

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 11
COMMITTEE DATE: October 16, 2012	
SUBJECT/REPORT NO: Applications for Approval of a Draft Plan of Subdivision, "Oasis - Phase 2", and Draft Plan of Condominium, for Lands Located at 845 and 857 North Service Road (Stoney Creek) (PED12183) (Ward 11)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Alvin Chan (905) 546-2424 Ext. 1334
SIGNATURE:	

RECOMMENDATION

- (a) That approval be given to **Amended Draft Plan of Subdivision Application 25T-201103, by Homes By DeSantis (Meadows) Inc., c/o Gabe DeSantis, (Owner)**, to establish a draft plan of subdivision known as "Oasis - Phase 2", on lands located at 845 and 857 North Service Road (Stoney Creek), as shown on Appendix "A" to Report PED12183, subject to the following conditions:
 - (i) That this approval apply to "Oasis - Phase 2", 25T-201103, prepared by IBI Group, and certified by Geoff Aldworth, O.L.S., dated September 5, 2012, showing 20 lots for street townhouses (Lots 1-20), 28 lots for freehold townhouses fronting on a private (condominium) road (Lots 21-48), 1 block for the condominium road and other common elements (Block 49), and 1 block for road widening purposes (Block 50), attached as Appendix "B" to Report PED12183, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix "C" to Report PED12183.

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- (ii) Acknowledgement that there will be no City share for any municipal works associated with this development.
- (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the land on the day prior to the issuance of the first building permit for each said Lot or Block.

A parkland dedication, at a ratio of 0.6 ha per 300 dwelling units, will be required.

All in accordance with the Financial Policies for Development, and the City's Parkland Dedication By-law, as approved by Council.

- (iv) That the Final Plan of Subdivision complies with all the applicable provisions of the final approved Official Plan Amendment No. 169 to the City of Stoney Creek Official Plan, and to the provisions of Zoning By-law No. 12-183 of the Stoney Creek Zoning By-law No. 3692-92.
- (b) That approval be given to **Amended Draft Plan of Condominium Application 25CDM-201105, by Homes By DeSantis (Meadows) Inc., c/o Gabe DeSantis, (Owner)**, to establish a draft plan of condominium (Common Elements Condominium) to create a condominium road, sidewalks, visitor parking areas, and landscaped areas with an enhanced noise barrier, in conjunction with 28 freehold street townhouse lots, on a portion of the lands located at 845 and 857 North Service Road (Stoney Creek), as shown on Appendix "A" to Report PED12183, subject to the following conditions:
- (i) That this approval apply to the plan prepared by IBI Group, and certified by G. Aldworth, O.L.S., dated September 5, 2012, showing the common elements (Block 49), attached as Appendix "D" to Report PED12183.
 - (ii) That the Final Plan of Condominium complies with all the applicable provisions of the final approved Official Plan Amendment No. 169 to the City of Stoney Creek Official Plan, and to the provisions of Zoning By-law No. 12-183 to Stoney Creek Zoning By-law No. 3692-92.
 - (iii) That the owner receives final approval and registers Draft Plan of Subdivision 25T-201103, to the satisfaction of the Director of Planning.

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- (iv) That the owner enters into a Development Agreement to ensure that the tenure of each of the proposed 28 freehold lots have legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor.
- (v) That the owner includes the following warning clause in the Development Agreement, all Purchase and Sale Agreements, and any rental or lease agreements required for occupancy:
 - (a) "Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road or sidewalk."
- (vi) That the owner provides the Senior Director of Growth Management with evidence that satisfactory arrangements, financial or 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 condominium, including 9-1-1 emergency calling service that identifies, at a minimum, the caller's name and location information.
- (vii) That the owner/developer provide to Union Gas Limited the necessary easements and/or agreements required by Union Gas Limited for provisions of gas services for this project, in a form satisfactory to Union Gas Limited.
- (viii) That the owner satisfies any conditions, financial or otherwise, of the City of Hamilton.

EXECUTIVE SUMMARY

The subject applications were amended on August 28, 2012, by the applicant/owner, in order to reflect the approved concept plan reviewed under Zoning By-law and Official Plan Amendment Applications ZAC-11-025 and OPA-11-004. In particular, to address servicing, waste, and emergency services issues, a loop road network has been incorporated.

The purpose and effect of the Draft Plan of Subdivision application is to establish a plan of subdivision in order to permit the development of the subject lands for 20 lots for street townhouse units fronting onto Palacebeach Trail, and 28 lots for freehold townhouse units fronting on a condominium road.

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The purpose and effect of the Draft Plan of Condominium application is to establish the common elements, which shall include visitor parking areas, landscaped areas, and an enhanced noise barrier, in favour of the 28 units fronting the proposed private roadway.

The proposal has merit and can be supported since the applications are consistent with the Provincial Policy Statement, and conform to the Growth Plan for the Greater Golden Horseshoe, the Hamilton-Wentworth Official Plan, and the City of Stoney Creek Official Plan, upon final approval of Official Plan Amendment No. 169. In order to ensure the completion of the Official Plan Amendment and, accordingly, conformity with the Stoney Creek Official Plan, staff has included Recommendations (a)(iv) and (b)(ii).

The proposed development is compatible with and complementary to the existing uses in the immediate area, representing good planning and providing for the development of a complete community, while enhancing the streetscape along Palacebeach Trail and making efficient use of a vacant parcel of land and existing infrastructure within the urban boundary.

Alternatives for Consideration - See Page 24.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: N/A.

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider applications for approval of a draft plan of subdivision, and approval of a draft plan of condominium (common elements).

HISTORICAL BACKGROUND (Chronology of events)

Proposal

The subject lands, totalling 1.63 hectares, are located between Dartmouth Gate and Glover Road, with frontage on Palacebeach Trail and North Service Road. As mentioned above, in order to address comments provided with respect to servicing, waste, and emergency services, the proposed concept plan, reviewed under the associated Zoning By-law and Official Plan Amendment applications, was revised to include a loop road network, which thereby necessitates the proposed amendments to the subject Draft Plan of Subdivision and Condominium applications.

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The purpose of the amended applications is for approval of a draft plan of subdivision and draft plan of condominium in order to permit 20 lots for street townhouse units fronting onto Palacebeach Trail, and 28 lots for freehold townhouse units fronting on a condominium road.

In particular, the amended proposed plan of subdivision (see Appendix "B") is intended to create 20 lots for street townhouse units with frontage on Palacebeach Trail (Lots 1 - 20), 28 lots for freehold townhouse units fronting on a private condominium road (Lots 21 - 48), 1 block for the condominium road and other common elements (Block 49), and 1 block for road widening purposes (Block 50). It should be noted that Block 50 is to be dedicated to the City of Hamilton.

The proposed draft plan of condominium (see Appendix "D") is intended to create a condominium road to provide vehicular access for the 28 townhouse units, and will also contain other common element features including visitor parking spaces, an enhanced noise barrier, and landscaped areas.

Chronology:

February 18, 2011: Formal Consultation Application Waived.

