

BY EMAIL

March 18, 2016

File: UHOPA-16-03
& ZAC-16-012

Ms. Yvette Rybensky
City of Hamilton
Development Planning, Heritage and Design – Suburban Team
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Ms. Rybensky:

**Re: Urban Official Plan Amendment Application, File UHOPA-16-03
And Zoning By-law Amendment Application, File ZAC-16-012
By Branthaven Homes Fruitland Inc.
288 Glover Road, Stoney Creek
Part of Lot 10, Concession 2, Former Township of Saltfleet
City of Hamilton**

Staff from the Hamilton Conservation Authority (HCA) has reviewed the above noted applications in accordance with HCA's responsibilities under the *Conservation Authorities Act*, the Memorandum of Understanding between the Ontario Ministry of Natural Resources (MNR), the Ontario Ministry of Municipal Affairs and Housing (MMAH) and Conservation Authorities (CA) relating to provincial interests for natural hazards, and the Memorandum of Agreement between the HCA and the City of Hamilton for planning and technical review services and we now offer the following comments.

Proposal

HCA staff understands that the Urban Official Plan Amendment application is for the purpose of permitting the development of block townhouses in a Low Density Residential designation and allowing the development to proceed in advance of the Fruitland-Winona Secondary Plan coming into effect and that the Zoning By-law Amendment application is for the purpose of changing the Small Scale Institutional "IS" Zone to a Site Specific Multiple Residential "RM3" Zone, Modified to permit the development of 13 condominium townhouse blocks with 77 units and a stormwater management pond.

Memorandum of Agreement Hamilton Conservation Authority and City of Hamilton

The 1.89 ha vacant property is located on the east side of Glover Road, south of Barton Street, north of Willow Lane, and west of Christina Avenue and was formerly occupied by the Stoney Creek Christian Fellowship building prior to its demolition in 2015. The subject property is located within the Stoney Creek Urban Boundary Expansion (SCUBE) West area

as well as forming part of Block 2 of the Block Servicing Strategy Area identified in the Fruitland-Winona Secondary Plan process. In this regard, we note that in accordance with the Fruitland-Winona Secondary Plan; a Block Servicing Strategy was required which would guide phasing within each Block area in order to ensure compliance with the objectives and policies of the Secondary Plan.

As previously noted in our correspondence to the municipality and the applicant relating to a 2014 Zoning By-law Amendment Application, file ZAC-14-023 and a 2014 Urban Hamilton Official Plan Amendment Application file UHOPA-14-013 by Branthaven Fruitland Inc., HCA indicated that the SCUBE Subwatershed Study incorrectly identified the subject property as being located entirely within the subwatershed area of Stoney Creek Watercourse No. 7.0, when in fact only a small portion of the site located in the south-easterly corner actually drains to Stoney Creek Watercourse No. 7.0, with the majority of the site draining in a north-westerly direction to Stoney Creek Watercourse 6.3. Accordingly, HCA requested that the May 2014 *Functional Servicing and Stormwater Management Report* prepared by Urbantech West for Branthaven Fruitland Inc. be revised to reflect the correct drainage boundaries and to ensure that the proposed new development maintains existing drainage boundaries. However, due to grading and pipe cover constraints, HCA staff in discussions with staff from the City of Hamilton and the consultants, subsequently agreed in principle to allow site drainage to be diverted from WC 6.3 to WC 7.0 subject to the proponent demonstrating to the satisfaction of the HCA that the increased flow to WC 7.0 would not result in any increase in flooding and/or erosion hazards off-site.

HCA staff recently received and reviewed an updated December 2015 *Functional Servicing and Stormwater Management Report* by Urbantech Consulting. According to the revised report and the enclosed drawings, the stormwater management design now involves the construction of a dry pond in the northerly portion of the lot, rather than in the south-east corner as previously proposed, which will provide quantity control to meet post-development flows to pre-development levels for the 2 to 100 year events. In addition, an oil/grit separator will be installed to satisfy the Normal (Level 2) quality control requirement. We note that the revised stormwater management design still involves re-directing drainage from Watercourse 6.3 to WC 7.0, however no information has been provided with respect to potential flood and erosion impacts on the downstream receiving watercourse and adjacent lands.

