

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas, P.ENG
Managing Director, Development & Compliance Services and
Chief Building Official

Subject: Final Decision (OMB) Draft Plan of Subdivision, Official Plan
and Zoning By-law Amendment
Barvest Realty Inc.
58 Sunningdale Road West

Meeting on: July 22, 2019

Recommendation

That, on the recommendation of the Director, Development Services, the following report on the Ontario Municipal Board decision of the appeal by Analee Ferreira on behalf of Barvest Realty Inc. relating to Draft Plan of Subdivision, Official Plan and Zoning By-law Amendment for the lands located at 58 Sunningdale Road West **BE RECEIVED** for information.

Executive Summary

On June 10, 2016 the applicant submitted an application for Draft Plan of Subdivision approval, an Official Plan Amendment and a Zoning By-law Amendment including all required reports/studies identified during pre-consultation. Staff reviewed and accepted the applications as complete on June 14, 2016.

On November 14, 2016 a public participation meeting was held at the Planning and Environment Committee meeting to consider a red line draft plan of subdivision, Official Plan amendment and Zoning By-law Amendment. At the public participation meeting, the agent for the applicant requested that the application be referred back to staff for further discussion with the public, staff and the applicant regarding the requested expansion of the commercial block.

At its meeting held on November 22, 2016, Municipal Council resolved that the following actions be taken with respect to the application by Barvest Realty Inc., relating to the property located at 58 Sunningdale Road West:

- a) the application **BE REFERRED** to a future Planning and Environment Committee meeting to provide an opportunity for further discussions between the community, including members of the public who spoke at the November 14, 2016 Planning and Environment Committee public participation meeting, the applicant and the Civic Administration; and,
- b) pursuant to Section 34(17) of the Planning Act, as determined by the Municipal Council, no further notice **BE GIVEN** except to the members of the public in attendance at the Planning and Environment Committee meeting held on November 14, 2016;

it being pointed out that at the public participation meeting associated with this matter, the individuals indicated on the attached public participation meeting record made oral submissions regarding this matter;

it being further noted that the Municipal Council approves this application for the following reasons:

- the proposed red line revised draft plan is consistent with the Provincial Policy Statement;

- *the proposed red line revised draft plan is consistent with the Planning Act;*
- *the proposed red line revised draft plan is consistent with the Sunningdale Area Plan and the Official Plan;*
- *the recommended Zoning By-law amendments encourage the development of plan of subdivision that includes an appropriate mix of low, medium and commercial uses that support pedestrian oriented development; and,*
- *the proposed red line revised draft plan and Zoning By-law amendment is consistent with the Council approved London Plan.*

Actions that followed the November 14, 2016 PEC meeting:

November 28, 2017: Staff met with the applicant and applicant's agent to discuss a proposed submitted plan for the development of the residential block along Villagewalk Boulevard and to discuss future actions to engage and communicate with the public.

February 7, 2017: Staff reviewed plans submitted by the applicant on a confidential and without prejudice basis.

June 6, 2017: Applicant held a community meeting at St. John the Devine Church.

June 28, 2017: Staff and the Applicant met and discussed all plans submitted to date. The applicant requested that the application be scheduled on the July 31, 2017 PEC Agenda for a Council decision.

July 19, 2017: Analee Ferreira on behalf of Barvest Realty Inc. submitted appeals to the Ontario Municipal Board (OMB), on the basis of a non-decision by the City of London Approval Authority within 180 days relating to a Draft Plan of Subdivision application; and a non-decision by Municipal Council within 120 days relating to an Official Plan and Zoning By-law Amendment application.

August 28, 2017: Staff report to the Planning and Environment Committee notifying that the applications for Draft Plan Approval, Official Plan and Zoning By-law Amendment were appealed.

On September 6, 2017, Council resolved:

That, on the recommendation of the Senior Planner, Development Planning, in response to appeals to the Ontario Municipal Board, dated July 19, 2017, submitted by Analee Ferreira, on behalf of Barvest Realty Inc., on the basis of a non-decision by the City of London Approval Authority within 180 days relating to a draft plan of subdivision application and a non-decision by Municipal Council within 120 days relating to an Official Plan and Zoning By-law amendment applications concerning lands located at 58 Sunningdale Road West:

- a) *the Ontario Municipal Board **BE ADVISED** that the Municipal Council does not support draft approval of the proposed plan of subdivision, submitted by Barvest Realty Inc. (File No. 39T-16503), prepared by Holstead and Redmond Limited OLS., drawing No. BAR/LON/07-02, which shows 41 single detached lots, one (1) medium density blocks, two (2) commercial blocks, two (2) residential part blocks and several 0.3m reserve blocks all served by an extension of Callingham Drive, an extension of Pelkey Road and three (3) new local streets:*
- i) *the proposed plan of subdivision is not consistent with the Provincial Policy Statement;*
 - ii) *the proposed plan of subdivision is not consistent with the Planning Act;*
 - iii) *the proposed plan of subdivision is not consistent with the Sunningdale Area Plan and the Official Plan;*

- iv) *the proposed plan of subdivision does not encourage the development of plan of subdivision that includes an appropriate mix of low, medium and commercial uses that support pedestrian oriented development; and,*
 - v) *the proposed plan of subdivision is not consistent with the Council approved London Plan;*
- b) *the Ontario Municipal Board **BE ADVISED** that the Municipal Council recommends that the request to amend the Official Plan to change the designation of the subject lands **FROM** a Multi-Family, Medium Density Residential designation which allows townhouses and various forms of cluster housing at a maximum density of 75 units per hectare TO a Community Commercial Node designation to allow all types of retail outlets including department stores, home improvement and furnishings stores, supermarkets, food stores and pharmacies, convenience commercial uses, personal services, restaurants, commercial recreation establishments, financial institutions and services, a limited range of automotive services, service-oriented office uses such as real estate, insurance and travel agencies, community facilities, such as libraries or day care centres, professional and medical/dental offices, commercial and private schools and some small scale office uses with a total maximum gross floor area of 16,778 m² (180,600 ft²) **BE REFUSED** for the following reasons:*
- i) *the proposed expansion does not meet the intent of the Sunningdale Area Plan;*
 - ii) *the proposed expansion does not meet the intent of the City of London Official Plan policies;*
 - iii) *the proposed expansion does not meet the intent of the City of London Council approved London Plan; and,*
 - iv) *the proposed expansion does not provide for an orderly distribution and development of commercial uses to satisfy the shopping and service needs of residents and shoppers previously considered in this area through the Sunningdale Area Plan;*
- c) *the Ontario Municipal Board **BE ADVISED** that the Municipal Council recommends that the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property FROM an Urban Reserve (UR3) Zone TO a Community Shopping Area Special Provision (CSA4 (_)) Zone, to permit various retail and commercial uses with a 20,000 square metre maximum gross floor area, a 0 metre minimum front and exterior side yard setback, a 15 metre maximum height and 1 parking space per 30m² for all uses excluding office uses **BE REFUSED** for the following reason:*
- i) *the proposed CSA4 (_) Zone would permit a sizable amount of commercial development that is not in keeping with the policies of the Multi-Family Medium Density Residential designation which applies to this parcel, and is not consistent with the Sunningdale Area Plan;*
- d) *the Ontario Municipal Board **BE ADVISED** that the Municipal Council supports issuing draft approval of the proposed plan of residential subdivision, submitted by Barvest Realty Inc. (File No. 39T-16503), prepared by Holstead and Redmond Limited OLS., drawing No. BAR/LON/07-02, as red-line amended, which shows 41 single detached lots, three (3) medium density blocks, one (1) commercial blocks, two (2) residential part blocks, and several 0.3m reserve blocks all served by an extension of Callingham Drive, an extension of Pelkey Road, and three (3) new local street, **SUBJECT TO** the conditions appended to the staff report dated August 28, 2017 as Appendix “39T-16503”;*

e) the Ontario Municipal Board **BE ADVISED** that the Municipal Council recommends that the Zoning By-law No. Z.-1 **BE AMENDED** in accordance with Appendix "A" as appended to the staff report dated August 28, 2017, (in conformity with the Official Plan), **FROM** an Urban Reserve (UR3) Zone which permits existing uses **TO:**

