



## **PLANNING COMMITTEE**

### **REPORT 16-014**

**9:30 a.m.**

**Tuesday, August 9, 2016**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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<b>Present:</b>	Councillors B. Johnson (Chair), M. Pearson (1 <sup>st</sup> Vice-Chair), J. Farr, C. Collins, D. Conley R. Pasuta, M. Green, J. Partridge and D. Skelly.
<b>Absent with regrets:</b>	Councillor A. Johnson (2 <sup>nd</sup> Vice Chair), City Business
<b>Also Present</b>	Councillors T. Jackson and A. VanderBeek

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### **THE PLANNING COMMITTEE PRESENTS REPORT 16-014 AND RESPECTFULLY RECOMMENDS:**

1. **Agriculture and Rural Affairs Advisory Committee Report 16-002 (Item 5.1)**
  - (a) **Letter of Resignation from the Agriculture and Rural Affairs Advisory Committee from Mr. Bill Robins**

That the letter from Mr. Bill Robins, attached hereto as Appendix A, respecting his resignation from the Agriculture and Rural Affairs Advisory Committee be received and referred to the Selection Committee.
  - (b) **John Ariens, IBI Group, respecting Facilitating Surplus Farm Residence Severances)**

That staff be directed to explore what options are available to address concerns about the cost, length of time and general process used for the approval of Surplus Farm Residence Severances in the City of Hamilton and report back to the Agriculture and Rural Affairs Advisory Committee.

**2. Hamilton Municipal Heritage Committee Report 16-006 (Item 5.2)**

**(a) Inventory and Research Working Group Meeting Notes – May 30, 2016**

**(i) Addition of 933 Highway Eight, Stoney Creek to the City of Hamilton Register of Property of Cultural Heritage Value or Interest (Item 1)**

That the Hamilton Municipal Heritage Committee add 933 Highway Eight, Stoney Creek to the City of Hamilton Register of Property of Cultural Heritage Value or Interest.

**(b) Heritage Permit Application HP2016-017, Under Part V of the Ontario Heritage Act, for the Erection of an Accessory Structure at 52 Markland Street, Hamilton (PED16164)**

That Heritage Permit Application HP2016-017 be approved for the erection of an accessory structure, on the designated property at 52 Markland Street, Hamilton (Durand-Markland Heritage Conservation District), as shown in Appendix “A” to Report PED16164, subject to the submission and approval of a Minor Variance application and the following Heritage Permit conditions:

- (a) That the final elevations including details of the cladding materials and roofline shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations;
- (b) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit; and,
- (c) That construction and site alterations, in accordance with this approval, shall be completed no later than August 31, 2018. If the construction and site alterations are not completed by August 31, 2018, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

**(c) Recommendation to Amend By-law 81-121, a By-law to Designate 493 Dundas Street East, Flamborough Under Part IV of the Ontario Heritage Act (PED16166) (Ward 15)**

- (i) That the designation of 493 Dundas Street East, Flamborough shown in Appendix “A” to Report PED16166, as a property of

cultural heritage value pursuant to the provisions of Part IV of the *Ontario Heritage Act*, be approved;

- (ii) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix “B” to Report PED16166, be approved; and
- (iii) That the City Solicitor be directed to take appropriate action to amend City of Hamilton By-law 86-121 designating the property at 493 Dundas Street East under Part IV, Section 29 of the *Ontario Heritage Act*, in accordance with the Notice of Intention to Amend Designation By-law, attached as Appendix “C” to Report PED16166.

