



39T-07507 / Alanna Riley

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT	SUBDIVISION SPECIAL PROVISIONS APPLICANT: YORK DEVELOPMENTS INC. FOXWOOD – PHASE 2 FILE: 39T-07507 MEETING ON AUGUST 24, 2015

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to entering into a subdivision agreement between The Corporation of the City of London and York Developments Inc. for the subdivision of land over Lot 72, Concession East of the North Branch of the Talbot Road, City of London, County of Middlesex, situated north of Wharncliffe Road South, west of Savoy Street:

- (a) the Special Provisions to be contained in a Subdivision Agreement between The Corporation of the City of London and York Developments Inc. for the Foxwood Subdivision (39T-07507) Phase 2, attached as Schedule “A”, **BE APPROVED**;
- (b) the applicant **BE ADVISED** that the Director, Development Finance has summarized the claims and revenues attached as Schedule “B”;
- (c) the financing for this project **BE APPROVED** as set out in the Source of Financing Report attached as Schedule “C”; and
- (d) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfill its conditions.

BACKGROUND

The initial application for draft plan of subdivision approval for the Foxwood Crossing subdivision was accepted by the City on September 17, 2007. Consideration of the application was deferred due to sanitary treatment capacity limitations with the Southland Pollution Control Plant (PCP). A revised application was submitted to the City in 2010 based on a requirement that the owner enter into an agreement with the City to design and construct treatment capacity upgrades at the plant. This application was draft approved on April 5th, 2011 subject to conditions and red line revisions.

The Municipal Class EA for the Southland PCP, which was completed in 2014, provides for decommissioning of the Southland Plant and replacing its function with a sanitary pumping station. Upgrades to the Southland plant are no longer required as conditions for this development. The special provisions address servicing requirements for the subdivision including a requirement that the outlet sanitary trunk sewer being constructed by the City from the Wonderland Pump Station to the intersection of Hamlyn Street and Campbell Street is completed and operational prior to the issuance of a Certificate of Conditional Approval.

This agreement relates to Phase 2 of the subdivision, which consists of 50 single detached residential lots and 1 walkway block, served by 2 new local streets and 3 street extensions



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(Westpoint Heights, Savoy Street and Westwick Walk).). The development area is zoned Holding Residential R1 (h*R1-4), which permits single detached lots. The “h” holding provision addresses requirements for the subdivision agreement.

The anticipated reimbursements from the Fund are:

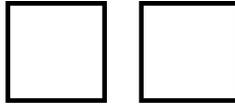
- for the construction of eligible sanitary sewers in conjunction with the Plan, subsidized at an estimated cost of \$7,967.63; and
- for the construction of stormwater management works in conjunction with this Plan, the estimated cost of which is \$105,381.54 for which a work plan submission is required.

A copy of the location plan is attached as Schedule “D” for the information of the Committee.

This report has been prepared in consultation with the City’s Solicitors Office and the proposed special provisions have been reviewed by the Owner.

PREPARED & RECOMMENDED BY:	CONCURRED BY:
ALANNA RILEY, MCIP, RPP SENIOR PLANNER, DEVELOPMENT SERVICES	ALLISTER MACLEAN MANAGER, DEVELOPMENT PLANNING DEVELOPMENT SERVICES
CONCURRED BY:	SUBMITTED BY:
JENNIE RAMSAY, P. ENG. MANAGER, DEVELOPMENT SERVICES & ENGINEERING LIAISON	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

AR/FG/fg
August 12, 2015



Schedule "A" – SPECIAL PROVISIONS

5. STANDARD OF WORK

5.7 The Owner shall register against the title of Lots which incorporate rear yard catchbasins, which includes Lots 30, 31, 35 and 36 in this Plan and all other affected Lots shown on the accepted plans and drawings, and shall include this information in the Agreement of Purchase and Sale or Lease for the transfer of each of the affected Lots, a covenant by the purchaser or transferee to observe and comply with the minimum building setbacks and associated underside of footing (U.S.F.) elevations, by not constructing any structure within the setback areas, and not disturbing the catchbasin and catchbasin lead located in the setback areas. This protects these catchbasins and catchbasin leads from damage or adverse effects during and after construction. The minimum building setbacks from these works and associated underside of footing (U.S.F.) elevations have been established as indicated on the subdivision lot grading plan, attached hereto as **Schedule "I"** and on the servicing drawings accepted by the City Engineer.