- i) a Holding Residential R1 Special Provision (h*h-94*h-100*R1-6 ()) Zone, to permit single detached dwellings with a minimum lot frontage of 15.0 metres, a minimum lot area of 450m², a maximum height of 10.5 metres and a minimum 1.2 metre interior sideyard setback for one and two storey dwellings plus an additional 0.6 metre setback for dwellings above 2 storeys as per section 5.3 of Zoning By-law Z-1;
- ii) a Holding Residential R1 Special Provision (h*h-100*R1-6 ()) Zone, to permit single detached dwellings with a minimum lot frontage of 15.0 metres, a minimum lot area of 450m², a maximum height of 10.5 metres and a minimum 1.2 metre interior sideyard setback for one and two storeys dwellings plus an additional 0.6 metre setback for dwellings above 2 storeys as per section 5.3 of Zoning By-law Z-1;
- iii) a Holding Residential R5 Special Provision / Residential R6 Special Provision (h*h-5*h-53*h-54*h-100*h-108*R5-7 ()/R6-5 ()) Zone, to permit medium density development in various forms of townhouses and cluster townhouses to a maximum density of 60 units per hectare and height of 12 metres maximum and to permit cluster housing from single detached dwellings to townhouses and apartments to a maximum density of 35 units per hectare, a maximum height of 12 metres maximum and with a minimum 4.5 metre front and exterior yard setback;
- iv) a Holding Residential R5 Special Provision / Residential R6 Special Provision (h*h-5*h-53*h-54*h-100*R5-7 ()/R6-5 ()) Zone, to permit medium density development in various forms of townhouses and cluster townhouses to a maximum density of 60 units per hectare and height of 12 metres maximum and to permit cluster housing from single detached dwellings to townhouses and apartments to a maximum density of 35 units per hectare, a maximum height of 12 metres and with a minimum 4.5 metre front and exterior yard setback;
- v) a Holding Residential R5 Special Provision / Residential R6 Special Provision (h*h-5*h-100*R5-7 ()/R6-5 ()) Zone, to permit medium density development in various forms of townhouses and cluster townhouses to a maximum density of 60 units per hectare and height of 12 metres maximum and to permit cluster housing from single detached dwellings to townhouses and apartments to a maximum density of 35 units per hectare, a maximum height of 12 metres maximum and with a minimum 4.5 metre front and exterior yard setback; and,
- vi) a Holding Community Shopping Area Special Provision (h*h*-5*h-53*h-100*h-173*CSA3 ()) Zone to permit various retail and commercial uses with a 15,000 square metre maximum gross floor area with 0.0 metre minimum front and exterior side yard setback, a maximum 15 metre height, 40% maximum lot coverage and 1 parking space per 30m² for all uses excluding office uses;

the following is a description of the holding provisions which have been applied:

- i) (h) to ensure that there is orderly development through the execution of a subdivision agreement;
- ii) (h-5) to ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review

- specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the "h-5" symbol;*
- iii) (h-53) 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 Community Plan, to the satisfaction of the City of London;*
 - iv) (h-54) to ensure there are no land use conflicts between arterial roads and the proposed residential uses, the h-54 shall not be deleted until the owner agrees to implement all noise attenuation measures, recommended in noise assessment reports acceptable to the City of London;*
 - v) (h-94) 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;*
 - vi) (h-100) to ensure there is adequate water service and appropriate access, a looped watermain system must be constructed and a second public access must be available;*
 - vii) (h-108) to ensure that this parcel is developed in conjunction with abutting lands, to the satisfaction City of London, prior to removal of the "h-108" symbol; and,*
 - viii) (h- 173) to ensure that development is consistent with the City of London Urban Design Principles and Placemaking Guidelines, the h-173 shall not be deleted until urban design guidelines have been prepared and implemented through a development agreement, to the satisfaction of the City of London;*
- f) the Ontario Municipal Board **BE REQUESTED** to advise the applicant that the Director, Development Finance, has summarized claims and revenues information appended to the staff report dated August 28, 2017 as Appendix "B"; and,*
- g) the City Solicitor **BE DIRECTED** to provide legal and planning or expert witness representation at the Ontario Municipal Board hearing in support of Municipal Council's position;*

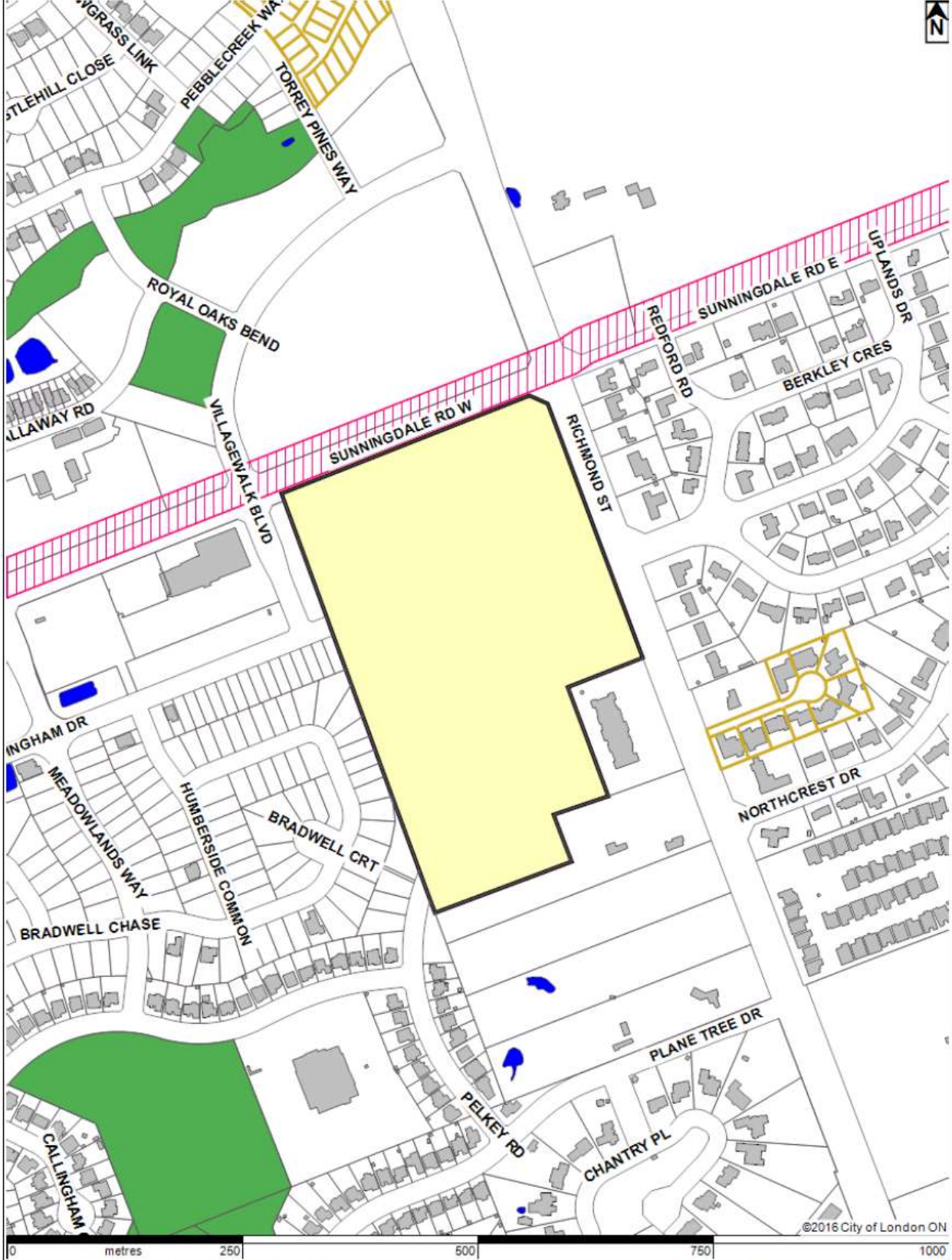
On January 21, 2019, the City Solicitor's Office submitted a confidential report to the Planning and Environment Committee in a meeting closed to the public as the subject matter being considered pertained to the appeal to the LPAT and included a proposed settlement to be endorsed by Council. The potential settlement reflected the efforts of the City's professional Planners to develop a concept that balances the interest of the City and the developer. The settlement under consideration and ultimately endorsed by Council allowed for slightly more commercial floor space, in the context of existing Official Plan policy, that satisfied the developer's goal, while also allowing the form to be more consistent with the City's Urban Design policies and goals. The settlement also converted proposed commercial floor space to Multi-Family, Medium Density Residential blocks with an appropriate mix of residential use, intensity and form.