April 6, 2011: Submission of Applications OPA-11-004 (Official Plan Amendment), ZAC-11-025 (Zoning By-law Amendment), 25CDM-201105 (Draft Plan of Condominium), and 25T-201103 (Draft Plan of Subdivision) by IBI Group, on behalf of Homes By DeSantis (Meadows) Inc.

May 6, 2011: Applications OPA-11-004, ZAC-11-025, 25CDM-201105, and 25T-201103 are deemed incomplete due to insufficient fees and outstanding required materials.

June 27, 2011: Neighbourhood Meeting held by IBI Group with the Ward Councillor, residents, and staff in attendance.

October 6, 2011: Re-submission of Applications OPA-11-004, ZAC-11-025, 25CDM-201105, and 25T-201103.

November 3, 2011: Applications OPA-11-004, ZAC-11-025, 25CDM-201105, and 25T-201103 deemed incomplete due to insufficient fees and outstanding required materials.

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November 18, 2011: Submission of outstanding fees and supporting materials for Applications OPA-11-004, ZAC-11-025, 25CDM-201105, and 25T-201103.

November 28, 2011: Applications OPA-11-004, ZAC-11-025, 25CDM-201105, and 25T-201103 are deemed complete.

December 5, 2011: Circulation of Notice of Complete Application and Preliminary Circulation for Applications OPA-11-004, ZAC-11-025, 25CDM-201105, and 25T-201103 to all residents within 120 metres of the subject lands.

December 12, 2011: Public Notice Sign was erected on the subject lands.

June 22, 2012: Circulation of Notice of Public Meeting for Official Plan and Zoning By-law Amendment Applications OPA-11-004 and ZAC-11-025 to all residents within 120 metres of the subject lands and all residents who provided written comments.

July 10, 2012: Approval of Official Plan and Zoning By-law Amendment Applications OPA-11-004 and ZAC-11-025 by City of Hamilton Planning Committee.

August 28, 2012: Revised Draft Plan of Subdivision and Condominium layouts to reflect approved zoning submitted and deemed complete.

September 28, 2012: Circulation of Notice of Public Meeting for Draft Plan of Subdivision and Draft Plan of Condominium to all residents within 120 metres of the subject lands and all residents who provided written comments.

Details of Submitted Application:

Location: 845 and 857 North Service Road (Stoney Creek)
(See Appendix "A")

Owner/Applicant: Homes By DeSantis (Meadows) Inc. (c/o Gabe DeSantis)

Agent: IBI Group (c/o John Ariens)

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<u>Property Description:</u>	<u>Lot Frontage:</u>	Palacebeach Trail - 182.72 metres North Service Road - 182.41 metres
	<u>Lot Depth:</u>	Irregular - 92.20 metres
	<u>Lot Area:</u>	1.63 hectares
	<u>Servicing:</u>	Full Municipal Services

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Single Detached Dwelling	Neighbourhood Development "ND" Zone Lands Subject to By-law 12-183 (Not Final and Binding)
<u>Surrounding Land Uses:</u>		
North	Street Townhouse Dwellings	Multiple Residential "RM2-11" Zone
South	North Service Road and Queen Elizabeth Way	N/A
East	Watercourse	Conservation/Hazard Lands (P5) Zone
West	Single Detached Dwelling	Rural Residential "RR" Zone

POLICY IMPLICATIONS

Provincial Policy Statement

The applications have been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the applications are consistent with the policies that focus growth in Settlement Areas 1.1.3.1.

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Additionally, Policy 2.6.2 requires that development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site. A Stage 1 and 2 Archaeological Report was submitted to the Ministry of Tourism and Culture and the City of Hamilton. Upon review, City staff concurs with the findings of the Report, and has no further concerns.

Lastly, Policy 1.7.1(e) outlines that long-term economic prosperity will be supported by planning so that major facilities (such as transportation corridors) and sensitive land uses are appropriately designed, buffered, and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety.

Staff notes that a noise study, titled "*Road Traffic Noise Feasibility Study Oasis Phase II, 845 and 857 North Service Road, Hamilton, Ontario*", dated September 28, 2011, prepared by HGC Engineering, was submitted, and is currently in review. However, until such time as formal sign-off has been provided, a detailed Noise Study will be required, as per Section 1.25 of the Standard Form Subdivision Agreement, and also as Special Conditions 3 and 25 on Appendix "C". Based on the foregoing, the proposal is consistent with the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe (Places to Grow)

The subject applications are consistent with the Guiding Principles, Section 1.2.2 and the Managing Growth policies of the Plan, through a planned and managed growth that supports a strong and competitive economy, while protecting, conserving, enhancing, and wisely using the valuable natural resources of land, air, and water for current and future generations; optimizing the use of existing and new infrastructure to support growth that is in a compact, efficient form; and establishing a built compact, vibrant, and complete community.

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow Plan).

Hamilton-Wentworth Official Plan

The subject property is designated as "Urban Area" in the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

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Additionally, Policy B-9.2 states that the City shall consider the protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and re-development. Where possible, these attributes will be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection. As mentioned above, the Provincial interest has been satisfied.

Based on the foregoing, the applications conform to the policies of the Hamilton-Wentworth Official Plan.

City of Stoney Creek Official Plan

The subject property is designated as "Residential" on Schedule A - General Land Use Plan, and as "Medium Density Residential" on Schedule A4 - Urban Lakeshore Area Secondary Plan, as amended by OPA No. 169 to the City of Stoney Creek Official Plan. It is noted that the related OPA is not yet final and binding, but to ensure conformity, staff has included Recommendations (a)(iv) and (b)(ii) to address this concern.

The residential Policies A.1 in the Plan state that the primary uses permitted in areas designated for residential shall be for dwellings, and that the location of various types and residential densities shall be outlined in the relevant Secondary Plans with full municipal services.

Policy 1.2.12(b), outlines that the "Medium Density Residential" designation identified in applicable secondary plans shall permit densities of approximately 30 to 49 units per Net Residential Hectare, and shall permit predominantly townhouse dwellings and walk-up apartments. The proposal is for the development of townhouse dwellings, and would establish a density of 30 units per hectare on the lands for townhouse development.

Policy A.1.2.14 notes that within each of the Secondary Plan's Residential Density designations, outlined in Policy 1.2.12 of this Sub-section, the Zoning By-law will restrict the uses of any site to one or more of the dwelling unit types permitted within that designation. Such restrictions will be implemented to preserve the character of a neighbourhood and to promote compatibility of dwelling unit types with surrounding existing and proposed land uses.

Additionally, Policies A.1.2.17, A.12.19, and A.12.20 provide policies with respect to residential development; in particular, requirements for a form harmonious with the surrounding area, provision of school and commercial facilities, adequate off-street parking and landscaping, and noise attenuation.

