

Appendix "F"

Special Conditions

That this approval for the Revised Draft Plan of Subdivision, 25T-201801, prepared by UrbanSolutions Planning & Land Development Consultants Inc. and certified by Dan McLaren, O.L.S., dated November 28, 2018, consisting of 123 lots to be used for single detached dwellings four blocks (Lots 1 -123), one block (Block 124) for a 0.3 metre road reserve, one block for stormwater management easement a walkway (Block 125), one block for open space (Block 126) and three proposed internal roads known as Streets "A", "B" and "C" be received and endorsed by City Council with the following special conditions;

Development Planning, Heritage and Design Conditions:

Natural Heritage Planning

1. That, **prior to registration**, the Owner/developer shall prepare a Vegetation Protection Zone (VPZ) Restoration Plan to the satisfaction of the Director of Planning and Chief Planner. The VPZ Restoration Plan is to be prepared by a certified landscape architect in consultation with an ecologist and will identify the locations and species to be planted. All plantings within the VPZ shall use only non-invasive plant species native to Hamilton.
2. That, **prior to registration**, the Owner/Developer shall implement the maintenance and monitoring plan outlined within the revised Environmental Impact Statement (EIS) prepared by GeoProcess Research Associates (GRA) May 2018 to the satisfaction of the Director of Planning and Chief Planner to maintain and monitor the success of the planted species.
3. That, **prior to grading and servicing**, the Owner/developer shall prepare and implement a Transplant Plan for the Gray-headed Coneflower and Tower Mustard to the satisfaction of the Director of Planning and Chief Planner. The Transplant Plan will include:
 - Transplant Plan: This will outline the following:
 - Methodology;
 - Timing of re-location;
 - GPS co-ordinates and mapping of the individuals within the subject properties;
 - GPS co-ordinates and mapping of "donor" areas ; and,
 - Photographic records of both the subject sites and the "donor" sites.
 - Written Letter indicating the completion of work: Once the species have been transplanted, a written letter from a qualified botanist is to be submitted.
 - Monitoring Plan: Monitoring of the health of the species is to occur for a period of two years. Two monitoring reports would be required to be submitted (1st

report after first full year of monitoring; 2nd report after second year of monitoring)

4. That, **prior to registration**, the Owner/Developer shall prepare a Stewardship Brochure to the satisfaction of the Director of Planning and Chief Planner. This brochure will describe the importance of the natural feature and its functions and how the homeowner can minimize their impact on this feature.
5. That, **prior to preliminary grading or servicing**, the Owner/Developer shall submit a Tree Protection Plan (TPP) prepared by a tree management professional (i.e. certified arborist, registered professional forester or landscape architect) showing the location of drip lines, edges of existing plantings, the location of all existing trees and the methods to be employed in retaining trees to be protected to the satisfaction of the Director of Planning and Chief Planner.
6. That, **prior to preliminary grading or servicing**, the owner is aware of the Migratory Birds Convention Act, 1994 and agrees that removal of any vegetation on the subject lands is to occur outside of the breeding bird season (March 31st to August 31st) by placing a note on the TPP. However, in the event that vegetation removal is proposed during the restricted breeding period, the owner/applicant shall have a qualified biologist conduct a nest search of the vegetated area with City Natural Heritage Planning staff, prior to any work commencing. Accordingly, removal may occur if it is determined that active nests are not present in the proximity to the removal area, to the satisfaction of the Director of Planning and Chief Planner.
7. That, **prior to registration**, the Owner/Developer shall prepare a Landscape Plan by a certified Landscape Architect showing the placement of compensation trees for any tree removals, completed in accordance with the Tree Protection Plan prepared by GeoProcess Research Associates to the satisfaction of the Director of Planning and Chief Planner.
8. That, **prior to grading and servicing**, the Owner agrees, that should it be determined through detailed design that grade changes are required in order to accommodate development of Lots adjacent to the VPZ, any grade changes must be accommodated outside of the VPZ and the lot lines must be adjusted accordingly, to the satisfaction of the Niagara Peninsula Conservation Authority and the City of Hamilton.
9. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate installation of a minimum 1.5 m high chainlink fence along the rear and/or side yards of Lots 104 - 114 that abut the Significant Woodland and Vegetation Protection Zone to the satisfaction of the Senior Director of Growth Management.

- For the fences to be built in the rear of Lots 104 - 114, gates shall be prohibited.
10. That, **prior to registration**, the Owner / applicant agrees to include the following warning clause in all purchase and sale and/or lease agreements and registered on title for Lots 104 - 114 that abut the Significant Woodland and Vegetation Protection Zone to the satisfaction of the Director of Planning and Chief Planner:

"For the fences to be built in the rear of Lots 104 - 114, gates shall be prohibited."

