

File Number: 39T-04513

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: SUNNINGDALE DEVELOPMENTS INC. RICHMOND NORTH (PHASE 2) SUBDIVISION 39T-04513 MEETING ON APRIL 11, 2016

RECOMMENDATION

That, on the recommendation of the Manager, Development Services, the following actions be taken with respect to entering into a subdivision agreement between The Corporation of the City of London and Sunningdale Developments Inc. for the subdivisions of land over Part of Lot 13, Registered Compiled Plan 1028, City of London, County of Middlesex, situated on the west side of Richmond Street at the northerly City Limit, municipally known as 2253 Richmond Street.

- (a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Sunningdale Developments Inc. for the Richmond North Subdivision, Phase 2 (39T-04513) 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", and
- (c) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfill its conditions.

BACKGROUND

This application for Draft Plan of Subdivision Approval was accepted on December 22, 2004, with Draft Approval being granted on July 4th, 2008.

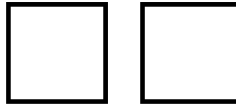
The applicant requested revisions to the draft plan to provide for lots with an increase in lot frontage. The original plan provided for lots with frontages ranging from 14-18 metre. The revised plan provides for lots with frontages ranging from 16 metres - 22 metres. This resulted in the reduction of 31 lots (from 169 lots to 138 lots). There were no changes to the street pattern, multi family, commercial or open spaces blocks within this plan. On May 9th, 2011 City Council requested that the Approval Authority approve the request for the revision to the draft plan and to the three year extension of the draft plan of subdivision approval for this subdivision. Draft approval was extended to July 4, 2014. In February, 2014 the applicant requested a further three (3) year extension of Draft Plan Approval. On June 10, 2014 Council requested that the Approval Authority approve the requested extension. Draft approval was extended to July 7, 2017.

Phase 1 of this draft plan was registered on September 19, 2011 as 33M-633.

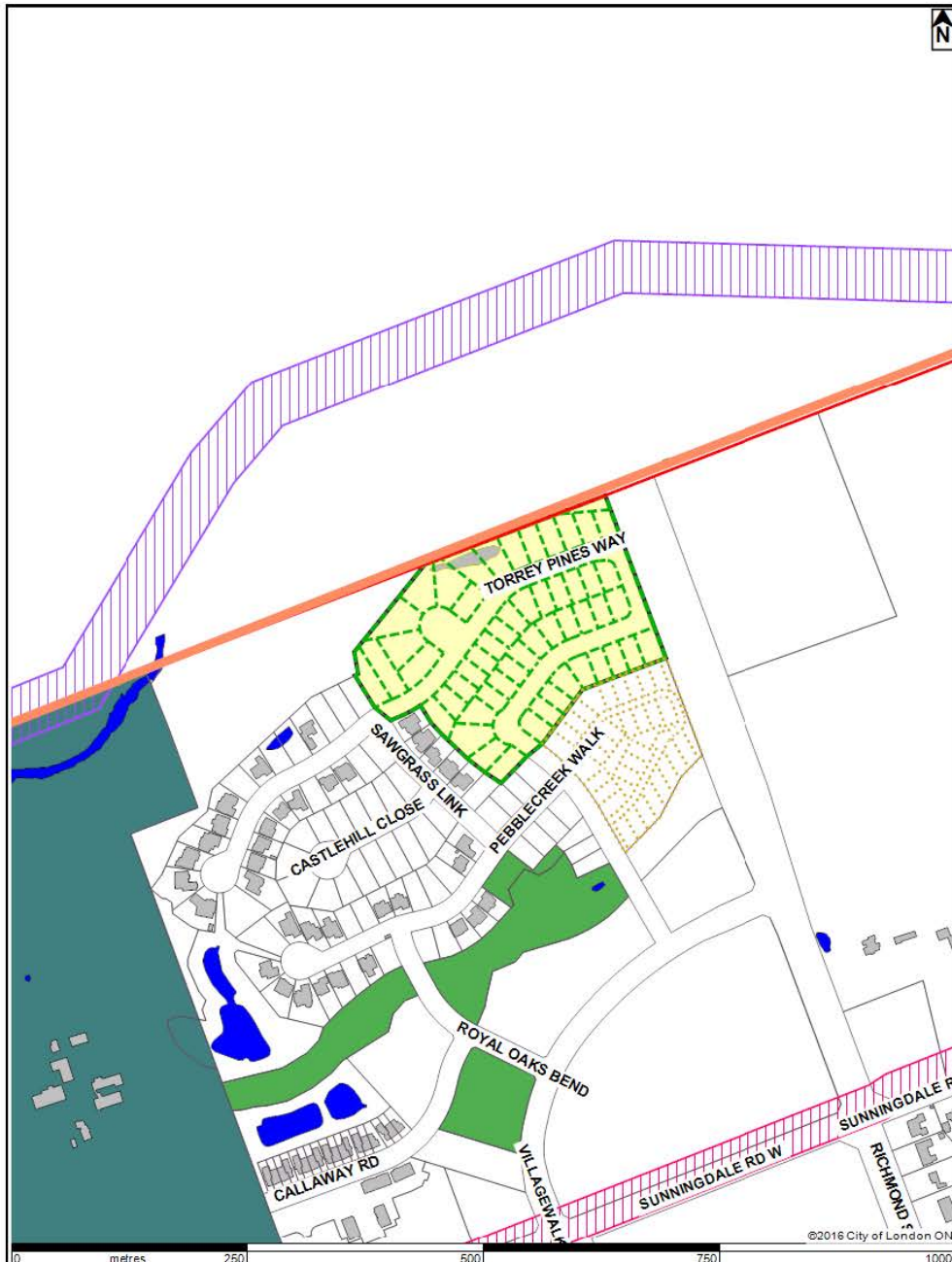
This is the second and final phase of the development and will be registered in one (1) phase, consisting of 52 single family detached lots, one park block and one open space block.