**(d) Recommendation to Designate 21 Stone Church Road West (Barton Stone United Church), Hamilton Under Part IV of the Ontario Heritage Act (PED16167)**

- (i) That the designation of 21 Stone Church Road West (Barton Stone United Church, shown in Appendix “A” to Report PED16167, as a property of cultural heritage value pursuant to the provisions of Part IV of the *Ontario Heritage Act*, be approved;
- (ii) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix “B” to Report PED16167, be approved;
- (iii) That the City Solicitor be directed to take appropriate action to designate 21 Stone Church Road West, Hamilton under Part IV of the *Ontario Heritage Act*, in accordance with the Notice of Intention to Designate, attached as Appendix “C” to Report PED16167; and
- (iv) That the City Solicitor be directed to take appropriate action to withdraw the current Notices of Intention to Designate 21 Stone Church Road West, Hamilton under Part IV of the *Ontario Heritage Act* in accordance with the Notice of Withdrawal, attached as Appendix “D” to Report PED16167.

**(e) Parkside Secondary School, 31 Parkside Avenue, Dundas, Ontario**

That the Item respecting Parkside Secondary School, 31 Parkside Avenue, Dundas, Ontario be received.

**3. AMANDA Improvement Initiatives (PED16156(a)) (City Wide) (Item 5.3)**

- (a) That the single source procurement, pursuant to Procurement Policy #11 – Non-competitive Procurements, for proprietary software purchases and consulting and training services from CSDC Systems Inc. related to the AMANDA 7 upgrade, ProjectDox and Portal II initiatives at the upset limit of \$712,875 be approved;
- (b) That the General Manager, Planning and Economic Development Department (PEDD) be authorized and directed to negotiate, enter into, and execute a Contract, and any ancillary documents required, to give effect thereto with CSDC Systems Inc., to expedite services outlined in Recommendation (a) of Report PED16156(a), in a form satisfactory to the City Solicitor;
- (c) That the use of the Building Stabilization Reserve Account No. 104050 to fund the entire AMANDA Improvements Initiatives project, in the amount of \$962,375, as outlined in Appendix “A” to Report PED16156(a), be approved.

**4. York Boulevard Parkade – Financial Overview (PED16172) (Item 5.4)**

That Report PED16172 respecting York Boulevard Parkade – Financial Overview be received.

**5. Applications to Amend City of Hamilton Zoning By-law No. 05-200 and Zoning By-law No. 6593 and for Approval of a Draft Plan of Subdivision "Multi-Area Employment Lands" for Lands Located at 99 Highland Road West, 1603 Rymal Road East and 665 Pritchard Road (PED16157) (Ward 6) (Item 6.1)**

- (a) That approval be given to Revised Zoning By-law Amendment Application ZAC-14-006, by Multi-Area Development Inc. c/o Aldo DeSantis (Owner), for changes in zoning from the Prestige Business Park (M3, H28) Zone - Holding to the Business Park Support (M4) Zone, Modified, (Blocks 1 and 5); from the Open Space (P4) Zone to the Business Park Support (M4) Zone, Modified (Block 2); from the Open Space (P4) Zone to the Conservation / Hazard Lands (P5) Zone (Block 3); from the Open Space (P4) Zone to the Business Park Support (M4) Zone, Modified (Block 4); and from the Prestige Business Park (M3) Zone to the Business Park Support (M4) Zone, Modified, (Block 6) to permit a range of industrial and commercial uses and to permit a multi-use corridor including a storm water management facility for lands municipally known as 99 Highland Road West and 665 Pritchard Road (Stoney Creek), as shown on Appendix “A” to Report PED16157, on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED16157, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement, conform with the Places to Grow – Growth Plan and comply with the Urban Hamilton Official Plan;
- (b) That approval be given to Revised Zoning By-law Amendment Application ZAC-14-006, by Multi-Area Development Inc. c/o Aldo DeSantis (Owner), for a Modification to the M-11 (Prestige Industrial) District for lands municipally known as 1603 Rymal Road East (Stoney Creek), as shown on Appendix “A” to Report PED16157, on the following basis:
  - (i) That the draft By-law, attached as Appendix “C” to Report PED16157, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement, conforms with the Places to Grow Plan and complies with the Urban Hamilton Official Plan;
- (c) That approval be given to the Revised Draft Plan of Subdivision Application 25T-201402, by Multi-Area Development Inc, c/o Aldo DeSantis (Owner), to establish a Plan of Subdivision on lands municipally known as 99 Highland Road West (Stoney Creek), as shown on Appendix “A” to Report PED16157, subject to the following conditions:
  - (i) That this approval apply to “Part of Lot 34 – Concession 8”, 25T-201402, prepared by A.J. Clarke and Associates Ltd., and certified by B.J. Clarke O.L.S., dated April 15, 2015 showing two blocks for industrial / commercial development (Blocks 1 and 5); one block for a multi-use corridor containing a storm water management facility (Block 2); a 0.30 m reserve (Block 3); a temporary turnaround (Block 4); a road widening and daylight triangle (Block 6); and one new street (Street “A”), as attached in Appendix “D” to Report PED16157, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions, as revised, attached as Appendix “A” to Report 16-014;
  - (ii) That additional lands to the south, municipally known as 665 Pritchard Road and 1603 Rymal Road East, be incorporated into the Draft Plan of Subdivision Application 25T-201402 as two additional development blocks contingent on a finalized purchase agreement by Multi-Area Development Inc. and, subject to the owner entering into a Standard Form Subdivision Agreement, as