Noise

11. That, **prior to registration**, the owner / applicant agrees to include the following clauses, for all lots, in all purchase and sale and / or lease agreements, and registered on title to the satisfaction of the Director of Planning and Chief Planner:

Warning Clause "A"

"Purchasers/tenants are advised that sound levels due to increasing road and air traffic may occasionally interfere with some activities of the dwelling unit occupants as the sound levels exceed the sound level limits of the City of Hamilton's and the Ministry of the Environment and Climate Change."

Warning Clause "B":

"Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasion interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the City of Hamilton's and the Ministry of the Environment and Climate Change."

Warning Clause "C":

"This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the City of Hamilton's and the Ministry of the Environment and Climate Change."

12. That, **prior to issuance of a building permit**, when architectural drawings are available for all the lots, an acoustic consultant should provide revised glazing recommendations based on actual window to floor area ratios, to the satisfaction of the Director of Planning and Chief Planner.

13. That, **prior to the assumption of the subdivision**, the City of Hamilton's Building Department inspector or a Professional Engineer qualified to provide acoustical engineer services in the Province of Ontario shall certify that the noise control measures have been properly installed and constructed, to the satisfaction of the Senior Director of Growth Management.

Urban Design

14. That, **prior to registration**, the Owner shall submit revised Urban Design Guidelines, to the satisfaction of the Manager of Development Planning, Heritage and Design, and which shall include:
 - a. Illustrations and mapping reflecting the most current proposed lot layout and street network;
 - b. Proposed material palette, including principal wall cladding materials;
 - c. Design strategies for priority lot dwellings, including corner lots and lots backing onto public spaces; and,
 - d. Concept designs for each dwelling model.

Public Health Services Conditions:

15. That **prior to grading**, a pest control plan, focusing on rats and mice, shall be developed and implemented for the demolition, construction / development phase of the project and continue until the project is complete. The plan must outline mansteps involved in the potential control of vermin during all of development / construction and must employ integrated pest management practices to the satisfaction of the Vector Borne Disease Section of Public Health Services.

Canada Post Conditions:

16. That, **prior to registration**, the owner / applicant agrees to include the following clauses in all purchase and sale and / or lease agreements, and registered on title to the satisfaction of the Director Growth Management and Canada Post:
 - i) the home / business mail delivery will be from a designated Centralized Mail Box (CMB); and,
 - ii) that the developers / owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box (CMB) locations prior to the closing of any home sales.

Transportation Planning Conditions:

17. That, **prior to servicing**, a Traffic Impact Brief is to be submitted to the satisfaction of the Manager of Transportation Planning.

Niagara Peninsula Conservation Authority Conditions:

18. That **prior to preliminary grading or servicing**, the Developer apply for and obtain a Work Permit from the Niagara Peninsula Conservation Authority for the removal of the watercourse.
19. That **prior to grading**, the Developer submit to the Niagara Peninsula Conservation Authority for review and approval, grading, storm servicing, stormwater management and construction sediment control drawings.
20. That **prior to registration**, the stormwater management facilities on the adjacent lands to the west (Lancaster Heights Subdivision) have been installed or that an alternative suitable temporary storm outlet has been established, including any necessary easements or other legal access requirements, to the satisfaction of the Niagara Peninsula Conservation Authority.
21. That **prior to registration**, the Subdivision Agreement between the Developer and the City of Hamilton contain wording requiring that all oils and fuels be stored away from water in properly designated locations with appropriate spill containment and clean up equipment, to the satisfaction of the Niagara Peninsula Conservation Authority.
22. That **prior to registration**, the Owner / Applicant agrees in the executed Subdivision Agreement to implement all plans and required works arising from meeting Conditions 18 to 21, inclusive, noted above, to the satisfaction of the Niagara Peninsula Conservation Authority.

Development Engineering Conditions:

23. That, **prior to registration of the plan of subdivision**, the Owner shall enter into a formal subdivision agreement with the City of Hamilton to the satisfaction of the Senior Director of Growth Management.
24. That, **prior to registration of the plan of subdivision**, the Owner agrees to put the following warning clause in the purchase and sale agreements of any and every lot that contains a rear yard catch basin:

This property includes a rear yard catch basin that has been designed and located to provide proper storm drainage of the subdivision. The owner of the property is responsible for maintaining the rear yard catch basin and associated underground infrastructure on this property in good operating condition at all times.

