

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: Draft Plan of Subdivision - Three Year Extension
Stoney Creek South Subdivision
1300 Fanshawe Park Road East

Meeting on: January 20, 2020

Recommendation

That, on the recommendation of the Director, Development Services, with respect to the application of 700531 Ontario Limited relating to the property located at 1300 Fanshawe Park Road East, the Approval Authority **BE ADVISED** that Council supports the request for a three (3) year extension of the draft plan of subdivision approval for the draft plan submitted by 700531 Ontario Limited, prepared by AGM Ltd., certified by Bruce S. Baker, Ontario Land Surveyor (Plan No. 9-L-4901, dated August 30, 2016), as redlined amended, which shows one (1) commercial block, two (2) high density residential blocks, one (1) medium density residential block, two (2) road widening blocks, and two (2) 0.3 m reserves, all served by one (1) new secondary collector road/neighbourhood connector (Blackwell Boulevard) **SUBJECT TO** the revised conditions contained in the attached Schedule "A".

Executive Summary

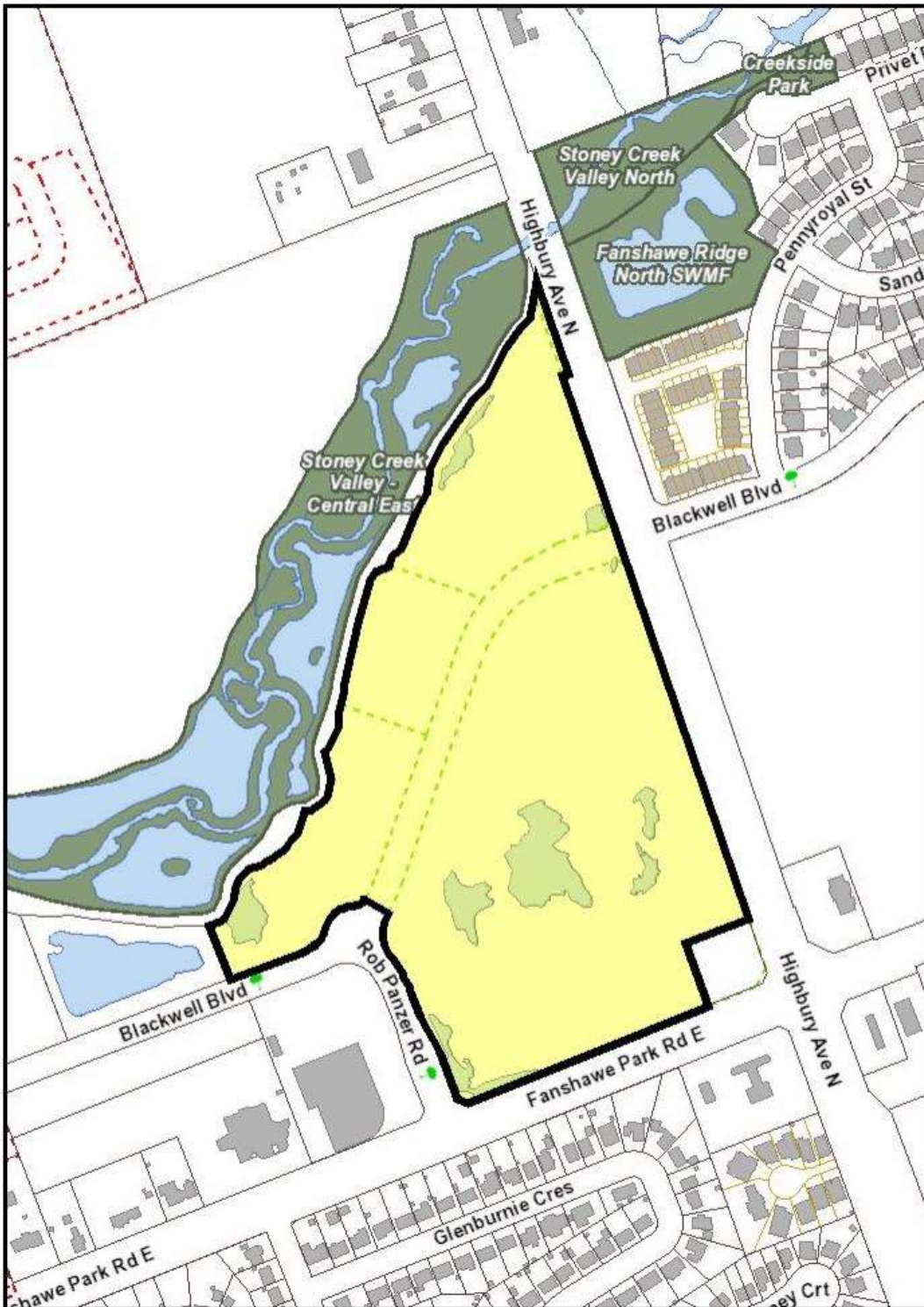
Purpose and the Effect of Recommended Action






The purpose and effect of the recommended action is to consider a three (3) year extension to Draft Approval for the remaining phase(s) within the residential and commercial draft plan of subdivision 39T-04512.

Rationale of Recommended Action

1. The requested three (3) year extension of Draft Plan Approval is reasonable, and should allow the applicant sufficient time to satisfy revised conditions of draft approval towards the registration of this plan.
2. The plan of subdivision will provide for future residential and commercial land uses and supports connectivity with adjacent future development lands. Therefore, an extension should be supported provided the conditions of Draft Approval are updated to reflect current City Standards and regulatory requirements.
3. The request for a five (5) year extension is not recommended, as a five (5) year timeframe elongates the process unnecessarily, thus creating potential future conflicts. No extenuating circumstances (i.e. servicing issues/constraints) are present which require a prolonged extension beyond the three (3) year period which is the City's preference for extension considerations.

