

### Special Conditions for Draft Plan of Subdivision Approval for 25T-202209

That this approval for the Draft Plan of Subdivision, 25T-202209, prepared by MHBC Planning Ltd., certified by R.S. Querubin, O.L.S., dated May 16, 2023, consisting of 14 lots for single detached dwellings (Lots 1-14), seven lots for semi-detached dwellings (Lots 15-21), two future development blocks (Blocks 22 and 23), one 0.3 metre reserve (Block 24), and the extension of Carlson Street, be received and endorsed by City Council with the following special conditions:

#### Development Engineering:

1. That, **prior to preliminary grading**, the Owner shall submit a revised Functional Servicing Report, signed and sealed by a qualified, licensed professional engineer, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
2. That, **prior to registration of the final 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, Growth Management & Chief Development Engineer.
3. That, **prior to preliminary grading**, the Owner shall submit a detailed stand-alone Stormwater Management Report prepared by a professional engineer. The SWM design shall include the following:
  - a. Demonstrate an adequate overland flow route downstream on Carlson Street to confirm that the existing minor system on Carlson Street has adequate capacity to accommodate the stormwater runoff from the subject development in accordance with City's Standards;
  - b. To include within the engineering design drawings and cost estimate schedules, the upgrade of the existing Oil Grit Separator on Carlson Street required to provide Level 1 quality control for the subject lands; and,
  - c. The design shall verify and confirm that the 5yr HGL is within the pipe and the 100yr HGL is 0.3m below the TG elevation at the lowest inlet on the subject site considering the 5yr and 100yr pond operating level, respectively;

all to the satisfaction of the Director, Growth Management & Chief Development Engineer.

4. That, **prior to servicing**, the Owner shall submit a revised Geotechnical Report prepared by a qualified professional engineer in accordance with City standards, and implement the recommendations of the report, to the satisfaction of the Director, Growth Management & Chief Development Engineer.

5. That, **prior to servicing**, the Owner shall include in the engineering designs and costs estimate schedules the works required to upgrade the existing oil grit separator located on Carlson Street west of the subject lands (MH SC17B102) which shall be sized to provide Level 1 quality control for the entire ultimate contributing area, at 100% Owner's costs, all to the satisfaction of the Director, Growth Management & Chief Development Engineer.
6. That, **prior to servicing**, the Owner will be responsible to relocate, as required, all affected utility poles (including the utility pole located behind lands located at 216 Highland Road), hydrants, pedestals, hydro vaults, etc. on Carlson Street entirely at the Owner's expense to the satisfaction of the Director, Growth Management & Chief Development Engineer.
7. That, **prior to preliminary grading**, the Owner agrees in writing that the removal of all existing septic beds, garages, playground equipment, wells, fencing, and or any structures will be at the sole cost to the Owner to the satisfaction of the Director, Growth Management & Chief Development Engineer.
8. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedules provision for the installation of a 1.5 m black vinyl coated heavy duty chain link fence along the north limit of the subject lands abutting the existing Maplewood Park, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
9. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedules provisions for the installation of sidewalk on the north side of Carlson Street, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
10. That, **prior to servicing**, the Owner include in the engineering design and cost estimate schedules the extension of Carlson Street from the existing terminus at the west limit of the draft plan lands including the removal of the existing temporary turning circle, utility relocates, restoration of the roads and boulevards and the extension of sidewalk to blend with the proposed sidewalks on Carlson Street, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
11. That, **prior to preliminary grading**, the Owner agrees to include in the engineering design and cost estimate schedules all cost related to the construction of the extension of Carlson Street (within Parts 1 and 2 on 62R-12038) including all municipal services (including service laterals to the park and future lots), utilities, roadway, sidewalk, etc., the connection to the existing path within the park, and the removal of the existing terminus and parking lot, all at 100% Owner's costs, to the satisfaction of the Director, Growth Management & Chief Development Engineer.

12. That, **prior to preliminary grading**, the Owner enters into an External Works Agreement with the City of Hamilton respecting the construction extension of Carlson Street (within Parts 1 and 2 on 62R-12038) including all municipal services (including service laterals to the park and future lots), utilities, roadway, sidewalk, etc., the connection to the existing path within the park, and the removal of the existing terminus and parking lot, all at 100% Owner's costs, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
13. That, **prior to servicing**, the Owner include in the engineering design and cost estimate schedules, the reconstruction of driveways for the lands located at 81 Carlson Street associated with the removal of the temporary turning circle to realign and generally connect perpendicular to the proposed Carlson Street curb. This shall incorporate any required works on private lands including new driveway reconstruction extending to the garage with material approved by the City. The Owner shall enter into an agreement with the homeowners to perform the works on private property. All costs associated with the driveway realignments and new driveway reconstruction will be at 100% Owner's cost, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
14. That, **prior to preliminary grading**, the Owner shall obtain written permission from the property Owner(s) located adjacent to the east property limit of the draft plan abutting Carlson Street (lands located at 238, 240 and 242 Highland Road West and 81 Carlson Street) to permit grading on their property to facilitate the construction of the extension of Carlson Street at the Owner's cost. If permission cannot be obtained the Owner must provide interim road design options for Carlson Street, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
15. That, **prior to preliminary grading**, the Owner agrees to provide in writing a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision. 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 contractor/agent contact information so that the City can direct the work to be completed as necessary all to the satisfaction of the Director, Growth Management & Chief Development Engineer.
16. That, **prior to servicing**, the Owner prepare a revised on-street parking plan for Carlson Street based on the premise of achieving on-street parking for 40% of the total number of units in the current and future phases of the subdivision and it shall include:
  - a. driveway ramps and curb openings for all lots;