approved by City Council, and with the Special Conditions, as revised, attached as Appendix “A” to Report 16-014;

- (iii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the following items:
  - (1) The City will not cost share with the owner for the stormwater management facility (land and construction) for industrial lands, in accordance with the City’s Development Charge Policy for quality and quantity ponds;
  - (2) The City will cost share for oversizing in accordance with the City’s financial policy;
  - (3) The City will pay for the construction of Street “A” from the west limit of the subdivision to Pritchard Road;
- (iv) That payment of Cash-in-Lieu or dedication of Parkland will be required, pursuant to Section 51 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 lands on the day prior to the day of issuance of each building permit.
- (d) That the submissions received regarding this matter did not affect the decision.

**6. Application for Amendment to the City of Hamilton Zoning By-law No. 6593 and the City of Stoney Creek Zoning By-law No. 3692-92 for Land Located at 560 Grays Road (Hamilton and Stoney Creek) (PED16158) (Wards 5 and 10) (Item 6.2)**

- (a) That approval be given to Zoning By-law Amendment Application ZAC-16-008, by Silvestri Homes, Owner, to remove the portion of the subject lands located within the City of Hamilton Zoning By-law No. 6593 and zoned “AA” (Agricultural) District, as shown on the attached map marked as Appendix “A” to Report PED16158, subject to the following conditions:
  - (i) That the draft By-law, attached as Appendix “B” to Report PED16158, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the amending By-law, attached as Appendix “B” to Report PED16158, be added to Sheet No. “E90” of the District Maps of City of Hamilton Zoning By-law No. 6593;
- (b) That approval be given to Zoning By-law Amendment Application ZAC-16-008, by Silvestri Homes, Owner, to add the portion of the subject lands

located within the City of Hamilton Zoning By-law No. 6593 and zoned “AA” (Agricultural) District, to the City of Stoney Creek Zoning By-law No. 3692-92 (Block 1), and zone said lands Medium Density Residential “RM3” Zone, Modified, and to change the zoning on the remainder of the subject lands in the City of Stoney Creek Zoning By-law No. 3692-92 from the Highway Commercial (Holding) “HC(H)” Zone to the Medium Density Residential “RM3” Zone, Modified (Block 2), to permit the development of a four storey building containing 106 dwelling units on the lands known as 560 Grays Road (Hamilton & Stoney Creek), as shown on the attached map marked as Appendix “A” to Report PED16158, subject to the following conditions:

- (i) That the draft By-law, attached as Appendix “C” to Report PED16158, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law, attached as Appendix “C” to Report PED16158, be added to Map 1 of Schedule “A” of Zoning By-law No. 3692-92;
- (iii) That the proposed change in zoning is in conformity with the Urban Hamilton Official Plan;
- (c) That the Lakeshore Neighbourhood Plan be amended by redesignating the subject lands from “Highway Commercial” to “Medium Density Residential” upon finalization of the Zoning By-law Amendments as shown on Appendix “B” and Appendix “C” attached to Report PED16158.
- (d) That the submissions received regarding this matter affected the decision by supporting the granting of the application.