As identified in previous correspondence and discussions with City staff, the proponent and their consultants, HCA continues to request that a floodplain analysis be completed that compares existing and proposed conditions for the full range of storm events. In this regard, we understand that Aquafor Beech Limited has undertaken a HEC-RAS hydrology model in support of the Branthaven development and has provided a copy to the City of Hamilton. As HCA staff has not had the opportunity to review this information, we request that an electronic copy of this hydrology model be submitted to HCA for review and approval.

Ontario Regulation 161/06 under the Conservation Authorities Act

The northerly portion of the site is located within a regulated area associated with Stoney Creek Watercourse No. 6.3, which flows westerly through the roadside ditch along the north side of Barton Street and then northerly along the east side of Glover Road and ultimately to Lake Ontario to the north. The south-easterly corner of the site, abutting the intersection of

Willow Lane and Christina Avenue is located within a regulated area associated with Stoney Creek Watercourse No. 7.0, which flows under Christina Avenue and then north-easterly under Barton Street, and ultimately to Lake Ontario to the north.

Please be advised that the proponent will require written approval from HCA pursuant to our *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation 161/06, made under the Conservation Authorities Act, R.S.O. 1990* prior to the commencement of any construction and/or grading activities associated with the townhouse development on the subject property. In addition, the City of Hamilton will require a HCA Permit for the construction of the proposed stormwater outfall structure on the municipally owned lands, downstream of Barton Street.

MNR/MMAH/CA Memorandum of Understanding – PPS Natural Hazards

According to HCA's best available floodplain information (2013 HEC-RAS model by Aquafor Beech Limited), only the extreme south-easterly portion of the subject property is located within the Regulatory (100-Year) floodplain of WC 7.0. We note that the revised townhouse development, as illustrated on the Site Grading Plan, Drawing No. 1, the Site Servicing Plan, Drawing No. 2, and the Existing Internal Drainage Plan, Drawing No. 3A by Urbantech Consulting (included with December, 2015 FSR) shows that a portion of the Open Space Block falls within the Regulatory floodplain, but that the grading works within the block are located outside of the floodplain.

With respect to WC 6.3, we wish to advise that HCA has no available floodplain mapping for the headwater drainage area of WC 6.3. As the subject property is located near the upstream end of WC 6.3, with a catchment area of less than 50 ha, the flooding and erosion hazard area associated with the watercourse in this reach should be contained within the roadside ditch on the north side of Barton Street.

While the proposed development on the subject property itself will be located outside the flood and erosion hazard areas; the proposed stormwater management design involves redirecting drainage from WC 6.3 to WC 7.0, resulting in increased flows in WC 7.0 and the potential for increased flood and erosion hazards off-site i.e. downstream of Barton Street. Please be advised that HCA cannot support new development that increases flood and erosion hazards, whether on the subject property or off-site. As such, HCA staff has requested that the proponent provide the requested hydrology model comparing existing and proposed conditions as identified above.

Summary and Recommendation

As HCA's concerns related to possible increased flood and erosion hazards resulting from the redirection of flow from WC 6.3 to WC 7.0 have not been satisfactorily addressed, and in recognition that the subject property is located within Block 2 of the Block Servicing Strategy Area for which a comprehensive and coordinated servicing plan has yet to be prepared and approved as per the recommendations of the Fruitland-Winona Secondary Plan; HCA considers the subject applications as being premature. Accordingly, HCA recommends that the subject applications be denied.

Should you have any questions or require clarification regarding HCA's comments, please contact the undersigned at ext. 132.

Yours truly,



Nora Jamieson
Watershed Planner
NJ/

cc: Steve Robichaud, City of Hamilton, Development Planning (by email)
Delia McPhail, City of Hamilton, Development Planning (by email)
Jason Mosdell, Branthaven Fruitland Inc. (by email)
Anthony Girolami, Branthaven Development Corp. (by email)
Mark Bradley, Glen Schnarr & Associates Inc. (by email)