Development Services has reviewed these special provisions with the Owner who is in agreement with them.

This report has been prepared in consultation with the City's Solicitors Office.



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LOCATION MAP

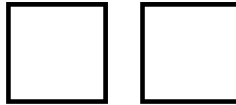
Subject Site: **Auburn Developments - Richmond North**
 Subdivision
 Applicant: **Auburn Developments Inc.**
 File Number: **39T-04513**
 Planner: **Craig Smith**
 Created By: **Frank Gerrits**
 Date: **2016-03-24**
 Scale: **1:5000**

LEGEND

- Subject Site
- Parks
- Assessment Parcels
- Buildings
- Address Numbers

Corporation of the City of London
 Prepared By: Development and Compliance Services

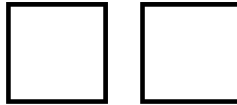




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PREPARED BY:	RECOMMENDED BY:
C. SMITH SENIOR PLANNER DEVELOPMENT SERVICES DIVISION	A.MACLEAN MANAGER, DEVELOPMENT PLANNING DEVELOPMENT SERVICES
CONCURRED BY:	SUBMITTED BY:
JENNIE A. RAMSAY P. ENG. MANAGER, DEVELOPMENT SERVICES	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

CS/fg
Attach.
March 29, 2016



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<p>Schedule "A" SPECIAL PROVISIONS</p>
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5. STANDARD OF WORK

Remove Subsection 5.7 as there are no rear yard catchbasins in this Plan.

16. PROPOSED SCHOOL SITES

Remove Subsections 16.1 to 16.7 as there are no school blocks in this Plan.

25.1 STANDARD REQUIREMENTS

Remove Subsection 25.1 (h) as there are no walkways in this Plan of subdivision.

