

Appendix "C"
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-13501 ARE AS FOLLOWS:

- | NO. | CONDITIONS |
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| 1. | This draft approval applies to the draft plan as submitted by Wastell Developments Inc. (File No. 39T-13501), prepared by Ricor Engineering Limited and certified by Robert D. Sterling, FKS Land Surveyors (Drawing DP1, dated December 11, 2012), <u>as red-lined</u> , which shows 44 single detached residential lots, and one walkway block, all served by one 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. | 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. |
| 9. | The plan of subdivision shall be registered in one phase. |
| 10. | 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. |
| 11. | Prior to final approval 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. |
| 12. | The Owner shall pay cash-in-lieu for parkland consistent with the City of London's parkland dedication by-law CP-9 and Council Policy manual. |
| 13. | The Owner shall make a cash-in-lieu payment for the required number of street trees. |
| 14. | In conjunction with Design Studies, the Owner shall prepare a tree preservation report and plan for lands within the proposed draft plan of subdivision. The tree preservation |

report and plan shall be focused on the preservation of quality specimen trees within lots. The tree preservation report and plan shall be completed in accordance with the current City of London Guidelines for the preparation of Tree Preservation Reports and Tree Preservation Plans to the satisfaction of the City.

15. Prior to final approval, the Owner shall take all necessary steps to ensure that appropriate zoning is in effect for this proposed subdivision.

SEWERS & WATERMAINS

Sanitary:

16. In conjunction with the Design Studies submission, 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, to the satisfaction of the City; and
 - ii) To meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407, provide 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.
17. 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 (8") diameter sanitary sewer located on Tennent Avenue;
 - ii) Construct a sanitary sewer extension on Tennent Avenue to service Lots 10, 11 and 12 and connect to the existing municipal sewer system, namely the 200 mm (8") diameter sanitary sewer located on Tennent Avenue; and
 - iii) Construct sanitary private drain connections to serve the lots in this plan fronting Tennent Avenue, Lots 1 to 12, and connect them to the existing 200 mm (8") diameter sanitary sewer on Tennent Avenue, to the satisfaction of the City and at no cost to the City.
18. 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 of subdivision, undertake measures within this draft plan to control and prevent any inflow and infiltration and silt from being introduced to the sanitary sewer system during and after construction, satisfactory to the City, at no cost to the City, 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) Having the consulting engineer confirm that the sanitary sewers meet allowable inflow and infiltration levels as per OPSS 410 and OPSS 407; and
 - iv) Implementing any additional measures recommended through the Design Studies stage.
19. Prior to registration of this Plan, the Owner shall obtain consent from the City Engineer to reserve capacity at the 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.

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)

20. In conjunction with the Design Studies submission, the Owner shall have their 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) Providing a storm sewer capacity analysis study to confirm that there is enough capacity in the existing storm sewer system(s) for the proposed development, all to the satisfaction of the City, at no cost to the City;
 - ii) Identifying the storm/drainage and SWM servicing works for the subject and external lands, if necessary, all to the satisfaction of the City;
 - iii) Identifying major and minor storm flow routes and outlets for the subject lands and external lands and provide detailed documentation/calculations in support of the proposed major and minor storm flow routes;
 - iv) Providing a geotechnical report with respect to construction, grading and drainage of this subdivision;
 - v) Updating the storm sewer design sheet(s) for these sewers, all to the satisfaction of the City, at no cost to the City;
 - vi) 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
 - vii) 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.
21. 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 Stoney Creek Subwatershed Study and any addendums/amendments;
 - ii) The approved Storm/Drainage and SWM Servicing Functional Report for the subject lands;
 - iii) The City of London Environmental and Engineering Services Department Design Specifications and Requirements, as revised;
 - iv) The City's Waste Discharge and Drainage By-laws, lot grading standards, Policies, requirements and practices;
 - v) The Ministry of the Environment SWM Practices Planning and Design Manual, as revised; and
 - vi) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.
22. 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) Constructing storm sewers and connecting them to the existing municipal storm sewer system, namely, the existing 675 mm (27") diameter storm sewer on Glenora Drive via the existing 375 mm (15") diameter storm sewer stub in the municipal sewer/walkway easement within Block 94 in Northridge Phase 5 Subdivision (Plan 33M-86), and the existing 600 mm (24") diameter storm sewer on Tennent Avenue;
 - ii) Constructing storm private drain connections to serve the lots in this plan fronting Tennent Avenue, Lots 1 to 12, and connecting them to the existing 600 mm (24") diameter storm sewer on Tennent Avenue, to the satisfaction of the City and at no cost to the City;
 - iv) Constructing and implementing 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) Addressing forthwith any deficiencies of the stormwater works and/or monitoring program.

