

File Number: 39T-15504

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: 2047790 ONTARIO INC. POWELL SUBDIVISION – PHASE 4 39T-15504 MEETING ON MARCH 27, 2017

RECOMMENDATION

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to entering into a subdivision agreement between The Corporation of the City of London and 2047790 Ontario Inc. for the subdivision of land over Part of Lot 14, Concession 6 (Geographic Township of London), City of London, County of Middlesex, situated on the north side of Superior Drive, all west of Adelaide Street North, municipally known as 530 Sunningdale Road East;

- (a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and 2047790 Ontario Inc. for the Powell Subdivision, Phase 4 (39T-15504) 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.

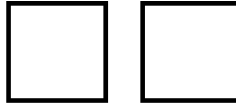
BACKGROUND

The draft plan of subdivision is 7.7 hectares (19 ac.) in size and is located at 530 Sunningdale Road East. It consists of 95 single detached lots with the extension of Canvas Way and the creation of three (3) new local streets, (Maddex Way, Zaifman Circle and Zenia Green), one (1) park block and two (2) walkway blocks.

The subdivision was draft approved on March 17, 2016. It was formerly a medium density block within the original Powell Subdivision (39T-05510).

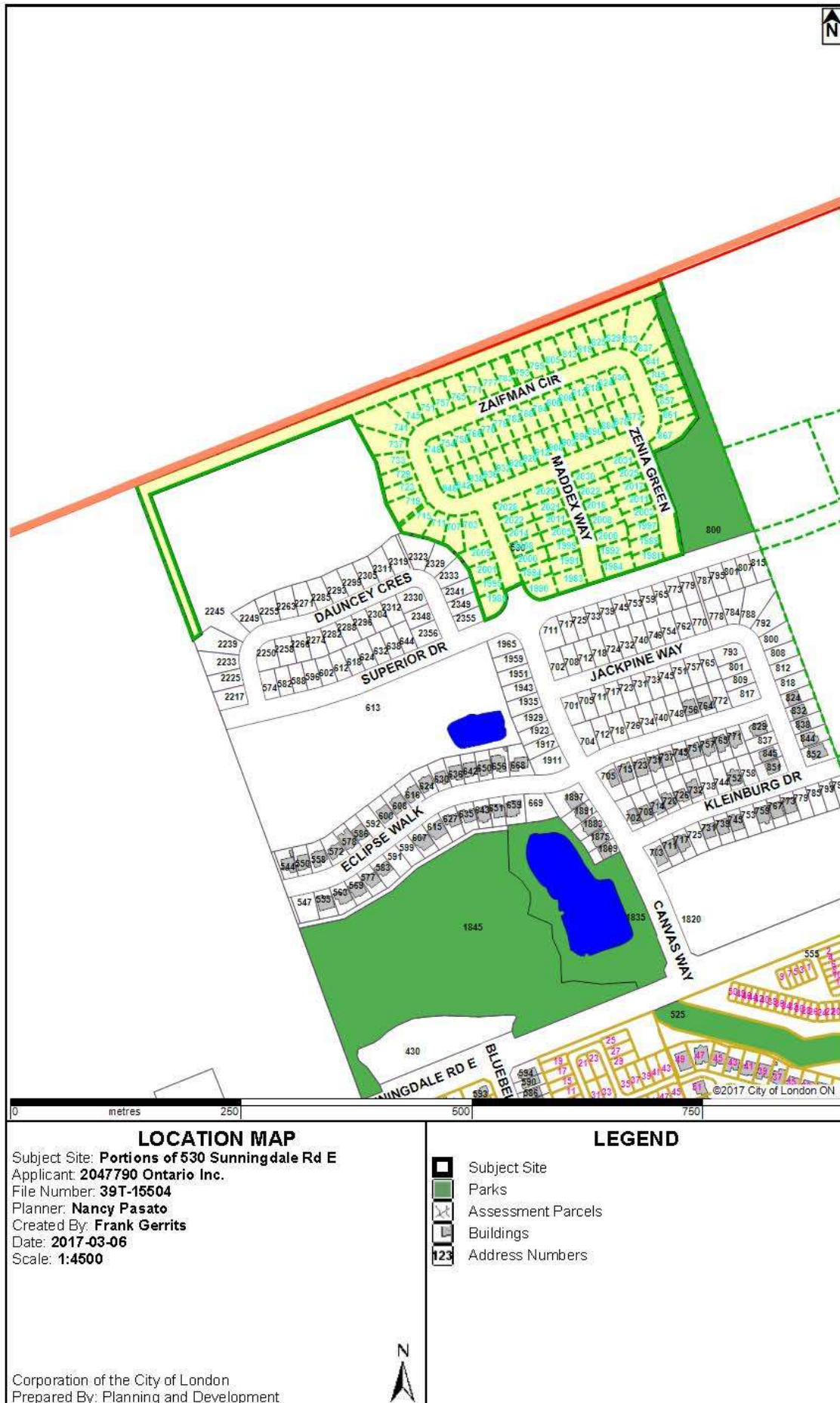
Development Services Division has reviewed these special provisions with the Owner who is in agreement with them.

