

--

--

**L. Mottram  
39T-92020-E**

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES and CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>REQUEST FOR EXTENSION OF DRAFT APPROVAL APPLICATION BY: JACKSON LAND CORP. NORTH SIDE OF BRADLEY AVENUE, EAST OF Highbury Ave MEETING ON JUNE 18, 2013</b>

<b>RECOMMENDATION</b>
-----------------------

That, on the recommendation of the Senior Planner – Development Services, the following actions be taken with respect to the application of Percy Zaifman Holdings Limited, Zagjo Holdings Limited, Sabel Holdings Limited, Jackson Land Corp. and Jackson Summerside Land Corp. relating to the property located on the north side of Bradley Avenue, east of Highbury Avenue:

- (a) the Approval Authority **BE REQUESTED** to approve a three (3) year extension to Draft Plan Approval for the residential plan of subdivision, as red-line amended, **SUBJECT TO** the revised conditions contained in the attached Schedule “A” 39T-92020-E; and
- (b) the applicant **BE ADVISED** that the Director of Development Finance has projected the attached claims and revenues information (Schedule “B” 39T-92020-E).

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
--

December 7, 2009 – Report to Planning Committee – Request for Extension of Draft Approval (Agenda Item #2) (File No. 39T-92020-E)

May 29, 2006 - Report to Planning Committee - Public Participation Meeting on a revised draft plan of subdivision, conditions of draft approval and amendments to the Zoning By-law (Agenda Item #20) (File No. 39T-92020-E / Z-6930).

<b>RATIONALE</b>
------------------

1. A requested three year extension is reasonable to allow sufficient time for the registration of this plan.
2. The land use pattern and road alignments in this subdivision phase comprise an integral part of the overall Summerside plan and an extension should therefore be supported, provided the conditions of draft approval are updated to reflect current City standards and regulatory requirements.

Agenda Item #

Page #

--

--

**L. Mottram  
39T-92020-E**

Insert location map

Agenda Item #

Page #

--

--

**L. Mottram**  
**39T-92020-E**

Draft Approved Plan

Agenda Item #

Page #

--

--

**L. Mottram**  
**39T-92020-E**

Recommended Red-Line Revised Plan

--	--

<b>BACKGROUND</b>
-------------------

This application is for a three (3) year extension of Draft Approval for Phase “E” of the Summerside subdivision (39T-92020-E) located in the north-east quadrant of Highbury Avenue South and Bradley Avenue. The draft plan, which was draft approved on July 11, 2006, consisted of 111 single detached dwelling lots, 2 medium density residential blocks, 2 commercial blocks, 3 open space blocks, 2 residential reserve blocks, 1 walkway block and several 0.3 m reserve blocks, all served by the extension of Evans Boulevard, the extension of Chelton Road, the extension of Meadowgate Boulevard and Bradley Avenue.

The draft approval for Phase “E” was originally granted on June 12, 1997. The plan and conditions of draft approval for Phase “E” were revised in 2006 with a lapse date of 2009. A three year extension of draft approval was granted by the Approval Authority on December 16, 2009 which extended the lapse date to January 11, 2013. A six month extension was granted by the Approval Authority in accordance with Section 2.2(p) of the subdivision and Condominium Delegation and Approval By-law, with the new lapse date being July 11, 2013.

Summerside History

The City of London initiated an area plan for the lands bounded by Commissioners Road East, Jackson Road, Bradley Avenue and Highbury Avenue South in the late 1980’s. The area plan for the area now known as Summerside was adopted as an Appendix to the Official Plan on September 18, 1990. Both the Official Plan Amendment and proposed zoning by-law amendment as they applied to these lands were appealed to the Ontario Municipal Board with one of the appellants being the Ministry of Natural Resources. The OMB Order approved the Official Plan Amendment, changed the zoning of the Provincially Significant Wetland from Urban Reserve (UR) to Open Space and expanded the UR Zone to include all of the lands within 120 metres of the wetland boundary.

In August 1992, Jackson Land Corp. submitted an application for draft plan of subdivision on 256 hectares (632 acres) of land bounded by Commissioners Road East, Jackson Road, Bradley Avenue and Highbury Avenue South (File No. 39T-92020). The Ministry of Municipal Affairs granted draft approval to the Summerside draft plan on September 28, 1993 and there was no lapse date on this approval. The Draft Approval included conditions to protect the Provincially Significant Wetland located in the northeast quadrant at Highbury Ave South and Bradley Ave, including the preparation of an Environmental Impact Study (EIS), to accurately delineate the wetland boundary and ensure that stormwater flows are adequate to maintain the long-term viability of the wetland. Several phases have been registered and developed since the Summerside plan of subdivision was first draft approved in 1993.

Draft Approved Plan:

The applicant has not proposed any changes to the lotting configuration, road pattern or zoning that applies to the draft approved plan. The red-line revisions that have previously been applied to this draft approved plan are proposed to continue.

As a result of the current review by staff, some additional minor red-line revisions are recommended including an adjustment to the limits of the draft plan to include the future medium density residential block on the southeast corner of Evans Boulevard and Chelton Road, a section of Evans Boulevard fronting Lots 7 to 19 west of Green Gables Road, and the section of Meadowgate Boulevard between Asima Drive and Bradley Avenue. These “orphan” parcels were created as a result of previous registrations of subdivision phases to the north and east (Registered Plans 33M-525, 33M-533 and 33M-551). Rather than remaining outside the limits of this draft plan, it makes sense at this time to revise the plan to include them within the limits. The other recommended red-line changes include adding 6x6 metre daylight triangles at the intersection of Meadowgate Boulevard and Bradley Avenue, and deleting a portion of the

Agenda Item #	Page #

**L. Mottram  
39T-92020-E**

0.3 metre reserve in order to provide Block 113 with frontage and access to Arran Place.

Estimated Costs and Revenues:

The estimated costs and revenues information has been broken down in the chart below and is also attached as Schedule “B” to this report. These figures include cost estimates associated with the rebuild of the existing 2 lane Bradley Avenue which the Owner is required to complete prior to the issuance of any Certificate of Conditional Approval for the next phase within this plan, unless alternative timing is otherwise approved by the City (see revised Condition #43).

