

**Special Conditions for Draft Plan of Subdivision Approval for 25T-201706
"Jackson Heights Extension"**

That this approval for the Revised Draft Plan of Subdivision, 25T-201706, prepared by A.J. Clarke and Associates Ltd. and certified by B.J. Clarke, O.L.S., dated April 30, 2019, consisting of eighteen lots for single detached dwellings (Lots 1 - 18), seven blocks for street townhouse dwellings (Blocks 19 – 23, 25 and 26), one block for maisonette dwellings (Block 24), one block for a multiple dwelling (Block 29), 1 block for commercial uses (Block 27), 3 blocks for a road widening (Blocks 30 - 32), 2 blocks for overland flow and future storm sewer and storm pond access (Blocks 33 - 34), future development block (Block 28) and 4 municipal roads (Extension of Tanglewood Drive, Street A, Adi Crescent, and Zoe Lane) be received and endorsed by City Council with the following special conditions:

Development Engineering

1. That, **prior to assumption** of the stormwater management facilities, the Owner agrees in writing and shall complete and provide the following requirements:
 - a. 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 to inspect and monitor the stormwater management facility upon commencement of construction or pre-grading of the subject lands through to the assumption of the facility, in accordance with the conditions of ECA issued by the Ministry of the Environment, Conservation and Parks.
 - b. To keep detailed logs concerning stormwater management facility performance and maintenance, including costs for cleaning and removal of sediment, and to submit said logs to the City during any pre-grading and construction activities, in accordance with the operation manual.
 - c. To construct, operate and maintain at the Owner / Developer's expense, the stormwater management facility, in a manner acceptable to the City, including any changes to conditions of the Ministry of the Environment, Conservation and Parks' approval, throughout servicing of all stages of draft plan registration and development of all registered blocks, or until such time as determined by the Senior Director, Growth Management.
 - d. To remove sediment from the stormwater management facility attributed to development, carry out a bathymetric survey and verify volumetric capacity of the stormwater management facility, prior to release of the Owner / Developer's operation and maintenance responsibilities for the stormwater management facility;

All to the satisfaction of the Senior Director, Growth Management.

2. That, **prior to registration of the plan of subdivision**, the Owner agrees, at their expense, to remove/relocate, as required, all affected utility poles, hydrants, pedestals, hydro vaults, etc., on Regional Road 56, to the satisfaction of the Senior Director, Growth Management.
3. That, **prior to registration of the plan of subdivision**, 4.50m by 4.50m daylight triangles be established on the final plan of subdivision at the following locations:
 - i. Zoe Lane and Adi Crescent;
 - ii. Tanglewood Drive and Adi Crescent;
 - iii. Tanglewood Drive and Zoe Lane;
 - iv. Street "A" and Adi Crescent (north leg);
 - v. Street "A" and Adi Crescent (south leg); and,
 - vi. Adi Crescent at each inside ($\approx 90^\circ$) bend, 3 locations.

All to the satisfaction of the Senior Director, Growth Management.

4. That, **prior to registration of the plan of subdivision**, 12.00m by 12.00m daylight triangles be established on the final plan of subdivision at the intersection of Zoe Lane and Regional Road #56 to the satisfaction of the Senior Director, Growth Management.
5. That, **prior to registration of the plan of subdivision**, the plan shall include Blocks 30, 31, & 32 showing sufficient lands to be dedicated to the City of Hamilton as public highway by the Owner's certificate on the plan, to establish the widened limit of Regional Road 56 at 60 ft. (18.288metres) from the centre line of the original road allowance, to the satisfaction of the Senior Director, Growth Management.
6. That, **prior to registration of the plan of subdivision**, the Owner agrees to confirm that there is sufficient sanitary capacity available within the existing sanitary sewer network to accommodate this development, to the satisfaction of the Senior Director, Growth Management.
7. That, **prior to registration of the plan of subdivision**, the owner covenant and agrees that the subdivision plan shall not be registered until the City completes the Binbrook Sanitary Sewer Pumping Station Upgrades, the trunk sewer extension and the existing forcemain is connected to the new trunk sewer to the satisfaction of the Senior Director, Growth Management.
8. That, **prior to registration of the plan of subdivision**, the Owner shall agree to include on all notices of purchase and sale of residential units, the following warning clauses:

"On-street, public parking in the surrounding neighbourhood will be limited and cannot be guaranteed in perpetuity. Garage space for this unit is provided and intended for the purposes of parking a vehicle. It is the owner's responsibility to ensure that their parking needs can be accommodated.";

