To: Development Services Committee

From: Thomas B. Hodgins, B.E.S., M.A., R.P.P., Commissioner, Development Services

Report Number: DS-14-86

Date of Report: May 21, 2014

Date of Meeting: May 26, 2014

Subject: Request by Charing Cross Investments Ltd. to fully develop the future neighborhood park in Approved Draft Plan of Subdivision S-O-2011-02, North of Britannia Avenue East and east of Bridle Road

File: S-O-2011-02

1.0 Purpose

The purpose of this report is to recommend that Charing Cross Investments Ltd. (Charing Cross) be allowed to fully develop or “finish” the neighbourhood park in approved draft plan of subdivision S-O-2011-02 on behalf of the City.

Draft plan of subdivision S-O-2011-02 is located north of Britannia Avenue East and east of Bridle Road. Charing Cross intends to register the first phase of the draft plan which includes the neighbourhood park in the summer of 2014.

Tribute Communities, Lancaster Homes and Falconcrest Homes are the home builders in this subdivision.

The neighbourhood park is approximately 1.73 hectares (4.27 ac.) in size and is intended to be developed with a children’s playground, seating area, soccer field, pathways and a parking lot. The neighbourhood park is zoned OSP (Park Open Space).

On June 19, 2000 Council adopted a policy which gives a developer the option, on a site specific basis, to request that it be allowed to fully finish a park in a draft plan of subdivision on behalf of the City.

In accordance with Council policy, Condition 6 of the July 2012 City’s conditions of approval for Charing Cross’ draft plan of subdivision S-O-2011-02, reads as follows:

“6. That the subdivider be advised that it may request permission from Council to fully “finish” the park including any facilities and appropriate park furniture, as an alternative to waiting for the City to “finish” the park. The subdivider’s request must include the proposed timing of full park construction, the costs to the City and a proposed method and
timeline for reimbursement by the City. The subdivider’s request is to be made to the Commissioner of Development Services who shall report to Committee and Council on the request. The subdivider is advised that the timing of the finishing of the park is at Council’s discretion and that Council cannot, at this time, commit to the approval of any request by the subdivider to “finish” the park on the City’s behalf.

By letter dated March 3, 2014 Charing Cross requested Council approval to fully finish the neighbourhood park in approved draft plan of subdivision S-O-2011-02.

Attachment 1 is a map showing the location of Charing Cross’ approved draft plan of subdivision S-O-2011-02 and the zoning for the area.

Attachment 2 is a copy of Charing Cross’ approved draft plan of subdivision S-O-2011-02 showing the location of the future neighbourhood park.

Attachment 3 is a letter dated March 3, 2014 from Bruce Johnson of Cosburn and Giberson on behalf of Charing Cross requesting to fully finish the neighbourhood park in its approved draft plan of subdivision S-O-2011-02.

Attachment 4 is a copy of the proposed neighbourhood park concept plan.

2.0 Recommendation

That the Development Services Committee recommend to City Council:

1. That, pursuant to Report DS-14-86 dated May 21, 2014, the request by Charing Cross Investments Ltd. to fully finish the neighbourhood park in the first phase of approved draft plan of subdivision S-O-2011-02 located north of Britannia Avenue East and east of Bridle Road be approved.

2. That the City’s contribution for the development of the neighbourhood park in approved draft plan of subdivision S-O-2011-02 not exceed $325,000, inclusive of applicable taxes, in accordance with the City’s typical park program.

3. That funding in the amount of $325,000 be approved for the City’s share of the development of the neighbourhood park in draft plan of subdivision S-O-2011-02 with $278,000 provided from the Parks, Recreation and Trail Development Charge Reserve and $47,000 be provided from the Growth Related Park and Trail (Non Development Charge Portion) Reserve.