25.1 STANDARD REQUIREMENTS

Add the highlighted

- (h) Prior to the issuance of a Certificate of Conditional Approval, or as otherwise agreed to by the City, the Owner shall construct a chain link fence without gates, adjacent to the walkway (Block 51) in accordance with City Standard No. SR-7.0.

Add the following new Special Provision:

- # The Owner shall remove any temporary works when no longer required and restore the land, at no cost to the City, to the specifications and satisfaction of the City.

25.2 CLAIMS

Add to 25.2 (b) as follows:

- (i) for the construction of eligible sanitary sewers in conjunction with the Plan, subsidize at an estimated cost of which is \$7,967.63
- (ii) for the construction of stormwater management works in conjunction with this Plan, the estimated cost of which is \$105,381.54

25.7 STORM WATER MANAGEMENT

Replace the entire section with the following

- (a) The Owner shall have its Professional Engineer supervise the construction of the stormwater servicing works, including any temporary works, in compliance with the drawings accepted by the City Engineer, and according to the recommendations and requirements of the following, all to the satisfaction of the City Engineer:
 - i) The SWM criteria and environmental targets for the Dingman Creek Subwatershed Study Update (2005) and any addenda/amendments;
 - ii) The approved Functional Stormwater Management Plan for Lambeth Meadows East Subdivision, as revised;



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- iii) The Stormwater Letter/Report of Confirmation for the subject development prepared and accepted in accordance with the file manager process;
- iv) The City's Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements and practices;
- v) The City of London Design Specifications and Requirements Manual, as revised;
- vi) The Ministry of the Environment SWM Practices Planning and Design Manual (2003); and
- vii) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.

Add the following Special Provision in Section 25.7:

- # Prior to the issuance of any Certificate of Conditional approval for lots and blocks in this plan or as otherwise approved by the City Engineer, the Owner shall construct and make operational Cell # 2 of Lambeth SWM Facility # 1 in correlation with the existing Cell # 1 of the Lambeth SWM Facility # 1 (within Plan 33M-546), stormwater quality control measures and all storm/drainage and SWM related works to serve this plan in accordance with the approved design criteria and with the Subdivision Agreement between the City and the subdivider of Plan 33M-546, all to the satisfaction of the City Engineer.

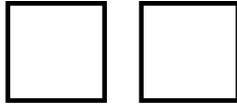
25.8 SANITARY AND STORM SEWERS

Remove (c) and replace it with the following 2 provisions:

- (C) The Owner shall construct storm sewers to serve this Plan and connect them to the existing municipal sewer system, namely, the existing 600 mm (24") diameter storm sewer on Westwick Walk and construct the proposed inlet to proposed Cell # 2 of Lambeth Meadows Stormwater Management (SWM) Facility # 1, located outside this plan and within the Dingman Creek Subwatershed, to the satisfaction of the City Engineer.
- (d) The storm sewers required in conjunction with this Plan shall be sized to accommodate all upstream lands to the specifications of the City Engineer and at no cost to the City unless otherwise specified herein

Add the following new Special Provisions:

- # The Owner shall construct the sanitary sewers to service the Lots and Blocks in this Plan and connect them to the City's existing sanitary sewage system being the 375 mm (15 Inches) diameter sanitary sewer on Westwick Walk. The sanitary sewers required in conjunction with this Plan shall be sized to accommodate all upstream lands to the specifications of the City Engineer and at no cost to the City unless otherwise specified herein.
- # Prior to the issuance of a Certificate of Conditional Approval, the Owner shall obtain confirmation from the City Engineer that the outlet sanitary trunk sewer, to be constructed by the City from the Wonderland Pumping Station to the intersection of Hamlyn Street and Campbell Street is completed and operational and the existing sanitary sewer flows on Campbell Street are diverted, all to the satisfaction of the City Engineer.
- # The Owner shall register against the title of Lots 37 & 38 in this Plan and all other affected Blocks shown on the accepted plans and drawings, and shall include this information in the Agreement of Purchase and Sale or Lease for the transfer of each



