

**Revised Special Conditions for Draft Plan of Subdivision Approval for  
25T-200803R**

That the following revised special conditions for Draft Plan of Subdivision Approval for 25T-200803R be received and endorsed by City Council:

- a) That Condition Nos. 1, 26-28, 38, 103, 104, and 111 be deleted and replaced with the following:
  1. That this approval for the 'Redline Revision Draft Plan of Subdivision', prepared by Armstrong Hunter and Associates, and certified by Douglas E. Hunt, O.L.S., dated March 25, 2019, showing a maximum of 381 units consisting of: street townhouse dwellings with a lot frontage of 6.1m (Blocks 'A24', 'A25', 'A26', 'A27', 'A28', 'A29', and 'A30'), street townhouse dwellings with a lot frontage of 7.6m (Block 'A31'), single detached residential lots with a frontage of 9.2m (Blocks 'A11', 'A12', 'A13', 'A14', 'A15', 'A16', 'A17', 'A18', and 'A19'), single detached residential lots with a frontage of 11.0 m (Blocks 'A2', 'A3', 'A4', 'A5', 'A6', 'A20', 'A21', 'A22', and 'A23'), single detached residential lots with a frontage of 13.4 m (Blocks 'A1', 'A6', 'A7', 'A8', 'A9', and 'A10'), 7 open space blocks ('A', 'B', 'C', 'D', 'E', 'F', 'I', and 'J'), a stormwater management pond (Block 'C'), a sanitary sewer easement (Block 'G'), a road widening (Block 'H'), and public streets ('A', 'B', 'C', 'D', 'E', 'F', 'I', 'J', 'K', and 'L').
  26. That, **prior to preliminary grading**, the Owner agrees to submit a hydrogeological study, prepared by a qualified professional, that assesses impacts to existing and future homes, identify any significant recharge and discharge zone, and provide recommendations to mitigate the groundwater impacts, such as continuously running sump pumps both during construction and post construction and to undertake any remedial works, as recommended, including monitoring, to the satisfaction of the Senior Director, Growth Management Division.
  27. That, **prior to preliminary grading**, the Owner agrees, through a soil consultant or other qualified consultant, to: check existing wells which provide potable water supply to other properties located within a reasonable distance of the subject lands to establish the existing depth of water within wells, prior to the commencement of construction; monitor these wells during construction; and check wells for a period of one year after the completion of construction. Where, in the opinion of the City, if any problems arise, they must be appropriately addressed by the Owner, to the satisfaction of the Senior Director, Growth Management Division.
  28. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedules provision for the construction of a

sanitary sewer and watermain to service the lands of 403, 405, 407, 411, and 413 Upper Centennial Parkway. The sanitary sewer and watermain shall be constructed to the south limit of No. 403 Upper Centennial Parkway at 100% the Owner's cost, to the satisfaction of the Senior Director, Growth Management Division.

38. That, **prior to preliminary grading**, the Owner agrees to implement recommendations of a Geotechnical report, prepared by a qualified consultant, to the satisfaction of the Senior Director, Growth Management Division.
103. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedules provision for the installation of a 1.5m black vinyl chain link fence along the north property limit adjacent to the open space block (Block 'E'- Archaeological Site) and along the east property line of Block 'A30', to the Senior Director, Growth Management Division.
104. That, **prior to servicing**, the Owner include in the engineering design and cost estimates provision for:
- a. the removal of the temporary turnaround on Street "L" at 100% the Owner's cost, to the satisfaction of the Senior Director, Growth Management Division; and,
  - b. the installation of a permanent turning circle of minimum asphalt radius  $R=13.0m$  and minimum outside radius  $R=18.0m$ , and a vehicle barrier at the east limit of Street "L",
- to the satisfaction of the Senior Director, Growth Management Division.
111. That the Owner agrees they are aware the existing conditions of draft approval have not been updated to reflect the changes on the plan dated March 25, 2019. The clearance of each condition is subject to a review which will determine if further requirements are necessary, to the satisfaction of the Senior Director of Growth Management.
- b) That the following Condition Nos. 112 through 127 (inclusive) be added:

**Development Engineering:**

112. That, **prior to preliminary grading**, the Owner shall demonstrate that the existing building has been demolished and existing private services decommissioned / abandoned to the satisfaction of the Senior Director, Growth Management Division.

113. That, **prior to servicing**, the Owner shall include in the engineering design and cost schedules provision for the installation of a 1.5m wide sidewalk along the south side of Street "L" extending through Block 'J' to Green Mountain Road, to the satisfaction of the Senior Director, Growth Management Division and the Manager of Transportation Planning.
114. That, **prior to servicing**, the Owner shall include in the cost estimate schedules and provide cash-in-lieu for the construction of a minimum 1.5m wide concrete sidewalk along the entire frontage of Block 'A31', to the satisfaction of the Senior Director, Growth Management Division.
115. That, **prior to preliminary grading**, the Owner agrees at his 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.
116. That, **prior to preliminary grading**, the Owner shall demonstrate there is an adequate overland flow route, within Block 'E', from the rear yards of Block 'A31', all to the satisfaction of the Senior Director, Growth Management Division.
117. That, **prior to preliminary grading**, the minimum side yard setback along the east and west property lines of Block 'A30' and Block 'A31' shall be 2.0 metres, unless it can be demonstrated that a grading design can be accommodated within a setback less than 2.0 metres, in accordance with City standards, to the satisfaction of the Senior Director, Growth Management Division.
118. That, **prior to preliminary grading**, the Owner shall prepare a Landscape Plan / Planting Plan, which shall identify elements including but limited to plantings and guardrails, and include in the engineering design and cost

estimate schedules provision for the landscaping of Block 'J', including any necessary irrigation systems, all at 100% the Owner's cost, to the satisfaction of the Senior Director, Growth Management Division and the Manager of Development Planning, Heritage and Design, in consultation with the Director of Environmental Services and the Manager of Roads and Maintenance.