1.0 Location Map



Location Map		Legend	
Project Title:	39T-04512		Subject Site
Description:	Draft Plan Extension - Stoney Creek South Subdivision		Parks
Created By:	Nancy Pasato		Assessment Parcels
Date:	12/20/2019		Buildings
Scale:	1:4000		Address Numbers

Corporation of the City of London

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2.0 Relevant Background

2.1 Property Description

The submitted plan of subdivision contains 23.1 hectares (57 ac.) of land located at 1300 Fanshawe Park Road East, legally described as Part of Lot 9, Concession 5, (geographic Township of London).

2.2 Previous Reports

June 19, 2006 – Environment and Transportation Committee approves the initiation of the Stoney Creek Sanitary Sewer Extension Municipal Class EA.

February 27, 2006 - Environment and Transportation Committee approves the initiation of the Storm Drainage and Stormwater Management Works for Stoney Creek Undeveloped Lands Municipal Class EA – Schedule “B”.

September 25, 2006 – Municipal Council recommended that the City of London Approval Authority grant draft approval to the plan of subdivision and adopted a zoning by-law to permit residential and commercial uses with holding provisions. (our files 39T-04512/Z-6833)

March 26, 2007 - Municipal Council deferred the request by 700531 Ontario Limited for the Municipal Class EA to be fully funded by the developer without any compensation or implied commitment to future development until such time as further financial information is available through the Urban Works Reserve Fund/Development Charge Implementation Team.

June 27, 2007 – Municipal Council resolved that further development approvals be allowed for up to 3.1 ha of medium density land within draft approved plan 39T-04512. The remaining lands shall BE WITHHELD until a Phased or Full Stormwater Erosion Implementation Plan for Stoney Creek is approved by Council.

September 24, 2007 - Environment and Transportation Committee accepts recommendation of the Storm Drainage and Stormwater Management Works for Stoney Creek Undeveloped Lands Municipal Class EA – Schedule “B”.

November 12, 2007 – Report to the Planning Committee recommending refusal Zoning By-law Amendment application No. Z-7441, submitted by 700531 Ontario Limited for 1300 Fanshawe Park Road East to remove Holding Provisions h- 11 and h-73.

February 11, 2008- Report to the Planning Committee advising that the applicant had filed an appeal against the City for neglecting to amend the zoning by-law within 120 days of receipt of an application, that the City Solicitor be directed to provide legal representation at the hearing and that the City recommends the Ontario Municipal Board refuse the request.

February 21, 2008 – 2008 Budget adopted by City Council, includes provision for funding a Municipal Class EA for Fanshawe Park Road East between Adelaide Street North and Highbury Avenue North.

April 6, 2009 – Report to Environment and Transportation Committee regarding acceptance of the recommendations of the Municipal Class EA for Fanshawe Park Road East between Adelaide Street North and Highbury Avenue North.

December 7, 2009 - Information Report to the Planning Committee advising the appeal of Zoning By-law Amendment Application Z-7414 had been resolved.

March 2010 - 2010 Budget adopted by City Council, included provision for funding Phase I of the Fanshawe Park Road East road improvements (Fanshawe Park Road East/Highbury Avenue North intersection).

March 22, 2010 – Report to Planning Committee on three year extension for draft plan

of subdivision.

September 10, 2013 - Report to Planning Committee on three year extension for draft plan of subdivision.

June 20, 2016 - Report to Planning Committee on special provisions for the subdivision agreement for Phase 1 of the draft plan of subdivision.

July 18, 2016 - Report to Planning Committee on removal of holding provisions for Phase 1 of the draft plan (H-8600) three year extension for draft plan of subdivision.

February 6, 2017 - Report to Planning Committee on three year extension for draft plan of subdivision. (39T-04512)

2.3 Planning History

The original submitted plan of subdivision contained 23.1 hectares (57 ac.) of land located at 1300 Fanshawe Park Road East, legally described as Part of Lot 9, Concession 5, (geographic Township of London. It consisted of two (2) commercial blocks, two (2) high density residential blocks, two (2) medium density residential blocks, one (1) stormwater management block, one (1) open space block, one (1) park block, and several reserve and road widening blocks served by two (2) new secondary collector roads. The application for Draft Plan of Subdivision was accepted in December, 2004. The plan was draft approved on October 18, 2006. No appeals to the Draft Plan Approval were received within the time allowed for such appeals.

Subsequent to the granting of draft approval in October of 2006, the City of London acquired the northern portion of the lands (generally Block 9 "Open Space" lands) for stormwater management purposes. Two extensions of draft plan approval were granted for the file in April of 2010, and in October of 2013.

Since the most recent draft plan extension, additional lands were acquired by the City adjacent to the Stoney Creek (May of 2016). Phase 1 of the draft plan (approximately 4.2 ha), consisting of one (1) multi-family block (street townhomes), one (1) commercial block, one (1) park block, one (1) stormwater management block, and five (5) reserve blocks, all served by two new secondary collector roads (Rob Panzer Road, and Blackwell Boulevard), was granted final approval by the Approval Authority on September 12, 2016 and is registered as 33M-701.

2.4 Applicant Request

The Applicant has requested a five (5) year draft plan extension for the remainder of the lands. Staff are not supportive of this request. Primarily, policy changes that could affect a subdivision should be reviewed every three (3) years versus every five (5) years. A five (5) year lapse date does not support the timely finalization of outstanding matters required for Final Approval, but rather elongates the process unnecessarily, thus creating potential future conflicts. There are no extenuating circumstances (i.e. servicing issues/constraints) which require a prolonged extension timeframe. A three (3) year extension is therefore recommended.

2.5 Redline and Changes

The attached amendments to the conditions of draft approval are required to ensure that these lands are developed to today's standards. The changes to conditions of draft approval are to address engineering and planning issues. The amendments to the conditions of draft approval are shown as **highlights** for revisions, ~~strikeouts~~ for deletions and underlines for additions on the attached Schedule "A".

