

Special Conditions for Draft Plan of Subdivision Approval for 25T-202305

That this approval apply to the Draft Plan of Subdivision “Draft Plan of Proposed Subdivision Part 1, Plan of Part of Lot 27 Concession (Geographic Township of Saltfleet) City of Hamilton” 25T-202305, certified by R.A. McLaren, O.L.S., dated November 12, 2024 consisting of one commercial block (Block 1), two townhouse blocks (Blocks 2 and 9) for 91 townhouse dwelling units, eight mixed use blocks (Blocks 3 to 8, 10, and 11) for 4,234 multiple dwelling units and 12,406 square metres of non-residential gross floor area, three privately-owned public space blocks (Blocks 12 to 14), four right-of-way widening blocks (Blocks 15 to 18), and one public right-of-way (Street ‘A’), be received and endorsed by City Council with the following special conditions:

Development Engineering

1. That, **prior to registration of the final plan of subdivision**, the owner shall agree in the Subdivision Agreement to obtain an Environmental Activity and Sector Registry permit from the Ministry of the Environment, Conservation and Parks at the site plan stage which shall be submitted to the City. In addition, the owner agrees to demonstrate that the building foundation or sub-surface structures shall be designed such that no permanent dewatering (due to groundwater) shall be conveyed to the City infrastructure and a minimum of 1 metre separation shall be provided between the seasonally high groundwater table and building foundation, all to the satisfaction of the Director, Growth Management and Chief Development Engineer.
2. That, **prior to registration of the final plan of subdivision**, the owner agrees to provide a minimum 9 metre wide servicing easement from the north limit of Block 11 through Block 7 to Street ‘A’ in favour of Block 11, in accordance with the Functional Servicing Report prepared by Lithos Group Inc. dated; March 8, 2024 and the City’s sewer drain by-law, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
3. That, **prior to registration of the final plan of subdivision**, the owner agrees, entirely at the owner’s expense, to remove, relocate, as may be required, all affected utility poles, hydrants, pedestals, hydro vaults, etc. including abandonment of any existing services, within future Street ‘A’, Queenston Road, Centennial Parkway North and Kenora Avenue, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
4. That, **prior to registration of the final plan of subdivision**, the owner shall submit an updated Sanitary Sewer Capacity Assessment to demonstrate that there is a suitable sanitary sewer outlet with sufficient capacity available to service the proposed development. If required, the owner shall implement the necessary improvements/upgrades to the existing sanitary sewer/trunk sewer

systems along Kenora Avenue and Centennial Parkway North up to the existing sanitary trunk on South Service Road in accordance with The Centennial Neighbourhood Water Distribution and Wastewater Collection Servicing Study and the City's Financial Policy, all to the satisfaction of the Director, Growth Management and Chief Development Engineer.

5. That, **prior to registration of the final plan of subdivision**, the owner agrees to perform all required Winter Maintenance activities on Street 'A' within the registered Plan in accordance with Ontario Regulation 239/02 - Minimum Maintenance Standards for Municipal Highways under the *Municipal Act*, 2001 (MMS) until the criteria for municipal Winter Maintenance activities are met. Additionally, the owner agrees to submit an application to the City for assuming Winter Maintenance responsibilities before September 15th, including the following criteria:

- a) Sites are easily accessible;
- b) Roads are free of all construction debris and have at least the base course asphalt completed;
- c) Trucks can enter and exit without backing up; and,
- d) Utility chambers are either ramped at a minimum of 2 metres from each chamber or set to grade;

to the satisfaction of the Manager of Roadway Maintenance.

6. That, **prior to registration of the final plan of subdivision**, the owner agrees that until an application for Waste Collection Services has been submitted and approved as per the City of Hamilton Waste Requirements for the Design of New Developments and Collection, the owner shall make the appropriate arrangements for the collection and disposal of household waste, entirely at the owner's expense, to the satisfaction of the Manager of Waste Policy and Planning.

7. That, **prior to registration of the final plan of subdivision**, the owner agrees that prior to the installation of the permanent Street Name Signs by the City, the owner shall install temporary street name signs, consisting of a painted and legible sign on wooden backing, fastened securely to a post 2.6 metres above ground level (to bottom of sign), at all street intersections within the subdivision immediately following base course asphalt placement. The signs shall be visible from both directions (i.e., double sided). The street name signs shall be maintained until such time as all boulevard grading has been completed, to the

satisfaction of the Director, Growth Management and Chief Development Engineer.

