

N. McKee
File Number: 39T-99515-4B

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING ON MAY 28, 2012
FROM:	GEORGE KOTSIFAS DIRECTOR OF DEVELOPMENT AND COMPLIANCE DIVISION AND CHIEF BUILDING OFFICIAL
SUBJECT	SPECIAL PROVISIONS SIFTON PROPERTIES LIMITED FOREST HILL (PHASE 4B) SUBDIVISION 39T-99515-4B

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to entering into a subdivision agreement between The Corporation of the City of London and Sifton Properties Limited for the subdivision of land over Part of Lot 11, Concession 6, (Geographic Township of London), City of London, County of Middlesex, situated west of Springridge Drive and north of Rollingacres Drive:

- (a) the attached Special Provisions, (Schedule "C"), to be contained in a Subdivision Agreement between The Corporation of the City of London and Sifton Properties Limited for the Forest Hill Subdivision, Phase 4B (39T-99515) **BE APPROVED**;
- (b) the applicant **BE ADVISED** that the Director, Development Finance has summarized the related costs and revenues as per Schedule "A", attached hereto; 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 plan of subdivision approval was accepted on April 1, 1999. The application was put on hold by the applicant to permit time to address concerns raised during the liaison process and subsequently appealed to the Ontario Municipal Board due to the lack of a decision within the 90 time period permitted by the Planning Act. Draft plan of subdivision approval with conditions was granted by the Ontario Municipal Board on March 7, 2000 to allow 274 single detached dwellings lots; 8 medium density blocks; 1 convenience commercial block; and several park, open space and SWM blocks.

Since the OMB granted draft approval in 2000, the plan has been extended and revised. Four phases have been registered to date containing 302 lots and several open space and park/walkway blocks.

This subdivision (Phase 4B) consists of 40 single family detached lots, served by 1 new local street (Gough Road) and the extension of Gough Avenue.

Additional parkland will be dedicated in future phase including lands to accommodate the north London boundary multi-purpose trail.





This report is recommended by Nancy McKee, Development Services.



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

A copy of the location plan is attached (Schedule "B") for the information of the Committee.

PREPARED BY:	RECOMMENDED BY:
	
F. GERRITS SUBDIVISION AND CONDOMINIUM DOCUMENTATION COORDINATOR DEVELOPMENT SERVICES	<i>for</i> N. MCKEE SENIOR PLANNER DEVELOPMENT SERVICES
REVIEWED BY:	SUBMITTED BY:
	
J. LEUNISSEN MANAGER, DEVELOPMENT PLANNING DEVELOPMENT SERVICES	G. KOTSIFAS, P.ENG. DIRECTOR OF BUILDING CONTROLS AND CHIEF BUILDING OFFICIAL