The OMB hearing was held on March 4, 2019 by teleconference. On March 4, 2019 an oral decision was made by the OMB approving the Draft Plan of Subdivision with conditions, as well as the Official Plan and Zoning By-law Amendments. On June 18, 2019 the OMB issued its written decision to allow the lands to be developed with 41 single detached lots, three medium density blocks, one commercial block and two residential part blocks and several 0.3 metre reserve blocks, all served by an extension of Callingham Drive, an extension of Pelkey Road and three new local streets subject to the completion of conditions as directed by the Board (Attached Appendix A).

As per Section 51 (34) of the *Planning Act*, the draft approval lapse date is March 5, 2022

The full OMB decision is available in Appendix A of this report.

Location Map



LOCATION MAP

Subject Site: 58 Sunningdale Rd W
File Number: OZ-8637
Planner: Craig Smith
Created By: Jeffrey Shaughnessy
Date: 2016-09-30
Scale: 1:5000

Corporation of the City of London
Prepared By: Planning and Development

LEGEND

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

Prepared by:	C Smith, MCIP, RPP Senior Planner, Development Services
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	

July 15, 2019
CS/

CC: Matt Feldberg, Manager, Development Services (Subdivisions)
Lou Pompilii, Manager, Development Planning
Ismail Abushehada, Manager, Development Engineering

Appendix “A” - Ontario Municipal Board Decision

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: June 18, 2019

CASE NO(S): PL170842

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Barvest Reality Inc.
Subject:	Request to amend the Official Plan - Failure of the City of London to adopt the requested amendment
Existing Designation:	Multi-Family Medium Density Residential
Proposed Designated:	Community Commercial Node
Purpose:	To permit all types of retail stores
Property Address/Description:	58 Sunningdale Road
Municipality:	City of London
Approval Authority File No.:	OZ-8637
LPAT Case No.:	PL170842
LPAT File No.:	PL170842
LPAT Case Name:	Barvest Reality Inc. v. London (City)

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Barvest Reality Inc.
Subject:	Proposed Plan of Subdivision - Failure of the City of London to make a decision
Purpose:	To permit 41 single detached lots, 1 medium density residential block, and 2 commercial blocks
Property Address/Description:	58 Sunningdale Road
Municipality:	City of London
Municipality File No.:	39T-16503
LPAT Case No.:	PL170842
LPAT File No.:	PL170844

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*,
R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Barvest Reality Inc.
Subject:	Application to amend Zoning By-law No. Z.-1 - Refusal or neglect of the City of London to make a decision
Existing Zoning:	Urban Reserve (UR3) Zone
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit single detached dwellings, townhomes and various retail and commercial uses
Property Address/Description:	58 Sunningdale Road
Municipality:	City of London
Municipality File No.:	39T-16503
LPAT Case No.:	PL170842
LPAT File No.:	PL170843

Heard: March 4, 2019 by telephone conference call

APPEARANCES:

Parties

Barvest Realty Inc.

City of London

Counsel

Analee Baroudi

Aynsley Anderson

MEMORANDUM OF ORAL DECISION DELIVERED BY L.M. BRUCE ON MARCH 4, 2019 AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] This hearing arose from a settlement associated with appeals originally made under s. 22(7), s. 34(11) and s. 51(34) of the *Planning Act* by Barvest Realty Inc. ("Applicant") respecting the property at 58 Sunningdale Road in London ("subject property"). The City of London ("City") failed to make decisions on the Official Plan

Amendment ("OPA"), Zoning By-law Amendment ("ZBA") and Draft Plan of Subdivision ("Draft Plan") applications within the statutory time limits.

[2] The proposed development is for a mix of commercial and residential uses on the 12.5 hectare ("ha") subject property. Since the original Pre-hearing Conference in January 2018, the parties have continued discussions and have reached a settlement.

[3] The Tribunal qualified J. Craig Smith to provide expert land use opinion evidence in support of the Minutes of Settlement between the City and Applicant (Attachment 1). Mr. Smith is a Senior Planner with the City of London. The hearing was conducted by telephone conference call. The Tribunal had before it the sworn affidavit of Mr. Smith and the Council resolution with respect to the settlement.

[4] Changes to the original development plan have eliminated the need for the OPA which was originally sought to expand the Community Commercial Node from 3.2 ha to 5.5 ha. This proposed expansion did not represent a minor increase to the node as provided for in Policy 4.3.10 of the OP. Since that time the amount of commercial node expansion has been reduced and it was Mr. Smith's opinion that the modified development plan now meets OP Policy 4.3.10, thus eliminating the need for an OPA.

[5] The Tribunal confirms that the Applicant has withdrawn the application for an OPA. The ZBA and approval of the Draft Plan are still required.

[6] The subject lands are situated in the southwest quadrant of Richmond Street North and Sunningdale Road West. To the west and to the east of these lands are existing residential developments. The subject lands consist of Blocks 44-47 and Lots 1-41.

[7] The requested zoning is described in Schedule B of Exhibit B of the Affidavit of J. Craig Smith (Exhibit 3) included with this Decision as Attachment 2. The zoning provides for holding provisions for residential uses on Blocks 44, 45, 47 and Lots 1-41 with special provisions. Block 46 will be for a community shopping area, also with special provisions.

[8] The Draft Plan of subdivision shows 41 single detached lots, three medium density blocks, one commercial block and two residential part blocks and several 0.3 metre reserve blocks, all served by an extension of Callingham Drive, an extension of Pelkey Road and three new local streets. Schedule C of Exhibit B of the Affidavit of Craig Smith (Exhibit 3) includes the Draft Plan of Subdivision (Attachment 3 to this decision).

EVIDENCE AND ANALYSIS

[9] The Tribunal was advised that the existing OP designations are applied through the Sunningdale Area Planning process, concluded in June 1998. The area is currently designated Multi-Family, Medium Density Residential along the Sunningdale Road West and Richmond Street. There is a Low Density Residential designation along the western portion of the lands. A 3.2 ha block is designated as a Community Commercial Node on the southwest corner of Richmond Street and Sunningdale Road.

[10] It was Mr. Smith's summary opinion that the proposed ZBA supports the development of a Draft Plan with an appropriate mix of low, medium and commercial uses that support pedestrian oriented development and is consistent with the Official Plan. He stated that Blocks 45 and 46, located along the Sunningdale Road and Richmond Street will provide a form of residential development that will provide for a pedestrian oriented development. He stated that a holding provision on Block 45 will require the lands to be consolidated with the Multi-Family Medium Density Residential Block located outside of this plan on the east side of Village Walk Boulevard. Other

[7] The requested zoning is described in Schedule B of Exhibit B of the Affidavit of J. Craig Smith (Exhibit 3) included with this Decision as Attachment 2. The zoning provides for holding provisions for residential uses on Blocks 44, 45, 47 and Lots 1-41 with special provisions. Block 46 will be for a community shopping area, also with special provisions.

[8] The Draft Plan of subdivision shows 41 single detached lots, three medium density blocks, one commercial block and two residential part blocks and several 0.3 metre reserve blocks, all served by an extension of Callingham Drive, an extension of Pelkey Road and three new local streets. Schedule C of Exhibit B of the Affidavit of Craig Smith (Exhibit 3) includes the Draft Plan of Subdivision (Attachment 3 to this decision).

EVIDENCE AND ANALYSIS

[9] The Tribunal was advised that the existing OP designations are applied through the Sunningdale Area Planning process, concluded in June 1998. The area is currently designated Multi-Family, Medium Density Residential along the Sunningdale Road West and Richmond Street. There is a Low Density Residential designation along the western portion of the lands. A 3.2 ha block is designated as a Community Commercial Node on the southwest corner of Richmond Street and Sunningdale Road.

[10] It was Mr. Smith's summary opinion that the proposed ZBA supports the development of a Draft Plan with an appropriate mix of low, medium and commercial uses that support pedestrian oriented development and is consistent with the Official Plan. He stated that Blocks 45 and 46, located along the Sunningdale Road and Richmond Street will provide a form of residential development that will provide for a pedestrian oriented development. He stated that a holding provision on Block 45 will require the lands to be consolidated with the Multi-Family Medium Density Residential Block located outside of this plan on the east side of Village Walk Boulevard. Other

setbacks of a minimum of 1.2 metres for one or two storeys and a minimum of 2.4 metres for three stories.