8. That, **prior to registration of the final plan of subdivision**, the owner agrees to design, install, and energize the street lighting system, entirely at the owner's expense, to the satisfaction of the Director of Growth Management and Chief Development Engineer.
9. That, **prior to preliminary grading**, the owner shall submit a comprehensive grading plan for the entire draft plan lands to show how the individual Blocks will be graded with self-contained drainage systems for both interim and ultimate development conditions for each block, to the satisfaction of the Director, Growth Management and Chief Development Engineer
10. That, **prior to preliminary grading**, the owner shall submit a detailed stormwater management report prepared by a qualified Professional Engineer in accordance with City of Hamilton's current Comprehensive Development Guidelines and the Ministry of the Environment, Conservation and Parks Stormwater management Planning and Design Manual (2003) by considering the following parameters:
 - a) The 100 year post development flow for each block shall be controlled to the unitary flow rate (l/s/ha) based on the lesser of 5 year predevelopment flow or free flow capacity of the existing storm lateral to the Kenora Avenue and Centennial Parkway North storm outlet;
 - b) The proposed flow at each storm outlet (Kenora Avenue and Centennial Parkway North) shall not exceed the allowable flow rate considering both interim and ultimate conditions for each block within the draft plan. The stormwater quantity control for Street 'A' should be offset though the stormwater overcontrol of the remaining blocks within the subdivision; and,
 - c) The storm water management design for all blocks shall include a filter media/landscaped based on Low Impact Development techniques on each block on the draft plan to achieve water quality and water balance targets in accordance with the Ministry of the Environment, Conservation and Parks' and the City's Green Standards and Guideline for Low Impact Development. The owner will be responsible to maintain, develop and implement a compliance and performance monitoring plan for all Low Impact Development systems proposed within all blocks for a minimum of 5 years. Further, the owner shall provide an adequate security/letter of credit for the monitoring and mitigation measures;

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

11. That, **prior to preliminary grading**, the owner shall submit an updated Hydrogeological Report to the City, prepared by a qualified professional, to assess impacts, identify any significant recharge and discharge zone, provide recommendations to mitigate the groundwater impacts during any construction within the subdivision including, but not limited to, house construction, address the impacts of the pond bottom elevation below the groundwater table, and the owner further agrees to undertake any mitigative works, as recommended, including any recommended monitoring. If, in the opinion of the project expert, it is required, the report shall include a groundwater contingency plan to ensure that an appropriate mitigation strategy is available to be implemented if:
- a) An aquifer is breached during construction;
 - b) Groundwater is encountered during any construction within the subdivision including, but not limited to, the building, underground parking, and stormwater storage construction;
 - c) A basement/belowground parking is located below groundwater table; and,
 - d) Water supply and sewage disposal systems, and any surface and groundwater related infrastructure, are negatively impacted;

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

12. That, **prior to preliminary grading**, the owner agrees to provide an Excess Soil Management Plan to demonstrate how the development will comply with O.Reg. 406/19, addressing registration, assessment, sampling, and analysis, characterization, source/destination, reporting and tracking requirements, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
13. That, **prior to preliminary grading**, the owner shall prepare and submit a Construction Management Plan and Report that provides:
- a) Details on any construction activity that will encroach into the municipal road allowance such as construction staging, scaffolding, cranes, etc.;
 - b) Location and maximum dimensions of stockpiling;

- c) Identification of any required sidewalk and/or lane closures and the estimated length of time for such closures;
- d) Details on heavy truck routing;
- e) Alternate arrangements of any City or school bus routing and stop locations that may be impacted; and,
- f) 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;

to the satisfaction of the Director of Growth Management and Chief Development Engineer.

- 14. That, **prior to servicing**, the owner shall submit a geotechnical report including the pavement design recommendations and implement the report's final recommendations, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
- 15. That, **prior to servicing**, the owner shall include in the engineering design and cost estimate schedule provisions for the full construction of Street 'A', entirely at the owner's expense, to the satisfaction of the Director, Growth Management and Chief Development Engineering.

Metrolinx

- 16. That, **prior to servicing**, the owner shall submit engineering drawings (grading, drainage, servicing) demonstrating adequate grading and no new service connections from Queenston Road to the satisfaction of Metrolinx.
- 17. That, **prior to registration**, the owner shall provide a Landscape Plan, prepared by a certified Landscape Architect, showing streetscaping within the Queenston Road right-of-way, to the satisfaction of Metrolinx.
- 18. That, **prior to registration**, the owner shall provide traffic modelling, prepared by a qualified professional, demonstrating that buses and passenger vehicles turning into the bus terminal do not back up along Kenora Avenue, blocking the intersection of Kenora Avenue and Queenston Road, to the satisfaction of Metrolinx.