No changes are proposed to the approved zoning or lotting pattern. The only change is an increased road widening along both Highbury Avenue North and Fanshawe Park Road East (6m), which have been added to the plan and are also included as conditions of draft approval. As a result of these minor changes to the conditions of draft approval, an extension may be granted and there is no requirement for public notice of the changes (in accordance with Section 50 (33) & (47) of the *Planning Act*).

Draft Plan of Subdivision – September, 2016

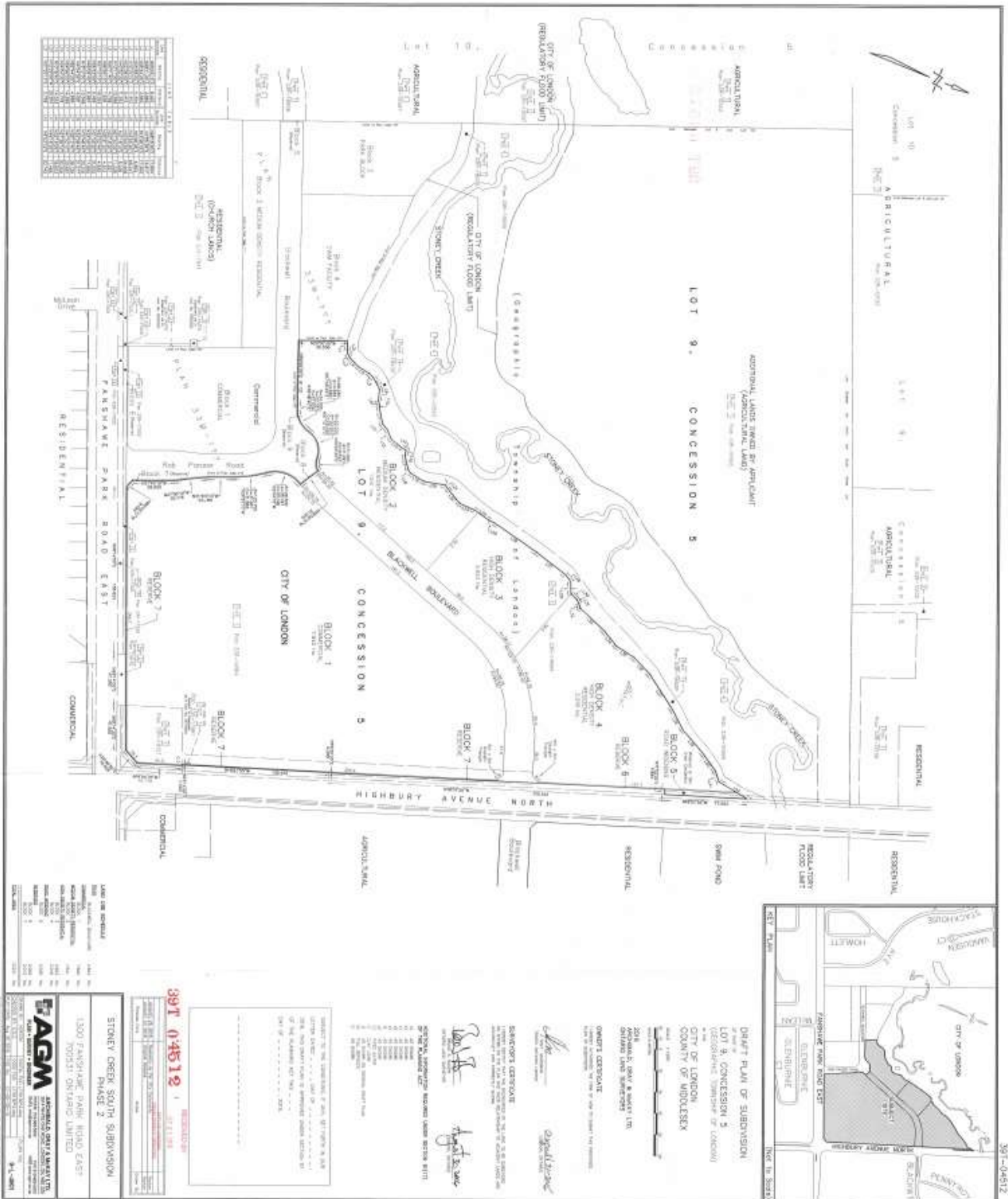


Table 2: Land Use Designations

Lot No.	Designation
1-10	AGRICULTURAL
11-20	AGRICULTURAL
21-30	AGRICULTURAL
31-40	AGRICULTURAL
41-50	AGRICULTURAL
51-60	AGRICULTURAL
61-70	AGRICULTURAL
71-80	AGRICULTURAL
81-90	AGRICULTURAL
91-100	AGRICULTURAL

39T 04512

STONEY CREEK SOUTH SUBDIVISION
 PHASE 2

1300 FARNSHAW PARK ROAD EAST
 MISSISSAUGA, ONTARIO L4X 1L3

FAGM
 FARNSHAW AGRI-CULTURAL MANAGEMENT LTD.

DATE: 09/15/16

SCALE: AS SHOWN

PROJECT NO: 39T 04512

DATE: 09/15/16

SCALE: AS SHOWN

PROJECT NO: 39T 04512

CONSENT TO THE CONVEYANCE OF THE CITY OF LONDON AND THE COUNTY OF WINDSOR TO THE REGISTRAR OF LANDS AND SURVEYS OF THE PROVINCE OF ONTARIO IN CONNECTION WITH THE REGISTRATION OF THIS PLAN OF SUBDIVISION.

