

File Number: 39T-15505
F. Gerrits / L. Mottram

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: SIFTON PROPERTIES LIMITED HAJJAR SUBDIVISION 39T-15505 MEETING ON SEPTEMBER 25, 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 Sifton Properties Limited for the subdivision of land over Part of Lots 7 and 8, Concession 1, (Geographic Township of Westminster), City of London, County of Middlesex, situated on the north side of Commissioners Road East, west of Hamilton Road, municipally known as 2046 Commissioners Road East and 1733 Hamilton Road;

- (a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Sifton Properties Limited for the Hajjar Subdivision (39T-15505) attached as Schedule "A", **BE APPROVED**;
- (b) the applicant **BE ADVISED** that 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.

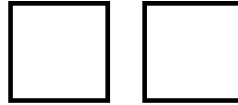
BACKGROUND

This application for Draft Plan of Subdivision Approval was accepted on November 27, 2015. It was circulated to the required agencies and municipal departments on December 14, 2015 and advertised in the "Londoner" on December 24, 2015. A Notice of Revised Application and Notice of Public Meeting was sent out to area property owners on May 4, 2016 and a notice of Public Meeting was advertised in the "Londoner" on May 12, 2016. The Public Meeting of the Planning and Environment Committee was held on May 30, 2016.

This subdivision will be registered in one phase consisting of 111 single detached dwelling lots and 13 Blocks, consisting of 2 medium density residential blocks, 7 one foot reserve blocks, 2 road widening blocks, 1 parkland block and 1 future development 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.

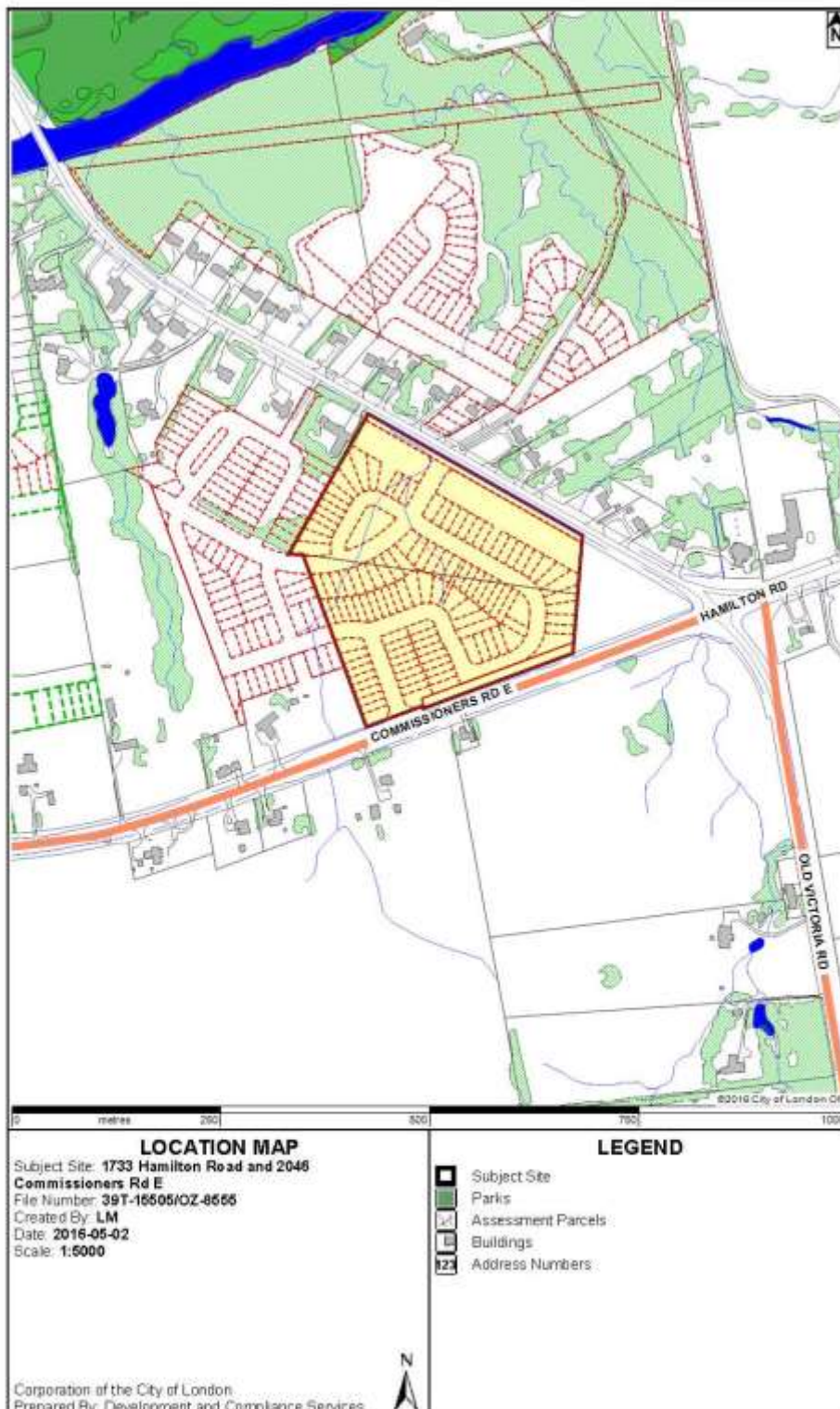


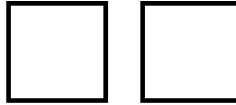
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The anticipated reimbursements from the Development Charge Reserve Funds are:

- (i) For the construction of eligible oversized storm sewers in conjunction with this Plan, subsidized at an estimated cost of which is \$19,916, as per the accepted work plan;
- (ii) for the construction and engineering costs of the trunk storm sewer in conjunction with the Plan, the estimated cost of which is \$ 286,543.50, excluding HST, as per the accepted work plan;
- (iii) for the construction and engineering costs of left turn and right turn channelization on Hamilton Road at Oriole Drive, the estimated cost of which is \$161,465.50, excluding HST, as per the accepted work plan;

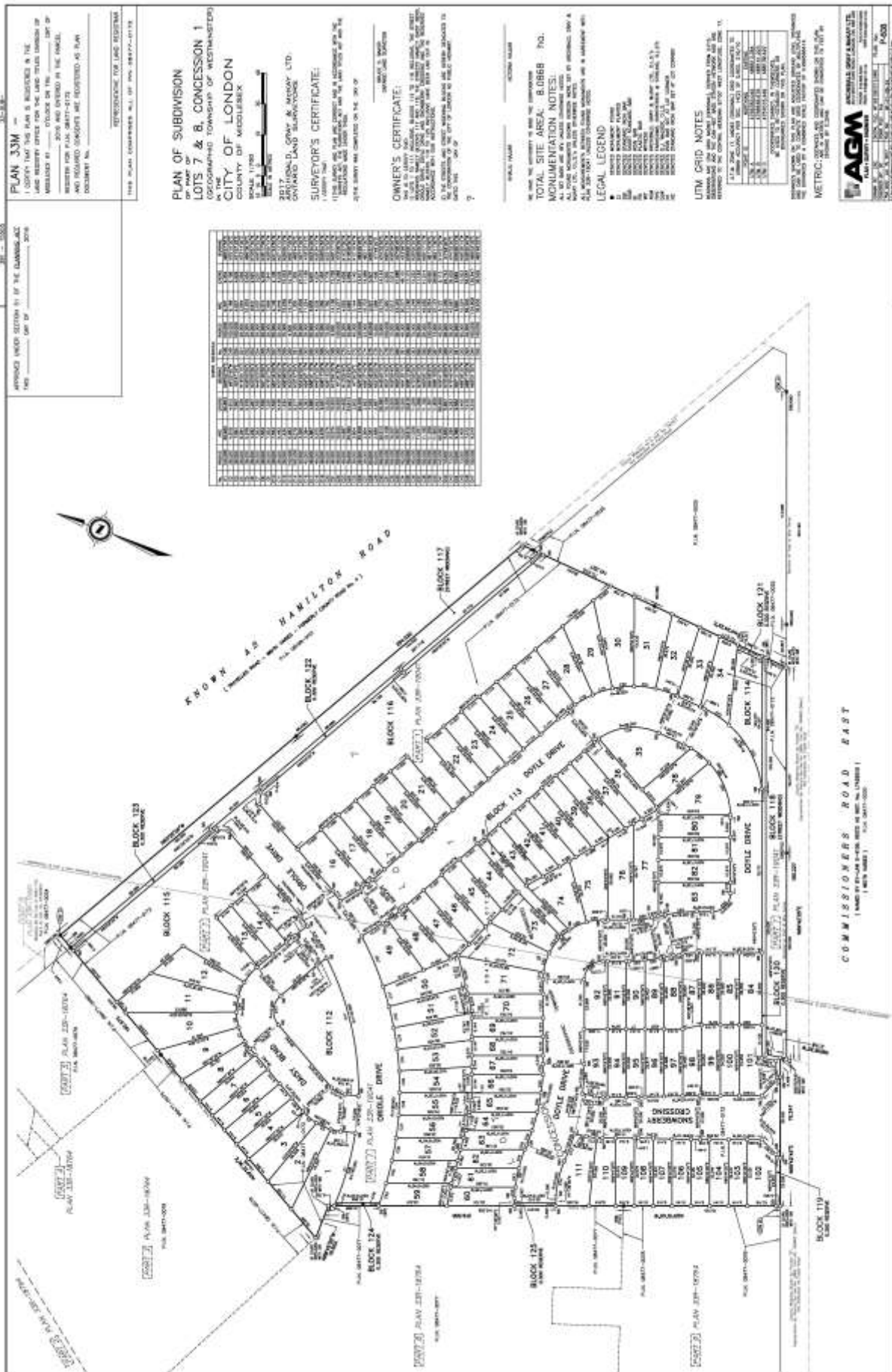
Location Map

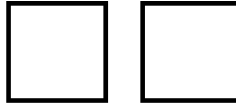




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Plan of Subdivision

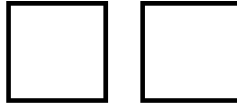




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PREPARED BY:	RECOMMENDED BY:
LARRY MOTTRAM SENIOR PLANNER DEVELOPMENT SERVICES DIVISION	LOU POMPILII, MPA, RPP MANAGER, DEVELOPMENT PLANNING DEVELOPMENT SERVICES
CONCURRED IN BY:	SUBMITTED BY:
PAUL YEOMAN, RPP, PLE DIRECTOR, DEVELOPMENT SERVICES	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

/fg
Attach.
September 14, 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:

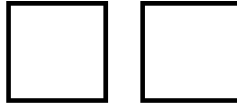
- 5.7 The Owner shall provide minimum side yard setbacks as specified by the City for buildings which are adjacent to rear yard catch basin leads which are not covered by an easement on Lots in this Plan.

