

**Special Conditions of Draft Plan of Subdivision Approval
for "Red Hill Developments Phase 1"**

Engineering:

1. That, prior to registration of the final plan of subdivision, the Owner shall establish to the satisfaction of the Senior Director of Growth Management;
 - a) 4.5m by 4.5m daylight triangles on the final plan of subdivision at the intersection of Street "A" with Streets "C", "D" and "F";
 - b) 4.5m x 4.5m daylight triangles on the final plan of subdivision at the intersection of Street "B" with Streets "C", "D", "E", "F;" and "H".
 - c) 9.14m x 9.14m daylight triangles on the final plan of subdivision at the intersection of First Road West with Street "F;"
 - d) 12.0m by 12.0m daylight triangles be on the final plan of subdivision at the intersections of Street "C" and First Road West and at First Road West and Green Mountain Road for roundabout construction;
2. That, prior to registration of the final plan of subdivision, Block 39 and Block 40 be dedicated to the City of Hamilton as a public highway by the Owner's certificate on the Final Plan of Subdivision, for widening of Green Mountain Road and First Road West.
3. That, prior to registration of the final plan of subdivision, the Owner demonstrates that a 13.0m pavement radius is provided along the inside curb line at the 90 degree bends of Streets "E", "F" and "G", complying with the City's Engineering Guidelines for Development, to the satisfaction of the Senior Director of Growth Management.
4. a) That, prior to registration of the final plan of subdivision, the Owner shall acquire lands, outside of the draft plan lands, needed for completion of the roundabouts on First Road West at Street "C" and Green Mountain Road, and the connection of Street "B" from Street "F" to Green Mountain Road and transfer such lands in the City's ownership at their expense. The design of the roundabout at First Road West and Green Mountain Road will minimize impacts on the ESA lands on the west side of First Road West. Design of this roundabout will require input from Natural Heritage staff and the Hamilton Conservation Authority. In the event that the Owner is unable to acquire the necessary lands prior to the first phase of development, the Owner shall demonstrate that reasonable efforts have been made to do so and that the Owner agrees to continue to demonstrate that reasonable efforts have been made prior to any subsequent phase of development.

- b) Prior to registration of the final plan of subdivision, the Owner shall fully secure the cost to implement the roundabouts on First Road West and the connection of Street "B" from Street "F" to Green Mountain Road including land if unable to acquire the land in advance of the first phase of development. Further, the Owner provides additional security as necessary prior to any subsequent phases to reflect an increase in market value of the property and the cost of construction, to the satisfaction of the Senior Director of Growth Management.
5. That, prior to servicing, the Owner includes in the engineering design and cost estimate schedules a Stormwater Management Facility, on additional lands of the Owner, at their expense and, in accordance with the City of Hamilton's Engineering and landscaping requirements, to the satisfaction of the Senior Director of Growth Management.
 6. That, prior to servicing, the Owner shall provide an easement for access, grading and servicing, in the City's favour, over the additional lands of the Owner, for the SWM facility and associated infrastructure, to the satisfaction of the Senior Director of Growth Management.
 7. That, prior to servicing, the Owner includes in the engineering design and cost estimate schedules provision to urbanize First Road West from Street "C" to Mud Street, including installation of the 1200mm watermain and roundabouts, to the satisfaction of the Senior Director of Growth Management.
 8. That, prior to servicing, the Owner includes in the engineering design and cost estimate schedules provision for urbanization of Green Mountain Road from Morrissey Boulevard to First Road West, including bike lanes and a temporary sidewalk where required, to the satisfaction of the Senior Director of Growth Management.
 9. That, prior to servicing, the Owner includes in the engineering design and cost estimate schedules provision for completion of any required temporary road works. Any temporary roads shall be constructed to full municipal standards, to the satisfaction of the Senior Director of Growth Management.
 10. That, prior to servicing, the Owner shall prepare a Groundwater Study, which shall assess the impact the proposed development would have on the water supply and the sewage disposal systems on the adjacent properties. Pending the outcome of the study, the Owner shall propose appropriate mitigation measures to address the concerns and provide municipal water and sewer services, as required at the developer's expense, to any property that may be negatively impacted, to the satisfaction of the Senior Director of Growth Management.