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of the affected Lots, a covenant by the purchaser or transferee to observe and comply with the minimum building setbacks and associated underside of footing (U.S.F.) elevations, by not constructing any structure within the setback areas, and not disturbing the storm sewers located in the setback areas. The minimum building setbacks from these works and associated underside of footing (U.S.F.) elevations have been established as indicated on the subdivision lot grading plan, attached hereto as **Schedule "I"** and on the servicing drawings accepted by the City Engineer.

25.9 WATER SERVICING

Add the following Special Provision:

- # The Owner shall construct the watermains to service the Lots and Blocks in this Plan and connect them to the City's existing water supply system, being the 200 mm (8 inch) diameter watermain on Westpoint Heights and the existing 300 mm (12 inch) diameter watermain on Savoy Street, to the specifications of the City Engineer.

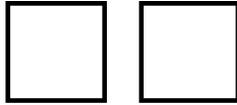
25.10 Road work:

Add/remove the following Highlight/change in red to the special provision:

- (a) The Owner shall construct or install all of the following required works to the specifications of the City and in accordance with the plans accepted by the City:
 - i) a fully serviced road connection where Westwick Walk in this Plan joins with Westpoint Heights in Plan 33M-546 including all underground services and all related works as per the accepted engineering drawings;
 - ii) a fully serviced road connection where Savoy Street in this Plan joins with Savoy Street in Plan 33M-546 including all underground services and related works;

The Owner shall complete all work on the said street(s) in accordance with current City standards, procedures and policies, and restore the road(s), and ensure that adequate precautions are taken to maintain vehicular and pedestrian traffic and existing water and sewer services at all times during construction, except as approved otherwise by the City Engineer. The Owner shall provide full-time supervision by its Professional Engineer for all works to be constructed on Savoy Street and Westpoint Heights in accordance with current City policies. Upon completion of these works, a Certificate of Completion of Works is to be supplied to the City, pursuant to the General Provisions and **Schedule 'G'** of this Agreement.

- (q) Where traffic calming measures are required within this Plan:
 - (i) The Owner shall erect advisory signs at all street entrances to this Plan for the purpose of informing the public of the traffic calming measures implemented within this Plan prior to the issuance of any Certificate of Conditional Approval in this Plan.
 - (ii) The Owner shall notify the purchasers of all lots abutting the traffic calming circle(s) in this Plan that there may be some restrictions for driveway access due to diverter islands built on the road.
 - (iii) Where a traffic calming circle is located, the Owner shall install the traffic calming circle as a traffic control device, including the diverter islands, or provide temporary measures, to the satisfaction of the City prior to the issuance of a Certificate of Conditional Approval for that section of road.
 - (iv) The Owner shall register against the title of all Lots and Blocks on Westwick Walk and Bakerville Street in this Plan, and shall include in the Agreement of Purchase and Sale or Lease for the transfer of each of the said Lots and Blocks, a covenant by the purchaser or transferee stating the said owner



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shall locate the driveways to the said Lots and Blocks away from potential traffic calming measures on the said streets, to the satisfaction of the City Engineer.

Add the following new Special Provisions:

The Owner shall construct the driveways for each Lot in compliance with the approved on street parking plan for this subdivision, attached as **Schedule “N”** to this Agreement and in compliance with the City’s Zoning By-law. Prior to assumption of the subdivision by the City, the Owner shall have its Professional Engineer/Surveyor certify for each Lot to the satisfaction of the City that the location and width of the as built driveways complies with the approved parking plan and is in compliance with the City’s Zoning By-law. Further, the Owner shall rectify any deficiencies identified by the Professional Engineer/Surveyor at no costs to the City.

The Owner shall construct a temporary turning circles at the North limit of Debra Drive, and at the North limit of Bakerville Street to the satisfaction of the City Engineer and at no cost to the City.

