

## CONDITIONS

That this Major Revision to Draft Plan approval apply to the Revised Draft Plan of Subdivision, 25T201003(R), prepared by Metropolitan Consulting and certified by Metropolitan Consulting., O.L.S., April 2, 2014, showing nineteen (19) Blocks consisting of, one (1) Block (Block 11) for low density residential development; nine (9) Blocks (Blocks 1, 2, 3, 5, 6, 7, 8, 10 and 16) for medium density residential development; three (3) Blocks (Blocks 14, 17 and 18) for Urban Commercial uses; one (1) Block (Block 12) for a storm water management facility; one (1) Block (Block 13) for Open Space; two (2) Blocks (Blocks 9, and 15) for future development; and two (2) Blocks (Blocks 4 and 19) for road widening purposes, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the following special conditions.

### **Development Engineering Conditions**

#### **APPROVED CONDITIONS**

- (1) That prior to registration, the owner shall agree that sanitary sewers servicing Draft Plan 25T200709 are constructed and operational to the satisfaction of the Senior Director of Growth Management.
- (2) That Prior to Registration the Owner shall submit the necessary transfer deeds to the City's Legal Services to convey the SWM block and creek re-alignment block within the subject lands, to the City. The transferred areas will not be included in the 5% parkland dedication calculation for this development.
- (3) That Prior to Registration the Owner shall pay its proportionate share for the future urbanization of Centre Road, based on the City's "New Roads Servicing Rate" in effect at the time of payment except for those works deemed to be permanent that the developer may be required to install as a part of the servicing of the subdivision in accordance with the City's financial policies , to the satisfaction of the Senior Director of Growth Management.
- (4) That Prior to Registration, the Owner agrees to prepare a street parking plan to provide on-street parking spaces based on the premise of 40% of the total number of units where parking is not provided as a common element feature in a condominium development, to the satisfaction of the Senior Director of Growth Management.

- (5) That Prior to Registration, the owner shall provide a driveway location/on-street parking plan, showing the following, to the satisfaction of the Senior Director of Growth Management:
- i) driveway ramps and curb opening for all lots; and
  - ii) the pairing of driveways; and
  - iii) where lots in the subdivision abut a park entrance or a public walkway; and
  - iv) the location of transit pads, community mailbox pads, and fire hydrants, where the location has been determined by the appropriate authorities.
- (6) That Prior to Registration, the proposed realignment of the creek shall incorporate natural channel design principles established by a qualified stream morphologist and professional engineer including appropriate buffers and environmental setbacks. Prior to any work being undertaken in these areas, the Owner shall obtain necessary permits from the Hamilton Conservation Authority under Ontario Registration 161/06, and any other agency having an interest, to the satisfaction of the Senior Director of Growth Management.
- (7) That Prior to Registration the Owner shall ensure that provisions are in place, to the satisfaction of the Senior Director of Growth Management, for the following:
- i) verification that the SWM facility is of sufficient size and shape to adequately accommodate the ultimate SWM facility, which shall be designed in accordance with the Ministry of Environment (MOE) and City Guidelines and the recommendations of the amended North Waterdown Master Drainage Plan; and
  - ii) to submit the necessary transfer deeds to the City to convey all lands necessary for the construction of the SWM facility, and any additional lands required to accommodate the final design, in accordance with the City's standards; and
  - iii) pond design geometry shall be as per the City of Hamilton Stormwater Management Design Criteria 2007, and pond landscaping shall be as per the City of Hamilton Landscape Design Guidelines for Stormwater Management Facilities (May 2009); and

- iv) inspection and monitoring the SWM facility upon commencement of construction or pre-grading of the land; and
  - v) creation and submission of an Operation and Maintenance Manual, including detailed logs of storm water management facility performance, maintenance and costs for cleaning and removal of sediment, and the submission of such logs to the City during pre-grading and construction activities, in accordance with the recommendations of the City of Hamilton Operation and Maintenance Report for Stormwater Management Facilities (May 2009); and
  - vi) construction, operation, and maintenance, at the owner's expense, of the stormwater management facility, in a manner acceptable to the City, and include any changes to conditions of the MOE's approval, throughout the servicing of all stages of draft plan registration and development of all registered lots and blocks, or until such time as determined by the Senior Director of Growth Management; and
  - vii) removal of sediment from the SWM facility attributed to development, carry out a bathymetric survey, and verify volumetric capacity of the SWM facility, prior to release of the owner's operation and maintenance responsibilities for the SWM facility.
- (8) That Prior to Registration the Owner shall transfer, if required, lands for the approved East-West Corridor Road to the City forthwith, upon receipt of written notification from the City, which lands shall be from the west to the east limits of the owner's property, to the satisfaction of the Senior Director of Growth Management.
- (9) That Prior to Preliminary Grading the Owner shall provide, 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.
- (10) That Prior to Preliminary Grading the Owner shall agree that back-to-front drainage is permitted only where there is a minimum of 2.0m clearance between the foundation walls of adjacent dwelling. Further, the owner shall agree, for split drainage, a minimum 2.0m clearance between the foundation walls of adjacent

dwelling is required where both rear yard catchbasins and an emergency major overland flow route are being provided.