19. That, **prior to registration**, the owner shall dedicate a right-of-way free and clear to the City of Hamilton of approximately up to ± 2.3 metres along Queenston Road in conformity with the Urban Hamilton Official Plan. Additional right-of-way dedications may be required as determined by Metrolinx, only in conformity with Policy 4.5.6.7 of Chapter C of the Urban Hamilton Official Plan. Metrolinx has identified a potential additional widening to accommodate the LRT along the north side of Queenston Road between Kenora Avenue and the site driveway, with an approximate range of 4.9–9.5 metres beyond the existing Queenston Road right-of-way. This condition is to the satisfaction of the Manager, Transportation Planning.

Growth Planning

20. That, **prior to registration**, the owner and agent work with Legislative Approvals / Staging of Development Staff to finalize municipal addressing, to the satisfaction of the Director, Growth Management and Chief Development Engineer.

Transportation Planning

21. That, **prior to grading**, the owner shall submit for approval, a Phasing Plan that demonstrates how development will proceed on the property including, but not limited to, temporary conditions such as temporary cul-de-sacs, pedestrian and bicycle connections, and the delivery of the proposed privately-owned public space blocks (Blocks 12, 13 and 14) and Hamilton Street Rail bus terminal (Block 10), to the satisfaction of the Manager, Transportation Planning and the Director of Development Planning.
22. That, **prior to grading**, the owner shall submit a revised Transportation Assessment which shall include assessments of the internal road connections within the development, signalized assessment of Street ‘A’ and Centennial Parkway North, assessment of Street ‘A’ and Kenora Avenue, and details for pedestrian and bicycle crossings between Blocks 12, 13, and 14, to the satisfaction of the Manager, Transportation Planning.
23. That, **prior to grading**, the owner agrees to construct Street ‘A’ in accordance with the approved Phasing Plan without impacting Hamilton Street Railway operations and pedestrian access and safety as part of Phase 1, to the satisfaction of the Manager, Transportation Planning.
24. That, **prior to servicing of the first phase**, the owner shall install any traffic calming measures that are identified in association with their development, at the

owner's expense, or provide a cash contribution, to the satisfaction of the Manager, Transportation Operations.

25. That, **prior to servicing of the first phase**, the owner shall work with Transportation Operations and Public Works to determine the ultimate location(s) of traffic calming devices on Kentley Drive, Kenora Avenue and Delawana Drive, to the satisfaction of the Manager, Transportation Operations.
26. That, **prior to registration of each phase**, the owner shall submit a Pavement Marking Plan that illustrates pavement markings, traffic signs and traffic signal plans are required for each respective phase, to the satisfaction of the Manager, Transportation Operations.
27. That, **prior to servicing of each block**, the owner shall enter into an External Works Agreement for each respective phase with the City and include in the external works and cost estimate schedule, the following:
 - a) Construction of Street 'A' in accordance with the approved Phasing Plan;
 - b) Construction of Traffic Calming devices on Kentley Drive, Kenora Avenue and Delawana Drive; and,
 - c) New or modified pavement markings, traffic signs and traffic signals to accommodate site traffic, as identified in the ultimately approved Transportation Assessment;

to the satisfaction of the Manager, Transportation Planning and Manager, Transportation Operations.
28. That, **prior to registration**, the owner register easements on each new development Block for mutual access to sustain the proposed private road network, corresponding interconnectivity, and access, and address any encroachments between Blocks as shown in the approved Phasing Plan, to the satisfaction of the Manager, Transportation Planning, and the Director of Development Planning.
29. That, **prior to registration**, the owner shall dedicate a right-of-way dedication free and clear to the City of Hamilton for 'Street A' of approximately 20.117 metres connecting Centennial Parkway North and Kenora Avenue, to the satisfaction of the Manager, Transportation Planning
30. That, **prior to registration**, the owner shall dedicate a right-of-way dedication free and clear to the City of Hamilton of approximately up to ± 4.6 metres along

Centennial Parkway North, to the satisfaction of the Manager, Transportation Planning.