Conditions of Draft Approval:

The draft approval conditions issued on December 16<sup>th</sup>, 2009 have been re-circulated and reviewed with municipal departments and agencies to determine their relevance within the context of current regulatory requirements. As a result, there are minor wording modifications and revisions, as well as a number of new clauses added reflecting current municipal standards and requirements.

The proposed modifications and new conditions are briefly summarized below:

1. Conditions 1 through 18 are substantively the same as those of the previous draft approval with minor wording modifications. One of the challenges of crafting conditions is keeping current with changing job titles and protocols. Applying the use of the generic term “City” rather than individual’s specific job title has been found to be the most practical alternative wherever possible.
2. Parks and Open Space Conditions 19 through 30 include a number of minor wording revisions to reflect job title changes. Condition 20 has also been revised to delete the second sentence as it is only a note. It is acknowledged that the dedication of Blocks 117 and 118, together with Block 299 in plan 33M-331 and Block 59 in plan 33M-528, will completely fulfill the parkland dedication requirements for all of the Summerside Subdivision. Condition 27 may be deleted as the SWM requirements are included under modified Condition 31.
3. Condition 31 is modified by adding the sentence *“Any SWM facilities are to be located outside of the Wetland and substantially outside the Buffer Block, unless otherwise approved by the City”*.
4. Condition 43 is replaced with *“Prior to the issuance of any Certificate of Conditional Approval for the next phase within this plan, the Owner shall complete the permanent works on Bradley Avenue, unless alternative timing is otherwise approved by the City, all to the satisfaction of the City”*. The proponent expressed a concern that there be more time and requested that the required road works be completed prior to Assumption of the subdivision. However, delaying the timing for the Bradley Avenue road works is not supported. The works (two-lane upgrade/urbanization and turn lanes) are required when either of the collector roads (Meadowgate Boulevard or Chelton Road) connect to Bradley Avenue, making conditional approval the most appropriate time to require those works.

Conditions 49, 53 and 54 are made redundant as result of the recommended red-line revisions to the current draft plan and can be deleted. These revisions include adjustments to the limits of the draft plan to include the future medium density residential block on the southeast corner of Evans Boulevard and Chelton Road, a section of Evans Boulevard fronting Lots 7 to 19 west of Green Gables Road, and the section of Meadowgate Boulevard between Asima Drive and Bradley Avenue.

5. Conditions 70 through 76 have been replaced with updated clauses reflecting current municipal standards for sanitary servicing requirements.

Agenda Item #

Page #

--

--

**L. Mottram  
39T-92020-E**

- 6. Condition 77 has been revised in response to concerns expressed by the proponent that the proposed water main connection to the existing municipal 200 mm (8") diameter water main on Chelton Road cannot be completed until the next phase (Phase 15) is completed. Conditions 78 and 79 have been replaced with updated clauses reflecting current municipal standards for water servicing requirements.
- 7. Condition 102 may be deleted as the requirements for subdivision phasing are covered off under revised Condition 12. Conditions 103 and 104 are also redundant and may be deleted as the requirements for temporary emergency access are covered off under Condition 65.
- 8. Conditions 105 through 114 have been added to the General Conditions and reflect updated municipal standards. The wording of Condition 111 has been further revised following discussions with the proponent to clarify that the required improvements to the boulevard (in particular along Highbury Avenue a controlled access highway) are measures intended to ensure that the subdivision blends into the boulevard, in accordance with City Standard "Subdivision Grading along Arterial Roads".

Public Notice:

Notice was not circulated to the public regarding the request for extension of draft approval given that no significant changes are being proposed to the zoning, lotting pattern or roadway alignments in the draft approved plan (39T-92020-E). Minor adjustments to the limits of this draft plan to include the medium density block on the southeast corner of Evans Boulevard and Chelton Road, a short section of Evans Boulevard west of Green Gables Road, and a section of Meadowgate Boulevard between Asima Drive and Bradley Avenue, are consistent with the parent draft approved plan for Summerside (39T-92020). In accordance with Section 50(45) of the *Planning Act* notice will be provided to the applicant, as well as any persons or public bodies who are prescribed under the Act and anyone who previously requested notification.

<b>CONCLUSION</b>
-------------------

The attached Schedule "A" includes several revisions and new conditions that reflect current municipal requirements and servicing standards. These revisions and new conditions will provide for a single comprehensive set of updated conditions that reflect current municipal standards. Red-line revisions are recommended representing minor adjustments to the limits of this draft plan to include the medium density block on the southeast corner of Evans Boulevard and Chelton Road, a short section of Evans Boulevard west of Green Gables Road, and a section of Meadowgate Boulevard between Asima Drive and Bradley Avenue.

Agenda Item #

Page #

**L. Mottram  
39T-92020-E**

A three year extension is being recommended to allow sufficient time for the registration of this plan. The recommended conditions of draft approval are attached to this report as Schedule "A" 39T-92020-E.

<b>PREPARED and RECOMMENDED BY:</b>	<b>REVIEWED BY:</b>
<b>LARRY MOTTRAM, MCIP, RPP SENIOR PLANNER – DEVELOPMENT SERVICES</b>	<b>BRUCE HENRY MANAGER, DEVELOPMENT PLANNING SERVICES</b>
<b>REVIEWED BY:</b>	<b>SUBMITTED BY:</b>
<b>TERRY GRAWAY, MCIP, RPP MANAGER, DEVELOPMENT SERVICES AND PLANNING LIAISON</b>	<b>GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>

June 7, 2013  
GK/TG/BH/LM/lm  
"Attach."