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

9. That, **prior to registration of the plan of subdivision**, the Owner shall submit the necessary transfer deeds to the City's Legal Department to convey Block 34 with a minimum width of 9m and Block 33. The required width of Block 33 shall be confirmed to accommodate an adequate overland flow route through the detailed design, all to the satisfaction of the Senior Director, Growth Management.
10. That, **prior to registration of the plan of subdivision**, the Owner agrees to transfer a 12m wide sewer and drainage easement across Block 22 & Block 27 in favour of the City, all to the satisfaction of the Senior Director, Growth Management.
11. That, **prior to registration of the plan of subdivision**, the Owner agrees to transfer to the City storm sewer and drainage easements (minimum 9m wide) across Block 21 & Block 29, from Regional Road 56 to Adi Crescent. Further, the easement shall be unobstructed and unencumbered to accommodate an overland flow route, all to the satisfaction of the Senior Director, Growth Management.
12. That, **prior to registration of the plan of subdivision**, the Owner agrees to provide confirmation of the inclusion of warning clauses within the agreement of purchase and sale that the purchasers are obligated to maintain the easements in perpetuity and may not encumber or block the storm drainage on the easements on Blocks 21, 22, 27, & 29. Further the warning clauses shall clearly indicate that the easement and boulevard immediately downstream shall not be used for snow storage and must remain clear at all times, all to the satisfaction of the Senior Director, Growth Management.
13. That, **prior to registration of the plan of subdivision**, the Owner agrees to provide a suitable maintenance easement in favour of the Purchasers of Block 21, and their successors, along the north limit of Block 28 to provide suitable access to allow for maintenance of their property and retaining wall, to the satisfaction of the Senior Director, Growth Management.
14. That, **prior to registration of the plan of subdivision**, the Owner agrees to provide suitable reciprocal access and maintenance easements in favour of the Purchasers, and their successors, (along the north property limit) on Block 21, to the satisfaction of the Senior Director, Growth Management.
15. That, **prior to registration of the plan of subdivision**, the Owner agrees to include suitable warning clauses in the agreements of purchase and sale, and register on title, for all affected Lots on Block 21 regarding the required easements and drainage swales. Further the Owner of Block 28, and their successors, shall create a suitable easement in their favour over Block 21 and be responsible to maintain the drainage swale on Block 21 that is proposed to drain in the interim parts of Block 28, #2311, #2323, 2351 & #2356 Regional Road 56 and #2311 and #2323 Regional Road 56 in the ultimate condition. The

requirement of the current and future Owner(s) of Block 28 to maintain the drainage swale on Block 21 in perpetuity shall be registered on the title for Block 28, to the satisfaction of the Senior Director, Growth Management.

16. That, **prior to registration of the plan of subdivision**, the Owner shall agree to prepare and provide to the City for review suitable warning clause(s) to the affected Purchasers of Block 21 to outline their maintenance obligations for the retaining wall and associated fencing, drainage swales, catch basins and grading. The warning clause shall also indicate that the wall is privately owned by the Purchaser and all associated maintenance costs will be their responsibility. Further, the final approved wording of the warning clause(s) shall be included in the agreements of purchase and sale and registered on title, all to the satisfaction of the Senior Director, Growth Management.
17. That, **prior to registration of the plan of subdivision**, the Owner agrees in writing to include warning clauses in the agreements of purchase and sale with suitable wording to identify the applicable rear yard restrictions and increased setbacks in the zoning i.e. pools, sheds, and accessory structures, to the satisfaction of the Senior Director, Growth Management.
18. That, **prior to registration of the plan of subdivision**, the Owner shall agree to provide a landscaping design that includes a 1.8m tall wood privacy fence and plantings to provide screening for the existing dwelling at #2359 Regional Road 56. The fencing shall be located generally at the top of the retaining wall. A minimum 2.9m planting strip shall be located at the top of the retaining wall and be measured from the top back of wall south to the back of curb. All to the satisfaction of the Senior Director, Growth Management.
19. That, **prior to the registration of the plan of subdivision**, the Owner shall agree to maintain an equivalent number of on-street parking spaces immediately adjacent to Block 24 as proposed on a final parking plan. Further no reductions to the number of parking spaces adjacent to Block 24 shall be permitted at the time of the Site Plan application for Block 24, to the satisfaction of the Senior Director, Growth Management.
20. That, **prior to preliminary grading**, the Owner agrees to obtain approval from the MECP, in the form of an amended Environmental Certificate of Approval (ECA) for all required modifications to the existing SWM Pond and for the removal and diversion of the external drainage (generally from 2498 Binbrook Road) that was previously designed and approved by the MECP to flow through the SWM pond. All to the satisfaction of the Senior Director, Growth Management.
21. That, **prior to preliminary grading**, the Owner agrees to undertake the following:
 - a. To submit a detailed stormwater management (SWM) report prepared by a qualified professional engineer that demonstrates how quality and quantity control, including the erosion downstream, will be handled in

accordance with SWM design guideline - 2003 Ministry of Environment & Conservation and Parks, and City of Hamilton Drainage Policy and Current Comprehensive Development Guideline;