31. That, **prior to registration**, the owner shall dedicate a right-of-way dedication free and clear to the City of Hamilton of approximately up to ± 2.3 metres along Queenston Road in conformity with the Urban Hamilton Official Plan, Schedule C-2, to the satisfaction of the Manager, Transportation Planning. Additional Right-of-way dedications may be required as determined by Metrolinx, which is needed to accommodate the future LRT railway, platform, and other LRT infrastructure. This right-of-way width, which may exceed the Schedule C-2 requirement, is only supported in conformity with the Council Approved Urban Hamilton Official Plan: Chapter C – City Wide Systems and Designations, Policy 4.5.6.7 – Right-of-Way Dedications.
32. That, **prior to registration**, the owner shall dedicate a right-of-way dedication free and clear to the City of Hamilton of approximately up to ± 3.1 metres along Kenora Avenue, to the satisfaction of the Manager, Transportation Planning.
33. That, **prior to registration**, the owner shall dedicate free and clear to the City of Hamilton a 12.19 metre by 12.19 metre daylighting triangle at the intersection of Centennial Parkway North and Queenston Road from the as-widened rights-of-way of Centennial Parkway North and Queenston Road, to the satisfaction of the Manager, Transportation Planning.
34. That, **prior to registration**, the owner shall dedicate free and clear to the City of Hamilton a 12.19 metre by 12.19 metre daylighting triangle at the intersection of Kenora Avenue and Queenston Road from the as-widened rights-of-way of Kenora Avenue and Queenston Road, to the satisfaction of the Manager, Transportation Planning.
35. That, **prior to registration**, the owner shall dedicate free and clear to the City of Hamilton a 9.0 metre by 9.0 metre daylighting triangle at the intersection of Street 'A' and Centennial Parkway North from the as-widened right-of-way of Centennial Parkway North to the satisfaction of the Manager, Transportation Planning.
36. That, **prior to registration**, the owner shall dedicate free and clear to the City of Hamilton a 9.14 metre by 9.14 metre daylighting triangle at the intersection of Street 'A' and Kenora Avenue from the as-widened right-of-way of Kenora Avenue to the satisfaction of the Manager, Transportation Planning.

Hamilton Street Railway

37. That, **prior to servicing either Blocks 10 or 11**, the owner shall enter into a real estate agreement with the City of Hamilton in its corporate capacity as occupant

for securing an Agreement in respect of a new Hamilton Street Railway transportation bus terminal, which shall include a minimum of ten (10) bays, on Block 10, with detailed design of the transportation terminal to be finalized at the site plan stage, to the satisfaction of the Director of Transit.

38. That, **prior to servicing**, the owner shall provide a Construction Phasing Plan, which demonstrates that Hamilton Street Railway bus service is not interrupted or interfered with throughout construction and that continued access to the existing and future bus terminals is maintained, to the satisfaction of the Director of Transit.
39. That, **prior to servicing**, the owner shall provide a revised Concept Plan which demonstrates pedestrian circulation between Blocks 12 and 13 to ensure safe pedestrian crossing while mitigating any impacts to the reliability, timing, and safety of Hamilton Street Railway routes, to the satisfaction of the Director of Transit.
40. That, **prior to servicing either Blocks 10 or 11**, the owner shall provide an updated Transportation Impact Study which demonstrates an acceptable level of service for busses at the exit onto Queenston Road including an analysis of the implementation of transit signal priority measures prior to the implementation of the Hamilton B-Line LRT, to the satisfaction of the Director of Transit.

Heritage and Urban Design

41. That, **prior to servicing**, the owner shall provide a Sun Shadow Study prepared in accordance with the Terms of Reference set out by the City of Hamilton, which demonstrates that the proposed development meets sun access performance standards for all parks, privately-owned publicly accessible spaces, public realm, private and/or public amenity spaces, sidewalks, walkways and pedestrian spaces, to the satisfaction of the Director of Heritage and Urban Design.
42. That, **prior to registration**, the owner shall provide an Urban Design and Architectural Guidelines prepared in accordance with the Terms of Reference set out by the City of Hamilton, which demonstrates appropriate built form, site design, circulation, streetscape, parks, privately-owned publicly accessible spaces, landscape and other design criteria, to the satisfaction of the Director of Heritage and Urban Design.
43. That, **prior to registration**, the owner agrees, at their expense, to install a Design Control Architect Licensed with the Ontario Association of Architects and independent of the Design Architect to certify, through stamping and signing, all drawings for the development of each lot and/or block subject to the

approved Urban Design and Architectural Guidelines for the subdivision prior to the issuance of a building permit, to the satisfaction of the Director of Heritage and Urban Design.