25. That, **prior to registration of the plan of subdivision**, the Owner agrees to put the following warning clause in the purchase and sale agreements for all lots:

This property includes two private parking spots for motor vehicles - one in the garage and one in the driveway. No additional private or public parking spaces are guaranteed.

26. That, **prior to preliminary grading**, the owner shall adequately demonstrate that they have acquired the lands or an easement across the lands to "Street D" in the neighbouring Lancaster Heights subdivision (formerly Mountaingate, draft plan revision dated 2017-09-08) and shall include in the engineering design and cost estimate schedules provisions for an adequate storm connection, a concrete walkway, and capacity to convey the major overland storm flows from Street B to the satisfaction of the Senior Director of Growth Management.
27. That, **prior to preliminary grading**, the owner agrees to stage construction of the subdivision such that the impact to the existing residents on Spitfire Drive are minimized including, but not limited to driveway access, street closures, and garbage pickup, to the satisfaction of the Senior Director of Growth Management.
28. That, **prior to registration of the plan of subdivision**, the Owner establish and submit the necessary transfer deeds to the City's Legal Services to convey to the City with no City Share for land or construction costs in accordance with the current Development Charges Bylaw a 9.0 m wide block at the south-west limit of the subdivision between Lots 114 and 115 as shown on the Draft Plan with revision date 2018-11-20 in order to accommodate the storm sewer connection and a public walkway to the adjacent lands to the satisfaction of the Senior Director of Growth Management.
29. That, **prior to registration of the plan of subdivision**, the Owner establish the following easements in favour of the City:
- a. A 9.0 m wide easement from Street 'A' (future extension of Spitfire Drive) to the north limits of the subdivision between Lots 11 and 12 as shown on the Draft Plan with revision date 2018-11-20 in order to accommodate the storm sewer connection to the adjacent lands to the north,
 - b. A 9.0 m wide easement from Street B to the north limits of the subdivision between Lots 56 and 57 as shown on the Draft Plan with revision date 2018-11-20 in order to accommodate a storm sewer for major storm flows
- all to the satisfaction of the Senior Director of Growth Management.
30. That, **prior to registration of the plan of subdivision**, the owner agrees that any pipe oversizing required to convey flows during storm events beyond the five-year storm are entirely at the cost of the owner and will not be eligible for

cost sharing with the City, to the satisfaction of the Senior Director of Growth Management.

31. That, **prior to preliminary grading**, the owner shall include in the engineering design and cost estimate schedules provisions to construct sidewalks on both sides of all proposed streets including wheel chair ramps that incorporate integrated tactile accessibility features as per RD-124 entirely at the owner's expense to the satisfaction of the Senior Director of Growth Management.
32. That, **prior to servicing**, the owner agrees to include in the design and cost estimates removal of the existing temporary turning circles at the west end of Spitfire Drive and at both ends of Marion Street, including restoration of road surface, curbs, driveways, and property grading, entirely at the owner's expense, to the satisfaction of Senior Director of Growth Management.
33. That, **prior to servicing**, the owner agrees to include in the design and cost estimates removal of the existing temporary storm water management pond at the west end of Spitfire Drive and restoration with engineered fill suitable for the proposed development as certified by a qualified geotechnical professional entirely at the owner's expense to the satisfaction of Senior Director of Growth Management.
34. That, **prior to preliminary grading**, the owner shall prepare and provide a Construction Management Plan that:
 - a. Includes confirmation of permission from each adjacent land owner where access to properties external to the subject lands is required,
 - b. Identifies the plan and procedure for removal of excess soils,
 - c. Identifies the plan and procedure for imported fill including quality control measures to ensure suitability for the proposed works, any time constraints on when materials can be brought to the site, and any required staff and experts required to oversee import and placement of materials,
 - d. Provides details on any construction activity that will encroach into the municipal road allowance such as construction staging, scaffolding, cranes etc.,
 - e. location and maximum dimensions of stockpiling,
 - f. Identifies any required sidewalk and/or lane closures and the estimated length of time for such closures,
 - g. Includes details of heavy truck routing,

