

Special Conditions for Draft Plan of Subdivision Approval for 25T- 201701

That this approval apply to the Draft Plan of Subdivision “City View Estates” 25T-2017001, certified by Nicholas P. Muth, O.L.S., dated August 18, 2022, consisting of 25 lots for single detached dwellings (Lots 1 to 25), one block for parkland for the connection to a future Neighbourhood Park (Block 26), six blocks for townhouse and street townhouse development (Blocks 27 to 34), three blocks for stormwater management (Blocks 35 to 37), two blocks for natural open space protection (Blocks 38 and 39), three blocks for right of way dedications (Blocks 40 to 42), and the extension of a public roadway (Street “A”), be received and endorsed by City Council with the following special conditions:

Development Engineering:

1. That, **prior to registration of the plan of subdivision**, the Owner acknowledges and agrees that any blocks created within this subdivision that are subject to Site Plan Control will require the land owner to enter into a Site Plan Agreement with the City including a requirement to provide sanitary sewer flow monitoring in order to confirm that no inflow and infiltration (I&I) is entering the sanitary sewer system, to the satisfaction of the Director of Growth Management.
2. That, **prior to registration of the plan of subdivision**, the Owner shall demonstrate that the necessary lands have been obtained in order to dedicate the full Right-of-Way lands of Bradshaw Drive to the ultimate north limit to the City of Hamilton under the Owner’s Certificate on the final plan of subdivision and transfer, free and clear of all mortgages and charges those lands which are required to be so transferred by the conditions of approval or a specified on the approved Draft Plan, to the satisfaction of the Director of Growth Management.
3. That, **prior to preliminary grading**, the Owner shall include in the design and cost schedules the extension of Bradshaw Drive to the ultimate north limit of the road, to the satisfaction of the Director of Growth Management.
4. That, **prior to servicing**, where services are to be constructed in rock, the Owner shall conduct a pre-condition survey of residences within 100 metres and notify residents of rock removal within 200 metres of that phase of construction, to the satisfaction of the Director of Growth Management.
5. That, **prior to servicing**, the Owner shall submit a rock removal protocol and vibration monitoring plan, including a pre-construction survey and associated cost estimates, prepared by a licensed professional engineer. All associated costs will be borne by the Owner and shall be included in the engineering cost schedules, to the satisfaction of the Director of Growth Management.

6. That, **prior to servicing**, the owner shall include in the engineering design and cost schedules the urbanization of First Road West from the existing limit of the urbanized cross-section at approximately 120 metres north of Bedrock Drive to the north limit at Ridgeview Drive, to the satisfaction of the Director of Growth Management.
7. That, **prior to registration of the plan of subdivision**, the Owner shall pay their proportionate share for the urbanization of First Road West per the City's Financial Policies, to the satisfaction of the Director of Growth Management.
8. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimates provision for the removal of any temporary road and turnaround works at the existing east limit of Ridgeview Drive entirely at the Owner's cost, to the satisfaction of the Director of Growth Management.
9. That, **prior to servicing**, the Owner be required to relocate, as required, all affected utility poles, hydrants, pedestals, hydro vaults, etc. on First Road West and Bradshaw Drive entirely at the owner's expense, to the satisfaction of the Director of Growth Management.
10. That, **prior to preliminary grading**, the Owner agrees in writing that the removal of any existing structures (i.e. septic beds, buildings, sheds, etc.) will be at the sole cost to the owner, to the satisfaction of the Director of Growth Management.
11. 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 accordance with the City's financial policies in the following locations as identified on the Draft Plan with revision date 2022-08-19:
 - Along the East, West and South sides of the Park Block 26;
 - Along both east and west sides of Blocks 35 and 36 to the rear lot lines of Blocks 31 and 32;
 - Along the rear lot line of Blocks 29 to 34 inclusive where these blocks meet Blocks 38 and 39;
 - Along the east and west sides of Block 37; and,
 - Along the south limits of Blocks 27, 28 and 37 where those blocks share a boundary with the adjacent SWM pond to the south of the subject lands

All to the satisfaction of the Director of Growth Management.