[16] Further, it was Mr. Smith's opinion that the residential component of the proposed development is consistent with the classification of streets and their intended character, goals and functions. He stated that it provides for a high-level quality pedestrian realm along the Urban Thoroughfares and neighbourhood connector roads.

[17] He stated that the proposed zoning provides for form, height and intensities on the Urban through fare and Neighbourhood streets and will provide a quality pedestrian realm and high standard of urban design. Further he stated that the proposed development is consistent with the policies of Neighbourhood place types since it:

- a. Provides for attractive streetscapes and buildings;
- b. Provides for a diversity of housing choices;
- c. Provides for a well-connected neighbourhood to the commercial node and open space to the west of the development;
- d. Provides for easy access to daily goods and services within the plan of subdivision and commercial node; and
- e. Provides for parks, pathways and recreational opportunities.

[18] It was Mr. Smith's opinion that the proposed ZBA and Draft Plan are consistent with the Provincial Planning Statement, 2014, the *Planning Act*, the Sunningdale Area Plan and the Official Plan.

[19] The City in closing stated that they support the ZBA and Draft Plan of subdivision subject to conditions (Attachment 3).. Further, the parties are seeking that the final approval of the Draft Plan will rest with the City's approval authority and that minor changes may be made by the approval authority.

[20] Participant Dr. Len Boksman indicated that the proposed settlement addressed some of the concerns held by residents, however, they remained concerned about provisions which would allow for residential buildings of six storeys. The Tribunal considered the concerns of Dr. Boksman but was persuaded by the opinion evidence of Mr. Smith.

ORDER

[21] The Tribunal orders that the appeal is allowed in part and that the City of London is directed to amend By-law Z-1 as set out in Attachment 2 to this Order.

[22] Further, the Tribunal orders that the appeal is allowed and the draft plan shown on the plan included as Attachment 3 is approved subject to the fulfillment of the conditions set out in Attachment 4 to this Order.

[23] Finally, the Tribunal orders that pursuant to s. 51(56.1) of the *Planning Act*, the City of London shall have the authority to clear the conditions of draft plan approval and to administer final approval of the plan of subdivision for the purposes of subsection 51(58) of the *Planning Act*. In the event that there are any difficulties implementing any of the conditions of draft plan approval, or if any changes are required to be made to the draft plan, the Tribunal may be spoken to.

"L.M. Bruce"

L.M. BRUCE
MEMBER

ATTACHMENT 1

MINUTES OF SETTLEMENT
("Minutes")

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON
(hereinafter referred to as the "City")

-and-

BARVEST REALTY INC.
(hereinafter referred to as "Barvest")

(together referred to as the "Parties")

WHEREAS Barvest is the owner of property known municipally as 58 Sunningdale Road West, City of London, as more particularly described in Schedule "A" attached to these Minutes (the "Lands");

AND WHEREAS on June 14, 2016, Barvest filed applications: to amend the City of London Zoning By-law Z.-1; to amend the City of London Official Plan; and for a proposed draft plan of subdivision, to permit the creation of 41 single detached lots, three (3) medium density blocks, one (1) commercial blocks, two (2) residential part blocks, and several 0.3m reserve blocks on the Lands (the "Applications");

AND WHEREAS a public participation meeting was held on November 14, 2016 to consider the Applications;

AND WHEREAS on July 19, 2017, Barvest appealed to the Ontario Municipal Board (as it was then known) from the City of London Council's failure to make a decision on any of the Applications within 120 days (the "Appeals");

AND WHEREAS the Tribunal has scheduled a hearing of these Appeals on March 4, 2019;

AND WHEREAS the Parties have reached an agreement to settle the Appeals as between the City and Barvest, subject to the terms of these Minutes;

NOW THEREFORE the Parties hereby acknowledge, covenant and agree with each other as follows:

RECITALS

1. The Parties hereto acknowledge and agree that the above recitals hereto are true and correct in substance and in fact.

SCHEDULES

2. The following is a list of all of the Schedules to these Minutes of Settlement which shall form part of these Minutes for all purposes:
 - a. Schedule "A" – Legal Description of Lands
 - b. Schedule "B" – Zoning By-law Amendment;
 - c. Schedule "C" – Draft Plan of Subdivision and conditions.

GENERAL

3. The Parties agree that they are contractually bound to the terms of these Minutes, and that the obligations and benefits thereof are enforceable by either Party against the other Party in the event of a breach of them. The Parties covenant and agree that at all times, and from time to time hereafter, upon every reasonable written request so to do, they shall make, execute, deliver or cause to be made, done, executed and delivered, all such further acts, deeds, assurances and things as may be required for more effectively implementing and carrying out the true intent and meaning of these Minutes.
4. The Parties agree to act reasonably and with good faith in respect of all dealings between themselves pursuant to these Minutes.
5. These Minutes constitute the entire agreement between the Parties with respect to the matters set out in these Minutes and supersede all prior agreements, negotiations and understandings with respect to the Minutes.
6. Any amendment to or waiver of any provision of these Minutes must be in writing and signed by the Parties.
7. The undersigned represent and warrant that they have all necessary power and authority to execute these Minutes of Settlement.

SETTLEMENT

8. The Parties will together request that the Tribunal grant the Appeals, in part, and approve the Zoning By-law Amendment attached as Schedule "B", confirm a withdrawal of the application for an Official Plan Amendment, and give draft plan approval to the Draft Plan of Subdivision attached as Schedule "C".
9. The Parties agree that the purpose of Schedules "B" and "C" is to permit the development of the Lands as 41 single detached lots, three (3) multi-family medium density blocks, one (1) commercial block, two (2) low density residential part blocks, and several 0.3m reserve blocks.
10. The Parties agree that the modified expansion of the commercial node, identified as Block 46, represents a minor increase in the existing planned commercial node, and as such, in accordance with policy 4.3.10 of the Official Plan, no

amendment to the Official Plan is required, contingent on the approval of these Minutes of Settlement in their entirety. Accordingly, Barvest agrees to withdraw its application to amend the Official Plan.

11. The Parties agree that they will request of the Tribunal that the final approval authority of the plan of subdivision and conditions will rest with the City, and that minor modifications may be required to implement the substantial approval being granted herein.
12. The Parties are prepared to settle this matter, on a without costs basis, and to request the approval by the Tribunal of the Zoning By-law amendment substantially in accordance with the forms referenced in Section 2 above.
13. The Parties agree that the Zoning By-law Amendment shall be presented to the Tribunal for approval at the hearing scheduled for March 4, 2018.
14. The Parties agree that expert land use planning evidence in support of the proposed settlement contained herein shall be prepared and presented by the City in coordination with Barvest.

BINDING NATURE

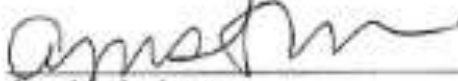
15. These Minutes shall be binding upon, and enure to the benefit of, the Parties' successors and assigns.

COUNTERPARTS


16. The Parties acknowledge and agree that these Minutes may be executed by their solicitors, respectively. They may also be executed in counterparts, which together shall constitute a complete set of these Minutes, and executed counterparts may be delivered by email or facsimile transmission and considered originals for all purposes. Once executed by all Parties, these Minutes shall be of full force and effect.

Dated this 31 day of January, 2019.

THE CORPORATION OF THE CITY OF LONDON

Per: 
Aynsley Anderson
Solicitor

BARVEST REALTY INC.

Per: 
Analco Baroudi
Solicitor

ATTACHMENT 2

ATTACHMENT 2

SCHEDULE "B"

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

2019

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 58
Sunningdale Road West.

WHEREAS Barvest Realty Inc. has applied to rezone an area of land
located at 58 Sunningdale Road West, as shown on the map attached to this by-law, as
set out below;

AND WHEREAS the Local Planning Appeal Tribunal, by its Decision issued
on [INSERT DATE], and Order issued [INSERT DATE], in Tribunal File PL170842,
approved amendments to the City of London By-law No. Z.-1, as amended with respect
to those lands;

THEREFORE the Local Planning Appeal Tribunal enacts as follows:

Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located
at 58 Sunningdale Road West, from an Urban Reserve (UR3) Zone to a Holding Residential R1
Special Provision (h*h-94*h-100*R1-6 (*) Zone, a Holding Residential R1 Special Provision (h*h-
100*R1-6 (*) Zone, Holding Residential R4 Special Provision/ Residential R5 Special Provision /
Residential R6 Special Provision/ Residential R7 Special Provision (h*h-5*h-100*R4-4 (2)/R5-6
(*)/R6-5 (**)R7(*)H12*D100) Zone, a Holding Residential R5 Special Provision / Residential R6
Special Provision/ Residential R7 Special Provision (h*h-5*h-54*h-100*h-106*R5-6 (**)R6-5
(**)R7(**)H12*D100) Zone, a Holding Residential R5 Special Provision / Residential R6 Special
Provision/ Residential R7 Special Provision (h*h-5*h-54*h-100* R5-6 (**)R6-5
(**)R7(**)H12*D100) Zone, and a Holding Community Shopping Area Special Provision (h*h-
100*CSA3 (*) Zone.