[Signatures]

DATE: 09/15/16

DRAFT PLAN OF SUBDIVISION
 LOT 9, CONCESSION 5
 (CITY OF LONDON)
 COUNTY OF WINDSOR

DATE: 09/15/16

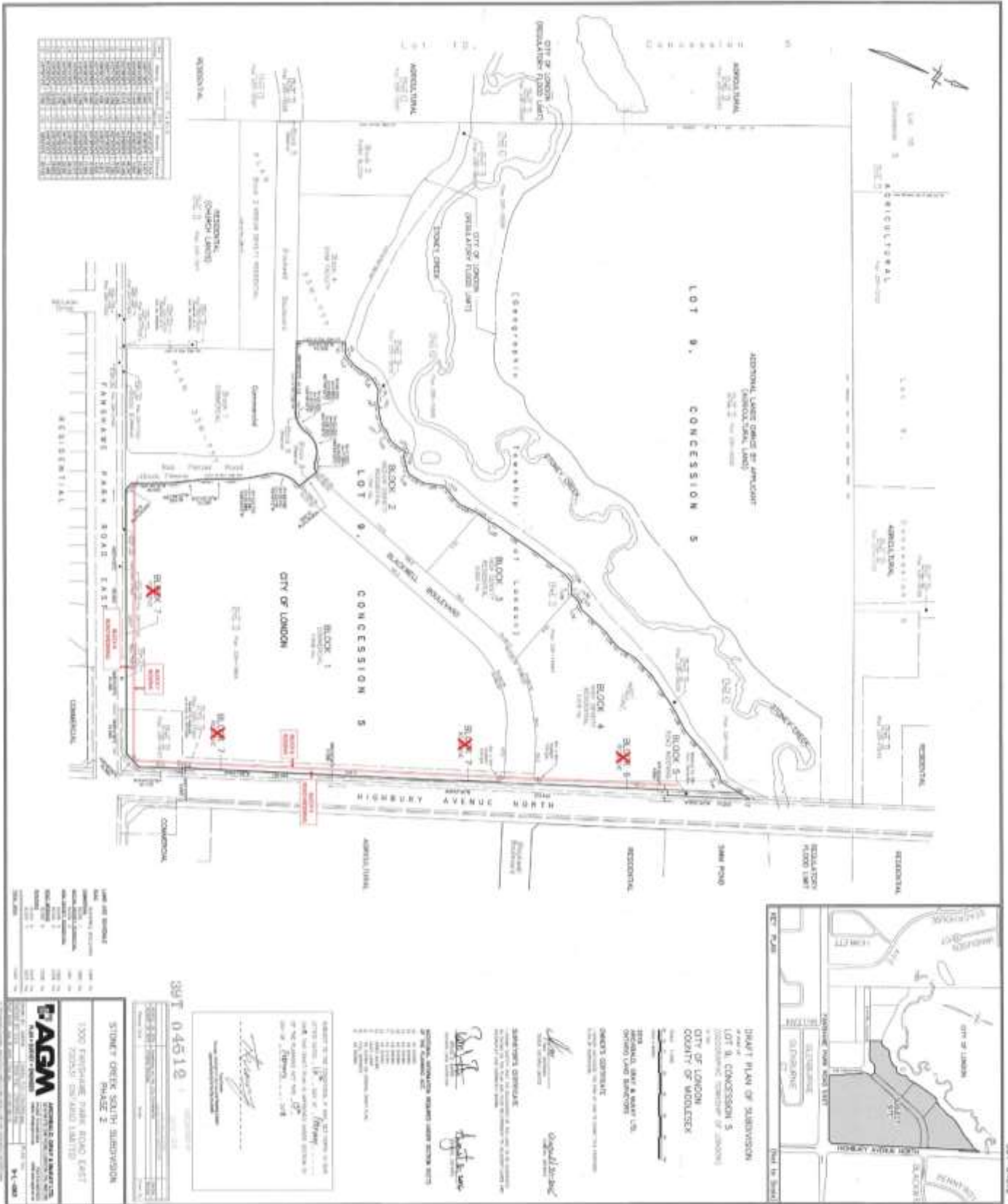
SCALE: AS SHOWN

PROJECT NO: 39T 04512



39T-04512

Redline Draft Plan of Subdivision - January, 2020



NO.	DESCRIPTION	DATE
1	PRELIMINARY PLAN	2019.08.15
2	REVISION	2019.09.10
3	REVISION	2019.10.15
4	REVISION	2019.11.20
5	REVISION	2020.01.10

39T 04512

STONE CREEK SOUTH SUBDIVISION
 PHASE 2

1500 FARMHOUSE PARK ROAD EAST
 WINDLESEX, ONTARIO

PLANNING COMMISSION
 CITY OF LONDON

CITY ENGINEER
 CITY OF LONDON

[Signatures]

PLANNING COMMISSION
 CITY OF LONDON

CITY ENGINEER
 CITY OF LONDON

3.0 Policy Considerations

3.1 Policy Context

Provincial Policy Statement

The draft plan of subdivision is consistent with the Provincial Policy Statement.

Building Strong Communities - The proposed subdivision promotes efficient development and land use pattern, accommodates an appropriate range and mix of residential, recreational and open space uses to meet the long term needs, promote cost-effective development standards to minimize land consumption and servicing costs, and ensuring that necessary infrastructure and public service facilities will be available to meet current and projected needs. The range of housing can accommodate affordable to low and moderate income households. The draft plan provides for open space corridors as a space to meet the needs of pedestrians and facilitate pedestrian movement in the area. Infrastructure and public service facilities will be provided to serve the needs of the draft plan. A holding provision has been applied on the subject lands to ensure the orderly development of land including municipal services (water, sanitary and storm). Transportation systems have been incorporated into the draft plan which facilitates the movement of people, and connectivity among nearby arterial roads.

Wise Use and Management of Resources - The natural features on the plan will be protected and enhanced through conditions of draft approval. Piped water supply is available for this subdivision.

Protecting Public Health and Safety - There are no public health and safety concerns.