119. That, **prior to registration**, the Owner agrees to submit the necessary transfer deeds to the City's Legal Department to convey Block 'J' of the draft plan to the satisfaction of the Senior Director, Growth Management Division.
120. That, **prior to preliminary grading**, the Owner agrees to implement the recommendations in the Revised Landfill Impact Assessment titled "Redhill Developments, Empire Communities and 706870 Ontario Limited Nash Neighbourhood" revised and dated September 14, 2010 and prepared by MTE Consultants Inc. and peer review thereof, to the satisfaction of the Senior Director, Growth Management Division.

#### **Development Planning:**

121. That, **prior to servicing**, the Owner shall include in the engineering design for the subject lands, the inclusion of a noise barrier wall, as per Figure 2 of the addendum noise impact study titled "Addendum #2 - Noise Impact Study, Empire Communities Victory Phase 4 Hamilton, Ontario" dated June 13, 2019, prepared by HGC Engineering Limited, with a recommended minimum height of 2.2 m acoustical wall and berm combination be constructed along the easterly and northerly alignment along the side and rear of unit 15. The wall shall 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 noise barrier may change from those shown on Figure 2 based on final grading information once it becomes available.
122. That, **prior to registration**, the Owner 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:

#### **Lots 1 to 27**

*Warning Clause "E":*

"Purchasers / tenants are advised that due to the proximity of the adjacent Terra Environmental Stoney Creek Landfill, noise from the facility may at times be audible."

#### **Lots 8 to 14 and 17 to 23**

##### *Warning Clause "A"*

"Purchasers / tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the City of Hamilton and the Ministry of the Environment, Conservation and Parks."

#### **Lots 15 and 16**

##### *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 occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the City of Hamilton and the Ministry of the Environment, Conservation and Parks."

#### **Lots 8 to 23**

##### *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 and the Ministry of the Environment, Conservation and Parks."

123. That, **prior to registration**, the Owner 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:

"Purchasers / tenants are advised that the property is within 500 metres of the operational industrial, commercial and institutional TerraPure landfill."

124. That, **prior to registration**, the Owner agrees to provide and maintain a minimum of 8.0 metres of frontage along Street 'L' to the lands located at

403 Upper Centennial Parkway to the satisfaction of the Director of Planning and Chief Planner.

125. That, **prior to the issuance of building permit(s) for Unit 15**, which has been identified for noise mitigation measures, the builder's plans shall be certified by a Professional Engineer qualified to provide acoustical engineering services in Ontario as being in compliance with the recommendations of the Original Noise Feasibility Study prepared by HGC Engineering Limited (dated September 29, 2015), and the addendum noise impact study titled "Addendum #2 - Noise Impact Study, Empire Communities Victory Phase 4 Hamilton, Ontario" dated June 13, 2019, as approved, to the satisfaction of the Director of Planning and Chief Planner. Prior to final inspection and release for occupancy, this dwelling shall be certified by a Professional Engineer qualified to provide acoustical engineering services in Ontario as being in compliance with the recommendations of the Noise Study to the satisfaction of the Director of Planning and Chief Planner.
126. That, **prior to registration**, and at the Owner's expense, the Owner shall submit a Site Plan and Elevation Drawings for the newly created blocks to the satisfaction of the Manager of Development Planning, Heritage and Design, and which shall include:
- a. Enhanced architectural design for façades and yards facing Green Mountain Road West, consistent and compatible with building design for townhouses in Block 'A29'; and,
  - b. Private metal fence partitions, with a maximum height of 1.2 metres, and minimum 1.2 m wide concrete walkways leading from the porch to the public sidewalk, for each unit facing Green Mountain Road.

#### **Parks and Cemeteries:**

127. That, **prior to preliminary grading**, the Owner shall enter into an agreement with the City to provide:
- a. a cash payment for the future care and maintenance of landscaping of Block 'J', including any necessary irrigation systems, in an amount agreed to in the engineering design and cost estimate schedules; and,
  - b. securities for any replacement, if necessary, for the landscaping of Block 'J', including any necessary irrigation systems. The securities for replacement shall not be less than 100% of the cost estimate as

referred to in Condition No. 118, and shall be kept in force until the works are certified and upon the two-year maintenance period, whereupon any unused portions of the securities shall be released;

all to the satisfaction of the Director of Environmental Services and the Manager of Roads and Maintenance.

**Union Gas:**

128. That **prior to registration of the plan of subdivision**, the owner / developer provide to Enbridge Gas Inc.'s operating as Union Gas, ("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.

**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 3 years. However, extensions will be considered if a written request is received two months before the draft approval lapses.
2. **"Acknowledgement:** The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances and the proponent is advised to conduct an archaeological assessment prior to such impacts in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392)."

**Recycling and Waste Disposal:**

3. This property is eligible for municipal waste collection service subject to meeting the City's requirements indicated by the Public Works Department and subject to compliance with the City's Solid Waste Management By-law 09-067, as amended. The property owner must contact the City by email [wastemanagement@hamilton.ca](mailto:wastemanagement@hamilton.ca) or by telephone 905-546-CITY (2489) to request waste collection service. Waste Management staff will complete a site visit to determine if the property complies with the City's waste collection requirements.