) in accordance with the approved design criteria and accepted engineering drawings, all to the satisfaction of the City Engineer, at no cost to the City.

Construction Access/Temporary/Second Access Roads

46. The Owner shall direct all construction traffic associated with this draft plan of subdivision to utilize Wharncliffe Road South via Legendary Drive or other routes as designated by the City.
47. 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.
48. In the event any work is undertaken on an existing street, the Owner shall

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

49. The Owner shall construct a temporary turning facility for vehicles at the following location(s), to the specifications of the City:
 - i.) EmilyCarr Lane – south limit
 - ii.) Street 'A' – south 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.

50. The Owner shall remove the temporary turning circle on Emily Carr Lane and adjacent lands in Plan 33M-582 to the east of this Plan, and complete the construction of EmilyCarr Lane in this location as a fully serviced road, including restoration of adjacent lands, to the specifications of the City.

If funds in the amount of \$20,000 have been provided to the City by the owner of Plan 33M-582 for the removal of the temporary turning circle and the construction of this section of EmilyCarr Lane and all associated works, the City shall reimburse the Owner for the substantiated cost of completing these works, up to a maximum value that the City has received for this work.

51. In the event that Emily Carr Lane in Plan 33M-582 and the street connections to the south in Plan 39T-16508 are constructed as fully serviced roads by the owners of Plans 33M-582 and 39T-16508, then the Owner shall be relieved of this obligation for any modifications or construction of new temporary turning circles for this Plan..

GENERAL CONDITIONS

52. 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.
53. 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.
54. 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.
55. The Owner shall comply with Geotechnical Investigation (LON -00016526-GE) dated October 9, 2018, to the satisfaction of the City. In the event that elements of the Investigation are changed due to design, the Owner shall update the Geotechnical Investigation as necessary to City standards.
56. The Owner shall implement all geotechnical recommendations to the satisfaction of the City.

57. 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.
58. 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.
59. 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.

60. 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.
61. 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.

62. If, during the building or constructing of all buildings or works and services within this subdivision, any deposits of organic materials or refuse are encountered, the Owner shall report these deposits to the City Engineer and Chief Building Official immediately, and if required by the City Engineer and Chief Building Official, the Owner shall, at his own expense, retain a professional engineer competent in the field of methane gas to investigate these deposits and submit a full report on them to the City Engineer and Chief Building Official. Should the report indicate the presence of methane gas then all of the recommendations of the engineer contained in any such report submitted to the City Engineer and Chief Building

Official shall be implemented and carried out under the supervision of the professional engineer, to the satisfaction of the City Engineer and Chief Building Official and at the expense of the Owner, before any construction progresses in such an instance. The report shall include provision for an ongoing methane gas monitoring program, if required, subject to the approval of the City engineer and review for the duration of the approval program.

If a permanent venting system or facility is recommended in the report, the Owner shall register a covenant on the title of each affected lot and block to the effect that the Owner of the subject lots and blocks must have the required system or facility designed, constructed and monitored to the specifications of the City Engineer, and that the Owners must maintain the installed system or facilities in perpetuity at no cost to the City. The report shall also include measures to control the migration of any methane gas to abutting lands outside the Plan.

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

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

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

64. 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.
65. In conjunction with the first submission of engineering drawings, the Owner shall have its professional engineer provide an opinion for the need for an Environmental Assessment under the Class EA requirements for the provision of any services related to this Plan. All class EA's must be completed prior to the submission of engineering drawings.
66. The Owner shall have its professional engineer notify existing property owners in writing, regarding the sewer and/or road works proposed to be constructed on existing City streets in conjunction with this subdivision, all in accordance with Council policy for "Guidelines for Notification to Public for Major Construction Projects".
67. 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.
68. In conjunction with the first submission of engineering drawings, 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.

69. 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.
70. 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.
71. The Owner shall decommission any abandoned infrastructure, at no cost to the City, including cutting the water service and capping the watermain, all to the specification and satisfaction of the City.
72. 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.
73. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
74. Prior to the issuance of a Certificate of Conditional Approval, the Owner shall remove and relocate any existing earth stockpile located within this Plan, all to the satisfaction of the City and at no cost to the City.
75. The Owner shall make all necessary arrangements with any required owner(s) to have any existing easement(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 arrangement to have any section(s) of easement(s) in this plan quit claimed to the satisfaction of the City, at no cost to the City.

76. The Owner shall include in the Agreements of Purchase and Sale or lease and in the transfer of deed of Lots 1 and 2 and Block 49 and 50 in this plan, a covenant by the purchaser or transferee stating that the purchaser or transferee of the said lots to observe and comply with the City easements, private easements and private sewer services needed for the servicing of external lands to the north of this plan. No landscaping, vehicular accesses, parking access, works or other features shall interfere with the above-noted municipal or private maintenance accesses, servicing, grading or drainage that services other lands.