**7. Applications to Amend the Urban Hamilton Official Plan and the Township of Glanbrook Zoning By-law No. 464 for Lands Located at 2064, 2066, 2068, and 2070 Rymal Road East (Glanbrook) (PED16165) (Ward 11) (Item 6.3)**

- (a) That approval be given to Amended Urban Hamilton Official Plan Amendment Application UHOPA-15-026, by Farmer Al’s Inc. (Owner), to amend Site Specific Policy A of the Rymal Road Secondary Plan permit a Motor Vehicle Service Station, Motor Vehicle Washing Establishment, amongst other uses, and to broaden the range of permitted uses within the “Local Commercial” designation for the lands located at 2064, 2066, 2068 and 2070 Rymal Road East, as shown on Appendix “A” to Report PED16165, on the following basis:
  - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED16165, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council;

- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) and conforms to the Places to Grow Plan and complies with the policies of Volume 1 of the Urban Hamilton Official Plan (UHOP);
  - (b) That approval be given to Amended Town of Glanbrook Zoning By-law Amendment Application ZAC-15-056, by Farmer Al's Inc. (Owner), for a change in zoning from the Rural Commercial "C6-026" Zone, Modified to the General Commercial "C3-301" Zone, Modified, in order to permit local commercial and office uses, including a Motor Vehicle Service Station and Motor Vehicle Washing Establishment for lands located at 2064, 2066, 2068 and 2070 Rymal Road East, as shown on Appendix "A" to Report PED16165, on the following basis:
    - (i) That the draft By-law, attached as Appendix "B" to Report 16-014, which has been prepared in a form satisfactory to the City Solicitor, as amended to allow the requisite amount of new hydro transformers on the landscape strip and the installation of a visual and acoustical barrier to the satisfaction of the General Manager of Planning, be enacted by City Council;
    - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. \_\_\_\_.
  - (c) That no submissions were submitted by the public.
- 8. Proposed Urban Hamilton Official Plan Amendment Application (UHOPA-16-08) and Zoning By-law Amendment Application (ZAR-16-021) for Lands Located at 54 Hatt Street, Dundas (PED16169) (Ward 13) (Item 6.4)**
- (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-16-08, by Amica (Dundas) Inc., Owner, to amend Area Specific Policy UD-7 to permit a retirement home for 22 residents within a multiple dwelling for lands located at 54 Hatt Street, Dundas, as shown on Appendix "A" to Report PED16169, be APPROVED on the following basis:
    - (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED16169, be adopted by City Council.
    - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014), conforms with the Growth Plan for the Greater Golden Horseshoe (Places to Grow) and complies with the policies of Volume 1 of the Urban Hamilton Official Plan (UHOP).



- (iii) That the development is considered to be compatible with the existing and planned development in the immediate area and provides for the integration of residential uses including retirement home units within the same building.
- (b) That Zoning By-law Amendment Application ZAR-16-021 by Amica (Dundas) Inc., Owner, for a further modification to the Residential Multiple Dwelling (RM3/S-80) Zone, Modified in order to permit a retirement home for 22 residents within a multiple dwelling for lands located at 54 Hatt Street (Dundas), as shown on Appendix "A" to Report PED16169, be APPROVED on the following basis:
  - (i) That the draft By-law, attached as Appendix "C" to Report PED16169, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014) and conforms with the Growth Plan for the Greater Golden Horseshoe (Places to Grow).
  - (iii) That the development is considered to be compatible with the existing and planned development in the immediate area and provides for the integration of residential uses including retirement home units within the same building.
- (c) That no submissions were submitted by the public.