11. That, prior to servicing, the Owner, through a soil consultant or other qualified consultant, shall: check existing wells which provide potable water supply to other properties located within a reasonable distance of the subject lands to establish the existing depth of water within wells, prior to the commencement of construction; monitor these wells during construction; and check wells for a period of one year after the completion of construction. Where, in the opinion of the City, if any problems arise, they must be appropriately addressed by the Owner, to the satisfaction of the Senior Director of Growth Management.
12. That, prior to servicing, the Owner prepare an on-street parking plan for Streets "A", "B", "C", "D", "E", "F", "G" and "H" based on the premise of achieving on-street parking for 40% of the total number of single detached units to the satisfaction of the Senior Director of Growth Management.
13. That, prior to servicing, the Owner shall include in the engineering design and cost estimate schedules provision for construction of municipal sidewalks as per the current City of Hamilton policy in force at the time of the engineering plan submission, to the satisfaction of the Senior Director of Growth Management.
14. That, prior to preliminary grading, the Owner provides, to the satisfaction of the Senior Director of Growth Management, a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision, including homes. This document will also include, first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works as well as the contractor/agent contact information so that the City can direct works be completed as necessary.
15. That, prior to issuance of a building permit, the Owner agrees that a maximum of 100 residential units of the final plan shall be permitted to be constructed with only one (1) public road access to service each phase of the development. A second public road access to the subject lands is required, prior to development, beyond the initial 100 residential units, to the satisfaction of the Senior Director of Growth Management.
16. That, prior to the issuance of a building permit, the Owner implements recommendations of the approved Revised Landfill Assessment prepared by MTE Consultants and dated September 14, 2010 and peer reviews thereof, pertaining to the minimum depth of clayey silt soil required between the highest groundwater elevation and basement foundation for all lots within 500 metres of the Operating and Closed Landfills and provide certificate for completed works by a qualified professional engineer, stating that the required clayey silt soil layer depth has been placed, compacted and graded for all lots/blocks within 500 metres of the Operating and Closed Landfills, at their cost, to the satisfaction of the Senior Director of Growth Management.

17. That, prior to preliminary grading, the Owner agrees, to the satisfaction of the Senior Director of Growth Management and the Hamilton Conservation Authority:
 - i) To submit a detailed storm water management (SWM) report prepared by a qualified professional Engineer that demonstrates how quality and quantity control criteria, including the existing erosion control model, will be handled in accordance with Davis Creek Subwatershed Study recommendations, City of Hamilton Storm Drainage Policy, City of Hamilton Criteria and Guidelines for Stormwater Infrastructure Design.
 - ii) To identify and establish a suitable storm outlet for the proposed SWM facility. In absence of an overland flow route on the downstream system, the SWM facility shall be designed to control future land use peak flows in accordance with the Davis Creek Subwatershed Study.
 - iii) To verify that the proposed SWM Facility block has sufficient size and depth for installation of the SWM Facility designed to accommodate the contributing drainage area including the external lands.
 - a) The pond design geometry shall be as per City of Hamilton Criteria and Guidelines for Stormwater Infrastructure Design 2007 and pond landscaping as per City of Hamilton Landscape Design Guidelines for SWM facilities (May 2009).
 - b) To provide a hydraulic grade line assessment in order to establish the potential impacts based on SWM facility operating conditions up to and including 100 year storm.
 - c) The proposed SWM and facility rating curve shall be evaluated using the Davis Creek Subwatershed Study.
18. That, prior to assumption, the Owner agrees, to the satisfaction of the Senior Director of Growth Management.
 - i) To submit an operation and maintenance manual, as per the City of Hamilton Operation and Maintenance Report for Stormwater Management Facilities (May 2009), for approval by the Senior Director, Growth Management, and inspect and monitor the storm water management facility upon commencement of construction or pre-grading of the subject lands through to assumption of the facility;
 - ii) To keep detailed logs concerning stormwater management facility performance and maintenance, including costs for cleaning and removal of sediment, and submit such logs to the City during pre-grading and construction activities in accordance with the operation manual;