Y:\Shared\Sub&Spec\SUBDIV\1996 & earlier\T92020 Z Group, Summerside Master Plan\T92020-E\Draft Approval Extension - January 2013\PEC report.doc

--	--

**L. Mottram  
39T-92020-E**

**Schedule “A” 39T-92020-E  
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-92020-E, ARE AS FOLLOWS:**

**\* Denotes Deleted, Revised or New Condition**

---

<b>NO.</b>	<b>CONDITIONS</b>
------------	-------------------

---

**Standard:**

- 1.\* This draft approval applies to the draft plan as submitted by Donald A Riley, RPP, on behalf of Percy Zaifman Holdings Limited, Zagjo Holdings Limited, Sabel Holdings Limited, Jackson Land Corp. and Jackson Summerside Land Corp. (File No. 39T-92020–E) certified by J. Andrew Smith, OLS, (Drawing No. CAD.SS.PH13.drftpln, dated Nov. 17/05), as red-line revised, which shows 111 single detached dwelling lots, ~~2~~ 3 medium density residential blocks, 2 commercial blocks, 3 open space blocks, 2 residential reserve blocks, 1 walkway block and several 0.3 m reserve blocks and all served by the extension of Evans Boulevard, the extension of Chelton Road, the extension of Meadowgate Boulevard and Bradley Avenue.
- 2.\* That this draft approval and these conditions replace the conditions of draft approval granted on ~~July 9, 2006~~ December 16, 2009 for plan 39T-92020 as it applies to the lands on the north side of Bradley Avenue, east of Highbury Avenue South, legally described as Part of Lots 14, 15, and 16, Concession 1 (Geographic Township of Westminster) in the City of London and as described in Condition No. 1.
- 3.\* This approval of the draft plan applies for three years (~~until July 11, 2016~~), 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.
4. The road allowances included in this draft plan shall be shown on the face of the plan and dedicated as public highways.
- 5.\* The Owner shall request that the street(s) be named to the satisfaction of the ~~Director, Development Planning~~ City.
- 6.\* The Owner shall request that municipal addresses be assigned to the satisfaction of the ~~Director, Development Planning~~ City.
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. Prior to final approval, appropriate zoning shall be in effect for this proposed subdivision.
9. The Owner shall satisfy all requirements, financial and otherwise, of the City of London, in order to implement the conditions of this draft approval.
10. The subdivision agreement between the Owner and the City of London shall be

--	--

**L. Mottram  
39T-92020-E**

registered against the lands to which it applies.

- 11.\* In conjunction with the 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, and at no cost to, the City.
- 12.\* Phasing of this subdivision (if any) shall be to the satisfaction of the ~~General Manager of Planning and Development and the City Engineer~~ City. In the event the Owner wishes to phase this plan of subdivision, in conjunction with the Design Studies submission, the Owner shall submit a phasing plan to the specifications and satisfaction of the City.
13. In conjunction with the Design Studies submission, the Owner shall develop 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 Environment standards and requirements, all to the satisfaction of the City. This plan is to include measures to be used during all phases of construction. Prior to any work on the site, the Owner shall submit these measures as a component of the Functional SWM and/or Drainage Servicing Report for these lands and shall implement these measures satisfactory to the City. The Owner shall correct any deficiencies of the erosion and sediment control measures forthwith.
- 14.\* The Owner shall not commence construction or installation of 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 ~~General Manager of Planning and Development~~ City in writing; (eg. Ministry of Environment Certificates; City/Ministry/Government permits: Approved Works, water connection, water-taking, navigable waterways; approvals: Upper Thames River Conservation Authority, Ministry of Natural Resources, Ministry of the Environment, City; etc.).
- 15.\* ~~Prior to the 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 effects of the construction associated with this subdivision on the existing ground water elevations and domestic or farm wells in the area, to the satisfaction of the City Engineer. If necessary, the report shall also address any contamination impacts that may be anticipated or experienced as a result of the said construction. Any recommendations outlined in the report shall be reviewed and approved by the City Engineer, included in the pertinent agreement(s) with the City of London prior to any work on the site. Should any remedial works be recommended in the report, the Owner shall complete these works to the satisfaction of the City, at no cost to the City.~~

In conjunction with the Design Studies 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, identify any abandoned wells, and assess the impact on water balance and any fill required in the plan, to the satisfaction and acceptance 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 a Certificate of Conditional Approval, any remedial or other

Agenda Item #	Page #

**L. Mottram  
39T-92020-E**

works as recommended in the above accepted hydro geological report shall be implemented by the Owner to the satisfaction of, and at no cost to, the City.

- 16.\* 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 ~~General Manager of Planning and Development~~ City. The Owner acknowledges that, in the event that a submission does not include the complete information required by the ~~General Manager of Planning and Development~~ City, such submission will be returned to the Owner without detailed review by the City.
- 17.\* 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~~ City a complete submission consisting of all required clearances, fees, and final plans, and to advise the ~~Approval Authority~~ City in writing how each of the conditions of draft approval have been met, 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~~ City, such submission will be returned to the Owner without detailed review by the City.
- 18. 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.

**PARKS AND OPEN SPACE**

- 19. The Owner shall provide and dedicate to the City at no cost, a minimum 3.0 m wide connection from Block 117 to Evans Boulevard between Lots 82 and 83 at no cost to the City. This connection is to be designed and constructed in accordance with the City's Walkway standards including fencing but not lighting.
- 20.\* The Owner shall dedicate Blocks 117 and 118 to the City of London in fulfillment of their Parkland Dedication requirements at no cost. ~~Dedication of these blocks together with Block 299 in plan 33M-331 and Block 59 in plan 33M-528 will completely fulfill the parkland dedication requirements for all of the Summerside Subdivision.~~
- 21. The Owner shall dedicate Block 116 to the City of London at no cost.
- 22.\* Prior to the issuance of a Certificate of Conditional Approval, the Owner shall construct a 1.5m high chain-link fence without gates along the outer limits of all park and open space blocks (Blocks 116, 117 and 118) to the satisfaction of the ~~General Manager of Planning and Development~~ City.
- 23.\* The Owner shall prepare and deliver to the all homeowners adjacent to any parks and open space lands, an education package which explains the stewardship of natural area, the value of existing tree cover, and the protection and utilization of the grading and drainage pattern on these lots. The educational package shall be prepared to the satisfaction of ~~General Manager of Planning and Development~~ City.
- 24.\* There shall be no grading into the parks and open space lands adjacent to any of the wetland communities without the approval of the ~~General Manager of Planning and Development~~ City.
- 25.\* The Owner shall grade and seed that portion of Block 116 between the limit of the buffer and Chelton Road, and all of Blocks 117 and 118 to the satisfaction of the ~~General Manager of Planning and Development~~ City.