- (11) That Prior to Servicing the Owner shall include in the engineering design and cost schedules, provision to install a 1.5m high chain link fence along the lands where the rear and side yards abut parkland.
- (12) That Prior to Servicing, the Owner shall include in the engineering design and cost schedules, provision to install a 1.5m chain link fence along the lands that abut the East-West Corridor Road unless this requirement can be included as a requirement of Site Plan for the development of Block 9.
- (13) That Prior to Servicing the Owner shall include in the engineering design and cost estimate schedules provision to implement recommendations of the approved noise study for any Lots and/or Blocks that abut the East-West Corridor Road and also for Blocks adjacent to Centre Road except those that can be deferred to Site Plan Control, to the satisfaction of the Senior Director of Growth Management
- (14) That Prior to Servicing, the Owner shall include in the engineering design and cost schedules, provision for installation of sidewalks within the draft plan lands, in accordance with the current City sidewalk policy, to the satisfaction of the Senior Director of Growth Management.
- (15) That Prior to Servicing the Owner shall include in the engineering design and cost schedules, provision for installation of a 1.5m wide temporary sidewalk and street lights along the west side of Centre Road from the north to the south limit of the draft plans lands, to the satisfaction of the Senior Director of Growth Management.
- (16) That Prior to Servicing the Owner shall include in the engineering design and cost schedules provision for looping of the proposed watermain within the subject lands to the existing 150mm watermain on Centre Road, to the satisfaction of the Senior Director of Growth Management.
- (17) That Prior to Servicing the owner shall acknowledge and agree that a maximum of 100 units can be serviced via one municipal road access. Further, if construction of a temporary road is proposed to mitigate this requirement, the owner shall agree to have this road opened as a public highway, in a location and constructed as an 18.0m wide local road, complete with sidewalks and

lighting, as required, to the satisfaction of the Senior Director of Growth Management.

- (18) That Prior to Servicing the owner shall as part of the detailed design of the creek realignment and construction of the future Centre Road intersection with the East-West Corridor Road, analyze the hydraulic capacity of the existing Centre Road culvert, and any proposed modification to the culvert, to ensure proper conveyance of the Regional storm, to the satisfaction of the Senior Director of Growth Management.
- (19) That Prior to Servicing the Owner shall agree to prepare a monitoring plan for the re-aligned creek, and include in the cost schedules provision, to implement such plan for a period of time of up to including four (4) years post construction and/or after any mitigation works deemed necessary, to the satisfaction of the Senior Director of Growth Management.
- (20) That Prior to Servicing:
  - a) the Owner shall include in the engineering design and cost schedules, provision for the construction of the East-West Corridor Road, including the intersection at Centre Road, in accordance with the approved Class Environmental Assessment, and contribute its share of the cost of the construction;
  - b) that any improvement required to implement development of the subject lands including, but not limited to, pavement widening, installation of concrete medians, etc., shall be at the owner's sole expense; and
  - c) that the construction of the East-West Corridor Road be implemented in conjunction with and concurrently with the development of Draft Plan 25T200709 (MC2 Phase 2), to the satisfaction of the Senior Director of Growth Management.
- (21) That Prior to Servicing the owner shall submit electronic pavement marking plans for the intersections of Centre Road at the East-West Corridor Road, Cole Street at the East-West Corridor Road, and White Gates Drive at the East-West Corridor Road, in MicroStation version V8 format, to the satisfaction of the Senior Director of Growth Management.
- (22) That Prior to Servicing the Owner shall submit electronic base plans for the intersections of Cole Street at Centre Road, Cole Street at East-West Corridor Road, and White Gates Drive at East-West Corridor Road, extending 150m from each side of these intersections, in MicroStation version V8, and shall include all

existing and proposed conditions including, but not limited to, curbs, poles, and ditches, where applicable.

