

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: Scott Mathers, MPA, P.Eng.,
Deputy City Manager, Planning and Economic Development

Subject: Draft Plan of Subdivision - Three Year Extension
Stoney Creek South Subdivision
1300 Fanshawe Park Road East
City File No: 39T-04512 - Ward 5

Meeting on: April 11, 2023

Recommendation

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

Executive Summary

Purpose and the Effect of Recommended Action

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

Rationale of Recommended Action

1. The requested three (3) year extension of Draft Plan Approval is reasonable and should allow the applicant sufficient time to satisfy revised conditions of draft approval towards the registration of this plan.
2. The plan of subdivision will provide for future residential and commercial land uses and supports connectivity with adjacent future development lands. Therefore, an extension should be supported provided the conditions of Draft Approval are updated to reflect current City Standards and regulatory requirements.

Linkage to the Corporate Strategic Plan

The proposed development contributes to the Strategic Plan by helping to implement the Building a Sustainable City and Strengthening Our Community area of focus. The development is well-located in a strategic location for growth and intensification with good access to local services, amenities, public transit, and active transit. The proposed development and recommended refinements fit within, and enhances, the surrounding community.

Climate Emergency

On April 23, 2019, Council declared a Climate Emergency. Through this declaration the City is committed to reducing and mitigating climate change. Refer to Appendix "B" for further details on the characteristics of the proposed application related to the City's

climate action objectives.

Analysis

1.0 Background Information

1.1 Property Description

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

1.2 Previous Reports

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

January 20, 2020 - Report to Planning Committee on three-year extension for draft plan of subdivision. (39T-04512)

2.0 Discussion and Considerations

2.1 Planning History

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

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

After the 2013 draft plan extension, additional lands were acquired by the City adjacent to Stoney Creek (May of 2016). Phase 1 of the draft plan (approximately 4.2 ha), consisting of one (1) multi-family block (street town homes), one (1) commercial block, one (1) park block, one (1) stormwater management block, and five (5) reserve blocks, all served by two new secondary collector roads (Rob Panzer Road and Blackwell Boulevard), was granted final approval by the Approval Authority on September 12, 2016 and is registered as 33M-701.

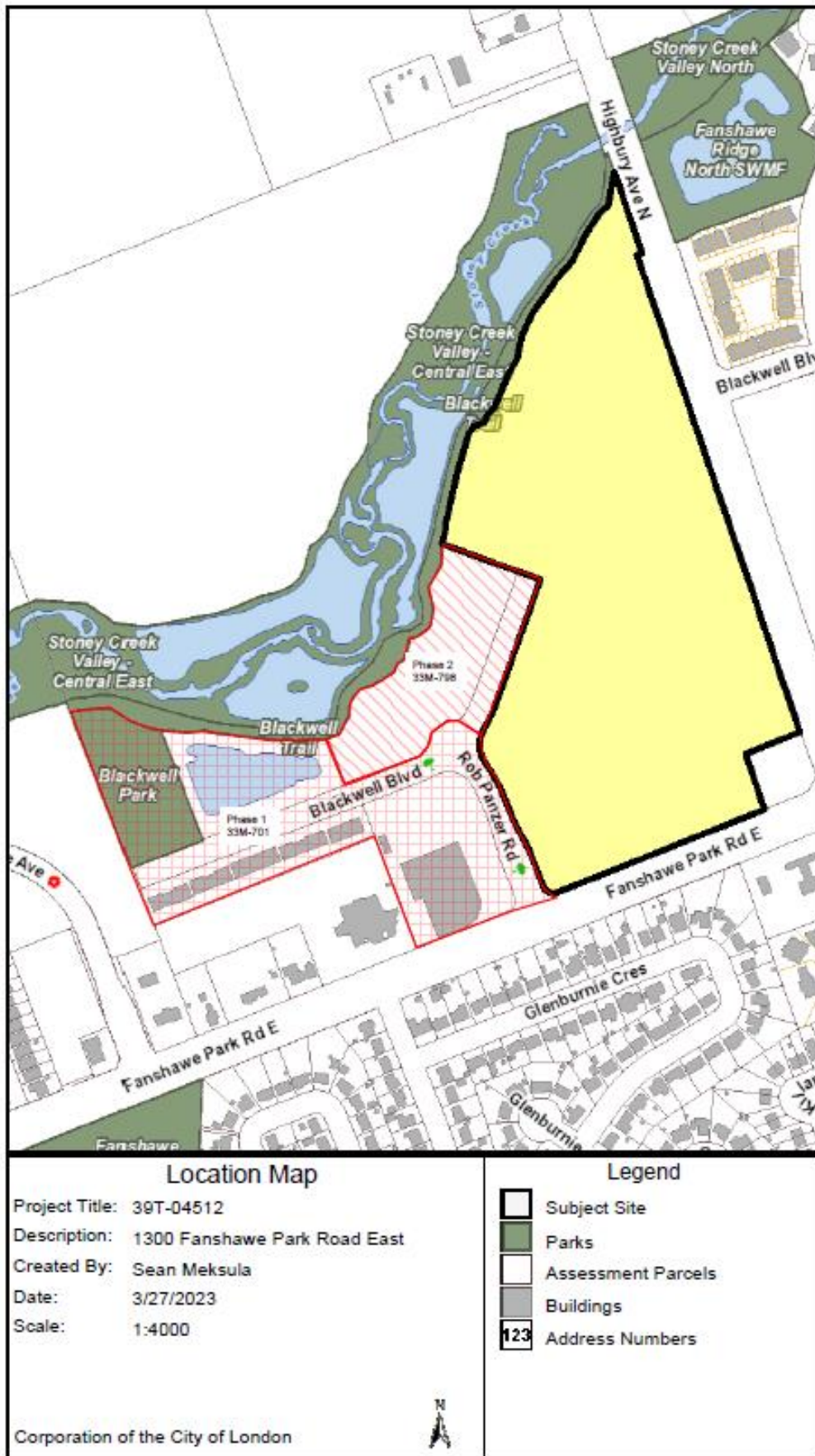
A three (3) year extension to Draft Approval for the remaining phase(s) within the residential and commercial draft plan of subdivision 39T-04512 was granted by City of London Approval Authority on February 15, 2017, subject to the revised conditions as per the Notice of Decision. The draft approval lapse date was extended until February 20, 2020.