If the Owner requests the City to assume Debra Drive and/or Bakerville Street, all as shown on this Plan of Subdivision, prior to its extension to the North, the Owner shall pay to the city at the time of the assumption of this subdivision by the City the amount estimated by the City at the time, to be the cost of removing the temporary turning circles at the North limit of Debra Drive and the North limit of Bakerville Street and completing the curb and gutter, asphalt pavement, Granular ‘A’, Granular ‘B’, sodding of the boulevard, 1.5 metre (5 foot) concrete sidewalks on both sides, and restoring adjacent lands, including the relocation of any driveways, all to the specifications of the City. The estimated cost, including legal fees for releasing easements and/or transferring blocks, and doing the above-noted work on this street is \$ 5,000 each for which amount sufficient security is to be provided in accordance with 28(a). The Owner shall provide the cash to the City at the request of the City prior to assumption of the subdivision if needed by the City.

When the lands abutting this Plan of Subdivision develop and the temporary turning circle is removed, the City will quit claim the easements which were used for temporary turning circle purposes which are no longer required at no cost to the City.

The Owner shall direct all construction traffic, including all trades related traffic associated with installation of services and construction of dwelling units in this Plan to access the site from Wharncliffe Road South via Savoy Street or other routes as designated by the City Engineer.

Barricades are to be maintained at the north limit of Bakerville Street and Debra Drive until assumption of this Plan of Subdivision or as otherwise directed by the City. At the time of assumption of this Plan, the Owner shall remove the barricades, restore the boulevards and complete the construction of the roadworks within the limits of both temporary turning circles.

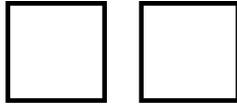
At the time of assumption of this subdivision or as otherwise directed by the City, the Owner shall remove the barricade and any temporary turning circles as necessary, and restore the road(s) to the specifications of the City, all at no cost to the City.

The Owner shall advise all purchasers of land within this subdivision that any traffic to and from this subdivision will not be permitted to pass the barricade(s) until the removal of the barricade(s) is authorized by the City.

25.12 PARKS:

Add the following special provision:

Within one (1) year of registration of this Plan, the Owner shall monument Lots 38 to 41, both inclusive, adjacent to SWM Block 82 in Plan 33M-546. Property boundary



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monuments shall be in accordance with current City of London standards to the satisfaction of the City, and at no cost to the City.

Within one (1) year of registration of this Plan, the walkway, (Block 51), shall be connected to the existing pathways within the SWM Block 82, Plan 33M-546, all to the satisfaction of the City Engineer, and at no cost to the City.

Within one (1) of registration of this Plan or as otherwise agreed to by the City, the Owner shall construct a 1.5 m high chain link fence, without gates, adjacent to the Walkway, (Block 51), in accordance with City Standard No. SP0 4.8, all to the satisfaction of the City and all at no cost to the City.

Within (1) year of registration of this Plan, the Owner shall have its consultant provide a certificate to the City that certifies that the fencing has been installed as per the approved plan.



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SCHEDULE “C”

This is Schedule “C” to the Subdivision Agreement dated this _____ day of _____, 2015, between The Corporation of the City of London and 1640209 Ontario Ltd. to which it is attached and forms a part.

SPECIAL WORKS AND SERVICES

Roadways

- Savoy Street shall have a minimum road pavement width (excluding gutters) of 9.5 metres (31.2’) with a minimum road allowance of 21.5 metres (70’)

- Westwick Walk and Westpoint Heights and Bakervilla Street shall have a minimum road pavement width (excluding gutters) of 8.0 metres (26’) with a minimum road allowance of 20 metres (66’)

- Debra Drive shall have a minimum road pavement width (excluding gutters) of 7.0 metres (23’) with a minimum road allowance of 19 metres (62’)

Sidewalks

A 1.5 metre (5 foot) sidewalk shall be constructed on both sides of Savoy Street.

