

Special Conditions for Draft Plan of Subdivision Approval for 25T- 2018010

That this approval apply to the Draft Plan of Subdivision "26 Southcote Road" 25T-2018010, certified by Nicholas P. Muth, O.L.S., dated March 8, 2021, consisting of four lots for single detached dwellings (Lots 1 to 4), one block for the development of 24 block townhouse dwellings (Block 5), and one block for a right-of-way dedication (Block 6), be received and endorsed by City Council with the following special conditions:

Development Engineering:

The following special conditions shall be inserted in **Part 1** of the Subdivision Agreement, to the satisfaction of the Senior Director, Growth Management Division:

1. That, **the Owner shall agree in the Subdivision Agreement**, to include the following clause in all Purchase and Sale Agreements and Rental or Lease Agreements for Lot 4 and for units within Block 5 whose rear yards abut the southern property limit of Block 5:
 - a) "A 6.0 metre wide easement exists along the south property limit along the side yard of Lot 4 and the rear of lots within Block 5 for maintenance of a rear yard drainage swale to Elm Hill Boulevard. The Owner of this lot shall not, on, in or over the land (i) excavate, drill, install, erect or build; (ii) plant any tree, construct any pit, well, pavement, building or structure including decks; and (iii) alter the grading or any over-land drainage patterns approved by the City, without the prior written consent of the City."
2. That, **the Owner shall agree in the Subdivision Agreement**, to include the following clause in all Purchase and Sale Agreements and Rental or Lease Agreements for Lot 1 and for units within Block 5 whose rear yards abut the northern property limit of Block 5:
 - a) "A 9.0 metre wide easement exists along the north property limit along the side yard of Lot 1 and the rear of lots within Block 5 for maintenance of municipal infrastructure and a rear yard drainage swale to Elm Hill Boulevard. The Owner of this lot shall not, on, in or over the land (i) excavate, drill, install, erect or build; (ii) plant any tree, construct any pit, well, pavement, building or structure including decks; and (iii) alter the grading or any over-land drainage patterns approved by the City, without the prior written consent of the City."
3. That, **the Owner shall agree in the Subdivision Agreement**, to include the following clause in all Purchase and Sale Agreements and Rental or Lease Agreements for Lots 1 to 4:

- a) "The Owner acknowledges that a self-contained onsite stormwater infiltration system will be constructed on the lot and that the Owner of the lot is responsible for operation and maintenance of the infiltration system and that the Owner of the lot agrees not to interfere, alter, change or remove the infiltration system at any time without the prior written consent of the City."

Further to the conditions listed above the following conditions be included in the Subdivision Agreement:

4. That, **prior to registration of the final plan of subdivision**, the Owner agrees to submit the necessary transfer deeds to the City's Legal Department to convey Block 6 for future road allowance, to the satisfaction of the Senior Director, Growth Management Division.
5. That, **prior to servicing**, the Owner shall include in the engineering design and cost schedules provisions to regrade the ditch on the east side of Elm Hill Boulevard to accommodate a suitable outlet including installation of minimum 450mm diameter culverts for the four proposed lots on Elm Hill Boulevard, including all restoration, at 100% the developers cost, to the satisfaction of the Senior Director, Growth Management Division.
6. That, **prior to registration of the final plan of subdivision**, the Owner agrees to dedicate a 6.0m storm drainage easement along the south property limit from Southcote Road to Elm Hill Boulevard, to the satisfaction of the Senior Director, Growth Management Division.
7. That, **prior to registration of the final plan of subdivision**, the Owner agrees to dedicate a 9.0m servicing easement along north property limit from Southcote Road to Elm Hill Boulevard, to the satisfaction of the Senior Director, Growth Management Division.
8. 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,
- all to the satisfaction of the Senior Director, Growth Management Division.
9. That, **prior to preliminary grading**, the Owner provides 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 Senior Director, Growth Management Division.
10. That, **prior to preliminary grading**, the Owner agrees at their sole cost to prepare a pest control plan, focusing on rats and mice, which shall be developed and implemented for any demolition, and for the construction / development phase of the project and continue until the project is complete. The plan must outline steps involved in the potential control of vermin throughout the development / construction and must employ integrated pest management practices. The plan must be formulated by a professional exterminator licensed by the MECP and shall include monitoring, removing potential food and water sources, and eliminating or preventing areas for harbourage. The plan can include trapping and / or baiting but special consideration should be aimed at ensuring any / all bait stations are tamper resistant and deceased rats are removed to prevent secondary poisoning of other animals. The plan is to be implemented when work activity at the site begins including, but not limited to, demolition, bush clearing, grading etc. This requirement is made under Section 26 of the Hamilton Property Standards By-law, No. 10-221 and to the satisfaction of the Medical Officer of Health.
11. That, **prior to preliminary grading**, the Owner shall obtain written permission from the Owners located adjacent to the north and south property limits allowing an encroachment for grading purposes, to the satisfaction of the Senior Director, Growth Management Division.
12. That, **prior to preliminary grading**, the Owner agrees to submit a hydrogeological study, prepared by a qualified professional, that assesses impacts to existing and future homes, identifies any significant recharge and discharge zone, and provides recommendations to mitigate the groundwater impacts, such as continuously running sump pumps both during construction and post construction and to undertake any remedial works, as recommended,

including monitoring, to the satisfaction of the Senior Director, Growth Management Division.