Remove Subsection 25.1 (f) and **replace** with the following:

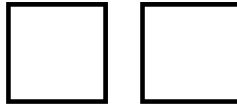
- (f) The Owner shall adhere to the recommendations of its Geotechnical Professional Engineer who shall provide full time supervision with respect to the removal of existing fill (including but not limited to organic and deleterious materials) and the placement of new engineered fill and the construction of utilities, roadways, foundation design, driveways and buildings on areas within this plan as identified by the Geotechnical Professional Engineer (the "Affected Lands") to ensure the satisfactory construction thereof. The Owner shall provide a Geotechnical Professional Engineer's certification to the City upon completion of the removal and/or filling that the works were carried out in accordance with the Geotechnical Professional Engineer's recommendations.

Prior to the issuance of a Certificate of Conditional Approval, the Owner shall identify to the City the Lots and Blocks within the Affected Lands and shall ensure that the specific requirements have been established by a Geotechnical Professional Engineer for each Lot and Block within the Affected Lands in order to protect the proposed buildings on the said Lots and Blocks from settlement and other harmful effects.

The Owner shall register against the title of each Lot within the Affected Lands, and shall include in the agreement of purchase and sale and in the transfer or deed of each Lot with the Affected Lands, a covenant by the purchase or transferee stating that the purchaser or transferee of the Lot within the Affected Lands must adhere to the recommendations of the Geotechnical Professional Engineer, and shall deliver a certificate of a Geotechnical Professional Engineer to the City's Director of Building Control upon completion of the foundation on the Lot within the Affected Lands that the building construction was completed in accordance with the Owner's Geotechnical Professional Engineer's recommendations.

- # The Owner shall remove any temporary works associated with this Plan, including easements, when no longer required and restore all affected areas, all to the specifications and satisfaction of the City, and at no cost to the City.

- # The Owner shall develop this Plan in accordance with the accepted Upper Richmond Village Urban Design Guidelines including non-standard right-of-ways, to the satisfaction of the City Engineer, at no cost to the City. The Owner shall make all necessary arrangement, financial and otherwise, to accommodate and co-ordinate all municipal roads and services and utilities within the reduced right-of-way, to the satisfaction of the City Engineer, in consultation with the Utilities Co-ordinating Committee.



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Any non-standard works as accepted in the approved Upper Richmond Village Urban Design Guidelines shall be completed to the satisfaction of the City Engineer, at no cost to the City.

The Owner's approved design consultant shall review and certify that any site plan applications are in accordance with the intent of the approved Upper Richmond Village Urban Design Guidelines, to the satisfaction of the City and at no cost to the City. This certification shall be included with all submissions of a building permit application.

The Owner's approved design consultant shall review and certify that any building permit applications are in accordance with the intent of the approved Upper Richmond Village Urban Design Guidelines, at no cost to the City of London and to the satisfaction of the City. This certification shall be included with all submissions of a building permit application.

The Owner shall convey Lot 53 to the City for future use as a Park Block as needed. If this Lot is not required by the City, the City agrees that the Lot will be conveyed back to the Owner, all at no cost to the City.

The Owner shall install a 4.5 metre high noise barrier on private property of Lot 16, a 2.6 metre high noise barrier on private property of Lots 17 and 44 and a 2.5 metre high noise barrier on private property on Lot 52 as recommended in the Noise Assessment prepared by HGC Engineering dated January 7, 2009. Future owners of Lots 16, 17 and 44 shall be advised that they shall not tamper with the barrier and will be responsible for its long term maintenance.

If the City does not require Lot 53 for parkland purposes, the Lot will be returned to the owner and the owner shall install 2.5 metre high noise barrier on private property as recommended in the Noise Assessment prepared by HGC Engineering dated January 7, 2009. Future owners shall be advised that they shall not tamper with the barrier and will be responsible for its long term maintenance.

The Owner shall include in any submission for any building permit application for Lots 16, 52 and 53 that central air conditioning is required.

The Owner shall include the following warning clause shall be included in all Agreements of Purchase and Sale or Lease for Lots 16, 52 and 53, of this Plan:

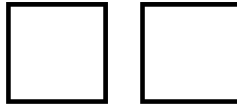
This dwelling has been supplied with central air conditioning which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Ministry of the Environment noise criteria.

(Note: The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MOE publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.)