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The proposed development has been restricted to the street townhouse dwelling form, which is compatible with the existing and surrounding development and maintains the character of the neighbourhood, as per the previously adopted amending Zoning By-law. Staff notes that local commercial facilities are to be provided at the intersection of Dartmouth Gate and Palacebeach Trail, within walking distance of the subject lands. Additionally, the proposed development is in proximity to the proposed Trillium Gardens Park, and the lands adjacent to this park are designated for an "Elementary School".

The proposed development provides adequate off-street parking and landscaped areas, and will be subject to a future Noise Study, as per the requisite conditions of approval for the Draft Plans of Subdivision and Condominium, and through the future Site Plan Control process. Based on the foregoing, the proposal conforms to the Residential policies of the Official Plan.

The Secondary Plan policies for the Lakeshore Area are found under Section A.13.4. In particular, policies with respect to noise attenuation, shoreline protection, and neighbourhood character, while providing for additional housing forms and tenures, are included.

As the proposal is subject to a Noise Study requirement, is a considerable distance from Lake Ontario, and provides for additional housing forms and tenures consistent with the neighbourhood character and profile along Palacebeach Trail, the intent and purpose of the Secondary Plan policies will be maintained for the proposed "Medium Density Residential" development.

Based on the foregoing, as the proposal conforms to the "Residential" policies of the Stoney Creek Official Plan, and the Lakeshore Area Secondary Plan and its policies, upon final approval of the related OPA, staff supports the subject applications.

Trillium Neighbourhood Plan

The subject property is designated as "Medium Density Residential", as per City of Stoney Creek Official Plan Amendment No. 169. Although not yet final and binding, staff has ensured that the subject Draft Plan of Subdivision and Condominium are conditional upon the final approval of the related OPA (see Recommendations (a)(iv) and (b)(ii)).

As discussed above, staff is of the opinion that the proposed development provides for additional housing forms and tenures consistent with the neighbourhood character and profile along Palacebeach Trail and is, therefore, supportable.

New Urban Hamilton Official Plan

The Urban Hamilton Official Plan received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011, and, therefore, can no longer be modified. The final decision on the Urban Hamilton Official Plan has been appealed.

The subject lands are designated as "Neighbourhoods" on Schedule "E" - Urban Structure and on Schedule "E-1" - Land Use Designations. On July 10, 2012, the Urban Lakeshore Area Secondary Plan was amended through Recommendation (b) of PED12089; whereby approval of a change in designation from the "Low Density Residential 2b" and "Institutional" to the "Low Density Residential 3c" was granted, to be held in abeyance until a final decision has been made regarding the Urban Hamilton Official Plan.

Policy Section E.3.2.1 of Volume 1 prescribes that: *"Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities, as well as supporting uses intended to serve the local residents."*

As the subject development provides for a complete community and supporting services, is of a Residential nature in accordance with the uses permitted under Policy E.3.2.3, the subject applications conform to the intent and purpose of the "Neighbourhoods" general policies.

Additionally, Policy E.3.2.14 of Volume 1 requires that: *"New housing with supports shall be permitted within the Neighbourhoods designation in accordance with the locational and design criteria of the residential category to which the density and built form best complies."*

In review of the proposed development for townhouse dwellings, the subject Draft Plan of Subdivision would fall under "Medium Density Residential", as per Policy Section E.3.5.1 of Volume 1, whereby *"Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads."*

Furthermore, it is noted that Policy E.3.5.2 of Volume 1, prohibits "Street Townhouse" units within the "Medium Density Residential" designation. However, Policy E.3.5.3(c) of Volume 1, states that: *"Notwithstanding Policy E.3.5.2, street townhouses shall be permitted by Secondary Plan designations and policies existing at the date of adoption of this Plan"*.

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In addition, Policy Sections E.3.5.7 to E.3.5.9 provide the scale and design policies with respect to "Medium Density Residential". However, it is noted that the policies of the Urban Lakeshore Area Secondary Plan take precedence, as per Policy Section B.1.2 of Volume 2.

It is noted that with respect to the Secondary Plan, the approval of PED12089, on July 10, 2012, included Recommendation (b) whereby approval of a change in designation from the "Low Density Residential 2b" and "Institutional" to the "Low Density Residential 3c" was granted, but is to be held in abeyance until a final decision has been made regarding the Urban Hamilton Official Plan.

Accordingly, in review of the "Low Density Residential 3c" policies, which permit townhouse dwellings with a density range of 30 to 49 units per net residential hectare, the proposed applications will implement the above noted policy and maintain a consistent streetscape along Palacebeach Trail, which is harmonious with the existing and planned development for the area, and where full municipal services are available.

The proposal would provide for the linear extension of the street townhouse units developed under the adjacent Plans of Subdivision, "Bridgeport" and "Oasis - Phase 1", on the periphery of the neighbourhood in proximity to major and minor arterial roadways.

Based on the foregoing, the proposal is, in principle, consistent with the policies of the Urban Hamilton Official Plan. Staff, therefore, supports the proposed Official Plan Amendment.

Staging of Development

This plan has not been identified in the City of Hamilton's Staging of Development Plan; however, the proposal is consistent with the Criteria for Staging of Development in that utilities and services are available, there are no budgetary impacts, it supports a healthy growing economy, provides for additional assessment and Development Charges revenue, provides housing opportunities, and conforms to the Official Plan.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections to the applications:

- Taxation Division, Corporate Services Department.
- Recreation Division, Community Services Department.

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Environment and Sustainable Infrastructure Division (Public Works Department)

expressed concern with the findings of the Geotechnical Report and, subsequently, has requested a Phase 1 and Phase 2 Environmental Site Assessment. The applicant provided the requisite information on February 8, 2012, and upon review of the supporting documentation, staff determined no further investigation is required. Based on the foregoing, the concerns have been addressed and satisfied.

Forestry and Horticulture Section (Public Works Department) has advised that there are no municipal tree assets within the road allowance and, accordingly, Tree Management will not be required.

The proposed Draft Plan of Subdivision is subject to a Street Tree Planting Plan under Section 2.8 of the Standard Form Subdivision Agreement, and shall include a Landscape Plan. Staff advises that cash payment in-lieu of street trees is not supported for this development. It is also noted that the above will also be a condition of approval of the future Site Plan Control application. Based on the foregoing, staff has no further comments and/or concerns.

Operations and Waste Management Division (Public Works Department) had expressed concern with the original concept, as the T-turnaround layout did not allow for adequate manoeuvring for waste service vehicles and would, therefore, not be eligible for municipal waste services.

In review of the proposal, the applicant revised the applications and layout to incorporate a crescent, which alleviated the above concern. Based on the foregoing, staff has no further comments and/or concerns.

Traffic Engineering Section (Public Works Department) had previously expressed concerns with the use of a T-turnaround under the original concept with respect to emergency vehicles and the required manoeuvring. The applicant has addressed this concern with the implementation of a private crescent providing for adequate manoeuvring and forward facing points of ingress and egress. Therefore, staff has no further concerns with respect to the subject applications.