**9. Applications for a Zoning By-law Amendment and for Approval of a Draft Plan of Subdivision known as "Springbrook Meadows West Extension", for Lands Located at 296, 304, and 312 Springbrook Avenue (Ancaster) (PED16153) (Ward 12) (REFERRED from July 5, 2016) (Item 8.2)**

- (a) That approval be given to amended Zoning Application ZAC-15-017 by Kaizen Properties and Developments Inc. and 21783868 Ontario Inc., Owners, for changes in zoning from the Agricultural "A-348" Zone, Modified to the Residential "R4-562" Zone, Modified (Block 1); from the Agricultural "A" Zone to the Residential "R4-562" Zone, Modified (Block 2); from the Agricultural "A-348" Zone, Modified to the Residential "R4-563" Zone, Modified (Block 3); and from the Agricultural "A" Zone to the Residential "R4-563" Zone, Modified (Block 4) for the lands known as 296, 304, and 312 Springbrook Avenue, as shown on Appendix "A" to Report PED16153, on the following basis:
  - (i) That the draft By-law, attached as Appendix "B" to Report PED16153, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

- (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and comply with the Urban Hamilton Official Plan.
- (b) That approval be given to Draft Plan of Subdivision Application 25T-201504 by Kaizen Properties and Developments Inc. and 21783868 Ontario Inc., Owners, to establish a Draft Plan of Subdivision known as the “Springbrook Meadows West Extension”, on lands known as 296, 304, and 312 Springbrook Avenue (Ancaster), as shown on Appendix “A” to Report PED16153, subject to the following conditions:
  - (i) That this approval apply to the Draft Plan of Subdivision “Springbrook Meadows West Extension”, 25T-201504, prepared by Urbex Engineering Limited, and certified by Dan McLaren, O.L.S., dated December 19, 2014, showing a maximum of 42 lots comprised of single detached dwelling lots (two existing and 40 proposed) (Lots 1 – 42), two blocks for 0.30 m reserves (Blocks 43 and 44), and the extension of a public road, shown as “Klein Circle”, 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 16-014, as amended to delete Condition 2 and insert the following therein:
    - 2. That, prior to registration, the owner shall provide cash-in-lieu at a rate of \$ 590.00 per tree for the 152 native trees to the City in the event that the owner cannot provide for any of the required 152 native trees 285 trees within the development, to the satisfaction of the Director of Planning and Chief Planner. For the 133 non-native trees, the applicant shall prepare and submit an off-site compensation plan to provide for tree planting through the donation of 107 133 trees to a non-governmental organization to the satisfaction of the Director of Planning and Chief Planner.
  - (ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the following items:
    - (1) the City shall share of the proportionate amount of the actual cost for the design and construction of Springbrook Avenue, including but not limited to, storm and sanitary sewers from the north limits of 296 Springbrook Ave to the south limits of 312 Springbrook Ave, to the Satisfaction of the Senior Director of Growth Management;
    - (2) the City shall share the proportionate amount of the costs of the Traffic Study required for the Garner Road and

Springbrook Avenue intersection; and the proportionate share of the necessary Garner Road and Springbrook Avenue intersection improvement costs, based on its proportionate share between Meadowlands Phase 8, Meadowlands Phase 10, and Springbrook Meadows East and West;

- (3) the City shall share the proportionate amount of the costs for the urbanization of Springbrook Avenue, in accordance with the financial policies for development; and,
  - (4) the City will be participating in the cost of sewers on Springbrook Avenue for the existing residents, in accordance with OMB decision No. 1493.
- (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the building permit stage. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands at the time of issuance of the Building Permit.