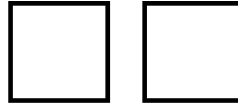
This report has been prepared in consultation with the City’s Solicitors Office.



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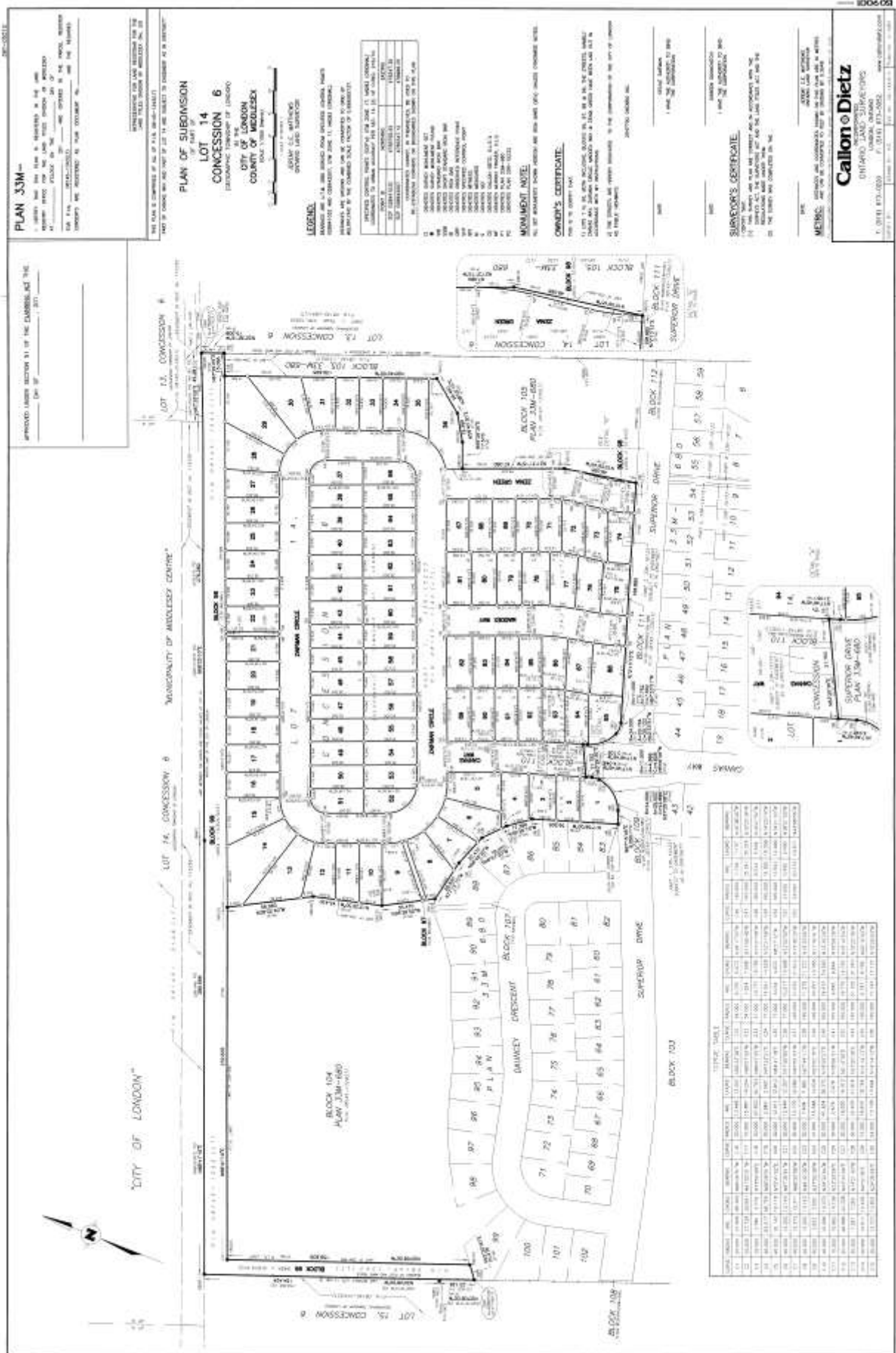
Figure 1 – Location Map