- b. the pairing of driveways;
- c. where lots in the subdivision abut a park entrance or a public walkway; and,
- d. the location of transit pads, community mailbox pads, and fire hydrants, where the location has been determined by the appropriate authorities;

to the satisfaction of the Director, Growth Management & Chief Development Engineer.

17. That, **prior to the registration of the final plan of subdivision**, a By-law is passed by City Council to open the extension of Carlson Street (within Parts 1 and 2 on 62R-12038) as a public street if determined necessary by and to the satisfaction of the Director of Growth Management & Chief Development Engineer.

#### **Transportation Planning:**

18. That, **prior to registration of the final plan of subdivision**, the Owner shall construct the necessary infrastructure to the City of Hamilton standards for the extension of Carlson Street, to the satisfaction of the Manager, Development Approvals and the Manager, Transportation Planning.
19. That, **prior to registration of the final plan of subdivision**, the Owner shall construct a 1.5 metre wide sidewalk on the north side of Carlson Street, to the satisfaction of the Manager of Transportation Planning.

#### **Heritage & Urban Design:**

20. That, **prior to preliminary grading or servicing**, the Owner shall provide a Verification of Tree Protection Letter to the satisfaction of the Director of Planning and Chief Planner, to ensure that the tree protection measures identified within the Tree Management Plan, prepared by Davey Resource Group dated June 6, 2023, are implemented.
21. That, **prior to registration of the final plan of subdivision**, the Owner shall prepare a Landscape Plan by a certified Landscape Architect showing the placement of one to one compensation for any tree removals, completed in accordance with the Tree Management Plan prepared by Davey Resource Group dated June 6, 2023, to the satisfaction of the Director of Planning and Chief Planner.
22. That, **prior to registration of the final plan of subdivision**, the Owner shall submit Urban Design Guidelines, to the satisfaction of the Director of Planning and Chief Planner.

23. That, **prior to registration of the final plan of subdivision**, the Owner's agree that a "Control Architect", independent of the "Design Architect" firm or individual, shall be retained to the satisfaction of the Director of Planning and Chief Planner, and whose function shall be to ensure, amongst other matters, the appropriate development of each lot with respect to siting, built form, materials, colours and landscaping in compliance with the approved Urban Design Guidelines; and, 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).

#### **Growth Planning:**

24. That, **prior to registration of the final plan of subdivision**, the owner and agent shall work with Legislative Approvals / Staging of Development Staff to finalize street naming and municipal addressing for the subject proposal, to the satisfaction of the Director, Growth Management and Chief Development Engineer.

#### **Landscape Architectural Services:**

25. That, **prior to preliminary grading**, the Owner shall submit a design and cost estimate to construct a replacement entrance for Maplewood Park including connection to existing walking path; to the satisfaction of the Director of Environmental Services.

#### **Forestry & Horticulture:**

26. That, **prior to preliminary grading**, the Owner shall submit a revised Tree Management Plan; to the satisfaction of the Director of Environmental Services and the Director of Heritage and Urban Design.

27. That, **prior to preliminary grading**, the Owner shall submit any necessary canopy fees for any municipal trees related to the subdivision including construction of the extension of Carlson Street (within Parts 1 and 2 on 62R 12038), to the satisfaction of the Director of Environmental Services.

#### **Development Planning:**

28. That, **prior to registration**, the Owner agree that Blocks 22 and 23 are undevelopable until such time that the Owner remove the temporary turning circle to the satisfaction of the Director, Growth Management and Chief Development Engineer and that land consolidation occurs to the satisfaction of the Director of Planning and Chief Planner.

**Bell Canada:**

29. That, **prior to registration of the plan of subdivision**, the Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.
30. That, **prior to the registration of the plan of subdivision**, the Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

**Enbridge Gas:**

31. 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.

**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. If it is found by the Director of Engineering Services that Deposited Reference Plan 62R-12038 cannot be used for the purposes of passing a By-law to open the lands shown as Parts 1 and 2 as a Public Street, the City will require the Owner to prepare, submit and register a new Reference Plan, to the satisfaction of the Director of Engineering Services.

**Recycling and Waste Disposal:**

3. The developer is responsible for all waste removal up until the time that municipal collection services are initiated.