**10. School Crossing Guard Program - Operational Efficiencies (PED15129(a)) (City Wide) (Outstanding Business List Item) (Item 8.3)**

That the five additional school crossing guards hired for the 2015/2016 school year become permanent complement, and that the funding, estimated at \$30,000 annually, be absorbed within the school crossing guard operating budget;

**11. Housekeeping Amendment to the Hamilton Adequate Heat By-Law No. 04-091 (PED16162) (City Wide) (Item 8.4)**

- (a) That the Hamilton Adequate Heat By-Law No. 04-091 be amended to reduce the time when heating is required for residential rental properties from nine to eight months for the period to commence September 15 to May 15;
- (b) That the draft by-law, attached as Appendix "A" to Report PED16162, which has been prepared in a form satisfactory to the City Solicitor, be enacted.

**12. Waive the Application Fee for Site Plan Application DA-09-118 (179, 181, 183 and 188 ½ James Street North, Hamilton) (Item 9.1)**

That the Manager of Development Planning, Heritage and Design be authorized to waive the application fee required for a one year extension to Site Plan Approval for Site Plan Application DA-09-118 (179, 181, 183 and 188 ½ James Street North, Hamilton)

**FOR THE INFORMATION OF COMMITTEE:**

**(a) CHANGES TO THE AGENDA (Item 1)**

The Committee Clerk advised of the following changes:

**REVISED APPENDIX “E” to Report PED16157, Item 6.1 (Copies distributed)**

**ADDED WRITTEN COMMENTS**

- 6.1(i) Fred Losani, Chief Executive Officer, Losani Homes, respecting Applications to Amend City of Hamilton Zoning By-law No. 05-200 and Zoning By-law No. 6593 and for Approval of a Draft Plan of Subdivision "Multi-Area Employment Lands" for Lands Located at 99 Highland Road West, 1603 Rymal Road East and 665 Pritchard Road (PED16157) (Ward 6)
- 6.2(i) Jimmy Dave, 27 Oceanic Drive, Application for Amendment to the City of Hamilton Zoning By-law No. 6593 and the City of Stoney Creek Zoning By-law No. 3692-92 for Land Located at 560 Grays Road (Hamilton and Stoney Creek) (PED16158) (Wards 5 and 10)
- 6.2(ii) Yolanda Hendershot, 9 Knots Landing Court, respecting Application for Amendment to the City of Hamilton Zoning By-law No. 6593 and the City of Stoney Creek Zoning By-law No. 3692-92 for Land Located at 560 Grays Road (Hamilton and Stoney Creek) (PED16158) (Wards 5 and 10)

**ITEM DEFERRED TO A FUTURE MEETING:**

- 8.1 Urban Hamilton Official Plan Housekeeping Amendment (PED16060) (City Wide) (TABLED May 31, 2016)

**NEW DUE DATES FOR OUTSTANDING BUSINESS LIST:**

**11.1 (a) Items requiring new due dates:**

Item “E” - City Initiative to Amend Hamilton Zoning By-law No. 6593 for the Properties Located at 118 to 338 Mountain Brow Boulevard (Hamilton) (PED13101)  
Due Date: August 9, 2016  
New due date: December 6, 2016

Item “G” - Request to Designate 437 Wilson Street East (Ancaster) Under Part IV of the Ontario Heritage Act (PED12166)  
Due Date: August 9, 2016  
New due date: December 6, 2016

Item "L" - Hamilton Municipal Heritage Committee Report 14-009 – regarding recommendations to include 206, 208 and 210 King Street East in the Register of Property of Cultural Heritage Value or Interest and to staff's designation work program

Due Date: August 9, 2016

New due date: December 6, 2016

Item "P" Staff to report back on Feasibility of Licensing Cats in Urban area

Due Date: August 9, 2016

New Due date: October 4, 2016

The agenda for the August 9, 2016 meeting was approved as amended.

**(b) DECLARATIONS OF INTEREST (Item 2)**

Councillor Green declared an interest with respect to Item 6.3 as he is the owner of a fitness club.

**(c) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 3)**

**(i) July 5, 2016 (Item 3.1)**

The Minutes of the July 5, 2016 meeting were approved.

