

**Special Conditions of Draft Plan Approval for 25T-201303, 157 Parkside Drive,  
Waterdown**

That this approval apply to the Draft Plan of Subdivision, 25T-201303, prepared by IBI Group, and certified by A.T. McLaren, O.L.S., dated May 22, 2014 (attached as Appendix "E"), showing 69 Lots (Lots 1-69) for Block Townhouses, eight Lots (Lots 70-77) for Street Townhouses, two blocks for a Common Element Condominium road, parking area and access to Stormwater Management facility (Blocks 84 and 85), one block for a Stormwater Management facility (Block 86), two blocks for 0.3 m reserves (Blocks 87 and 88), 6 Blocks for land assembly for three future townhouse units (Blocks 79-83), and the proposed street extension of Mosaic Drive subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the following special conditions.

**Engineering & Traffic:**

**Prior to Registration:**

1. The Owner conveys sufficient lands for future arterial roadway (East-West corridor) purposes, in accordance with the City's Financial Policies for development. Determination of the road alignment is to be in accordance with the approved East/West Road Class Environmental Assessment (Schedule C) and such road conveyance shall occur within 90 days following receipt from the City of Hamilton of a Notice of Completion Application for a draft plan of subdivision on the lands within the future arterial roadway is located, or at a later date as advised in writing by the City's General Manager, Public Works, following the issuance of the Notice of Completion Application.
2. The Owner shall dedicate a 11.7m x 11.7m daylight triangle to the City at the intersection of the extension of Mosaic Drive and the future East/West Arterial Road.
3. The Owner shall submit transfer deeds to the City for all lands necessary for the construction of the Storm Water Management (SWM) facility, including block 86 and any additional lands required to accommodate the final design in accordance with City's standard to the satisfaction of Senior Director of Growth Management.
4. The SWM facility must be constructed and in operation in accordance with Waterdown North MDP addendum.

5. The flood control structure on Borer's Creek at the East-West Arterial Road shall be in place and operational to the satisfaction of Senior Director of Growth Management.
6. The Owner shall transfer to the City of Hamilton a minimum 9m easement over a portion of Block 69 and Blocks 84 & 85 to construct storm sewers, overland flow route and maintenance access road to the proposed SWM facility to the satisfaction of the Senior Director of Growth Management.
7. The Owner shall include and demonstrate the inclusion, to the satisfaction of the Senior Director of Growth Management, the following warning clauses in all offers of purchase and sale:

*"Purchasers and residents are advised that an easement over portion of Block 69 and Blocks 84 & 85 in favour of the City of Hamilton for storm sewers, overland flow route and maintenance access to the stormwater management facility has been established. Purchasers and residents are advised that flooding may occur within this easement and the private roadway during a severe storm. The City of Hamilton will not be responsible for any costs to maintain, reconstruct or repair the overland flow route or private roadway through Blocks 69, 84 and 85."*

**Prior to Preliminary Grading:**

8. A grading plan shall be submitted to show how drainage from this development and external areas will be accommodated to the satisfaction of the Senior Director of Growth Management.
9. 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 to be completed as necessary.
10. The Owner agrees, to the satisfaction of the Senior Director of Growth Management:
  - i) to submit a detailed storm water management (SWM) report prepared by a qualified professional Engineer that demonstrates how quality and erosion control criteria, including the existing erosion control model, will be handled in accordance with Waterdown North MDP Addendum 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 and maintenance access over road on a portion of Block 69 and Blocks 84 & 85 from future Mosaic Drive to the future SWM facility.
  - iii) to verify that the SWM Facility block has sufficient size and depth for installation of the SWM pond and designed to accommodate the contributing drainage area from East-West Corridor, Silverwood and Dimarco developments.
    - a) the SWM 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 demonstrate that the SWM pond design and inlet invert is sufficient to provide service to the upstream external lands with adequate cover on the storm sewer.
    - c) to provide a hydraulic grade line assessment in order to establish the potential impacts based on SWM pond operating conditions up to and including 100 year storm.
    - d) the proposed SWM and pond rating curve shall be evaluated using the Waterdown North MDP Addendum Study Model.
11. That the Owner shall submit a Hydrogeological Report to the City to the satisfaction of the Senior Director of Growth Management, prepared by a qualified professional, to assess impacts, identify any significant recharge and discharge zone, provide recommendations to mitigate the groundwater impacts during any construction within the subdivision including, but not limited to, house construction, address the impacts of the pond bottom elevation below the groundwater table, and to undertake any mitigative works, as recommended, including monitoring. The Report shall include a groundwater contingency plan to ensure that an appropriate mitigation strategy is available to be implemented in the case whereof:
- i) An aquifer is breached during construction;
  - ii) Groundwater is encountered during any construction within the subdivision including, but not limited to, house construction;
  - iii) Sump pumps, if required, are found to be continuously running; and,