12. 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 soil;
 - 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; and,
 - h. Identifies any items to be relocated, such as affected utility poles, hydrants, pedestals, hydro vaults, etc. on Ridgeview Drive, Bradshaw Drive and First Road West,
- all to the satisfaction of the Director of Growth Management.
13. That, **prior to registration of the plan of subdivision**, the Owner agrees to put the following warning clause in the purchase and sale agreements, rental or lease 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."
- to the satisfaction of the Director of Growth Management.
14. That, **prior to registration of the plan of subdivision**, the Owner agrees to put the following warning clause in the purchase and sale agreements, rental or lease 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.”

to the satisfaction of the Director of Growth Management.

15. 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 Director of Growth Management.
16. That, **prior to registration of the plan of subdivision**, the Owner agrees to submit the necessary transfer deeds to the City’s Legal Department to convey
 - a. Park Block 26;
 - b. Servicing Blocks 35, 36, and 37;
 - c. Road widening Blocks 40 and 42;
 - d. Daylight Triangle Block 41;of the draft plan dated August 18, 2022, to the satisfaction of the Director of Growth Management.
17. That, **prior to registration of the plan of subdivision**, the Owner acknowledges and agrees that no contributions shall be made by the City for any infrastructure on or off site beyond those required by the City’s Financial Policies to the satisfaction of the Director of Growth Management.
18. That, **prior to registration of the plan of subdivision**, the Owner agrees that the no cost recoveries will be permitted unless otherwise specified in accordance with the City’s Comprehensive Development Guidelines and Financial Policies, to the satisfaction of the Director of Growth Management.
19. That, **prior to registration of the plan of subdivision**, the Owner shall agree to include in all offers of Purchase and Sale, rental or lease agreements 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 Director of Growth Management.
20. That, **prior to servicing**, the Owner shall provide a revised Functional Servicing Report that includes a detailed design of the sanitary sewer system that addresses how the development will interact with the surrounding developments including 478 and 490 First Road West (Nash Neighbourhood developments)

and 481 First Road West (CHCH lands) under their fully- developed forms and demonstrate adequate sanitary capacity downstream to the existing sanitary sewer on Crafter Crescent, to the satisfaction of the Director of Growth Management Division.

21. That, **prior to registration of the plan of subdivision**, the Owner shall agree that the servicing of the subject lands cannot commence until the SWM facility on the abutting Nash Neighbourhood Phase 2 (25T-201611) lands has been implemented and is operational, unless the design of an interim SWM facility is finalized/approved and it can be demonstrated that:
- a. A phased approach can be completed with a suitable servicing option maintaining the existing condition drainage regime including Regional storm event flow path through the subject land;
 - b. The implementation of such (interim grading and drainage control) will not adversely impact the ability to service the rest of the lands including implementation of the remaining portion of Street “A” and abutting land (Nash Neighbourhood Phase 2, 25T-201611) to the south;
 - c. The implementation of the Centennial fall storm outlet is in accordance with the Davis Creek Sub-watershed study recommendations and that there are no negative impacts on the downstream system below escarpment; and,
 - d. Blocks 27 and 28 shall remain undevelopable until such a time as the ultimate storm water management pond facility is approved by all approval agencies with jurisdiction (MECP, City, NEC, HCA),

to the satisfaction of the Director of Growth Management Division.

22. That, **prior to registration of the plan of subdivision**, the Owner shall include in the design and cost estimate of the first phase of works:
- a. A continuous watermain along Street ‘A’ and Ridgeview Drive between First Road West and Bradshaw Drive with extensions of the existing watermain on both First Road West to complete these connections and create a looped watermain system; and,
 - b. A continuous urbanized road cross section along the entire length of Street ‘A’ and Ridgeview Drive that meets current City standards with connections to both First Road West and Bradshaw Drive,

to the satisfaction of the Director of Growth Management Division.

23. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedules provision for the construction of a sanitary sewer along Ridgeview Drive, Street 'A' and the extension of Bradshaw Drive from its current limits that can accommodate sanitary flows from the development lands at 481 First Road West under the ultimate development condition for those lands at 100% the Owner's cost, to the satisfaction of the Director of Growth Management.
24. That, **prior to servicing**, the owner will be required to demonstrate that the storm conveyance Block 37 has been adequately designed in line with low elevation point on Street 'A' and without having an adverse impact on Blocks 27 and 28, to the satisfaction of the Director of Growth Management Division.
25. That, **prior to registration of the plan of subdivision**, the owner agree that the blocks 27 & 28 will be on hold until the detailed engineering design has demonstrated the following:
 - a. The storm conveyance Block 37 has been adequately sized and designed to accommodate a storm sewer outlet and overland drainages from both blocks including Street 'A' in line with a low point on Street 'A' without having any impact on Blocks 27 and 28;
 - b. The top of grate (TOG) elevations for all RYCB's along the south limit on both Blocks 27 and 28 are set a minimum of 0.3 m above the maximum water elevation on the emergency spillway of the SWM pond on the abutting land to the south. All RYCB shall be designed considering 50% blockage conditions; and,
 - c. The 5-year hydraulic grade line (HGL) considering 5-year operating level in the abutting pond (Nash 3 pond) is below obvert of the proposed storm sewer on Street 'A' and Block 37,to the satisfaction of the Director of Growth Management Division.
26. That, **prior to registration of the plan of subdivision**, the owner will be responsible to pay for the design and construction of the proposed storm sewers within the SWM facility on the abutting land to the south which will facilitate the development on the subject lands to the satisfaction of the Director of Growth Management Division.
27. That, **prior to registration of the plan of subdivision**, the owner agrees that Block 32 will not be developable until the stormwater outfall Blocks 35 and 36 have been designed and adequately sized from Street 'A' to Centennial Falls in

accordance with the NEC and City standards and that the storm outfall design shall consider the following:

- a. The design demonstrates that the proposed 100-year uncontrolled flows through the Centennial Outfall can safely be conveyed by the existing downstream conveyance system including the culvert on Upper Centennial Parkway without any impacts on private properties;
- b. The storm design shall consider a minimum of 2.75 m depth of cover on storm sewer on Street 'A'; and,
- c. A maintenance access road from Street 'A' to the outfall headwall,

all to the satisfaction of Director of Growth Management.

- 28. That, **prior to servicing**, the Owner shall secure their proportionate share of the ongoing operation and maintenance and monitoring of the storm water management pond located on abutting land (Nash Neighbourhood Phase 2, 25T-201611) through all phases of development, to the satisfaction of the Director, Growth Management Division.
- 29. That, **prior to servicing**, the Owner submits a stormwater management report prepared by a professional engineer to demonstrate how stormwater runoff quantity and quality will be handled in accordance with Davis Creek Sub-watershed study and MECP standards, to the satisfaction of the Director of Growth Management Division.
- 30. That, **prior to the issuance of building permits**, the Owner agrees to demonstrate that the following condition is included in any building permit to be issued for all lots/blocks within 500m of the Operating and Closed Landfills:

"A clayey silt soil layer is required to be added to the bottom of the basement excavation prior to foundation work being performed in accordance with the subdivision agreement. The Owner shall provide the Building Inspector with a confirmation from a Professional Engineer that the clayey silt soil layer has been installed in accordance with 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 as required in the subdivision agreement, prior to pouring the footings."

to the satisfaction of the Director of Growth Management.

31. That, **prior to the issuance of building permits**, the Owner shall demonstrate and provide certification by a qualified professional engineer that the minimum depth of clayey silt soil required between the highest- groundwater elevation and the basement foundation for all lots within 500 metres of the Operating and Closed Landfills has been placed as required 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 Director of Growth Management.
32. 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 Director of Growth Management.
33. That, **prior to registration of the plan of subdivision**, the Owner agrees to pay all outstanding costs including cost recoveries associated with the draft plan lands, to the satisfaction of the Director of Growth Management.
34. That, **prior to preliminary grading**, 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 Director, Hamilton Water.

35. 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 units, will be provided for the proposed lots and blocks, to the satisfaction of the Director, Growth Management.
36. That, **prior to registration of the plan of subdivision**, the Owner shall transfer all Blocks that are scheduled to be transferred to the City on the Draft Plan as part of the initial phase of development, to the satisfaction of the Director of Growth Management.

Heritage and Urban Design:

37. 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 Blocks adjacent to the VPZ, any grading changes must be accommodated outside of the VPZ and the lot lines must be adjusted accordingly to the satisfaction of the Director of Planning and Chief Planner and the Hamilton Conservation Authority.
38. That, **prior to grading and servicing**, the Owner shall include in the engineering design and cost estimate installation of a minimum 1.5 metre high chainlink fence along the rear of Blocks 29-34 that abut the Vegetation Protection Zone to the satisfaction of the Director of Planning and Chief Planner and Senior Director of Growth Management. For the fences that are to be built in the rear of Blocks 29-34, gates shall be prohibited.
39. That, **prior to grading and servicing**, the Owner/applicant is to complete a reassessment of the Butternut tree on site in accordance with the Province's Butternut Health Assessment Guidelines. If determined that the tree is retainable, the removal is subject to the *Endangered Species Act* under the jurisdiction of the Ministry of Environment, Conservation and Parks (MECP). Written correspondence from the MECP is to be provided by the Owner/applicant to the satisfaction of the Director of Planning and Chief Planner.
40. That, **prior to grading or servicing**, the owner is to be aware of the *Migratory Birds Convention Act, 1994* and agrees that removal of vegetation on the subject lands is to occur outside of the breeding bird season. The breeding bird season is March 31-August 31. If 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.