GK/fg
 Attach.
 May 16, 2012



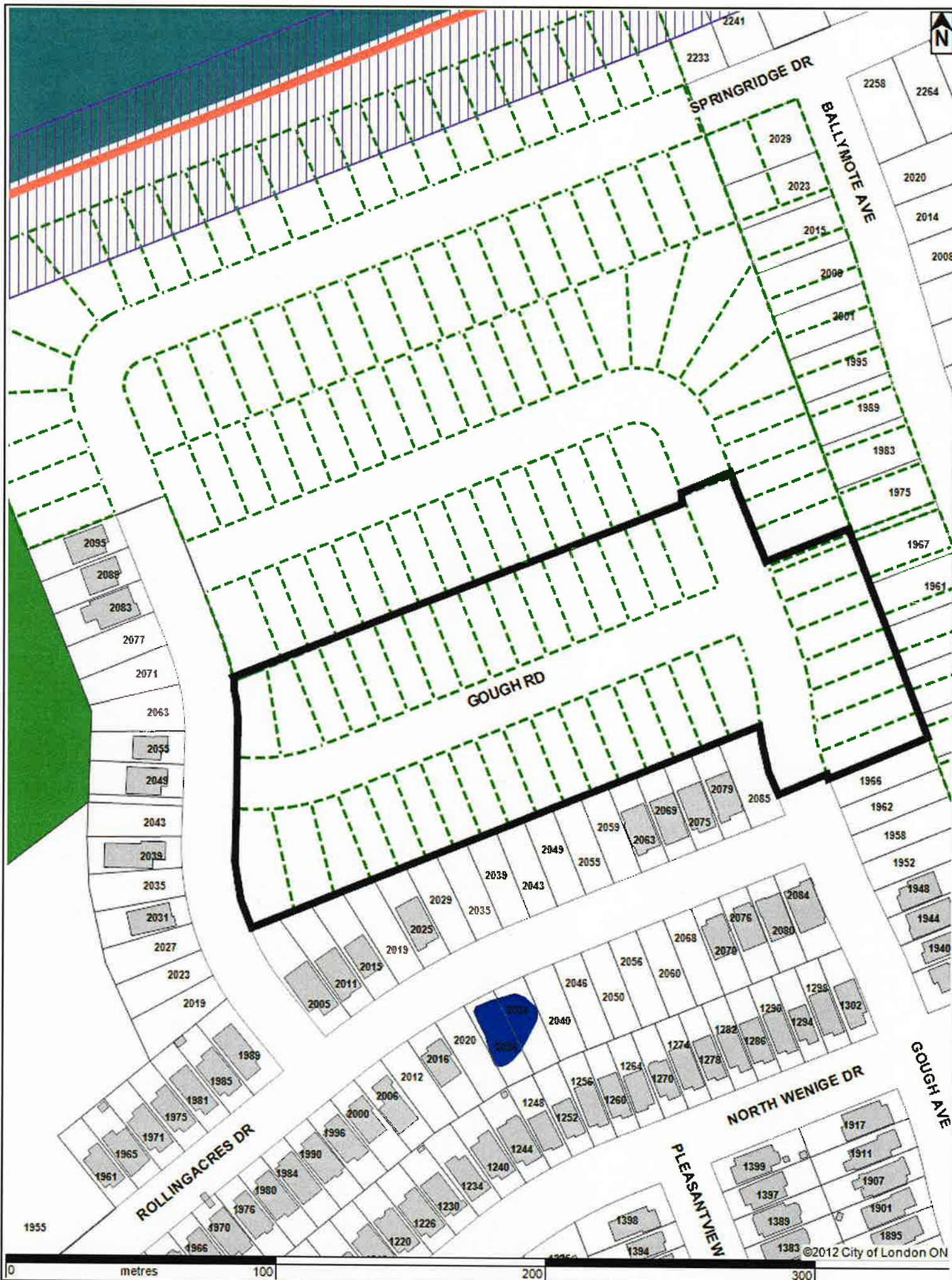
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Schedule "A"

Related Estimated Costs and Revenues

Estimated Costs – This Agreement	
Claims from Urban Works Reserve Fund – General	Nil
Stormwater Management	Nil
Capital Expense	Nil
Other	Nil
Total	Nil
Estimated Revenues - This Agreement (2012 rates)	
CSRF	\$658,000
UWRF	\$265,080
Total	\$923,080






1. There are no expenditures associated with this subdivision that have implications for funds administered by the City.
2. Estimated Revenues are calculated using 2012 DC rates. 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.



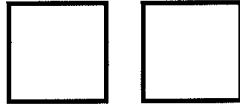
LOCATION MAP

Subject Site: **Forest Hill Phase 4B**
 File Number: **39T-99515-4B**
 Planner: **Nancy McKee**
 Created By: **Frank Gerrits**
 Date: **2012-05-15**
 Scale: **1:1700**

LEGEND

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





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28. PART II – SPECIAL PROVISIONS

The Owner shall make all payments, carry out and perform all the works and satisfy all the provisions hereinafter set out in these Special Provisions.