(1989) Official Plan

The lands are designated Community Commercial Node (Block 1), Multi-Family, Medium Density Residential (Block 2), and Multi-Family, High Density Residential (Block 3 and 4) on Schedule A of the (1989) Official Plan. The zoning for all the Blocks reflects the current designations, including zoning provisions related to density and height. Block 3 has a maximum height of 39m (approximately 13 storeys) and Block 4 has a maximum height of 42m (approximately 14 storeys).

London Plan

The policies of the new London Plan encourage higher intensity residential development to locate along Civic Boulevards* and other higher order streets. The lands to the north of Blackwell Boulevard (a Neighbourhood Connector*) are located within the Neighbourhoods Place Type*, which permits a range of residential uses at a height of 4-6 storeys. The lands south of Blackwell Boulevard are located within the Shopping Area Place Type*, which permits a range of commercial uses.

The London Plan recognizes the High Density Residential areas that were designated in the previous Official Plan, even where they are not within the targeted place types. Map 2 identifies these lands as High Density Residential Overlay (from 1989 Official Plan) (955_*). Blocks 3 and 4 in this draft plan are within the High Density Residential Overlay (Map 2*). It is important to recognize that Map 2 is an overlay on top of the Urban Place Types identified in Map 1. For these lands, the Place Type represents the long-term vision for each of these areas to the year 2035 (955_*). Table 8* lists the maximum height for lands within the High Density Residential Overlay outside of the Primary Transit Area as 12 storeys.

Many of the London Plan policies are still under appeal and not yet in force and effect. However, it should be noted that any further draft plan extensions in the future will need to demonstrate conformity with the policies of the London Plan, including heights.

4.0 Key Issues and Considerations

4.1 Issue - Road Widening

As per Transportation Division comments provided through the extension request, an additional 6 m is needed for road widening along both Fanshawe Park Road East and Highbury Avenue North. This change in road dedication reflects the ultimate road network as detailed in the London Plan. Both Fanshawe Park Road East and Highbury Avenue North are designated as Urban Thoroughfares on Map 3 - Street Classifications*, which require a 45m road allowance. An Urban Thoroughfare will include priority on through movement of vehicles and freight, moves high volumes of traffic (pedestrian, cycle and vehicular), includes high-quality pedestrian realm and a high standard of urban design. The City's Complete Streets Guideline also details the ultimate road width and requirements and supports the London Plan vision.

The current (1989) Official Plan identifies both Fanshawe Park Road East and Highbury Avenue North as arterial roads. Table 18.1 identifies arterial roads as ranging from 26-60m in width. Policy 18.2.2. *“to ensure that the City's long term transportation needs can be met, the City will endeavour to protect proposed roads in the review of Secondary Plans, plans of subdivision, and Official Plan/Zoning By-law amendments. Where the alignment of a proposed road has been determined, the required road allowance shall be reserved for future road development.”*

The ultimate road allowances are reflected in Section 4.21 (Road Allowance Requirements - Specific Roads) of the Zoning By-law Z.-1. Both Highbury and Fanshawe Park Road are listed as 18 m from centreline. However, Section 4.21.1 (Road Allowance Requirements at Intersections) further specifies “the required minimum right-of-way widths shown in the zoning by-law are the minimum requirements for sections of streets. Additional right-of-way on arterial streets of up to 24 m from the centre line of the street will be required within 150 m of an intersection”.

The previous 18m road allowance was a condition of draft approval and shown on the draft approved plan. The Applicant, through an agreement with the City, provided the previous road allowances along both arterial roads ahead of final approval, which allowed the City to construct road improvements along Highbury Avenue in 2010, and along Fanshawe Park Road in 2015.

The Applicant objects to the additional road dedications, as they have indicated that they have provided the road allowances previously required and therefore no additional road dedication should be necessary.

Policy 19.6.3 of the 1989 Official Plan reads:

*“If an applicant has requested an extension to draft plan of subdivision approval the Approval Authority, in considering this request, may apply new conditions or amend existing conditions of draft approval based on new or updated **policies, guidelines and community standards**”* (emphasis added).

The Complete Streets Design Manual (“Complete Streets”) is both a new guideline and community standard, adopted in August, 2018. Policy 378 of the London Plan, the policy which enshrines Complete Streets as an official plan-recognized guideline, is currently under appeal. However, Policy 19.6.3 contemplates that in addition to policies, **guidelines and community standards** will also be considered when extending draft plan approval. Policy 19.6.3 creates a distinct test in the context of a plan of subdivision draft approval extension, wherein guidelines and community standards are considered in determining reasonable conditions. Complete Streets certainly has status as a standalone guideline and/or community standard.

Complete Streets is a transformative tool that will guide the way streets are designed in London. The components of a “complete street” may include walking, cycling, transit, through movement (vehicles and freight), parking, green infrastructure, and utilities.

Some, but not all, of these elements may already exist adjacent to the applicant's lands. Securing the land for future improvements is the only tool available to ensure that room is left for all elements of a complete street.

Staff are recommending the additional road widening to protect for the long term transportation needs along both of these major arterial roads/Urban Thoroughfares. The Transportation Master Plan identifies Fanshawe Park Road as a future six (6) lane road. The requested widening also protects for the required right of way (ROW) width in the London Plan (Urban Thoroughfare) and protects for the future ROW required for the adoption of the Council approved Complete Streets Design Manual.

5.0 Conclusion

Staff are recommending a three (3) year extension to the Draft Approval for this plan of subdivision, subject to the revised conditions as attached. The proposed plan and recommended conditions of Draft Approval will ensure that development proceeds in accordance with Provincial Policy Statement, The London Plan, and the (1989) Official Plan. A three (3) year extension is recommended to allow sufficient time for registration of the lands within this Draft Plan. A five (5) year extension is not recommended, as there is no extenuating circumstances (i.e. servicing issues/constraints) which require a prolonged extension timeframe. A three year (3) extension is therefore recommended.