Agenda Item #	Page #

**L. Mottram  
39T-92020-E**

- 26.\* ~~The Owner shall have prepared and submitted to the Manager of Parks Planning and Design City for acceptance, a plan which addresses impacts of the stormwater management outlets and recommends mitigation measures. Engineering drawings shall not be accepted by the Environmental and Engineering Services Department prior to acceptance of these plans by the General Manager of Planning and Development City.~~
- 27.\* ~~SWM facilities in open space blocks shall be completed to the satisfaction of the City Engineer and General Manager of Planning and Development. Unless it is not practical to do so, SWM facilities are to be located entirely outside the wetland and buffer in Block 416.~~
- 28.\* ~~Prior to any disturbance taking place on the site, the Owner shall erect a robust siltation barrier along the entire length of the wetland including the buffer to the satisfaction of the General Manager of Planning and Development City.~~
- 29.\* ~~The Owner shall carry out mitigation and rehabilitation measures recommended in the 1993 Gartner Lee Environmental Impact Study to the satisfaction of the General Manager of Planning and Development City~~
- 30. The Owner shall implement the City's tree planting policy with respect to the provision of trees for this subdivision, at no cost to the City.

**STORMWATER SERVICING**

- 31.\* The Owner shall ensure that the quality and quantity of stormwater flow from lands within the subdivision to the Class 1 wetland in the south-west corner of the site be controlled to protect wetland resources and functions. In conjunction with the Design Studies submission, the Owner shall have his professional Engineer prepare a stormwater management plan to determine the limits of the post-development wetland drainage area, the facilities for directing storm flows to the wetland, the quantity of stormwater to be directed to the wetland and the facilities for controlling the quality and quantity of stormwater entering the wetland to the satisfaction of the City of London Environmental and Engineering Department, the City of London Parks Planning and Design Division, and the Upper Thames River Conservation Authority. The stormwater management plan for the wetland drainage area shall be approved by the aforementioned agencies prior to the final approval of any portion of the subdivision that is located within the pre-development drainage area of the wetland. Any SWM facilities are to be located outside of the Wetland and substantially outside the Buffer Block, unless otherwise approved by the City.
- 32.\* The Owner shall ensure that the quantity and quality of stormwater flow from land within this subdivision to the Thames River and the Hampton-Scott Drain shall be controlled to the specifications of the ~~General Manager of Environmental and Engineering Services and City Engineer~~, and Upper Thames River Conservation Authority. The Stormwater Management Plan shall provide for:
  - i) the maintenance of base stormwater flows to the Dingman Creek via the Hampton-Scott Drain;
  - ii) the diversion of major storm flows to the Thames River via a servicing tunnel;
  - iii) stormwater management facilities sufficient to meet provincial requirements for stormwater discharge to a warm water stream;
  - iv) stormwater management facilities to attenuate major storm flows to the Thames River via the diversion tunnel, to the specifications of the ~~General Manager of Environmental and Engineering Services and City Engineer~~, including allowances for post development stormwater flows from external land within the drainage area.
- 33.\* In conjunction with the Design Studies submission, the Owner shall provide the ~~General Manager of Environmental and Engineering Services and City Engineer~~ with a letter of

Agenda Item #	Page #

**L. Mottram  
39T-92020-E**

approval from the Upper Thames River Conservation Authority and documentation identifying the basis on which the stormwater quantity and quality controls, in accordance with storm water management requirements stipulated by MOE, have been designed as well as all other related information including but not limited to design parameters, modelling and hyetographs.

- 34.\* Prior to the final approval of any phase of this subdivision, a stormwater management plan indicating the location and design, in concept, of all permanent stormwater management facilities for the lands that will drain to the Thames River and Hampton-Scott Drain shall be submitted to and approved by the ~~General Manager of Environmental and Engineering Services and City Engineer.~~
35. The Owner shall discharge these lands to the storm outlet which is the existing Summerside SWM Facility via the proposed Evans Boulevard and Evans Boulevard storm sewers. Furthermore, the Owner shall convey drainage from the rear yards within and exterior to these lands through a “third pipe” system to the wetland area in the southwest portion of this plan. The outlet is located within the Dingman Creek Subwatershed and these lands are tributary to both the South Thames and to Dingman Creek via proposed servicing and/or Stormwater Management (SWM) Facilities.
- 36.\* The Owner shall have his consulting professional engineer design and construct the proposed storm/drainage systems for the proposed lands, all to the specifications and satisfaction of the City ~~Engineer~~, and according to the requirements of the following:
- i) The SWM targets and criteria for the Dingman Creek Subwatershed Study.
  - ii) The Summerside District Stormwater and Stormwater Management Master Plan (updated 2004)
  - iii) The Functional Design report for the Summerside SWMF
  - iv) The Biological Evaluation of Summerside Wetland, London, Ontario (February 1991)
  - v) City of London SWM pond requirements (updated 2003)
  - vi) The City’s Drainage By-law and lot grading standards, policies, requirements and practices.
  - vii) The Ministry of the Environment’s SWM Practices Planning and Design Manual.
  - viii) The applicable Acts, Policies, Guidelines, Standards and Requirements of the City of London, Ministry of the Environment and all other relevant agencies.
37. The Owner shall construct the storm/drainage servicing works for the relevant portions of the approved third pipe system to maintain the water balance in the existing wetland area located at the southwest corner of the Summerside lands. The Owner shall immediately accommodate upstream flows from portions of the third pipe already constructed and currently using temporary outlets to existing minor flow systems.
- 38.\* ~~Prior to the issuance of a Certificate of Conditional Approval, the Owner shall have all storm sewer and drainage services constructed and operational, to the satisfaction of the City Engineer.~~
- Prior to the issuance of a Certificate of Conditional Approval for lots and blocks in this plan, or as otherwise approved by the City, all storm servicing and drainage works, including major and minor storm flow routes, and SWM related works to serve this plan, shall be constructed and operational in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City.
- 39.\* In conjunction with the Design Studies submission, the Owner shall have its professional consulting engineer identify the minor, major and third pipe storm flow routes for the subject land’s entire catchment area to the satisfaction of the City ~~Engineer~~.

