

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: July 26, 2023

CASE NO(S):

OLT-22-004106

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

Applicant/Appellant: Drewlo Holdings Inc.
Subject: Request to amend the Official Plan – Refusal of request
Description: OPA/ZBA/SD to facilitate development of 1300 unit subdivision
Reference Number: OZ-9473
Property Address: 1140 Fanshawe Park Road E
Municipality/UT: London/Middlesex
OLT Case No: OLT-22-004106
OLT Lead Case No: OLT-22-004106
OLT Case Name: Drewlo Holdings Inc. v. London (City)

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

Subject: Application to amend the Zoning By-law – Refusal of application
Description: OPA/ZBA/SD to facilitate development of 1300 unit subdivision
Reference Number: 39T-07502
Property Address: 1140 Fanshawe Park Road E
Municipality/UT: London/Middlesex
OLT Case No: OLT-22-004107
OLT Lead Case No: OLT-22-004106
OLT Case Name: Drewlo Holdings Inc. v. London (City)

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

Subject: Proposed Plan of Subdivision – Failure of Approval Authority to make a decision
Description: OPA/ZBA/SD to facilitate development of 1300 unit subdivision
Property Address: 1140 Fanshawe Park Road E

Municipality/UT: London/Middlesex
OLT Case No: OLT-22-004108
OLT Lead Case No: OLT-22-004106
OLT Case Name: Drewlo Holdings Inc. v. London (City)

Heard: July 10, 2023 by video hearing

APPEARANCES:

<u>Parties</u>	<u>Counsel</u>
Drewlo Holdings Inc.	Analee Baroudi
City of London	Christina McCreedy Aynsley Hovius (<i>in absentia</i>)

MEMORANDUM OF ORAL DECISION DELIVERED BY S. DEBOER ON JULY 10, 2023 AND ORDER OF THE TRIBUNAL

[Link to Final Order](#)

INTRODUCTION AND BACKGROUND

[1] This matter involves the Appeals by Drewlo Holdings Inc. (“Appellant”) pursuant to s. 22(7), 34(11) and 51(34) of the *Planning Act* against the City of London’s (“City”) refusal of the Official Plan Amendment (“OPA”), the Zoning By-law Amendment (“ZBA”) and the absence of a decision regarding the Appellant’s draft Plan of Subdivision (“SUB”) for the lands municipally known as 1140 Fanshawe Park Road East in the City (“site”).

[2] The site is located north of Fanshawe Park Road East, south of Sunningdale Road East, west of Highbury Avenue North and east of Adelaide Street North. The property is irregular in shape, has an area of approximately 48.68 hectares (“ha”) and includes approximately 615.092 metres (“m”) of frontage along Sunningdale Road East and a total depth of approximately 1,370.16 m. The Subject Lands are presently

designated Low Density Residential, Multi-Family, Medium Density Residential, and Open Space. Through the London Plan the property is primarily designated 'Neighbourhoods' with the exception of Green Space areas.

[3] The planning instruments would permit a subdivision consisting of 18 low density residential blocks, six medium density, multi-family density blocks; two school blocks; three open space blocks, including one open space block for the compensation and relocation of an existing wetland that is presently identified as being provincially significant; seven access points at Sunningdale Road East, Savannah Drive, Nicole Avenue, Devos Drive, Blackwell Boulevard, Stackhouse Avenue and Fanshawe Park Road East as well as five internal streets.

[4] The Applicant filed the original applications in 2007 requesting an OPA and ZBA for the site. In August of 2007, the applications were put on hold until a revised Environmental Impact Study ("EIS") was submitted, given the failure of the initial study to recognize and address Grenfell Wetland's inclusion in the original EIS. This revised EIS was provided to the City in July 2008. This dispute between the Appellant and the City continued until 2022. A new EIS was completed in 2021 and submitted by the Applicant, as required by the City. The new EIS was in support of the revised Applications. In 2022, the Applicant submitted a revised draft OPA, ZBA and SUB.

[5] The OPA and ZBA were refused by City Council on May 24, 2022, and consequently, the City did not make a decision on the SUB. The Applicant then filed formal appeals to the Ontario Land Tribunal concerning all three planning instruments.

[6] The Tribunal received correspondence from the Appellant in advance of the Case Management Conference advising that the Parties have reached a settlement on the issues and the correspondence from the Appellant requested that the merits hearings be converted to a settlement hearing.

[7] In accordance with Rule 12 of the Tribunal's *Rules of Practice and Procedure*, the Tribunal convened the proceedings as a hearing on the terms of the settlement.

LEGISLATIVE FRAMEWORK

[8] When considering appeals filed pursuant to s. 22(7), 34(11) and 51(34) of the Act, the Tribunal must have regard to the matters of provincial interest as set in s. 2 of the Act. Section 3(5) of the Act requires decisions of the Tribunal affecting planning matters to be consistent with the Provincial Policy Statement, 2020 ("PPS"). The Tribunal must be satisfied that the Applications conform with the City's Official Plan ("LOP") and the City's Zoning By-law ("ZBL").

[9] In consideration of the statutory requirements set out above, the Tribunal must be satisfied that the Applications represent good planning and are in the public interest.

SUBMISSIONS

[10] At the beginning of the Hearing, the Upper Thames River Conservation Authority ("UTRCA") made a request to change its status from a Party to that of a Participant for this matter. The Tribunal granted this request and the Tribunal noted that the UTRCA's participant statement was received and would be accepted for consideration during the proceedings of today's matter. The Tribunal accepted the Participant statement of Tridon Group, which was deferred at the previous Case Management Conference.

[11] Prior to the commencement of the hearing, the Tribunal received the Affidavits of Melanie Vivian, a Site Development Planner with the City, and of David Hayman, a Senior Biologist with MTE Consultants. Both Affidavits were in support of the settlement. The parties presented both witnesses at the hearing to provide expert opinion evidence in their respective area of expertise. Ms. Vivian was affirmed and qualified to give expert opinion evidence in the form of her affidavit along with oral testimony in the area of land use planning. Mr. Hayman was affirmed and qualified to give expert opinion evidence in

the form of his affidavit along with oral testimony in the area of biology and natural heritage. The Settlement Hearing Record, which includes the Affidavits of both witnesses and the draft planning instruments, was marked as Exhibit 1 to the hearing.

The Applications

Planning Evidence of Ms. Melanie Vivian

[12] Ms. Vivian provided background information to the site, the surrounding area and a history of the applications for the benefit of the Tribunal.

PPS

[13] Ms. Vivian gave opinion evidence that the Applications are consistent with the PPS Policy 1.1.1(b) as it will provide a wide range of residential housing types and will provide for institutional uses by providing uses for two future school blocks, a park block and an open space as a wetland compensation area. The Applications will offer a mix of residential densities ranging from medium to low-density. There will be a total of 18 low-density residential blocks and six medium-density blocks. The unit count for the Applications is approximately 1,100 residential units.

[14] In Ms. Vivian's opinion, the Applications are consistent with Policy 1.1.3.6 of the PPS as the proposal is within the Urban Growth Boundary and is taking place in a designated growth area adjoined to an existing built-up area.

[15] Ms. Vivian gave opinion evidence that the Applications meet Policy 2.1.1 and 2.1.4 of the PPS as natural heritage features and areas shall be protected for the long term. Through the EIS report, the Grenfell Wetland was determined not to be a Provincially Significant Wetland ("PSW") due to the Ontario Wetland Evaluation System ("OWES") policy change, which came into effect on January 1, 2023. Significant wetlands are described in the PPS as "an area identified as "Provincially Significant" by

the Ministry of Natural Resources and Forestry (“MNRF”) using evaluation procedures established by the Province, which may be amended from time to time. Since the Grenfell Wetland has been re-evaluated to not be designated as a PSW, the Applications meet the Policies listed above.

LOP

[16] Ms. Vivian opined that the Applications conform with the LOP as the applications are within the Urban Boundary and are a part of the “Neighbourhoods” designation which permits a wide range of dwelling types, including single detached homes and townhouses. The proposal will redesignate “Green Space” lands to “Neighbourhoods” as the relocated wetlands will be designated “Green Space” to accommodate the residential uses.

[17] Ms. Vivian opined that the proposal conforms with Policies 60 and 61 of the LOP which encourage street networks that are pedestrian friendly, provides street patterns that are efficient and easy to navigate and minimizes the number of cul-de-sacs and dead-end streets. Sidewalks will be provided on both sides of all streets where possible.

[18] Due to the latest EIS report findings, the Grenfell Wetland was found to no longer be a PSW. As such, policy 1334 of the LOP allows for non-PSWs to be replaced on a one-to-one basis. The proposal before the Tribunal demonstrates that the replacement of the Grenfell Wetland will be made at the one-to-one ratio.

[19] The EIS has been completed in conformity to the LOP and Environmental Guidelines to the satisfaction of the City. The EIS addresses the concerns of the City pertaining to required buffers needed during all phases of the development.

[20] Overall, Ms. Vivian’s opinion was that the Proposal conforms with the LOP.

ZBL

[21] Concerning the ZBL, it was Ms. Vivian's opinion that the proposal, in its presented form, conforms to the ZBL. The proposed site-specific changes allow for the residential special provisions in each block area which will allow an efficient development of the Lands and provide a wide range of housing options. The proposal also provides for open public spaces and for future institutional lands that may be used for additional education needs.

SUB

[22] Ms. Vivian was asked by the Tribunal to provide context concerning the SUB and the attached conditions. It was Ms. Vivian's opinion that the conditions are needed in order for the City to have proper control mechanisms to protect the interests of the City, the public and the environment. In Ms. Vivian's opinion, the conditions are appropriate for the proposal before the Tribunal.

Summary Opinion

[23] In conclusion, it was Ms. Vivian's opinion that the proposal before the Tribunal was consistent with the PPS, conforms to the LOP and the ZBL. The proposed draft plan conditions are appropriate and the proposal represents good land use planning.

Biology and Natural Heritage Evidence of David Hayman

[24] Mr. Hayman provided the Tribunal with further background on this matter from a natural heritage perspective. Mr. Hayman confirmed that he was the author of the EIS in support of the planning instruments in 2021. Through conversations between the City and the Appellant, the EIS was revised and resubmitted in 2023 based on two factors, firstly the comments from the City on the 2021 submission and secondly to address

changes to the OWES and Conservation Authority legislation, which, as mentioned above, came into effect on January 1, 2023.

[25] Mr. Hayman states that under the revisions to the OWES, the MNRF is no longer the authority for administering wetland evaluations. The revisions allow a trained and qualified evaluator to complete a report on the wetlands in question and submit it to the approval authorities – in this case, the City of London. The approval authority can then use this report when making decisions under the *Planning Act*. The submission of the report is considered final and approval authorities cannot reject or request changes to the wetland evaluation(s).

[26] Mr. Hayman further stated that the EIS submitted in 2023 determined that the Grenfell Wetland was not a PSW based on the revised OWES and Conservation Authority legislation. With the findings of this report, the City was able to determine that the relocation of the Grenfell Wetland can take place under Policy 1334 of the LOP in a one-to-one ratio.

[27] The Grenfell Wetland will be relocated to an approximately 6.96 ha compensation and enhancement area in the southeast portion of Block 29 of the draft plan of subdivision as well as an approximate 1.0 ha area in the northeast portion of Block 27.

[28] It was Mr. Hayman's opinion that the relocation of the wetlands would end up as a net gain of wetland function through the creation of a Significant Wildlife Habitat ("SWH") for creatures such as Terrestrial Crayfish and snake hibernacula. This newly created wetland area will allow for the retention of water balance functions, growth of regional rare floral species, invasive species management and improved wildlife movement corridors.

[29] In Mr. Hayman's opinion, the proposal before the Tribunal will not cause a direct impact to the feature and functions of the adjacent significant natural heritage features

and wetlands. Appropriate setbacks and buffers have been recommended to mitigate any direct or indirect impacts to these features and wetlands. There will be a two-phase monitoring plan implemented during the construction and an evaluation of the habitat creation and naturalization plan after construction is complete.