A 1.5 metre (5 foot) sidewalk shall be constructed on one side of

- (i) Westwick Walk – north boulevard
- (ii) Westpoint Heights and Bakervilla Street & Debra Drive– South boulevard

Pedestrian Walkways

Pedestrian walkways of 4.6 m wide between Lot 37 & Lot 38, over Block 51, in this Plan.



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SCHEDULE "D"

This is Schedule "D" to the Subdivision Agreement dated this _____ day of _____, 2015, between The Corporation of the City of London and 1640209 Ontario Ltd. to which it is attached and forms a part.

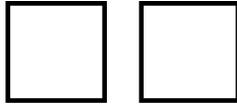
Prior to the Approval Authority granting final approval of this Plan, the Owner shall transfer to the City, all external lands as prescribed herein. Furthermore, within thirty (30) days of registration of the Plan, the Owner shall further transfer all lands within this Plan to the City.

LANDS TO BE CONVEYED TO THE CITY OF LONDON:

0.3 metre (one foot) reserves:	Blocks 52 to 59, both inclusive.
Road Widening (Dedicated on face of plan):	NIL
Walkways:	Block 51
5% Parkland Dedication:	NIL, --- Parkland for this phase is to be subtracted from the over dedication provided through phase 1.
Stormwater Management:	NIL

LANDS TO BE SET ASIDE FOR SCHOOL SITE:

School Site:	NIL
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SCHEDULE "E"

This is Schedule "E" to the Subdivision Agreement dated this _____ day of _____, 2015, between The Corporation of the City of London and 1640209 Ontario Ltd. to which it is attached and forms a part.

The Owner shall supply the total value of security to the City is as follows:

CASH PORTION:	\$ 162,224
BALANCE PORTION:	<u>\$1,460,012</u>
TOTAL SECURITY REQUIRED	\$1,622,235

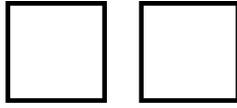
The Cash Portion shall be deposited with the City Treasurer prior to the execution of this agreement.

The Balance Portion shall be deposited with the City Treasurer prior to the City issuing any Certificate of Conditional Approval or the first building permit for any of the lots and blocks in this plan of subdivision.

The Owner shall supply the security to the City in accordance with the City's By-Law No. A-7146-255 and policy adopted by the City Council on July 27, 2014.

In accordance with Section 9. Initial Construction of Services and Building Permits, the City may limit the issuance of building permits until the security requirements have been satisfied.

The above-noted security includes a statutory holdback calculated in accordance with the Provincial legislation, namely the CONSTRUCTION LIEN ACT, R.S.O. 1990.



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SCHEDULE "F"

This is Schedule "F" to the Subdivision Agreement dated this _____ day of _____, 2015, between The Corporation of the City of London and 1640209 Ontario Ltd. to which it is attached and forms a part.

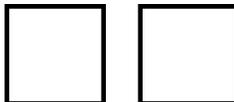
Prior to the Approval Authority granting final approval of this Plan, the Owner shall transfer to the City, all external easements as prescribed herein. Furthermore, within thirty (30) days of registration of the Plan, the Owner shall further transfer all easements within this Plan to the City.

Multi-Purpose Easements:

Temporary turning circle easements shall be deeded to the City in conjunction with this Plan over lands outside this plan at the north limits of Bakerville Street and Debra Drive.

Road Easements:

There are no easements required in this plan.



Schedule “B” - FINANCE SUMMARY

Related Estimated Costs and Revenues

Estimated Costs – This Draft Plan	Estimates include HST
Claims from CSRFB - sanitary sewer oversizing subsidy	\$7,967
Claims from Urban Works Reserve Fund - stormwater management	\$105,381
Capital Expense	Nil
Other	Nil
Total	\$113,348
Estimated Revenues - This Draft Plan (Aug 2014 rates)	
CSRFB	\$1,290,200
UWRF	\$115,980
Total	\$1,406,180