- h. Identifies any items to be relocated, such as affected utility poles, hydrants, pedestals, hydro vaults, etc. on Spitfire Drive and Marion Street, all to the satisfaction of the Senior Director of Growth Management,
35. That, **prior to servicing**, the Owner include in the engineering design and cost estimates provision for construction of a 1.5 metre high black vinyl coated heavy duty chain link fence entirely at the owner's expense in the following locations as identified on the Draft Plan with revision date 2018-11-20:
- a. Along the east and west limits of the servicing corridor and walkway block shown as Block 125,
 - b. Along the north boundaries (rear lot lines) of Lots 1 to 14 inclusive,
 - c. Along the west boundary (side lot line) of Lot 1,
 - d. Along the North boundary of Block 126 from Block 125 to east limit of the subdivision lands (along the adjacent lot lines of Lots 104 to 114 inclusive),
 - e. Along the east boundary (rear lot lines) of lots 72 to 79 inclusive, all to the satisfaction of the Senior Director of Growth Management.
36. That, **prior to servicing**, the Owner prepare a revised on-street parking plan for Streets A and B based on the premise of achieving on-street parking for 40% of the total number of units and it shall include:
- a. driveway ramps and curb openings for all lots,
 - b. the pairing of driveways,
 - c. where lots in the subdivision abut a park entrance or a public walkway, and
 - d. the location of transit pads, community mailbox pads, and fire hydrants, where the location has been determined by the appropriate authorities all to the satisfaction of the Senior Director of Growth Management.
37. That, **prior to registration of the plan of subdivision**, 4.5 metre by 4.5 metre daylight triangles be established on the final plan of subdivision at the following intersections:
- a. Street 'A' and Street 'B',
 - b. The bend in Street 'B' where it transitions from North-South to East-West,

- c. Street 'B' and Street 'C' (extension of Marion Street),
- all to the satisfaction of the Senior Director of Growth Management.
38. That, **prior to preliminary grading**, the Owner agrees in writing that the removal of all existing septic beds, buildings, sheds, storm water management ponds (including associated infrastructure), or any structures will be at the sole cost to the owner to the satisfaction of the Senior Director of Growth Management.
39. That, **prior to servicing**, the Owner be required to relocate, as required, all affected utility poles, hydrants, pedestals, hydro vaults, etc. on Spitfire Drive and Marion Street entirely at the owner's expense to the satisfaction of the Senior Director of Growth Management.
40. That, **prior to preliminary grading**, the Owner agrees to provide in writing a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction including building construction within the subdivision and that this document will 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 contractor/agent contact information so that the City can direct the work to be completed as necessary all to the satisfaction of the Senior Director of Growth Management.
41. That, **prior to servicing**, the owner shall submit a revised Hydrogeological report to the City, prepared by a qualified professional, to assess impacts, identify any significant recharge and discharge zones, and provide recommendations to mitigate the groundwater impacts during any construction within the subdivision, including but not limited to building construction, and to undertake the works as recommended including monitoring. The report shall also provide a groundwater contingency plan to ensure that an appropriate mitigation strategy is available to be implemented in the case whereof:
- a. an aquifer is breached during excavation,
 - b. groundwater is encountered during any construction within the subdivision, including but not limited to house construction,
 - c. sump pumps are found to be continuously running, and
 - d. water supply and sewage disposal systems and any surface and groundwater related infrastructure are negatively impacted

all to the satisfaction of the Senior Director of Growth Management.

42. That, **prior to servicing**, the owner shall submit an impact and mitigation plan that:
- a. addresses the scenario where water well interference issues arise from the development
 - b. includes a protocol for investigating potential complaints and a plan for mitigating impacts in case they are attributable to the development

all to the satisfaction of the Senior Director of Growth Management.

43. That, **prior to registration of the plan of subdivision**, the owner agrees to pay to the City cost recoveries including indexing for inflation per the City's financial policy for existing works by others that benefit the development including:
- 131.66 m total frontage for sanitary sewer on Marion Street,
 - 200.66 m total frontage for watermain on Marion Street

all to the satisfaction of the Senior Director of Growth Management.

44. That, **prior to registration of the plan of subdivision**, the Owner shall agree to include in all offers of Purchase and Sale a statement that advises the prospective purchaser that there is an approved grading plan and that the purchaser agrees not to alter any lands in a way that would conflict with the approved grading plan without approval from the City of Hamilton to the satisfaction of the Senior Director of Growth Management.

45. That, **prior to servicing**, the Owner shall indicate all driveway locations on the engineering drawings for all lots, and that no driveway shall be located within a daylight triangle. Further, all driveway locations at bends and corners shall be situated to ensure that the driveways are within their own lot frontages to the satisfaction of the Senior Director of Growth Management.

46. That, **prior to servicing**, the owner shall include in the engineering design and cost schedules entirely at the owner's expense provision for a minimum of 2.0m separation between foundation walls and a maximum water surface depth of 0.30m on rear lot catch basins in any case where there is a requirement of an overland flow route to the municipal road allowance to the satisfaction of the Senior Director of Growth Management.