- iii) To construct, operate and maintain at the Owner's expense, the storm water management facility, in a manner acceptable to the City, including any changes to conditions of the MOE's approval, throughout servicing of all stages of draft plan registration and development of all registered lots and blocks, or until such time as determined by the Director of Development Engineering; and,
 - iv) To remove sediment from the storm water management facility attributed to development, carry out a bathymetric survey and verify volumetric capacity of the storm water management facility, prior to release of the Owner's operation and maintenance responsibilities for the storm water management facility.
19. That, prior to servicing, the Owner prepare a detailed sump pump design which shall include a secondary relief/overflow on surface and back-up power unit. The pump design shall consider the weeping tile inflow based on both the groundwater and severe wet weather conditions, to the satisfaction of the Senior Director of Growth Management.
 20. That, prior to servicing of the final plan of subdivision or commencement of any works within the draft plan lands, the Owner shall obtain approval from all relevant approval agencies including but not limited to the NEC, HCA, MOE and City of Hamilton for installation of the storm outfall at the brow of the Escarpment, to the satisfaction of the Senior Director of Growth Management.
 21. That, prior to servicing, the Owner agrees to dedicate Block 43 to the City, by transfer deed, for purpose of providing street frontage and a storm and sanitary outlet for re-development of the lands at 50 Green Mountain Road at his expense, to the satisfaction of the Senior Director of Growth Management.
 22. That, prior to servicing, the Owner acknowledges and agrees that pregrading cannot proceed until such time as NEC, City of Hamilton and Hamilton Conservation Authority pregrading approvals and permits are in place with applicable securities. The Owner further acknowledges and agrees that above ground works cannot proceed within the draft plan lands until the ultimate storm outlet at the brow of the escarpment is operational, and erosion control measures and storm sewer works downstream of the site are completed at his expense, to the satisfaction of the Senior Director of Growth Management.
 23. That, prior to preliminary grading, the Owner shall complete an erosion flow exceedance analysis for the downstream system with consideration of future development of the remaining lands within subcatchments 304 and 305, as per the Davis Creek Subwatershed Study, to the satisfaction of the Senior Director of Growth Management.
 24. That, prior to servicing, the Owner shall include in the engineering design and cost estimate schedules, provision for the installation of a dedicated storm outlet on First Road West to convey the 100 year pre development flows from the

Newalta land fill site, to the satisfaction of the Senior Director of Growth Management.

25. That, prior to servicing, the Owner complete a water distribution analysis of the water system to determine whether the existing water system can adequately service the proposed development. The report shall also focus on the following issues:
 - a) Tabularize the expected occupancy;
 - b) Generate residential and institutional water demand and fire flow calculation for this development;
 - c) Demonstrate how the proposal fits with GRIDS numbers;
 - d) Confirm the water servicing layout based on field information and hydraulic models; a looped network is strongly recommended for stormwater quality and conveyance purposes; and,
 - e) Provide the new hydrant locations on the Water Distribution Plan,to the satisfaction of the Senior Director of Growth Management.
26. That, prior to earthworks, the Owner submit a rock removal protocol and vibration monitoring plan and associated cost estimates, prepared by a licensed Professional Engineer. The cost to implement the Owner's blasting protocol and vibration monitoring plan shall be included in the engineering cost schedules, to the satisfaction of the Senior Director of Growth Management.
27. That, prior to earthworks, the City will arrange and complete a third party peer review of the proposed blasting protocol and vibration monitoring plan. The owner agrees to pay for the peer review and will provide a cash payment to City in advance of the peer review, if required, to the satisfaction of the Senior Director of Growth Management.
28. That, prior to earthworks, the City shall make arrangements to provide additional full time independent third party vibration monitoring. The Owner shall provide a cash payment to the City, to pay for the cost of the additional full time independent vibration monitoring, if required, to the satisfaction of the Senior Director of Growth Management.
29. That, prior to earthworks, where services are to be constructed in rock, the Owner shall conduct a pre-condition survey of residences within 100 metres and notify residents of rock removal within 200 metres of that phase of construction, to the satisfaction of the Senior Director of Growth Management.
30. That, prior to earthworks, the Owner shall provide an advertisement in the local daily newspaper advising of the commencement of rock removal operations. The advertisement shall be placed a minimum of two weeks prior to the commencement of rock removal operations, and repeated one week prior to the

commencement of rock removal operations, to the satisfaction of the Senior Director of Growth Management.