**(d) DELEGATION REQUESTS (Item 4)**

The rules of order were waived in order to approve the following delegation requests to address Committee at today's meeting:

- (i) Suzanne Mammel, Hamilton-Halton Home Builders' Association, respecting the Province's Growth Plan and Greenbelt Legislation. (Item 4.1)
- (ii) John Corbett, Corbett Land Strategies on behalf of the Book Road West Land Owners Group, respecting the Draft Greenbelt Plan and its Potential Impact on the Book Road West Area. (Item 4.3)

The following delegation request was withdrawn:

- (i) Suzanne Mammel, Hamilton-Halton Home Builders' Association, respecting Inclusionary Zoning (Item 4.2).

**(e) CONSENT ITEMS (Item 5)**

**(i) Hamilton Municipal Heritage Committee Report 16-006 (Item 5.2)**

Committee approved Items 1 to 4 of the Report and received Item 5.

For disposition of this matter, refer to Item 2.

**(f) PUBLIC HEARING (Item 6)**

**(i) Applications to Amend City of Hamilton Zoning By-law No. 05-200 and Zoning By-law No. 6593 and for Approval of a Draft Plan of Subdivision "Multi-Area Employment Lands" for Lands Located at 99 Highland Road West, 1603 Rymal Road East and 665 Pritchard Road (PED16157) (Ward 6) (Item 6.1)**

In accordance with the provisions of the *Planning Act*, Chair B. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendments and Draft Plan of Subdivision the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

**Written Comments**

6.1(i) Fred Losani, Chief Executive Officer, Losani Homes

The written comments, Item 6.1(i), were received.

The staff presentation was waived.

Steve Fraser, of A. J. Clarke and Associates Ltd, representing the owner, was in attendance and he indicated that they are in support of the staff report.

The public meeting was closed.

Ward Councillor Jackson was in attendance and spoke in support of the application.

The staff recommendations were amended to add that the submissions received did not affect the decision.

For disposition of this matter refer to Item 5.

**(ii) Application for Amendment to the City of Hamilton Zoning By-law No. 6593 and the City of Stoney Creek Zoning By-law No. 3692-92 for Land Located at 560 Grays Road (Hamilton and Stoney Creek) (PED16158) (Wards 5 and 10) (Item 6.2)**

In accordance with the provisions of the *Planning Act*, Chair B. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendments the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

**Written Comments**

6.2(i) Jimmy Dave, 27 Oceanic Boulevard

6.2(ii) Yolanda Hendershot, 9 Knots Landing Court

The added written comments Items 6.2(i) and 6.2(ii) were received.

Alana Fulford, Planner, provided an overview of the report with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website.

The staff presentation was received.

John Ariens of IBI Group representing the applicant addressed Committee with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website.

The agent's presentation was received.

**Speakers**

**1. Nancy West, 8 Oceanic Drive**

Nancy West addressed Committee and her comments included, but were not limited to the following:

- She is acting today as the spokesperson for the 110 members of Lakewood Beach Community Council; 75 of which live in the immediate vicinity;

- They have been blocked by the City and the Ward Councillor from actively participating over the past two years;
- Appendix “E” attached to the report is their submission;
- They support the development as long as safety measures and alternative modes of transportation are implemented – staff have not agreed;
- Even minor sun shelter in the park was not approved;
- They are concerned with the following issues:
  - Drainage towards the new park – water may end up in the pond;
  - Sidewalk implementation – will ditches remain open for drainage problem?
  - Issues with the traffic;
  - How traffic will flow out of the neighbourhood;
  - The proposed widening of Francis and Drake Avenues;
  - The density;
  - The safety of bicyclists and pedestrians.

## **2. Beverley Corsini 40 Oceanic Drive**

Beverley Corsini addressed Committee and her comments included but were not limited to the following:

- They purchased their property in 1984;
- Concerned the proposed development will cause drainage problems on their property.