41. That, **prior to registration**, the Owner/developer shall prepare and implement a Vegetation Protection Zone (VPZ) Planting Plan to the satisfaction of the Director of Planning and Chief Planner and the Hamilton Conservation Authority. The VPZ Planting 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.
42. 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 features and how the homeowner can minimize their impact on these features and their functions.
43. 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 Adesso Design Inc. to the satisfaction of the Director of Planning and Chief Planner. This Plan is to include opportunities to replicate the function of the hedgerow.
44. 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 Blocks 29-34 that about the Significant Woodland/Felkers Falls Escarpment Valley Environmentally Significant Area and Vegetation Protection Zone to the satisfaction of the Director of Planning and Chief Planner:

“For fences to be built in the rear of Blocks 29-34, gates shall be prohibited”.
45. That, **prior to registration of the plan of subdivision**, the Owner shall agree in writing to dedicate Blocks 38 and 39 to the City of Hamilton, and further agree that Blocks 38 and 39 shall not contribute to parkland dedication, to the satisfaction of the Director of Planning and Chief Planner.

Growth Planning:

46. 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:

47. That **prior to servicing**, the Applicant shall provide a pavement markings and traffic sign plan, to the satisfaction of the Manager of Transportation Planning.
48. That **prior to servicing**, the Applicant shall provide Parking Plan, to the satisfaction of the Manager of Transportation Planning.
49. That **prior to servicing**, the intersection of First Road West at Glover Mountain Road/Ridgeview Drive shall be urbanized with sidewalks, and the installation of all-way stop control. The design of the urbanized intersection shall avoid crosswalks and pedestrian paths that conflict with the existing residential driveway located across from First Road West, to the satisfaction of the Manager of Transportation Planning.
50. That **prior to servicing**, the proposed intersection of Street “A” (extension of Ridgeview Drive) and the extension of Bradshaw Drive shall be coordinated and constructed as an urban intersection with sidewalks and appropriate traffic control. If the development proceeds without this intersection, a temporary cul-de-sac with a minimum 18 metre right of way radius shall be provided for vehicles to turn around until such time as the intersection is constructed. Additional lands shall be provided to accommodate the cul-de-sac, to the satisfaction of the Manager of Transportation Planning.
51. That **prior to servicing**, approximately 3.0 metres are to be dedicated to the right-of-way on First Road West, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications, and 20.0 metres are to be dedicated to the right-of-way for Street “A” (extension to Ridgeview Drive) as per the Council Approved Urban Official Plan: Chapter C – City Wide Systems and Designations, 4.5 Road Network Functional Classification, 4.5.2, to the satisfaction of the Manager of Transportation Planning.
52. That **prior to servicing**, the applicant is to dedicate a 9.14 metre x 9.14 metre Daylighting Triangle to the right-of-way at First Road West and Ridgeview Drive, and a 4.57 metre x 4.57 metre Daylighting Triangle to the right-of-way, for Street “A” at Bradshaw Drive as per the Council Approved Urban Official Plan: Chapter C – City Wide Systems and Designations 4.5 Road Network Functional Classification; Daylighting Triangles 4.5.7., to the satisfaction of the Manager of Transportation Planning.

Hamilton Conservation Authority:

53. 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.

54. That, **prior to preliminary grading and/or servicing**, the Owner shall complete and submit a full stormwater management report and associated engineering drawings (grading, drainage, servicing), all to the satisfaction of the Hamilton Conservation Authority.

Niagara Escarpment Commission

55. That, **prior to registration of the plan of subdivision**, Niagara Escarpment Commission Development Permit Application W/R/2021-2022/203, Notice of Decision dated November 24, 2022, be final and binding and the Owner shall satisfy all Conditions of Approval to the satisfaction of the Niagara Escarpment Commission.

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 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.