- (a) In the event that the Owner undertakes relotting, the Owner shall relocate all utilities, municipal services and private services as are necessary for the relotted blocks in this Plan to the specifications of the City and at the Owner's entire expense. The City may require additional inspections by the Owner's professional engineer and the City of London of relocated utilities, municipal services and private services, including video inspections and ball tests of sewers, as a result of the relotting of blocks in this Plan prior to the issuance of a Certificate of Conditional Approval for works serving the relotted blocks. Should the amount of security held by the City at the time the blocks in this Plan are to be relotted be insufficient to cover the cost of relocation of utilities, municipal services, private services and associated works for the said relotting, then prior to the issuance of the Certificate of Conditional Approval for works serving the said relotting, the Owner shall deposit an additional amount of security with the City for the said works as determined by the City in accordance with the City's security requirements.
- (b) The Owner shall adhere to the geotechnical engineer's recommendation under the full time supervision of a geotechnical engineer with respect to the placement of engineering fill and the construction of utilities, roadways, driveways and buildings on areas within this Plan as identified by the geotechnical engineer (the "Affected Lands") to ensure the satisfactory construction thereof. The Owner shall provide a geotechnical 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 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 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 and Block within the Affected Lands, and shall include in the agreement of purchase and sale and in the transfer or deed of each Lot and Block with the Affected Lands, a covenant by the purchase or transferee stating that the purchaser or transferee of the Lot or Block within the Affected Lands must adhere to the recommendations of the geotechnical engineer, and shall deliver a certificate of a geotechnical engineer to the City's Director of Building Control upon completion of the foundation on the Lot or Block within the Affected Lands that the building construction was completed in accordance with the Owner's geotechnical engineer's recommendations.

- (c) 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 South Wenige Drive to North Wenige Drive to Gough Avenue via Sunningdale Road East.

Prior to commencing any construction on this site, the Owner shall notify the City of London Police Services of the start of construction for this Plan of Subdivision.

- (d) 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 Gough Avenue in this Plan joins with Gough Avenue in Plan 33M-610, including all underground services and related works; and
 - (ii) a fully serviced road connection where Gough Road in this Plan joins with Springridge Drive in Plan 33M-610, 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.



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The Owner shall provide full-time supervision by its professional engineer for all works to be constructed on Gough Avenue and Springridge Drive 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 (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's Planning, Environmental & Engineering Services Department prior to commencing any construction on City land or right-of-way.

- (e) Prior to the construction of works on existing City streets, the Owner shall have its professional engineer notify in writing all affected property owners of all works proposed to be constructed on existing City streets in conjunction with this subdivision in accordance with the City's policy on "Guidelines for Notification to Public for Major Construction Projects".
- (f) 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 250 mm (10 inch) diameter water main on Gough Avenue and the 200 mm (8 inch) diameter watermain stub on Springridge Drive, to the specifications of the City Engineer.

The Owner shall provide looping of the water main system, as required by and to the satisfaction of the City Engineer.

- (g) Prior to the issuance of any Certificates of Conditional Approval, the Owner shall have its professional engineer confirm water quality requirements for the watermain in the subdivision by submitting to the City Engineer design calculations which demonstrate there is adequate water turnover to maintain water quality for review and acceptance and/or implement any accepted recommendations by the use of the following:
 - i) valving to shut off future connections which will not be used in the near term; and/or
 - ii) automatic flushing devices to maintain water quality, with it being noted that the water flushed by the device is to be measured (by a water meter in a meter pit) and the cost of water charged to the Owner. Where automatic flushing devices will be used, calculations of the turnover required to maintain chlorine residual are to be provided in order to justify the settings for the automatic flushing device.

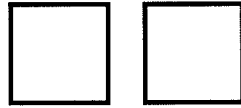
all to the satisfaction of the City Engineer, at no cost to the City.