### **Revised Conditions**

- (23) That Prior to Registration the final plan of subdivision shall include a block showing sufficient lands to be dedicated to the City of Hamilton as public highway to establish the east property line of the subject lands 18.29m (60 feet) away from the existing centre line of Centre Road, as well as 12.19m x 12.19m daylight triangles from the widened limits of the intersection of the East-West Corridor Road and Centre Road, by owner's certificate on the plan, to the satisfaction of the Senior Director of Growth Management.
- (24) That Prior to Registration the Owner shall agree that the servicing of the subject lands cannot commence until the creek re-alignment and SWM facility-have been completed unless the design of each is finalized / approved and it can be demonstrated that:
- a) A phased approach can be completed with suitable temporary servicing and
  - b) That the implementation of such will not adversely impact the ability to service the rest of lands including implementation of the East/West Corridor Road.

to the satisfaction of the Senior Director of Growth Management.

### **New Conditions**

- (25) That prior to servicing, the regional flood control structure at the east-west corridor and Borer's Creek must be constructed to the satisfaction of the Senior Director of Growth Management or other suitable arrangements made with the Senior. Director of Growth Management.
- (26). That Prior to Servicing, the Owner at his sole expense shall include in the engineering design drawings and cost schedules provision to construct Cole Street and White Gate Drive at the East-West Arterial road to accommodate an exclusive northbound left turn lane and an exclusive northbound right turn lane.
- (27) That the Owner shall submit a detailed sump pump design to include a secondary relief/overflow on surface for all lots and Blocks within the subdivision. The pump design shall consider the weeping tile inflow based on the groundwater

and severe wet weather conditions, to the satisfaction of the Senior Director, Growth Management Division.

## DEVELOPMENT PLANNING

- (28) That prior to registration the owner/applicant shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment's recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner/applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning.
- (29) That prior to registration the owner shall prepare a urban design brief to address the requirement for a neighbourhood gateway feature at the intersection of Centre Road and the Future East/West Corridor to the satisfaction of the Director of Planning. Additionally, the block overlay should be revised to identify the location of the gateway feature including the landscape median.
- (30) That prior to registration, an Urban Design Brief shall be submitted to demonstrate compliance with the urban design policies of this plan and the Waterdown North Urban Design Guidelines. The urban design brief shall include text, plans, details and/or elevations, as necessary, to demonstrate how the intent of the Secondary Plan policies and the Waterdown North Urban Design Guidelines has been met to the satisfaction of the Director of Planning. The Owner agrees to adhere to the Urban Design Brief and submit building plans for the lots identified in the Urban Design Brief to the City's Urban Designer/Architect for review and approval prior to the issuance of the building permit.
- (31) That prior to registration, the owner shall prepare an urban design brief for any lot adjacent a major road, such as Centre Road and the future east-west corridor, as well as, adjacent any park, in order that the individual design of any unit is adequately addressed to the satisfaction of the City of Hamilton, Director of Planning.
- (32) That, at the owner's expense, a “Control Architect”, independent of the “Design Architect” firm or individual, shall be retained to the satisfaction of the Manager of Community Planning and Design, and whose function shall be:

- i) to ensure, amongst other matters, the appropriate development of each lot with respect to siting, built form, materials, colours and landscaping in compliance with the approved Architectural and Urban Design Guidelines; and,
  - ii) to certify, through stamping and signing, all drawings for the development of each lot and or block subject to the architectural guidelines prior to the issuance of any building permit(s).
- (33) The City of Hamilton may undertake periodic reviews of certified drawings to ensure compliance with the Architectural and Urban Design Guidelines. Where inadequate compliance is evident the City of Hamilton may cease to accept certified drawings by the Control Architect and the owner shall retain another Control Architect satisfactory to Manager of Community Planning and Design.
- (34) That 0.3 metre reserves to be placed at the east and west limits of the future east/west corridor, and shall not be lifted until completion of the East/West corridor to the satisfaction of the Director of Planning.
- (35) That, prior to registration, the Owner agree, in writing, to provide Cash-in-lieu of Parkland, as provided for under Section 51 of the Planning Act, and in accordance with the City's Parkland Dedication By-law No. 09-124. The Cash-in-Lieu payment shall be required prior to the issuance of a building permit, based on the market value of the lands of the day prior to the day of draft approval, and the calculation of the payment is based upon the unit count, as shown on the final M Plan. The development may be subject to the alternate dedication rate of 1 hectare per 300 dwelling units if the density of development is between 20 and 75 Dwelling units per hectare, inclusive; a rate of 0.6 hectares per 300 dwelling units if the density of development is between 75 and 120 units per hectare, inclusive; and a rate of 0.5 hectares per 300 dwelling units if the density of development is greater than 120 units per hectare.
- (36) That, prior to registration, the owner demonstrate that both the lands to be dedicated to the City of Hamilton for the purposes of Parkland (Block 9) and the lands to be acquired from the City of Hamilton for Future Development, has occurred and been appropriately zoned to accommodate the future proposed land uses, to the satisfaction of the Director of Planning.
- (37) That prior to registration, the applicant prepare a General Vegetation Inventory/Tree Protection Plan prepared by a certified arborist or landscape architect at the Owner's expense and to the satisfaction of the Director of Planning.