--	--

**L. Mottram  
39T-92020-E**

40.\* In conjunction with the Design Studies submission the Owner shall promote the implementation of SWM soft measures Best Management Practices (BMP's) within the plan, where possible, to the satisfaction of the City Engineer. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this plan and all to the satisfaction of the City Engineer.

41.\* ~~Prior to final approval, the Owner's consulting engineer shall certify 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 the City, or any approval given by the City Engineer, 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.~~

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.

## TRANSPORTATION

42.\* In the event of a premature failure of the temporary pad and pave upgrades on Bradley Avenue, the repair of the temporary pad and pave section of Bradley Avenue shall be completed by the Owner, satisfactory to the City Engineer and at no cost to the City. The determination of "premature" failure shall be reasonable and at the discretion of the City Engineer.

43.\* ~~The Owner shall complete the full build out of the permanent works on Bradley Avenue either in conjunction with the development of the next phase of Summerside Subdivision, or prior to the lapsing date of this Draft Approval, whichever occurs first.~~

Prior to the issuance of any Certificate of Conditional Approval for the next phase within this plan, the Owner shall complete the permanent works on Bradley Avenue, unless alternative timing is otherwise approved by the City, all to the satisfaction of the City.

44.\* ~~The Owner shall dedicate 3.0 m x 3.0 m "daylighting triangles" at the intersection of Street Evans Boulevard and future Fairfield Road in accordance with Section 4.24 of Zoning By-law No. Z-1, and such "daylighting triangles" shall be shown and dedicated as public highways on the final plan.~~

45.\* ~~The Owner shall use specified routes for all construction traffic as directed by the City Engineer and the General Manager of Planning and Development.~~

The Owner shall direct all construction traffic associated with this draft plan of subdivision to utilize Evans Boulevard via Jackson Road or other routes as designated by the City.

46. The Owner shall design all streets within this plan to City of London standards.

47.\* Meadowgate Boulevard and Chelton Road shall have a minimum road allowance of 22.5 m immediately north of Bradley Avenue. These road allowances are to be tapered back to 21.5 m with 30 m long tapes to the satisfaction of the City Engineer.

Agenda Item #	Page #

**L. Mottram  
39T-92020-E**

48.\* The Owner shall install traffic signals at the intersection of Bradley Avenue and Chelton Road, and Bradley Avenue and Meadowgate Boulevard when determined warranted by the City Engineer.

49.\* ~~The Owner shall undertake road improvements outside this draft plan when determined warranted by the City Engineer and to the satisfaction of the City Engineer and these improvements may include the following:~~

- i) ~~Evans Boulevard between Green Gable Road and Chelton Road; and~~
- ii) ~~Meadowgate Boulevard between Asima Drive and Bradley Avenue.~~

50.\* ~~The Owner agrees that direct access to Bradley Avenue will be prohibited. Access to Block 15 shall be from Chelton Road and/or Meadowgate Boulevard, access to Block 114 shall be from Chelton Road and access to Block 113 shall be from Arran Place.~~

The Owner agrees that direct access to Bradley Avenue will be prohibited from any of the Blocks on this plan. Access to Block 115 shall be from Chelton Road and/or Meadowgate Boulevard. Access to Block 114 shall be from Chelton Road and access to Block 113 shall be from Arran Place.

51.\* ~~The Owner shall reconstruct Arran Place to local street standards to the extent necessary to accommodate access for Block 113 onto Bradley Avenue at no cost to the City.~~

The Owner shall reconstruct Arran Place to local street standards to the extent necessary to accommodate access for Block 113 onto Bradley Avenue, to the satisfaction of the City and at no cost to the City.

52.\* The Owner shall install street lighting along Bradley Avenue from Highbury Avenue South to Jackson Road as determined to be warranted by and to the specifications of the City Engineer.

53.\* ~~To ensure that all of the lots and blocks in this plan have suitable public road access, the Owner shall include in the plan to be registered, portions of Evans Boulevard between Green Gables Road and Chelton Road, and Meadowgate Boulevard, between Asima Drive and Bradley Avenue, within draft approved Plan 39T-92020.~~

54.\* ~~The Owner shall ensure that the plan to be registered includes the "Future Medium Density Residential" located at the south-east corner of Chelton Road and Evans Boulevard, which is designated as Block 1330 in draft approved Plan 39T-92020.~~

55.\* Evans Boulevard, Chelton Road, Meadowgate Boulevard and Fairfield Road ~~are to~~ shall have a minimum road pavement width (excluding gutters) of 9.5 metres (31.2') with a minimum road allowance of 21.5 metres (70').

56.\* Harmony Road and Southport Crescent ~~are to~~ shall have a minimum road pavement width (excluding gutters) of 7.0 metres (23') with a minimum road allowance of 19 metres (62').

57. The Owner shall construct Meadowgate Boulevard with a minimum pavement width (excluding gutters) of 11.0 metres (36.1') a minimum road allowance of 22.5 metres (75') across the frontage of Block 115. The widened road on Meadowgate Boulevard is to be tapered back to the 9.5 metres (31.2') of road pavement width (excluding gutters) and 21.5 metres (70') of road allowance width for this street with 30 metre (100') long tapers on both street lines. This extra width shall be used to accommodate turn lanes associated with the Community Shopping Area (Block 115).