31. That, prior to servicing, the Owner acknowledges and agrees to the following terms with regard to recovery of servicing costs by the City under its "Best Efforts" obligation for works installed on the north side of Street "C" abutting Block 41, to be identified as benefitting lands in Schedule "F-2" of the subdivision agreement, to the satisfaction of the Senior Director of Growth Management Division:
- i) At the time of registration of the lands, servicing requirements may be unknown for the lands abutting Block 41 to be identified as benefitting lands in Schedule "F-2" of the subdivision agreement.
 - ii) For development of the benefitting lands to proceed, the City may require the benefitting land owner to install one or more service connections to the main line sewers and watermain on Street "C", thus triggering the replacement/modification of services including the road surface, curb, and sidewalk.
 - iii) The City shall not recover any portion of the cost of works installed by the Owner as conditions of development under this plan, which must be removed, modified and/or replaced by a land owner in order to service the benefitting lands to be identified in Schedule "F-2" of the subdivision agreement.
32. That, prior to servicing, the Owner shall provide the registered documents related to the acquisition of a 9.0m storm drainage easement over the lands owned by 2190015 Ontario Inc. o/a CHCH TV, in the City's favour, for purposes of a storm sewer outlet, to the satisfaction of the Senior Director of Growth Management Division.

Planning:

33. That, prior to preliminary grading or servicing, the Owner submit a tree preservation study and plan, prepared by a certified arborist or landscape architect, for review and approval by the Director of Capital Planning and Implementation, Public Works Department, and provide written certification from the Owner's landscape architect/arborist to the Director of Planning, that all measures for the protection of isolated trees, tree clusters and woodlands, in accordance with the Detailed Tree Preservation Plan approved by the City, have been implemented and inspected, prior to any clearing or grubbing of the lands within the draft plan.
34. That, prior to registration of the final plan of subdivision, the Owner agrees, at their expense, to design and construct the three entrance features as identified in

the "Red Hill (Phase 1) Architectural and Urban Design Guidelines, dated November 2013, prepared by Watchorn Architect Inc., to the satisfaction of the Director of Planning and the Director, Operations and Maintenance.

35. That, prior to registration of the final plan of subdivision, the owner shall agree, in writing, to retain a qualified Urban Designer/Architect to administer architectural development standards for those lots subject to architectural control prior to the issuance of building permits, to the satisfaction of the Director of Planning. Furthermore, that the owner shall agree to adhere to those lots identified in the Urban Design/Architectural Guidelines, and submit building plans for the lots to the City's Urban Designer/Architect for review and approval prior to the issuance of a building permit.
36. That, prior to the issuance of any building permit, the Owner shall submit a signed Record of Site Condition (RSC) to the Director of Planning and the Ministry of the Environment (MOE). This RSC must be to the satisfaction of the City of Hamilton, including an acknowledgement of receipt of the RSC by the MOE, and submission of the City of Hamilton's current RSC administration fee.
37. That, prior to the issuance of any building permit, the Owner shall provide maintenance easements for any lots with a side yard of less than 1.2m, to the satisfaction of the Director of Planning.
38. That, prior to registration of the final plan of subdivision, the owner/applicant shall include the following warning clause in all purchase and sale and/or lease agreements, to the satisfaction of the Director of Planning:

"Garages are intended for use as parking. It is the owner's responsibility to ensure that their parking needs can be met on their own property. On-street parking in this area is limited and cannot be guaranteed in perpetuity."
39. That, prior to building permit, the Owner agrees to convey to the City sufficient land for park or other public recreational purposes in accordance with the City's Parkland Dedication By-law 03-199, as provided for under Section 51 of the Planning Act. The land to be conveyed shall be in fulfilment of all parkland requirements for all of the lands included within the draft plan, including the future draft plan of subdivision known as "Red Hill Phase 2" (25T-201301). Said parklands to be conveyed shall be within the draft plan known as "Red Hill Phase 2" (25T-201301), in a location, size and shape satisfactory to the Director of Planning.
40. That, prior to registration, the Owner shall implement the recommendations in the peer review by AMEC of the Landfill Impact Assessment Study submitted by the applicant, to the satisfaction of the Senior Director of Growth Management.