- (38) That, prior to registration of the final plan of subdivision, the owner agrees that, in addition to the City's regular Development Charge, a charge will be paid to the City of Hamilton of \$800.00 per unit at the time of issuance of building permits. This charge shall be indexed to the Consumer Price Index commencing on the date of issuance of the first building permit for those lands designated Urban or on January 1, 1999, whichever comes first as outlined in the Memorandum of Agreement adopted by By-law 103-1997.
- (39) That, prior to registration warning clause for live work designation 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:
- "This unit is designated Live/work housing, and, as such, future uses for this and adjacent properties could include commercial uses at grade."
- (40) That prior to registration, the final plan of subdivision shall include a final lotting plan, Which demonstrates that all units created satisfy the Zoning By-law provisions, as well as the density provisions of the North Waterdown Secondary Plan, to the satisfaction of the Director of Planning.
- (41) That prior to registration, an addendum shall be provided to the applicant's EIS which includes the studies outlined in the approved Terms of Reference, dated July 3, 2014.

#### HAMILTON-WENTWORTH DISTRICT PUBLIC SCHOOL BOARD

- (42) That the owner, at their expense, place adequate signage on site based on Hamilton-Wentworth District School Board specifications advising that students from this development are likely to be redirected to schools outside of the area with available capacity and that students may be transported as governed by the Hamilton-Wentworth School Board's Transportation Policy, unless granted exception.
- (43) That the Subdivision/Condominium Agreement includes a Notice to purchasers advising that students are likely to be redirected to schools outside of the area with available capacity as governed by the Hamilton-Wentworth School Board's Transportation Policy.
- (44) That any rental or lease agreement required for occupancy include a clause advising renters or leasers that students from this development are likely to be redirected to schools outside of the area with available capacity.

- (45) That a warning clause be included in the Subdivision/Condominium Agreement advising the purchasers that students of the Hamilton-Wentworth District Public School Board system are likely to be redirected to schools outside the area with available capacity as governed by the Hamilton-Wentworth School Board's Transportation Policy.

#### HAMILTON CONSERVATION AUTHORITY

- (46) That, prior to registration the applicant prepare an Environmental Impact Statement (EIS) which addresses potential impacts to the Centre Road Environmentally Significant Area (ESA) and Provincially Significant Wetland (PSW) of the replacement of the Centre Road culvert to the satisfaction of the City of Hamilton and Hamilton Conservation Authority. The EIS must address changes to hydrology (amount, quality, and hydro-period of water discharge into the PSW/ESA), disturbance to vegetation, presence of any Species at Risk, and construction and long-term impacts and a hydrogeological report addressing ground levels, groundwater flow paths, groundwater recharge and impacts of the development on these functions, as well as any effects on the Logies Creek-Parkside Drive wetland Complex, a Provincially Significant Wetland, including mitigative stormwater management strategies be implemented. The report is required to the satisfaction of the Hamilton Conservation Authority.
- (47) That prior to registration the applicant prepares and implements an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Conservation Authority. The approved plan should include the following notes:
- a) All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been revegetated;
  - b) All erosion and sediment control measures shall be inspected after each rainfall to the satisfaction of Authority staff;
  - c) Any disturbed area not scheduled for further construction within 45 days will be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,
  - d) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction.
- (48) That prior to registration, the applicant shall prepare and implement a stormwater management plan for the subject property, to the satisfaction of the Hamilton Conservation Authority. The approved plan shall address stormwater quality and

erosion control to current Provincial standards and the AMDP. Additionally, the stormwater management ponds should be in place and functional prior to development and "as built" drawings of the storm water management ponds should be provided.

- (49) That prior to registration the applicant prepares and implements a area grading plan to the satisfaction of the Hamilton Conservation Authority.
- (50) That the Owner agrees that the subdivision agreement includes a clause and that the grading and drainage plans identify a requirement for a permit to be obtained from the Hamilton Conservation Authority under its Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04 prior to the initiation of the proposed creek crossing or any alterations to a water body, and construction and/or grading works within the HCA's regulated area
- (51) That prior to registration as part of the natural channel design for the subdivision, that a hydraulic analysis of the flood plain be completed to the satisfaction of the Hamilton Conservation Authority. "As built" drawings of the natural channel design will be required.