A three (3) year extension to Draft Approval for the remaining phase(s) within the residential and commercial draft plan of subdivision 39T-04512 was granted by City of London Approval Authority on February 10, 2020, subject to the revised conditions as per the Notice of Decision. The draft approval lapse date was extended until February 11, 2023. A six (6) month emergency extension was granted by the Approval Authority commencing from the lapse date of February 11, 2023, extending the lapse date to

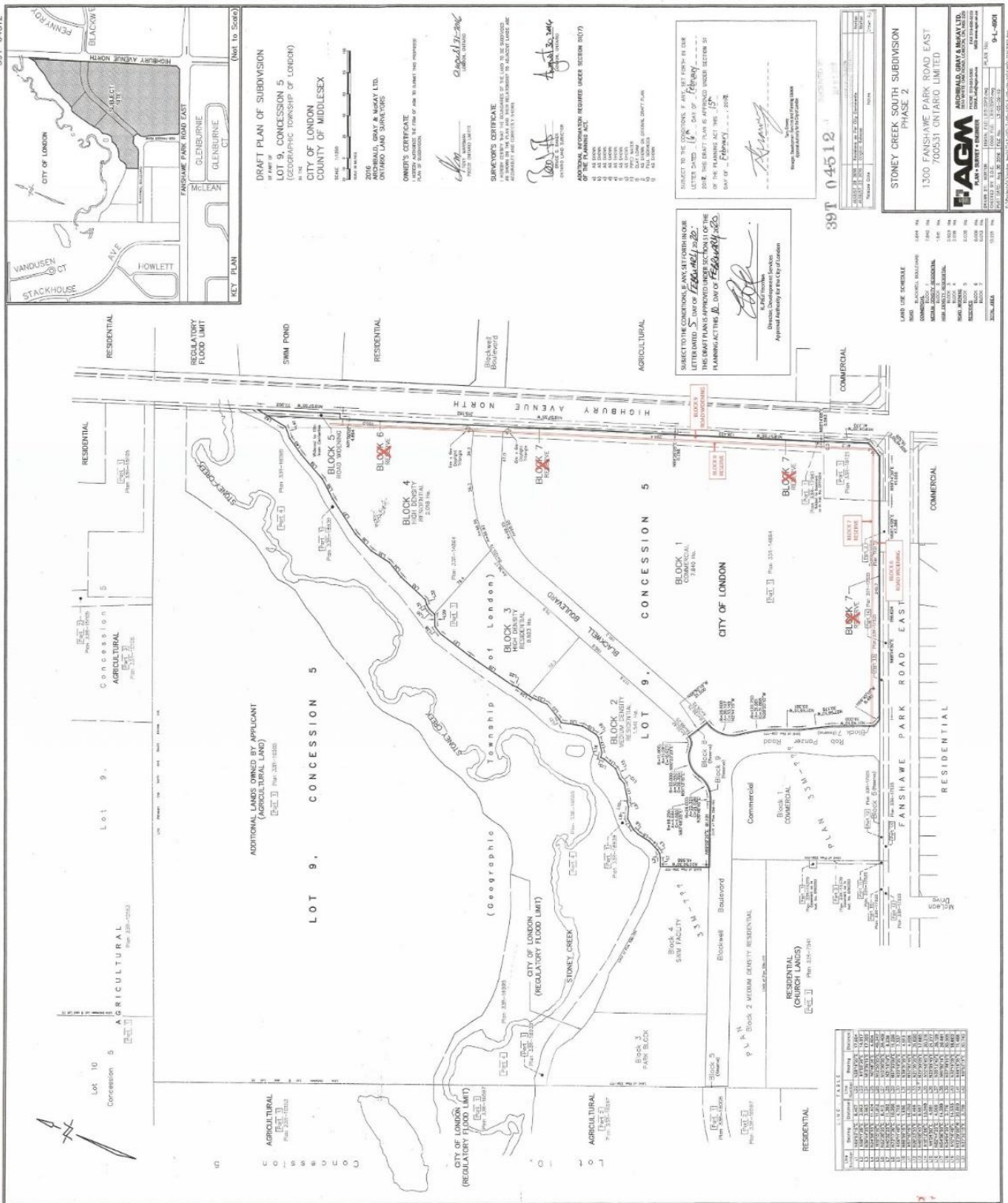
August 10, 2023. The purpose of the six (6) month extension was to allow sufficient time for the circulation and full consideration of the proposed draft extension.

