

**Special Conditions for Draft Plan of Subdivision Approval for 25T- 201703**

That this approval for the Draft Plan of Subdivision, 25T-201703, prepared by A. Buonamici, and certified by Nicholas P. Muth, O.L.S., dated April 29, 2022, consisting of 35 lots for single detached dwellings (Lots 1-35); a temporary turning circle (Block 38); seven future development blocks (Blocks 39-44 and 50); a future linkage block (Block 51); 0.3 m reserve blocks (Blocks 36, 37, 45-48, and 52); a public right of way block (Block 49); and, public roads (Lakeside Drive and Cove Crescent extensions), be received and endorsed by City Council with the following special conditions:

**Development Engineering:**

1. That, **prior to servicing**, the Owner shall include in the Engineer's design and cost estimates for the provision of a 1.5 m concrete sidewalk in the following locations:
  - a. North and south sides of Lakeside Drive, including around the cul-de-sac;
  - b. The east side of the east leg of Cove Crescent, including an extension to the existing sidewalk located at 15 Cove Crescent; and,
  - c. The west side of the west leg of Cove Crescent;all to the satisfaction of the Director, Growth Management and the Manager of Transportation Planning.
2. That, **prior to servicing**, the Owner shall include in the Engineer's design and cost estimates for the provision of reconstructing and reorientation of the driveway apron of 149 Cove Crescent, between the sidewalk and curb, and curb depression such that the apron is perpendicular to the proposed road and curb depression is centered on the existing garage, to the satisfaction of the Director, Growth Management.
3. That, **prior to registration of the plan of subdivision**, 4.5 m by 4.5 m daylight triangles shall be establish on the final plan of subdivision at the following locations:
  - a. Lakeside Drive at the northwest corner of the future Lakeside Drive and Jones Road;
  - b. Cove Crescent (east leg) southeast and southwest corners with Lakeside Drive; and,
  - c. Cove Crescent (west leg) southeast and southwest corners with Lakeside Drive;

all to the satisfaction of the Director, Growth Management.

4. That, **prior to registration of the plan of subdivision**, the Owner agrees, at their sole expense, to remove, relocate, as may be required, all affected utility poles, hydrants, pedestals, hydro vaults, etc., on Lakeside Drive, Cove Crescent, and Jones Road, to the satisfaction of the Director, Growth Management.
5. That, **prior to servicing**, the Owner shall include in the Engineer's design and cost estimates for the provision of a 1.5 m tall black vinyl chain link fencing along the east and west property limits of Block 51, to the satisfaction of the Director, Growth Management.
6. That, **prior to registration of the plan of subdivision**, the Owner agrees to register 6.0 m wide easements between Lots 1 and 2 and along the rear of Lot 2, above the hazard limit, in favour of Lots 1, 2, and 3 to provide access to permit maintenance of the proposed retaining wall/shoreline protection, to the satisfaction of the Director, Growth Management.
7. That, **prior to registration of the plan of subdivision**, the Owner shall obtain a 10.0 m wide servicing easement to permit construction of the municipal underground services, access, and maintenance across lands identified as 515 Jones Road, to the satisfaction of the Director, Growth Management.
8. That, **prior to servicing**, the Owner shall include in the Engineer's design and cost estimates for the provision of municipal services to the existing homes along the north side of proposed Lakeside Drive, to the satisfaction of the Director, Growth Management.
9. That, **prior to servicing**, the Owner shall demonstrate that they have all necessary clearances and approvals that may be required for the proposed encroachment beyond the flood hazard limit by all pertinent agencies (Conservation Authority, Ministry of Natural Resources, etc.), to the satisfaction of the Director, Growth Management.
10. That, **prior to servicing**, The Owner shall submit the Geotechnical Report complete with recommendations regarding the shallow cover over the proposed storm sewer. Furthermore, the Geotechnical Report shall be submitted with first submission of the detailed engineering design, to the satisfaction of the Director, Growth Management.
11. That, **prior to registration of the plan of subdivision**, that the Owner agrees to transfer to the City 0.3 m reserves in the following locations:
  - a. The east and west limits of the proposed Lakeside Drive right-of-way, excluding the existing 6.0m laneway; and;

b. Blocks 42 to 44 (inclusive) and Block 50;

all to the satisfaction of the Director, Growth Management.