--	--

- 58. The Owner shall construct Chelton Road with a minimum pavement width (excluding gutters) of 11.0 metres (36.1') a minimum road allowance of 22.5 metres (75') across the frontage of Block 115. The widened road on Chelton Road is to be tapered back to the 9.5 metres (31.2') of road pavement width (excluding gutters) and 21.5 metres (70') of road allowance width for this street with 30 metre (100') long tapers on both street lines. This extra width shall be used to accommodate turn lanes associated with the Community Shopping Area (Block 115) and Associated Shopping Area (Block 114).
- 59. The Owner shall construct a 1.5 metres (5') sidewalk on both sides of the following streets:
  - i) Evans Boulevard
  - ii) Chelton Road
  - iii) Fairfield Road
  - iv) Meadowgate Boulevard
- 60. The Owner shall construct a 1.5 metre (5') sidewalk on one side of the following streets:
  - i) Harmony Road – west boulevard
  - ii) Bradley Avenue – from Highbury Avenue to Jackson Road (north boulevard)
- 61.\* The Owner shall ~~be required to~~ dedicate sufficient land to widen Bradley Avenue to 18.0 metres (59.06') from the centerline of the original road allowance or existing road.
- 62.\* The Owner shall ~~be required to~~ dedicate 6.0 m x 6.0 m “daylighting triangles” at the intersection of Chelton Road with Bradley Avenue and at the east limit of the plan at Meadowgate Boulevard with Bradley Avenue in accordance with the Z-1 Zoning By-law, Section 4.24.
- 63.\* ~~The Owner shall install the following traffic calming measures along the secondary collector road network:~~
  - ~~i) curb extensions along the west side of Chelton Road with the parking bay removed for utilities (fire hydrants) and for transit stop locations as defined by the London Transit Commission.~~
  - ~~ii) curb extensions along the north side of Evans Boulevard with the parking bay removed for utilities (fire hydrants) and for transit stop locations as defined by the London Transit Commission.~~
  - ~~iii) reduced curb radii (5.0 metre) on the inbound approach to all local road intersecting Evans Boulevard.~~

The Owner shall install the following traffic calming measures along the secondary collector road network:

- i) curb extensions along the west side of Chelton Road with the parking bay removed for utilities (fire hydrants) and for transit stop locations as defined by the London Transit Commission.
  - ii) curb extensions along the north and east side of Evans Boulevard with the parking bay removed for utilities (fire hydrants) and for transit stop locations as defined by the London Transit Commission.
  - iii) reduced curb radii (5.0 metre) on the inbound approach to all local road intersecting Evans Boulevard.
- 64.\* The Owner shall construct a roundabout at the intersection of Evans Boulevard and Chelton Road. The Owner shall ensure the lots abutting the roundabout meets the minimum lot width required to accommodate driveways in accordance with the E.E.S.D. Design Specification and Requirements Manual. Based on the lot pattern shown on the draft plan, the Owner shall ensure that the driveways for lot 22, lot 23 and lot 100 shall be on Chelton Road. Driveways will not be permitted for these lots on Evans Boulevard. The Owner shall also install street lighting at this intersection to the satisfaction of the

Agenda Item #	Page #

**L. Mottram  
39T-92020-E**

City Engineer.

- 65.\* Prior to the submission of engineering drawings, the Owner shall make the necessary arrangements with adjacent property owners, or make modifications to the draft plan of subdivision, to provide emergency access to the subdivision, or any phase(s) within the subdivision, to the satisfaction of the City Engineer. The Owner shall ensure that any required emergency access is satisfactory to the City Engineer with respect to all technical aspects, including adequacy of site lines, provision of channelization, adequacy of road geometries and structural design etc.
- 66.\* The Owner shall establish and maintain a Traffic Management Plan (TMP), when directed by the City, in conformance with City guidelines and to the satisfaction of the City Engineer for any construction activity that will occur on existing public roadways needed to provide services for this plan of subdivision. The TMP is a construction scheduling tool intended to harmonize a construction project's physical requirements with the operational requirements of the City of London, the transportation needs of road users and access concerns of area property owners. The Owner's contractor(s) shall undertake the work within the prescribed operational constraints of the TMP. The TMP will be submitted and become a requirement of the subdivision servicing drawings for this plan of subdivision.
67. The Owner shall dedicate to the City at no cost the following Blocks for 0.3 m (1') reserves:
- i) Evans Boulevard – north limit
  - ii) Chelton Road – north limit
  - iii) Harmony Road – north limit
  - iv) Fairfield Road – north limit
  - v) Block 112 – along entire frontage abutting Highbury Avenue
  - vi) Blocks 114 and 115 – along the frontage abutting Bradley Avenue
  - vii) Southport Crescent – east limit
- 68.\* The Owner shall construct a temporary turning facility for vehicles at the northwest limit of Evans Boulevard, to the specifications of the City Engineer.
- 69.\* The Owner shall have the common property lines of Highbury Avenue and Bradley Avenue graded in accordance with the City of London Standard "Subdivision Grading Along Arterial Roads" at no cost to the City. Further, the grades to be taken as the centerline line grades on Bradley Avenue are the future centerline of road grades as determined by the Owner's professional engineer and accepted by the City Engineer. From these, the Owner's professional engineer is to determine the elevations along the common property line which will blend with the reconstructed road.

## **SANITARY SERVICING**

- 70.\* ~~In conjunction with the design studies submission, the Owner shall have its professional engineer prepare a report detailing the affects on the sanitary system. The Owner's professional engineer shall also confirm capacity is available based on the plan to be registered.~~

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, related easement information and the external areas to be serviced to the satisfaction of the City.

--	--

- ii) Propose a suitable routing for the trunk sanitary sewer to be constructed through this plan and to the outlet. Further to this, the consulting engineer shall be required to provide an opinion for the need for an Environmental Assessment under the Class EA requirements for the sanitary sewer.
- iii) Provide an analysis of the water table level of the lands within the subdivision with respect to the depth of the sanitary sewers and an evaluation of additional measures, if any, which need to be undertaken and in order to meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407.

71.\* ~~The Owner shall connect the proposed sanitary sewers to serve this plan to a municipal sewer system, namely, the future trunk sanitary sewer to be constructed under different phases along Evans Boulevard from the tunnel intake to this phase of the subdivision.~~

In accordance with City standards or as otherwise required by the City, 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 375 mm (15") diameter sanitary sewer located on Evans Boulevard.
- ii) Construct a maintenance access road and provide a standard municipal easement for any section of the sewer not located within the road allowance, to the satisfaction of the City.
- iii) Make provisions for oversizing of the internal sanitary sewers in this draft plan to accommodate flows from the upstream lands external to this plan, all to the specifications of the City. This sewer must be extended to the limits of this plan and/or property line to service the upstream external lands.
- 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.