Phase 2 of the draft plan (approximately 4.2 ha), consisting of one (1) multi-family block (street townhomes), one (1) Commercial Block, one (1) Residential Block, one (1) Park Block and along with 1-foot reserve blocks, all served by two (2) new streets, being Rob Panzer Road and Blackwell Boulevard, was granted final approval by the Approval Authority on February 22, 2021 and is registered as 33M-798.

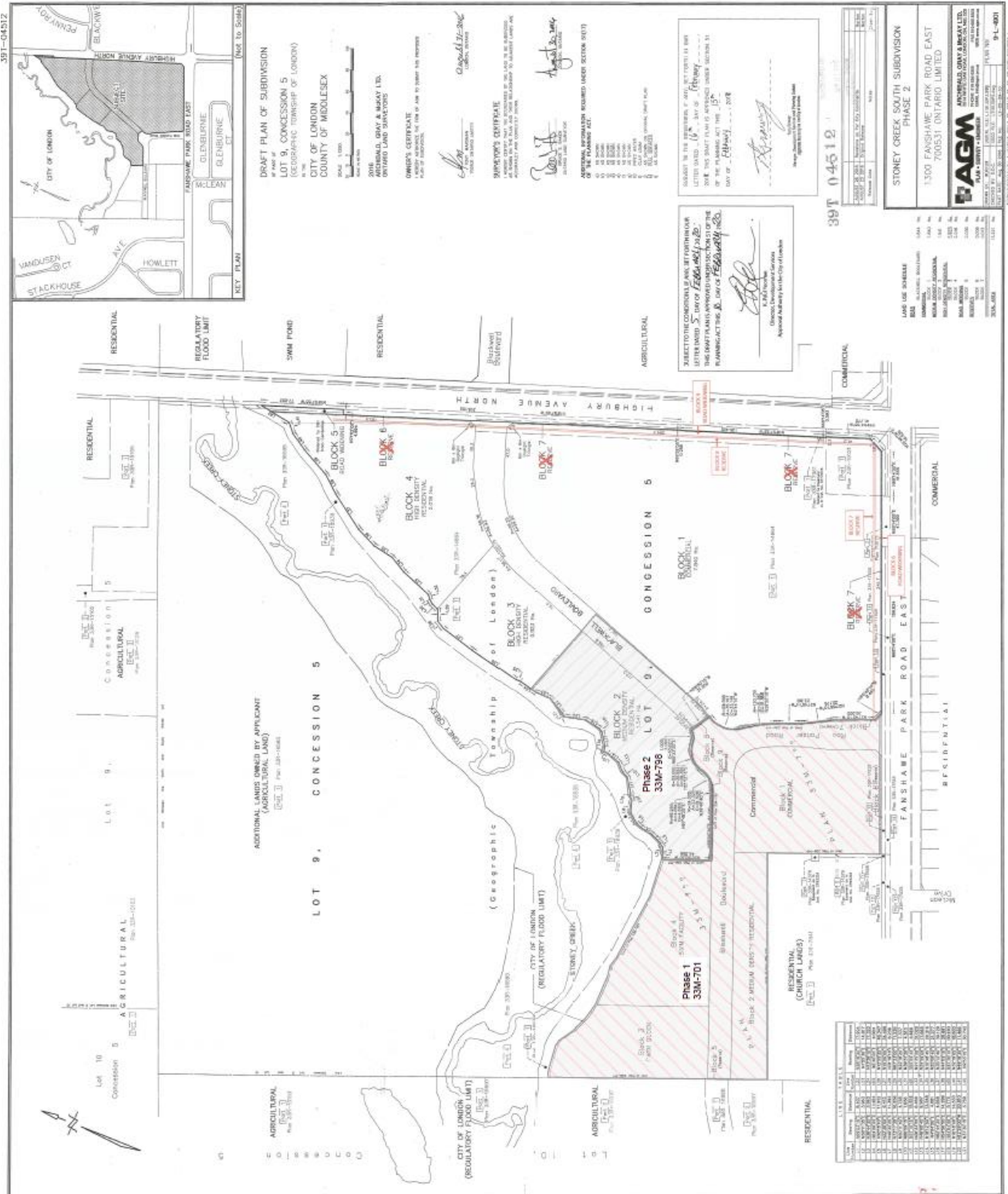
2.2 Location Map



2.3 Draft Plan of Subdivision – February 2020



2.4 Draft Plan of Subdivision – March 2023



2.5 Applicant Request

The Applicant has requested a three (3) year draft plan extension for the lands. Staff are recommending the standard three (3) year extension to ensure adequate time is given to complete the subdivision. A large portion of the site is designated commercial. The applicant is working to attract a user(s) for the block which has resulted in the delays in registering the remaining portion of the plan of subdivision.

2.6 Amendments

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

No changes are proposed to the approved zoning, lotting pattern, or road alignments within the draft plan. As a result of these minor changes to the conditions of draft approval, an extension may be granted and there is no requirement for public notice of the changes in accordance with Section 50 (33) & (47) of the *Planning Act*.