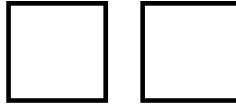




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Figure 2 – Plan of Subdivision

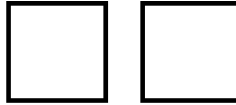




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PREPARED BY:	RECOMMENDED BY:
NANCY PASATO, MCIP, RPP SENIOR PLANNER DEVELOPMENT SERVICES DIVISION	ALLISTER MACLEAN MANAGER, DEVELOPMENT PLANNING DEVELOPMENT SERVICES
CONCURRED BY:	SUBMITTED BY:
JENNIE A. RAMSAY P. ENG. MANAGER, DEVELOPMENT SERVICES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

/fg
 Attach
 March 6, 2017



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

Remove Subsection 5.7 and **replace** with the following:

- 5.7 The Owner shall provide minimum side yard setbacks as specified by the City for buildings which are adjacent to rear yard catch basin leads which are not covered by an easement on Lots in this Plan.

The Owner shall register against the title of Lots which incorporate rear yard catchbasins, which includes Lots 2, 3, 5, 6, 7, 8, 30, 31, 32, 33, 39, 40, 53, 54, 56, 57, 59, 60, 75, 76, 77, 78, 79, 80, 87, 88, 92, 93, 94 and 95 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.

16. PROPOSED SCHOOL SITES

Remove Subsections 16.3 to 16.9 as there are no school sites in this Plan of subdivision.

25.1 STANDARD REQUIREMENTS

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

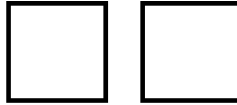
- (h) Prior to the issuance of any Certificate of Conditional Approval, or as otherwise agreed to by the City, the Owner shall construct a chain link fence without gates, adjacent to the walkway(s) (Blocks 96 and 97) in accordance with City Standard No. SR-7.0.

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

- (k) Prior to the issuance of any Certificate of Conditional Approval, the Owner shall decommission any abandoned infrastructure, remove the existing 200 mm diameter sanitary sewer/stub complete to the maintenance hole on Superior Drive, remove the existing 750 mm diameter storm sewer /stub approximately 145 metres east of Canvas Way complete to the maintenance hole, all to the satisfaction of the City and at no cost to the City.

Add the following new Special Provisions:

- # Prior to the issuance of any Certificate of Conditional Approval for this Plan, all temporary measures constructed as part of Plan 33M-680, shall be removed by the Owner when no longer required and all affected areas restored, all to the satisfaction of the City and at no cost to the City.
- # The Owner shall make adjustments to existing services (eg. street lights, fire hydrants, trees, PDCs, traffic calming, etc.) to accommodate the proposed street connections on Superior Drive, all to the specifications and satisfaction of the City Engineer, and at no cost to the



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City.

- # The Owner shall include in all Agreements of Purchase and Sale and/or Lease for Lots 14 to 29 inclusive, the following clause:

“Purchasers are advised that Lots 14 to 29, inclusive, are located in close proximity registered easement for Sun Canadian Pipeline which contains a high-pressure petroleum products transmission pipeline. Unauthorized use of the easement by others will not be permitted”.

25.2 CLAIMS

Remove Section 25.2 and **replace** with the following:

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.

25.7 STORM WATER MANAGEMENT

Remove Subsection 25.7 (a) and **replace** with the following:

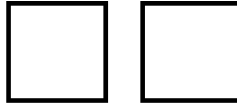
- (a) The Owner shall have its Professional Engineer supervise the construction of the stormwater servicing works, including any temporary works, in compliance with the drawings accepted by the City Engineer, and according to the recommendations and requirements of the following, all to the satisfaction of the City Engineer:
- i) The SWM criteria and environmental targets for the Stoney Creek Subwatershed Study and any addendums/amendments;
 - ii) The approved Storm/Drainage and SWM Servicing Function Report for the Uplands SWM Facility B2 and any addendums/amendments;
 - 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 and Climate Change (MOECC) SWM Practices Planning and Design Manual (2003); and
 - vii) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.