With respect to the future Site Plan Control application, Traffic Engineering has identified that the west radius of the westerly access encroaches in front of the neighbouring property. It is a standard condition that all portions of an access are to be maintained within the property lines. While it would be preferable to shift the access to the east and maintain the width and curve radii, as proposed, the incorporation of a reduced access radius would also be acceptable. A conceptual sketch was provided to the owner/agent to be addressed through the future Site Plan Control application.

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Hamilton Municipal Parking System (HMPS) has advised that they have no concerns with the proposal, as long as all parking requirements are met on site. Driveways and garages should be designed without encumbrances to ensure they can be used for parking purposes. HMPS is not supportive of variances for encroachments into parking areas.

Staff notes that there is minimal opportunity for on-street parking and, accordingly, has included a provision within the approved amending By-law to require 24 visitor's parking spaces, as shown on the Concept Plan (see Appendix "E").

Canada Post has advised that this subdivision will receive mail service to centralized mail facilities provided through their Community Mailbox Program.

The owner shall complete, to the satisfaction of the Director of Growth Management of the City of Hamilton and Canada Post:

- a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i) That the home/business mail delivery will be from a designated Centralized Mail Box.
 - 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.

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- iv) Determine the location of all centralized mail receiving facilities in cooperation 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.

The conditions requested by Canada Post are addressed through Conditions 22 to 24 in the recommended special conditions of draft plan approval (see Appendix "C"), and through Section 1.22 of the City of Hamilton's Standard Form Subdivision Agreement.

Bell Canada has advised that a detailed review of the draft plan of subdivision has been completed, and has requested the following conditions for the draft plan of subdivision:

1. The Developer is hereby advised that prior to commencing any work within the Plan, the Developer must confirm that sufficient wire-line communication / telecommunication infrastructure is currently available within the proposed development to provide communication / telecommunication service to the proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that the Developer may be required to pay for the connection to and/or extension of the existing communication / telecommunication infrastructure. If the Developer elects not to pay for such connection to and/or extension of the existing communication / telecommunication infrastructure, the Developer shall be required to demonstrate to the municipality that sufficient alternative communication / telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication / telecommunication services for emergency management services (i.e. 911 Emergency Services).
2. Bell Canada requires 1 or more conduit(s) of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated, and 1 or more conduits from the room(s) in which the telecommunication facilities are located to the street line.

The standard conditions requested by Bell Canada are addressed in Section 2.6 of the City of Hamilton's Standard Form Subdivision Agreement, and as a condition of Condominium approval (see Recommendation (b)(vi)).

Union Gas Limited has requested that as a condition of final approval that the owner/developer provide to Union Gas Limited the necessary easements and/or agreements required by Union Gas Limited for provisions of gas services for this project, in a form satisfactory to Union Gas Limited.

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The condition requested by Union Gas Limited is addressed in Section 1.21 of the City of Hamilton's Standard Form Subdivision Agreement, and as a condition of Condominium Approval (see Recommendation (b)(vii)).

Ministry of Transportation (MTO) has requested that the owners must be advised that all proposed permanent buildings and structures above and below ground, utilities, frontage roads/fire routes, essential parking spaces, stormwater management facilities, including ponds and associated berms, and noise walls must be set back 14.0 metres (45 feet) from the North Service Road right-of-way limit.

The owners are solely responsible for all noise mitigation measures, and all external illumination must be directed away from the QEW right-of-way. Furthermore, MTO will require a detailed Stormwater Management Report and land use/sign permits.

Staff has included Condition 21 of Appendix "C" to address the above. In addition, this requirement will also be addressed as a condition of the future Site Plan Control application. Based on the foregoing, the above concerns have been addressed.

Hamilton Conservation Authority has advised that the easterly portion of the site is located adjacent to Stoney Creek Watercourse No. 6.2, a warm water fishery that flows northerly through a 15m wide creek block that was previously established in conjunction with the "Bridgeport" Subdivision, File 25T-200309, which outlets directly to Lake Ontario, approximately 0.5km to the north. The creek block contains the 100 Year floodplain associated with Watercourse No. 6.2, and was intended to be kept in its natural state, with no site disturbance, i.e. a "no touch area". In this regard, HCA identified a concern with respect to some proposed grading activities within the creek block associated with the "Oasis - Phase 1" development, which was resolved.

We also understand that the creek block is contained entirely within the "Oasis - Phase 1" Draft Plan of Subdivision 25T-201101, and will be dedicated to the municipality, not HCA, as identified in the July 26, 2011, Environmental Design Analysis, prepared by Colville Consulting Inc., for the "Oasis - Phase 1" development.

A site inspection by HCA staff and a review of our available topographic mapping revealed that filling of the site has occurred. HCA staff identified this concern during our review of Formal Consultation Application File FC-10-20, and recommended that a geotechnical assessment be undertaken by the applicant. Subsequently, the Preliminary Geotechnical Investigation Report that had been prepared by Soil-Mat Engineers & Consultants Ltd., dated December 21, 2010, was submitted to HCA for review. We note that this Report indicates that the site has been filled, in some areas, with gravel, concrete rubble, and other material, possibly with "limited compaction or control". Consequently, Soil-Mat recommended that "the proposed residential units be founded on the undisturbed native Silty Clay/Clayey, below any fill deposits" or,

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"alternatively, that the existing fill material be excavated and re-engineered in 300 mm lifts compacted to 100 percent standard Proctor maximum dry density". The No. 5 Borehole Log also identified the presence of a hydrocarbon odour. Due to concerns that the fill could be unstable and create a future erosion hazard area associated with the watercourse, as well as the possibility that the source of the hydrocarbon odour could leach into the watercourse, HCA recommends further investigation of the fill to determine if any and/or all of the fill material needs to be removed.

As the 15m wide creek block does not meet HCA's current minimum 30m wide vegetative protection zone requirement, as noted in our October 2011, Planning and Regulation Policies and Guidelines Document, Policy 2.1.3.h.i, which states that the Authority requires a minimum 15m wide undisturbed vegetation protective zone running consistently along both sides of all watercourses, and measured perpendicularly outward from each of the two edges of the bankfull width, providing a total 30m wide vegetation protective zone; we recommend that the fisheries buffer on either side of the creek channel be supplemented with additional planting using native species to the area. Accordingly, a Landscape Plan should be prepared and stamped by a qualified Ontario Landscape Architect and submitted to the City of Hamilton's Natural Heritage Planner and HCA staff for review and approval.

HCA also requires that the new residential development implement appropriate stormwater management practices and sediment and erosion control. In this regard, we note that due to the proximity of the property to the Lake Ontario shoreline, stormwater quantity control will not be required. However; Normal (Level 2) quality control is required. We recommend that the applicant consider utilizing appropriate Low Impact Development (LID) techniques, wherever possible.

A Stormwater Management Report and full set of engineering drawings, including a Site Grading, Site Servicing, and Erosion and Sedimentation Control Plan should be submitted to HCA for review and approval.

Please be advised that the east side of the property, immediately abutting Stoney Creek Watercourse No. 6.2 creek block, is located within HCA's regulated area pursuant to our *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04*. As such, a HCA permit will be required prior to any construction and/or grading activities, or watercourse alterations within the regulated area.