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

5.4 f) ___ R1-6 (*)

(a) Regulations

- | | | |
|-----|--|--|
| i) | Interior Side Yard
(minimum)
(one or two storeys) | 1.2 metres
3.0 metres one side
if no attached garage |
| ii) | Interior Side Yard
(single detached dwellings greater | See Section 5.3 (5) |

than two storeys)

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

9.4 f) __ R5-6 (*)

(a) Regulations

i) Front and Exterior
Yard Setback
(Minimum): 4.5 metres

ii) Density
(Maximum): 100 units per hectare

iii) Height
Within 30 metres of
'Street B': 10.5 metres

9.4 f) __ R5-6 (**)

(a) Regulations

i) Front and Exterior
Yard Setback
(Minimum): 4.5 metres

ii) Density
(Maximum): 100 units per hectare

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

10.4 e) __ R6-5 (*)

(a) Regulations

i) Front and Exterior
Yard Setback
(Minimum): 4.5 metres

ii) Height Apartment Uses
Only
(Maximum): 15 metres (4 storeys)

- | | | |
|------|--|-----------------------|
| iii) | Density
(Maximum): | 100 units per hectare |
| iv) | Height
Within 30 metres of
"Street B": | 10.5 metres |

10.4 a) ___ R6-5 (**)

(a) Regulations

- | | | |
|------|--|--|
| i) | Front and Exterior
Yard Setback
(Minimum): | 4.5 metres |
| ii) | Height Apartment Uses
Only
(Maximum): | 15 metres (4 storeys) |
| iii) | Density
(Maximum): | 100 units per hectare |
| iv) | Height: | In exchange for one (1)
level of underground
parking (65% of required
parking minimum) and a
\$50,000 contribution for
public art, an increased
height of 22.5 m (6 storey)
maximum for apartment
buildings may be
permitted. |

- 4) Section 11.4 of the Residential R7 Zone to By-law No. Z-1 is amended by adding the following Special Provision:

11.4) ___ R7 (*)

(a) Regulations

- | | | |
|-----|----------------------|-------------------------|
| i) | Height
(Maximum): | 22.5 metres (6 storeys) |
| ii) | Density | 100 units per hectare |

(Maximum):

- | | | |
|------|--|-------------|
| iii) | Height
Within 30 metres of
"Street B": | 10.5 metres |
|------|--|-------------|

11.4) ___ R7 (**)

(a) Regulations

- | | | |
|-----|-----------------------|-------------------------|
| i) | Height
(Maximum): | 22.5 metres (6 storeys) |
| ii) | Density
(Maximum): | 100 units per hectare |

- 5) Section 22.4 of the Residential R1 Zone to By-law No. Z-1 is amended by adding the following Special Provision:

22.4 f) ___ CSA3 (*)

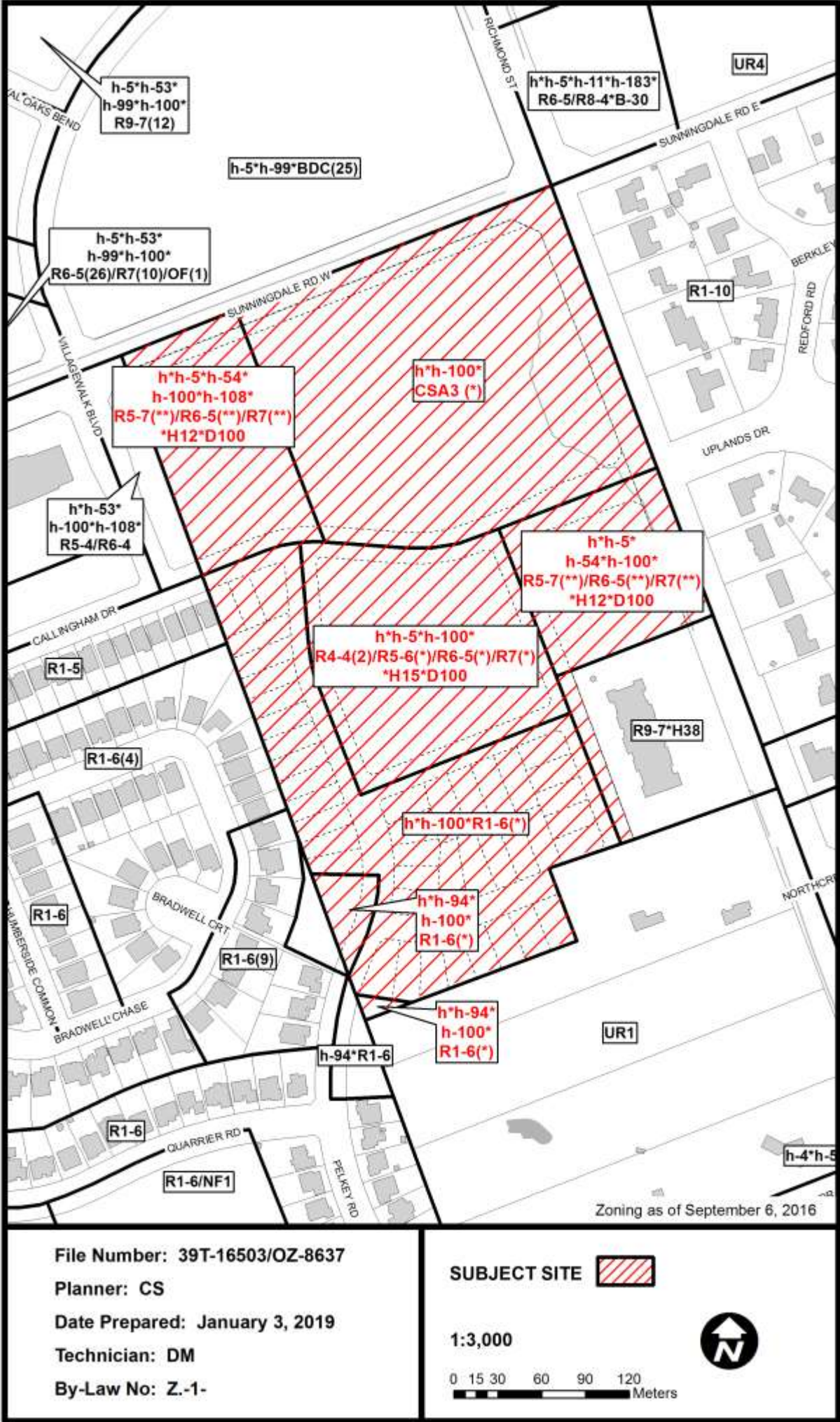
(a) Regulations

- | | | |
|------|--|--|
| i) | Front and Exterior
Yard Setback
(Minimum): | 0.0 metres |
| ii) | Height
(Maximum): | 15.0 metres |
| iii) | Coverage
(Maximum): | 40% |
| iv) | Parking excluding
Office Area (Minimum): | 1 space per 30m ²
gross floor area |