4. That Charing Cross Investments Ltd. be paid for the City’s share of the neighbourhood park development work only after the following conditions have been met:

(a) The park is substantially completed by December 31, 2015 to the satisfaction of the City and Charing Cross maintains the park to the satisfaction of the City until June 30, 2016;
(b) The subdivider has submitted a statutory declaration and progress payment certificate certifying that all invoices have been paid and no liens exist and all contractors and subcontractors have verified receipt of final payment;

(c) The City is satisfied that all warranties on park construction, material and equipment will be honoured;

(d) At least 30 homes are occupied in draft plan S-O-2011-02 by bona fide purchasers for value;

(e) Safe vehicular access in the opinion of the City via public streets and safe pedestrian access from the streets are provided to the park prior to the City taking over maintenance responsibility for the park; and

(f) Any other condition deemed advisable by the Commissioner of Community Services including those set out in Section 5.2.4 of Report DS-14-86 dated May 21, 2014.

5. That the subdivision agreement for the first phase of approved draft plan of subdivision S-O-2011-02 include the neighbourhood park and all of the City’s requirements for the development of the neighbourhood park as set out in Report DS-14-86 dated May 21, 2014, in a form and content acceptable to the City Solicitor and the Director of Planning Services.

3.0 Executive Summary

In response to a written request from Charing Cross to fully finish the neighbourhood park block in approved draft plan of subdivision S-O-2011-02, this Report recommends that the request be approved subject to a number of conditions.

The City’s share of the development of the Charing Cross neighbourhood park was included in Year 2015 of the 2015-2023 capital forecast presented to Council during the 2014 budget process.

By allowing the neighbourhood park to be fully completed by the developer the City is committing to reimburse Charing Cross $325,000, subject to a number of conditions for work normally undertaken by the City at a later date.

The developer proposes to finish the neighbourhood park by the summer of 2015: one year earlier than the City would normally finish the park. The earlier completion of the neighbourhood park is expected to be a benefit to the new residents moving into this area.

4.0 Input From Other Sources

4.1 Other Departments and Agencies

The following have been consulted in the preparation of this report:

- Parks and Environmental Services
- Finance Services
- Legal Services
5.0 Analysis

5.1 Council Policy in Respect to the Development of Neighbourhood Parks

The City’s Landscaping Design Policies and Development Charge Background Study have been coordinated and generally require a developer to undertake, at its cost, the rough grading, fine grading, topsoil, sodding and the installation of drainage facilities and perimeter fencing in new neighbourhood parks. This work is referred to as the “basic” park development work.

Developers are required to complete the basic park development work through the subdivision agreement. A timeline for completion of the work is included in the agreement. The basic park development work undertaken by the developer is intended to provide the neighbourhood with a simple grassed park.

A component of the development charge collected by the City is for park development and it allows the City to “finish” the park with the following types of features:

(a) Playground equipment;
(b) Equipment for playing fields (i.e. lighting, backstops, home run fencing, soccer goal posts);
(c) Pathways, benches, waste receptacles and landscaping; and
(d) Parking areas.

Decisions to “finish” parks with equipment and pathways, etc. are made by Council during the budget approval process based on the City’s financial resources and an assessment of priorities. This decision-making control is critical, since the work required to finish a park cannot be funded completely through development charges. A portion of the budget to finish a park must come from the tax levy or a tax levy funded capital reserve such as Growth Related Park and Trail (Non Development Charge Portion) Reserve.

5.2 Assessment of Request by Charing Cross

5.2.1 Key Issues

The key issues to be considered in assessing Charing Cross’ request are:

(a) The need for the neighbourhood park to be developed at this time;
(b) The financial implications for the City, potential sources of funding and possible pay back scenarios; and
(c) The arrangements by which the City can reasonably retain control over the quality of the park development.

5.2.2 Need and Timing for the Neighbourhood Park

On September 18, 2000 Council adopted a policy in respect to the need and timing of neighbourhood parks in subdivisions. The policy states that neighbourhood parks in new subdivisions are to be developed to the basic stage (e.g. grading, drainage facilities, sod and fencing) by the developer within one year of the date of registration of the subdivision.
In addition, neighbourhood parks in new subdivisions are to be “finished” (e.g. installation of playground equipment, equipment for playing fields, pathways and parking areas) by the City by approximately the time that thirty (30) homes in the service area of the park are occupied.