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Based on the above, we recommend the following conditions be applied for the Draft Plan of Subdivision:

1. That the applicant prepares and implements an erosion and sediment control plan for the subject property, to the satisfaction of the Hamilton Conservation Authority. The approved plan should include the following notes:
 - a. All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been re-vegetated;
 - b. All erosion and sediment control measures shall be inspected after each rainfall, to the satisfaction of Authority staff;
 - c. Any disturbed area not scheduled for further construction within 45-days will be provided with a suitable temporary mulch and seed cover within 7-days of the completion of that particular phase of construction; and,
 - d. All disturbed areas shall be re-vegetated with permanent cover immediately following completion of construction.
2. That the applicant prepares and implements a stormwater management plan for the subject property, to the satisfaction of the Hamilton Conservation Authority. The approved plan shall ensure that current Provincial drainage and stormwater quality guidelines are implemented.
3. That the applicant prepares and implements a lot grading plan, to the satisfaction of the Hamilton Conservation Authority.
4. That the applicant prepares and implements a Landscape Plan, to the satisfaction of the Hamilton Conservation Authority.
5. That a Final Geotechnical Investigation Report be prepared to recognize the fill placement and ensure stability of the site, as well as to investigate the source of the hydrocarbon odour and undertake any necessary remedial action.
6. That the applicant obtain a permit from the Hamilton Conservation Authority (HCA) under its *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04* prior to any construction and/or grading activities, or watercourse alteration within HCA's regulated area.

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In consultation with Hamilton Conservation Authority staff, there are no concerns with addressing the above noted requirements through the future Site Plan Control application; however, they have been included as Conditions 15-20 of Appendix "C" as Special Conditions for the Draft Plan of Subdivision, and will be further implemented through the future Site Plan Control application. Based on the foregoing, the above concerns have been addressed.

PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was circulated to 160 property owners within 120 metres of the subject property on December 5, 2011, for the proposed Official Plan and Zoning By-law Amendment Applications, and for approval of a Draft Plan of Subdivision and Condominium.

A Public Notice sign was also posted on the property on December 12, 2011. Finally, Notice of the Public Meeting was given in accordance with the requirements of the Planning Act on September 28, 2012. To date, no public responses have been received.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe, Places to Grow, as it represents an opportunity for growth in Settlement Areas.
 - (ii) It conforms to the policies of the Hamilton-Wentworth Official Plan.
 - (iii) It conforms to the "Residential" policies and "Medium Density Residential" policies of the Stoney Creek Official Plan and Urban Lakeshore Secondary Plan.
 - (iv) It conforms to the intent and purpose of the new Urban Hamilton Official Plan.
 - (v) It conforms to the site-specific provisions of the Zoning By-law applicable to the subject lands, being Zoning By-law No. 12-183 (Not Final and Binding).

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- (vi) The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing for the development of a complete community, enhancing the streetscape along Palacebeach Trail, and making efficient use of a vacant parcel of land and existing infrastructure within the urban boundary.
2. The proposed Draft Plan of Subdivision (see Appendix "D") will consist of 20 lots for street townhouse units (Lots 1 to 20), 28 lots for freehold townhouse units fronting on a private condominium road (Lots 21 to 48), 1 block for a condominium road and other common elements (Block 49), and 1 block for road widening purposes (Block 50).

In review of Sub-section 51(24) of the Planning Act, to assess the appropriateness of the proposed subdivision, staff advises that:

- (a) It is consistent with the Provincial Policy Statement and conforms with the Growth Plan for the Greater Golden Horseshoe (Places to Grow).
- (b) It is not premature, and is in the public interest, since the planned function of the lands is being implemented.
- (c) It conforms with the policies of the Official Plan, and is compatible with existing adjacent plans of subdivision (i.e. "Bridgeport" and "Oasis - Phase 1").
- (d) The lands can appropriately be used for residential purposes.
- (e) The existing road network abutting the property and road linkages to the neighbourhood are adequate to service the proposed units.
- (f) The dimensions and shape of the proposed lots are appropriate.
- (g) The restrictions on the proposed development, including noise mitigation requirements and Ministry of Transportation road setback requirements, are appropriate, and can be accommodated by the development.
- (h) Adequate municipal services are available, the particulars of which will be determined as part of the standard conditions of draft plan approval and Subdivision Agreement, and as part of a Site Plan application.
- (i) School Boards did not express any concerns with the proposed development.

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- (j) No land will be dedicated to the City of Hamilton for park purposes, but the owner will be required to pay Cash-in-Lieu of Parkland at a rate of 0.6 hectares for each 300 dwelling units proposed (see Recommendation (a)(iii)).
- (k) The massing, character, and external design of the proposed buildings were considered as part of the review; however, will be addressed through conditions of approval for the Draft Plan of Subdivision and Condominium, as well as the future Site Plan Control application. In particular, an addendum to the Bridgeport Community Architectural Design Guidelines, to include the subject properties within the scope of the existing Bridgeport Community Architectural Design Guidelines, will be required.
- (l) Landscaping design will be addressed through a condition of site plan approval, which shall require the submission of a Landscape Plan and Tree Management/Protection Plan for the entire development, along with a Street Tree Planting Plan for the street townhouse units fronting onto Palacebeach Trail.

It is noted that although the units fronting Palacebeach Trail are typically exempt from the City's Site Plan Control process, the applicant/owner has agreed to Site Plan Control for all proposed units.

3. Engineering Details:

Development Engineering has reviewed the subject proposal, and advises of the following with respect to the proposed Draft Plan of Subdivision:

- Our records show that there is an existing 250mm sanitary sewer, 375/525mm storm sewer, and 200mm watermain on Palacebeach Trail along the frontage of these lands. These services were constructed as part of the "Bridgeport" development. Private sewer and water drain connections will be required to be constructed to service the proposed development of the subject lands. There are no municipal services on the North Service Road.
- These lands are captured within the overall limits of the lands shown on the approved stormwater and sanitary drainage plan for the "Bridgeport" subdivision development.
- The approved Stormwater Management Report for the "Bridgeport" Subdivision included the subject lands, and the storm sewer system has been sized to accommodate the proposed land use.

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- The owner shall submit a Stormwater Management Report, demonstrating how quantity and quality control criteria will be handled in accordance with the City of Hamilton Storm Drainage Policies. On-site quality is to be provided for Lots 21 to 48.
- Based on the draft plan submitted, it is understood that Lots 1 to 48 and Block 49 are intended be developed through a parallel Site Plan process. Internal roads, sewer, and water services will be privately owned. Private sewer and water servicing for Lots 1 to 48 will be dealt with under the Permit Process at the Site Plan application stage.
- Storm run-off from the subject lands shall not drain onto the creek block. Ditch-inlet leads should be connected to the internal sewer system.
- Location of driveways for Lots 1-48 will be determined at the Site Plan stage as the applicant/owner has agreed to Site Plan Control for the entire development.
- Individual water meters will be required for all units for Lots 1 to 48 of the proposed development.
- The owner is required to contribute its proportionate share for the future urbanization of the North Service Road along the entire frontage of the subject lands.
- The owner is required to submit the necessary transfer deeds to the City's Legal Department to convey Block 50, abutting the south limit of the draft plan, to the City for the purposes of road widening. There is no road widening required on Palacebeach Trail.
- There is an existing 200mm watermain on Palacebeach Trail. The static pressures at the street line are on average in the range of 72-78 psi. The owner is required to submit a Water Servicing Assessment Report for residential water demands and fire flow calculations (based on FUS, 1999).
- Any damage that may occur during construction to the existing curb, sidewalk, and boulevard on the south side of Palacebeach Trail shall be restored, at the owner's expense.