2.7 Policy Context

Provincial Policy Statement (PPS), 2020

The PPS contains strong policies regarding the importance of promoting efficient development and land use patterns, as well as accommodating an appropriate range and mix of land uses, housing types, and densities to meet projected needs of current and future residents (Sections 1.1 and 1.4). The policies for Settlement Areas require that new development should occur adjacent to existing built up areas and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities (Section 1.1.3.6). The draft plan provides for open space corridors as a space to meet the needs of pedestrians and facilitate pedestrian movement in the area. Infrastructure and public service facilities will be provided to serve the needs of the draft plan.

The PPS directs settlement areas to be the focus of growth and development. Land use patterns within the settlement areas shall be based on densities and a mix of land uses which provide for the following:

- Efficiently use land and resources;
- Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- Minimize negative impacts to air quality and climate change; and
- Support active transportation and are transit-supportive, where transit is planned, exists or may be developed. (1.1.3.2).

Consistent with the PPS, intensification of the subject lands would optimize the use of land and public investment in infrastructure in the area. Located within a developing area of the city, the increased density of the subject lands would contribute to achieving more compact forms of growth and development on this block within the draft plan of subdivision.

The PPS recognizes the importance of the Province's natural heritage resources, and the long-term protection of natural features and areas (Section 2.1.1). Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified as significant wetland and significant wildlife habitat, unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions (Section 2.1.8). A holding provision has been applied on the subject lands to ensure the orderly development of land including municipal services (water, sanitary and storm). Transportation systems have been incorporated into the draft plan which facilitates the movement of people, and connectivity among nearby arterial roads.

The recommended revised draft plan amendments are consistent with the *Provincial Policy Statement (PPS), 2020*, which promotes a compact form of development in strategic locations to minimize land consumption and servicing costs and provide for a range of housing types and densities to meet projected requirements of current and future residents. The recommended draft plan and amendments also supports efficient and resilient development patterns, accommodating an appropriate range and mix of housing and protects the Natural Heritage feature.

It is staff's position that the draft plan of subdivision will provide for a healthy, livable and safe community. It will provide for a walkable community, and provides for on street pedestrian linkages to commercial, open space and parkland. The draft plan of subdivision is consistent with the Provincial Policy Statement, 2020.

The London Plan

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

The London Plan recognizes the High-Density Residential areas that were designated in the previous Official Plan, even where they are not within the targeted place types. Map 2 identifies these lands as High-Density Residential Overlay (from 1989 Official Plan) (955_). Blocks 3 and 4 in this draft plan are within the High-Density Residential Overlay (Map 2). It is important to recognize that Map 2 is an overlay on top of the Urban Place Types identified in Map 1. For these lands, the place type represents the long-term vision for each of these areas to the year 2035. Large areas within the High-Density Residential Overlay (from 1989 Official Plan), capable of accommodating multiple buildings, should include a diversity of housing forms such as mid-rise and low-rise apartments and multiple attached dwellings. Where Specific Policies are established for lands within the High-Density Residential Overlay (from 1989 Official Plan), and there is a conflict between those policies and the parent High Density Residential Overlay (from 1989 Official Plan) policies, the Specific Policies shall prevail. (955_). Table 8 lists the maximum height for lands within the High-Density Residential Overlay outside of the Primary Transit Area as 12 storeys.

3.0 Financial Impact/Considerations

Through the completion of the works associated with this application fees, development charges and taxes will be collected. There are no direct financial expenditures associated with this application.

4.0 Key Issues and Considerations

The key issues and considerations have been reviewed and addressed through the draft plan of subdivision approval process. The Draft Approval conditions have been re-circulated and reviewed with municipal departments and agencies. Updates to the draft conditions and redline revisions to the draft approved plan of subdivision are recommended.

Conclusion

Staff are recommending a three (3) year extension to the Draft Approval for this plan of subdivision, subject to the redline revisions and revised conditions as attached. The proposed plan and recommended conditions of Draft Approval will ensure that development proceeds in accordance with Provincial Policy Statement, and The London Plan. A three (3) year extension is recommended to allow sufficient time for registration of the lands within this Draft Plan.

Prepared by: Sean Meksula, MCIP, RPP
Senior Planner, Subdivisions and Condominiums

Reviewed by: Bruce Page
Manager, Subdivision Planning

Recommended by: Heather McNeely, MCIP, RPP
Director, Planning and Development

Submitted by: Scott Mathers, MPA, P. Eng.
Deputy City Manager,
Planning and Economic Development

Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning and Development.

cc: Peter Kavcic, Manager, Subdivisions and Development Inspections

cc: Matt Davenport, Manager, Subdivision Engineering

cc: Mike Pease, Manager, Site Plan

April 3, 2023

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Appendix A

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

Denotes Deleted, Revised, or New Condition

NO.	CONDITIONS
1.	This draft approval applies to the draft plan submitted by 700531 Ontario Limited, prepared by AGM Ltd., certified by Bruce Baker, Ontario Land Surveyor, dated August 30, 2016, File No. LT-05-09-10, Plan No. 9-L-4901, as redlined, which shows one (1) commercial block, two (2) high density residential blocks, one (1) medium density residential block, and several reserve and road widening blocks served by one (1) new secondary collector road (Blackwell Boulevard).
2.	This approval of the draft plan applies 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.	In conjunction with the first submission of engineering drawings, street(s) shall be named and the municipal addressing shall be assigned to the satisfaction of the City.
4.	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.
5.	The Owner shall enter into a subdivision agreement with the City, in the City's current approved form (a copy of which can be obtained from <u>Planning and Development</u> Development Services), which includes all works and services required for this plan, and this agreement shall be registered against the lands to which it applies.
6.	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.
7.	Prior to final approval, the Owner shall provide copies of all transfer documentation for all land transfers/dedications and easements being conveyed to the City, for the City's review and approval.
8.	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.
9.	Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the Approval Authority a complete submission consisting of all required clearances, fees, final plans, and any required studies, reports, data, information or detailed engineering drawings, and to advise the Approval Authority in writing how each of the conditions of draft approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information

required by the Approval Authority, such submission will be returned to the Owner without detailed review by the City.