Charing Cross intends to have the first phase of approved draft plan of subdivision S-O-2011-02 registered in the summer 2014.

House construction is projected to begin in the fall/winter 2014.

Charing Cross expects to have at least thirty (30) houses occupied by late summer 2015.

Charing Cross proposes to finish the neighbourhood park during the summer of 2015. This proposed construction timing is acceptable based on the occupancy provisions of Council’s policy.

5.2.3 Financial Implications, Potential Sources of Funding and Pay Back Scenario

The City’s share of the neighbourhood park development is not included in the 2014 approved capital budget or any previously approved capital budget.

The development of the subject neighbourhood park was included in Year 2015 of the 2015-2023 capital forecast presented to Council as part of the 2014 budget process.

The 2015-2023 capital forecast estimated the City’s cost of the neighbourhood park development at $325,000. Approximately $278,000 would be funded from the Park, Recreation and Trail Development Charge Reserve and the remaining $47,000 funded from the Growth Related Park and Trail (Non Development Charge Portion) Reserve.

If Charing Cross’ request is approved, the City is committing to reimburse Charing Cross for the cost of finishing the neighbourhood park, in accordance with the City’s normal requirements, to a maximum of $325,000. As a result of this commitment Council needs to approve funding for this project.

Charing Cross has agreed to ensure a finished park is developed that will meet the City’s normal standards at a maximum cost to the City of $325,000.

The City will only pay for work that is the responsibility of the City to a maximum of $325,000. Any work normally required to be done by the developer as part of the “base park” as well as any additional features beyond the City’s normal requirements will be paid for by Charing Cross.

Charing Cross intends to finish the neighbourhood park during the summer 2015. It is recommended that Charing Cross not be paid by the City until certain conditions are satisfied such as thirty (30) homes in the subdivision being occupied and safe vehicular access routes via public streets and safe pedestrian access being available to the park. This is consistent with the City’s current policies and timing for constructing and funding the park development.

Charing Cross will agree to this payment scenario and the conditions in this report.
5.2.4 City Control over Quality of Park Development

The City must work with Charing Cross in the development of the neighbourhood park and must direct the design and quality of the finished park through input from Parks and Environmental Services staff, Planning Services staff and City standards. In this regard, it is recommended that the following conditions apply to any approval for Charing Cross to fully finish the neighbourhood park:

(a) Charing Cross shall hire a qualified Landscape Architect, acceptable to Parks and Environmental Services, to prepare a mutually acceptable park concept for review and approval. The Landscape Architect shall manage the project from start to completion to ensure a consistent level of service and to maintain quality control.

(b) Following approval of the park concept, Charing Cross shall have construction drawings prepared. Parks and Environmental Services shall review and approve the drawings to ensure that the design details are acceptable in terms of site furniture, playground equipment, lighting, construction materials, layout, grading, planting, etc.

(c) A detailed cost estimate shall be supplied by Charing Cross to the City for approval prior to tendering and the cost estimate shall clearly itemize those items that the City is financially responsible for.

(d) Charing Cross shall prepare the tender documents for Parks and Environmental Services approval.

(e) Charing Cross shall tender the project and supply Parks and Environmental Services with a summary breakdown of bids prepared by a certified Landscape Architect received specifically showing the items that the City is responsible for. Parks and Environmental Services and Charing Cross shall approve the contractor and the bid selected to undertake the park development. Parks and Environmental Services shall also approve the warranty/guarantee provisions of all work and equipment.

(f) Charing Cross’ Landscape Architect shall perform construction inspection, as necessary, and contract administration. Regular site meetings with City staff shall be required to ensure the construction is in conformance with City standards. Change orders shall be reviewed and approved by Parks and Environmental Services, in writing, in advance.

(g) The final progress payment from the contractor will be provided to Parks and Environmental Services specifically showing the items that the City is responsible for.