- (h) Sewage treatment capacity at the Adelaide Pollution Control Plant is available for this Plan as of May, 2012 and will be reserved by the City for this Plan provided this Plan and this Agreement are registered before May, 2013.

In the event that this Plan and this Agreement are not registered before May, 2013, then the reserved treatment capacity in the Plant may be forfeited in the absolute discretion of the City Engineer and in the event of such forfeiture, the Owner shall apply to the City to have sewage treatment capacity allocated to this Plan, if such capacity is available at that time.

The Owner acknowledges that sewage treatment capacity at the Adelaide Pollution Control Plant must be allocated for this Plan prior to the Owner's application for building permits in this Plan.

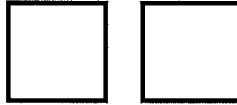
- (i) The Owner shall construct the sanitary sewers to service the Lots and Blocks in this Plan and connect them to the City's existing sanitary sewage system being the 200 mm (8 inch) diameter sanitary sewer on Gough Avenue and the 200 mm (8 inch) diameter sanitary sewer



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

- (j) The Owner shall take measures to control and prevent any inflow and infiltration and silt from entering the sanitary sewer system during the construction and to ensure that the sanitary sewer system is constructed to minimize inflow into the system, all at the Owner's cost. Quality control measures and submission of reports of these quality control measures to the City to confirm that the constructed works meet acceptable inflow and infiltration works will be required. The Owner shall also be required to take measures to prevent inflow and infiltration from entering the sanitary sewer system after construction of the sanitary sewer works, all to the satisfaction of the City and at no cost to the City. These measures shall include the following:
- (i) Installation of a plug in the sanitary sewer system (for this draft plan) at the downstream end of the sanitary sewer. The plug can be removed in conjunction with the first occupancy. This plug may only be removed by the City of London inspectors or operations. The Owner shall be responsible for the maintenance and cleaning or emptying of the sanitary sewer as required. The sanitary sewer must be clean and dry before the plug will be removed;
 - (ii) Flow monitoring of the sanitary sewer may be required and a record of the flows provided to the City. If the flows are in excess of theoretical flows, the Owner shall be required to pay the City for the excess flow;
 - (iii) Installation of Parson manhole inserts (or approved alternative satisfactory to the City Engineer) in all sanitary sewer manholes within this draft plan at the time of installation of the manhole as well as in previously approved phases. The Owner shall not remove the inserts until the sodding of the boulevards and the top lift of asphalt is completed;
 - (iv) Testing of the sanitary sewer system before commissioning shall be carried out in accordance with OPSS 410 and the City of London Standard Contract Documents with respect to infiltration testing, exfiltration testing and low pressure air testing;
 - (v) The Owner shall take steps to ensure that during the construction on private property of this phase of subdivision, practices which contravene City of London by-laws and allow stormwater and sediment to enter the sanitary sewer system are prevented;
 - (vi) On demand by the City of London and within 48 hours thereof, the Owner shall plug any sanitary private drain connections of lots which are vacant or not occupied within this subdivision in order to prevent practices which contravene City of London by-laws and allow excessive levels of inflow and infiltration and sediment to enter the sanitary sewer system. The restoration of the private drain connection will be at the sole cost of the Owner and may be make only at the time of or immediately prior to the occupancy of that lot; and
 - (vii) The Owner or their representative shall prepare and submit a recommendation to the City of London which indicates groundwater levels within the subdivision and recommended measures to be taken during construction to ensure that there is no infiltration or inflow to the sanitary sewer manholes. Leakage testing of the Sanitary Sewer System Manholes shall be carried out in accordance with OPSS 407.
- (k) The Owner shall permit the City to undertake smoke testing or other testing of connections to the sanitary sewer to ensure that there are no connections which would permit inflow and infiltration into the sanitary sewer. The City may require smoke testing to be undertaken until such time as the sewer is assumed by the City.
- (l) The Owner shall construct the storm sewers to service the Lots and Blocks in this Plan, which is located in the Stoney Creek Subwatershed Study Area and ultimately outlet to the Stoney Creek SWM Facility 1N, and connect them to the City's existing storm sewer system being the 375 mm (15 inch) diameter storm sewer on Gough Avenue and the 600 mm (24 inch) diameter storm sewer on Springridge Drive, both located within Plan 33M-610.