The Owner shall include in all Agreements of Purchase and Sale or Lease for Lots 31, 32, 78, 79, 108 and 109 in this Plan, which incorporate rear yard catchbasins, and all other affected Lots shown on the accepted plans and drawings, 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 blocks in this Plan.

- ~~16.3 The Owner shall set aside an area or areas (being Block(s) _____) as a site or sites for school purposes to be held subject to the rights and requirements of any School Board having jurisdiction in the area.~~
- ~~16.4 The School Boards shall have the right, expiring three (3) years from the later of the date on which servicing of the relevant site is completed to the satisfaction of the City or the date on which seventy percent (70%) of the Lots in the subdivision have had building permits issued, to purchase the site and may exercise the right by giving notice to the Owner and the City as provided elsewhere in this Agreement and the transaction of purchase and sale shall be completed no later than two (2) years from the date of giving notice.~~
- ~~16.5 The School Boards may waive the right to purchase by giving notice to the Owner and the City as provided elsewhere in this Agreement.~~
- ~~16.6 Where all School Boards have waived the right to purchase, the City shall then have the right for a period of two (2) years from the date on which the right to purchase by the School Board has expired or has been waived as the case may be, to purchase the site for municipal purposes and may exercise the right by giving notice to the Owner as provided elsewhere in this Agreement and the transaction of purchase and sale shall be completed no later than sixty (60) days from the date of giving notice.~~
- ~~16.7 The Owner agrees that the school blocks shall be:~~
- ~~(a) graded to a one percent (1%) grade or grades satisfactory to the City, the timing for undertaking the said works shall be established by the City prior to the registration of the Plan; and~~
 - ~~(b) top soiled and seeded to the satisfaction of the City, the timing for undertaking the said works to be established prior to assumption of the subdivision by the City.~~
- ~~16.8 Where the Owner has been required to improve the site by grading, top soil and seeding, the responsibility of the Owner for the maintenance of the site shall cease upon completion by the Owner of his obligations under this Agreement.~~
- ~~16.9 If and when the City purchases the site, the City may establish a policy with respect to the ultimate use or disposition of the site.~~



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25.1 STANDARD REQUIREMENTS

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

- (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 113) in accordance with City Standard No. SR-7.0.

Add the following new Special Provisions:

- #1 The Owner shall make all necessary arrangements with any required owner(s) to have any existing easement(s) in this Plan quit claimed to the satisfaction of the City and at no cost to the City. The Owner shall protect any existing private services in the said easement(s) until such time as they are removed and replaced with appropriate municipal and/or private services at no cost to the City.

Following the removal of any existing private services from the said easement and the appropriate municipal services and/or private services are installed and operational, the Owner shall make all necessary arrangements 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.

- #2 Prior to the issuance of any Certificates of Conditional Approval for any building permits, the Owner shall convey Future Development Block 114 to the City for future use as access and servicing for external lands, at no cost to the City. Should the adjacent lands develop for residential use and Future Development Block 114 is required for a private access, Block 114 shall be sold at fair market value, as determined by the City acting reasonably to the owners of the adjacent lands for access purposes, and the City shall pay the net proceeds of that sale (minus any City costs) to the Owner of this Plan (39T-15505) within 30 days of such sale. If this Block is not needed upon development or redevelopment of the lands to the south of this block, the City agrees that the Block 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 building lot.

- #3 The Owner shall implement the recommendations of the Hajjar Residential Subdivision Land Use Planning Traffic Noise Impact Assessment report, prepared by AECOM Canada Ltd. dated February 2017, including the following:

i) Air Conditioning

The Owner shall include in any submission of building permit applications for Lots 84, 101 and 102, provisions for central air conditioning.

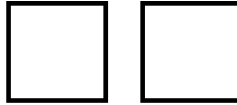
The Owner shall include the following warning clauses in all Agreements of Purchase and Sale and/or Lease for Lots 84, 101 and 102:

"This dwelling unit has been supplied with a central air conditioning system which 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 the Environment. (Note: The location and installation of the 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.)"

ii) Provision for Future Installation of Air Conditioning (Forced Air Central Heating)

The Owner shall include in any submission of building permit applications for Lots 11 to 35, Lots 78 to 83, Lots 85 to 88, Lots 97 to 100 and Lots 103 to 111, within this Plan, provisions for forced air heating system and ducting, etc. which is sized to accommodate central air conditioning.

The following warning clause shall be registered on title and included in all



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Agreements of Purchase and Sale or Lease for Lots 11 to 35, Lots 78 to 83, Lots 85 to 88, Lots 97 to 100 and Lots 103 to 111, within this Plan:

"This dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air-conditioning. Installation of air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality and 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.)"

iii) Building Components

Noise reduction building components for Lots 84, 101 and 102 shall meet minimum Sound Transmission Class (STC) ratings for exterior walls and windows. STC-34 walls and STC-25 windows will be required for future dwellings on Lots 84 and 101. STC-35 walls and STC-26 windows will be required for the future dwelling on Lot 102. A standard insulated, stud wall (12.7 mm gypsum board, vapour barrier, 38 x 89 studs, 50 mm (or thicker) mineral wool or glass fibre batts) with metal siding will meet the wall STC ratings described above. A standard double glazed window with a 6 mm (or larger) airspace will meet the window STC ratings described above.

iv) Noise Barriers

Prior to the issuance of any Certificates of Conditional Approval for Lots 29 to 34, Lot 84, Lot 101, and Lots 102 to 104 in this Plan, the Owner shall construct the proposed noise attenuation barriers adjacent to the rear and/or side property lines of each of the said Lots as shown on the accepted engineering drawings and have its professional engineer certify that the said walls were constructed in accordance with the accepted engineering drawings, all to the satisfaction of the City.