Summary Opinion

[30] It was Mr. Hayman's conclusionary opinion that the 2023 EIS demonstrates that the Grenfell Wetlands do not qualify as a PSW. The City's implementation of Policy 1334 for the relocation of the Grenfell Wetlands is appropriate and will provide for a net gain of overall wetlands in the proposed development. Mr. Hayman's opinion is that the proposal before the Tribunal will protect the ecological systems on the Subject Lands including natural area features and functions.

Participant Statements

[31] The Tribunal asked the Parties to comment on the Participant statements received by the Tribunal and if their concerns have been taken into consideration during the settlement process. The Parties confirmed that the only Participant statement against the development was that of the UTRCA. The UTRCA was originally requesting to be a Party to this matter, however, due to the OWES regulation changes, it decided to be a Participant only in this matter, as was determined at the start of this hearing. The Parties advised the Tribunal that the UTRCA maintains jurisdiction over the issuance of a necessary permit under s. 28 of the *Conservation Authorities Act*. If the UTRCA staff are not satisfied with the proposal when the permit application is completed, then the permit application can be escalated to the UTRCA's Hearing Committee. If the permit is not issued at the Hearing Committee level, then the permit Applicant can appeal that decision to the Ontario Land Tribunal under the *Conservations Authorities Act*. The UTRCA permit application process is under a different Act and not a part of this *Planning Act* appeal.

ANALYSIS AND FINDINGS

[32] The Tribunal accepts the uncontroverted evidence provided by Ms. Vivian and Mr. Hayman.

[33] The Tribunal finds that the proposed development will provide for an appropriate form of mixed housing use and intensification in an area that is within the Urban Boundary and will be well served with adjacent municipal infrastructure. The Tribunal finds that the proposed development has taken into consideration the existing and adjacent wetlands and that the moving of the Grenfell Wetlands to another area of the property will provide more overall wetland diversity on the Subject Lands.

[34] The Tribunal finds that the proposed development will ensure compatibility with the adjacent existing developments, will be an efficient use of the land and will help achieve the policy directions of the PPS by promoting appropriate intensification in an urban area.

[35] The Tribunal finds that the proposed development will provide ample monitoring during the construction process to ensure that the wetlands are not affected in a negative way and the recommendations of the EIS will protect the ecological systems on the land.

[36] The Tribunal finds that the draft plan of subdivision conditions are appropriate and provide for the protection of the wetlands, surface water and groundwater on the site.

[37] The Tribunal finds that the proposal before the Tribunal has sufficient and proper regard for the applicable matters of provincial interest as set out in s. 2 of the *Planning Act*. The Tribunal finds that the proposal is consistent with the PPS and conform to the policies of the LOP.

[38] The Tribunal finds that the draft zoning instrument will appropriately implement the Official Plan policy and the forms of development. The Tribunal finds that the proposal is good land use planning.

[39] The Tribunal notes that it has taken into consideration the Participant statements. The Tribunal was in receipt of three Participant statements in favour of the Applicant in this appeal, North Glen Land Corporation, who is the developer to the west of the subject lands, Henry and Blanche Komarek, and Tridon Group who are adjacent property owners to the site. The Tribunal is aware that the UTRCA was the only Participant in opposition. However, the UTRCA did vacate their Party status at the beginning of the hearing. The UTRCA may voice their concerns during the s. 28 of the *Conservations Authorities Act* permit application process, which is required as the Subject Lands are regulated under the UTRCA in accordance with regulation 157/06.

ORDER

[40] **THE TRIBUNAL ORDERS** that the appeal is allowed in part and the Official Plan of the City of London is amended as set out in Attachment 1 to this Order.

[41] **THE TRIBUNAL ORDERS** that the appeal against Zoning By-law Z-1 of the City of London is allowed in part and By-law Z-1 is amended as set out in Attachment 2 to this Order.

[42] **THE TRIBUNAL ORDERS** that the appeal is allowed, and the draft plan shown on the plan prepared by Archibald, Gray and McKay Limited dated April 10, 2023, comprising Part of Lots 9 and 10, Concession 5 of the City of London is approved subject to the fulfillment of the conditions set out in Attachment 3 of this Order.

[43] **THE TRIBUNAL ORDERS** that pursuant to subsection 51(56.1) of the Planning Act, the City of London shall have the authority to clear the conditions of draft plan approval and to administer final approval of the plan of subdivision for the purposes of

subsection 51(58) of the Act. In the event that there are any difficulties implementing any of the conditions of draft plan approval, or if any changes are required to be made to the draft plan, the Tribunal may be spoken to.

“S. deBoer”

S. DEBOER
MEMBER

Ontario Land Tribunal

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248
The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT 1

AMENDMENT NO.
to the
OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to redesignate a portion of the site from a Green Space Place Type to a Neighbourhoods Place Type, and another portion of the site from a Neighbourhoods Place Type to a Green Space Place Type for the wetland relocation and compensation area.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 1140 Fanshawe Park Road East in the City of London.

C. BASIS OF THE AMENDMENT

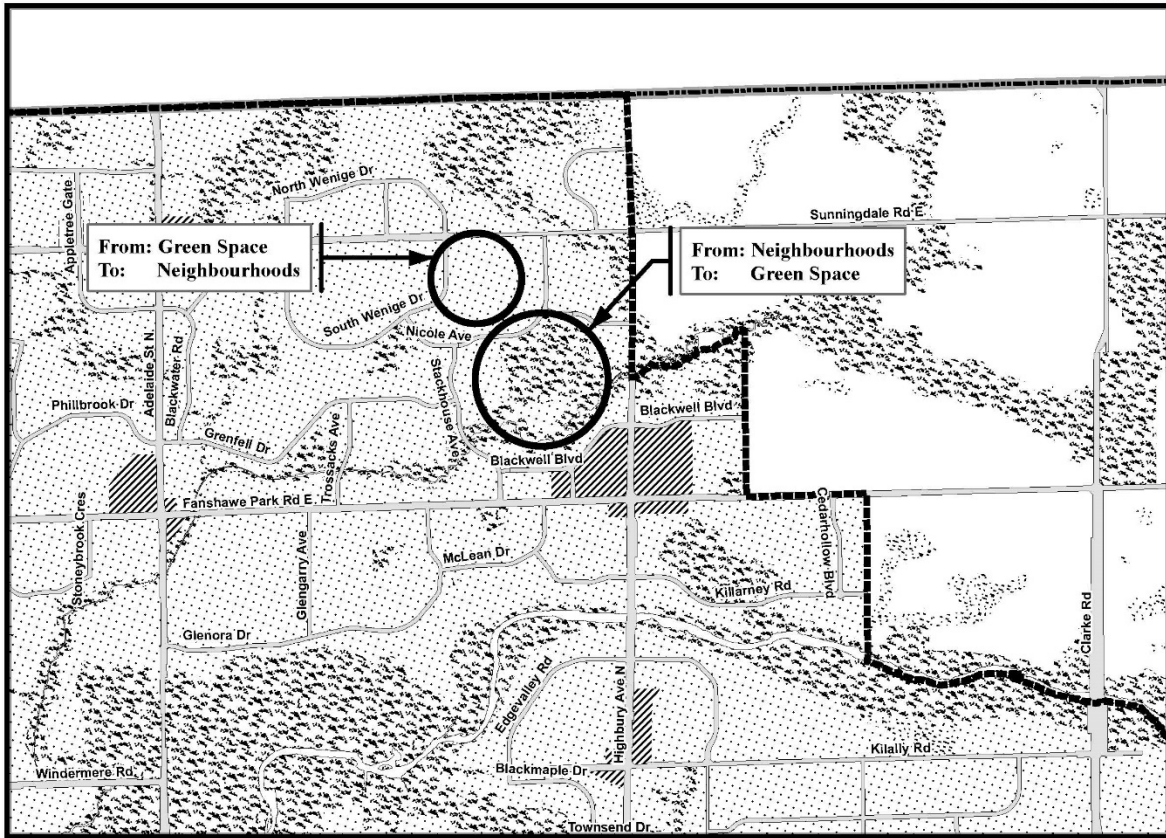
The recommended Place Type amendments are consistent with the policies of the Provincial Policy Statement, 2020, conform to the policies of Official Plan for the City of London, 2016 and are appropriate to facilitate the proposed development. The recommended amendment would permit development that is appropriate for the planned function of the subject lands as set out in the Stoney Creek Community Plan, and as a continuation of the existing community to the west. The recommended development would help to achieve the vision of the Neighbourhoods Place Type, directing intensity toward the higher order street. The recommended development offers a mix of housing options, intensities and forms, including appropriate affordable housing options. The recommended amendment provides compensation for existing natural feature on the subject lands and relocates the feature, expanding upon the green corridor network along the Thames River, providing additional links to the green space network throughout the City, and expanding on passive recreational opportunities in the community.

D. THE AMENDMENT

The Official Plan for the City of London Planning Area - 2016 is hereby amended as follows:

1. The Official Plan for the City of London, 2016 is amended by changing a portion of the lands located at 1140 Fanshawe Park Road East in the City of London, as indicated on "Schedule 1" attached hereto from a Neighbourhoods Place Type to a Green Space Place Type, and another portion of the lands from a Green Space Place Type to a Neighbourhoods Place Type.

AMENDMENT NO:



Legend

- | | | |
|------------------------|--------------------------|---|
| Downtown | Future Community Growth | Environmental Review |
| Transit Village | Heavy Industrial | Farmland |
| Shopping Area | Light Industrial | Rural Neighbourhood |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management Resource Recovery Area |
| Urban Corridor | Commercial Industrial | Urban Growth Boundary |
| Main Street | Institutional | |
| Neighbourhood | Green Space | |

This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

<p>SCHEDULE # TO OFFICIAL AMENDMENT NO. _____</p> <p>PREPARED BY: Planning & Development</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: OZ-9473</p> <p>PLANNER: MV</p> <p>TECHNICIAN: JI</p> <p>DATE: 5/4/2023</p>
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ATTACHMENT 2

Bill No. (number to be inserted by Clerk's Office)
2023

By-law No. Z.-1-23_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 1140
Fanshawe Park Road East.

WHEREAS Drewlo Holdings Inc. has applied to rezone an area of land located at 1140 Fanshawe Park Road East, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Ontario Land Tribunal enacts as follows:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the lands located at 1140 Fanshawe Park Road East, as shown on the attached map, FROM a Holding Urban Reserve (h-2*UR3) Zone, Urban Reserve (UR3) Zone and Open Space (OS5) Zone, TO a Residential R1 (R1-2) Zone, Residential R1 (R1-3) Zone, Residential R1 (R1-3(3)) Zone, holding Residential R1 (h-84*R1-17) Zone, Residential R5 (R5-7) Zone, holding Residential R5(h*84*R5-7), holding Residential R6 Special Provision (h*h-54*h*_R6-5(_)) Zone, holding Residential R6 Special Provision (h*h-54*R6-5(_)), holding Residential R6 Special Provision (h*R6-5(_)) Zone, holding Residential R8 Special Provision (h*h-54*h*_R8-4(_)) Zone, holding Residential R8 Special Provision (h*h-54*R8-4(_)) Zone, Open Space (OS1) Zone, Open Space (OS5) Zone, Open Space Special Provision (OS5(_)) Zone, holding Urban Reserve (h2*UR3) Zone, Neighbourhood Facility (NF) Zone
- 2) Section Number 10.4 of the holding Residential R6 Special Provision (h*h-54*R6-5(_)) Zone is amended by adding the following special provisions: **(Block 19)**
(h*h-54*R6-5(_))
 - a) The front lot line is considered to be Sunningdale Road East for the purpose of development.
 - b) No parking is to be permitted within the front and exterior side yard in front of any proposed buildings.
 - c) Notwithstanding section 3.9(2) of this By-law, the maximum density calculation shall be based on the lot area of 3.92 ha, which includes the lands in the abutting Open Space Special Provision (OS5(_)) Zone.
 - d) Regulations:
 - i) Front Yard Depth (m) (min): 3.0

- ii) Exterior Side Yard Depth (m) (min): 3.0
- iii) Density (uph) (max): 100
- iv) Interior Side Yard Depth from Open Space Zone (m) (min): 1.0
- v) Height (max): 22.0 m or 6-storeys

- 3) Section Number 12.4 of the holding Residential R8 Special Provision (h*h-54*R8-4(_)) Zone is amended by adding the following special provisions: **(Block 19)**