Prepared by:	Nancy Pasato, RPP, MCIP 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	

January 13, 2020

/np

CC: Matt Feldberg, Manager, Development Services (Subdivisions)
Lou Pompili, Manager, Development Planning
Ted Koza, Manager, Development Engineering

Appendix A

THE CORPORATION OF THE CITY OF LONDON'S CONDITIONS AND AMENDMENTS TO FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T- 04512 ARE AS FOLLOWS:

* Denotes Deleted, Revised, or New Condition

NO.	CONDITIONS
1.	This draft approval applies to the draft plan submitted by 700531 Ontario Limited, prepared by AGM Ltd., certified by Bruce Baker, Ontario Land Surveyor, dated August 30, 2016, File No. LT-05-09-10, Plan No. 9-L-4901, as redlined, which shows one (1) commercial block, two (2) high density residential blocks, one (1) medium density residential block, and several reserve and road widening blocks served by one (1) new secondary collector road (Blackwell Boulevard).
2.	This approval of the draft plan applies until February 20, 2020, 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. <u>This approval of the draft plan 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.</u>
3.	The road allowances included in this draft plan shall be shown on the face of the plan and dedicated as public highways.
4.	Street "B" shall be named Blackwell Boulevard, to the satisfaction of the City.
5.	The Owner shall request that municipal addresses shall be assigned to the satisfaction of the City.
6.	<u>In conjunction with the first submission of engineering drawings, street(s) shall be named and the municipal addressing shall be assigned to the satisfaction of the City.</u>
7.	Prior to final approval, the Owner shall submit to the Approval Authority a digital file of the plan to be registered in a format compiled to the satisfaction of the City of London and referenced to NAD83UTM horizon control network for the City of London mapping program.
8.	The Owner 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. The Owner shall enter into a subdivision agreement with the City, in the City's current approved form (a copy of which can be obtained from Development Services), which includes all works and services required for this plan, and this agreement shall be registered against the lands to which it applies.
10.	<u>Prior to final approval the Owner shall pay in full all financial obligations/encumbrances owing to the City on the said lands, including property taxes and local improvement charges.</u>
11.	<u>Prior to final approval, the Owner shall provide copies of all transfer documentation for all land transfers/dedications and easements being conveyed to the City, for the City's review and approval.</u>

12. 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.
13. ~~In conjunction with registration of the Plan, the Owner shall provide to the appropriate authorities such easements and/or land dedications (e.g. 0.3 metre reserve blocks) as may be required for all municipal works and services associated with the development of the subject lands, such as road, utility, drainage or stormwater management (SWM) purposes, to the satisfaction of the City, at no cost to the City.~~
14. ~~Phasing of this subdivision (if any) shall be to the satisfaction of the City.~~
15. ~~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.~~
16. ~~Prior to Final Approval, all required connections from this plan to municipal services shall be available.~~
17. ~~The Owner shall implement the requirements of the City of London concerning sedimentation and erosion control measures during all phases of construction. The Owner's professional engineer shall have these requirements established and approved by the City, prior to any work on the site.~~
18. ~~The Owner shall not commence construction or install any services (eg. Clearing or servicing of land) involved with this plan prior to entering into a site alteration agreement or subdivision agreement and obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, unless otherwise approved by the City in writing; (e.g. MOE certificates; City/Ministry/Agency permits: Approved Works, water connection, water taking, navigable waterways; approvals: UTRCA, MNR, MOE, City; etc; etc.).~~
19. ~~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.~~
20. ~~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.~~
21. ~~For the purpose of satisfying any of the conditions of draft approval herein contained, the Owner shall file, with the City, complete submissions consisting of all required studies, reports, data, information or detailed engineering drawings, all to the satisfaction of the City. The Owner acknowledges that, in the event that a submission does not include the complete information required by the City, such submission will be returned to the Owner without detailed review by the City.~~
22. ~~Prior to Final Approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the Approval Authority a complete submission consisting of all required clearances, fees, and final plans for registration, and to advise the Approval Authority in writing how each of the conditions of draft approval has been, or will be, satisfied. The Owner~~

~~acknowledges that, in the event that the final approval package does not include the complete information required by the Approval Authority, such submission will be returned to the Owner without detailed review by the City.~~

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

PARKS and OPEN SPACE

24. At the time of registration of the plan, an easement shall be given to the City over a portion of Block 4 (approx. 0.021 ha in size) to be used as part of the future pathway. This easement will satisfy parkland dedication for four (4) units. Cash-in-lieu of parkland in accordance with By-law CP-9 shall be required for the 223rd dwelling unit or greater in residential ~~Blocks 3, 4, 5, and 6~~ 2, 3, and 4.
25. The Owner shall not grade into any open space area. Where Blocks abut an open space area, all grading of the developing lots or blocks at the interface with the open space areas are to match grades to maintain existing slopes, topography and vegetation. In instances where this is not practical or desirable, any grading into the open space shall be to the satisfaction of the City.

SANITARY

26. 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 accepted Design Studies.
27. Prior to registration of this Plan, the Owner shall obtain consent from the City to reserve capacity at the Adelaide Pollution Control Plant for this subdivision. This treatment capacity shall be reserved by the City 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. 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