PARKS and OPEN SPACE

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

SANITARY

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

Failure to register the Plan within the specified time may result in the Owner forfeiting the allotted treatment capacity and, also, the loss of his right to connect into the outlet sanitary sewer, as determined by the City. In the event of the capacity being forfeited, the Owner must reapply to the City to have reserved sewage treatment capacity reassigned to the subdivision.

STORM AND STORMWATER MANAGEMENT

14. The Owner shall construct the storm sewers to serve this plan and connect them to this plan to the storm outlet for the subject lands which is the Stoney Creek via the existing storm sewer, namely, the 750 mm diameter storm sewer on Blackwell Boulevard, and Rob Panzer Way.
15. The Owner shall have his consulting professional engineer design and construct the proposed storm/drainage and Stormwater Management servicing works for the subject lands, all to the specifications and satisfaction of the City in accordance to the requirements of the following:
 - i) The SWM criteria and environmental targets for the Stoney Creek Subwatershed Study;
 - ii) The approved Storm/Drainage and SWM Servicing Functional Report for the subject lands;
 - iii) The accepted Municipal Class EA for Storm Drainage and Stormwater Management Servicing Works for the Stoney Creek Undeveloped Lands (2008);
 - iv) The approved Functional Stormwater Management Plan report for the Stoney Creek Regional Flood Control Facility;
 - v) The stormwater Letter/Report of Confirmation for the subject development prepared and accepted in accordance with the file manager process;
 - vi) The City's Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements and practices;
 - vii) The City of London Environmental and Engineering Services Department Design Specifications and Requirements, as revised;
 - viii) The City's Design Requirements for Permanent Private Stormwater Systems approved by City Council and effective as of January 1, 2012. The stormwater requirements for PPS for all medium/high density residential, institutional, commercial and industrial development sites are contained in this document, which may include but not be limited to quantity/quality control, erosion, stream morphology, etc.;
 - ix) The Ministry of the Environment SWM Practices Planning and Design Manual (2003); and
 - x) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies, including but not limited to the Erosion and Sediment Control Guideline for Urban Construction (TRCA, December 2019), etc
16. The Owner's shall implement SWM soft measure Best Management Practices (BMP's) within the plan to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this plan and the approval of the City. The Owner is required to implement clean infiltration through the use of BMPs in the PPS blocks to promote post-development infiltration to mitigate water balance impacts from the development of the site and future site Plan for blocks within this phase of development.

~~The Owner's shall implement SWM soft measure Best Management Practices (BMP's) within the plan to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical~~

- ~~conditions within this plan and the approval of the City.~~
17. 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.
 18. In accordance with City standards or as otherwise required by the City, the Owner shall complete the following for the provision of stormwater management (SWM) and stormwater services for this draft plan of subdivision:
 - i) Make provisions to oversize and deepen the internal storm sewers in this plan to accommodate flows from upstream lands within the drainage area external to this plan;
 - ii) Construct and implement erosion and sediment control measures as accepted in the Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation for these lands and the Owner shall correct any deficiencies of the erosion and sediment control measures forthwith; and
 - iii) Address forthwith any deficiencies of the stormwater works and/or monitoring program.
 19. Prior to the issuance of any Certificates of Conditional Approval for any lot in this plan, the Owner shall complete the following:
 - i) For lots and blocks in this plan or as otherwise approved by the City Engineer, all storm/drainage and SWM related works to serve this plan must be constructed and operational in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City;
 - ii) The SWM Facility to serve this plan must be constructed and operational;
 - 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/slope stability recommendations made by the geotechnical report accepted by the City.
 20. The Owner shall ensure the post-development discharge flow from the subject site must not exceed the capacity of the stormwater conveyance system. In an event, where the above condition cannot be met, the Owner shall provide SWM on-site controls that comply to the City's Design Specifications and Requirements for Permanent Private Stormwater Systems.
 21. The Owner shall ensure that all existing upstream external flows traversing this plan of subdivision, as shown on the accepted engineering drawings for Plan 33M-701 and 33M-798, are accommodated within the overall minor and major storm conveyance servicing system(s) design, all to the specifications and satisfaction of the City Engineer.
 22. The Owner shall develop a sediment and erosion control plan(s) that will identify all required sediment and erosion control measures for the subject lands in accordance with City of London and Ministry of the Environment, Conservation and Parks standards and requirements, all to the satisfaction of the City. The sediment and erosion control plan(s) shall identify all interim and long term measures that would be required for both registration and construction phasing/staging of the development and any major revisions to these plans after the initial acceptance shall be reviewed/accepted by the City of London for conformance to our standards and Ministry of the Environment, Conservation and Parks requirements Prior to

any work on the site, the Owner's professional engineer shall submit these measures as a component of the Functional Storm/Drainage Servicing Report and is to have these measures established and approved all to the satisfaction of the City Engineer. Further, the Owner's Professional Engineer must confirm that the required sediment and erosion control measures are being maintained and operated as intended during all phases of construction.