(h*h-54*R8-4(_))

- a) The front lot line is considered to be Sunningdale Road East for the purpose of development.
- b) No parking is to be permitted within the front and exterior side yard in front of any proposed buildings.
- c) Notwithstanding Section 3.9(2) of this By-law, the maximum density calculation shall be based on the lot area of 3.92 ha, which includes the abutting Open Space Special Provision (OS5(_)) Zone lands.
- d) Regulations:
 - i) Front Yard Depth (m) (min): 3.0
 - ii) Exterior Side Yard Depth (m) (min): 3.0
 - iii) Lot Coverage (%) (max): 45
 - iv) Density (uph) (max): 100
 - v) Interior Side Yard Depth from Open Space Zone (m) (min): 1.0
 - vi) Height (max): 22.0 m or 6-storeys

- 4) Section Number 10.4 of the holding Residential R6 Special Provision (h*h-54*h-_*R6-5(_)) Zone is amended by adding the following special provisions: **(Block 20)**

(h*h-54*h-_*R6-5(_))

- a) The front lot line is considered to be Sunningdale Road East for the purpose of development.
- b) No parking is to be permitted within the front and exterior side yard in front of any proposed buildings.
- c) Regulations:
 - i) Front Yard Depth (m) (min): 3.0
 - ii) Exterior Side Yard Depth (m) (min): 3.0
 - iii) Density (uph) (max): 100
 - iv) Height (max): 22.0 m or 6-storeys

- 5) Section Number 12.4 of the holding Residential R8 Special Provision (R8-4(_)) Zone is amended by adding the following special provisions: (Block 20)

(h*h-54*h-_*R8-4(_))

- a) The front lot line is considered to be Sunningdale Road East for the purpose of development.
 - b) No parking is to be permitted within the front and exterior side yard in front of any proposed buildings.
 - c) Regulations:
 - i) Front Yard Depth (m) (min): 3.0
 - ii) Exterior Side Yard Depth (m) (min): 3.0
 - iii) Lot Coverage (%) (max): 45
 - iv) Density (uph) (max): 100
 - v) Height (max): 22.0 m or 6-storeys
- 6) Section Number 10.4 of the holding Residential R6 Special Provision (R6-5(_)) Zone is amended by adding the following special provisions: (Block 21)

(h*R6-5(_))

- a) Regulations:
 - i) Front Yard Depth (m) (min): 3.0
 - ii) Density (uph) (max): 65
 - iii) Height (max): 14.0m or 4-storeys
- 7) Section Number 10.4 of the holding Residential R6 Special Provision (h*R6-5(_)) Zone is amended by adding the following special provisions: (Block 22)

(h*R6-5(_))

- a) Regulations:
 - i) Front Side Yard Setback (m) (min): 3.0
 - ii) Exterior Side Yard Setback (m) (min): 3.0
 - iii) Rear Yard Depth (m) (min): 4.5
 - iv) Interior Side Yard Depth (m) (min): 4.5
 - v) Density (uph) (max): 100
 - vi) Height (max): 14.0m or 4-storeys
- 8) Section Number 10.4 of the holding Residential R6 Special Provision(h*R6-5(_)) Zone is amended by adding the following special provisions: (Block 23)

(h*R6-5(_))

a) Regulations:

- i) Front Side Yard Setback (m) (min): 3.0
- ii) Exterior Side Yard Setback (m) (min): 3.0
- iii) Density (uph) (max): 65
- iv) Height (max): 14.0m or 4-storeys

- 9) Section Number 36.4 of the holding Open Space OS5 Special Provision (OS5(_)) Zone is amended by adding the following special provision: (Block 27)

(OS5(_))

a) Lot Area (m²) (min): 16, 540

b) Regulations:

- i) Notwithstanding Section 3.9(2) of this By-law, the area of land zoned OS5(_) may be included with the abutting Residential-zoned lands in the block for the purpose of calculating density.

- 10) Section Number 36.4 of the Open Space OS5 Special Provision (OS5(_)) Zone is amended by adding the following special provision (Block 29)

(OS5(_))

a) Regulations:

- i) Lot Area (m²) (min): 93,740

- 11) Section Number 3.8 of the Holding "h" Zone is amended by adding the following holding provision

h-__ Purpose: The removal of the h-__ symbol shall not occur until such a time as the Owner has provided direct pedestrian connectivity from Devos Drive to Sunningdale Road East, to the satisfaction of the City. The centreline of the pedestrian connection shall not be located more than 15.0 metres from the centreline of Devos Drive.

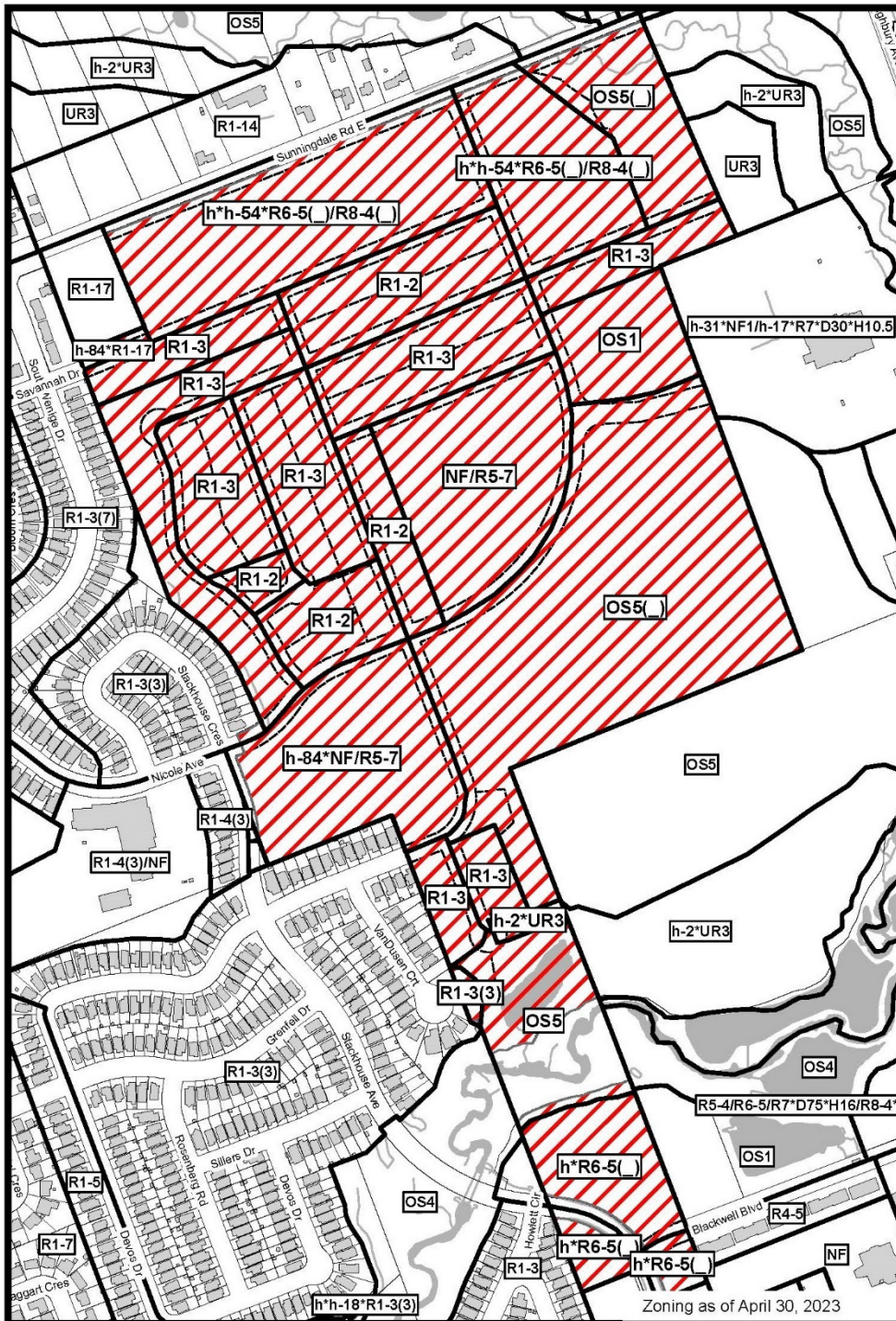
The inclusion in this By-law of imperial measure along with metric measure is for the

purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.


This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED by the Ontario Land Tribunal on _____, 2023

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




File Number: OZ-9473
Planner: MV
Date Prepared: 2023/5/8
Technician: JI
By-Law No: Z.-1-

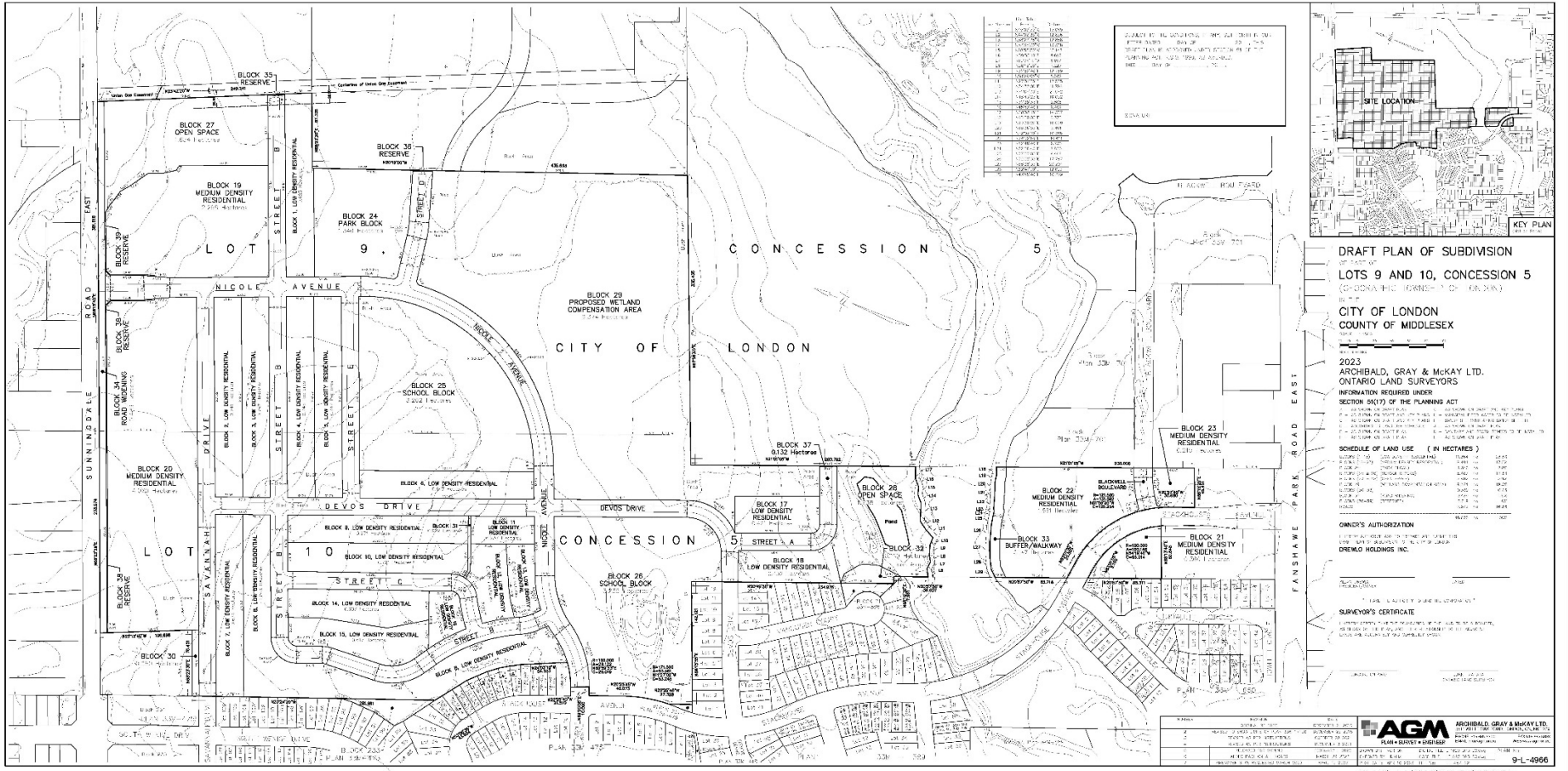
SUBJECT SITE 

1:5,000

0 25 50 100 150 200 Meters



ATTACHMENT 3



DRAFT PLAN OF SUBDIVISION
LOTS 9 AND 10, CONCESSION 5
 (CONCESSION 5, PARCELS 1 TO 10, 20, 30, 40)
 CITY OF LONDON
 COUNTY OF MIDDLESEX