28. The Owner shall construct the storm sewers to serve this plan and connect them to this plan to the storm outlet for the subject lands which is the Stoney Creek via the existing storm sewer, namely, the 750 mm diameter storm sewer on Blackwell Boulevard and Rob Panzer Way.
29. The Owner shall have his consulting professional engineer design and construct the proposed storm/drainage and Stormwater Management servicing works for the subject lands, all to the specifications and satisfaction of the City in accordance to the requirements of the following:
 - i) The SWM criteria and environmental targets for the Stoney Creek Subwatershed Study;
 - ii) The approved Storm/Drainage and SWM Servicing Functional Report for the subject lands;
 - iii) The accepted Municipal Class EA for Storm Drainage and Stormwater Management Servicing Works for the Stoney Creek Undeveloped Lands (2008);
 - iv) The approved Functional Stormwater Management Plan report for the Stoney Creek Regional Flood Control Facility;
 - v) The stormwater Letter/Report of Confirmation for the subject development prepared and accepted in accordance with the file manager process;
 - vi) The City's Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements and practices;
 - vii) The City of London Environmental and Engineering Services Department Design Specifications and Requirements, as revised;
 - viii) 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.;
 - ix) The Ministry of the Environment SWM Practices Planning and Design Manual (2003); and
 - x) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.
30. The Owner's shall implement SWM soft measure Best Management Practices (BMP's) within the plan 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.
31. Prior to the acceptance of engineering drawings, the Owner's consulting engineer shall certify the development has been designed such that increased and accelerated stormwater runoff from this subdivision will not cause damage to downstream lands, properties or structures beyond the limits of this subdivision. Notwithstanding any requirements of and/or any approvals 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.
32. In accordance with City standards or as otherwise required by the City, the Owner shall complete the following for the provision of stormwater management

- (SWM) and stormwater services for this draft plan of subdivision:
- i) Make provisions to oversize and deepen the internal storm sewers in this plan to accommodate flows from upstream lands within the drainage area external to this plan;
 - ii) 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
 - iii) Address forthwith any deficiencies of the stormwater works and/or monitoring program.
33. 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) The SWM Facility to serve this plan must be constructed and operational; and
 - iii) Construct and have operational the major and minor storm flow routes for the subject lands, to the satisfaction of the City.
 - iv) Implement all geotechnical/slope stability recommendations made by the geotechnical report accepted by the City.
34. The Owner shall ensure the post-development discharge flow from the subject site must not exceed the capacity of the stormwater conveyance system. In an event, where the above condition cannot be met, the Owner shall provide SWM on-site controls that comply to the City's Design Specifications and Requirements for Permanent Private Stormwater Systems.
35. The Owner shall ensure that all existing upstream external flows traversing this plan of subdivision, as shown on the accepted engineering drawings for Plan 33M-701, are accommodated within the overall minor and major storm conveyance servicing system(s) design, all to the specifications and satisfaction of the City Engineer.
36. The Owner shall develop a sediment and erosion control plan(s) that will identify all required sediment and erosion control measures for the subject lands in accordance with City of London and Ministry of the Environment, Conservation and Parks standards and requirements, all to the satisfaction of the City. The sediment and erosion control plan(s) shall identify all interim and long term measures that would be required for both registration and construction phasing/staging of the development and any major revisions to these plans after the initial acceptance shall be reviewed/accepted by the City of London for conformance to our standards and Ministry of the Environment, Conservation and Parks requirements. Prior to any work on the site, the Owner's professional engineer shall submit these measures as a component of the Functional Storm/Drainage Servicing Report and is to have these measures established and approved all to the satisfaction of the City Engineer. Further, the Owner's Professional Engineer must confirm that the required sediment and erosion control measures are being maintained and operated as intended during all phases of construction.

WATER

37. 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 250 mm diameter watermain on Blackwell Boulevard and the 300 mm diameter watermain on Highbury Avenue.
 - ii) 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 or commercial equivalent; and
 - iii) 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.
38. 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.
39. ~~In conjunction with the submission of revised engineering drawings, the Owner shall have his consulting engineer identify fireflows available from each hydrant proposed to be constructed and identify appropriate hydrant colour code markers in accordance with City of London Design Criteria. The fire hydrant colour code markers will be installed by the City of London at the time of Conditional Approval.~~
40. ~~Prior to the issuance of a Certificate of Conditional Approval, the Owner shall install and commission temporary automatic flushing devices and meters at all dead ends and/or other locations as deemed necessary by the hydraulic modelling results to ensure that water quality is maintained during build out of the subdivision. These devices are to remain in place until there is sufficient occupancy use to maintain water quality without their use. The location of the temporary automatic flushing devices as well as their flow settings are to be shown on engineering drawings. The Owner is responsible to meter and pay billed cost of the discharged water from the time of their installation until assumption. Any incidental and/or ongoing maintenance of the automatic flushing devices is/are the responsibility of the Owner.~~
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.
41. With respect to the proposed Blocks, the Owner shall include in all agreements of purchase and sale, and/or lease of Blocks in this plan, a warning clause advising the purchaser/transferee that should these develop as a Vacant Land Condominium or in a form that may create a regulated drinking water system under O.Reg. 170/03, the Owner shall be responsible for meeting the requirements of the legislation.
- If deemed a regulated system, there is potential the City of London could be ordered to operate this system in the future. As such, the system would be required to be constructed to City standards and requirements.
42. ~~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.~~
43. 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.
44. 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.

TRANSPORTATION

45. The Owner shall be permitted one limited access vehicular access from Block 1 to Highbury Avenue North and one limited access vehicular access from Block 1 to Fanshawe Park Road East. The location of these access points shall be to the satisfaction of the City.
46. The Owner shall not be permitted any vehicular access from Block 4 to Highbury Avenue North.
47. The Blackwell Boulevard road allowance at Highbury Avenue North shall be a minimum of 28 m for a minimum length of 45 metres. Within this road allowance the Owner shall construct gateway treatments. Beyond this widened road allowance, the road allowance shall be tapered to 21.5 m.
48. The Owner shall construct sidewalks within this plan on both sides of Blackwell Boulevard, to the satisfaction of the City.
49. Any dead ends and open sides of road allowances created by this draft plan, or by phasing of this plan, shall be terminated in 0.3 metre reserves to be conveyed to the City of London until required for the future production of such road allowance.
50. The Owner shall direct all construction traffic to Highbury Avenue North to the satisfaction of the City.
51. The Owner shall dedicate 0.3 m (1') reserves blocks to the City of London at the following locations:
- i) Along the entire frontage of Fanshawe Park Road East; and
 - ii) Along the entire frontage of Highbury Avenue North.
52. 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.