- iv) Water supply and sewage disposal systems, and any surface and groundwater related infrastructure, are negatively impacted.
- 12. The Owner shall provide sufficient details to demonstrate that the proposed grading design for the subdivision including the stormwater management block is compatible with the proposed East-West Corridor design to the satisfaction of the Senior Director of Growth Management.
- 13. The owner shall include in the engineering design drawings and cost estimates schedules, the provision to install a 1.5 metre high chain link fence along the property boundary line which separates the SWM pond from the adjacent residential lots which side and rear yards about the pond at his own cost to the satisfaction of the Senior Director of Growth Management.

### **Prior to Servicing**

- 14. The owner shall include in the engineering design and cost estimates schedules, the provision to install all municipal services (storm, sanitary, water) on east-west corridor on the frontage of their lands from west limit to MC2 Phase 2 limit.
- 15. The Owner shall include in the engineering design and cost schedule for the installation of 2.0m concrete sidewalks on both sides of Mosaic Drive at his sole expense to the satisfaction of the Senior Director of Growth Management.
- 16. The Owner shall include in the engineering design and cost schedule a minimum of 6m wide overland flow route that shall be constructed with heavy duty asphalt, reverse crown cross section and concrete curbs from Mosaic Drive to the SWM facility system.
- 17. The Owner shall prepare a traffic study to examine the intersection of Mosaic Drive at the East-West Arterial, specifically the requirements for a northbound left turn lane, to the satisfaction of the Manager of Traffic Engineering. Any municipal road infrastructure upgrades recommended by the traffic impact study or municipal Corridor Management staff will be at the expense of the applicant. A pavement marking plan must be prepared for the intersection of Mosaic Drive at the East-West Arterial to implement the recommendations of the study. The pavement marking plan must be in accordance with the City of Hamilton Traffic Signal and Pavement Marking Design Manual 2009 in micro station V8 format to the satisfaction of the Manager of Traffic Engineering.
- 18. The owner shall submit a water distribution analysis of the water system to determine whether the existing water system can adequately service the proposed development, to the satisfaction of the Senior Director of Growth Management. The Report shall also focus on the following issues:

- i. Tabularize the expected occupancy; and,
- ii. Generate residential and institutional water demand and fire flow
- iii. calculation for this development; and,
- iv. Demonstrate how the proposal fits with GRIDS numbers; and,
- v. Confirm the water servicing layout based on field information and
- vi. hydraulic models; and,
- vii. Provide the new hydrant locations on the Water Distribution Plan.

**Prior to Assumption:**

- 19. 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 Senior Director of Growth Management; 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.

20. The Owner shall include in the engineering design and cost schedule the provision to prepare a detailed sump pump design which shall include a secondary relief/overflow on surface. 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.

### **Development Planning, Heritage and Design**

21. That, **prior to registration**, the owner shall agree to construct acoustical barriers along the alignments shown schematically in Figure 2 of the Environmental Noise Assessment dated April 11, 2013 prepared by Valcoustics Canada Ltd. The acoustical barrier shall have a minimum height of 2.0 metres adjacent to Units 35, 58 and 70 (the northerly unit in each of the townhouse blocks flanking onto the East-West Corridor), and a minimum height of 1.8 metres adjacent to Unit 34 (the second northerly unit in the easterly townhouse block flanking on the East-West Corridor), and be constructed of a material with a minimum surface density of 20 kg/m<sup>2</sup> (four pounds per square foot) and be in a continuous line without openings or gaps.
22. That, **prior to servicing**, the owner shall include in the engineering design for the subject lands, the inclusion of acoustical barriers, as per Figure 2 of the Environmental Noise Assessment dated April 11, 2013 prepared by Valcoustics Canada Ltd., with a recommended minimum height of 2.0 metres and 1.8 metres. The acoustical barriers are to be shown on the final grading plan, to the satisfaction of the Director of Planning and Chief Planner and the Manager of Engineering Design and Construction. The final height of the acoustical barrier may change based on final grading information once it becomes available.
23. **Prior to final inspection and release for occupancy**, for Units 34, 35, 58 and 70, a Professional Engineer qualified to provide acoustical engineering services in Ontario, shall issue a letter certifying that an acoustical barrier has been installed and is in compliance with the recommendations of the Environmental Noise Assessment dated April 11, 2013 prepared by Valcoustics Canada Ltd., as approved.
24. That **prior to registration**, an Urban Design Brief shall be submitted to demonstrate compliance with the urban design policies of the Secondary 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 and Chief Planner. 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.