- b. The outflows from the SWM facility must be controlled to erosion threshold and predevelopment flow rates for all ranges design storms considering the updated drainage area plan;
- c. Demonstrating that the hydraulic grade line (HGL) based on rational method and standard spread sheet calculations for the post development 100-Year storm event is located a minimum of 0.3 m below the top of grate elevation at all inlet locations, and the 5-year HGL shall not exceed the obvert of the sewers;
- d. Design and upgrade the existing SWM facility outlet control structures, including emergency spillway, to convey allowable discharges from the pond to match erosion control target including predevelopment flows for all ranges storm including Regional event;
- e. Demonstrate and provide an appropriate overland flow route within Block 33 to convey 100-year post development flow to the main cell of the pond bypassing the forebay;
- f. Demonstrate how the existing SWM facility has adequate storage volumes in accordance with updated SWM facility rating curve (stage –storage-discharge). The SWM facility must have a minimum of 0.1 m freeboard between 100-year pond elevation and emergency spillway; and 0.3 m freeboard between the maximum water level on the spillway and pond perimeter elevation;
- g. Provide a detailed landscaped plan prepared and implemented in accordance with City's Landscape Design Guidelines for Stormwater Facilities, May 2009;
- h. Demonstrate and provide a suitable storm outlet for the external drainage areas to the east of the subject site which were included in the original SWM facility design approved by the Ministry of the Environment, Conservation and Parks;
- i. Provide an appropriate maintenance access road and decanting area per City's standards; and,
- j. Notwithstanding conditions 19, 20a) to 20 i), the preliminary grading of the areas west of the extension of Tanglewood Drive can proceed subject to meeting all other conditions required prior to preliminary grading.

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

22. That, **prior to preliminary grading**, the Owner shall confirm sediment depth and available water quality & flood control storage volumes of the existing stormwater management pond by a bathymetric survey and submit a report brief to the City to demonstrate that the existing SWM facility has sufficient required volumes to accommodate the subject development in accordance with the original design of the same. Pending the results of the survey and review of the report, the City reserves the right to require additional works including cleaning and maintenance and any other work that may be determined as necessary be completed prior to servicing, all to the satisfaction of the Senior Director, Growth Management.
23. That, **prior to preliminary grading**, the Owner agrees at their sole cost to prepare a pest control plan, focusing on rats and mice, which shall be developed and implemented for any demolition, and for the construction / development phase of the project and continue until the project is complete. The plan must outline steps involved in the potential control of vermin during all the development / construction and must employ integrated pest management practices. The plan must be formulated by a professional exterminator licensed by the MECP and shall include monitoring, removing potential food and water sources, and eliminating or preventing areas for harbourage. The plan can include trapping and / or baiting but special consideration should be aimed at ensuring any / all bait stations are tamper resistant and deceased rats are removed to prevent secondary poisoning of other animals. The plan is to be implemented when work activity at the site begins including but not limited to demolition, bush clearing, grading etc. This requirement is made under Section 26 of the Hamilton Property Standards By-law, No. 10-221 and to the satisfaction of the Medical Officer of Health.
24. That, **prior to preliminary grading**, the Owner shall obtain the necessary permission/consent from the affected land owner of the surrounding lands in order to accommodate the grading encroachment on their properties for the construction of the draft plan of subdivision, to the satisfaction of the Senior Director, Growth Management.
25. That, **prior to preliminary grading**, the Owner agrees to provide a pre-grading staging plan and demonstrate how the existing drainage channel's function will be maintained in advance the diversion of the flows and construction of the storm sewer, to the satisfaction of the Senior Director, Growth Management.
26. That, **prior to preliminary grading**, the Owner shall demonstrate that the subject development has riparian rights to drain through the existing privately owned pond on abutting land (2289 Regional Road 56). The Owner shall notify the downstream pond owner, of a proposed SWM outfall, and impending pond upgrades. In addition, the pond design must verify and confirm the following: The Owner shall demonstrate that the proposed pond outflows through the existing pond on abutting land can safely convey all controlled outflows to a suitable outlet for all ranges storm event without any negative impacts such as no overflow through the pond perimeter, no bank failure or no expansion etc. of the existing pond on 2289 Regional Road 56. The Owner agrees to monitor the drainage across the lands from the north limit of 2289 Regional Road 56 to the