53. All through intersection and connections with existing streets and internal to this subdivision shall align with the opposing streets based on the centrelines of the street aligning through their intersections thereby having these streets centred with each other, unless otherwise approved by the City.
54. Within one year of registration of the plan, the Owner shall install street lighting on all streets and walkways within 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.
55. The Owner shall be required to make minor boulevard improvements on Fanshawe Park Road East and Highbury Avenue 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.
56. The Owner shall have the common property line of Fanshawe Park Road East and Highbury Avenue North graded in accordance with the City of London Standard "Subdivision Grading Along Arterial Roads", at no cost to the City.

Further, the grades to be taken as the centreline line grades on Fanshawe Park Road East and Highbury Avenue North are the future ultimate centreline of road grades as determined by the Owner's professional engineer, satisfactory to the City. From these, the Owner's professional engineer is to determine the ultimate elevations along the common property line which will blend with the existing road, all to the satisfaction of the City.

57. The Owner shall ensure access to lots and blocks for the portion adjacent to gateway treatments as shown on the accepted engineering drawings will be restricted to rights-in and rights-out only.
58. The Owner shall make modifications to the curb radii on Highbury Avenue North and all associated works, to the satisfaction of the City, at no cost to the City.
59. At the time of registration of the plan, the Owner shall provide a road widening dedication on Fanshawe Park Road East measured 24.0m from center line to the satisfaction of the City Engineer.
60. At the time of registration of the plan, the Owner shall provide a road widening dedication on Highbury Avenue North measured 24.0m from center line to the satisfaction of the City Engineer.

OTHER SERVICING ISSUES

61. 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.
62. ~~In the event that relotting of the plan is undertaken, the Owner shall relocate and construct services to standard location, all to the specifications and satisfaction of the City.~~
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.

63. 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.
64. In the event the draft plan develops in phases, upon registration of any phase of this subdivision, the Owner shall provide land and/or easements along the routing of services which are necessary to service upstream lands outside of this draft plan to the limit of the plan.
65. In the event the Owner wishes to further phase this plan of subdivision, the Owner shall submit as part of the revised engineering plan submission 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. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
66. 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.
67. 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.

68. The Owner shall have its engineer notify existing property owners in writing, regarding the sewer and/or road works proposed to be constructed on existing City streets in conjunction with this subdivision, all in accordance with Council policy for "Guidelines for Notification to Public for Major Construction Projects".
69. The Owner shall advise the City in writing at least two weeks prior to connecting, either directly or indirectly, into any unassumed services constructed by a third party, and to save the City harmless from any damages that may be caused as a result of the connection of the services from this subdivision into any unassumed services.

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

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

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

70. The Owner shall pay a proportional share of the operational, maintenance and/or monitoring costs of any affected unassumed sewers or SWM facilities (if applicable) to third parties that have constructed the services and/or facilities to which the Owner is connecting. The above-noted proportional share of the cost

shall be based on design flows, to the satisfaction of the City, for sewers or on storage volume in the case of a SWM facility. The Owner's payments to third parties shall:

- i) Commence upon completion of the Owner's service work, connections to the existing unassumed services; and
- ii) Continue until the time of assumption of the affected services by the City.

71. 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.

72. 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.

73. 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, at no cost to the City.
74. 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.

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.

75. In conjunction with the revised engineering drawings, the Owner shall provide to the City for review and acceptance an updated hydrogeological and geotechnical report and/or supplemental letter prepared by a qualified consultant, to determine, including but not limited to, the following:
 - i) Provide recommendations for foundation design should high groundwater be encountered, all to the satisfaction of the City.
76. 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 updated hydro geological and geotechnical report are implemented by the Owner, to the satisfaction of the City, at no cost to the City.
77. Should the current or any future Owner come in with a revised development proposal for these lands, the applicant may be required to complete a design studies submission as per the File Manager process and resubmit engineering drawings, all to the satisfaction of the City.
78. The Owner shall either register against the title of Block 1 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.
79. The Owner shall submit the required revised engineering drawings to the satisfaction of the City for review and acceptance by the City.
80. The Owner shall construct this plan of subdivision in accordance with the accepted Design Studies for this plan of subdivision, to the satisfaction of the City.
81. 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.
82. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make adjustments to the existing works and services on Blackwell Boulevard, Highbury Avenue North and Fanshawe Park Road East, adjacent to this plan to accommodate the proposed works and services on these streets to accommodate this plan, (eg. private services, street light poles, traffic calming, etc.) in accordance with the approved design criteria and accepted drawings, al to the satisfaction of the City Engineer, at no cost to the City.
83. In conjunction with engineering drawings submission, the Owner shall submit a Development Charge work plan outlining the costs associated with the design

and construction of the DC eligible works. The work plan must be approved by the City Engineer and City Treasurer (as outlined in the most current DC By-law) prior to advancing a report to Planning and Environment Committee recommending approval of the special provisions for the subdivision agreement.

84. In conjunction with registration of the Plan, the Owner shall provide to the appropriate authorities such easements and/or land dedications (e.g. 0.3 metre reserve blocks) as may be required for all municipal works and services associated with the development of the subject lands, such as road, utility, drainage or stormwater management (SWM) purposes, to the satisfaction of the City, at no cost to the City.
85. 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.
86. The Owner shall not commence construction or install any services (eg. Clearing or servicing of land) involved with this plan prior to entering into a site alteration agreement or subdivision agreement and obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, unless otherwise approved by the City in writing; (e.g. MOE certificates; City/Ministry/Agency permits: Approved Works, water connection, water-taking, navigable waterways; approvals: UTRCA, MNR, MOE, City; etc; etc.).
87. 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.
88. 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.