WATER

23. Prior to the issuance of any Certificate of Conditional Approval and in accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of water services for this draft plan of subdivision:
 - i) Construct watermains to serve this Plan and connect them to the existing municipal system, namely, the existing 250 mm diameter watermain on Blackwell Boulevard and the 300 mm diameter watermain on Highbury Avenue;
 - ii) Deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development is proposed to proceed beyond 80 units or commercial equivalent; and
 - iii) The available fireflow and appropriate hydrant colour code (in accordance with the City of London Design Criteria) are to be shown on engineering drawings. The fire hydrant colour code markers will be installed by the City of London at the time of Conditional Approval.
24. 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.
25. Prior to the issuance of any Certificates of Conditional Approval the Owner shall install and commission the accepted water quality measures required to maintain water quality within the water distribution system during build-out, all to the satisfaction of the City Engineer, at no cost to the City. The measures which are necessary to meet water quality requirements, including their respective flow settings, etc shall be shown clearly on the engineering drawings.
26. With respect to the proposed Blocks, the Owner shall include in all agreements of purchase and sale, and/or lease of Blocks in this plan, a warning clause advising the purchaser/transferee that should these develop as a Vacant Land Condominium or in a form that may create a regulated drinking water system under O.Reg. 170/03, the Owner shall be responsible for meeting the requirements of the legislation.

If deemed a regulated system, there is potential the City of London could be ordered to operate this system in the future. As such, the system would be required to be constructed to City standards and requirements.
27. The Owner shall ensure implemented water quality measures shall remain in place until there is sufficient occupancy demand to maintain water quality within the Plan of Subdivision without their use. The Owner is responsible for the following:
 - i) To meter and pay the billed costs associated with any automatic flushing devices including water discharged from any device at the time of their installation until removal;
 - ii) Any incidental and/or ongoing maintenance of the automatic flushing devices;
 - iii) Payment for maintenance costs for these devices incurred by the City on an ongoing basis until removal;

- iv) All works and the costs of removing the devices when no longer required; and
 - v) Ensure the automatic flushing devices are connected to an approved outlet.
28. The Owner shall ensure the limits of any request for Conditional Approval shall conform to the staging and phasing plan as set out in the accepted water servicing report and shall include the implementation of the interim water quality measures. In the event the requested Conditional Approval limits differ from the staging and phasing as set out in the accepted water servicing report, the Owner would be required to submit revised plans and hydraulic modeling as necessary to address water quality.

In conjunction with the first submission of engineering drawings, the Owner shall have their consulting engineer prepare and submit a water servicing report which addresses the following, all to the satisfaction of the City Engineer:

- a) Water distribution system analysis & modeling and hydraulic calculations for the Draft Plan of Subdivision confirming system design requirements are being met;
- b) Identify domestic and fire flows for the residential\development Blocks from the low-level water distribution system;
- c) Address water quality and identify measures to maintain water quality from zero build-out through full build-out of the subdivision;
- d) Include a staging and phasing report as applicable which addresses the requirement to maintain interim water quality;
- e) Include modeling as per section 7.14 of the City Design Standards as well for two fire flow scenarios as follows:
 - i. Max Day + Fire confirming velocities and pressures within the system at the design fire flows, and
 - ii. Max Day + Fire confirming the available fire flows at fire hydrants at 20PSI residual. Identify fire flows available from each proposed hydrant to be constructed and determine the appropriate colour hydrant markers (identifying hydrant rated capacity);
- f) Develop a looping strategy to the satisfaction of the City Engineer for when development is proposed to proceed beyond 80 units;
- g) Provide a servicing concept acceptable to the City Engineer for the proposed street townhouse (or narrow frontage) lots which demonstrates separation requirements for all services is being achieved;
- h) Identify any water servicing requirements necessary to provide water servicing to external lands, incorporating existing area plans as applicable;
- i) Identify any need for the construction of or improvement to external works necessary to provide water servicing to this Plan of Subdivision;
- j) Identify any required watermain oversizing, if necessary, and any cost sharing agreements;
- k) Identify the effect of development on existing water infrastructure – identify potential conflicts; and
- l) Include full-sized water distribution and area plan(s) which identifies the location of valves & hydrants, the type and location of water quality measures to be implemented (including automatic flushing device settings), the fire hydrant rated capacity & marker colour, and the design fire flow applied to development Blocks.