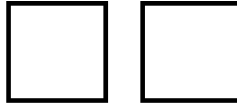
The Owner shall include in the Agreement of Purchase and Sale for the transfer for Lots 29 to 34, Lot 84, Lots 101 to 104 in this Plan, a covenant by the purchaser or transferee stating that the purchaser or transferee of the Lot shall be responsible for the maintenance of the noise attenuation barrier in the future located on the said Lot, at no cost to the City. The City of London shall not be responsible for the maintenance, repair and/or replacement of the noise attenuation barrier.

v) Warning Clauses

The Owner shall include the following warning clauses in all Agreements of Purchase and Sale and/or Lease for Lots 11 to 35, Lots 78 to 83, Lots 85 to 88, Lots 97 to 100 and Lots 103 to 111:

"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 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.)"

vi) The Owner shall include the following warning clauses in all Agreements of Purchase and Sale and/or Lease for Lots 11 to 28 and Lots 105 to 109:



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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 occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of Environment."

"The City of London assumes no responsibility for noise issues which may arise from the existing or increased traffic as it relates to the interior or outdoor living areas of any dwelling unit within the development. The City of London will not be responsible for constructing any form of noise mitigation for this development."

25.2 CLAIMS

Remove Subsection 25.2 (b) and **replace** with the following:

- (b) If the Owner alleges an entitlement to any reimbursement or payment from a Development Charge Reserve Fund as a result of the terms hereof, the Owner may, upon approval of this Agreement and completion of the works, make application to the Director – Development Finance for payment of the sum alleged to be owing, and as confirmed by the City Engineer (or designate) and the Director – Development Finance and the payment will be made pursuant to any policy established by Council to govern the administration of the said Development Charge Reserve Fund.

The anticipated reimbursements from the Development Charge Reserve Funds are:

- (iv) For the construction of eligible oversized storm sewers in conjunction with this Plan, subsidized at an estimated cost of which is \$19,916, as per the accepted work plan;
- (v) for the construction of the trunk storm sewer in conjunction with the Plan, the estimated cost of which is \$ 246,080, excluding HST, as per the accepted work plan;
- (vi) for the engineering costs associated with the construction of the eligible trunk storm sewer in conjunction with the plan, an estimated cost of which is \$40,463.50, excluding HST, as per the accepted work plan;
- (vii) for the construction of left turn and right turn channelization on Hamilton Road at Oriole Drive, the estimated cost of which is \$145,640, excluding HST, as per the accepted work plan;
- (viii) for the engineering costs associated with the construction of eligible left and right turn lanes on Hamilton Road in conjunction with the plan, an estimated cost of which is \$15,824.50, excluding HST, as per the accepted work plan;

The estimated amounts herein will be adjusted in accordance with contract prices in the year in which the work is carried out.

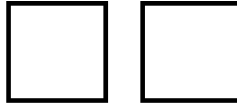
Funds needed to pay the above claims will be committed (on a subdivision by subdivision basis) from approved capital budgets at the time of approval of this agreement, unless funds in approved capital budgets are insufficient to accommodate commitment to the full extent of the estimated claims. In this case (ie. insufficient capital budget), the excess of the estimated claim over the approved budget shall be submitted for Council approval in the next following budget year.

Claims approvals shall generally not materially exceed approved and committed funding in the capital budget for the estimated claims listed in this agreement.

Any funds spent by the Owner pending future budget approval (as in the case of insufficient capital budget described above), shall be at the sole risk of the Owner pending Council approval of sufficient capital funds to pay the entire claim.

Add the following new Special Provisions:

- #4 Where the proposed development calls for the construction of works, and where the Owner



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is of the opinion that such works are eligible to be funded in whole or in part from development charges as defined in the DC By-law, and further, where such works are not oversized pipe works (sanitary, storm or water – the reimbursement of which is provided for in subsidy tables in the DC By-law), then the Owner shall submit through their consulting engineer an engineering work plan for the proposed works satisfactory to the City Engineer (or designate) and City Treasurer (or designate). The Owner acknowledges that:

- i) no work subject to a work plan shall be reimbursable until both the City Engineer (or designate) and City Treasurer (or designate) have reviewed and approved the proposed work plan; and
- ii) in light of the funding source and the City's responsibility to administer development charge funds collected, the City retains the right to request proposals for the work from an alternative consulting engineer.

#5 The following works required by this subdivision shall be subject to a work plan:

- i) channelization on Hamilton Road
- ii) construction of trunk storm sewer and associated works

25.5 EROSION AND SEDIMENT CONTROL

Add the following new Special Provisions:

- #6 Prior to the issuance of any Certificates of Conditional Approval, the Owner shall install all temporary erosion and sediment control measures and these measures shall be operational as per the accepted engineering drawings, to the satisfaction of the City, at no cost to the City.
- #7 Prior to the issuance of a Certificate of Conditional Approval for Blocks 115 and 116, the Owner shall remove any temporary sediment basins and associated works and construct any necessary servicing, as per the accepted engineering drawings, to the satisfaction of the City, at no cost to the City.

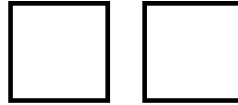
25.6 GRADING REQUIREMENTS

Add the following new Special Provisions:

- #8 The Owner shall grade the portions of Lots and Blocks in this Plan, which have a common property line with Hamilton Road and Commissioners Road East, to blend with the ultimate profile of Hamilton Road and Commissioners Road East, in accordance with the City Standard "Subdivision Grading Along Arterial Roads" 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 Hamilton Road and Commissioners Road East. 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.