Remove Subsection 25.7 (h) and **replace** with the following:

- (h) The Owner shall ensure that all existing upstream external flows traversing this Plan of subdivision are accommodated within the overall minor and major storm conveyance servicing system(s) design, including the external major and minor flows from the external woodlot lands located to the east and adjacent to this Plan all to the specifications and satisfaction of the City Engineer.

Add the following new Special Provisions:

- # Prior to assumption, the Owner shall operate, monitor and maintain the stormwater works associated with this Plan. The Owner shall ensure that any removal and disposal of sediment is to an approved site in accordance with the Ministry of the Environment and Climate Change and the Ministry of Natural Resources.



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- # The Owner shall install the proposed stormwater management system as identified on the accepted engineering drawings on Lots 2, 3, 4, 5, 6, 7, 30, 31, 32, 33, 34, 35, 38, 39, 40, 41, 53, 54, 55, 56, 57, 57, 58, 59, 60, 61, 62, 76, 77, 78, 79, 80, 86, 87, 91, 92, 93 and 94, all to the specification and satisfaction of the City Engineer, at no cost to the City.

- # The Owner shall include in all Agreements of Purchase and Sale or Lease for the transfer of Lots 2, 3, 4, 5, 6, 7, 8, 30, 31, 32, 33, 34, 35, 38, 39, 40, 41, 53, 54, 55, 56, 57, 58, 59, 60, 62, 76, 77, 78, 79, 80, 86, 87, 88, 91, 92, 93 and 94 in this Plan, a covenant by the purchaser or transferee to observe and comply with the following:
 - i) Stormwater management controls have been implemented on the affected Lots in conjunction with the stormwater management system for this Plan in accordance with the approved SWM Report, and
 - ii) The purchaser or transferee shall not alter or adversely affect the said stormwater management controls and/or stormwater storage areas on the said Lots as shown on the accepted lot grading and servicing drawings for this subdivision.

- # The Owner shall decommission any temporary sediment basins and associated infrastructure (eg. temporary culverts) in this Plan when the ultimate storm sewer outlet system(s) are constructed and operational, all to the satisfaction of the City Engineer.

The Owner is responsible for all costs related to the decommissioning of any temporary sediment basin(s) work and any redirection of sewers and overland flow routes.

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 Stoney Creek Subwatershed, and connect them to the City’s existing storm sewer system being the 750 mm diameter storm sewer on Canvas Way, north of Superior Drive and the 525 mm diameter storm sewer on Superior Drive outletting to the Uplands SWM Facility B2 located on parts 1 and 4 of Reference Plan 33R-18069.

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 (c) to (e) as there are no schools in this Plan.

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

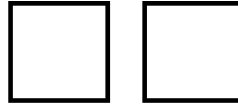
Remove Subsection 25.8 (o) and **replace** with the following:

- (o) The Owner shall construct the sanitary sewers to service the Lots in this Plan and connect them to the City’s existing sanitary sewage system being the 200 mm diameter sanitary sewer on Canvas Way and the existing 200 mm diameter sanitary sewer on Superior Drive.

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

Remove Subsection 25.9 (b) as this condition only applies to Blocks in a Plan.



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Remove Subsection 25.9 (d) and **replace** with the following:

- (d) Prior to the issuance of any Certificate of Conditional Approval, the Owner shall install and commission the accepted water quality measures to maintain water quality within the water distribution system during build-out, all to the satisfaction of the City Engineer, and at no cost to the City. These measures which are necessary to meet water quality requirements, including their respective flow settings, etc. shall be shown clearly on the engineering drawings.

Remove Subsection 25.9 (h) and **replace** with the following:

- (h) Prior to the issuance of any Certificate of Conditional Approval, and in accordance with City standards, or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of water service to this Plan of Subdivision:
- (i) construct watermains to serve this Plan and connect to the existing municipal system, namely, the existing 300 mm diameter watermain on Canvas Way, north of Superior Drive, and two 300 mm diameter watermain connections on Superior Drive;
 - (ii) Deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development is proposed to proceed beyond 80 units; and
 - (iii) Have their consulting engineer confirm to the City that the watermain has been constructed and is operational.