1. Estimated Costs are based on approximations provided by the applicant. Final claims will be determined based on actual costs in conjunction with the terms of the subdivision agreement and the applicable By-law.
2. Estimated Revenues are calculated using August 2014 DC rates and may take many years to recover. The revenue estimates includes DC cost recovery for “soft services” (fire, police, parks and recreation facilities, library, growth studies). There is no comparative cost allocation in the Estimated Cost section of the report, so the reader should use caution in comparing the Cost with the Revenue section.
3. The revenues and costs in the table above are not directly comparable. This subdivision, like others in the area, also relies on recently constructed roadwork and SWM facilities, the cost of which is not reported above. Other growth related costs (like wastewater treatment plant and road capacity expansion) incurred to serve this subdivision and surrounding areas are not reported above, though the revenue for those service components is included in the “Estimated Revenues – This Draft Plan” section above. As a result, the revenues and costs reported above are not directly comparable. The City employs a “citywide” approach to recovery of costs of growth – any conclusions based on the summary of Estimated Costs and Revenues (above table) should be used cautiously.
4. The Developer is responsible, through their Consulting Engineer, to prepare and submit for City approval, a work plan for any claimable work (excluding works that are payable according to a specified oversizing subsidy based on pipe size) all as provided for in DC by CP1496-244, Schedule 8.

Reviewed By:


 for
 Peter Christiaans
 Director, Development Finance



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Schedule "C" - SOURCE OF FINANCING

Chair and Members
Planning and Environment Committee

#15119
August 14, 2015

RE: York Developments Inc.
Foxwood - Phase 2 - 39T-07507
Capital Project ES5145 - Sanitary Sewer Internal Oversizing Subsidy
RESF66 - Urban Works Storm Water Management Reserve Fund

FINANCE & CORPORATE SERVICES REPORT ON THE SOURCES OF FINANCING:

Finance & Corporate Services confirms that the cost of this project can be accommodated within the financing available for it in the Capital Works Budget and that, subject to the adoption of the recommendations of the Managing Director, Development and Compliance Services and Chief Building Official, the detailed source of financing for this project is:

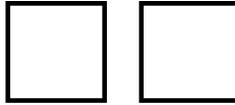
<u>ESTIMATED EXPENDITURES</u>	<u>Approved Budget</u>	<u>Committed To Date</u>	<u>This Submission</u>	<u>Balance for Future Work</u>
ES5145-San. Sewer Internal O/S Subsidy				
Construction	\$178,650	\$15,140	\$7,175	\$156,335
RESF66 - UW Storm Wtr Management				
Development Fund Claims Payment	94,899		94,899	0
NET ESTIMATED EXPENDITURES	\$273,549	\$15,140	\$102,074 1)	\$156,335
SOURCE OF FINANCING:				
ES5145-San. Sewer Internal O/S Subsidy				
Drawdown from Industrial O/S - Sewers R.F.	\$12,200	\$12,200		\$0
Drawdown from City Services-Sewers Reserve Fund (Development Charges)	2) 166,450	2,940	7,175	156,335
	178,650	15,140	7,175	156,335
RESF66 - UW Storm Wtr Management				
Drawdown from Urban Works -Storm Water Management Reserve Fund	94,899		94,899	0
TOTAL FINANCING	\$273,549	\$15,140	\$102,074	\$156,335

<u>Financial Note:</u>	<u>ES5145</u>	<u>RESF66. 295000</u>	<u>TOTAL</u>
1) Contract Price	\$7,050	\$93,258	\$100,308
Add: HST @13%	917	12,123	13,040
Total Contract Price Including Taxes	7,967	105,381	113,348
Less: HST Rebate	792	10,482	11,274
Net Contract Price	\$7,175	\$94,899	\$102,074