(h) Charing Cross shall submit a statutory declaration attesting that all invoices have been paid, no liens exist and that the warranty on park construction, materials and equipment will be honoured.

(i) Safe vehicular access via public streets and safe pedestrian access from the streets must be provided to the park prior to the City taking over maintenance responsibility for the park.
(j) Charing Cross and its contractors must submit appropriate insurance documents naming the City as insured and must indemnify the City to the satisfaction of the City Solicitor and Finance Services.

(k) Charing Cross is responsible to maintain the park until final acceptance by Parks and Environmental Services (e.g. June 30, 2016).

6.0 Financial Implications

The 2015 – 2023 Capital Forecast included the development of the Charing Cross neighbourhood park in Year 2015 at an estimated cost of $325,000.

If the Charing Cross’ request is approved, the City is committing to reimburse Charing Cross for the cost of finishing the park and as a result Council needs to approve the funding for this project now.

Consistent with the 2015 – 2023 Capital Forecast and the draft 2014 Development Charge Background Study it is recommended that the $325,000 budget be funded as follows:

- $278,000 funded from the Parks, Recreation and Trail Development Charge Reserve; and
- $47,000 from the Growth Related Park and Trail (Non Development Charge Portion) Reserve

It is projected that sufficient funding will be available in these reserves by June 30, 2016.

Based on Charing Cross’ construction schedule and the requirement to not reimburse Charing Cross until the conditions outlined in this Report are met it is expected that the City will be reimbursing Charing Cross by the end of June 2016.

7.0 Response to the Oshawa Strategic Plan

The Recommendation advances the Social Equity goal of the Oshawa Strategic Plan.

Paul D. Ralph, B.E.S., R.P.P., Director, Planning Services

Thomas B. Hodgins, B.E.S., M.A., R.P.P., Commissioner, Development Services
Item: DS-14-86
Subject: Request by Charing Cross Investments Ltd. to fully develop the future neighborhood park in Approved Draft Plan of Subdivision S-O-2011-02
Address: North of Britannia Avenue East and east of Bridle Road
File: S-O-2011-02
Attachment No. 2: Approved Draft Plan of Subdivision S-O-2011-02 showing location of future park

Item: DS-14-86
Subject: Request by Charing Cross Investments Ltd. to fully develop the future neighborhood park in Approved Draft Plan of Subdivision S-O-2011-02
Address: North of Britannia Avenue East and east of Bridle Road
File: S-O-2011-02
March 3, 2014

City of Oshawa
Department of Development Services
50 Centre Street,
Oshawa, Ontario
L1H 3Z7

Attention: Commissioner of Development Services
c/o Ms. Salisha Price, O.A.L.A.

Dear Ms. Price

Re: Charing Cross Investments Ltd.
Draft Plan of Subdivision S-O-2011-02 - Park Block 237
Developer Expression of Interest for Construction Agreement
Our File No.: 2179

On behalf of our client, we confirm that Charing Cross Investments Ltd. expresses interest in working with the City of Oshawa to develop the facilities of Neighbourhood Park block 237 within Draft Plan of Subdivision S-O-2011-02 [as is expressed in the Conditions of Draft Plan Approval; Condition 6]. Charing Cross Investments Ltd. is willing at this time to provide the construction management of the park on behalf of the City and to meet the quality standards of the City of Oshawa. We ask that Staff review and consider this request and if approved, that it be forwarded for Council Approval of the Park Development Budget for 2015.

Further to our ongoing meetings with Staff regarding the design and construction of the park, please find the attached updated Park Facility-fit Concept Plan. The plan has been revised to reflect our most recent discussions and includes the comments and direction received from both Development Services and Park Operations staff. We trust that the plan can be considered acceptable as a basis for the discussions of construction management and as the foundation for us to begin detailed design and construction working drawings.

Engineering design and submission review for the subdivision is currently underway through the offices of D.G. Biddle and Associates including the requirements for grading, drainage and servicing of the park block as is expressed in the Conditions of Draft Approval. The draft Landscape Submission has received a preliminary review with staff and the updated
package of drawings will be submitted in step with engineering submissions this month. The approved engineering design for the subdivision shall be used as a basis for the technical design of the park services and facilities.