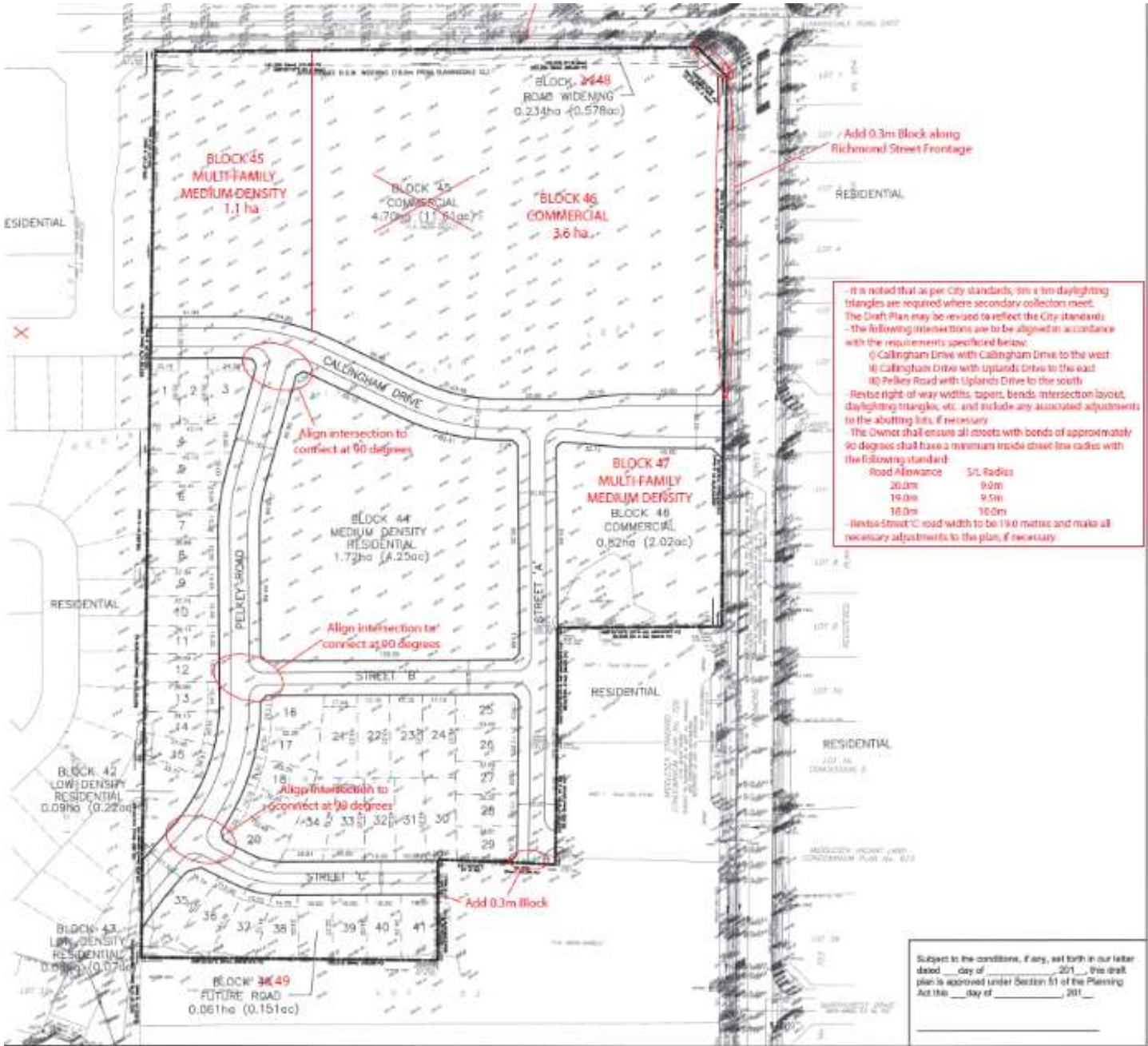
This By-law shall come into force and be deemed to come into force in accordance with section 34 of the *Planning Act, R.S.O. 1990, c. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

ENACTED by the Local Planning Appeal Tribunal in proceeding PL170842 on
[INSERT DATE].

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



ATTACHMENT 3



ATTACHMENT 4

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-16503 ARE AS FOLLOWS:

NO.	CONDITIONS
1.	This draft approval applies to the draft plan as submitted by Barvest Realty Inc. (File No. 39T-16503), prepared by Zelinka Priamo Limited and certified by P.R. Levac OLS, (Project No. BAR/LON/07-02, dated June 2016), <u>as red-lined</u> , which shows 41 single detached lots, three (3) medium density blocks, one (1) commercial blocks, two (2) residential part blocks, and several 0.3m reserve blocks all served by an extension of Callingham Drive, an extension of Pelkey Road, and three (3) new local street.
2.	This approval applies for three years, and if final approval is not given by that date, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.
3.	The road allowances included in this draft plan shall be shown on the face of the plan and dedicated as public highways.
4.	The Owner shall request that street(s) shall be named to the satisfaction of the City.
5.	The Owner shall request that the municipal address shall be assigned to the satisfaction of the City.
6.	Prior to final approval, the Owner shall submit to the City a digital file of the plan to be registered in a format compiled to the satisfaction of the City of London and referenced to NAD83UTM horizon control network for the City of London mapping program.
7.	The subdivision agreement between the Owner and the City shall be registered against the lands to which it applies. Prior to final approval the Owner shall pay in full all municipal financial obligations/encumbrances on the said lands, including property taxes and local improvement charges.
8.	Prior to final approval, appropriate zoning shall be in effect for this proposed subdivision
9.	Phasing of this subdivision (if any) shall be to the satisfaction of the City
10.	In conjunction with registration of the plan, the Owner shall provide to the appropriate authorities such easements as may be required for all municipal works and services associated with the development of the subject lands, such as road, utility, drainage or stormwater management (SWM) purposes, to the satisfaction of the City, at no cost to the City.
11.	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.

12. The Owner shall not commence construction or installations of any services (e.g. 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; (e.g. 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 Environment, City; etc.)

Planning

13. The Owner shall obtain and submit to the City a letter of archaeological clearance from the Southwestern Regional Archaeologist of the Ministry of Culture. The Owner shall not grade or disturb soils on the property prior to the release from the Ministry of Culture.
14. The Owner to register on title and include in all Purchase and Sale Agreements the requirement that the homes to be designed and constructed on all corner lots in this Plan, are to have design features, such as but not limited to porches, windows or other architectural elements that provide for a street oriented design and limited chain link or decorative fencing along no more than 50% of the exterior sideyard or to be extended to the rear wall of the dwelling unit if greater than 50% abutting the exterior side yard road frontage. Further, the owner shall obtain approval of their proposed design from the Manager of Urban Design prior to any submission of an application for a building permit for corner lots with an exterior sideyard in this Plan
15. The Owner shall transfer the Future Development Block 49, on the south side of Street "C" as needed, at no cost to the City. Should the adjacent lands develop for residential use and Future Development Block 49 is required for access purposes, the Future Development Block 49 shall be sold at market value, as determined by the City acting reasonably to the owners of the adjacent lands for access purposes, and the City shall pay the net proceeds of that sale (minus any City costs) to the Owner of this plan (39T-16503) within 30 days of such sale. Should the City determine that the Future Development Block 49 is not needed for access purposes, then the City would transfer the lot back to the Owner of this plan for a nominal fee.
16. The Owner shall comply with Canada Post in regards to Community Mailbox requirements, to the satisfaction of the City.

Parks Planning

17. The Owner shall provide 2% of the value of the commercial blocks the day before the issuance of the first building permit and cash in lieu will be required for all residential development in accordance with By-law CP-9 all to the satisfaction of the City.

Engineering - Sanitary

Sanitary:

18. In conjunction with the first submission of engineering drawings, the Owner shall have his consulting engineer prepare and submit the following sanitary servicing design information:
 - i.) Provide a sanitary drainage area plan, including the preliminary sanitary sewer routing and the external areas to be serviced (eg. 1985 Richmond Street, Winder Lands to the south, Baran lands and existing lands east of

- Richmond Street), to the satisfaction of the City;
- ii.) Propose a suitable routing for the sanitary sewer to be constructed through this plan;
 - iii.) 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;
19. 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 Callingham Drive and the 250 mm diameter sanitary sewer located on Pelkey Road;
 - ii.) Construct servicing for 1985 Richmond Street
 - 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.
20. In order to prevent any inflow and infiltration from being introduced to the sanitary sewer system, the Owner shall, throughout the duration of construction within this plan, undertake measures within this draft plan to control and prevent any inflow and infiltration and silt from being introduced to the sanitary sewer system during and after construction, satisfactory to the City, at no cost to the City, including but not limited to the following:
- i.) Not allowing any weeping tile connections into the sanitary sewers within this Plan;
 - ii.) Permitting the City to undertake smoke testing or other testing of connections to the sanitary sewer to ensure that there are no connections which would permit inflow and infiltration into the sanitary sewer.
 - iii.) Install Parson Manhole Inserts (or approved alternative satisfactory to the City Engineer) in all sanitary sewer maintenance holes at the time the maintenance hole(s) are installed within the proposed draft plan of subdivision. The Owner shall not remove the inserts until sodding of the boulevard and the top lift of asphalt is complete, all to the satisfaction of the City Engineer.
 - iv.) Having his consulting engineer confirm that the sanitary sewers meet allowable inflow and infiltration levels as per OPSS 410 and OPSS 407; and
 - v.) Implementing any additional measures recommended through the Design Studies stage.
21. Prior to registration of this Plan, the Owner shall obtain consent from the City Engineer to reserve capacity at the Greenway/Adelaide Pollution Control Plant for this subdivision. This treatment capacity shall be reserved by the City Engineer subject to capacity being available, on the condition that registration of the subdivision agreement and the plan of subdivision occur within one (1) year of the date specified in the subdivision agreement.
- i.) 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)