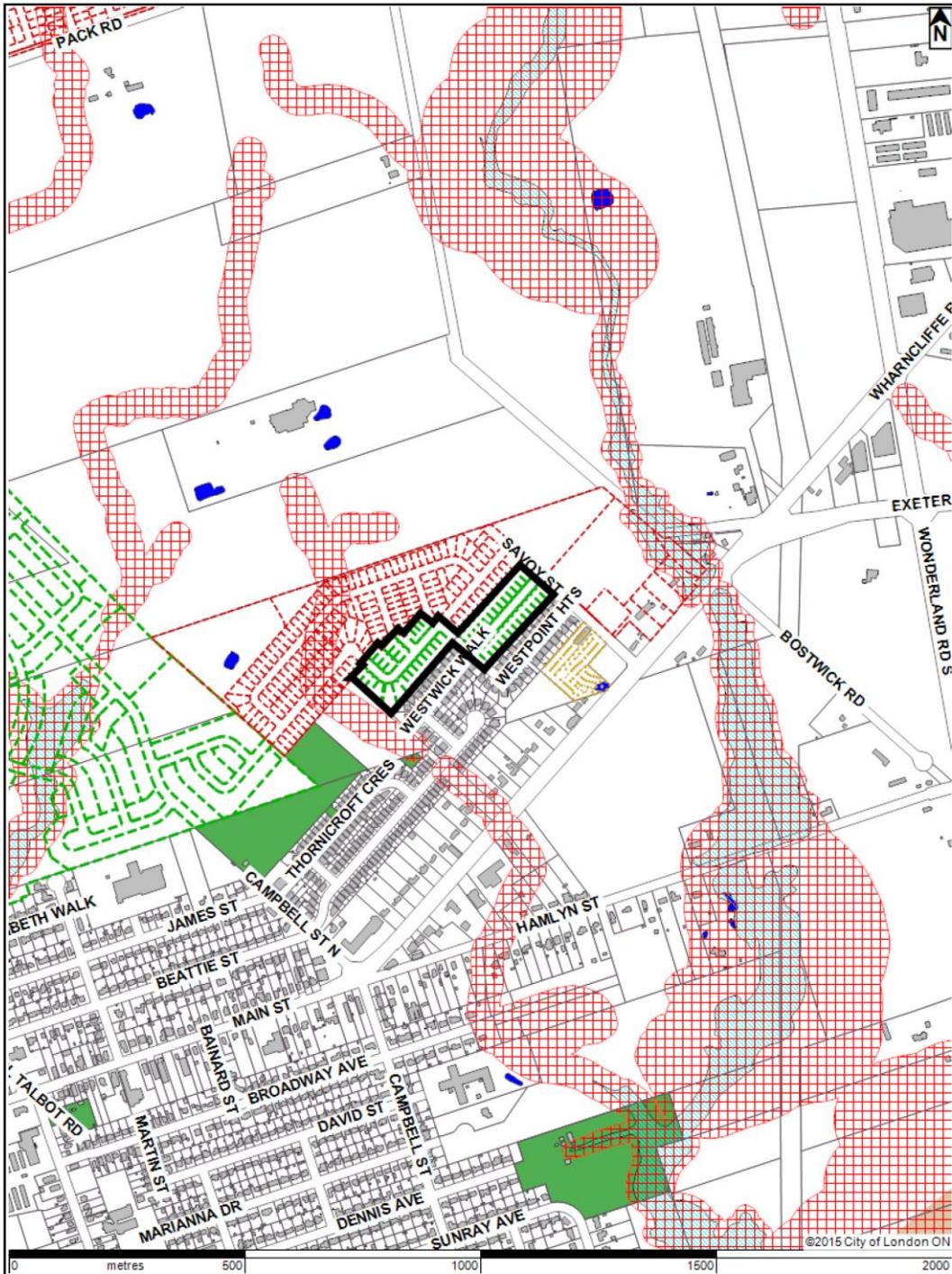
2) Development charges have been utilized in accordance with the underlying legislation and the Development Charges Background Studies completed in 2014.

JG


 Alan Dunbar
 Manager of Financial Planning & Policy



Schedule "D" – Location Map



LOCATION MAP	LEGEND
<p>Subject Site: 1640209 Ontario Limited - Plan of Subdivision Applicant: 1640209 Ontario Limited File Number: 39T-07507 Planner: Terrance Grawey Created By: Alanna Riley Date: 2015-08-12 Scale: 1:10100</p>	<ul style="list-style-type: none">  Subject Site  Parks  Assessment Parcels  Buildings  Address Numbers
<p>Corporation of the City of London Prepared By: Development and Compliance Services</p>	