The Owner shall include in any submission for a building permit application for Lots 12-15, 17-19, 42-44 and 52 that a forced air heating system adequately sized to accommodate the future installation of central air conditioning is required.

This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of Environment. (Note: The location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and comply with criteria of MOECC Publication NPC-216, Residential Air Conditioning Devices.)"

The Owner shall include the following warning clause in all Agreements of Purchase and Sale or Lease for all Lots in this Plan, excluding 12-15, 17-19, 42-44 and 52-53 in this Plan:



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Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling unit occupants as the sound levels exceed the criteria of the Municipality's and the Ministry of the Environment's noise criteria.

- # The Owner shall take all precautions to avoid disruption to the Sun Canadian Pipeline and comply with the requirements of the pipeline owner.
- # The Owner shall not construct any structures or any type of fencing within the Imperial Oil Pipeline easement.

25.2 CLAIMS

Delete in its entirety and **replace** with:

There are no eligible claims for works by the Owner paid for from a Development Charges Reserve Fund or Capital Works Budget included in this Agreement.

25.4 CONTAMINATION

Remove Subsection 25.4 and **replace** with the following:

- 25.4 Should any contamination or anything suspected as such be encountered during construction, the Owner shall forthwith report the matter to the City Engineer and all owners of the affected Lots and Blocks in this Plan and hire a geotechnical engineer to prepare a report that summarizes the site assessment and restoration and/or removal activities carried out at the contaminated site within this Plan and containing a "Schedule A – Record of Site Condition" including an "Affidavit of Consultant" in accordance with the requirements of latest Ministry of Environment "Guidelines for Use at Contaminated Sites in Ontario" and file appropriate documents to the Ministry in this regard with copies provided to the City.

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

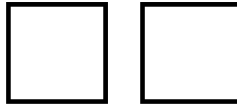
Should the site be free of contamination, the Owner shall have its geotechnical engineer provide certification to this effect to the City.

25.6 GRADING REQUIREMENTS

Add the following new Special Provision:

- # Prior to the issuance of any Certificate of Conditional Approval, the Owner shall remove and relocate the existing earth stockpile generally located on Lots 25 to 29 in this Plan, all to the satisfaction of the City and at no cost to the City.
- # The Owner shall grade the portions of Lots and Blocks which have a common property line with Richmond Street North, to blend with the ultimate profile of Richmond Street North, in accordance with the City Standard "Subdivision Grading Along Arterial Roads" all to the satisfaction of the City and at no cost to the City.

The Owner shall direct its Professional Engineer to establish and have accepted by the City Engineer the grades to be taken as the future centreline grades of Richmond Street North. From these, the Owner's Professional Engineer shall determine the elevations along the common property line which will blend with the reconstructed road. These elevations shall be shown on the subdivision Lot Grading Plan submitted for acceptance by the City.



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- # Within one (1) year of registration of this Plan, the Owner shall grade, service and seed Lot 53, to the satisfaction of the City, at no cost to the City. If the City does not require Lot 53 for parkland purposes, the Lot will be returned to the Owner, at no cost to the City.

25.7 STORM WATER MANAGEMENT

Remove Subsection 25.7 (a) and **replace** 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 Medway Creek Subwatershed Study and any addendums/amendments;
 - ii) The accepted Municipal Class Environmental Assessment (EA) Study for Sunningdale Area Storm Drainage and Stormwater Servicing for Undeveloped Lands and any addendums/amendments;
 - iii) The approved Functional Stormwater Management Report for Richmond North Subdivision (Stantec 2009) and any addendums/amendments;
 - iv) The Stormwater Letter/Report of Confirmation for the subject development prepared and accepted in accordance with the file manager process;
 - v) The City's Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements and practices;
 - vi) The City of London Design Specifications and Requirements Manual, as revised;
 - vii) The Ministry of the Environment and Climate Change (MOECC) SWM Practices Planning and Design Manual (2003); and
 - viii) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.

Remove Subsection 25.7 (b) as there are no upstream lands.