12. That, **prior to servicing**, the Owner shall obtain all required permissions to construct the Lakeside Drive sanitary sewer to Jones Road, to the satisfaction of the Director, Growth Management.
13. That, **prior to registration of the plan of subdivision**, the Owner shall agree to transfer to the City and designate as public highway Block 38 for the purpose of a turning circle at the west end of the proposed Lakeside Drive ROW. If at a future date the Sunvale Place road connection to Lakeside Drive is completed through a future development application and the City deems that the turning circle is no longer required, then upon completion of the road connection, associated removals and restoration, the City would agree to start the process to stop-up, close and transfer Block 38 to the Owner when the lands are no longer required by the City, and the Owner has demonstrated that all costs related to the removal of the turning circle have been paid, to the satisfaction of the Director, Growth Management.
14. That, **prior to registration of the plan of subdivision**, the Owner acknowledges that Block 39 shall remain undevelopable until such a time as the extension of Sunvale Place to Lakeside Drive is completed. Further, should the extension of Lakeside Drive to Sunvale Place not ultimately be completed that Block 39 will continue to be undevelopable, to the satisfaction of the Director, Growth Management.
15. That, **prior to registration of the plan of subdivision**, the Owner shall agree that Block 50 shall be considered undevelopable until such a time as it is merged with an adjacent property and a suitable grading plan is submitted, to the satisfaction of the Director, Growth Management.
16. That, **prior to servicing**, the Owner shall include in the Engineer's design and cost estimates for the provision of a new watermain in the standard location within the ROW and removal or abandonment of the existing watermain where the existing 6m laneway will be replaced with a full municipal road. The watermain construction, commissioning, all associated removals, abandonment, restoration, etc. shall be at the Developer's sole cost, to the satisfaction of the Director, Growth Management.
17. That, **prior to registration of the plan of subdivision**, the Owner shall demonstrate how a minimum of 40% on-street parking, based on the number of proposed and existing lots, will be provided for the existing and proposed lots fronting proposed Lakeside Drive and proposed Cove Crescent, while also providing 1:1 compensation for the loss of the eight existing neighbourhood on-

street parking spaces from the portion of Cove Crescent to be removed, to the satisfaction of the Director, Growth Management.

18. That, **prior to servicing**, the Owner's Engineer shall submit for approval a satisfactory Construction Staging and Access Plan. The Plan shall be as part of a complete first submission detailed engineering package and demonstrate how access will be maintained to the existing residents during all stages of construction, to the satisfaction of the Director, Growth Management.
19. That, **prior to registration of the plan of subdivision**, the Owner agrees that Lot 4 shall be undevelopable until such a time as a grading design demonstrates how the proposed grading and drainage will reconcile with the adjacent properties to the east and west, to the satisfaction of the Director, Growth Management.
20. That, **prior to servicing**, the Owner shall submit an updated stormwater management report prepared by a qualified professional engineer to demonstrate how stormwater runoff quantity and quality controls will be handled in accordance with City and MECP standards which shall include the following: a. The Owner shall design and construct the minor and major conveyance system to convey uncontrolled flows from the subject development including all external drainage areas from the south side of the subject development to Lake Ontario at their own cost, to the satisfaction of the Director, Growth Management and the Hamilton Conservation Authority.
21. That, **prior to registration of the plan of subdivision**, the Owner shall agree to regularly inspect and maintain the existing approx. 6 m gravel access between Jones Road and approx. 54 m west of Jones Road in perpetuity, until such a time as the City deems it is no longer required. The Owner's Engineer shall provide a cost estimate to indicate what the anticipated inspection and maintenance cost would be and these costs shall be included in the subdivision securities, to the satisfaction of the Director, Growth Management.
22. That, **prior to registration of the plan of subdivision**, the Owner shall agree to regularly inspect and maintain the existing approx. 6 m gravel access between the west limit of the proposed subdivision and approximately 58 m west of the proposed western subdivision limit in perpetuity, until such a time as the City deems it is no longer required. The Owner's Engineer shall provide a cost estimate to indicate what the anticipated inspection and maintenance costs would be and these costs shall be included in the subdivision securities, to the satisfaction of the Director, Growth Management.
23. That, **prior to registration of the plan of subdivision**, the Owner shall agree in writing to transfer Block 49 to the City and dedicate it as a municipal ROW upon request and within 45 days advanced written notice from the City. The Owner shall be responsible for all associated costs to dedicate and transfer, to the satisfaction of the Director, Growth Management.