Add the following new Special Provisions:

- # Implemented water quality measures shall remain in place until there is sufficient occupancy demand to maintain water quality within this Plan of Subdivision without their use. The Owner is responsible to meter and pay billed costs associated with any automatic flushing devices including water discharged from any device from the time of their installation until removal or assumption, whichever comes first. Any incidental and/or ongoing maintenance of the automatic flushing devices is/are the responsibility of the Owner.
- # The limits of any request for Conditional Approval shall conform to the phasing plan as set out in the accepted water servicing design study and shall include the implementation of the interim water quality measures. In the event the requested Conditional Approval limits differ from the phasing as set out in the accepted design study, and the watermains are not installed to the phase limits, the Owner shall be required to submit revised plans and hydraulic modeling, as necessary, to address water quality.

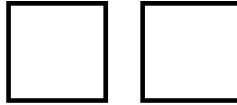
25.10 HYDROGEOLOGICAL WORKS

Remove Subsection 25.10 (c) and **replace** with the following:

- (c) The Owner shall adhere to the recommendations in the detailed hydro geological report prepared by its Professional Engineer, determining the effects of the construction associated with this subdivision on the existing ground water elevations and domestic or farm wells in the area and identify any abandoned wells in this Plan, assess the impact on water balance recommendations for foundation design should high groundwater be encountered and any fill required in the plan, identify all required mitigation measures including Low Impact Development (LIDs) solutions, to the satisfaction of the City Engineer.

The Owner's professional engineer shall, if necessary, provide recommendations addressing any contamination impacts that may be anticipated or experienced as a result of the said construction as well as recommendations regarding soil conditions and fill needs in the location of any existing watercourses or bodies of water on the site.

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



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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 Canvas Way meet Canvas Way in 33M-680, including all underground works and all related works as per the accepted engineering drawings;
 - (ii) a fully serviced road connection where Maddex Way meets Superior Drive in 33M-680, including all underground works and all related works as per the accepted engineering drawings;
 - (iii) a fully serviced road connection with Zenia Green meets Superior Drive in 33M-680, including all underground works and all related works as per the accepted engineering drawings; and
 - (iv) removal of parking bay on Superior Drive at Maddex Way and Zenia Green and replace with curb and gutter, removal of any existing services on Superior Drive in 33M-680 no longer required and relocate any existing servicing, etc. to accommodate this Plan on Superior Drive in 33M-680 and all related works as per the accepted engineering drawings;

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 Superior Drive and Canvas Way in Plan 33M-680 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.

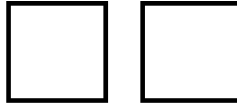
The Owner shall complete the works specified above on a schedule acceptable to the City or as otherwise specified herein. Where the Owner is required to close any City of London road section the Owner shall have available for submission to the City a Traffic Protection Plan acceptable to the City Engineer (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 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 (q) as there are no traffic calming measures located within this Plan.

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

- (r) The Owner shall direct all construction traffic including all trade(s) related traffic associated with installation of services and construction of dwelling units in this Plan to access the site from Sunningdale Road East via Canvas Way.



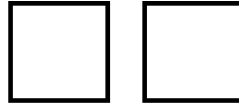
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Add the following new Special Provisions:

- # The Owner shall make any modifications with respect to the existing roundabout on Canvas Way in Plan 33M-680, external to this Plan, including but not limited to extending of pavement, curbs and sidewalks, installing a splitter island and all associated works as per the accepted engineering drawings, all to the satisfaction of the City Engineer, and at no cost to the City.
- # The Owner shall remove the parking bays on Superior Drive where local streets intersect Superior Drive in Plan 33M-680, to the satisfaction of the City Engineer, and at no cost to the City.
- # The Owner shall maintain the temporary/emergency access adjacent to Sunningdale Road East until such time as full road connections are provided through an adjacent plan of subdivision, all to the satisfaction of the City Engineer.
- # The Owner shall remove all existing or temporary accesses and restore all affected areas, all to the satisfaction of the City.

