

Special Conditions for Draft Plan of Subdivision Approval for 25T-202104

That this approval for the Draft Plan of Subdivision, 25T-202104, prepared by UrbanSolutions Planning & Land Development Consultants Inc., and certified by Robert McLaren, O.L.S., dated November 24, 2021, consisting of one Natural Heritage/Park block (Block 1); one block for a maximum of 12 single detached dwellings on a private condominium road (Block 2); one block for a maximum of 112 block townhouse units and 80 maisonette units (Block 3); one block for a maximum of 12 street townhouse units (Block 4); one road widening block (Block 5); one future residential block (Block 6); four 0.3 m reserve blocks (Blocks 7-10); five lots for single detached dwellings (Lots 11-15); and, three public roads (Street 'A' and the extensions of Crerar Drive and Cyprus Drive), be received and endorsed by City Council with the following special conditions:

Development Engineering:

1. That, **prior to registration**, the Owner agrees to include in the engineering design for the subject lands, the following:
 - a. Adequate storm water conveyance to convey all pre and post development external drainage areas to the west of the subject lands for all ranges of storm events including the Regional storm event to Crerar Drive via Street;
 - b. In the absence of a continuous overland flow route for external drainage through 289 Stone Church Road East to Street "A", the provision for adequate minor and major conveyance through the subject lands for the post development condition for all external drainage;
 - c. A self-contained overland flow route for Block 2 directed towards Street" A" or Crerar Drive, bypassing the City's Park land save and except for the Cyprus Drive cul-de-sac; and,
 - d. An adequate major system overland flow route through Block 2 and Block 3 to convey drainage from Block 1 towards Street "A" or Crerar Drive, bypassing the City's Park land;

all to the satisfaction of the Director, Growth Management Division;
2. That, **prior to preliminary grading**, the Owner shall submit a detailed Stormwater Management Report prepared by a qualified Professional Engineer, in accordance with the City of Hamilton Drainage Policies, City of Hamilton's Storm Drainage Policy, Comprehensive Development Guidelines, an approved Functional Servicing Report, and the MECP's storm design criteria outlined in the City's Consolidated Linear Infrastructure ECA and current Stormwater Management Planning and Design Manual, including Level 1 (Enhanced) quality treatment. Additionally, the following shall be required:

- a. The outflows from the stormwater management (SWM) facilities on Block 3 shall not exceed the interim and ultimate outflow rates proposed in Tables 2.4 and Table 2.8 respectively of Functional Servicing Report dated August 2021, prepared by S. Llewellyn & Associates Limited. Allowable flow and required flood control storage must be identified for each external drainage areas 201 & 202; and,
- b. The on-site and off-site SWM proposal should be verified by the West Central Mountain Drainage study model to demonstrate that the proposed offsite and onsite SWM criteria outlined in the Functional Servicing Report dated August 2021 prepared by S. Llewellyn & Associates Limited for the subject development is appropriate and that there is no impact in the downstream system;

all to the satisfaction of the Director, Growth Management Division;

3. That, **prior to registration**, the Owner shall agree to enter into a Joint Use Agreement between Block 2 and Block 3 for the maintenance of easements, services (watermain, storm, sanitary), overland flow routes, stormwater management system including tanks and associated appurtenances, catch basins, retaining walls, etc., to the satisfaction of the Director, Growth Management Division;
4. That, **prior to servicing**, the Owner prepares and submits a driveway location/on street parking plan showing:
 - a. The location of driveways based on the premise of achieving on-street parking for 40% of the total dwelling units;
 - b. The driveways ramps and curb openings for all lots;
 - c. The pairing of driveways;
 - d. Where lots in the subdivision abut a park entrance or a public walkway, as the case may be; and,
 - e. 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 Division;

5. That, **prior to servicing**, the Owner shall indicate all driveway locations on the engineering plans for all lots, and that no driveway shall be located within a daylight triangle. Further, all driveway locations at bends and corners shall be

situated to ensure that the driveways are within their own frontages, to the satisfaction of the Director, Growth Management Division;