2023
 ARCHIBALD, GRAY & MCKAY LTD.
 ONTARIO LAND SURVEYORS

INFORMATION REQUIRED UNDER
 SECTION 54(17) OF THE PLANNING ACT

SCHEDULE OF LAND USE (IN HECTARES)

OWNER'S AUTHORIZATION

SURVEYOR'S CERTIFICATE



APPENDIX 39T-07502

(Conditions to be included for draft plan approval)

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

NO.	CONDITIONS
1	This draft approval applies to the draft plan submitted by Drewlo Holdings Inc., prepared by Archibald, Gray & McKay Ltd., certified by Juan Zapata, OLS, File No. 39T-07502 drawing no. 9-L-4966, which shows a total of 19 low density residential blocks; five medium-density, multi-family density blocks; two school blocks; one park block; one future access block; one walkway/buffer block; one walkway block; three open space blocks, including one block for the compensation and relocation of a wetland, served by five internal streets with frontage along a Civic Boulevard, Neighbourhood Connector and Neighbourhood Streets.
2	This approval of the draft plan applies for five years, and if final approval is not given by that date, the draft approval shall lapse. Upon written request, an extension of the draft approval lapse date may be granted at the discretion of the Approval Authority. The Owner acknowledges that an extension of the draft approval lapse date may result in a deferral of development charge funded growth projects required to service the subject lands, in accordance with the City's Growth Management Implementation Strategy.
3	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 Planning and Development), which includes all works and services required for this plan, and this agreement shall be registered against the lands to which it applies.
4	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.
5	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.
6	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.
7	The Owner shall satisfy all the requirements, financial and otherwise, of the City of London in order to implement the conditions of this draft approval.
8	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.
9	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.
10	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, <u>and any required studies, reports, data, information or detailed engineering drawings</u> , 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.

Planning

11	Prior to final approval, appropriate zoning shall be in effect for this proposed subdivision.
12	The Owner shall include in all Purchase and Sale Agreements the requirement that the homes to be designed and constructed on all corner lots in this plan (including lots with side frontages to parks and/or open spaces), are to have design features, such as but not limited to front doors oriented toward the higher order street, porches, windows, wrap around materials and features or other architectural elements that provide for a street oriented design and limited chain link or decorative fencing along no more than 50% of the exterior side-yard abutting the exterior side-yard road/park/open space frontage.

Engineering

Sanitary:

13	In conjunction with the Focused Design Studies submission, the Owner shall have his consulting engineer prepare and submit a Sanitary Servicing Study (or update the submitted Ross Farm Subdivision: Functional Servicing Report, MTE, December 2021) to include the following design information:
(i)	Provide a sanitary drainage area plan, including the sanitary sewer routing including all external areas to be serviced to the satisfaction of the Deputy City Manager, Environment and Infrastructure;
(ii)	Provide clarification that the respective changes and any increase in drainage areas and additional populations, specifically the proposed addition of external lands north of Sunningdale Road (External E6) that is above and beyond the previously expected external lands, being the existing lots fronting along Sunningdale Road, is compatible with accepted record drawings and drainage area plans and consistent with the Stoneycreek Environmental Assessment (EA).
(iii)	Clarify and demonstrate the maximum population for external area E6 north of Sunningdale Road;

(iv)	All external areas previously noted as tributary are to continue to be accommodated and sewer routing and possible sewer extensions are to be shown such that they could connect to their respective outlet locations. Any upgrades, if required, are to be at no cost to the City;
(v)	Propose a suitable routing, including limits and depths and critical inverts and show all constraints and also include the sanitary sewer pipe diameter required and any potential for oversizing of the sanitary sewer as a result of suggesting a sanitary sewer be extended north through this plan that is expected to also accommodate an additional 43.62Ha of external land, that is fully within the urban growth boundary (UGB), north of Sunningdale Road west of Highbury Avenue. This should be compared against previous subdivision development proposals and the Stoneycreek EA for which the intended outlet location for the 43Ha parcel of land north of Sunningdale Rd is the future extension of an oversized sanitary sewer north of the 600mm diameter trunk sewer located at Highbury Avenue and Blackwater Road. Show all impacts this has on pipe sizing requirements based on the increase in area and population and the expected depth of the sewer through this draft plan that is needed to accommodate additional external lands. Further to this, the consulting engineer shall be required to provide an opinion for the need for an Environmental Assessment under the Class EA requirement for this sanitary sewer, and for work within the Stoneycreek Flood Facility;
(vi)	Determine and maximize sanitary contributions to the Stackhouse sanitary outlet verses proposing increases in population and flow to the existing sanitary system to the west of these lands;
(vii)	Provide a hydrogeological report which includes an analysis of the water table level of the lands within the subdivision with respect to the depth of the local sanitary sewers and an evaluation of additional measures, if any, which need to be undertaken in order to meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407.
14	In accordance with City standards or as otherwise required by the Deputy City Manager, Environment and Infrastructure, the Owner shall complete the following for the provision of sanitary services for this draft plan of subdivision:
(i)	Construct sanitary sewers to serve this Plan and connect them to the existing municipal sewer system, namely, the 200 mm (8") diameter sewer located on Savannah Drive, the 250 mm (10") diameter sanitary sewer on Nicole Avenue, and the 525mm (20") diameter sanitary sewer on Stackhouse Avenue;
(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)	Implementing all inflow and infiltration mitigation measures to meet allowable inflow and infiltration level as identified by OPSS 407 and OPSS 410 as well as any additional measures recommended in the hydrogeological report;
(iv)	Oversizing of the internal sanitary sewers in this draft plan to accommodate flows from the upstream lands external to this plan, if necessary, all to the satisfaction of the City.

	This sewer must be extended to the limits of this plan and/or property line to service the upstream external lands;
(v)	Where trunk sewers are greater than eight (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 Deputy City Manager, Environment and Infrastructure. The local sanitary sewer will be at the sole cost of the Owner.
15	In conjunction with Focused Design Studies submission, a conceptual layout including the future proposed crossing of Stoney Creek at the northern limits to service external lands shall be provided identifying invert depths required to provide adequate separation at this crossing to the satisfaction of the City. In the event the sewer depths required to service these external lands are unacceptable the external servicing will need to be revised in accordance with EA acceptable to the City;

Storm and Stormwater Management (SWM):

16	In conjunction with the Focused Design Studies submission, the Owner shall have their consulting engineer prepare and submit a Storm/Drainage and a SWM Servicing Report of Confirmation (or update the submitted Ross Farm Subdivision: Preliminary Stormwater Servicing Report, MTE, December 2021) to address the following:
(i)	Identifying the storm/drainage and SWM servicing works for the subject and external lands and how the interim drainage from external lands will be managed, all to the satisfaction of the City;
(ii)	Identifying major and minor storm flow routes for the subject and external lands, to the satisfaction of the City;
(iii)	Make provisions to oversize and deepen the internal storm sewers in this plan, if necessary, to accommodate flows from upstream lands external to this plan;
(iv)	Make provisions to oversize and deepen the internal storm sewers in this plan, if necessary, to accommodate flows from upstream lands external to this plan;
(v)	Develop a sediment and erosion control plan(s) that will identify all sediment and erosion control measures, responsibilities and inspecting/reporting requirements for the subject lands, in accordance with City of London, the Ministry of the Environment, Conservation and Parks (MECP) standards and requirements and current industry standards all to the specifications and satisfaction of the City. The sediment and erosion control plan(s) shall include all applicable mitigation measures and recommendations to protect environmentally significant areas and significant natural heritage features within and adjacent to this development footprint as well as watercourses, wetlands and Valleylands as identified in the accepted Environmental Impact Study (EIS) all to the specifications and satisfaction of the City, UTRCA and DFO as applicable. The sediment and erosion control plan(s) shall confirm and identify all interim and long-term drainage measures, responsibilities and maintenance requirements, as well as a monitoring program 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 for conformance to our standards and the Erosion and Sediment Control Guideline for Urban Construction (TRCA, December 2019). Prior to any work on site, the Owner's professional engineer shall submit these measures and is to have these measures established and approved all to the satisfaction of the City. Further, the Owner's Professional Engineer must inspect and confirm that the required erosion and sediment control measures are maintained, maintained to adapt to the changing site conditions, and operated as intended during all phases/stages of construction.
(vi)	implement SWM soft measure Best Management Practices (BMP's) within the Plan, where possible, to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this Plan and the approval of the Deputy City Manager, Environment and Infrastructure; and,
(vii)	Ensure the post-development discharge flow from the subject site meets stormwater control requirements for water balance, quality, quantity, and erosion volume control, and can be accommodate by existing or proposed SWM infrastructure. The subject site shall not exceed the capacity of the existing or proposed stormwater conveyance system, to the satisfaction of the City. In an event where the above condition cannot be met, the Owner shall provide SWM on-site controls that comply with the accepted design requirement for Permanent Private Stormwater Systems, to the satisfaction of the City, at no cost to the City. For blocks identified in the face of the Draft Plan as Medium density blocks or school blocks, the owner is to provide a runoff coefficient value representative to the anticipated impervious surfaces such as houses/buildings and hardscaping to ensure the future proposed development of those blocks does not exceed the capacity of the stormwater conveyance system. In addition, the Owner(s) shall include any water balance targets or controls on engineering drawings to address requirements for future site blocks to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate supporting focus design studies such as hydrogeological, geotechnical, and functional Stormwater Management including an operations and maintenance plan.
(viii)	Ensure all geotechnical conditions, natural heritage and/or hazard considerations, and required setbacks related to the slope stability and natural features including open watercourses that services upstream catchments are adequately addressed for the subject lands, all to the satisfaction of the City and applicable agencies.
(ix)	in accordance with the Ministry of the Environment, Conservation and Parks (MECP) and City's requirements, adequate setbacks will be maintained and allocated in accordance with the City Council approved Official Plan Policies relating to open watercourse setbacks. Required setbacks, buffers, regulated areas, and areas to be protected during construction shall be clearly identified within the engineering drawings issued for construction. Required buffers to environmentally significant areas and significant natural heritage features, watercourses, wetlands, Valleylands etc. within and adjacent to this development footprint are subject to the City's Official Plan and MNR policies and should be consistent with the accepted Environmental Impact Study (EIS) for this development.
(x)	Provide supporting overland flow route capacity calculations and associated drawings for the conveyance of the major overland flows from this plan of subdivision to the intended receiving system. Prior to issuing a Certification of Conditional Approval, the Owner's professional engineer shall identify, as part of the functional SWM report, major

	and minor storm flow routes for the subject land and demonstrate these flows can be adequately controlled and conveyed to the final outlet with no impacts to downstream properties or infrastructure. Flow routes shall be constructed and be operational all to the satisfaction of the City.
17	The Owner shall ensure and verify that increased and accelerated Stormwater runoff from this subdivision shall not cause damage to downstream lands, properties or structures beyond the limits of this subdivision and notwithstanding anything to the contrary of any requirements of the city or any approval given by the City, the indemnity provided shall apply to 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	The Owner acknowledges the subject lands are located within the drainage area described in the accepted Municipal Class Environmental Assessment (EA) Study Schedule B for Storm/Drainage and Stormwater Management (SWM) Servicing Works for Stoney Creek Undeveloped Lands (Delcan Corporation – May 2011), including subsequent Minor Revisions/Amendments (Delcan Corporation – May 2011).
19	The Owner also acknowledges the current Municipal Class Environmental Assessment (EA) Study Schedule B for Storm/Drainage and Stormwater Management (SWM) Servicing Works for Stoney Creek Undeveloped Lands (Delcan Corporation – May 2011) is outdated and may no longer be consistent with City policy and standards. As part of this subdivision process the EA shall require an update or addendum. The EA update or addendum may be completed through the subdivision process and led by the developer and scoped with appropriate City staff. The EA update or addendum will update the SWM strategy for the subject lands by; optimizing catchment areas tributary to existing SWM facilities; confirming existing storm sewer conveyance capacity and SWM facilities adequacy for the optimized catchment areas; incorporating SWM conveyance to natural areas or relocated environmental features; and may update SWM strategies and catchment areas for proposed Stoney Creek SWMF 8 and 7.1 including strategies for external lands previously identified to be tributary to these proposed SWM Facilities. The Owner agrees the EA update or addendum is required to support this draft plan and that the EA update or addendum will be completed in conjunction with related supporting studies (e.g. EIS, relocation design, hydrogeology, water balance, etc.). As part of design studies, the Owner agrees to prepare and submit a conceptual Storm/Drainage and SWM Servicing Report and identify any additional studies (e.g., Hydrogeological and water balance report, etc.) required to support the implementation of the updated preferred SWM EA strategy.
20	The Owner further acknowledges and agrees the design and construction of any interim SWM control facilities and outlets prior to the finalization of any update or addendum to the Municipal Class Environmental Assessment (EA) Study Schedule B for Storm/Drainage and Stormwater Management (SWM) Servicing Works for Stoney Creek Undeveloped Lands (Delcan Corporation – May 2011) will be funded, designed, constructed, owned, and operated by the Owner to achieve the required SWM quality, quantity, erosion, and water balance requirements, all to the satisfaction of the City.
21	The Owner shall decommission interim work and implement the accepted ultimate SWM strategy in advance of subdivision assumption and at the sole expense of the Owner.