44. That, **prior to registration**, the owner shall provide a Landscape Plan prepared in accordance with the Terms of Reference set out by the City of Hamilton, which illustrates the proposed streetscape design along the entire Queenston Road frontage between Centennial Parkway North and Kenora Avenue, addresses the City of Hamilton Complete Street Design Guidelines, incorporates the latest Right-of-way width of Queenston Road, and reflects integration with the latest Light Rail Transit design concept from Metrolinx pending its availability, to the satisfaction of the Director of Heritage and Urban Design.
45. That, **prior to preliminary grading or servicing**, the owner shall submit a Tree Protection Plan prepared by a tree management professional (i.e. certified arborist, registered professional forester or landscape architect) showing the location of drip lines, edges of existing plantings, the location of all existing trees and the methods to be employed in retaining trees to be protected, to the satisfaction of the Director of Heritage and Urban Design.
46. That, **prior to preliminary grading or servicing**, the owner is to be aware of the *Migratory Birds Convention Act*, 1994 and agrees that removal of any vegetation on the subject lands is to occur between Sept. 1 and March 30. However, in the event that 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 proximity to the removal area, to the satisfaction of the Director of Heritage and Urban Design.
47. 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, to the satisfaction of the Director of Heritage and Urban Design. Native species, representative of the area are to be considered in the planting plan.

Urban Forestry

48. That, **prior to preliminary grading**, the owner shall submit a revised Tree Management Plan which addresses potential conflicts with City owned tree, to the satisfaction of the Director of Environmental Services.

49. That, **prior to preliminary grading**, the owner shall submit any applicable fees for any municipal trees related to the subdivision, to the satisfaction of the Director of Environmental Services.
50. That, **prior to preliminary grading**, the owner shall submit a revised Landscape Plan illustrating the street tree planting scheme, to the satisfaction of the Director of Environmental Services.

Development Planning

51. That, **prior to registration**, the owner shall submit an updated Noise and Vibration Impact Study for peer review and approval by a Qualified Acoustical Professional, and implement any recommendations thereof, entirely at the owner's expense, to the satisfaction of the Director of Development Planning.
52. That, **prior to registration**, the owner shall enter into an agreement with the City to establish a publicly accessible open space on Blocks 12, 13 and 14. This agreement will deal with matters including, but not limited to, the long-term ownership, maintenance, and public access of the lands, which may also include the registration of any necessary easements, and the provision of a parkland credit as may be required under the *Planning Act*, all to the satisfaction of the Director of Development Planning. Any refund of any parkland credit owing as a result shall be conditional upon the coming into force of the applicable subsections of Section 42 of the *Planning Act*.
53. That, **prior to registration**, Blocks 12, 13 and 14 containing the proposed publicly accessible open space shall be merged with an adjacent development block or blocks and/or the owner shall address any zoning issues related to Blocks 12, 13 and 14 remaining as stand-alone blocks, all to the satisfaction of the Director of Development Planning.
54. That, **prior to registration**, the owner shall agree in the Subdivision Agreement, that at the Site Plan Control stage for each development block, to submit a signed Record of Site Condition to the satisfaction of the Director of Development Planning or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. The Record of Site Condition must include a notice of acknowledgement of the Record of Site Condition by the Ministry of the Environment, Conservation and Parks, and submission of the City of Hamilton's current Record of Site Condition administration fee, all to the satisfaction of the Director of Development Planning.
55. That, **prior to servicing**, the owner shall prepare and submit a Streetscape and Public Realm Design Study for those portions of Queenston Road and Centennial Parkway North that abut the subject lands, which provides

recommendations for the design of the public realm and the interface between private development and the public realm, entirely at the owner's expense, to the satisfaction of Director of Heritage and Urban Design.

Alectra Utilities

56. 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.

Bell Canada

57. That, **prior to registration**, the owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development and the owner further agrees and acknowledges to convey such easements at no cost to Bell Canada, to the satisfaction of Bell Canada.
58. That, **prior to registration**, 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, to the satisfaction of Bell Canada.

Enbridge Gas Inc.

59. That, **prior to registration**, the owner acknowledges and agrees to provide any easement(s) or agreements(s) as deemed necessary by Enbridge Gas Inc. to service this new development and the owner further agrees and acknowledges to provide such easement(s) and agreements(s) at no cost to Enbridge Gas Inc., to the satisfaction of Enbridge Gas Inc.

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.

Wind Study

3. The owner shall be required at the Site Plan Control stage for each block to provide a Quantitative Wind Study prepared in accordance with the Terms of Reference set out by the City of Hamilton, which demonstrates that the proposed development meets the performance standards for all, privately-owned publicly accessible spaces, public realm, private and/or public amenity spaces, sidewalks, walkways, and pedestrian spaces. The study shall account for the development blocks subject to the Site Plan Control application and the cumulative impact of adjacent development blocks and lands.