- #9 Upon development of Blocks 115 and 116, the Owner shall remove the proposed earth stockpile/berms located on these Blocks, all to the satisfaction of the City and at no cost to the City.
- #10 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make arrangements with the adjacent property owner to the west to regrade on the adjacent property, in conjunction with grading and servicing of this subdivision, to the specifications of the City, at no cost to the City.
- #11 The Owner shall include in all Agreements of Purchase and Sale and/or Lease, a warning clause on Lots 31, 32, 36, 37, 108 and 109 in this Plan, a covenant by the purchaser or transferee stating that the purchaser or transferee of the Lots shall maintain the overland



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flow route as per the accepted engineering drawings, to the satisfaction of the City. No landscaping, vehicular accesses, parking access, works or other features shall interfere with the above-noted overland flow route grading that services other lands, 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 South Thames Subwatershed Study and any addendums/amendments;
 - ii) Old Victoria Area Plan Municipal Class Environmental Assessment for the Storm Drainage and Stormwater Management Servicing Works (Development Engineering January 2009) and any addendums/amendments;
 - iii) Hamilton Road Widening Municipal Class Environmental Assessment (Stantec April 2013) and any addendums/amendments;
 - iv) The approved Old Victoria SWM Facility No. 1 Functional Design Report (AECOM April 2015) and any addendums/amendments;
 - v) The City's Design Requirements for Permanent Private Stormwater Systems approved by City Council and effective as of January 1, 2012. The stormwater requirements for PPS for all medium/high density residential, institutional, commercial and industrial development sites are contained in this document, which may include but not be limited to quantity/quality control, erosion, stream morphology, etc.
 - vi) The Stormwater Letter/Report of Confirmation for the subject development prepared and accepted in accordance with the file manager process;
 - vii) The City's Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements and practices;
 - viii) The City of London Design Specifications and Requirements Manual, as revised;
 - ix) The Ministry of the Environment and Climate Change (MOECC) SWM Practices Planning and Design Manual (2003); and
 - x) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.

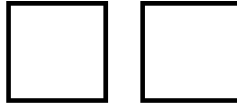
Add the following new Special Provisions:

- #12 The Owner shall include in all Agreements of Purchase and Sale and/or Lease for Lots 15 to 21 and 44 to 59 in this Plan, a covenant by the purchaser or transferee to observe and comply with the following:

"The purchaser or transferee shall construct the front yard soak away pits on the said Lots as shown on the accepted lot grading and engineering drawings for this subdivision."

- #13 The Owner shall include in all Agreements of Purchase and Sale and/or Lease for Lots 15 to 21 and 44 to 59, a covenant by the purchaser or transferee to observe and comply with the following:

"The purchaser or transferee shall not alter the front yard soak away pits on the said lots as shown on the accepted lot grading and engineering drawings for this



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subdivision. The maintenance of the front yard soak away pits are the responsibility of the owner of the said Lots."

- #14 The Owner shall develop the proposed plan of subdivision in accordance with the Design and Construction of Stormwater 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.
- #15 Prior to the issuance of any Certificate of Conditional Approval for any lot in this Plan, the SWM Facility to be constructed by the City to serve this Plan must be constructed and operational.

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 South Thames Subwatershed, and connect them via the proposed internal storm sewer servicing for this Plan of subdivision and the proposed external storm sewer conveyance system outletting to the proposed Old Victoria SWM Facility No. 1.

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 (j) as this is not required for this Plan.

- ~~(j) The Owner shall register on title of Block [redacted] in this Plan and include in the Purchase and Sale Agreement, a covenant that the owner of Block [redacted] in this Plan shall be responsible for installing a sanitary private drain connection, at the owner's expense, from the said block to the proposed municipal sanitary sewer to the (North, South, East, West) of this Block in City owned lands [redacted] described [redacted], or an alternative sanitary outlet, to the satisfaction of the City Engineer, at no cost to the City, should the said block not be developed in conjunction with or serviced through other lands to the east of this block intended to be jointly developed as a school.~~

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

- (o) 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 Hamilton Road.

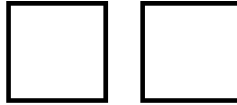
The sanitary sewers required in conjunction with this Plan shall be sized to accommodate all upstream lands to the specifications of the City Engineer and at no cost to the City unless otherwise specified herein.

Add the following new Special Provisions:

- #16 The Owner shall construct a sanitary and storm sewer stub to the limit of Block 114 to service external lands, to the satisfaction of the City, at no cost to the City.
- #17 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct new services and make adjustments to the existing works and services on Commissioners Road East and Hamilton Road, adjacent to this Plan to accommodate the proposed works and services on this street to accommodate the lots in this Plan fronting this street (eg. private services, street light poles, traffic calming, etc.) in accordance with the approved design criteria and accepted drawings, al to the satisfaction of the City Engineer, at no cost to the City.

25.9 WATER SERVICING

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



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

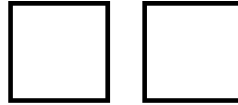
Remove Subsection 25.9 (h) and **replace** with the following:

- (h) Prior to the issuance of any Certificates 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 draft Plan of Subdivision:
- i) construct watermains to serve this Plan and connect them to the existing low-level municipal system, namely, the existing 250 mm diameter watermain on Hamilton Road and the 600 mm diameter watermain on Commissioners Road East;
 - 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 system has been constructed, is operational, and is looped from the watermain on Hamilton Road through this Plan to Commissioners Road East.