	The Owner acknowledges additional security may be requested by the City to ensure interim measures are decommissioned and replaced to meet the ultimate SWM strategy established by any update or addendum to the Municipal Class Environmental Assessment (EA) Study Schedule B for Storm/Drainage and Stormwater Management (SWM) Servicing Works for Stoney Creek Undeveloped Lands (Delcan Corporation – May 2011), all to the satisfaction of the City.
22	The Owner shall have a consulting professional engineer design and construct proposed storm/drainage and SWM servicing works for the subject lands all to the satisfaction of the City and according to the requirements of the following:
(i)	The SWM criteria and environmental targets for the Stoney Creek Subwatershed Study;
(ii)	The Municipal Class Environmental Assessment (EA) Study Schedule B for Storm/Drainage and Stormwater Management (SWM) Servicing Works for Stoney Creek Undeveloped Lands (Delcan Corporation – May 2011), including subsequent Minor Revisions/Amendments (Delcan Corporation – May 2011) and any update or addendum as required by the City;
(iii)	The accepted Functional Storm Drainage and Stormwater Management Report – Northridge Village Subdivision (R.W. Stratford Consulting Inc. - March 2011);
(iv)	The accepted Detailed Design Report for the Stoney Creek Erosion Control Wetland SWM Facility (Delcan Corporation – May 2010);
(v)	The accepted Stoney Creek On-Line Flood Control Functional Design Brief (McCormick Rankin Corporation – December – April 2006);
(vi)	The accepted Stoney Creek Community Master Drainage Plan (McCormick Rankin Corporation – October 2006), including subsequent revisions;
(vii)	The accepted Green Subdivision - Stormwater Management Plan – Green SWMF – (McCormick Rankin Corporation – October 2002), including subsequent revisions;
(viii)	The accepted Stormwater Management Facility Report –Northridge North Subdivision (Stantec Consultants Ltd. – March 2002);
(ix)	The approved Environmental Impact Study for the subject lands;
(x)	The approved Storm/Drainage and SWM Servicing functional Report for the subject lands;
(xi)	The City's Waste Discharge and Drainage By-Laws, lot grading standards, policies, requirements and practices;
(xii)	The Ministry of the Environment SWM Practices Planning and Design Manual (2003), and;
(xiii)	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.
23	In accordance with City standards or as otherwise required by the Deputy City Manager, Environment and Infrastructure, the Owner shall complete the following for the provision of stormwater management (SWM) and stormwater services for this draft plan of subdivision:
(i)	Construct storm sewers to serve this plan, located within the Stoney Creek Subwatershed, and connect storm servicing to serve this Plan to available stormwater outlets.
(ii)	Grade and drain the north boundary of Block 33 to blend in with the abutting Stoney Creek Facility adjacent to this Plan.

24	In conjunction with the Focused Design Studies submission, the Owner shall have a professional engineer or professional geoscientist prepare a hydrogeological investigation and/or addendum/update to the existing hydrogeological investigation(s) based on the final subdivision design, to determine the potential short-term and long-term effects of the construction associated with the development on existing groundwater elevations and to assess the impact on the water balance of the subject plan, identifying all required mitigation measures, including Low Impact Development (LIDs) solutions to the satisfaction of the City. Hydrogeological support to existing features and any relocated wetlands as identified in the approved Environmental Impact Study (EIS) should also be included in the accepted hydrogeological assessment report and the functional SWM design.
25	Any hydrogeological assessment report submissions to the City through the Focused Design Studies process must be supported by an initial hydrogeological scoping meeting with appropriate City Staff, coordinated by the applicant or the applicant's consultant, to develop an agreed upon hydrogeological Terms of Reference (TOR) to adequately assess the existing and proposed hydrogeological conditions within the subject lands. Any future hydrogeological assessment report submissions shall be to the satisfaction of the City.
26	Elements of the hydrogeological investigation should include, but are not to be limited to the following:
(i)	Analysis of water quality and quantity impacts on existing significant natural heritage features and relocated wetlands within the development footprint, under the existing and post-development conditions and recommendations to minimize any adverse impacts from the proposed land development to the satisfaction of the City and all applicable agencies.
(ii)	The pre-development discharges to existing natural heritage features to be maintained on-site must be maintained under the post-development conditions. These discharges shall be accommodated in the proposed storm/drainage and SWM servicing works for the subject lands in accordance with existing drainage patterns. Post development discharges to relocated natural heritage features are to be in accordance with the accepted water balance assessment and accommodated in the proposed storm/drainage and SWM servicing works for the subject lands in accordance with existing drainage patterns.
(iii)	Evaluation of the hydrogeological regime, including specific aquifer properties, static groundwater levels, and groundwater flow direction;
(iv)	Evaluation of water quality characteristics and the potential interaction between shallow groundwater, surface water features, and nearby natural heritage features;
(v)	Completion of a water balance and/or addendum/update to the existing water balance for the proposed development, revised to include the use of LIDs as appropriate;
(vi)	Completion of a water balance for any nearby natural heritage feature (i.e., all open space Blocks) to include the use of LIDs as appropriate and needed;
(vii)	Completion of appropriate water balance calculations to inform the wetland compensation concept design and to ensure that the water balance and quality of the relocated wetlands will be maintained both in the short-term and in the long-term development conditions;
(viii)	Details related to proposed LID solutions including details related to the long-term operations of the LID systems as it relates to seasonal fluctuations of the groundwater table and potential road salt application impacts;

(ix)	Evaluation of construction related impacts and their potential effects on the shallow groundwater system;
(x)	Evaluation of construction related impacts and their potential effects on local significant features;
(xi)	Development of appropriate short-term and long-term monitoring plans (if applicable);
(xii)	Development of appropriate contingency plans (if applicable) in the event of groundwater interference related to construction.
(xiii)	Identify the effects of the construction associated with this subdivision on the existing ground water elevations and domestic or farm wells in the area
(xiv)	Identify any abandoned wells in this plan
(xv)	Identify any fill required in the plan
(xvi)	Provide recommendations for foundation design should high groundwater be encountered
(xvii)	Address any contamination impacts that may be anticipated or experienced as a result of the said construction
(xviii)	Provide recommendations regarding soil conditions and fill needs in the location of any existing watercourses or bodies of water on the site.
(xix)	To meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407, include an analysis to establish the water table level of lands within the subdivision with respect to the depth of the sanitary sewers and recommend additional measures, if any, which need to be undertaken
27	In conjunction with the Certificate of Conditional Approval, the Owner's professional engineer shall ensure that any remedial or other works as recommended in the accepted hydrogeological report are implemented by the Owner, to the satisfaction of the City, at no cost to the City.
28	In conjunction with the second submission of engineering drawings, the Owner's consulting Professional Engineer shall submit, a Monitoring and Operational Procedure Manual for the maintenance and monitoring program for each of the SWM Facilities within this plan (i.e., dry ponds, LIDs, OGSs, etc.), in accordance with the City's "Monitoring and Operational Procedure for Stormwater Management Facilities" and other available guidance document requirements to the City for review and approval. The program will include but not be limited to the following:
(i)	A work program manual for the phasing, maintenance and monitoring of these facilities during all phases of construction and buildout as well as following assumption.
(ii)	A verification and compliance monitoring program the developer will need to complete to verify the SWM features meet the intended design prior to assumption.
29	Following construction and prior to the assumption of the stormwater system, the Owner agrees to complete the following at no cost to the city, and all to the satisfaction of the City:
(i)	Operate, maintain, and monitor the SWM Facilities in accordance with the approved maintenance and monitoring program and the City's "Monitoring and Operational Procedure for Stormwater Management Facilities"
(ii)	Have its consulting Professional Engineer submit semi-annual monitoring reports in accordance with the approved maintenance and monitoring program and the City's "Monitoring and Operational Procedure for Stormwater Management Facilities" to the City for review and approval.
30	If the subdivision includes any regional SWM work to be constructed by the City, the Owner shall develop the proposed plan of subdivision in accordance with the Design and Construction of Storm Water Management Facilities policies and processes identified in Appendix 'B-1' and 'B-2' Stormwater Management Facility "Just in Time"

	Design and Construction Process adopted by Council on July 30, 2013, as part of the Development Charges Policy Review: Major Policies Covering Report.
31	The Owner shall provide all adequate easements, if required, at no cost to the City, in relation to stormwater/drainage and SWM servicing works of the subject lands, all to the satisfaction of the City.

Watermains

32	In conjunction with the Focused Design Studies submission the Owner shall have their consulting engineer prepare and submit a Water Servicing Report including the following design information, all to the satisfaction of the Deputy City Manager, Environment and Infrastructure:
(i)	Water distribution system analysis & modeling and hydraulic calculations for the Plan of Subdivision confirming system design requirements are being met;
(ii)	Identify domestic and fire flows for the future development Blocks from the low-level water distribution system;
(iii)	Address water quality and identify measures to maintain water quality from zero build-out through full build-out of the subdivision;
(iv)	Include modeling as per section 7.14 of the City Design Standards as well as for two fire flow scenarios as follows: <ul style="list-style-type: none"> 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 20 PSI residual. Identify fire flows available from each proposed hydrant to be constructed and determine the appropriate colour hydrant markers (identifying hydrant rated capacity);
(v)	Include a staging and phasing report as applicable which addresses the requirement to maintain interim water quality;
(vi)	Develop a looping strategy when development is proposed to proceed beyond 80 units;
(vii)	Identify any water servicing requirements necessary to provide water servicing to external lands, incorporating existing area plans as applicable;
(viii)	Identify any need for the construction of or improvement to external works necessary to provide water servicing to this Plan of Subdivision;
(ix)	Identify any required watermain oversizing and any cost sharing agreements;
(x)	Identify the effect of development on existing water infrastructure and identify potential conflicts;
(xi)	Include full-sized water distribution and area plan(s) which includes identifying the location of valves & hydrants, the type and location of water quality measures to be implemented (including automatic flushing device settings and outlet), the fire hydrant rated capacity & marker colour, and the design domestic and fire flow applied to development Blocks.
(xii)	Hydraulic modelling to determine the appropriate sized watermain is constructed on Stackhouse Avenue to service the proposed Medium Density blocks that are located south of the Stoney Creek;

33	In accordance with City standards, or as otherwise required by the Deputy City Manager, Environment and Infrastructure, the Owner shall complete the following for the provision of water service to this draft Plan of Subdivision:
(i)	Construct watermains to serve this Plan north of the existing Stoney Creek and connect them to the existing low level municipal system, namely the existing 1200mm diameter watermain on Sunningdale Road, the existing 200mm diameter watermain on Savannah Drive, the existing 250mm diameter watermain on Nicole Avenue and the existing 250mm diameter Watermain on Devos Drive.
(ii)	Construct watermains for the lands south of the existing Stoney Creek and connect them to the existing low level municipal system, namely the existing 400mm diameter Watermain on Fanshawe Park Road, the existing 100mm diameter watermain on Howlett Circle and the existing 200mm diameter municipal watermain on Blackwell Boulevard;
(iii)	Deliver confirmation that the watermain system has been looped to the satisfaction of the Deputy City Manager, Environment and Infrastructure when development is proposed to proceed beyond 80 units;
(iv)	Available fire flows and appropriate hydrant rated capacity colour code markers are to be shown on the engineering drawings; the coloured fire hydrant markers will be installed by the City of London at the time of Conditional Approval;
34	The Owner shall obtain all necessary approvals from the Deputy City Manager, Environment and Infrastructure for the servicing of all Blocks in this Plan of Subdivision prior to the installation of any water services to or within these Blocks.

