

Special Conditions for Draft Plan of Subdivision Approval for 25T-202501

That this approval apply to the Draft Plan of Subdivision, certified by Moe Tavallae, O.L.S, dated April 17, 2025, consisting of five lots for single detached dwellings (Lots 1 to 5), one block for a road right-of-way widening and daylight triangle (Block 1), and one future development block (Block 2), be received and endorsed by City Council with the following special conditions:

Development Engineering

1. That, **prior to registration**, the owner shall prepare a reference plan for the transfer of Block 1 to the City and dedicate it as municipal right-of-way to achieve an ultimate right-of-way width of 20.117 metres on Lakeshore Drive and a 4.57 metre x 4.57 metre daylighting triangle at the intersection of Lakeshore Drive and Jones Road upon request and within 45 days advanced written notice from the City, to the satisfaction of the Director, Growth Management and Chief Development Engineer and Manager of Transportation Planning. The owner shall be responsible for all associated costs to dedicate and transfer the land.
2. That, **prior to registration**, the owner shall enter into a private agreement with the adjacent landowner under approved Draft Plan of Subdivision application 25T-201703 to secure their share of the extension of Lakeside Drive from the west limit of the subject lands to the east limit of the subject lands at the intersection with Jones Road including but not limited to: storm, sanitary and water mains, utility relocates, pole relocates, hydro vault relocates, permanent pavement marking and signage, street signs, stop signs, stop bars, pedestrian crossings, restoration of the road and boulevards, extension of sidewalk, intersection improvements, etc., entirely at the owner's cost, all to the satisfaction of the Director, Growth Management and Chief Development Engineer.
3. That, **prior to registration of Lot 1**, Block 2 shall be merged with the adjacent Block 44 from Draft Plan of Subdivision 25T-201703 (Newport Yacht Club), to the satisfaction of the Director, Growth Management and Chief Development Engineer. Further, the owner acknowledges and agrees to maintain Block 2 in perpetuity or until such time as the adjacent Draft Plan of Subdivision 25T-201703 is registered and these lands are comprehensively redeveloped or merged, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
4. That, **prior to registration of the final plan of subdivision**, the Lakeside Drive extension to Jones Road shall be constructed and fully operational including all servicing works by the adjacent developer under approved Draft Plan of Subdivision application 25T-201703. The owner will be required to pay their share for, including but not limited to, the construction of Lakeside Drive from the west limit of Block 1 to the intersection with Jones Road, winter maintenance, waste collections services, streetlighting, permanent pavement marking,

signage, etc., 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 shall pay any outstanding costs/best efforts assessed for the subject lands, to the satisfaction of the Director, Growth and Chief Development Engineer.
6. That, **prior to preliminary grading**, the owner shall submit an updated Functional Servicing and Stormwater Management (SWM) Report prepared by a qualified Professional Engineer and in accordance with City of Hamilton Drainage Policy and Current Comprehensive Development Guidelines by considering the following parameters:
 - a) Up-to-date two-hydrant flow test data at the closest municipal hydrant through a licensed private contractor by the proponent,
 - b) Servicing details for Lots 1-5 (inclusive),
 - c) Signed consent will be required from the adjacent developer to the west to permit drainage from the rear of lots 2, 3 and Block 3 to the proposed future Catch Basin (CB) on the adjacent land. If interim measures are required, the applicant will be responsible for implementing any interim drainage features in order to self-contain drainage,
 - d) To demonstrate how drainage will be maintained for the existing lots on the north side of Lakeside Drive,

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

7. That, **prior to servicing**, the owner shall submit a 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 and Chief Development Engineer.
8. That, **prior to servicing**, the owner shall submit a revised Hydrogeological Report prepared by a qualified professional engineer in accordance with City standards, including a Groundwater Monitoring and Contingency plan that outlines the protocol for action during the construction period and foundation design of the dwellings, and implement the recommendations of the report, all to the satisfaction of the Director, Growth Management and Chief Development Engineer.
9. That, **prior to servicing**, the owner shall prepare and submit a driveway location/on street parking plan showing:
 - a) the location of driveways based on achieving on-street parking for 40% of the total dwelling units;

- b) the driveways ramps and curb openings for all lots; the pairing of driveways;
- c) where lots in the subdivision abut a park entrance or a public walkway, as the case may be;
- d) the location of transit pads, community mailbox pads and fire hydrants, where the location has been determined by the appropriate authorities; and,
- e) parking on one side of the street only;

all to the satisfaction of the Manager, Transportation Planning.