Add the following new Special Provisions:

- #18 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall replace / protect / insulate a portion of the watermain on Hamilton Road and all associated works as per the accepted engineering drawings, to the satisfaction of the City Engineer, at no cost to the City.
- #19 The Owner shall ensure that implemented water quality measures remain in place until there is sufficient occupancy demand to maintain water quality within the Plan of Subdivision without their use. The Owner is responsible to meter and pay the billed costs associated with any automatic flushing devices including water discharged from any device from the time of their installation until removal/assumption. Any incidental and/or ongoing maintenance of the automatic flushing devices is/are the responsibility of the Owner.
- #20 The Owner shall ensure that the limits of any request for Conditional Approval conform to the staging 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 staging as set out in the accepted water servicing report, and the watermains are not installed to the stage limits, the Owner will be required to submit revised plan and hydraulic modeling as necessary to address water quality.
- #21 With respect to the proposed blocks, the Owner shall include in all Agreements of purchase and sale, and/or lease of Blocks in this Plan, a warning clause advising the purchaser/transferee that should these develop as a Vacant Land Condominium or in a form that may create a regulated drinking water system under O.Reg. 170/03, the Owner shall be responsible for meeting the requirements of the legislation.

If deemed a regulated system, there is potential the City of London could be ordered to operate this system in the future. As such, the system would be required to be constructed to City standards and requirements.



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25.11 ROADWORKS

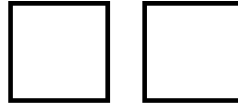
Remove Subsection 25.11 (b) and **replace** with the following:

- (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 Charlie Hajjar Way connects with Commissioners Road East, including all underground services and all related works as per the accepted engineering drawings;
 - (ii) a fully serviced road connection where Oriole Drive connects with Hamilton Road, including all underground services and all related works as per the accepted engineering drawings;
 - (iii) a fully serviced road connection where Oriole Drive connects with “Oriole Drive” in the plan to the west, including all underground services and all related works as per the accepted engineering drawing;
 - (iv) a fully serviced road connection where Doyle Drive connects with the proposed street in the plan to the west, including all underground services and all related works as per the accepted engineering drawings;
 - (v) install temporary street lighting on Hamilton Road at Oriole Drive and Commissioners Road East at Charlie Hajjar Way as per the accepted engineering drawings;
 - (vi) install a storm sewer on Hamilton Road and all associated works to the proposed storm sewer stub north of this Plan on Hamilton Road, as per the accepted engineering drawings;
 - (vii) prior to the issuance of a Certificate of Conditional Approval or alternative timing as agreed to by the City, construct left and right turn lanes on Hamilton Road at Oriole Drive and all associated works as per the accepted engineering drawings; and
 - (viii) prior to the issuance of a Certificate of Conditional Approval or alternative timing as agreed to by the City, construct a centre median on Commissioners Road East at Charlie Hajjar Way, 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 Doyle Drive, Oriole Drive, Commissioners Road East and Hamilton Road 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



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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) and **replace** with the following:

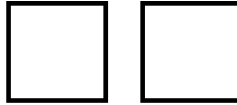
- (q) Where traffic calming measures are required within this Plan:
- (i) The Owner shall erect advisory signs at all street entrances to this Plan for the purpose of informing the public of the traffic calming measures implemented within this Plan prior to the issuance of any Certificate of Conditional 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 include in all Agreements of Purchase and Sale and/or Lease for all Lots and Blocks on Oriole Drive and Doyle Drive (east leg) in this Plan, a covenant by the purchaser or transferee stating the said owner shall locate the driveways to the said Lots and Blocks away from the traffic calming measures on the said streets, raised intersections shall be installed as traffic control devices, to the satisfaction of the City Engineer.

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

- (r) 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 Commissioners Road East or Hamilton Road, as designated by the City.

Add the following new Special Provisions:

- #22 Prior to the issuance of any Certificate of Conditional Approval or as otherwise approved by the City, the Owner shall install temporary street lighting at the intersection of Oriole Drive and Hamilton Road and at the intersection of Commissioner Road East and Charlie Hajjar Way, to the specifications of the City, at no cost to the City.
- #23 Prior to the issuance of a Certificate of Conditional Approval or alternative timing as agreed to by the City, the Owner shall construct a left turn lane and right turn lane on Hamilton Road at Oriole Drive, to the satisfaction of the City.
- #24 Prior to the issuance of a Certificate of Conditional Approval or alternative timing as agreed to by the City, the Owner shall construct a centre island median on Commissioners Road East at Charlie Hajjar Way, to restrict access to right in/right out to the satisfaction of the City Engineer, at no cost to the City.
- #25 The Owner shall ensure no vehicular access will be permitted to Blocks 115 and 116 from Hamilton Road.
- #26 Prior to the issuance of any Certificate of Conditional Approval, temporary signs shall be installed and maintained on Oriole Drive and Doyle Drive adjacent to the raised intersection location that indicate Future Raised Intersection Location, as identified on the accepted engineering drawings, to the satisfaction of the City Engineer.
- #27 Prior to assumption or when required by the City Engineer, the Owner shall install the raised intersection on Oriole Drive at the intersection of Doyle Drive (east leg), including permanent signage and pavement marking in a location, to the satisfaction of the City Engineer.