Roadworks:

35	All through intersections and connections with existing streets and internal to this subdivision shall align with the opposing streets based on the centrelines of the street aligning perpendicular through their intersections and opposite each other thereby having these streets centred with each other, unless otherwise approved by the Deputy City Manager, Environment and Infrastructure.
36	In conjunction with the first submission of engineering drawings, the Owner shall have its consulting engineer provide the following, all to the specifications and satisfaction of the Deputy City Manager, Environment and Infrastructure:
(i)	provide a proposed layout plan of the internal road network including taper details for streets in this plan that change right-of-way widths with minimum 30 metre tapers for review and acceptance with respect to road geometries, including but not limited to, right-of-way widths, tapers, bends, intersection layout, daylighting triangles, 10m straight tangents, etc., and include any associated adjustments to the abutting lots. The roads shall be equally tapered and aligned based on the road centrelines and it should be noted tapers are not to be within intersections.
(ii)	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:" Neighbourhood Connectors to have a centreline radii of 110 metres as per City of London Standards.
(iii)	At 'tee' intersection, the projected road centreline of the intersecting street shall intersect the through street at 90 degrees with a minimum 10 metre tangent being required along the street lines of the intersecting road, to the satisfaction of the Deputy City Manager, Environment and Infrastructure.

(iv)	shall provide a minimum of 5.5 metres along the curb line between the projected property lines of irregular shaped lots around the bends and/or around the cul-de-sacs on streets in this plan of subdivision.
(v)	shall ensure street light poles and luminaires, along the street being extended, match the style of street light already existing, or as close as possible following current specifications (i.e., the City of London's approved street light fixtures), along the developed portion of the street, to the satisfaction of the City.
(vi)	shall ensure any emergency access required is satisfactory to the Deputy City Manager, Environment and Infrastructure with respect to all technical aspects, including adequacy of sight lines, provisions of channelization, adequacy of road geometries and structural design, etc.
37	The Owner shall convey Future Development Block 37, to the City for future use as needed, at no cost to the City. If this Block is not needed upon development or redevelopment of the lands to the east of this block, the City agrees that a Block (approximately 35.0m deep) will be returned to the Owner for a nominal fee, plus the cost of any associated legal fees for document preparation, for use as a residential building lot. The remainder of the Block will be retained by the City as Open Space. The Owner shall be responsible for the cost of any associated legal fees for document preparation.
38	In conjunction with the first submission of engineering drawings, the Owner shall provide details of a turning circle at the eastern limit of Street 'A'. The turning circle shall be designed such that Street 'A' can either be extended over Block 37 as a Neighbourhood Street (should development occur on the lands to the east) or remain in place as a cul-de-sac (should development not occur on the lands to the east), all to the satisfaction of the City.
39	The Owner shall have it's professional engineer design and construct the roadworks in accordance with the following road widths:
(i)	Nicole Avenue (Neighbourhood Connector) to have a road pavement with (excluding gutters) of 10.0 metres and include buffered bike lanes in accordance with the Complete Street Design Manual with a minimum road allowance of 23.0 metres.
(ii)	Blackwell Boulevard (Neighbourhood Connector) to have a road pavement with (excluding gutters) of 6.0 metres with a minimum road allowance of 21.5 metres, to be a continuation of the existing 21.5 metre wide Blackwell Boulevard road allowance.
(iii)	Street D (Neighbourhood Connector) to have a road pavement width (excluding gutters) of 10.0 metres and include buffered bike lanes in accordance with the Complete Street Design Manual with a minimum road allowance of 23.0 metres.
(iv)	Savannah Drive, Devos Drive, Street A, Street B, Street C, and Street E (Neighbourhood Street) to have a road pavement with (excluding gutters) of 7.5 metres with a minimum road allowance of 20.0 metres consistent with City standards. The Owner shall taper Devos Drive from the existing width of 19.0 metres to 20.0 metres at Street 'A', to the satisfaction of the City.

(v)	The Owner shall construct a gateway treatment (without island) on Stackhouse Avenue at the intersection of Fanshawe Park Rd E with a right of way width of 28.0 metres for a minimum length of 45.0 metres tapered back over a distance of 30 metres to the standard neighbourhood connector right of way width of 21.5 metres, to the satisfaction of the City.				
(vi)	Stackhouse Avenue (Neighbourhood Connector) to have a road pavement width (excluding gutters) of 6.0 metres and taper back over a distance of 30 metres to match the existing 7.5m pavement width, with existing road allowance.				
(vii)	The Owner shall construct a gateway (without island) treatment on Nicole Avenue at the intersection of Sunningdale Road with a right of way width of 28.0 metres for a minimum length of 45.0 metres tapered back over a distance of 30 metres to the road right of way width of 23.0 metres, to the satisfaction of the City.				
40	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				
41	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.				
42	In conjunction with the first submission of engineering drawings, the Owner shall ensure all streets with bends of approximately 90 degrees shall have a minimum inside street line radius with the following standard: <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;"><u>Road Allowance</u></td> <td style="text-align: center;"><u>S/L Radius</u></td> </tr> <tr> <td style="text-align: center;">20.0 m</td> <td style="text-align: center;">9.0 m</td> </tr> </table>	<u>Road Allowance</u>	<u>S/L Radius</u>	20.0 m	9.0 m
<u>Road Allowance</u>	<u>S/L Radius</u>				
20.0 m	9.0 m				
43	In conjunction with the first submission of engineering drawings, the Owner shall provide a parking plan, to the specifications of the City.				
44	In conjunction with the first submission of engineering drawings, the Owner shall provide details of any external works on Sunningdale Road East to construct public street connections to the subdivision, to the satisfaction of the City, at no cost to the City.				
45	The Owner shall notify future owners of Block 25 and Block 26 that if the Blocks are developed as institutional facilities, vehicular access will only be permitted to/from Nicole Avenue and that school bus loading zones must be provided on private property and will not be permitted on Nicole Avenue.				
46	In conjunction with the first submission of engineering drawings, the Owner shall identify two Pedestrian Cross Overs (PXOs) for each school block (Block 25 and Block 26), at locations to be determined by the City, assumed to be one PXO-Type C and one PXO Type D, with 1.8m pads, ramps and tactile plates, all to the specifications and satisfaction of the Deputy City Manager, Environment and Infrastructure, at no cost to the City				

47	The Owner shall include in the Purchase and Sale Agreement for Block 20, the requirement to establish, design and construct a pedestrian connection at the time of Site Plan Control, to provide direct pedestrian connectivity from Devos Drive to Sunningdale Road East, all to the specifications and satisfaction of the Deputy City Manager, Environment and Infrastructure , at no cost to the City. The centreline of the pedestrian connection shall not be located more than 15.0m from the centreline of Devos Drive.
48	The Owner shall construct Savannah Drive, Nicole Avenue, Blackwell Boulevard , and Devos Drive as fully serviced road connections, including restoration of adjacent lands, all to the specifications and satisfaction of the Deputy City Manager, Environment and Infrastructure , at no cost to the City.

Sidewalks:

49	In conjunction with the first submission of engineering drawings, the Owner shall provide details of a 2.4 metre sidewalk on the northwest side of Nicole Avenue from Devos Drive to Street E, the south side of Street E from Nicole Avenue to Devos Drive, the east side of Devos Drive from Street E to Nicole Avenue, the south side of Nicole Avenue from Stackhouse Avenue to Devos Drive, the northwest side of Devos Drive from Nicole Avenue to Stackhouse Avenue, and the east side of Stackhouse Avenue from Devos Drive to Nicole Avenue, in accordance with the City of London Standard Drawing SR1.0, Note 2. Should Blocks 25 and 26 not be developed as institutional facilities, the Owner shall construct 1.5 metre sidewalks, to the satisfaction of the City.
50	The Owner shall dedicate, design and construct a walkway over Block 31 from the southerly end of Street C, going easterly to Devos Drive , all to the specifications and satisfaction of the Deputy City Manager, Environment and Infrastructure, at no cost to the City.
51	In conjunction with the first submission of engineering drawings, the Owner shall provide details of a 1.5 metre sidewalk on both sides of all streets in this Plan, except as noted below , including the reconstructed portion of Stackhouse Avenue from Howlett Circle to Fanshawe Park Road East, to the specifications of the City. A 2.50m boulevard width (back of curb to sidewalk) shall be provided.
52	In conjunction with the first submission of engineering drawings, the Owner shall provide details of a 1.5 metre sidewalk on one side of the following streets: <ul style="list-style-type: none"> <li data-bbox="492 1451 1276 1503">i) Savannah Drive – south boulevard from the west limit of this plan to South Wenige Drive; <li data-bbox="492 1503 1276 1528">ii) Nicole Avenue – north boulevard (between Devos Drive and Street 'D'); <li data-bbox="492 1528 1276 1581">iii) Street 'D' – north boulevard (between Nicole Avenue and the eastern limit of this plan); <li data-bbox="492 1581 1276 1633">iv) Devos Drive – west boulevard (between Nicole Avenue and the western limit of this plan); <li data-bbox="492 1633 1276 1652">v) Street 'A' – west boulevard (including crossing to Devos Drive).

	It should be noted that the noted one-sided sidewalks on Nicole Avenue (ii), Street D (iii), Devos Drive (iv), and Street A (v) shall be provided to direct pedestrian traffic away from Block 29 (wetland compensation) to mitigate disturbances in the natural heritage area.
53	In conjunction with the first submission of engineering drawings, the Owner shall provide details of a 1.5 metre sidewalk along the entire frontage of Sunningdale Road East in this Plan and have regard for the future projection of the ultimate sidewalk alignment across 1343 Sunningdale Road East. Should 1343 Sunningdale Road East not be undergoing a planning application for redevelopment, an interim alignment along the frontage of the said lot shall be considered in the design, to the satisfaction of the City. It is acknowledged the sidewalk connection fronting 1343 Sunningdale Road East shall be constructed should an application for redevelopment not be submitted for 1343 Sunningdale Road East.
54	Should the Owner direct any servicing within the walkway or the walkway is to be used as a maintenance access, the Owner shall provide a 4.6 metre wide walkway designed to the maintenance access standard, to the specifications of the City.

Pavement Marking & Signs:

55	In conjunction with first submission of engineering drawings, the Owner shall provide a pavement marking plan, to include all turn lanes, etc., to the satisfaction of the Deputy City Manager, Environment and Infrastructure.
56	The Owner shall install pavement markings & signs to the satisfaction of the City, at no cost to the City.
57	In conjunction with the first submission of engineering drawings, the Owner shall provide details of the following pavement markings and signs, as per City standards, to the satisfaction of the City: <ul style="list-style-type: none"> i. No Parking signs within 20m of all stops signs ii. Speed cushion signs and pavement markings
58	Prior to assumption, should Blocks 25 and 26 develop as School Blocks, the Owner shall provide the following pavement markings and signs, as per City standards, to the satisfaction of the City:
(i)	No Parking signs on the northwest side of Nicole Avenue from Devos Drive to Street E, the south side of Street E from Nicole Avenue to Devos Drive, the east side of Devos Drive from Street E to Nicole Avenue, the south side of Nicole Avenue from Stackhouse Avenue to Devos Drive, the northwest side of Devos Drive from Nicole Avenue to Stackhouse Avenue, and the east side of Stackhouse Avenue from Devos Drive to Nicole Avenue
(ii)	No Stopping signs on the southeast side of Nicole Avenue from Devos Drive to Street B, the north side of Street E from Nicole Avenue to Devos Drive, the west side of Devos Drive from Street B to Nicole Avenue, the north side of Nicole Avenue from Stackhouse Avenue to Devos Drive, the southeast side of Devos Drive from Nicole Avenue to Stackhouse Avenue, and the west side of Stackhouse Avenue from Devos Drive to Nicole Avenue
(iii)	School Zone signs
(iv)	Community Safety Zone signs
(v)	PXO signs and pavement markings
59	Prior to assumption, the Owner shall amend the engineering drawings to update the pavement markings and signs, if necessary, to the satisfaction of the City.