13. 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 Senior Director, Growth Management Division.
14. That, **prior to registration of the final plan of subdivision**, the Owner agrees to provide a 9.0m wide servicing easement over Lot 1 in favour of the Condominium Corporation, to the satisfaction of the Senior Director, Growth Management Division.
15. That, **prior to registration of the final plan of subdivision**, the Owner agrees to provide a 6.0m wide servicing easement over Lot 4 in favour of the Condominium Corporation, to the satisfaction of the Senior Director, Growth Management Division.
16. That, **prior to registration of the final plan of subdivision**, the Owner agrees to pay any outstanding costs assessed against the property, to the satisfaction of the Senior Director, Growth Management Division.
17. That, **prior to the registration of the final plan of subdivision**, the Owner shall pay proportionate shares for the future urbanization of Elm Hill Boulevard and Southcote Road in accordance with the City's financial policy based on the City's "New Roads Servicing Rate" in effect at the time of payment, to the satisfaction of the Senior Director, Growth Management Division.
18. That, **prior to servicing**, the Owner include in the design and cost schedules provision for the full reconstruction of Elm Hill Boulevard along the frontage of the property for the full width of the road, to the satisfaction of the Senior Director, Growth Management Division.
19. That, **prior to registration of the plan of subdivision**, the Owner agrees, at their expense, to remove, relocate or replace, as required, all affected utility poles, hydrants, pedestals, hydro vaults etc., on Elm Hill Boulevard and Southcote Road, to the satisfaction of the Senior Director, Growth Management Division.
20. That, **prior to servicing**, the Owner shall prepare and submit a Construction Management Plan (CMP) for the works within the existing ROW's including Southcote Road and Elm Hill Boulevard. The CMP shall identify the anticipated staging of construction, temporary road restrictions anticipated including any full road closure requests and partial road restrictions and timing of restoration. The CMP will be required to be submitted and approved prior to servicing.

Additionally, the Owner, through their Contractor will be required to provide (post-design approval) a Construction Staging Plan which shall provide additional details and information about how they specifically intend to construct and complete the necessary servicing and restoration works within the existing right-of-way, to the satisfaction of the Senior Director, Growth Management Division.

21. 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 Polices, City of Hamilton Comprehensive Development Guidelines and the MECP's Stormwater Management Planning and Design Manual (2003), and considering the following parameters:
- a) The post development peak flows from Block 5 and Lots 1 to 4 fronting on Elm Hill Boulevard shall be controlled to the maximum allowable flow rate of 74 l/s identified in Table 5 of the Stormwater Management Report, dated March 2021, prepared by A J Clarke & Associates Ltd., for all ranges of storm events up to and including the 100-year storm to maintain the capacity of the existing sewers on Elm Hill Boulevard. Lots 1 to 4 shall drain towards Elm Hill Boulevard with a self-contained onsite stormwater infiltration system on each lot.
 - b) The onsite stormwater management (SWM) facility on Block 5 shall be designed to accommodate flood control storage volumes for the external drainage east of Southcote Road for 5-year to 100-year storm events. The design must consider the installation of a standalone sewer on the 9.0m easement along the south property line to bypass the 2-year flow from the external drainage areas east of Southcote Road all at the Owner's cost.
 - c) Provide Level 1 (Enhanced) quality treatment for stormwater runoff from both SWM systems required on Block 5 and Lots 1 to 4.
 - d) An emergency spillway shall be provided along the south property line for Southcote Road and external drainage areas,
- all to the satisfaction of the Senior Director, Growth Management Division.

Ministry of Transportation

22. That, **prior to registration of the plan of subdivision**, the Owner shall submit to the Ministry of Transportation for their review and approval, a Traffic Brief to confirm the details of the proposed development and associated trip generation.
23. That, **prior to registration of the plan of subdivision**, the Owner shall submit to the Ministry of Transportation for their review and approval, a Stormwater Management Brief in sufficient detail to provide confirmation that the run-off and the intended treatment of run-off from the development will not negatively impact the Highway 403 right-of-way.

Growth Planning:

24. 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 Senior Director, Growth Management Division.

Transportation Planning:

25. That **prior to servicing**, approximately 4.5 metres are to be dedicated to the right-of-way on Southcote Road, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications, to the satisfaction of the Manager of Transportation Planning.

Hamilton Conservation Authority:

26. 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.
27. 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.

Heritage and Urban Design

28. That, **prior to preliminary grading**, the Owner is aware of the *Migratory Birds Convention Act, 1994* and agrees that removal of any vegetation on the subject lands is to not occur between March 31st and August 31st. However, in the event that vegetation removal is proposed during the restricted breeding period, the Owner 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.

29. That, **prior to preliminary grading**, the recognized tree management professional (i.e., certified arborist, registered professional forester, or landscape architect) is to provide a Verification of Tree Protection Letter to the satisfaction of the Director of Planning. This is to ensure that all tree protection measures have been implemented.
30. That, **prior to registration**, the Owner shall provide a Landscape Plan prepared by a certified Landscape Architect showing the placement of compensation trees for any tree removals completed in accordance with the Arborist Report and Tree Protection Plan prepared by Davey Resource Group, dated October 6, 2022, to the satisfaction of the Director of Planning.

Development Planning

31. That, **prior to registration**, the Owner, for Lots 1 to 4, shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the Owner and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner.

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 No. 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.