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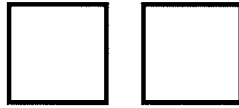
The storm sewers required in conjunction with this Plan shall be sized to accommodate all upstream lands to the specifications of the City and at no cost to the City unless otherwise specified herein.

- (m) The Owner shall implement and monitor all erosion and sediment control measures, in accordance with the erosion and sediment control report accepted by the City, to be used during construction and implementation of the plan satisfactory to the City. The Owner shall correct any deficiencies of the erosion and sediment control measures forthwith.
- (n) The Owner shall provide a security in the amount of \$60,000 for this Plan to ensure that the Erosion and Sediment Control Plan (ESCP) be executed in accordance with the City approval procedure and criteria. In the event of failure to properly implement and maintain the require ESCP, the ESCP security will be used to undertake all necessary clean-up work, all to the satisfaction of the City.
- (o) The Owner shall have its consulting professional engineer design and supervise the construction of the stormwater servicing works, including any temporary works to the satisfaction of the City and according to the recommendations and requirements of the following:
 - (i) The SWM criteria and environmental targets for the Stoney Creek Subwatershed Study;
 - (ii) The approved Stormwater Management Functional Design Report – SWM Facility 1N – Stoney Creek Community (September 18, 2008);
 - (iii) The approved Storm/Drainage and SWM Servicing Functional Report for the subject lands;
 - (iv) The accepted Municipal Class EA Study for Storm Drainage and Stormwater Management Servicing Works for the Stoney Creek Undeveloped Lands (2008);
 - (v) The City's Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements and practices;
 - (vi) The City of London Environmental and Engineering Services Department Design Specifications and Requirements as revised;
 - (vii) The Ministry of the Environment SWM Practices Planning and Design Manual (2003); and
 - (viii) Applicable Acts, Policies, Guidelines, Stnadards and Requirements of all required approval agencies.
- (p) Prior to the issuance of any Certificate of Conditional Approval for this subdivision, all relevant storm/drainage and SWM servicing works, including major and minor storm flow routes, for the subject lands must be completed and operational, in accordance with approved design criteria and accepted drawings, all to the specifications and satisfaction of the City.
- (q) Prior to the acceptance of engineering drawings, the Owner's consulting engineer shall certify the development has been designed such that increased and accelerated stormwater runoff from this subdivision will not cause damage to downstream lands, properties or structures beyond the limits of this subdivision. Notwithstanding any requirements of and or any approval given by the City, the Owner shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from this subdivision.
- (r) The Owner shall implement SWM Best Management Practices (BMP's) within the plan, where possible, to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this Plan and the approval of the City.
- (s) Prior to the issuance of a Certificate of Conditional Approval, the Owner shall have a qualified consultant confirm all recommendations in the hydrogeological investigation for this subdivision have been implemented with respect to the effects of the construction associated with the subdivision on existing ground water elevations, private wells in the area and the impact on the water balance of the subject plan, to the satisfaction of the City.