Street Lights:

60	In conjunction with the submission of engineering drawings, the Owner shall have a qualified professional engineer provide to the Deputy City Manager, Environment and Infrastructure for review and acceptance appropriate drawings and calculations (e.g., photometric) for street lights that exceeds the street lighting standards in new subdivisions as required by the Deputy City Manager, Environment and Infrastructure at no cost to the City.
61	In conjunction with the second 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.

Boundary Road Works:

62	In conjunction with the Focused Design Studies submission, the Owner shall submit a transportation impact study in accordance with the Transportation Impact Study Guideline to determine the impact of this development on the abutting arterial roads to the satisfaction of the City. Prior to undertaking this study, the Owner shall contact the Transportation Planning and Design Division regarding the scope and requirements of this study. The Owner may be required to undertake recommendations of the study, to the satisfaction of the City and at no cost to the City.
63	In conjunction with the first submission of engineering drawings, the Owner shall implement recommendations outlined in the approved Transportation Impact Assessment to the satisfaction of the Deputy City Manager, Environment and Infrastructure.
64	In conjunction with the first submission of engineering drawings, the Owner shall identify minor boulevard improvements on Sunningdale Road East, Stackhouse Avenue and Fanshawe Park Road East 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.
65	The Owner acknowledges that the City, in accordance with the City's current Growth Management Implementation Strategy (GMIS), may be reconstructing Sunningdale Road in 2028. The Owner shall co-operate with the City, as necessary, to complete the project, including providing access to their lands and easements as necessary.
66	The Owner shall grade their site in accordance with the Design Specifications and Requirements Manual (DSRM) Fig 9.1 to the satisfaction of the City and at no cost to the City.
67	In conjunction with the second submission of engineering drawings, the Owner shall provide details of temporary street lighting at the intersection of Nicole Avenue and Sunningdale Road East with photometrics, to the specifications of the City, at no cost to the City. In the event the temporary lighting is energized through the internal streetlighting network a temporary design may need to be constructed in the interim.
68	In conjunction with the second submission of engineering drawings, the Owner shall provide details of streetlighting on the reconstructed portion of Stackhouse Avenue from Howlett Circle to Fanshawe Park Road East, to the specifications of the City, at no cost to the City.
69	In conjunction with the second submission of servicing drawings, the Owner shall submit a formal request to the City to initiate a dedication by-law to create the ultimate ROW of Stackhouse to enable the construction for this Plan.

70	The Owner shall reconstruct Stackhouse Avenue as a fully serviced road connection to Fanshawe Road East to City of London right of way standards, including sidewalks on both sides, servicing, if required, etc., all to the specifications and satisfaction of the Deputy City Manager, Environment and Infrastructure, at no cost to the City.
71	The Owner shall have its professional engineer design and supervise the construction of Stackhouse Avenue, between Fanshawe Park Road and Howlett Circle to City standards with regards to the existing grade and conditions along the boundary of this street and the abutting lands to the east and west, to the specifications of the Deputy City Manager, Environment and Infrastructure. The Owner shall make any necessary adjustments to the right-of-way, pavement, boulevard, sidewalks, utilities and services to accommodate the existing grades and conditions without required a retaining wall and to the satisfaction of the Deputy City Manager, Environment and Infrastructure, at no cost to the City.

Road Widening:

72	The Owner shall be required to dedicate sufficient land to widen Sunningdale Road East to 18.0 metres from the centreline of the original road allowance.
73	The Owner shall be required to dedicate 6.0 m x 6.0 m "daylighting triangles" at Nicole Avenue and Sunningdale Road East intersection, all to the specifications of the City.
74	As per the Zoning By-law and current City standards, the Owner shall be required to dedicate 3.0 metre x 3.0 metre daylighting triangles at all other intersections as appropriate (e.g. at the intersection of Neighbourhood Connectors Nicole Avenue at Street 'D', and Blackwell Boulevard at Stackhouse Avenue), all to the specifications of the City.

Vehicle Access:

75	The Owner shall restrict access to Sunningdale Road East by establishing blocks for 0.3 metre (1') reserves along the entire Blocks 19 and 20 frontages, to the satisfaction of the City. All vehicular access is to be via the internal subdivision streets.
76	The Owner shall provide a 0.3 metre reserve 75 metres southerly from the centreline of Sunningdale Road East for the full length of Block 19 abutting Nicole Avenue, and the full length of Block 20 along Nicole Avenue, all to the specifications and satisfaction of the City.
77	In conjunction with the first submission of engineering drawings, the Owner shall provide a traffic management plan and staging plan for access to Howlett Circle during reconstruction of Stackhouse Avenue to satisfaction of the City.

Traffic Calming:

78	<p>In conjunction with the first submission of engineering drawings, the Owner shall provide the following traffic calming measures to the satisfaction of the Deputy City Manager, Environment and Infrastructure, at no cost to the City:</p> <ul style="list-style-type: none"> ○ Traffic Calming shall be provided in the form of speed cushions as per City standards, spaced at 100m, avoiding maintenance covers and intersects as follows. <ul style="list-style-type: none"> ▪ Devos Drive from Stackhouse Avenue to Street B ▪ Street E from Devos Drive to Nicole Avenue
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	<ul style="list-style-type: none"> ▪ Nicole Avenue from Sunningdale Road East to South Wenige Drive ▪ Stackhouse from Nicole Avenue to Grenfell Drive <p>The traffic calming measures selected for these locations are subject to the approval of the Transportation Planning & Design Division and are to be designed and constructed to the satisfaction of the Deputy City Manager, Environment and Infrastructure.</p>
79	The Owner shall install speed cushions on base asphalt within two weeks of placement of base asphalt and remain in place. Speed cushions may be removed one week prior to placement of top coat asphalt and shall be reinstated within one week of placement of the top coat asphalt.

Construction Access/ Temporary/ Secondary Access Roads

80	The Owner shall direct all construction traffic associated with this draft plan of subdivision to utilize Sunningdale Road East for north of Stoney Creek or Fanshawe Park Road East for south of Stoney Creek or other routes as designated by the City.
81	<p>The Owner shall construct a temporary turning facility for vehicles at the following location(s), to the specifications of the City:</p> <ul style="list-style-type: none"> i) Street 'A' – south limit ii) Street 'B' – east limit iii) Street 'D' – east limit <p>Temporary turning circles for vehicles shall be provided to the City as required by the City, complete with any associated easements. When the temporary turning circle(s) are no longer needed, the City will quit claim the easements which are no longer required, at no cost to the City.</p>
82	<p>The Owner shall remove the temporary turning circle on Devos Drive and adjacent lands, in Plan 33M-588 to the west of this Plan, and complete the construction of Devos Drive in this location as a fully serviced road, including restoration of adjacent lands, to the specifications of the City.</p> <p>If funds have been provided to the City by the Owner of Plan 33M-588 for the removal of the temporary turning circle and the construction of this section of Devos Drive and all associated works, the City shall reimburse the Owner for the substantiated cost of completing these works, up to a maximum value that the City has received for this work.</p> <p>In the event that Devos Drive in Plan 33M-588 is constructed as a fully serviced road by the Owner of Plan 33M-588, then the Owner shall be relieved of this obligation.</p>
83	<p>The Owner shall remove the temporary turning circle on Blackwell Boulevard and adjacent lands, in Plan 33M-701 to the east of this Plan, and complete the construction of Blackwell Boulevard in this location as a fully serviced road, including restoration of adjacent lands, to the specifications of the City.</p> <p>If funds have been provided to the City by the Owner of Plan 33M-701 for the removal of the temporary turning circle and the construction of this section of Blackwell Boulevard and all associated works, the City shall reimburse the Owner for the substantiated cost of completing these works, up to a maximum value that the City has received for this work.</p>

	In the event that Blackwell Boulevard in Plan 33M-701 is constructed as a fully serviced road by the Owner of Plan 33M-701, then the Owner shall be relieved of this obligation.
84	In conjunction with the first submission of engineering drawings, In the event any work is undertaken on an existing street, the Owner shall establish and maintain a Traffic Management Plan (TMP) in conformance with City guidelines and to the satisfaction of the City for any construction activity that will occur on existing public roadways. The Owner shall have its contractor(s) undertake the work within the prescribed operational constraints of the TMP. The TMP will be submitted in conjunction with the subdivision servicing drawings for this plan of subdivision.

General:

85	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.
86	Once construction of any private services, i.e.: water storm or sanitary, to service the lots and blocks in this plan is completed and any proposed re-lotting of the plan is undertaken, the Owner shall reconstruct all previously installed services in standard location, in accordance with the approved final lotting and approved revised servicing drawings all to the specification of the Deputy City Manager, Environment and Infrastructure and at no cost to the City.
87	The Owner shall connect to all existing services and extend all services to the limits of the draft plan of subdivision as per the accepted engineering drawings, at no cost to the City, all to the specifications and satisfaction of the Deputy City Manager, Environment and Infrastructure.
88	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.
89	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".
90	The Owner shall not commence construction or installations of any services (e.g. clearing or servicing of land) involved with this Plan prior to obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, unless otherwise approved by the City in writing (e.g. Ministry of the Environment, Conservation and Parks Certificates, City/Ministry/Government permits: Permit of Approved Works, water connection, water-taking, crown land, navigable waterways, approvals: Upper Thames River Conservation Authority, Ministry of Natural Resources, Ministry of the Environment, Conservation and Parks, City, etc.)
91	In conjunction with the first submission of engineering drawings, in the event the Owner wishes to phase this plan of subdivision, the Owner shall submit a phasing plan identifying all required temporary measures, and identify land and/or easements

	required for the routing of services which are necessary to service upstream lands outside this draft plan to the limit of the plan to be provided at the time of registration of each phase, all to the specifications and satisfaction of the City.
92	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 Deputy City Manager, Environment and Infrastructure, at no cost to the City.
93	In conjunction with registration of the Plan, the Owner shall provide to the appropriate authorities such easements and/or land dedications as may be required for all municipal works and services associated with the development of the subject lands, such as road, utility, drainage or stormwater management (SWM) purposes, to the satisfaction of the City, at no cost to the City.
94	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.
95	All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
96	<p>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 municipal or private services in the said easement(s) until such time as they are removed and replaced with appropriate municipal and/or private services and these services are operational, at no cost to the City.</p> <p>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.</p>
97	In conjunction with first submission of engineering drawings, the Owner shall submit a Development Charge (DC) work plan outlining the costs associated with the design and construction of the DC eligible works. The work plan must be approved by the Deputy City Manager, Environment and Infrastructure 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.
98	In conjunction with the Focused Design Studies submission, the Owner shall have it geotechnical engineer identify if there is any evidence of methane gas within or in the vicinity of this draft plan of subdivision, to the satisfaction of the City. Should it be determined there is any methane gas within or in the vicinity of this draft plan of subdivision, the Owner's geotechnical engineer shall provide any necessary recommendations. The Owner shall implement any recommendations of the geotechnical engineer, under the supervision of the geotechnical engineer, to the satisfaction of the City, at no cost to the City.
99	In conjunction with the Focused Design Studies submission, the Owner shall have it geotechnical engineer identify if there is any evidence of contamination within or in the vicinity of this draft plan of subdivision, to the satisfaction of the City. Should it be determined there is any contamination within or in the vicinity of this draft plan of subdivision, the Owner's geotechnical engineer shall provide any necessary recommendations. The Owner shall implement any recommendations of the geotechnical engineer to remediate, remove and/or dispose of any contaminates