25. 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 Director of Planning and Chief Planner, 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).
26. 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 the Director of Planning and Chief Planner.
27. 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.
28. That **prior to grading**, the applicant prepare a 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 and Chief Planner.
29. 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.

30. That, **prior to servicing**, the Owner shall submit a detailed landscaping plan prepared by a Landscape Architect for the Storm Water Management Block showing how accessible and safe public amenity areas will be incorporated into the design of the storm water pond. Furthermore, the landscaping plan shall show that the protective 10-metre buffer around the Environmentally Significant Area and Provincially Significant Wetland is maintained in natural vegetation, and that trails are not be permitted within the buffer. Approval and implementation of the landscape plan shall be to the satisfaction of the Manager of Open Space Development and Park Planning, the Director of Planning and Chief Planner, and the Hamilton Conservation Authority.
31. That the owner shall include the following warning clauses in the Subdivision Agreement and all Purchase and Sale and/or any Rental or Lease Agreements required for occupancy:
  - i) Garages provided are intended for use as parking. It is the responsibility of the owner/tenant to ensure that their parking needs (including those of visitors) can be accommodated on site.
  - ii) It is the responsibility of the property owner/tenant to ensure that the parking provided on site is sufficient for his/her needs. Parking in the surrounding neighbourhood is highly restrictive (particularly on Mosaic Drive) and on-street parking along the condominium road is not available.
  - iii) Purchasers/tenants of Lots 30-35, 36-46, 58-63, and 70-74 are advised that despite the inclusion of noise control features in this development area and within the building units, sound levels due to increasing road traffic may continue to be of concern, occasionally interfering with the activities of the dwelling occupants as the sound levels exceed the noise criteria of the Municipality and the Ministry of the Environment.
  - iv) Purchasers/tenants are advised that this dwelling unit was fitted with a forced air heating system and the ducting, etc. sized to accommodate a central air conditioning unit. Air conditioning can be installed at the owner's option and cost. (Note: Air cooled condenser unit should be located in a manner so as to minimize the noise impacts in sensitive locations on the subject property and in the immediate vicinity of the subject property).
  - v) Purchasers/tenants are advised that home/business mail delivery will be from a designated Centralized Mail Box.



- vi) Purchasers/tenants are advised that the developers/owners shall be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
  - vii) Purchasers/tenants are advised that portions of Block 85 will be affected by an easement for the purpose of overland drainage and access to the proposed Stormwater Management facility.
32. That prior to grading, the applicant/owner submit and have approved a Record of Site Condition for Blocks 79, 81, 82 and 84 to the satisfaction of the Ministry of the Environment and the Director of Development and Chief Planner.

### **Hamilton-Wentworth District Public School Board**

33. 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.
34. 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.
35. 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.
36. 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**

37. That, prior to preliminary grading, the Owner submits a final Environmental Impact Statement (EIS) for the property to the satisfaction of the Hamilton Conservation Authority.

38. That, prior to preliminary grading, the Owner prepares a grading plan and an erosion and sediment control plan for the property to the satisfaction of the Hamilton Conservation Authority.
39. That, prior to servicing, the Owner prepares a stormwater management plan for the property to the satisfaction of the Hamilton Conservation Authority.

**Director of Planning and Chief Planner**

40. That, prior to the signing of the final plan, the Director of Planning and Chief Planner must be satisfied that Conditions (1) to (39) inclusive, have been carried out to his satisfaction, with a brief but complete statement indicating how each condition has been satisfied.

**City Cost Sharing:**

Cost sharing, if, any, will be as per City's Financial Policy

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**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. However, extensions will be considered if a written request is received before the draft approval lapses.
- 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.
- The Owner shall note that no access from Lot 1 will be granted to Street A and no access from Blocks 35, 58, 70, 85 or 86 will be granted to the E/W Arterial Road