SWM pond to ensure that the existing lands are not negatively impacted by the development. The monitoring plan will occur throughout the construction of the subdivision and for a period of not less than 2 years after all lots and blocks within the draft approved plan are fully developed. In the event that a problem arises, the Owner further agrees to take the necessary remedial action as per the monitoring report at the Owner's cost. The engineering design and cost schedule for the outlet works shall include a minimum of \$200,000.00 security for potential remedial works. The security shall not be released or reduced until it has been demonstrated that there are no impacts as a result of development for a period of not less than 2 years after full buildout of the draft approved plan, all to the satisfaction of the Senior Director, Growth Management.

27. That, **prior to servicing**, the Owner shall submit and obtain approval for the storm sewers designs to convey the 100-year flows from applicable external drainage areas to the satisfaction of the Senior Director, Growth Management.
28. That, **prior to servicing**, the Owner shall include in the engineering design and costs estimate for the installation of a minimum 1.8m tall black vinyl coated heavy duty chain-link fence along the rear yard of Lots 1 to 17 & Block 22, as well as Blocks 23, & 27 inclusive, which yards abut or flank the Pipeline easement, to the satisfaction of the Senior Director, Growth Management.
29. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimates provision for installation of a 1.5m black vinyl coated heavy duty chain-link fence between private and public lands, including Block 33, and Block 34, to the satisfaction of the Senior Director, Growth Management.
30. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedules provision for installation of a 1.5m concrete sidewalk on both sides of all proposed roads as well as the extension of the existing Tanglewood Drive sidewalks, approx. 150m on the west side of Tanglewood Drive and approx. 51m on the east side of Tanglewood Drive, all to the satisfaction of the Senior Director, Growth Management.
31. That, **prior to servicing**, the Owner shall include in the engineering design all road geometric to the City of Hamilton guidelines. The minimum urban residential horizontal centerline road radius, excluding 90-degree curves, shall be; 90m for local roads, 95m for minor collectors, and 160m for major collectors, to the satisfaction of the Senior Director, Growth Management.
32. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedules provision for installation of 13.0m pavement radii along the inside curb line and 15m radii along the outside curb line at the three 90-degree bends of Adi Crescent, all to the satisfaction of the Senior Director, Growth Management.
33. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedules provision for replacement of the existing storm sewers, manholes, and catchbasins on Tanglewood Drive, Block 34, and the existing

Stormwater Management facility. Furthermore, the Owner acknowledges and agrees that there will be no City share for the upsized storm sewers to convey 100-year flows from the external drainage areas. Further, where elliptical pipes are proposed the Owner agrees that they will be converted to the equivalent circular diameter for any oversizing calculation. All to the satisfaction of the Senior Director, Growth Management.

34. That, **prior to servicing**, the Owner shall prepare and submit an on-street parking plan showing:
- k. the location of driveways based on the premise of achieving on-street parking for 40% of the total dwelling units;
 - l. the driveway aprons and curb openings for all lots;
 - m. the pairing of driveways;
 - n. where lots in the subdivision abut a park entrance or a public walkway, as the case may be; and,
 - o. 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, Growth Management.

35. That, **prior to servicing**, the Owner shall indicate all driveway locations on the engineering drawings for all lots and blocks and that no driveway shall be located within a daylight triangle. Further, the driveway of Lot 1 shall be located on the east side of the lot. Further, all driveway locations at bends and corners in Adi Crescent shall be situated to ensure that the driveways are completely located within their own lot frontages and the driveway aprons shall not cross in front of adjacent lots. Further, all end units with daylighting triangles shall have the driveway located on the internal side of the lot or block. All to the satisfaction of the Senior Director, Growth Management.
36. That, **prior to servicing**, the Owner acknowledges and agrees to show on the final grading plans that the combined side yard setback must be a minimum of 2.0m between foundation walls where back-to-front drainage is proposed, or an emergency overland flow route is identified on the approved grading plan for the subject lands, all to the satisfaction of the Senior Director, Growth Management.
37. That, **prior to servicing**, the Owner shall agree to provide a landscaping design for review and approval of the proposed relief swale that is to accommodate the existing flows from #2311, #2323, #2351, and #2359 Regional Road 56, and Block 28. Further the areas north and west of the retaining wall shall be designed with low maintenance ground covers and vegetation, all to the satisfaction of the Senior Director, Growth Management.