22. In conjunction with the first submission of engineering drawings, the Owner shall have his consulting engineer prepare and submit a Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation to address the following:
 - i.) Identifying the storm/drainage and SWM servicing works for the subject and external lands and how the interim drainage from external lands will be handled, all to the satisfaction of the City;
 - ii.) Identifying major and minor storm flow routes for the subject and external lands, to the satisfaction of the City;
 - iii.) 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.
 - iv.) 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
 - v.) 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.
23. 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 Medway Creek Subwatershed Study and any addendums/amendments;
 - ii.) The approved Functional Stormwater Management Plan for the Sunningdale SWM Facility # 4 and Compensation Area, prepared by DelCan (April 2011) or any updated Functional Stormwater Management Plan;
 - iii.) 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.;
 - iv.) The City of London Environmental and Engineering Services Department Design Specifications and Requirements, as revised;
 - v.) The City's Waste Discharge and Drainage By-laws, lot grading standards, Policies, requirements and practices;
 - vi.) The Ministry of the Environment SWM Practices Planning and Design Manual, as revised; and
 - vii.) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.
24. 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 Medway Creek Subwatershed, and connect them to the existing municipal storm sewer system, namely, the 975 mm diameter storm sewer located on Pelkey Road

and the 825 mm diameter storm sewer on Callingham Drive, outletting to the existing Regional Sunningdale SWM Facility # 4 via the existing sewer connections within plans 33M-664 and 33M-665;

- ii.) Construct servicing for 1985 Richmond Street;
 - iii.) Make provisions to oversize and deepen the internal storm sewers, if necessary, in this plan to accommodate flows from upstream lands external to this plan
 - iv.) Construct and implement erosion and sediment control measures as accepted in the Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation for these lands and the Owner shall correct any deficiencies of the erosion and sediment control measures forthwith; and
 - v.) Address forthwith any deficiencies of the stormwater works and/or monitoring program.
25. 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
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 have a report prepared by a qualified consultant, and if necessary, a detailed hydro geological investigation carried out by a qualified consultant, to determine the following:
- i.) the effects of the construction associated with this subdivision on the existing ground water elevations and domestic or farm wells in the area
 - ii.) identify any abandoned wells in this plan
 - iii.) assess the impact on water balance in the plan
 - iv.) any fill required in the plan
 - v.) provide recommendations for foundation design should high groundwater be encountered
 - vi.) identify all required mitigation measures including Low Impact Development (LIDs) solutions
 - vii.) address any contamination impacts that may be anticipated or experienced as a result of the said construction
 - viii.) provide recommendations regarding soil conditions and fill needs in the location of any existing watercourses or bodies of water on the site.
- all to the satisfaction of the City.
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 first submission of engineering drawings, the Owner shall have their consulting engineer prepare and submit a water servicing report including the following design information, all to the satisfaction of the City Engineer:
- a) Water distribution system analysis & modeling and hydraulic calculations for the Plan of Subdivision confirming system design requirements are being met;
 - b) Identify domestic and fire flows for the potential ICI/medium/high density Blocks from the low-level (high-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) 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 phasing report as applicable which addresses the requirement to maintain interim water quality;
 - f) Develop a looping strategy when development is proposed to proceed beyond 80 units;
 - g) Identify any water servicing requirements necessary to provide water servicing to external lands, incorporating existing area plans as applicable; The Winder Lands to the south must be serviced by appropriately sized mains
 - h) Identify any need for the construction of or improvement to external works necessary to provide water servicing to this Plan of Subdivision;
 - i) Identify any required watermain oversizing, if necessary, and any cost sharing agreements;
 - j) Identify the effect of development on existing water infrastructure – identify potential conflicts;
 - k) Include full-sized water distribution and area plan(s);
 - l) Identify on the water distribution plan the location of valves, hydrants, and the type and location of water quality measures to be implemented (including automatic flushing devices);
 - n) Adherence to the North London Water Servicing Strategy
 - o) Identify the servicing strategy for 1985 Richmond Street North
 - p) An engineering analysis to determine the extent of external watermains are required to serve Blocks within this plan, at no cost to the City.
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. Prior to the issuance of any Certificate of Conditional Approval and in accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of water services for this draft plan of subdivision:
- i.) Construct watermains to serve this Plan and connect them to the existing municipal system, namely, the existing 200 mm diameter watermain on Callingham Drive, the 300 mm diameter watermain on Pelkey Road and the

- 400 mm diameter watermain on Richmond Street (high level system);
- ii.) If a watermain connection is required, provide an easement and temporary watermain connection between Street 'A' and Street 'C'
 - 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; and
 - iv.) The available fireflow and appropriate hydrant colour code (in accordance with the City of London Design Criteria) are to be shown on engineering drawings;
The fire hydrant colour code markers will be installed by the City of London at the time of Conditional Approval
33. 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.
34. 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.
35. 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
36. The Owner shall obtain all necessary approvals from the City Engineer for individual servicing of blocks in this subdivision, prior to the installation of any water services for the blocks.
37. 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.

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, in accordance with City standards, unless otherwise approved by the City Engineer. The following intersections are to be aligned to the satisfaction of the City:
- i.) Callingham Drive with Callingham Drive to the west

- ii.) Callingham Drive with Uplands Drive to the east
 - iii.) Pelkey Road with Pelkey Road to the south
39. In conjunction with the first submission of engineering drawings, the Owner shall provide a concept plan showing the alignment of Callingham Drive opposite Uplands Drive, to the satisfaction of the City.
40. In conjunction with the submission of detailed design drawings, the Owner shall have his consulting engineer provide a proposed layout of the tapers for streets in this plan that change right-of-way widths with minimum 30 metre tapers (eg. from 20.0 metre to 19.0 metre road width), all to the satisfaction of the City Engineer. The roads shall be tapered equally aligned based on the alignment of the road centrelines. It should be noted tapers are not to be within an intersection.
41. In conjunction with the first submission of engineering drawings, the Owner shall provide a conceptual layout of the roads and rights-of-way of the plan to the City Engineer for review and acceptance with respect to road geometries, including but not limited to, right-of-way widths, tapers, bends, intersection layout, daylighting triangles, pavement markings, turn lanes, etc., and include any associated adjustments to the abutting lots.
42. 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 (eg. Pelkey Road at Callingham Drive and Street 'C' at Pelkey Road).
43. In conjunction with the first submission of engineering drawings, the Owner shall have its professional consulting engineer 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:"
44. The Owner shall have it's professional engineer design and construct the roadworks in accordance with the following road widths:
- i.) Callingham Drive and Pelkey Road have a minimum road pavement with (excluding gutters) of 9.5 metres with a minimum road allowance of 21.5 metres.
 - ii.) Street 'A' have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 20 metres.
 - iii.) Street 'C' have a minimum road pavement width (excluding gutters) of 7.0 metres with a minimum road allowance of 19 metres.
 - iv.) Street 'B' have a minimum road pavement width (excluding gutters) of 6.0 metres with a minimum road allowance of 18 metres.
 - v.) The Owner shall construct a gateway feature on Callingham Drive at the intersection of Richmond Street with a right of way width of 28.0 metres for a minimum length of 45.0 metres tapered back over a distance of 30 metres to the standard secondary collector road right of way width of 21.5 metres, to the satisfaction of the City. Landscaped gateway features shall be installed within a widened boulevard area, to the specifications and satisfaction of the City Engineer.
45. The Owner shall construct Callingham Drive and Pelkey Road to secondary collector road standards, to the satisfaction of the City Engineer.
46. Sidewalks/Bikeways
47. The Owner shall construct a 1.5 metre sidewalk on both sides of the following streets:
- i.) Callingham Drive
 - ii.) Pelkey Road