47. That, **prior to servicing**, the owner shall include in the engineering design and cost schedules provision for their share of maintenance works and monitoring on the downstream storm water management pond in the adjacent Lancaster Heights subdivision (draft plan revision dated 2017-09-08) to the satisfaction of the Senior Director of Growth Management.

48. That, **prior to preliminary grading**, the Owner agrees to:
- a. submit a detailed Stormwater management (SWM) report prepared by a qualified professional engineer that demonstrates how quality, quantity, and erosion control will be handled in accordance with City of Hamilton development Guidelines (2017) and MOECC Stormwater management Design Guideline (2003),
 - b. demonstrate that the hydraulic grade line (HGL) for the post-development 100-year storm event is located at or below the top of grade elevation at all inlet locations, and that the 5 year HGL shall not exceed the obvert of the sewers,
 - c. maintain drainage routing through the subject lands for any external storm flows that drain to or through the lands,
 - d. demonstrate that runoff from the 100-year storm can be conveyed to the appropriate downstream outlet(s) without impacting adjacent properties,

all to the satisfaction of the Senior Director of Growth Management.

49. That, **prior to preliminary grading**, the Owner shall demonstrate that:
- a. the SWM facility in the neighbouring Lancaster Heights subdivision (draft plan revision dated 2017-09-08) is complete and fully operational or that an alternative suitable temporary storm outlet has been established including any necessary easements or other legal access requirements,
 - b. An appropriate overland flow route through the neighbouring Lancaster Heights subdivision (draft plan revision dated 2017-09-08) for the subject development is constructed and operational,
 - c. A suitable storm outlet for the drainage area that includes the rear yards of lots 104 to 114 inclusive and Block 126 is established in accordance with the FSR prepared for the neighbouring Lancaster Heights subdivision (draft plan revision dated 2017-09-08),

all to the satisfaction of the Senior Director of Growth Management.

50. That, **prior to preliminary grading**, the owner shall demonstrate that the temporary SWM facility on the subject lands at Spitfire Drive is decommissioned to the satisfaction of the Senior Director of Growth Management.
51. That, **prior to preliminary grading**, if any uncontrolled overland runoff up to the 100-year storm event is expected to drain south from lots 84 to 101 of the subject

lands onto the private lands to the south (fronting onto Aberdeen Avenue), the Owner shall demonstrate:

- that the subject development has riparian rights to do so,
- that an emergency spillway has been established between 32 and 42 Aberdeen Avenue that can convey 100-year post development flows, and
- that an appropriate easement has been established for this spillway,

all to the satisfaction of the Senior Director of Growth Management.

52. That, **prior to preliminary grading**, the Owner shall obtain written permission from adjacent land owners for any grading works external to the site to the satisfaction of the Senior Director of Growth Management.
53. That, **prior to servicing**, the owner shall include in the engineering design and cost schedules entirely at the owner's expense a storm sewer between lots 11 and 12 that conveys storm runoff from the 100-year storm from catchments EX1, EX3, and EX4 (as shown on the Storm Drainage Area Plan) to the satisfaction of the Senior Director of Growth Management.
54. That, **prior to preliminary grading**, the owner shall prepare and provide the following:
 - a. a pre-construction survey of surrounding roads that are outside the subject lands;
 - b. an adequate security for costs to repair and reconstruction to any of these roads that are damaged due to construction;to the satisfaction of the Senior Director of Growth Management.
55. That, **prior to registration of the plan of subdivision**, the owner agrees to prepare a post-construction survey/photo inventory that corresponds to the pre-construction survey required in Condition 54 to identify any damages and the owner further agrees to repair those damages all to the satisfaction of the Senior Director of Growth Management.
56. That, **prior to preliminary grading**, the owner agrees to provide a minimum of 0.45m between the base of any proposed retaining walls and adjacent property lines and that retaining walls shall be located on the property of higher elevation where possible to the satisfaction of the Senior Director of Growth Management.
57. That, **prior to preliminary grading**, lots 1 to 18 remain undevelopable until it has been demonstrated that runoff from the neighbouring school lands north of those

lots can be adequately conveyed through the subject lands, including any easements as required to the satisfaction of the Senior Director of Growth Management.

Growth Planning

58. That **prior to registration**, the existing Draft Approval on a portion of the subject lands (Mountville Estates 25T-92009) is closed to the satisfaction of the Director of Growth Planning.

City Cost Sharing

Any share costs with the Owner will be in accordance with the City’s Financial Policy.

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.
- 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.
- This property is eligible for weekly collection of Garbage, Recycling, Organics, and Leaf and Yard Waste through the City of Hamilton subject to compliance with specifications indicated by the Public Works Department and subject to compliance with the City’s Solid Waste By-law 09-067, as amended.