25.8 SANITARY AND STORM SEWERS

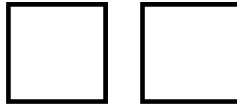
Remove Subsection 25.8 (c) and **replace** with the following:

- (c) The Owner shall construct the storm sewers to service the Lots and Blocks in this Plan, which is located in the Medway Creek Subwatershed, and connect them to the existing 750 mm diameter storm sewer located on Torrey Pines Way at Sawgrass Link and the existing 375 mm diameter storm sewer on Torrey Pines Way at Pebblecreek Walk. 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.

Remove Subsection 25.8 (d) as there are no sanitary or storm sewer manholes requiring a maintenance access.

Remove Subsection 25.8 (e) as there are no storm or sanitary easements on park/school blocks.

Remove Subsection 25.8 (j) as it is not applicable.



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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 200 mm diameter sanitary sewer on Torrey Pines Way at Pebblecreek Walk and the existing 200 mm diameter sanitary sewer on Torrey Pines Way at Sawgrass Link. 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.

25.9 WATER SERVICING

Add the following new Special Provisions:

- # 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 diameter water main on Torrey Pines Way at Sawgrass Link and the 200 mm diameter watermain on Torrey Pines Way at Pebblecreek Walk, to the specifications of the City Engineer.
- # The Owner shall avoid disruption to the existing watermain in Block 54 by taking all precautions, including ensuring that no development or construction activities occur within proximity and by complying with the requirements of the City.

25.11 ROADWORKS

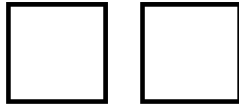
Remove Subsection 25.11 (b) and **replace** with the following:

- (b) 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 Torrey Pines Way (**west and south legs**) in this Plan joins with Torrey Pines Way in Plan 33M-633, including all underground services and all related works as per the accepted engineering drawings;
 - (ii) sanitary, storm and watermain extensions to services on Torrey Pines Way at Pebblecreek Walk, external to this Plan, at no cost to the City, 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 Torrey Pines Way (**west and south legs**) 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.

The Owner shall complete the works specified above on a schedule acceptable to the City or as otherwise specified herein. Where the Owner is required to close any City of London road section the Owner shall have available for submission to the City a Traffic Protection Plan acceptable to the City Engineer (or his/her designate), a schedule of construction for the proposed works on the above-noted street(s) and a detail of the proposed timing and duration of the said works in accordance with the Ministry of Labour and Ministry of Transportation requirements within the Ontario Traffic Manual Book 7. Further, the Owner shall obtain a Permit for Approved Works from the City prior to commencing any construction on City land or right-of-way.

Where required by the City Engineer, the Owner shall establish and maintain a Traffic Management Plan (TMP) intended to harmonize a construction project's physical



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requirements with the operational requirements of the City, the transportation needs of the travelling public and access concerns of area property owners in conformity with City guidelines and to the satisfaction of the City Engineer for any construction activity that will occur on existing public roadways needed to provide services for this Plan of Subdivision. The Owner's contractor(s) shall undertake the work within the prescribed operational constraints of the TMP. The TMP shall be submitted by the Owner at the time of submission of servicing drawings for this Plan of Subdivision, and shall become a requirement of the said drawings.

Remove Subsection 25.11 (n) as there are no walkways in this Plan.

Remove Subsection 25.11 (q) (iv) as there are no traffic calming measures in this Plan.

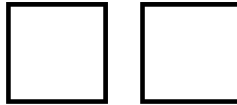
Add the following new Special Provisions:

- # 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 Sunningdale Road West or other routes as designated by the City Engineer.
- # The Owner shall be required to make minor boulevard improvements on Richmond Street adjacent to this Plan, consisting of clean-up, grading and sodding as necessary in accordance with the accepted engineering drawings, all to the satisfaction of the City and at no cost to the City.
- # The Owner shall remove all existing accesses and restore all affected areas, all to the satisfaction of the City and at no cost to the City.