72.\* ~~Prior to registration of this plan, the Owner shall obtain consent from the City Engineer to reserve capacity at the Pottersburg 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.~~

In order to prevent any inflow and infiltration from being introduced to the sanitary sewer system, the Owner shall undertake the following:

- i) 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;
- ii) Not allow any weeping tile connections into the sanitary sewers within this Plan;
- iii) Permit 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; and,
- iv) Have his consulting engineer confirm that the sanitary sewers meet allowable inflow and infiltration levels as per OPSS 410 and OPSS 407.

--	--

**L. Mottram  
39T-92020-E**

- 73.\* ~~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. The local sanitary sewer will be at the sole cost of the Owner. Any exception will require the approval of the City Engineer.~~

Prior to registration of this Plan, the Owner shall obtain consent from the City to reserve capacity at the Pottersburg 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.

- 74.\* ~~Throughout the duration of construction within this draft plan of subdivision, the Owner shall 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 construction, all at the Owner's cost. Quality control measures are also required to prevent inflow and infiltration from entering the sanitary sewer system after construction, all satisfactory to the City Engineer and all at no cost to the City.~~
- 75.\* ~~The Owner shall not allow any weeping tile connections into the sanitary sewers within this plan.~~
- 76.\* ~~The Owner shall notify all future developers that sewage control manholes, built to City of London standards, may be required for the commercial blocks within this plan in accordance with Industrial Waste By-law, No. W-982-188.~~

## **WATER**

- 77.\* ~~The Owner shall connect the proposed watermains to serve this plan to a municipal water system, namely, to the existing municipal 400 mm (16") diameter water main on Bradley Avenue, the existing municipal 200 mm (8") diameter water main on Chelton Road and the existing municipal 250 mm (10") diameter water main on Evans Boulevard.~~

The Owner shall construct and connect the proposed watermains to serve this plan to a municipal water system, namely, to the existing municipal 250 mm (10") diameter water main on Evans Boulevard and either the existing municipal 400 mm (16") diameter water main on Bradley Avenue, the existing municipal 200 mm (8") diameter water main on Chelton Road, or the existing municipal 200mm (8") diameter watermain on Green Gables (northerly limit). The Owner shall make the necessary arrangements with the affected property owner(s) for construction of any watermains situated on private lands outside this plan and provide satisfactory easements over the watermains, as necessary, all to the specifications and satisfaction of the City.

- 78.\* ~~Prior to applying for the 81<sup>st</sup> building permit in this plan, the Owner shall have its professional engineer deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer.~~

In accordance with City standards or as otherwise required by the City, the Owner shall deliver confirmation that the watermain system has been looped to the satisfaction of the City when development is proposed to proceed beyond 80 units.

--	--

79.\* ~~In conjunction with the Design Studies submission, the Owner shall have its professional engineer determine if there is sufficient water turnover to ensure water quality and determine how many homes need to be built and occupied to maintain water quality in the water system. If the water quality cannot be maintained in the short term, the Owner shall install automatic blow offs, where necessary, to the satisfaction of the City Engineer, or make suitable arrangements with Water Operations for the maintenance of the system in the interim.~~

In conjunction with the Design Studies submission, the Owner shall have his consulting engineer prepare and submit or update the following water servicing design information, all to the satisfaction of the City:

- i) A water servicing report which addresses the following:
  - Identify external water servicing requirements;
  - Confirm capacity requirements are met;
  - Identify need to the construction of external works;
  - Identify the effect of development on existing water infrastructure – identify potential conflicts;
  - Water system area plan(s)
  - Water network analysis/hydraulic calculations for subdivision report;
  - Phasing report;
  - Oversizing of watermain, if necessary and any cost sharing agreements.
- ii) 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:
  - valving to shut off future connections which will not be used in the near term; and/or
  - 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
  - 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, at no cost to the City.

80.\* 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.

**SCHOOL BOARDS**

81. Prior to final approval of this plan and subject to the satisfaction of the local School Boards, the Owner shall include in the subdivision agreement a suitable warning clause advising future purchasers of residential units that students may be accommodated in temporary or holding facilities and/or bused outside the neighbourhood for their education.

**GENERAL CONDITIONS**

82. The Owner shall not burn any materials on-site.

83. The Owner in consultation with the LTC, shall indicate on the approved engineering

Agenda Item #	Page #

**L. Mottram  
39T-92020-E**

drawings the possible ‘Future Transit Stop Areas’. The Owner shall install signage as the streets are constructed, indicating “Possible Future Transit Stop Area” in the approximate stop locations. The exact stop locations shall be field located as the adjacent sites are built, at which time the developer shall install a 1.5 metre wide concrete pad between the curb and the boulevard at the finalized stop locations.

- 84.\* Prior to the submission of an application for site plan approval for Blocks 112 and 113, the Owner shall submit a noise report to the ~~Director, Development Planning~~ City for acceptance. The noise report shall be prepared in accordance with MOE Guidelines and City of London policies. Any recommended noise attenuation measures will be incorporated into approved development agreement and site plan agreement between the Owner and the City of London.
85. 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) The unassumed services must be completed and Conditionally Accepted by the City;
  - ii) The subdivider must have a video inspection completed on all affected unassumed sewers;
86. 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 contributing flows 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.
87. 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.
- 88.\* The Owner shall construct all municipal services for the subject lands at the sole expense of the Owner. The details of the services required will be established by the City Engineer after particulars of engineering design are provided by the Owner, in accordance with the policies and standards of the City prevailing at the time the Subdivision Agreement is approved by City Council. The provisions of all general by-laws, policies and guidelines, as amended from time to time, including those pertaining to development charges and other levies, shall continue to apply to the subject lands and shall not be affected by any subdivision requirements respecting services.
- 89.\* ~~The Owner agrees that~~ 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, ~~then the Owner shall report these deposits must be reported~~ to the City Engineer/Chief Building Official immediately, and if required by the City Engineer/Chief Building Official, the Owner/contractor will, 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/Chief Building Official. Should the report

Agenda Item #	Page #

**L. Mottram  
39T-92020-E**

indicate the presence of methane gas then all of the recommendations of the engineer contained in any such report submitted to the City Engineer/Chief Building Official shall be implemented and carried out under the supervision of the professional engineer, to the satisfaction of the City Engineer/Chief Building Official and at the expense of the Owner/contractor, 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.