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- The owner will be responsible to reconstruct the full width pavement and concrete curb and sidewalk, at their expense, on Palacebeach Road, from the west limit of the subject lands to the west limit of Lot 21, due to the number of private service installations.
- The owner will be required to register an easement for common elements (drainage, road, sewer, water, noisewall, etc.) in favour of the future Condominium Corporation.
- The owner/applicant will be required to dedicate the portion of Block 108, of Registered Plan 62M-1073, "Bridgeport - Phase 1", fronting 833 North Service Road, to the City of Hamilton for the purpose of access for future development.
- Due to the narrow width of the lots within the proposed development, issues related to surface drainage, both internal and external, have been identified.
- In practice, the ability to easily convey surface drainage, in accordance with the City's Grading Policy, is limited given that homeowners need the space between their lots for moving back and forth, and often block drainage swales with walkways, landscaping, fences, etc. Therefore, "back-to-front drainage", per City policy, shall only be permitted where the combined side yard setback is 2.0m or greater.
- Catchbasins in rear yard swales shall be designated as "private", and shall drain not more than:
 - A maximum 50m of a swale measured along the rear property lines;
 - A maximum of 4 lots on either side of a catchbasin on any side of the catchbasin. Collection from both sides of the rear lot line is acceptable; and,
 - A maximum residential area of 3,600m².
- The ponding on rear yard catchbasins should be minimized. Also, a minimum 2.0m space between foundation walls should be provided in order to accommodate an overland flow route for the proposed rear year catchbasin.
- There is no cost sharing anticipated for this development.

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4. Draft Plan of Condominium:

The proposed Draft Plan of Condominium (Common Elements Condominium) consists of 1 block (see Appendix "D" - Block 49), which is comprised of a 6 metre wide condominium road to provide vehicular access to the proposed 28 townhouse lots from two locations on Palacebeach Trail, a 1.5 metre sidewalk, visitor parking spaces, landscaped areas, and an enhanced noise barrier.

As previously mentioned, the 28 townhouse lots will be created through the Draft Plan of Subdivision; therefore, final approval and registration of the Common Elements Condominium cannot occur until such time as the plan of subdivision has been registered (see Recommendation (b)(iii)).

The applicant must also enter into a Development Agreement with the City of Hamilton as a condition of draft plan approval. The Agreement is required to ensure that the tenure of all the subject residential parcels becomes "tied" to the proposed Draft Plan of Condominium. This will have the effect of ensuring that individual townhouse lots are not sold until the condominium road has been registered as a common element under the Condominium Act (see Recommendation (b)(iv)).

The proposed condominium road and sidewalk will be privately owned and maintained. Furthermore, in order to ensure the orderly development of the adjacent lands to the west, as a condition of approval, the applicant must include a warning clause in the Development Agreement and all Purchase and Sale and/or Lease Agreements to advise perspective purchasers of the following (see Recommendation (b)(v)):

- (a) "Purchasers/Tenants are advised that the City of Hamilton will not be providing any maintenance or snow removal service for the private condominium road or sidewalk."

ALTERNATIVES FOR CONSIDERATION

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

If the applications are denied, the applicant would only be able to develop street townhouse units fronting Palacebeach Trail, conditional upon a severance to create the individual lots, and subject to the provisions of the Multiple Residential "RM2-31" Zone.

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CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Financial Sustainability

- ◆ Effective and sustainable Growth Management.
- ◆ Delivery of municipal services and management capital assets/liabilities in a sustainable, innovative, and cost-effective manner.

The proposed development is compact and utilizes an existing road network and existing servicing capacity, resulting in a more sustainable, cost-effective development.

Social Development

- ◆ Everyone has a home they can afford that is well maintained and safe.

The proposed townhouse units will provide a greater housing choice for the area.

Healthy Community

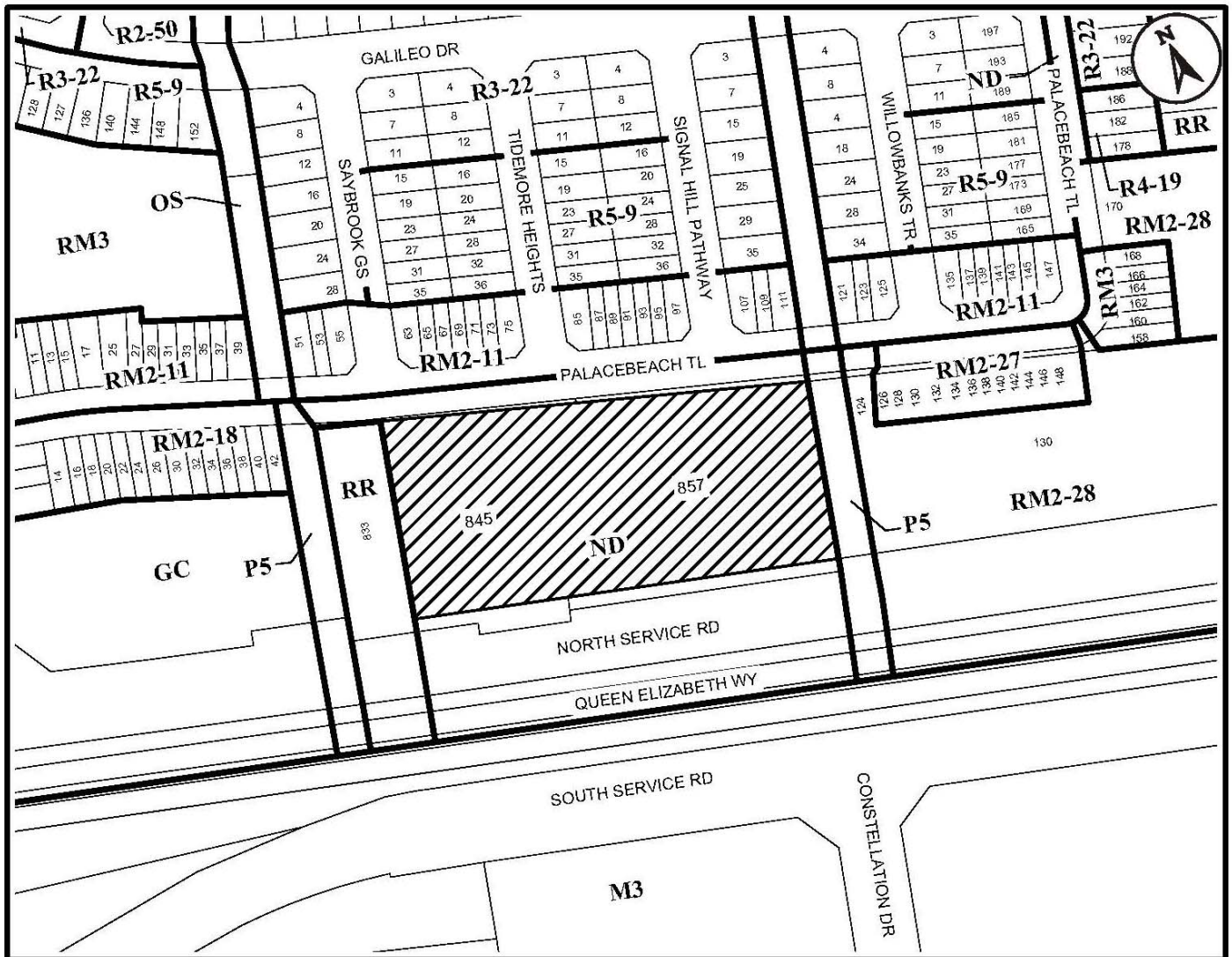
- ◆ Plan and manage the built environment.

