

Special Conditions for Draft Plan of Subdivision Approval for 25T-202010

That this approval for the Draft Plan of Subdivision, 25T-202004, prepared by A.J. Clarke and Associates Ltd. and certified by Nicholas. P. Muth, O.L.S., dated July 5, 2021 consisting of seven lots (Lots 1 to 7), of which six (Lots 2-7) are for street townhouse dwellings, and one (Lot 1) is for a single detached dwelling, and one block (Block 8) for a right of way dedication be received and endorsed by City Council with the following special conditions:

Development Engineering:

1. That, **prior to registration of the final plan of subdivision or prior to servicing whichever comes first**, and prior to proceeding with detailed engineering or site servicing design review, the Owner shall submit a written request to the Senior Director of Growth Management Division which includes verification to support the amount of wastewater capacity allocation required for the lands to be serviced and obtain written confirmation that the requested allocation has been secured, all to the satisfaction of the Director of Growth Management.
2. That, **prior to registration of the final plan of subdivision**, the Owner agrees that the final plan of the subdivision shall include a 5.18 metre block widening 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 Rymal Road West at 18.288m (60 feet) from the center line of the original road allowance, to the satisfaction of the Director of Growth Management.
3. That, **prior to registration of the final plan of subdivision** the Owner shall pay the outstanding servicing cost related to the existing 0.3m reserve along Davinci Boulevard, described as Block 119 on 62M-1118, to the satisfaction of the Director of Growth Management.
4. That, **prior to preliminary grading**, the Owner agrees to provide a plan or procedure for dealing with issues concerning dust control and street cleaning 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, to the satisfaction of the Director of Growth Management.
5. That, **prior to registration of the final plan of subdivision**, the Owner shall submit a parking plan to demonstrate that 40 % on-street parking is achieved based on the total number of dwellings and in accordance with the City's Comprehensive Development Guidelines, to the satisfaction of the Director of Growth Management.

6. That, **prior to registration of the final plan of subdivision**, the Owner shall indicate all driveway locations on the engineering drawings so that no driveway shall be located within a daylight triangle, all to the satisfaction of the Director of Growth Management.
7. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimate schedule provision for full reconstruction of Davinci Boulevard from Rymal Road to the south limit of the draft plan of subdivision including the abandonment/installation of services, removal of the existing driveway, installation of a concrete sidewalk, curb and boulevard, relocation of all above ground or underground utilities, all at the Owner's expense, to the satisfaction of the Director of Growth Management.
8. That, **prior preliminary grading**, the Owner shall submit a Storm Water Management report prepared by a qualified Professional Engineer and to the satisfaction of the Director of Growth Management, to demonstrate how the increased storm water runoff from the subject development will be handled for all ranges of storm events including the 100 year storm through the infiltration system proposed along the rear yards of Lots 1 to 7 inclusive using in-suite infiltration test results in accordance with the City of Hamilton standards and MECP guidelines. In addition, the Owner shall consider the following:
 - a. The proposed infiltration system must be designed independently on each lot to accommodate the storm water run off volume from each lot. The infiltration system on each lot must be registered on title.
 - b. The top of grate elevation for the rear yard catch basin shall be set a minimum of 0.3m above the 100- year HGL of the storm sewer on Davinci Boulevard.
 - c. A blanket reciprocal easement in favour of the all landowners for Lots 1-7 must be registered against each lot to ensure maintenance and operation of the storm infiltration system within the rear yards
9. That, **prior to pre-grading**, the Owner shall investigate the noise levels on the site and determine and implement the noise control measures, that will be satisfactory to the City of Hamilton and meeting the Ministry of Environment, Conservation and Parks recommended sound level limits, to the satisfaction of the of the Senior Director, Growth Management.

10. That, the following special condition shall be inserted in Part 1 of the Subdivision Agreement:

That, the Owner shall agree in the Subdivision Agreement, to include the following clause in all Purchase and Sale Agreements and/or rental or lease agreements to the satisfaction of the Director of Growth Management:

A rear yard storm water infiltration system exists at the rear yard of this lot. The Owner of this lot shall not on, in or over the land, excavate, drill, install, erect or build, plant any tree, pavement, building or structure. Further, the Owner takes full responsibility for the maintenance and operation of the Infiltration system.