- 90.\* The Owner shall provide inspection during construction by its professional engineer for all work to be assumed by the City, and have its professional engineer supply the City with a certificate of compliance upon completion in accordance with the plans approved by the City Engineer.
- 91. 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.
- 92. 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".
- 93. Prior to any work on site, the Owner shall determine if there are any abandoned wells in this plan and shall decommission and permanently cap any abandoned wells located in this plan, in accordance with current Provincial legislation, regulations and standards. It is the responsibility of the Owner to determine if any abandoned wells exist in this plan. 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.
- 94.\* 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 Engineer. Any deviations from the City's standards, guidelines or requirements shall be satisfactory to the City Engineer.
- 95.\* ~~Prior to the issuance of a Certificate of Conditional Approval for each construction stage of this subdivision, all servicing works for the stage must be completed and operational, all to the specification and satisfaction of the City Engineer.~~

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.

- 96.\* Prior to final approval, the Owner shall make arrangements with the affected property owner(s) for the construction of any portions of services situated on private lands outside this plan, and shall provide satisfactory easements over the sewers as necessary, all to the specifications and satisfaction of the City Engineer.

Agenda Item #	Page #

**L. Mottram  
39T-92020-E**

- 97.\* ~~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 Engineer.~~
- 98.\* 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.
- 99.\* ~~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.~~
- 100. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
- 101.\* 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 Engineer.
- 102.\* ~~In the event the Owner wishes to phase this plan of subdivision, in conjunction with the Design Studies submission, the Owner shall submit a phasing plan, all to the specifications and satisfaction of the City of London.~~
- 103.\* ~~In conjunction with the Design Studies submission, the Owner shall design and construct any required emergency access. The Owner shall ensure any emergency access required is satisfactory to the City Engineer with respect to all technical aspects, including adequacy of site lines, provision of channelization, adequacy of road geometries and structural design.~~
- 104.\* ~~Prior to the submission of engineering drawings, the Owner shall make the necessary arrangements with adjacent property owners, or make modifications to the draft plan of subdivision, to provide an emergency access to this subdivision should the plan be registered in phases.~~
- 105.\* In conjunction with the submission of engineering drawings, the Owner's professional geotechnical engineer shall provide confirmation that the existing geotechnical report is adequate to address all geotechnical issues including erosion, maintenance and structural setbacks related to slope stability, all to the satisfaction of the City and the Upper Thames River Conservation Authority (UTRCA). The Owner shall implement all geotechnical recommendations with respect to slope stability, to the satisfaction of the City and the UTRCA.
- 106.\* 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 required ESCP, the ESCP security will be used by the City to undertake all necessary clean-up work, all to the satisfaction of the City.
- 107.\* In conjunction with the Design Studies submission, the Owner shall provide a conceptual layout of the roads and rights-of-way in the plan to the City for review and acceptance with respect to road geometries, including but not limited to, right-of-way widths, tapers, bends, intersection layout, daylighting triangles, etc., and include any associated adjustments to the abutting lots.
- 108.\* The Owner shall ensure that all through intersections and connections with existing streets shall align with the opposing streets based on the centrelines of the street

Agenda Item #

Page #

--

--

**L. Mottram  
39T-92020-E**

aligning through their intersections thereby having these streets centred with each other, unless otherwise approved by the City Engineer.

- 109.\* In conjunction with the Design Studies submission, 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", to the satisfaction of the City. Streets that do not meet the City standards may need to be revised.
- 110.\* The Owner shall install street lighting on all streets in this plan to the satisfaction of the City, at no cost to the City.
- 111.\* The Owner shall be required to make minor boulevard improvements on Bradley Avenue and Highbury Avenue adjacent to this Plan, consisting of clean-up, grading and sodding as necessary to blend the subdivision into the boulevard in accordance with City Standard "Subdivision Grading along Arterial Roads" all to the specifications of the City and at no cost to the City.
- 112.\* Should any temporary turning circle exist on the abutting streets at the time this plan is registered, the Owner shall remove any existing temporary turning circles and restore the road including sidewalks to the satisfaction of the City, at no cost to the City.
- 113.\* 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.
- 114.\* 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.

--	--

**L. Mottram  
39T-92020-E**

**Schedule "B"**

**Related Estimated Costs and Revenues**

<b>Estimated Costs – This Agreement</b>	
Claims from Urban Works Reserve Fund – General	
- Roadworks	\$2,664,206
- Storm sewer oversizing	\$339,029
- Sanitary sewer oversizing	\$105,774
Claims from Urban Works Reserve Fund - Stormwater Management	Nil
Capital Expense	Nil
Other	Nil
<b>Total</b>	<b>\$3,109,009</b>
<b>Estimated Revenues - This Agreement (2013 rates)</b>	
CSRF	\$5,039,852
UWRF	\$2,267,595
<b>Total</b>	<b>\$7,307,447</b>

1. Estimated Costs are based on historical approximations provided by the applicant. Final claims will be determined based on actual costs in conjunction with the terms of the subdivision agreement and the applicable By-law.
2. Estimated Revenues are calculated using 2013 DC rates and may take many years to recover. The revenue estimates includes DC cost recovery for "soft services" (fire, police, parks and recreation facilities, library, growth studies). There is no comparative cost allocation in the Estimated Cost section of the report, so the reader should use caution in comparing the Cost with the Revenue section.
3. The revenues and costs in the table above are not directly comparable. This subdivision, like others in the area, also relies on recently constructed roadwork and SWM facilities, the cost of which is not reported above. Other growth related costs (like wastewater treatment plant and road capacity expansion) incurred to serve this subdivision and surrounding areas are not reported above, though the revenue for those service components is included in the "Estimated Revenues – This Agreement" section above. As a result, the revenues and costs reported above are not directly comparable. The City employs an "urban area wide" approach to recovery of costs of growth – any conclusions based on the summary of Estimated Costs and Revenues (above table) should be used cautiously.
4. The Owner should take note that there are currently significant delays in payment of claims from the Urban Works Reserve Fund.

Reviewed By:

\_\_\_\_\_

Peter Christiaans  
Director, Development Finance