24. That, **prior to preliminary grading**, the Owner shall submit a grading design that adequately addresses the following:
- a. The large boulevard and driveway apron slopes exceeding 7%;
  - b. Shall obtain written permission from the existing residents to reconstruct the existing driveways on private lands such that the reconstructed driveway and apron together do not exceed the maximum permitted slope;
  - c. Shall be responsible for 100% of all costs to obtain the necessary permissions from the adjacent Owners, removals, reconstruction, and restoration; and,
  - d. The Owner shall include a detailed removals and restoration plan in their first detailed submission outlining all of the required works including any associated regrading and landscaping on the private lots that may result from the removals and reconstruction;
- all to the satisfaction of the Director, Growth Management.
25. That, **prior to servicing**, the Owner shall include in the Engineering Design and Cost schedule provision for the removal of the temporary portion of Cove Crescent, as well as any removals, transitional road work and regrading, to the satisfaction of the Director, Growth Management.
26. That, **prior to registration of the plan of subdivision**, the Owner shall prepare a reference plan and obtain from the City, for nominal consideration and at the sole expense of the Owner, the lands to be transferred in accordance with Condition 25 of Schedule "C" of the Harbours of Bayview Estates, Phase 2 subdivision agreement dated July 25, 1989, being the temporary portion of Cove Crescent located in the vicinity of Blocks 103, 104 and 105 on Plan 62M-645 for the development of future Lots 18, 19, 20, 32, 33, and 34, all to the satisfaction of the Director, Growth Management and the City Solicitor.
27. That, **prior to servicing**, the Owner shall include in the Engineer's design and cost estimates provision for the servicing to all existing properties (up to front property line) with frontage onto the proposed ROW as well as 2, 4, and 6 Lakeside Drive, to the satisfaction of the Director, Growth Management.
28. That, **prior to registration of the plan of subdivision**, the Owner shall pay 50% of the servicing costs to complete the future section of Lakeside Drive between the currently proposed full ROW and Jones Road (presently approximately 54 m), to the satisfaction of the Director, Growth Management.

**Development Planning:**

29. That, **prior to preliminary grading**, the Owner shall submit a revised Tree Protection Plan, showing the location of drip lines, edges and existing plantings, the location of all existing trees, including trees within the City owned rights-of-way, and the method to be employed in retaining trees required to be protected; and to implement all approved tree savings 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.
30. That, **prior to preliminary grading**, the Owner shall submit a Landscape Plan prepared by a certified Landscape Architect (OALA) to the satisfaction of the Director of Planning and Chief Planner, which outlines the following:
  - a. The placement of compensation trees required for the removal of any tree (10 cm DBH or greater) as per an approved Tree Protection Plan; and,
  - b. Trees and shrubs shall be planted within Block 51 to replicate the function of the Linkages. The plant material is to be comprised exclusively of native species and is to include deciduous and coniferous trees as well as shrubs. The minimum caliper size for deciduous trees is 50 mm DBH while the minimum height for coniferous trees is 1.5 metres.
31. That, **prior to registration of the plan of subdivision**, the Owner shall agree in writing to dedicate Block 51 to the City of Hamilton, and further agree that Block 51 shall not contribute to parkland dedication, to the satisfaction of the Director of Planning and Chief Planner.

**Growth Planning:**

32. That **prior to registration of the plan of subdivision**, the Owner shall work with Growth Planning staff to finalize municipal addressing for the individual Lots and Blocks, to the satisfaction of the Director of Growth Management.

**Transportation Planning:**

33. That **prior to servicing**, the Owner shall submit a conceptual pavement markings and traffic signage plan for the subject lands, to the satisfaction and approval of the Manager of Transportation Planning.

**Hamilton Conservation Authority:**

34. That, **prior to preliminary grading and/or servicing**, the Owner shall prepare and implement an erosion and sediment control plan, grading plan, and drainage plan for the subject property, all to the satisfaction of the Hamilton Conservation Authority.
35. That, **prior to preliminary grading and/or servicing**, the Owner shall prepare and implement a detailed design of the proposed retaining wall / shoreline protection, to the satisfaction of the Hamilton Conservation Authority.
36. That, **prior to preliminary grading and/or servicing**, the Owner shall obtain a permit from the Hamilton Conservation Authority under Ontario Regulation 161/06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) made under the Conservation Authorities Act, R.S.O. 1990 prior to any watercourse or shoreline alteration, construction and/or grading activities within HCA's Regulated Area, to the satisfaction of the Hamilton Conservation Authority.

**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.

**Recycling and Waste Disposal:**

2. 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.