The lands are being developed in accordance with the planned uses for the area, and the development is a logical extension of development along Palacebeach Trail. The units will provide housing opportunities for residents of Hamilton.

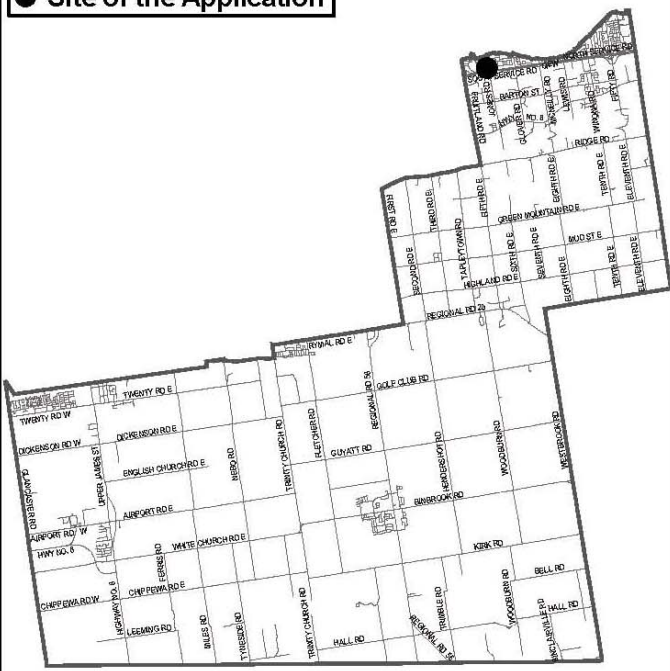
APPENDICES / SCHEDULES

- Appendix "A": Location Map
- Appendix "B": Draft Plan of Subdivision
- Appendix "C": Draft Plan of Subdivision Special Conditions
- Appendix "D": Draft Plan of Condominium
- Appendix "E": Conceptual Site Plan

:AC
Attachs. (5)



● Site of the Application



Ward 11 Key Map

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
25T-200103 / 25CDM-201105

Date:
August 27, 2012

Appendix "A"

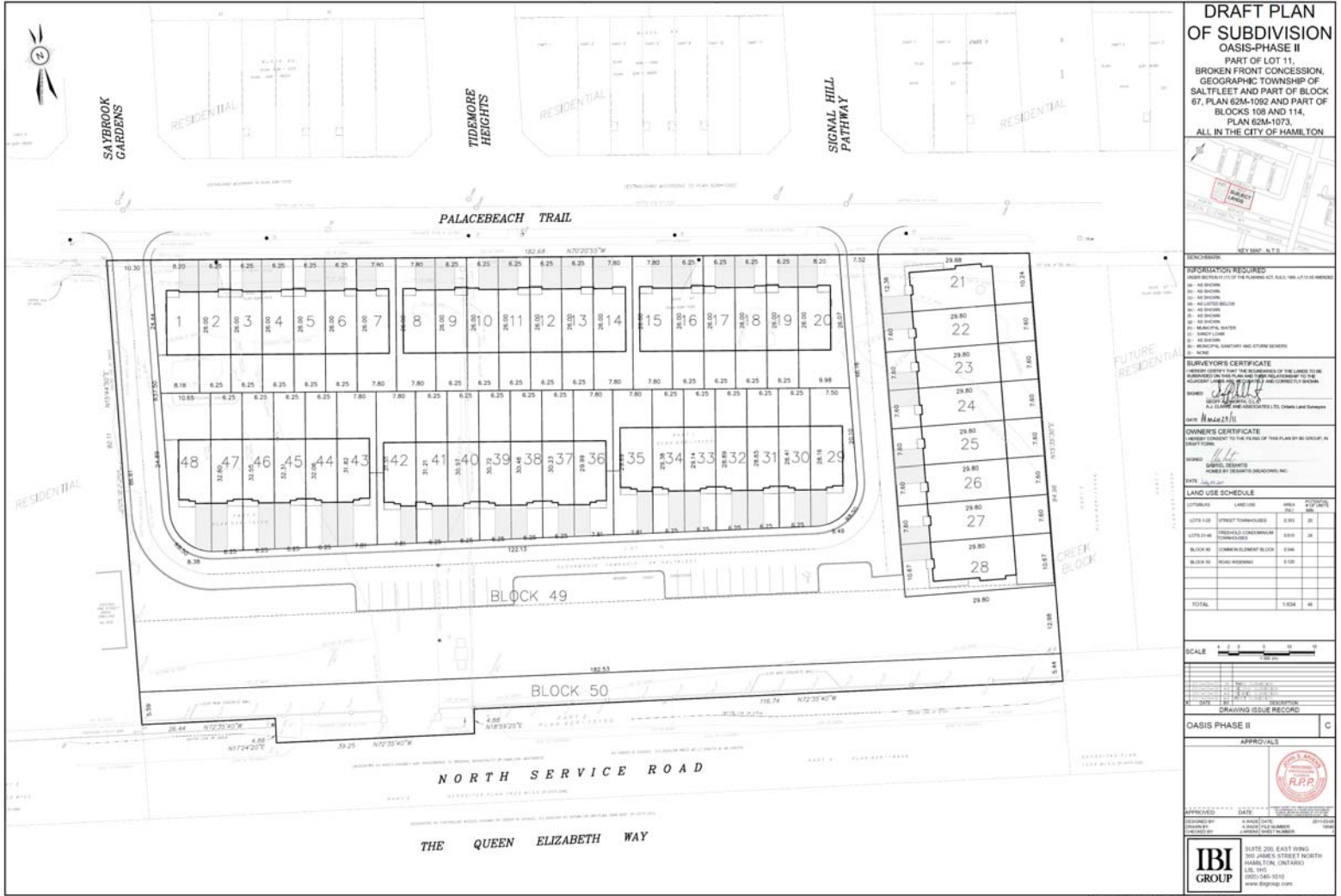
Scale:
N.T.S.