26.12 PARKS

Add the following new Special Provision:

- # Within one (1) year of the registration of this Plan, the Owner shall grade, service and seed park Block 53 as per the approved engineering drawings. Grading of the site will require an interim grading solution to reflect the Richmond North Pedestrian crossing as per the recommendations of the approved Municipal Class Environmental Assessment.



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SCHEDULE “C”

This is Schedule “C” to the Subdivision Agreement dated this _____ day of _____, 2016, between The Corporation of the City of London and Sunningdale Developments Inc. to which it is attached and forms a part.

SPECIAL WORKS AND SERVICES

Roadways

- Torrey Pines Way shall have a minimum road pavement width (excluding gutters) of 8.0 metres (26.2’) with a minimum road allowance of 20.0 metres (66’).
- Torrey Pines Way (window street portion) shall have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 16.5 metres;
- McWade Place shall have a minimum road pavement width and minimum road allowance as shown on the accepted engineering drawings.

Sidewalks

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

- (i) Torrey Pines Way- inside boulevard as shown on the accepted engineering drawings

Pedestrian Walkways

There are no pedestrian walkways in this Plan.

SCHEDULE “D”

This is Schedule "D" to the Subdivision Agreement dated this _____ day of _____, 2016, between The Corporation of the City of London and Sunningdale Developments Inc. to which it is attached and forms a part.

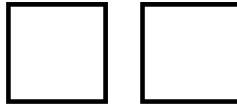
Prior to the Approval Authority granting final approval of this Plan, the Owner shall transfer to the City, all external lands as prescribed herein. Furthermore, within thirty (30) days of registration of the Plan, the Owner shall further transfer all lands within this Plan to the City.

LANDS TO BE CONVEYED TO THE CITY OF LONDON:

0.3 metre (one foot) reserves:	Block 55
Road Widening (Dedicated on face of plan):	NIL
Walkways:	NIL
5% Parkland Dedication:	NIL
Dedication of land for Parks in excess of 5%:	NIL
Stormwater Management:	NIL

LANDS TO BE SET ASIDE FOR SCHOOL SITE: NIL

LANDS TO BE HELD BY THE CITY: Lot 53



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SCHEDULE “E”

This is Schedule “E” to the Subdivision Agreement dated this _____ day of _____, 2016, between The Corporation of the City of London and Sunningdale Developments Inc. 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:	\$ 182,591
BALANCE PORTION:	<u>\$1,034,681</u>
TOTAL SECURITY REQUIRED	\$1,217,272

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.

SCHEDULE “F”

This is Schedule “F” to the Subdivision Agreement dated this _____ day of _____, 2016, between The Corporation of the City of London and Sunningdale Developments Inc. to which it is attached and forms a part.

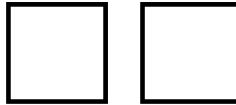
Prior to the Approval Authority granting final approval of this Plan, the Owner shall transfer to the City, all external easements as prescribed herein. Furthermore, within thirty (30) days of registration of the Plan, the Owner shall further transfer all easements within this Plan to the City.

Multi-Purpose Easements:

There are no multi-purpose easements, within this Plan or external to the Plan, required for this Plan of Subdivision.

Road Easements:

There are no road easements required for this Plan of Subdivision.



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Schedule "B"
Related Estimated Costs and Revenues

Richmond North Phase 2 - Sunningdale Developments
 Subdivision Agreement
 39T-04513

Related Estimated Costs and Revenues

Estimated DC Funded Servicing Costs ^(Note 1)	Estimated Cost ^(Note 3) (excludes HST)
Claims for developer led construction from CSRF - None identified.	\$0
Claims for developer led construction from UWRF - None identified.	\$0
Claims for City led construction from CSRF - None identified.	\$0
Total	\$0
Estimated Total DC Revenues ^(Note 2) (2016 Rates)	Estimated Revenue ^(Note 3)
CSRF	\$1,366,144
UWRF	\$122,772
TOTAL	\$1,488,916

- 1 No claims have been identified by the applicant.
- 2 Estimated Revenues are calculated using 2016 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. 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.

Reviewed by:

Mar 30/16
 Date


 Peter Christiaans
 Director, Development Finance