48. The Owner shall construct a 1.5 metre sidewalk on one side of the following streets:
- i.) Street 'A' – west boulevard
 - ii.) Street 'B' – north boulevard
 - iii.) Street 'C' – north boulevard

Street Lights

49. At the time of site plan approval for Block 46, the Owner shall install temporary street lights at the intersection of the commercial driveway and Sunningdale Road West, to the satisfaction of the City Engineer, at no cost to the City.
50. 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

51. In conjunction with the Focused Design Studies, the Owner shall update the 58 Sunningdale Road Traffic Impact Study, to the satisfaction of the City. Prior to undertaking this study, the Owner shall contact the Transportation Planning and Design Division regarding the scope and requirements of this study. .
52. The Owner shall implement all recommendations outlined in the approved Transportation Impact Assessment, at no cost to the City, to the satisfaction of the City Engineer.
53. The Owner shall be required to make minor boulevard improvements on Sunningdale Road West and Richmond Street North adjacent to this Plan, to the specifications of the City and at no cost to the City, consisting of clean-up, grading and sodding as necessary.
54. The Owner shall grade their site in accordance with the Sunningdale Road Environmental Assessment, to the satisfaction of the City and at no cost to the City.
55. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make adjustments to the existing street lights on Richmond Street or provide temporary street lights to provide for sufficient illumination at the intersection of Callingham Drive and Richmond Street, at no cost to the City, to the satisfaction of the City Engineer.
56. In conjunction with the first submission of engineering drawings, the Owner shall have it's professional consulting engineer submit design criteria for the left turn and right turn lanes on Richmond Street North at Callingham Drive for review and acceptance by the City.
57. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct left and right turn lanes at Callingham Drive on Richmond Street North and all associated works, to the satisfaction of the City Engineer.

Road Widening

58. The Owner shall be required to dedicate sufficient land to widen Sunningdale Road West and Richmond Street North to 18.0 metres from the centreline of the original

road allowance.

59. The Owner shall be required to dedicate 3.0 m x 3.0 m “daylighting triangles” at the intersection of ‘collector’ road streets in the Plan (ie. Where Callingham Drive meets Pelkey Road) to satisfy requirements necessary for servicing bus transit routes, as specified by the City Engineer.

Vehicular Access

60. The Owner shall provide access to 1985 Richmond Street from the internal road network in this plan, at no cost to the City, to the satisfaction of the City.

Traffic Calming

61. In conjunction with the first submission of engineering drawings, the Owner shall have it's professional engineer provide a conceptual design of the proposed traffic calming measures, on internal streets in this plan of subdivision, to be relocated and/or constructed along Callingham Drive and Pelkey Road, including raised intersections, parking bays, curb extensions and other measures, to the satisfaction of the City.
62. The Owner shall relocate and/or construct traffic calming measures associated with this traffic calming plan, including parking bays, curb extensions and other measures to the satisfaction of the City.
63. The Owner shall construct a raised intersection on Callingham Drive at Pelkey Road, to the satisfaction of the City Engineer, at no cost to the City. Should it be determined, the raised intersection will affect the major overland flow route, the Owner shall construct alternative traffic calming measures on Callingham Drive, to the satisfaction of the City Engineer.

Construction Access/Temporary/Second Access Roads

64. The Owner shall direct all construction traffic associated with this draft plan of subdivision to utilize Sunningdale Road West via Villagewalk Boulevard and Callingham Drive or other routes as designated by the City.
65. 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.
66. The Owner shall construct a temporary turning facility for vehicles at the following location(s), to the specifications of the City:
 - i.) Street 'A' – south limit
 - ii.) Street 'C' – east limit

Temporary turning circles/facilities 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.

67. The Owner shall remove the temporary turning facility on Pelkey Road and adjacent lands, in Plan 33M-665 to the south of this Plan, and complete the construction of Pelkey Road in this location as a fully serviced road, including

restoration of adjacent lands, to the specifications of the City.

If funds have been provided to the City by the Owner of Plan 33M-665 for the removal of the temporary turning facility and the construction of this section of Pelkey Road 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.

In the event that Pelkey Road in Plan 33M-665 is constructed as a fully serviced road by the Owner of Plan 33M-665, then the Owner shall be relieved of this obligation.

GENERAL CONDITIONS

68. 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.
 69. 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.
 70. 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.
 71. In conjunction with the first submission of engineering drawings, the Owner shall provide, to the City for review and acceptance, a geotechnical report or update the existing geotechnical report recommendations to address all geotechnical issues with respect to the development of this plan, including, but not limited to, the following:
 - i.) servicing, grading and drainage of this subdivision
 - ii.) road pavement structure
 - iii.) dewatering
 - iv.) foundation design
 - v.) removal of existing fill (including but not limited to organic and deleterious materials)
 - vi.) the placement of new engineering fill
 - vii.) any necessary setbacks related to slope stability for lands within this plan
 - viii.) identifying all required mitigation measures including Low Impact Development (LIDs) solutions,
 - ix.) Addressing all issues with respect to construction and any necessary setbacks related to erosion, maintenance and structural setbacks related to slope stability for lands within this plan, if necessary, to the satisfaction and specifications of the City. The Owner shall provide written acceptance from the Upper Thames River Conservation Authority for the final setback.
- and any other requirements as needed by the City, all to the satisfaction of the City.
72. The Owner shall implement all geotechnical recommendations to the satisfaction of the City.
 73. 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.

74. The Owner shall connect to all existing services and extend all services to the limits of the draft plan of subdivision, at no cost to the City, all to the specifications and satisfaction of the City Engineer.
75. In conjunction with the first submission of engineering drawings, the Owner shall have his consulting engineer submit a concept plan which shows how all servicing (water, sanitary, storm, gas, hydro, street lighting, water meter pits, Bell, Rogers, etc.) shall be provided to condominiums/townhouses indicated on Block 44. 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.
76. The Owner shall have the common property line of Sunningdale Road West and Richmond Street North graded in accordance with the City of London Standard "Subdivision Grading along Arterial Roads", at no cost to the City.
77. 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.

78. 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.
79. 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.

80. 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.

81. 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.

82. 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.
83. In conjunction with the first submission of engineering drawings, 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.
84. 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”.

85. 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.)
86. 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.
87. 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.
88. 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.
89. 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.
90. 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.
91. 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.
92. 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.
93. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
94. Prior to the issuance of a Certificate of Conditional Approval for Blocks 42 and 43 in this plan, Blocks 42 and 43 shall be combined with lands to the south and west to create developable lots and/or blocks, to the satisfaction of the City. 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.
95. Prior to the issuance of a Certificate of Conditional Approval for Block 45 in this plan, Block 45 shall be combined with lands to the west to create a developable

block, to the satisfaction of the City. The above-noted block shall be held out of development until they can be combined with adjacent lands to create a developable block.

96. Lot 30 shall be held out of development until lands to the south and east develop.
97. Prior to the issuance of a Certificate of Conditional Approval for Pelkey Road, the Owner shall construct new services and make adjustments to the existing works and services on Pelkey Road in Plan 33M-665, adjacent to this plan to accommodate the proposed works and services on this street to accommodate the lots in this plan fronting this street (eg. private services, street light poles, traffic calming, etc.) in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City Engineer, at no cost to the City.
98. Should Commercial, Industrial or Institutional blocks exist within this plan of subdivision, the Owner shall either register against the title of Block 46, in this Plan, or shall include in the agreement of purchase and sale for the transfer of each of the Blocks, a covenant by the purchaser or transferee stating that the purchaser or transferee of the Blocks may be required to construct sewage sampling manholes, built to City standards in accordance with the City's Waste Discharge By-law No. WM-2, as amended, regulating the discharge of sewage into public sewage systems. If required, the sewage sampling manholes shall be installed on both storm and sanitary private drain connections, and shall be located wholly on private property, as close as possible to the street line, or as approved otherwise by the City Engineer.
99. Where site plan approval is required, which includes street facing townhouse blocks, the Owner shall install servicing on streets in this plan of subdivision for these blocks only after site plan approval has been obtained or as otherwise directed by the City, all to the satisfaction of the City, at no cost to the City.
100. 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.
101. 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.
102. In conjunction with the first submission of engineering drawings, the Owner shall submit a Development Charge work plan outlining the costs associated with the design and construction of the DC eligible works. The work plan must be approved by the City Engineer and City Treasurer (as outlined in the most current DC By-law) prior to advancing a report to Planning and Environment Committee recommending approval of the special provisions for the subdivision agreement.