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#28 Barricades are to be maintained at west limits of Doyle Drive and Oriole Drive until assumption of this Plan of Subdivision or as otherwise directed by the City. At the time of assumption of this Plan or as otherwise directed by the City, the Owner shall remove the barricades and any temporary turning circles, restore the boulevards and complete the construction of the roadworks within the limits of both temporary turning circles, to the specifications of the City, all at no cost to the City.

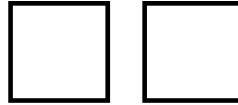
The Owner shall advise all purchasers of land within this subdivision that any traffic to and from this subdivision will not be permitted to pass the barricade(s) until the removal of the barricade(s) is authorized by the City.

#29 The Owner shall be required to make minor boulevard improvements on Hamilton Road and Commissioners 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.

#30 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.

#31 The Owner shall co-operate and co-ordinate with the owner of adjacent lands to the west, as necessary, for the completion of the storm sewer outlet.

#32 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.



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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 Sifton Properties Limited to which it is attached and forms a part.

SPECIAL WORKS AND SERVICES

Roadways

- Oriole Drive shall have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 20.0 metres to primary collector standards.
- Doyle Drive (east and west legs) and Snowberry Crossing shall have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 20.0 metres.
- Doyle Drive (window street portion) shall have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 15.5 metres.
- Daisy Bend (north leg) shall have a minimum road pavement width (excluding gutters) of 6.0 metres with a minimum road allowance of 18 metres.
- Oriole Drive from Hamilton Road to 45 metres west shall have a minimum road pavement width (excluding gutters) of 10.0 metres with a minimum road allowance of 21.5 metres to allow for a left turn lane. The widening road on Street 'C' shall be equally aligned from the centreline of the road and tapered back to the 8.0 metres of road pavement width (excluding gutters) and 20.0 metres of road allowance width for this street with 30 metre tapers on both street lines.
- Charlie Hajjar Way, from Commissioners Road East to 30 metres north shall have a minimum road pavement width (excluding gutters) of 9.5 metres with a minimum road allowance of 21.5 metres to allow for a left turn lane. The widened road on Street 'B' shall be equally aligned from the centreline of the road and tapered back to the 8.0 metres of road pavement width (excluding gutters) and 20.0 metres of road allowance width for this street with 30 metre long tapers on both street lines.

Sidewalks

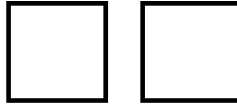
A 1.5 metre (5 foot) sidewalk shall be constructed on one side of the following:

- (i) Doyle Drive (from west limit of plan to window street portion of westerly leg of Doyle Drive 'A') – south boulevard;
- (ii) Doyle Drive (south of Oriole Drive to the window street portion) – south and east boulevard;
- (iii) Charlie Hajjar Way – east boulevard, and
- (iv) Oriole Drive – north boulevard

Sidewalk links from Doyle Drive to the future sidewalk on Commissioners Road East in accordance with the City of London Window Street Standard Guidelines UCC-2M.

Pedestrian Walkways

City of London standard 5.0m wide pedestrian walkways shall be constructed on Block 113 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 Sifton Properties 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:

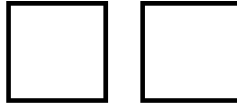
0.3 metre (one foot) reserves:	Blocks 119, 102, 121, 122, 123, 124 and 125
Road Widening (Dedicated on face of plan):	Blocks 117 and 118
Walkways:	Block 113
5% Parkland Dedication:	Block 112 shall be dedicated to satisfy a portion of the parkland requirements for this subdivision. Remaining parkland dedication shall be provided to the municipality in the form of cash-in-lieu in accordance with the provisions of By-law CP-9.
Dedication of land for Parks in excess of 5%:	NIL
Stormwater Management:	NIL

LANDS TO BE SET ASIDE FOR SCHOOL SITE:

School Site:	NIL
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LANDS TO BE HELD IN TRUST BY THE CITY:

Future Development Block:	Block 114
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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 Sifton Properties 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:	\$ 621,274
BALANCE PORTION:	<u>\$3,520,554</u>
TOTAL SECURITY REQUIRED	\$4,141,828

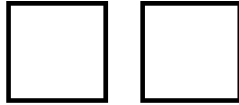
The Cash Portion shall be deposited with the City Treasurer prior to the execution of this agreement.

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 Sifton Properties Limited to which it is attached and forms a part.

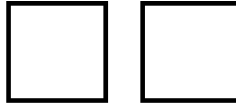
Prior to the Approval Authority granting final approval of this Plan, the Owner shall transfer to the City, all external easements as prescribed herein. Furthermore, within thirty (30) days of registration of the Plan, the Owner shall further transfer all easements within this Plan to the City.

Multi-Purpose Easements:

There are no multi-purpose easements required for this Plan.

Road Easements:

There are no road easements required for this Plan.



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Schedule "B"
Related Estimated Costs and Revenues

Agenda Item # Page #

1733 Hamilton Rd. and 2046 Commissioners Rd. E - Sifton Properties
Agreement
39T-15505

Related Estimated Costs and Revenues

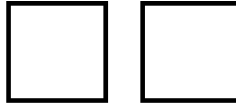
Estimated DC Funded Servicing Costs ^(Note 1, 4)	Estimated Cost (excludes HST)
Claims for developer led construction from CSRF:	
- Storm sewer oversized (38.3 m @ \$520/m) - DC14-MS01001)	\$19,916
- Trunk storm sewer - DC14-MS00201	\$246,080
Trunk storm sewer (Engineering) - DC14-MS00201	\$40,464
- Channelization - Hamilton Rd. - DC14-RS00067	\$145,640
- Channelization - Hamilton Rd. - (Engineering) - DC14-RS00067	\$15,825
Claims for City led construction:	
- None identified.	\$0
Total	\$467,925
Estimated Total DC Revenues ^(Note 2)	Estimated Revenue
CSRF	\$3,413,357
UWRF	\$306,939
TOTAL	\$3,720,296

- 1 Estimated Costs are based on approximations provided by the applicant and include engineering, construction and contingency costs without HST. Final claims will be determined based on actual costs incurred in conjunction with the terms of the final subdivision agreement and the applicable By-law.
- 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.
- 4 The trunk sewer has been identified in the Community Growth Storm Sewer as the Old Victoria SWMF 1 Trunk Sewer Item in the Stormwater section of the 2014 Background Study and is identified in the Capital Budget as ES5520.