Development Planning:

11. That, **prior to prior to registration of the plan of subdivision**, the Owner shall provide and agree in entirety with the Subdivision Agreement to implement elevation drawings by a qualified architect or urban designer, to the satisfaction of the Director of Planning and Chief Planner.
12. That, **prior to preliminary grading and / or servicing**, the Owner shall prepare a Tree Preservation / Enhancement Plan, showing the location of drip lines, edges and existing plantings, the location of all existing trees and the method to be employed in retaining trees required to be protected; and to implement all approved tree saving measures. The implementation of the Plan shall include a Verification of Tree Protection Letter, prepared by a qualified professional, all to the satisfaction of the Director of Planning and Chief Planner.
13. That, **prior to registration of the plan of subdivision**, the Owner shall provide a Landscape Plan prepared by a certified Landscape Architect to the satisfaction of the Director of Planning and Chief Planner. The Landscape Plan is to show the placement of compensation trees required for any tree removals completed in accordance with the approved Tree Protection Plan. The minimum size of trees required for compensation are to be in accordance with the City's Tree Protection Guidelines (revised October 2010). In the event that the owner cannot provide for all trees on site, the owner shall provide cash-in-lieu for the remaining trees.

Noise

14. That, **prior to registration**, the following warning clauses shall be included within all offers and agreements of purchase and sale or lease and noted within the Subdivision Agreement to the satisfaction of the Director of Planning and Chief Planner:

Lots 1 - 6

Noise Warning Clauses:

- a) Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling unit occupants as the sound levels exceed the Municipality's and the Ministry of the Environment, Conservation and Parks' noise criteria; and,
- b) This dwelling unit has been fitted with a forced air heating system and the ducting etc., was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment, Conservation and Parks' noise criteria. (Note: the location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and comply with the criteria of MOE publication NPC-216 Residential Air Conditioning Devices).

Lot 7

- c) Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building unit, sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the City of Hamilton's and the Ministry of Environment, Conservation and Parks' noise criteria. The acoustical barrier as installed shall be maintained, repaired or replaced by the owner. Any maintenance, repair or replacement shall be with the same material, to the same standards and having the same colour and appearance of the original; and,
- d) This dwelling unit has been supplied with a central air conditioning system which allows windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the noise criteria of the City of Hamilton and the Ministry of Environment, Conservation and Parks.

Forestry and Horticulture Section, Public Works Department:

15. That, **prior to preliminary grading and / or servicing**, the Owner shall submit a Tree Management Plan and the payment of all applicable fees, all to the satisfaction of the Forestry and Horticulture Section, Public Works Department.

Canada Post:

16. That **prior to registration of the plan of subdivision**, the Owner shall include in all offers of purchase and sale and lease or rental agreements, a statement that advises the prospective purchaser:
- i. That the home / business mail delivery will be from a designated Centralized Mail Box; and,
 - ii. That the developers / owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
17. That **prior to registration of the plan of subdivision**, the Owner agrees to:
- i. Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision;
 - ii. Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes;
 - iii. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision;
 - iv. Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans; and,
 - v. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
18. Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly and more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will

be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Bell Canada:

19. That **prior to registration of the plan of subdivision**, the Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.

Rogers Communication Inc.:

20. That **prior to registration of the plan of subdivision**, the owner / developer shall provide to Rogers Communications Inc. ("Rogers") the necessary easements and / or agreements required by Rogers for the provision of telecommunications services for this project, in a form satisfactory to Rogers.

Union Gas:

21. That **prior to registration of the plan of subdivision**, the owner / developer shall 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.

Alectra:

22. That **prior to registration of the plan of subdivision**, the owner / developer shall provide to Alectra, ("Alectra Utilities") the necessary easements and / or agreements required by Alectra for the provision of hydro services for this project, in a form satisfactory to Alectra.

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 a written request is received two months before the draft approval lapses.

Recycling and Waste Disposal:

2. This development is eligible for municipal waste collection and will be required to follow the requirements under the Waste Management System By-law No. 20-221. The development can set out their waste along the curbside in front of their

dwelling units. The developer is responsible for all waste removal up until the time municipal collection service is initiated.

3. Information concerning the City’s requirements for waste management services for new developments is available in the “City of Hamilton Waste Collection Design Standards for New Developments and Redevelopments”. This document is available as Appendix 21 at the following link: <https://www.hamilton.ca/develop-property/policies-guidelines/site-plan-guidelines>.