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- (t) The Owner shall register against the title of Lots incorporating rear yard catchbasins, which includes Lots 8 and 9 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 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.
- (u) Prior to the issuance of a Certificate of Conditional Approval, the Owner shall provide adequate temporary measures, if necessary, such as easements, catchbasins, grading, erosion and sediment control measures, etc. to address any grading or drainage issues that may arise along the boundary of this Plan, all to the satisfaction of the City.
- (v) The Owner shall relocate any constructed private drain connections on Gough Avenue which serve lands outside of this Plan, in standard location, and in accordance with the approved final lot layout for the lands outside this Plan and approved revised servicing drawings, all to the satisfaction of the City and at no cost to the City.
- (w) Within one (1) year of the registration of this Plan or as otherwise agreed to by the City, the Owner shall construct a chain link fence, without gates, adjacent to the walkway, Block 41 of this Plan, in accordance with City Standard No. SR-7.0, all to the satisfaction of the City and at no cost to the City.
- (x) The Owner shall not grade any lands outside the boundary of the subdivision and shall maintain existing vegetation around the outside boundary of the subdivision. In instances where this is not practical or desirable any grading on lands outside the boundaries of this subdivision or removal of existing vegetation shall be to the satisfaction of the City.



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SCHEDULE 'C'

This is Schedule 'C' to the Subdivision Agreement dated _____ 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

- Gough Avenue 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'), and
- Gough Road shall have a minimum road pavement width (excluding gutters) of 7.0 metres (23') with a minimum road allowance of 19 metres (62')

Sidewalks

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

- (i) Gough Avenue – east boulevard, and
- (ii) Gough Road – south boulevard

Pedestrian Walkways

City of London standard 3.0m wide pedestrian walkways shall be constructed on Block 41 of this Plan.



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SCHEDULE 'D'

This is Schedule 'D' to the Subdivision Agreement dated this _____ day of _____, 20__, 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: Block 42

Road Widening (Dedicated on the face of the plan): Nil

Walkways: Block 41

5% Parkland Dedication **NIL**



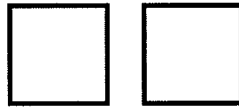
Parkland has been partially satisfied through 33M-610, with the balance to be satisfied through a future phase.

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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SCHEDULE 'E'

This is Schedule 'E' to the subdivision Agreement dated _____ between The Corporation of the City of London and Sifton Properties Limited to which it is attached and forms a part.

The total value of security to be supplied to the City is as follows:

CASH PORTION:	\$ 145,122 **
BOND PORTION:	\$ 516,099
TOTAL	\$ 661,221 **

(a) The following security shall be deposited with the City Treasurer at the time of signing this Agreement:

CASH PORTION:	\$ 145,122 **
BOND PORTION:	NIL

(b) The following security shall be deposited with the City Treasurer, before the issuance of a Certificate of Conditional Approval respecting land within this subdivision:

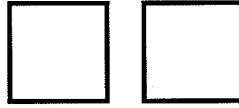
CASH PORTION:	NIL
BOND PORTION:	\$ 516,099

**** Includes \$60,000 for Erosion and Sediment Control Plan security as per Clause (n).**

The security shall be supplied to the city in accordance with the policy adopted by the City Council on April 6, 1987, when it approved Clause 15 of the 11th Report of the Planning Committee, and its amendments.

Please refer to Section 9. Initial Construction of Services and Building Permits of Part 1 – General Provisions, which may limit the issuance of a building permit 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 _____ between The Corporation of the City of London and Sifton Properties Limited., to which it is attached and forms a part.

Multi-Purpose Easements

- (a) Multi-purpose easements for servicing shall be deeded to the City in conjunction with this Plan, within this Plan, on an alignment and of sufficient width acceptable to the City Engineer as follows:
 - (i) Lots 8 and 9 for rear yard catchbasin lead, and
 - (ii) Lots 19, 20 and 26 for storm catchbasins.

- (b) A multi-purpose easement shall be deeded to the City in conjunction with this Plan, over lands external to this Plan, on an alignment and of sufficient width acceptable to the City Engineer as follows:
 - (i) North of lots 8 and 9 for a catchbasin, and
 - (ii) North of Lots 15 & 16 for a catchbasin.

- (c) A temporary multi-purpose easement shall be deeded to the City in conjunction with this Plan, over lands external to this Plan, on an alignment and of sufficient width acceptable to the City Engineer as follows:
 - (i) North of the north limit of Lots 1 to 16, both inclusive for a subdrain and catchbasin.