23. Prior to the issuance of any Certificates of Conditional Approval for any lots 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) Provide all adequate easements, if required, at no cost to the City, in relation to stormwater/drainage and SWM servicing works of the subject lands, all to the satisfaction of the City;
 - iii) Construct and have operational the major and minor storm flow routes for the subject lands, to the satisfaction of the City; and
 - iv) Implement all geotechnical recommendations made by the geotechnical report accepted by the City;
24. Prior to the acceptance of engineering drawings, the Owner's consulting engineer shall certify the development has been designed such that increased and accelerated stormwater runoff from this subdivision will not cause damage to downstream lands, properties or structures beyond the limits of this subdivision. Notwithstanding any requirements or any approval given by the City, the Owner shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from this subdivision.
25. In conjunction with the engineering drawing submission, the Owner shall have a report prepared by a qualified consultant, and if necessary, a detailed hydro geological investigation carried out by a qualified consultant, to determine the effects of the construction associated with this subdivision on the existing ground water elevations and domestic or farm wells in the area and identify any abandoned wells in this plan, assess the impact on water balance and any fill required in the plan, to the satisfaction of the City. If necessary, the report is to also address any contamination impacts that may be anticipated or experienced as a result of the said construction as well as provide recommendations regarding soil conditions and fill needs in the location of any existing watercourses or bodies of water on the site.
- 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 above accepted hydro geological report are implemented by the Owner, to the satisfaction of the City, at no cost to the City.
26. The Owner shall provide a security in the amount of \$60,000 for this Plan to ensure that the Erosion and Sediment Control Plan (ESCP) be executed in accordance with the City approval procedure and criteria. In the event of failure to properly implement and maintain the require ESCP, the ESCP security will be used by the City to undertake all necessary clean-up work, all to the satisfaction of the City.

Watermains

27. In conjunction with the Design Studies submission, the Owner shall have their consulting engineer prepare and submit the following water servicing design information, all to the satisfaction of the City Engineer:
- i) Determining if the existing 150 mm (6") CI watermain on Tennent Avenue is of sufficient size and capacity to support the proposed development. It is noted that any upsizing to the watermain on Tennent Avenue to accommodate the proposed development will be at the Owner's cost, all to the satisfaction of the City Engineer;
 - ii) A water servicing report which addresses the following:
 - a) Identifying external water servicing requirements;
 - b) Confirming capacity requirements are met;
 - c) Identifying need to the construction of external works;
 - d) Identifying the effect of development on existing water infrastructure and identifying potential conflicts;
 - e) Water system area plan(s)
 - f) Water network analysis/hydraulic calculations for subdivision report;
 - g) Phasing report;
 - h) Oversizing of watermain, if necessary and any cost sharing agreements;
 - i) Water quality; and

- j) Identifying location of valves and hydrants.
- iii) Design calculations which demonstrate there is adequate water turnover to address water quality requirements for the watermain system or recommend the use of the following:
 - a) Valving to shut off future connections which will not be used in the near term; and/or
 - b) Automatic flushing devices to maintain water quality, with it being noted that the water flushed by the device is to be measured (by a water meter in a meter pit) and the cost of water charged to the Owner; and/or
 - c) Make suitable arrangements with Water Operations for the maintenance of the system in the interim.

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

28. 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 150 mm (6") diameter watermain on Tennent Avenue;
 - iii) Construct private water services to serve the lots fronting Tennent Avenue, Lots 1 to 12, and connect them to the existing 150 mm (6") diameter watermain on Tennent Avenue.

All to the satisfaction of the City and at no cost to the City.

STREETS, TRANSPORTATION & SURVEYS

Roadworks

29. The Owner shall provide a minimum of 5.5 metres (18') along the curb line between the projected property lines of irregular shaped lots around the bends on Street 'A'.
30. The Owner shall have its professional engineer design the roadworks in accordance with the following road widths:
- i) Street 'A' has a minimum road pavement width (excluding gutters) of 7.0 metres (23') with a minimum road allowance of 19 metres (62').

Sidewalks/Walkways/Bikeways

31. The Owner shall construct a 1.5 metre (5') sidewalk on one side of the following streets:
- i) Street 'A' – outside boulevard from the outside limit of the Block 45 (walkway) northerly to Tennent Avenue.
32. The Owner shall provide a 4.6 metre wide walkway, to connect to the existing walkway south west of this plan. This walkway shall be designed to the maintenance access standard to direct storm servicing, to the specifications of the City at the southwest limit of this plan.
33. The Owner shall construct a 1.5 metre high chain link fence without gates along the property limit interface of all private lots adjacent to the future walkway block. Fencing shall be completed to the satisfaction of the City within 1 year of the registration of the plan.