38. 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. If any problems arise, they must appropriately addressed by the Owner, to the satisfaction of the Senior Director of Growth Management.
39. That, **prior to servicing**, the Owner prepares a geotechnical report and implements the report's recommendations, to the satisfaction of the Senior Director of Growth Management.
40. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost schedules the extension of sanitary and storm sewers within the 12.0m wide easement from Zoe Lane to the south limit of Block 27, to the satisfaction of the Senior Director, Growth Management.
41. That, **prior to servicing**, the Owner agrees to replace and realign the culvert across Regional Road 56 in line with the storm sewer proposed on Block 29 if it cannot be demonstrated that the existing 825mm pipe can satisfactorily convey the 100-yr predevelopment flows, to the satisfaction of the Senior Director, Growth Management.
42. That, **prior to servicing**, the Owner shall agree that in the event that they cannot satisfy all of the conditions and there is a need to change the draft plan, they shall revise and resubmit the draft plan, to the satisfaction of the Senior Director, Growth Management.
43. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimates, provision for the extension of Tanglewood Drive to the southern limit of the subject lands, all to the satisfaction of the Senior Director, Growth Management.
44. That, **prior to servicing**, the Owner shall include in the design and Engineer's cost schedule provision to install all temporary and permanent traffic calming features, at their cost, to the satisfaction of the Manager of Traffic Operations and Engineering and the Senior Director, Growth Management.

Development Planning:

45. That, **prior to preliminary grading**, the proponent shall carry out an archaeological assessment for a portion of 2431 Regional Road 56 and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and Chief Planner and the Ministry of Tourism, Culture and Sport confirming that all archaeological resource concerns have met licensing and

conservation requirements. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry of Tourism, Culture and Sport.

46. The, **prior to registration**, the applicant submit and obtain approval for an amended Noise Study to the satisfaction of the Director of Planning and Chief Planner. In addition, the applicant is required to implement any noise mitigation measures and show them on the appropriate drawings and include any warning clauses as part of the Registration of the Subdivision Agreement.
47. That, **prior to registration**, of the final plan of subdivision, and at the Owner's expense, the Owner shall submit Urban Design Guidelines, prepared by a qualified architect or urban designer (referred to as the "Design Architect") to the satisfaction of the Director of Planning and Chief Planner.
48. That, prior to registration of the final plan of subdivision, and at the Owner's expense, the Owner shall have a "Control Architect", independent of the "Design Architect" firm or individual retained, to the satisfaction of the Manager of Development Planning, Heritage and Design, and whose function shall be:
 1. 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).

Transportation Planning:

49. That, **prior to servicing**, the applicant design traffic calming for the intersection of Zoe Lane and Tanglewood Drive and Adi Crescent;
 - (a) acceptable traffic calming measures include a raised intersection, bump-outs on the four (4) corners or / a mini traffic circle;
 - (b) this is in addition to other traffic calming measures identified in the Traffic Impact Study;
 - (c) fully at the applicants expense.

All to the satisfaction of the Manager of Transportation Planning, Manager of Traffic Operations and Engineering as well as Manager of Engineering Approvals.
50. That, **prior to servicing**, Traffic Calming Measures as identified in the Traffic Impact Study;
 - (a) are designed including an implementation plan;
 - (b) this is in addition to traffic calming for the intersection of Zoe Lane and Tanglewood Drive and Adi Crescent;
 - (c) fully at the applicants expense.

All to the satisfaction of the Manager of Transportation Planning, Manager of Traffic Operations and Engineering as well as Manager of Engineering Approvals.

51. That, **prior to servicing**, the Owner shall submit for approval a pavement marking design and plans, to the satisfaction of the Manager of Transportation Planning, and Manager of Traffic Operations and Engineering.

Niagara Peninsula Conservation Authority:

52. That, **prior to preliminary grading**, the NPCA is satisfied that the existing Jackson Heights stormwater management facility was designed to provide adequate quality and quantity controls for the proposed Jackson Heights Extension development.
53. That, **prior to registration**, Condition 52 above is incorporated into the Subdivision Agreement between the Developer and the City of Hamilton to the satisfaction of the Niagara Peninsula Conservation Authority. The City of Hamilton shall circulate the draft Subdivision Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

Union Gas:

54. The owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Union.

Finance:

55. That, **prior to registration**, the applicant pay any outstanding Municipal Act / Best Effort Watermain and Sewer charges and the Outstanding Binbrook Stormwater Management Pond Charge of \$26,858.00.

Enbridge:

56. Thea permanent fence be added on both sides of the pipeline Right-of-Way for the duration of construction to eliminate the risk of unauthorized activity over the pipeline and an Enbridge Inspector must be present during fence installation to the satisfaction of Enbridge Pipelines Inc.

Notes to Draft Plan Approval

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