6. That, **prior to preliminary grading**, the Owner shall submit an updated Functional Servicing Report to address all outstanding comments and requirements of draft plan conditions, for City approval, prior to their first submission of engineering plans, to the satisfaction of the Director, Growth Management Division;
7. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimates for the replacement of existing sanitary sewer sections on Crerar Drive from approximately 30 metres north of Elk Court to the existing south terminus of Crerar Drive, in accordance with the Functional Servicing Report dated August 2021 prepared by S. Llewellyn & Associates and also in accordance with the City's Financial Policies, to the satisfaction of the Director, Growth Management Division;
8. That, **prior to servicing**, the Owner agrees to provide a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) 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 be completed as necessary, to the satisfaction of the Director, Growth Management Division;
9. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimates the installation of a 1.5 metre concrete sidewalk along both sides of Crerar Drive, and a 1.5 metre concrete sidewalk on both sides of Street "A" including a 1.5 metre concrete sidewalk around the proposed temporary turnaround at the west limit of Street "A", to the satisfaction of the Director, Growth Management Division;
10. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimates the installation of a 1.5 metre concrete sidewalk around the Cyprus Drive cul-de-sac within a minimum 2.75 metre boulevard (inclusive of curb and sidewalk), provided that no additional boulevard outside of the limit of sidewalk will be required in the location of the lands municipally known as 234 Sirente Drive and owned by the Hamilton-Wentworth District School Board, to the satisfaction of the Director, Growth Management Division and the Manager of Transportation Planning;
11. That, **prior to registration**, the Owner agrees to prepare and register a reference plan establishing the parcel to be acquired from the City of Hamilton, municipally

known as 260 Sirente Drive forming part of the Cyprus Drive cul-de-sac, to the satisfaction of the Director, Growth Management Division;

12. That, **prior to registration**, the Owner shall acquire the necessary portions of the City owned lands municipally known as 260 Sirente Drive from the City of Hamilton for the nominal consideration of \$2.00 to accommodate the Cyprus Drive cul-de-sac to the satisfaction of the Director, Growth Management Division;
13. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimates the installation of a 1.5 metre high black vinyl coated heavy duty chain link fence along the east property limit of the subdivision (Blocks 2 and 3), to the satisfaction of the Director, Growth Management Division;
14. That, **prior to servicing**, the Owner include in the engineering design and cost estimates the construction of a temporary turning circle at the west limit of Street “A” or alternatively on lands located outside the plan. If the temporary turning circle is located outside the subject lands the Owner will be responsible to provide confirmation from the adjacent land owner that they have permission to construct the temporary turning circle and provide the City with all necessary legal documents to transfer the required lands to the City, all at 100% of the Owner’s cost; and, the 0.3 metre reserve Block 8 shall be revised to extend around the exterior perimeter of the temporary turning circle, all to the satisfaction of the Director, Growth Management Division;
15. That, **prior to servicing**, the Owner include in the engineering design and cost estimates the extension of Crerar Drive from the existing terminus to Stone Church Road 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 Crerar Drive, in accordance with the City’s Financial Policies, to the satisfaction of the Director, Growth Management Division;
16. That, **prior to servicing**, the Owner include in the engineering design and cost estimates, the reconstruction of driveways for the dwellings located at 445 and 449 Crerar Drive associated with the removal of the temporary turning circle to realign and generally connect perpendicular to the proposed Crerar Road curb. This shall include works on private lands and new asphalt driveway reconstruction extending to the garage, subject to the Owner obtaining permission from the homeowners to perform 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 Division;
17. That, **prior to registration**, the Owner agrees to obtain an appropriate storm water conveyance easement from the owner of the lands located at 289 Stone Church Road East as shown on the grading plan included in the Functional Servicing Report dated August 2021 prepared by S. Llewellyn & Associates, and

the easement(s) shall be registered on title. Alternatively, in the event the Owner cannot obtain permission from the owner of 289 Stone Church Road East the storm water conveyance easement must be provided within the limits of the subject lands located outside the minimum rear yard setbacks as required by the zoning by-law, to the satisfaction of the Director, Growth Management Division;

Development Planning:

18. That, **prior to servicing**, the Owner shall include in the engineering design for the subject lands, the inclusion of a noise barrier, located on Lot 17 as shown on Figure 4 of the environmental noise impact study titled “*Lavita Estates Residential Development*” dated February 2021, prepared by dBA Acoustical Consultants Inc., with a recommended height of 2.0 metres and shall be constructed of solid material with no gaps, having a minimum surface density of 20 kg/m². 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;
19. That, **prior to registration**, the Owner agrees to include the following clauses, for all lots, in all purchase and sale and / or lease and rental agreements, and registered on title to the satisfaction of the Director of Planning and Chief Planner:

Lot 17

Warning Clause “B”

“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 on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the City of Hamilton and the Ministry of Environment, Conservation and Parks’ noise criteria.”