We understand that in accordance with City of Oshawa requirements, the developer is responsible to establish base condition for the park development to the approval of the City. This base condition will include servicing for water and storm-sewer systems, electrical service, rough and fine grading to an approved grading plan, fine grade and sod; and site boundary fencing.

The development of park facilities beyond this base condition constitutes the works eligible and understood by the Development Charge and the capital budget assigned by the City for the park development. Along with the Park Concept Plan we have also provided a detailed cost estimate to fully describe the intended development for the park. For clarity regarding the proposal this estimate details and differentiates "Base Condition" and "Park Development" works.

The following is a description of our suggested process for the design, tendering and construction of the park facilities in the 2014/2015 seasons.

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<tr>
<th>Item</th>
<th>Description</th>
<th>Details</th>
<th>Timing</th>
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<tbody>
<tr>
<td>1.0</td>
<td>Design Refinement</td>
<td>Work with City staff to finalize a preferred design concept for the park as a basis for technical design</td>
<td>Summer 2014</td>
</tr>
<tr>
<td>2.0</td>
<td>Detail Design</td>
<td>Prepare a full set of Technical Detail Design Drawings including Grading, Layout and Planting Plans and all needed Construction Details to City of Oshawa Standards.</td>
<td>Fall 2014, Submission for review and comment by the City prior to tender preparation. All materials and products shall be to the approval of the City.</td>
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<td>3.0</td>
<td>Tender Documents</td>
<td>Prepare Tender Documents and Specifications (CCDC 4)</td>
<td>December 2014</td>
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<td>Item</td>
<td>Description</td>
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<td>4.0</td>
<td>Tendering of the Works</td>
<td>Tenders will be issued to a minimum of three contractors. Contractors shall be of high reputation and confirmed to be in good standing with the City of Oshawa. Tendering shall be a transparent process. The City of Oshawa shall receive full disclosure of this process and the evaluation of bids received.</td>
<td>February/March 2015 - Closed Bids shall be received by Charing Cross Investments. A line by line bid analysis shall be performed and recommendation provided. Award shall be made by Charing Cross Investments.</td>
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<td>5.0</td>
<td>Construction of Base Condition, Servicing and pre-grade.</td>
<td>Developer works in accordance with the descriptions of base conditions established for the tender.</td>
<td>Fall 2014</td>
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<td>6.0</td>
<td>Park Landscape Construction</td>
<td>Construction Management and Contract Administration performed in conjunction with the City; with approvals of works in the field by City Staff at critical thresholds within the works.</td>
<td>April -July 2015 - Fully documented and open construction process complete with minutes, test results, directions in the field – all in cooperation with and to the approval of the City.</td>
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<td>7.0</td>
<td>Substantial Completion</td>
<td>Certificate of Substantial Performance issued with the approval of the City</td>
<td>July 2015</td>
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<tr>
<td>8.0</td>
<td>Final Completion</td>
<td>Inspections and field review of the works with City Staff. Correction of all noted deficiencies by the contractor to City approval. Warranty inspections as required to ensure deficiencies are corrected within the two year warranty period in a timely way and to the satisfaction of the City.</td>
<td>August 2015 - Final review and handover to the City of Oshawa for park operations and maintenance.</td>
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We would be very happy to meet with you to review this schedule and approach to the park development and to set out the basis for proceeding in the 2015 construction season.
Please do not hesitate to contact the undersigned or Mr. Thomas Albani of Charing Cross Investments Ltd. if you would like to discuss the park development in further detail or if we may be of assistance in any way.

Yours truly,

Cosburn Giberson Landscape Architects

Partner

Cc: T. Albani, Charing Cross investments
F. Vierhout, D.G. Biddle
Attachment No. 4: Park Concept Plan

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Subject: Request by Charing Cross Investments Ltd. to fully develop the future neighborhood park in Approved Draft Plan of Subdivision S-O-2011-02
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