Street Lights

34. 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.

Boundary Road Works

35. The Owner shall reconstruct Tennent Avenue road surface and any associated drainage works from North Vernon Avenue to the west limit of the plan, to the satisfaction of the City, at no cost to the City, unless otherwise specified herein.

36. The Owner shall construct curb and gutter on the south side of Tennent Avenue from the east limit of the plan of subdivision to the west limit of the plan of subdivision, to the satisfaction of the City, at no cost to the City.
37. The Owner shall construct/extend curb and gutter from the westerly limit of this plan to the westerly limit of 645 Tennent Avenue, to the satisfaction of the City.
38. The Owner shall reconstruct the sidewalk on the south side of Tennent Avenue to blend in with the newly reconstructed Tennent Avenue including curbs and gutters, to the satisfaction of the City, at no cost to the City.
39. The Owner shall construct curb and gutter on the north side of Tennent Avenue from North Vernon Avenue westerly to the existing curb and gutter fronting 616 Tennent Avenue, to the satisfaction of the City.
40. The Owner shall construct a sidewalk on the north boulevard of Tennent Avenue from North Vernon Avenue westerly to the existing sidewalk fronting 616 Tennent Avenue, to the satisfaction of the City.

Traffic Calming

41. The Owner shall install traffic calming measures on Tennent Avenue at both intersections of Street 'A', to the satisfaction of the City, at no cost to the City.
42. In conjunction with the Design Studies submission, the Owner shall have its professional engineer provide a conceptual design of the proposed traffic calming measures on Tennent Avenue at both intersections of Street 'A', which may include curb extensions and other measures, to the satisfaction of the City.

Construction Access/Temporary/Second Access Roads

43. The Owner shall direct all construction traffic associated with this draft plan of subdivision to utilize Tennent Avenue via Adelaide Street North or other routes as designated by the City.
44. Prior to commencing any construction on this site, the Owner shall notify the City of London Police Services of the start of construction of this plan of subdivision.
45. In the event any work is undertaken on an existing street, the Owner shall establish and maintain a Traffic Management Plan (TMP) in conformance with City guidelines and to the satisfaction of the City for any construction activity that will occur on existing public roadways. The Owner shall have its contractor(s) undertake the work within the prescribed operational constraints of the TMP. The TMP will be submitted in conjunction with the subdivision servicing drawings for this plan of subdivision.

GENERAL CONDITIONS

46. 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.
47. 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.
48. 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.
49. 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.

50. 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.
51. 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.

52. 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.
53. 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.

54. The Owner hereby agrees that, 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. The City may require a copy of the report should there be City property adjacent to the contamination. Should the site be free of contamination, the geotechnical engineer shall provide certification to this effect to the City.
55. The Owner's professional engineer shall provide inspection services for during construction for all work to be assumed by the City, and shall have its professional engineer supply the City with a Certification of Completion of Works upon completion, in accordance with the plans accepted by the City Engineer.
56. In conjunction with the Design Studies submission, the Owner shall have its professional engineer provide an opinion for the need for an Environmental Assessment under the Class EA requirements for the provision of any services related to this Plan. All class EA's must be completed prior to the submission of engineering drawings.

57. The Owner shall have its professional engineer notify existing property owners in writing, regarding the sewer and/or road works proposed to be constructed on existing City streets in conjunction with this subdivision, all in accordance with Council policy for "Guidelines for Notification to Public for Major Construction Projects".
58. 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.)
59. 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.
60. 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.
61. 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.
62. 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.
63. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
64. The Owner shall make all necessary arrangements with the abutting property owners and properties fronting Tennent Avenue to regrade on any affected properties, where necessary, to accommodate the grading and servicing of this plan to City standards, to the satisfaction of the City.
65. The Owner shall make all adjustments to existing services eg. sidewalks, catchbasins, hydro poles, street lights, fire hydrants, trees, traffic calming, etc. to accommodate the proposed lotting pattern on Tennent Avenue, to the satisfaction of the City, at no cost to the City.
66. The Owner shall dedicate Block 45 of this plan for the purposes of a walkway & maintenance access.
67. The Owner shall comply with Canada Post in regards to Community Mailbox requirements, to the satisfaction of the City.