10. 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 and Chief Development Engineer.

Growth Planning

11. 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

12. That, **prior to registration**, the owner submits and receives approval of a Transportation Assessment, to the satisfaction of the Manager of Transportation Planning.
13. That, **prior to servicing**, the owner shall provide 1.5 metre wide sidewalks along the frontage of Lakeside Drive and Jones Road to the satisfaction of the Manager, Development Engineering.

Natural Heritage

14. That, **prior to preliminary grading and servicing**, the owner is to submit a Tree Protection Plan (TPP) prepared by a recognized tree management professional (i.e., certified arborist, registered professional forester, 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 Planning and Chief Planner. A Verification of Tree Protection Letter would need to be provided as part of this Plan. This is to confirm that all tree protection measures have been installed in accordance with the approved Tree Protection Plan.
15. That, **prior to registration**, the owner is to prepare a Landscape Plan showing planting and surfacing details for all areas not covered by buildings, structures,

loading areas, or parking areas, to the satisfaction of the Director of Planning and Chief Planner.

Cultural Heritage

16. That, **prior to preliminary grading and/or servicing**, the owner shall submit the letter from the Ministry of Citizenship and Multiculturalism confirming that Provincial interest for the Stage 1 & 2 archaeological report (P379-511-2022) has been signed off, to the satisfaction of the Director of Heritage and Urban Design.
17. That, **prior to preliminary grading**, the owner shall submit:
 - a) A Relocation Plan, prepared by a contractor with experience relocating heritage buildings;
 - b) Detailed plans for renovation and restoration of the heritage dwelling;
 - c) A Revised Cultural Heritage Impact Assessment or Cultural Heritage Impact Assessment Addendum which addresses the following items:
 - i. Recommended measures for long term conservation of the historic dwelling once it is relocated, including designation under the *Ontario Heritage Act*; and,
 - ii. Recommendations for interpretive or commemorative measures for the site; and,
 - d) Financial securities, informed by the Relocation Plan and Revised Cultural Heritage Impact Assessment or Cultural Heritage Impact Assessment addendum, for the costs of relocation and renovation of the historic dwelling after it has been moved;

all to the satisfaction of the Director of Heritage and Urban Design.

18. That, **prior to registration**, the owner is responsible for fulfilling the conditions for the implementation of the Relocation Plan and Revised Cultural Heritage Impact Assessment or Cultural Heritage Impact Assessment addendum for the relocation and renovation of the historic dwelling after it is moved, to the satisfaction of the Director of Heritage and Urban Design.

Urban Forestry

19. 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.

Hamilton Conservation Authority

20. That, **prior to preliminary grading**, the owner shall submit and receive approval of a Hamilton Conservation Authority (HCA) permit pursuant to Ontario Regulation 41/24 (Prohibited Activities, Exemptions, and Permits), to the satisfaction of the Hamilton Conservation Authority.

Bell Canada

21. That, **prior to registration of the final 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, to the satisfaction of Bell Canada.

Canada Post

22. That, **prior to registration of the final plan of subdivision**, the owner shall include in all offers of purchase and sale and lease or rental agreements to the satisfaction of the Director of Growth Management and Chief Development Engineer and Canada Post, a statement that advises the prospective purchaser:
- a) That the home/ business mail delivery will be from a designated Centralized Mail Box; and,
 - b) That the owner be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
23. That, **prior to registration of the final plan of subdivision**, to the satisfaction of the Director of Growth Management and Chief Development Engineer and Canada Post, the owner agrees to:
- a) 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;
 - b) 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;
 - c) 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;

- d) 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; and,
 - e) Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
24. That, **prior to registration of the final plan of subdivision**, Canada Post's multi-unit policy, which requires that the owner provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly and more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space, to the satisfaction of the Director of Growth Management and Chief Development Engineer and Canada Post.

Enbridge Gas Inc.

25. That, **prior to registration of the final plan of subdivision**, the owner agrees to provide Enbridge Gas Inc. with necessary easements and/or agreements required for the provision of gas services, 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 as indicated by the Public Works Department and compliance with the City's Solid Waste Management By-law No. 20-221, as amended. Until municipal waste collection services are initiated, the developer is responsible for all waste removal. Additionally, prior to the start of municipal waste collection service, the development must be free of construction debris and construction-related activities.

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.