	under the supervision of the geotechnical engineer to the satisfaction of the City, at no cost to the City.
100	<p>In conjunction with the Focused Design Studies submission, the Owner shall provide, to the City for review and acceptance, a geotechnical report or update the existing geotechnical report recommendations to address all geotechnical issues with respect to the development of this plan, including, but not limited to, the following:</p> <ul style="list-style-type: none"> i) servicing, grading and drainage of this subdivision ii) road pavement structure iii) dewatering iv) foundation design v) removal of existing fill (including but not limited to organic and deleterious materials) vi) the placement of new engineering fill vii) any necessary setbacks related to slope stability for lands within this plan viii) identifying all required mitigation measures including Low Impact Development (LIDs) solutions ix) addressing all issues with respect to construction and any necessary setbacks related to erosion, maintenance and structural setbacks related to slope stability for lands within this plan, if necessary, to the satisfaction and specifications of the City. The Owner shall provide written acceptance from applicable agencies for the final setback, if required. x) cutting/filling, erosion, maintenance and structural setbacks related to slope stability associated with the existing wetlands, all to the satisfaction of the City and the Upper Thames River Conservation Authority <p>and any other requirements as needed by the City, all to the satisfaction of the City.</p>
101	In conjunction with the first submission of engineering drawings, the Owner shall implement all geotechnical recommendations to the satisfaction of the City.
102	The Owner shall have the common property line of Sunningdale Road East graded in accordance with the City of London Standards "Subdivision Grading Along Arterial Roads", as per the accepted engineering drawings, at no cost to the City.
103	In conjunction with the Focused Design Studies submission, the Owner shall have it's professional engineer provide an opinion for the need for an Environmental Assessment (EA) 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.
104	In conjunction with the first submission of engineering drawings, the Owner shall identify locations of all existing infrastructure, ie. Water, septic, storm, hydro, driveways, etc. and their decommissioning or relocation, to the satisfaction of the Deputy City Manager, Environment and Infrastructure.
105(a)	The Hodgins Award Drain may have been created pursuant to the repealed <i>Ditches and Watercourses Act</i> . Prior to the submission of focused design studies, the Owner will make a request to the City of London pursuant to the <i>Municipal Freedom of Information Protection of Privacy Act</i> (MFIPPA) for a copy of the Engineer's Report relating to the Hodgins Award Drain. The request shall include search date range of 1900 to the date of the request.
105(b)	Should the City be unable to produce the Engineer's Report in response to the MFIPPA request referenced in condition 105(a), the Parties agree, as per

	<p>provincial resources, that the Hodgins Award Drain does not exist and that conditions 105(a) and (b) are considered cleared upon the owner filing the City's response to the MFIPPA request referenced in condition 105(a).</p> <p>Should the City produce the Engineer's Report related to the Hodgins Award Drain in response to the MFIPPA request referenced in condition 105(a), the Owner shall either (a) identify and prepare a report of any works required to decommission the Hodgins Award Drain in accordance with the <i>Drainage Act</i> to the satisfaction of the Deputy City manager, Environmental Infrastructure; or (b) produce documents to the satisfaction of the Deputy City manager, Environment and Infrastructure confirming that the Hodgins Award Drain has already been removed or decommissioned.</p>
106	The Owner shall submit confirmation that they have complied with any requirements of the Enbridge Pipeline with regards to any buffers at the eastern limit of this plan of subdivision.
107	In conjunction with the Focused Design Studies submission, the proposed block lotting plan shall be reviewed and accepted with respect to City services, road geometries, easements requirements, etc., to the satisfaction of the City.
108	In conjunction with the first submission of engineering drawings, the Owner shall identify any adjustments to any existing works and services in adjacent Plans, adjacent to this plan to accommodate the proposed works and services in this Plan to accommodate the lots in this plan (eg. private services, street light poles, traffic calming, etc.) in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the Deputy City Manager, Environment and Infrastructure, at no cost to the City
109	In conjunction with the Focused Design Studies submission, the Owner shall identify proposed channel improvements to watercourses within / adjacent to this plan, if any, and must obtain approval from all required agencies as needed, to permit the proposed channel improvements within this plan, (e.g Ministry of the Environment, Conservation and Parks (MECP), Fisheries and Oceans Canada and Ministry of Natural Resources and Forestry).
110	The Owner 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 Deputy City Manager, Environment and Infrastructure.
111	Prior to Final Approval, Block 8 in this plan shall be combined with Block 233 in Plan 33M-475 to create developable lots and/or blocks, to the satisfaction of the City. The above-noted block shall be held out of development until they can be combined with adjacent lands to create developable lots and/or blocks.

112	Prior to Final Approval, Block 32 in this plan shall be combined with Block 71 in Plan 33M-588 to create developable lots and/or blocks, to the satisfaction of the City. The above-noted block shall be held out of development until they can be combined with adjacent lands to create developable lots and/or blocks.
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Parks Planning & Design

113	The Owner shall dedicate Park Block 24, Open Space Blocks 27, 28 & 29, and Park/Walkway Blocks 33 as partial fulfillment of the required parkland dedication for the proposed Plan of Subdivision. Cash-in-lieu payment for 0.81ha shall be required in advance of Phase 1 Final Approval, in accordance with By-law C.P-25 and/ or a cash-in-lieu payment in accordance with By-law C.P-25.
114	In conjunction with Focused Design Studies, the Owner's Landscape Architect shall prepare and submit a conceptual plan for all Park Block(s) and all pathway alignments.
115	<p>Within one (1) year of registration of this Plan or otherwise approved by the City, the Owner shall grade, service and seed all Park Blocks and Open Space Blocks, transferred to the City as part of the parkland dedication requirements, pursuant to current City Park development standards and the approved engineering drawings, to the satisfaction of City, and at no cost to the City.</p> <p>Open Space Blocks shall not be used for stockpiling of any kind. The Owner shall take all measures necessary to avoid stockpiling in Park Blocks; however, if there is no feasible alternative, then the Park Blocks may be used for stockpiling subject to the following:</p> <ul style="list-style-type: none"> i. Prior to placing any stockpiles in a Park Block, the Owner's professional engineer shall prepare a technical letter, to the satisfaction of the City, outlining the existing conditions of the Park, measures to be taken during stockpiling to mitigate impacts to the Park Block and determine the need for soil decompaction once stockpiles are removed. ii. Stockpiling in Park Blocks shall be restricted to soils (i.e., no construction equipment, fuels, washout locations, etc.). iii. Use of the Park Block for interim stockpiling shall not impact park block assumption timing. <p>Prior to assumption, the Park Block shall be remediated to the satisfaction of the City and at no cost to the City.</p>
116	Where Lots or Blocks abut parkland, all grading of the developing Lots or Blocks at the interface with the parkland 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.
117	Within one (1) year of registration of this Plan or otherwise approved by the City, the Owner shall install a 1.5 metre chain link fence, without gates, along the property limit interface of all private Lots and Blocks adjacent to any park and/or open space Blocks, in accordance with the approved engineering drawings and City Standard S.P.O.-4.8, to the satisfaction of the City, and at no cost to the City. Any alternative fencing arrangements shall be to the approval and the satisfaction of the City.

118	Prior to construction, site alteration or installation of services, robust silt fencing/erosion control measures must be installed all along all park and open space Blocks, in accordance with the approved engineering drawings and City Standards and certified with regular site inspection reports submitted to the satisfaction of the City.
119	In conjunction with the first Engineering submission, the Owner's qualified consultant shall incorporate the accepted conceptual plans for all park and open space blocks into the detailed drawings, to the satisfaction of the City.

Ecology & Natural Heritage:

120	The Owner shall implement all sections and recommendations contained in the approved Environmental Impact Study (EIS) prepared by MTE Consultants, and approved Environmental Management Plan (EMP) prepared by MTE Consultants, all to the satisfaction of the City, including, but not limited to provision for buffer zones; re-vegetation/restoration; compensation areas; mitigation measures; construction mitigation; timing of work; and environmental monitoring.
121	As part of the Focused Design Studies and/ or Engineering drawing submissions, the Owner shall provide an update to the Environmental Management Plan in the form of an addendum, to address any additional issues including but not limited to recommendations, compensation, restoration, construction, design, monitoring, all to the satisfaction of the City.
122	As part of the Focused Design Studies submission, the Owner shall have their ecological consultant detail the implementation for each of the recommendations listed in the approved Environmental Impact Study and Environmental Management Plan (if different and any addendums to the EMP) prepared by MTE Consultants, all to the satisfaction of the City.
123	As part of the Focused Design Studies submission, the Owner's Ecologist shall prepare and provide a concept plan for all ecological buffers, compensation areas and/or restoration areas, all to the satisfaction of the City.
124	In conjunction with the first submission of engineering drawings, the Owner's Landscape Architect and ecological consultant shall prepare a detailed compensation, restoration, and buffer planting plan in accordance with the approved Environmental Impact Study and Environmental Management Plan (and any Environmental Management Plan addendums), all to the satisfaction of the City.
125	Prior to final approval, the Owner, in conjunction with the City, shall establish the limits of the feature and appropriate buffer (Block 33) south of Stoney Creek Valley – Central East. Any required adjustments to the block line between Block 33 (the Buffer/Pathway Block) and the adjacent residential block (Block 22) shall be made to the satisfaction of the City.

Monitoring of Ecological Works:

126	In conjunction with the first submission engineering drawings, the Owner's ecological consultant shall finalize and submit a short-long term detailed monitoring program (as part of an addendum to the EMP) for the natural heritage features for all ecological works including buffer plantings, invasive species control programs, restoration areas and compensation areas all to the satisfaction of the City. The Owner's consultant shall provide an annual monitoring report for each year of the program to the City for review.
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Tree Preservation:

127	In conjunction with the Focused Design Studies, the Owner shall have a Tree Preservation Report and Plan prepared for lands within the proposed draft plan of subdivision as required by the Tree Inventory. Tree preservation shall be established prior to grading/servicing design to accommodate maximum tree preservation. The Tree Preservation Report and Plan shall focus on the preservation of quality specimen trees within Lots and Blocks and shall be completed in accordance with the current City of London Guidelines for the preparation of Tree Preservation Reports and Tree Preservation Plans to the satisfaction of the City. The Owner shall incorporate the approved Tree Preservation Plan on the accepted grading plans.	
128	In conjunction with the Focused Design Studies, the Owner's qualified consultant shall undertake a Hazard Tree Assessment Study for all Blocks containing trees to be maintained adjacent to residential or park blocks. The study will undertake a tree risk assessment to identify hazard trees or hazardous parts of any trees within falling distance of lot/block lines and provide recommendations to abate the hazard, to the satisfaction of the City.	

Archaeological Assessment:

129	In conjunction with the first submission of engineering drawings and prior to any demolition, site alteration activities or any other soil disturbances, the Owner shall retain an archaeologist, licensed by the Ministry of Tourism, Culture and Sport under provisions of the Ontario Heritage Act (R.S.O. 1990 as amended) to carry out all required archaeological assessment(s) of the entire property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The archaeological assessment(s) must be completed in accordance with the most current Standards and Guidelines for Consulting Archaeologists, Ministry of Tourism, Culture and Sport. All archaeological assessment reports, in both hard copy and as a pdf, must be submitted to the City of London once the Ministry of Tourism, Culture and Sport has accepted them into the Public Registry. The Owner shall submit the Ministry's compliance letter indicating that all archaeological licensing and technical review requirements have been satisfied prior to any site works, all to the satisfaction of the City.
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Other:

130	In conjunction with the Focused Design Studies submission and prior to submission of a lotting plan, the Owner shall complete the following administrative redline revisions to the Draft Plan of Subdivision, all to the satisfaction of the City: <ul style="list-style-type: none"> i. Clearly delineate the limits/depth of Block 37 (0.132ha); ii. Implement 90-degree intersection with a minimum 10m tangents at the following locations: <ul style="list-style-type: none"> a. Nicole Avenue at Street D b. Nicole Avenue at Street E c. Nicole Avenue at Street B (west connection)
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	<p>d. Street B at Street C</p> <ul style="list-style-type: none">iii. Revise Nicole Avenue curves between Stackhouse Avenue and Devos Drive to provide straight tangents between curves, as required by City Standards;iv. Relocate Block 31 (Walkway) to be a straight walkway with no bends.
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