Planner/Technician:
AC/KA

Subject Property



845 and 857 North Service Road



Special Conditions of Draft Plan of Subdivision Approval for "Oasis - Phase 2"

1. That, ***prior to registration of the final plan of subdivision***, the owner shall submit the necessary transfer deeds to the City of Hamilton to convey Block 50, abutting the south limit of the draft plan of subdivision, for the purposes of road widening, to the satisfaction of the Senior Director of Growth Management.
2. That, ***prior to the registration of the final plan of subdivision***, the owner shall agree to register an easement for drainage purposes over Lots 21 to Lot 48, including Block 49, in favour of the future Condominium Corporation, to the satisfaction of the Senior Director of Growth Management.
3. That, ***prior to servicing***, the owner shall include in the engineering design and cost schedule, recommendations of the approved Noise Study, and any associated addendum, to the satisfaction of the Senior Director of Growth Management.
4. That, ***prior to registration of the final plan of subdivision***, the owner shall pay its proportionate share for the future urbanization of the North Service Road, along the entire frontage of the subject lands, to the satisfaction of the Senior Director of Growth Management.
5. That, ***prior to servicing***, the owner shall include in the engineering design all driveways for Lots 1-48, and that driveways be located outside of the limits of all daylight triangles, to the satisfaction of the Senior Director of Growth Management.
6. That, ***prior to servicing***, the owner shall agree to relocate, as required, all affected utility poles, hydrants, pedestals, hydro vaults, etc. on Palacebeach Trail, at the owner's expense, to the satisfaction of the Senior Director of Growth Management.
7. That, ***prior to servicing***, the owner shall submit a functional servicing report, to the satisfaction of the Senior Director of Growth Management.
8. That, ***prior to servicing***, the owner shall prepare a Geotechnical Report and implement the Report's recommendations, to the satisfaction of the Senior Director of Growth Management.
9. That, ***prior to servicing***, the owner shall prepare an on-street parking plan, based on the premise of achieving on-street parking for 40% of the total number of semi-detached units, to the satisfaction of the Senior Director of Growth Management.
10. That, ***prior to servicing***, the owner shall include in the engineering design and cost schedule a minimum 1.8m high chain link fence along the entire east limit of the draft plan, to the satisfaction of the Senior Director of Growth Management.

11. That, ***prior to servicing***, due to the number of private service installations required on Palacebeach Trail, the owner shall include in the engineering design and cost schedule provisions for replacement of the full width pavement and restoration of boulevard and replacement of concrete curb and sidewalk on Palacebeach Trail, from the west limit of the subject lands to the west limit of Lot 21, at the owner's expense, to the satisfaction of the Senior Director of Growth Management.
12. That, ***prior to servicing***, the owner shall provide, to the satisfaction of the Senior Director of Growth Management, 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.
13. That, ***prior to servicing***, the owner shall submit a Water Servicing Assessment Report for residential water demands and fire flow calculations (based on FUS, 1999), to the satisfaction of the Senior Director of Growth Management.
14. That, ***prior to servicing***, the owner shall submit a Stormwater Management Report, to the satisfaction of the Senior Director of Growth Management. The Report must address requirements for stormwater quantity and quality control in accordance with the City of Hamilton Storm Drainage Policies, and to the satisfaction of the Senior Director of Growth Management.
15. That, ***prior to grading***, the applicant shall prepare and implement an erosion and sediment control plan for the subject property, to the satisfaction of the Senior Director of Growth Management and the Hamilton Conservation Authority. The approved plan should include the following notes:
 - (a) All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process until all disturbed areas have been re-vegetated;
 - (b) All erosion and sediment control measures shall be inspected after each rainfall, to the satisfaction of Authority staff;
 - (c) Any disturbed area not scheduled for further construction within 45-days will be provided with a suitable temporary mulch and seed cover within 7-days of the completion of that particular phase of construction; and,
 - (d) All disturbed areas shall be re-vegetated with permanent cover immediately following completion of construction.

16. That, **prior to servicing**, the applicant shall prepare and implement a stormwater management plan for the subject property, to the satisfaction of the Senior Director of Growth Management and the Hamilton Conservation Authority. The approved plan shall ensure that current Provincial Drainage and Stormwater Quality Guidelines are implemented.
17. That, **prior to grading**, the applicant shall prepare and implement a lot grading plan, to the satisfaction of the Senior Director of Growth Management and the Hamilton Conservation Authority.
18. That, **prior to grading**, the applicant shall prepare and implement a Landscape Plan, to the satisfaction of the Senior Director of Growth Management and the Hamilton Conservation Authority.
19. That, **prior to grading**, a Final Geotechnical Investigation Report shall be prepared to recognize the fill placement and ensure stability of the site, as well as to investigate the source of the hydrocarbon odour and undertake any necessary remedial action, to the satisfaction of the Senior Director of Growth Management and the Hamilton Conservation Authority.
20. That, **prior to grading**, the applicant shall obtain a permit from the Hamilton Conservation Authority (HCA) under its *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04* prior to any construction and/or grading activities, or watercourse alteration within HCA's regulated area.
21. That, **prior to final approval**, the owner shall submit to the Ministry of Transportation for their review and approval, a stormwater management plan and report indicating the intended treatment of the calculated runoff and impacts on the QEW Right-of-Way.
22. That the owner shall agree, in writing, to include the following statements in all offers of purchase and sale:
 - (a) That the home/business mail delivery will be from a designated Centralized Mail Box.
 - (b) That the developers/owners be responsible for officially notifying the purchasers of the Centralized Mail Box locations prior to the closing of any home sales.
23. That the owner shall agree to:
 - (a) Work with the Senior Director of Growth Management and 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) Determine the locations of all centralized mail receiving facilities in cooperation with the Senior Director of Growth Management and 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.
- 24. That the owner/developer shall provide the centralized mail facility, at their own expense, for buildings and complexes with a common lobby, common indoor, or sheltered space.
 - 25. That, ***prior to registration of the Subdivision Agreement***, the owner/applicant shall investigate the noise levels on the site and determine the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment's 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. Should a peer review of the Acoustical Report be warranted, all associated costs shall be borne by the owner/applicant and shall be submitted, to the satisfaction of the City of Hamilton, Director of Planning.
 - 26. That, ***prior to registration of the Subdivision Agreement***, the owner shall agree, in writing, that if the portion of Block 108, of Registered Plan 62M-1073, "Bridgeport - Phase 1", fronting 833 North Service Road, is to be conveyed to the respective adjoining land owner (833 North Service Road), that such conveyance is at a fair market value, as determined by the City's Appraiser.

Appendix "E" to Report PED12183 (Page 1 of 1)