41. That, prior to registration, the Owner shall agree in the Subdivision Agreement to pay for the costs associated with a peer review by a qualified professional engineer, to verify the risk model data employed by GlobalTox contained within the Revised Landfill Impact Assessment titled "Redhill Developments, Empire Communities and 706870 Ontario Limited Nash Neighbourhood" revised and dated September 14, 2010 and prepared by MTE Consultants Inc., for the purpose of confirming the minimum depth of clayey silt soil required between the highest groundwater elevation and basement foundation for all lots within 500 metres of the Operating and Closed Landfills, to the satisfaction of the Senior Director of Growth Management.
42. That, prior to the issuance of building permits, implementation of the approved Revised Landfill Assessment prepared by MTE Consultants and dated September 14, 2010 and peer reviews thereof, pertaining to the minimum depth of clayey silt soil required between the highest-groundwater elevation and basement foundation for all lots within 500 metres of the Operating and Closed Landfills shall be certified by a qualified professional engineer, stating that the required clayey silt soil layer depth has been placed, compacted and graded for all lots/blocks within 500 metres of the Operating and Closed Landfills, to the satisfaction of the Senior Director of Growth Management.
43. That, prior to the issuance of building permits, the Owner shall demonstrate to the Senior Director of Growth Management that the Owner has made arrangements to include the following condition in any building permit to be issued for all lots/blocks within 500 metres of the Operating and Closed Landfills:

"A clayey silt soil layer is required to be added to the bottom of the basement' excavation prior to foundation work being performed in accordance with the subdivision agreement, The Owner shall provide the Building Inspector with a confirmation from a Professional Engineer that the clayey silt soil layer has been Installed in accordance with the Revised Landfill impact Assessment titled "Redhill Developments, Empire communities and 706870 Ontario Limited Nash Neighbourhood" revised and dated September 14, 2010 and prepared by MTE Consultants Inc., and peer review thereof as required in the subdivision agreement, prior to pouring of the footings."

Corridor Management:

44. That, prior to registration of the final plan of subdivision, the Applicant will obtain input from Corridor Management, the Hamilton Conservation Authority and Natural Heritage staff in the design of the roundabout at First Road West and Green Mountain Road to minimize impacts on the ESA lands on the west side of First Road West, to the satisfaction the Senior Director of Growth Management and the Hamilton Conservation Authority.

45. That, prior to registration of the final plan of subdivision, the urbanization of Green Mountain Road shall include the requirement that the Applicant confirm that the proposed centreline elevations provide required driver sightlines for the commercial component on Green Mountain Road and at the future intersection of Green Mountain Road at Street "B", to the satisfaction the Senior Director of Growth Management. Transportation Association of Canada guidelines will be used.
46. That, prior to registration of the final plan of subdivision, the Applicant will provide pavement marking drawings related to the urbanization of First Road West and Green Mountain Road in a City format using a consultant approved by the Manager of Traffic Operations and Engineering, Public Works.
47. That, prior to registration of the final plan of subdivision, a street lighting design be submitted by the Applicant, including roundabout intersections, and approved by the Director of Engineering Services, Public Works.

Public Health

48. That, prior to registration of the final plan of subdivision, a dust mitigation plan be formulated. The plan must identify all potential sources of dust generation (both pre and post construction). Details must be provided regarding effective practices to be used (e.g., wetting, sodding, etc.) through all stages of development for the purpose of dust abatement. This should also include measures for adjacent lands including but not limited to roadways, sidewalks etc. Clear information be provided to who will be carrying out dust mitigation actions (name, address, contact #, etc). As a guide, the "Best Practices for the Reduction of Air Emissions from Construction and Demolition Activities" - (March 2005 Cheminfo Services Inc.) may be utilized, to the satisfaction of the Senior Director of Growth Management.
49. That, prior to registration of the final plan of subdivision, a pest control plan be developed for the subdivision development. The plan must outline steps involved in the potential control of vermin during all phases of development as needed. The plan must be formulated by a professional exterminator licensed by the MOE. It is to be implemented 30 to 90 days before any work activity at the site begins including but not limited to bush clearing, grading etc. Any action items taken pre and post construction will be denoted in writing, to the satisfaction of the Senior Director of Growth Management.