#### PUBLIC HEALTH SERVICES

- (52) That prior to registration of the final plan of subdivision, the Owner undertake an assessment of the lands to determine whether there are any abandoned septic tanks or wells. The Owner shall take proper measures to ensure that any existing or non-functioning septic tank or water well is abandoned according to Regulation 903 under the Ontario Water Resources Act to the satisfaction of the Director of Public Health.

#### DIRECTOR OF PLANNING

- (53) That, prior to the signing of the final plan, the Director of Planning must be satisfied that Conditions (1) to (52) inclusive, have been carried out to his satisfaction, with a brief but complete statement indicating how each condition has been satisfied.

#### ADDITIONAL CONDITION BEWTEEN LANDOWNERS

- (54) That the owner shall, prior to registration, amend its current cost sharing agreement with MC2, the owner of MC2 Phase 2, which will require the owner to pay for its proportionate share of the cost of oversizing the sanitary pipe located on the MC2 lands necessary to service the owner's lands. The costs shall be

calculated on a contributory area and percent impervious basis, net of any monies recoverable from the City of Hamilton. The costs shall be calculated by the engineering consultant for MC2, and verified by the engineering consultant for the owner. If agreement regarding costs is not reached, they shall be determined by arbitration, pursuant to the Ontario Arbitration Act, pursuant to the existing cost sharing agreement, This condition shall be cleared by MC2.

#### CITY COST SHARING

The City of Hamilton will share costs with the Owner for the stormwater management facility, based on the upset limit identified in the current Development Charges Background Study, and in accordance with the City’s financial policies and as outlined by the D/C Settlement Agreement between Parkside Hills Inc. and the City.

The City of Hamilton will share costs with the Owner for the re-alignment of the creek in accordance with the D/C Settlement Agreement between Parkside Hills Inc. and the City.

The City of Hamilton shall pay the full cost of construction of the East–West Corridor Road, save and except the cost for installation of any turning lanes to service the subject lands. The City shall pay the land required for the road in excess of 26.0m in accordance with the City’s financial policies.

#### NOTES TO DRAFT PLAN APPROVAL

Pursuant to Section 51(32) of the Planning Act, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received before the draft approval lapses.

A Holding Symbol will be recommended in the amending By-law in order to ensure the following:

1. Development adjacent the east / west corridor, as shown in the zoning by-law, not proceed until the final alignment of the corridor has been determined;
2. That a holding be placed on Commercial development until the East-West Road Corridor has been constructed adjacent all commercial blocks.

That payment of Cash-in-Lieu of Parkland will be required for the development prior to the issuance of each building permit for the lots within the plan. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of the building permit; all in accordance

with the Financial Policies for Development, and the City's Parkland Dedication By-law, as approved by Council.

Current sidewalk policy will require that existing sidewalk on Cole Street and White Gates Drive shall be extended on both sides from the north limit of Phase 1 to connect to the future sidewalk along the south side of the East-West Corridor Road. A 1.5m wide concrete sidewalk is required to be provided along the inner side of Street A abutting the east/west segments of the crescent and the east side of the north/south segment. Accessible sidewalk approaches are required for access to the future commercial block.

Prior to preliminary grading, the owner shall demonstrate that a minimum of 2.0m separation is provided between buildings for an emergency spillway in the event of rear lot catchbasins becoming blocked during a major system event. The inlet capture flow rate shall be accounted in the downstream pipe design, and include analysis of the actual ponding depths during minor and major events.

The Owner has not submitted a composite grading plan for the SWM pond, creek realignment and EW road corridor; however, if it can be demonstrated to benefit the overall storm sewer and pond design the City has agreed in principle to the following design parameters for the pond:

- 1) the inlet pipe may be placed at an elevation where extended detention is equal to that of the spring line of the pipe
- 2) cover on the large pipes (those carrying the overland flow) may be 1.2 m as necessary
- 3) outlet obvert can be equal to 2-year storm elevation of realigned creek at the outlet point, and
- 4) the required release rate and required storage volume for erosion control means that the pond does not drain the extended detention within the standard 24 hours. Notwithstanding the above, the Owner is still subject to the requirements of DPC #9.

Re DPC #10, the analysis shall include the existing and proposed channel and culvert hydraulics, including stage storage discharge relationships by maintaining 1m free-board from the edge of the East-West Road Corridor, and conveying the flows during the Regional storm event without resulting in increased water surface elevations at Center Road along its east limit.