Reviewed by:

Sept 15 / 2017
Date


Matt Feldberg
Manager, Development Finance



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Schedule "C"
SOURCE OF FINANCING

#17173
September 25, 2017
(39T-15505)

Chair and Members
Planning and Environment Committee

RE: Subdivision Special Provisions - Sifton Properties Limited
Hajjar Subdivision
2046 Commissioners Rd. E and 1733 Hamilton Road
Capital Project ES5429 - Storm Sewer Internal Oversizing Subsidy
Capital Project ES5520 - Community Growth Trunk Storm Sewer Works
Capital Project TS1651 - Minor Roadworks - Channelization

FINANCE & CORPORATE SERVICES REPORT ON THE SOURCE 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:

	Approved Budget	Revised Budget	Committed to Date	This Submission	Balance for Future Work
ESTIMATED EXPENDITURES					
ES5429-Storm Sewer Internal Oversizing Subsidy					
Engineering	\$27,463	\$27,463	\$27,463		\$0
Construction	4,570,177	4,570,177	3,600,946	20,266	948,965
	<u>4,597,640</u>	<u>4,597,640</u>	<u>3,628,409</u>	<u>20,266</u>	<u>948,965</u>
ES5520-Community Growth Trunk Storm Sewer Works					
Engineering		41,176		41,176	0
Construction	2,272,860	2,231,684		250,411	1,981,273
	<u>2,272,860</u>	<u>2,272,860</u>	<u>0</u>	<u>291,587</u>	<u>1,981,273</u>
TS1651-Minor Roadworks-Channelization					
Engineering	315,536	295,656	151,955	16,103	127,597
Construction	1,115,282	1,135,163	986,960	148,203	0
Relocate Utilities	150,000	150,000			150,000
	<u>1,580,818</u>	<u>1,580,818</u>	<u>1,138,915</u>	<u>164,306</u>	<u>277,597</u>
NET ESTIMATED EXPENDITURES	<u>\$8,451,318</u>	<u>\$8,451,318</u>	<u>\$4,767,324</u>	<u>\$476,159</u> 1)	<u>\$3,207,835</u>
SOURCE OF FINANCING:					
ES5429-Storm Sewer Internal Oversizing Subsidy					
Drawdown from Sewage Works Reserve Fund	\$25,300	\$25,300	\$19,966	\$112	\$5,222
Drawdown from City Services - Mjr SWM Reserve Fund (Development Charges)	4,572,340	4,572,340	3,608,443	20,154	943,743
	<u>4,597,640</u>	<u>4,597,640</u>	<u>3,628,409</u>	<u>20,266</u>	<u>948,965</u>
ES5520-Community Growth Trunk Storm Sewer Works					
Drawdown from City Services - Mjr SWM Reserve Fund (Development Charges)	2,272,860	2,272,860		291,587	1,981,273
	<u>2,272,860</u>	<u>2,272,860</u>	<u>0</u>	<u>291,587</u>	<u>1,981,273</u>
TS1651-Minor Roadworks-Channelization					
Capital Levy	28,419	28,419	28,419		0
Debtenture By-law No. W.-5623-191	136,007	136,007	90,043	17,090	28,874
Drawdown from City Services - Roads Reserve Fund (Development Charges)	1,416,392	1,416,392	1,020,453	147,216	248,723
	<u>1,580,818</u>	<u>1,580,818</u>	<u>1,138,915</u>	<u>164,306</u>	<u>277,597</u>
TOTAL FINANCING	<u>\$8,451,318</u>	<u>\$8,451,318</u>	<u>\$4,767,324</u>	<u>\$476,159</u>	<u>\$3,207,835</u>
1) Financial Note - Construction					
	ES5429	ES5520	TS1651	TOTAL	
Contract Price	\$19,916	\$246,080	\$145,640	\$411,636	
Add: HST @13%	2,589	31,990	18,933	53,512	
Total Contract Price Including Taxes	<u>22,505</u>	<u>278,070</u>	<u>164,573</u>	<u>465,148</u>	
Less: HST Rebate	2,239	27,689	16,370	46,298	
Net Contract Price	<u>\$20,266</u>	<u>\$250,411</u>	<u>\$148,203</u>	<u>\$418,880</u>	
Financial Note - Engineering					
		ES5520	TS1651	TOTAL	
Contract Price		\$40,464	\$15,825	\$56,289	
Add: HST @13%		5,260	2,057	7,317	
Total Contract Price Including Taxes		<u>45,724</u>	<u>17,882</u>	<u>63,606</u>	
Less: HST Rebate		4,548	1,779	6,327	
Net Contract Price		<u>\$41,176</u>	<u>\$16,103</u>	<u>\$57,279</u>	
TOTAL				<u>\$476,159</u>	

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