TRANSPORTATION

29. The Owner shall be permitted one limited access vehicular access from Block 1 to Highbury Avenue North and one limited access vehicular access from Block 1 to Fanshawe Park Road East. The location of these access points shall be to the satisfaction of the City.
30. The Owner shall not be permitted any vehicular access from Block 4 to Highbury Avenue North.
31. The Blackwell Boulevard Road allowance at Highbury Avenue North shall be a minimum of 28 m for a minimum length of 45 metres. Within this road allowance the Owner shall construct gateway treatments. Beyond this widened road allowance, the road allowance shall be tapered to 21.5 m with a road pavement width (excluding gutters) of 9.5 metres.
32. The Owner shall construct sidewalks within this plan on both sides of Blackwell Boulevard, to the satisfaction of the City.
33. Any dead ends and open sides of road allowances created by this draft plan, or by phasing of this plan, shall be terminated in 0.3 metre reserves to be conveyed to the City of London until required for the future production of such road allowance.
34. The Owner shall direct all construction traffic to Highbury Avenue North to the satisfaction of the City.
35. The Owner shall dedicate 0.3 m (1') reserves blocks to the City of London at the following locations:
 - i) Along the entire frontage of Fanshawe Park Road East; and
 - ii) Along the entire frontage of Highbury Avenue North.
36. 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.
37. All through intersection and connections with existing streets and internal to this subdivision shall align with the opposing streets based on the centrelines of the street aligning through their intersections thereby having these streets centred with each other, unless otherwise approved by the City.
38. Within one year of registration of the plan, the Owner shall install street lighting on all streets and walkways within this plan to the satisfaction of the City, at no cost to the City. Where an Owner is required to install street lights in accordance with this draft plan of subdivision and where a street from an abutting developed or developing area is being extended, the Owner shall install street light poles and luminaires, along the street being extended, which match the style of street light already existing or approved along the developed portion of the street, to the satisfaction of the London Hydro for the City of London.
39. The Owner shall be required to make minor boulevard improvements on Fanshawe Park Road East and Highbury Avenue North adjacent to this Plan, to the specifications of the City and at no cost to the City, consisting of clean-up, grading and sodding as necessary.

40. The Owner shall have the common property line of Fanshawe Park Road East and Highbury Avenue North graded in accordance with the accepted engineering drawings, to the satisfaction of the City ~~City of London Standard “Subdivision Grading Along Arterial Roads”~~, at no cost to the City.

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

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

In conjunction with the first submission of engineering drawings, the Owner shall implement barrier curb through this plan of subdivision as per the Design Specifications and requirements Manual (DSRM), to the satisfaction of the Deputy City Manager, Environment and Infrastructure

In conjunction with the first submission of engineering drawings, the Owner shall comply with all City standards as found in the Design Specifications and Requirements Manual (eg. reverse curves, 10 metre straight tangents, etc.), to the satisfaction of the Deputy City Manager, Environment and Infrastructure.

In conjunction with the first submission of engineering drawings, the Owner shall comply with the Complete Streets Manual to the satisfaction of the Deputy City Manager, Environment and Infrastructure.

In conjunction with the first submission of engineering drawings, the Owner shall provide details of street lighting on all streets and walkways in this plan to the satisfaction of the City, at no cost to the City.

In conjunction with the first submission of engineering drawings, the Owner shall provide speed bumps on Blackwell Boulevard, to the satisfaction of the City Engineer, at no cost to the City:

OTHER SERVICING ISSUES

45. 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.
46. Once construction of any private services, ie: water storm or sanitary, to service the lots and blocks in this plan is completed and any proposed relotting of the plan is undertaken, the Owner shall reconstruct all previously installed services in standard location, in accordance with the approved final lotting and approved

revised servicing drawings all to the specifications of the City Engineer and at no cost to the City.

47. 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.
48. 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.
49. In the event the Owner wishes to further phase this plan of subdivision, the Owner shall submit as part of the revised engineering plan submission a phasing plan identifying all required temporary measures, and identify land and/or easements required for the routing of services which are necessary to service upstream lands outside this draft plan to the limit of the plan to be provided at the time of registration of each phase, all to the specifications and satisfaction of the City. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
50. 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.
51. 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.
52. 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.
53. Prior to the construction of works on existing City streets and/or unassumed subdivisions, the Owner shall have its professional engineer notify new and 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 along with any remedial works prior to assumption, all in accordance with Council policy for "Guidelines for Notification to Public for Major Construction Projects".

~~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".~~

54. 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.

55. The Owner shall pay a proportional share of the operational, maintenance and/or monitoring costs of any affected unassumed sewers or SWM facilities (if applicable) to third parties that have constructed the services and/or facilities to which the Owner is connecting. The above-noted proportional share of the cost shall be based on design flows, to the satisfaction of the City, for sewers or on storage volume in the case of a SWM facility. The Owner's payments to third parties shall:
 - i) Commence upon completion of the Owner's service work, connections to the existing unassumed services; and
 - ii) Continue until the time of assumption of the affected services by the City.
56. 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.

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

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

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

58. If any temporary measures are required to support the interim conditions in conjunction with the phasing, the Owner shall construct temporary measures and provide all necessary land and/or easements, to the specifications and satisfaction of the City, at no cost to the City.
59. The Owner shall decommission any abandoned infrastructure, at no cost to the City, including cutting the water service and capping it at the watermain, all to the specifications and satisfaction of the City.

The Owner shall remove all existing accesses and restore all affected areas, all to the satisfaction of the City, at no cost to the City.

60. In conjunction with the revised engineering drawings, the Owner shall provide to the City for review and acceptance an updated hydrogeological and geotechnical report and/or supplemental letter prepared by a qualified consultant, to determine, including but not limited to, the following:
 - i) Provide recommendations for foundation design should high groundwater be encountered, all to the satisfaction of the City.

61. Prior to the issuance of any Certificate of Conditional Approval, the Owner's professional engineer shall certify that any remedial or other works as recommended in the accepted updated hydro geological and geotechnical report are implemented by the Owner, to the satisfaction of the City, at no cost to the City.