25.12 PARKS**Add** the following new Special Provision:

- # Within one (1) year of registration of the Plan, the Owner shall remove the existing chain link fence abutting the east side of Zenia Green, to the satisfaction of the City, at no cost to the City.
- # Prior to construction, site alteration or installation of services, robust silt fencing/erosion control measures shall be installed and maintained and certified with site inspection reports submitted to the Environmental and Parks Planning Division monthly during development activity along the open space and park blocks, all at no cost to the City.
- # Within one (1) year of registration of this Plan, the Owner shall prepare and deliver to all homeowners an education package which explains the stewardship of natural area, the value of existing tree cover and the protection and utilization of the grading and drainage pattern on these lots. The educational package shall be included with the Design Studies submission and shall be prepared to the satisfaction of and at no cost to the City.



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SCHEDULE “C”

This is Schedule “C” to the Subdivision Agreement dated this _____ day of _____, 2017, between The Corporation of the City of London and 2047790 Ontario Limited to which it is attached and forms a part.

SPECIAL WORKS AND SERVICES**Roadways**

- Canvas Way, Zaifman Circle, Zenia Green and Maddex Way shall have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 20.0 metres.

- Canvas Way, from Canvas Way/Superior Drive to 30 metres north of Superior Drive shall have a minimum road pavement width (excluding gutters) of 9.5 metres with a minimum road allowance of 21.5 metres.

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Sidewalks

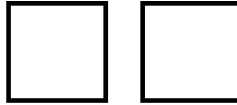
A 1.5 metre sidewalk shall be constructed on both sides of Canvas Way.

A 1.5 metre sidewalk shall be constructed on one side of

- (i) Zaifman Circle – outside boulevard
- (ii) Maddex Way – east boulevard
- (iii) Zenia Green – east boulevard

Pedestrian Walkways

City of London standard 3.0m wide pedestrian walkways shall be constructed on Blocks 96 and 97 of this Plan.



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SCHEDULE "D"

This is Schedule "D" to the Subdivision Agreement dated this _____ day of _____, 2017, between The Corporation of the City of London and 2047790 Ontario Limited to which it is attached and forms a part.

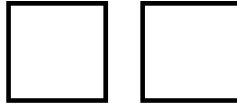
Prior to the Approval Authority granting final approval of this Plan, the Owner shall transfer to the City, all external lands as prescribed herein. Furthermore, within thirty (30) days of registration of the Plan, the Owner shall further transfer all lands within this Plan to the City.

LANDS TO BE CONVEYED TO THE CITY OF LONDON:

0.3 metre (one foot) reserves:	NIL
Road Widening (Dedicated on face of plan):	NIL
Walkways:	Blocks 96 and 97
5% Parkland Dedication:	Blocks 98 and 99
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 IN TRUST BY THE CITY: NIL



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SCHEDULE “E”

This is Schedule “E” to the Subdivision Agreement dated this _____ day of _____, 2017, between The Corporation of the City of London and 2047790 Ontario Limited 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:	\$ 337,366
BALANCE PORTION:	<u>\$1,911,741</u>
TOTAL SECURITY REQUIRED	\$2,249,107

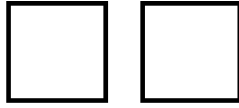
The Cash Portion shall be deposited with the City Treasurer prior to the execution of this Agreement.

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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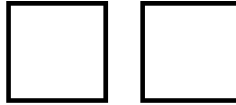
SCHEDULE "F"

This is Schedule "F" to the Subdivision Agreement dated this _____ day of _____, 2017, between The Corporation of the City of London and 2047790 Ontario Limited 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 required in this Plan of Subdivision.



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Schedule "B"
Related Estimated Costs and Revenues

Agenda Item # Page #

530 Sunningdale Road East - 2047790 Ontario Limited (Z-Group)
 Subdivision Agreement
 39T-15504

Related Estimated Costs and Revenues

Estimated DC Funded Servicing Costs ^(Note 1)	Estimated Cost <small>(excludes HST)</small>
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: - None identified.	\$0
Total	\$0
Estimated Total DC Revenues ^(Note 2) (2017 Rates)	Estimated Revenue
CSRF	\$2,576,780
UWRF	\$231,515
TOTAL	\$2,808,295

- 1 There are no eligible claims for this Plan of Subdivision.
- 2 Estimated Revenues are calculated using 2017 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 8 / 17
Date

P. Christiaans
Peter Christiaans
Director, Development Finance