“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 by the occupant 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 Environment Conservation and Parks’ noise criteria. (Note: the location and installation of the outdoor air conditioning device should be done so as to comply with the noise criteria of the MECP Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.)”

Lot 16*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 City of Hamilton's and the Ministry of Environment, Conservation and Parks' noise criteria."

20. That, **prior to preliminary grading**, the Owner shall submit a revised Tree Preservation / Management / Enhancement 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 and the Manager of Forestry and Horticulture;
21. That, **prior to preliminary grading**, the Owner shall submit to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP) a Butternut Health Assessment prepared by a certified Butternut Health Assessor and address the *Endangered Species Act*, to the satisfaction of the Director of Planning and Chief Planner, including a letter of acknowledgement from the MOECP;
22. That, **prior to preliminary grading**, the Owner shall prepare an Edge Management Plan, to be prepared by a qualified ecologist or forester, in accordance with a Terms of Reference agreed to both by the Owner and the City, including treatment of fencing, and/or implementation of a visual barrier having a combination of fencing and/or landscaping adjacent to Block 1, to the satisfaction of the Director of Planning and Chief Planner;
23. That, **prior to preliminary grading**, the Owner shall provide a Landscape Plan prepared by a certified Landscape Architect, to the satisfaction of the Director of Planning and Chief Planner and the Hamilton Conservation Authority. 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;
24. That, **prior to occupancy**, the Owner shall submit a revised Stewardship Brochure, to the satisfaction of the Director of Planning and Chief Planner and the

Hamilton Conservation Authority. The Stewardship Brochure shall be distributed to all future homeowners adjacent to the Crerar Woodland and shall describe the importance of the natural feature and its functions and how the homeowner can minimize their impact on this feature;

25. That, **prior to registration**, the Owner shall agree in writing to:
- a. Dedicate Block 1 to the City of Hamilton in full satisfaction of the parkland dedication requirements for the subdivision and that there will be no parkland balance credited in favour of the Owner for this subdivision; and,
 - b. To establish a public access easement along a designated path across common elements of Block 3 granting public access through the lands from Crerar Drive and/or Street 'A' to both Block 1 and to the new pedestrian path to be constructed pursuant to Condition 28 below, to the satisfaction of the Director of Planning and Chief Planner;

Growth Planning:

26. That, **prior to the registration of the plan of subdivision**, the Owner shall work with Growth Planning staff to name the proposed Street 'A' and finalize municipal addressing for the individual Blocks and Lots, to the satisfaction of the Director of Growth Management;

Hamilton Conservation Authority:

27. That, **prior to preliminary grading**, the Owner shall submit a Stormwater Management Report and associated engineering drawings (i.e. erosion and sediment control, grading, drainage, and servicing), to the satisfaction of the Hamilton Conservation Authority;

Landscape Architectural Services:

28. That, **prior to preliminary grading**, the Owner shall include, on the engineering drawings, landscaping plans and cost estimate schedules, a continuous and barrier free 2.0 metre wide limestone screening walkway through the City owned lands municipally known as 260 Sirente Drive, connecting the required municipal sidewalk along the extension of Cyprus Drive to a private sidewalk within Block 3, complete with bollards and/or barricades to restrict motorized vehicle access, to the satisfaction of the Manager of Landscape Architectural Services;

Transportation Planning:

29. That, **prior to preliminary grading**, the Owner shall provide on the draft plan of subdivision road right-of-way dedications as follows:

- a. ±5.18 metres right-of-way widening at 311 Stone Church Road East to bring the width of Stone Church Road East to 30.480 metres;
 - b. The Crerar Drive right-of-way width from Stone Church Road East northerly shall be 26.0 metres for a length to be determined through a traffic signal installation plan, but in no event north of Street 'A', to the satisfaction of the Manager of Transportation Planning and provided further that the Owner shall not be responsible for any more than one third of the all costs of traffic signalization of this intersection;
 - c. The remainder of the Crerar Drive right-of-way width from the length referred to in b. above to the alignment of the existing Crerar Drive shall match the existing width of Crerar Drive; and,
 - d. Street 'A' right-of-way width shall be 20.12 metres;
- all to the satisfaction of the Manager of Transportation Planning;
30. That, **prior to preliminary grading**, the Owner shall provide on the draft plan of subdivision daylighting triangle dedications as follows:
- a. 9.60 metre x 9.60 metre daylighting triangle at the northwest corner of Stone Church Road East and Crerar Drive; and,
 - b. 4.57 metre x 4.57 metre daylighting triangles at the northwest and southwest corners of the intersection of Crerar Drive and Street 'A';
- to the satisfaction of the Manager of Transportation Planning;
31. That, **prior to preliminary grading**, the Owner shall provide plans showing:
- a. the ultimate right-of-way limits of the four quadrants of the intersection of Stone Church Road East at Brigade Drive at Crerar Drive; and,
 - b. the right-of-way limits and dedications of the Cyprus Drive cul-de-sac;
- to the satisfaction of the Manager of Transportation Planning;
32. That, **prior to preliminary grading**, the Owner shall submit a revised Transportation Impact Study, to the satisfaction of the Manager of Transportation Planning;
33. That, **prior to preliminary grading**, the Owner shall provide sightline analysis, for the proposed driveways along the east side of Crerar Drive (Lots 11, 12, 13, 14

and 15) under the scenario the proposed on-street parking spaces as referenced in Condition #4 are fully occupied and trees located as per landscape plan, to the satisfaction of the Manager of Transportation Planning;

34. That, **prior to servicing**, the Owner shall provide detailed pavement markings, traffic signs and traffic signal plans:
 - a. The concepts shall be to the satisfaction and approval of the Manager of Transportation Planning; and,
 - b. The final drawings shall be to the satisfaction and approval of the Manager of Transportation Operations;
35. That, **prior to servicing**, the Owner shall provide funds in the amount of \$12 K for future installation of traffic calming devices, to the satisfaction of the Manager of Transportation Planning;
36. That, **prior to servicing**, the Owner shall provide payment for installation of an appropriately placed City of Hamilton school crossing guard crosswalk, to the satisfaction of the Manager of Transportation Planning;
37. That **prior to registration of the plan of subdivision**, the Owner shall include, in all offers of purchase and sale or lease agreements for all street townhouse dwelling units fronting Crerar Drive within Block 4, a statement advising that driveway access may be restricted, at the discretion of the City; if/when a centre median island is constructed along Crerar Drive, to the satisfaction of the Manager of Transportation Planning;
38. That **prior to registration of the plan of subdivision**, the Owner shall include, in all offers of purchase and sale or lease agreements for Lots 11, 12, 13, 14 and 15, a statement advising that motorists are advised to reverse into the driveways and exit the driveways in a forward motion to increase sightlines of oncoming vehicles, to the satisfaction of the Manager of Transportation Planning;

Alectra Utilities:

39. That **prior to registration of the plan of subdivision**, the Owner shall agree, in words satisfactory to Alectra Utilities Corporation, to grant to Alectra Utilities Corporation any easements that may be required for electrical services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Alectra Utilities Corporation facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements;

Canada Post:

40. That **prior to registration of the plan of subdivision**, the Owner shall complete the following to the satisfaction of Canada Post and the Director of Growth Management:
- (a) Include in all offers of purchase and sale or lease 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;
 - (b) The owner further 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. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations; and,
 - v) Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations;

Canadian Radio and Telecommunication Commission and Bell Canada:

41. That **prior to registration of the plan of subdivision**, the Owner provide the Manager of Development Approvals with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication service

provider approved by the Canadian Radio and Telecommunication Commission (CRTC) that adequate telecommunication service will be provided to the subdivision including 9-1-1 emergency calling service that identifies, at a minimum, the callers name and location information;

42. That **prior to registration of the plan of subdivision**, the Owner shall agree in the Subdivision Approval Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the Owner / Developer shall be responsible for the relocation of such facilities or easements; and,
43. That **prior to 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.

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. The owner is advised that a karst inventory was not conducted as part of the Natural Heritage Characterization Report completed by Colville Consulting Inc. dated February 2018 although this was identified in the Terms of Reference attached as Appendix A to the Natural Heritage Characterization Report completed by Colville Consulting Inc. dated February 2018 and the owner is further advised that at the implementation stage the Conservation Authority may require additional information pertaining to the karst inventory; and,

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 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.