62. Should the current or any future Owner come in with a revised development proposal for these lands, the applicant may be required to complete a design studies submission as per the File Manager process and resubmit engineering drawings, all to the satisfaction of the City.

63. The Owner shall either register against the title of Block 1 in this Plan, or shall include in the agreement of purchase and sale for the transfer of each of the Blocks, a covenant by the purchaser or transferee stating that the purchaser or transferee of the Blocks may be required to construct sewage sampling manholes, built to City standards in accordance with the City's Waste Discharge By-law No. WM-2, as amended, regulating the discharge of sewage into public sewage systems. If required, the sewage sampling manholes shall be installed on both storm and sanitary private drain connections, and shall be located wholly on private property, as close as possible to the street line, or as approved otherwise by the City Engineer.

64. The Owner shall submit the required revised engineering drawings to the satisfaction of the City for review and acceptance by the City.

65. The Owner shall construct this plan of subdivision in accordance with the accepted Design Studies for this plan of subdivision, to the satisfaction of the City.

66. The Owner shall make all necessary arrangements with any required owner(s) to have any existing easement(s) in this plan quit claimed to the satisfaction of the City and at no cost to the City. The Owner shall protect any existing private

services in the said easement(s) until such time as they are removed and replaced with appropriate municipal and/or private services at no cost to the City.

Following the removal of any existing private services from the said easement and the appropriate municipal services and/or private services are installed and operational, the Owner shall make all necessary arrangement to have any section(s) of easement(s) in this plan quit claimed to the satisfaction of the City, at no cost to the City.

67. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make adjustments to the existing works and services on Blackwell Boulevard, Highbury Avenue North and Fanshawe Park Road East, adjacent to this plan to accommodate the proposed works and services on these streets to accommodate this plan, (eg. private services, street light poles, traffic calming, etc.) in accordance with the approved design criteria and accepted drawings, al to the satisfaction of the City ~~Engineer~~, at no cost to the City.
68. In conjunction with engineering drawings submission, the Owner shall submit a Development Charge work plan outlining the costs associated with the design and construction of the DC eligible works. The work plan must be approved by the City ~~Engineer~~ and City Treasurer (as outlined in the most current DC By-law) prior to advancing a report to Planning and Environment Committee recommending approval of the special provisions for the subdivision agreement.
69. In conjunction with registration of the Plan, the Owner shall provide to the appropriate authorities such easements and/or land dedications (e.g. 0.3 metre reserve blocks) as may be required for all municipal works and services associated with the development of the subject lands, such as road, utility, drainage or stormwater management (SWM) purposes, to the satisfaction of the City, at no cost to the City.
70. 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.
71. The Owner shall not commence construction or install *any* services (eg. Clearing or servicing of land) involved with this plan prior to entering into a site alteration agreement or subdivision agreement and obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, unless otherwise approved by the City in writing; (e.g. MOE certificates; City/Ministry/Agency permits: Approved Works, water connection, water-taking, navigable waterways; approvals: UTRCA, MNR, MOE, City; etc.).
72. 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.
73. The Owner's professional engineer shall provide full time inspection services during construction for all work to be assumed by the City and shall supply the City with a Certification of Completion of Works upon completion, in accordance with the plans accepted by the Deputy City Manager, Environment and Infrastructure.

~~The Owner's professional engineer shall provide inspection services during construction for all work to be assumed by the City, and shall supply the City with a Certification of Completion of Works upon completion, in accordance with the plans accepted by the City Engineer.~~

Appendix B – Climate Emergency

On April 23, 2019, Council declared a Climate Emergency. Through this declaration the City is committed to reducing and mitigating climate change. The following are characteristics of the proposed application related to the City's climate action objectives:

Infill and Intensification

Located within the Built Area Boundary: **Yes**

Located within the Primary Transit Area: **No**

Net density change: **N/A**

Net change in affordable housing units: **N/A**

Complete Communities

New use added to the local community: **Yes**

Proximity to the nearest public open space: **0 to 0.4 km**

Proximity to the nearest commercial area/use: **2.6km**

Proximity to the nearest food store: **2.6km**

Proximity to nearest primary school: **2.4km (TVDSB/TVDCSB)**

Proximity to nearest community/recreation amenity: **3.2km**

Net change in functional on-site outdoor amenity areas: **N/A**

Reduce Auto-dependence

Proximity to the nearest London Transit stop: **0 to 0.3 km**

Completes gaps in the public sidewalk network: **Yes**

Connection from the site to a public sidewalk: **Yes**

Connection from the site to a multi-use pathway: **Yes**

Site layout contributes to a walkable environment: **Yes**

Proximity to nearest dedicated cycling infrastructure: **0 to 0.4 km**

Secured bike parking spaces: **N/A**

Secured bike parking ratio: **N/A**

New electric vehicles charging stations: **Unknown**

Vehicle parking ratio: **0.5 spaces per unit for residential units**

Environmental Impacts

Net change in permeable surfaces: **No**

Net change in the number of trees: **unknown**

Tree Protection Area: **Yes**

Landscape Plan considers and includes native and pollinator species: **N/A**

Loss of natural heritage features: **No**

Species at Risk Habitat loss: **No**

Minimum Environmental Management Guideline buffer met (Table 5-2 EMG, 2021): **N/A**

Construction

Existing structures on site: **No**

Existing structures repurposed/adaptively reused: **N/A**

Green building features: **Unknown**

District energy system connection: **No**