The delegations were received.

The public meeting was closed.

The staff recommendations were amended to add that the submissions affected the decision by supporting the granting of the application.

For disposition of this matter refer to Item 6.

Chair B. Johnson relinquished the Chair to Vice-Chair Pearson prior to consideration of the next Item.

### **(iii) Applications to Amend the Urban Hamilton Official Plan and the Township of Glanbrook Zoning By-law No. 464 for Lands Located at 2064, 2066, 2068, and 2070 Rymal Road East (Glanbrook) (PED16165) (Ward 11) Item 6.3)**

In accordance with the provisions of the *Planning Act*, Vice Chair Pearson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the



Council of the City of Hamilton before Council makes a decision regarding the Urban Hamilton Official Plan Zoning By-law Amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No members of the public came forward.

The staff presentation was waived.

Valeria Maurizio responded to questions regarding the site plan and some inconsistencies in the report with respect to what are the permitted uses. She also responded to questions regarding the wall and the number of hydro boxes permitted on the property and the reduction in parking in relation to the type of uses being proposed (i.e. billiard hall and fitness club).

John Arians addressed committee with respect to the site plan and explained the proposed uses. He requested that the applicant be allowed some flexibility regarding the number of hydro transformers being permitted for this development. One may not be enough. He also asked for flexibility respecting the acoustical barrier.

The public meeting was closed.

Committee approved the following amendments:

- (a) That the required number of hydro boxes be allowed on the landscape strip;
- (b) That a visual and acoustical barrier be implemented to the satisfaction of the General Manager of Planning
- (c) That no submissions were submitted by the public.

For disposition of this matter refer to Item 7.

Chair B. Johnson assumed the Chair.

**(iv) Proposed Urban Hamilton Official Plan Amendment Application (UHOPA-16-08) and Zoning By-law Amendment Application (ZAR-16-021) for Lands Located at 54 Hatt Street, Dundas (PED16169) (Ward 13) (Item 6.4)**

In accordance with the provisions of the *Planning Act*, Vice Chair Pearson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Urban Hamilton Official Plan and Zoning By-law Amendments the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No members of the public came forward.

That the staff presentation was waived.

Ken Dakin and Richard Liebttag, representing the owner, were in attendance and indicated that they are in support of the report.

For disposition of this matter refer to Item 8.

**(g) DELEGATIONS**

**(i) Suzanne Mammel, Hamilton-Halton Home Builders' Association, respecting the Province's Growth Plan and Greenbelt Legislation. (Item 4.1)**

The delegation was permitted to extend her presentation beyond the five minute rule.

Suzanne Mammel addressed Committee with the aid of a PowerPoint presentation and copies of the hand-out were distributed. A copy is available for viewing on the City's website. She indicated that she will be concentrating her presentation on the Province's Growth Plan rather than the Greenbelt issue. Her comments included but were not limited to the following:

- Why are we here today?
- Background;
- What do these terms mean?
- Growth Plan Effects in 2006;
- Proposed Changes for 2016;

- Intensification;
- Proposed Changes for 2016:
- What are we currently building?
- The new look of Hamilton:
- What does 164 P + J/H look like?
- What happens if we don't conform?
- What can be done?
- What will Hamilton look like?

The delegation was received.

**(iii) John Corbett, Corbett Land Strategies on behalf of the Book Road West Land Owners Group, respecting the Draft Greenbelt Plan and its Potential Impact on the Book Road West Area. (Item 4.3)**

John Corbett addressed Committee with the aid of a PowerPoint presentation and copies of the hand-out were distributed. A copy is available for viewing on the City's website. His comments included but were not limited to the following:

- Goal of Today's Delegation;
- Book Road West Landowner's Group – Land Area;
- Book Road West Landowner's Group - Governance;
- Introduction – Corbett Land Strategies;
- Mistake Made – the Book Road West Lands were not identified as Greenbelt and should not be in the Greenbelt;
- Clear direction was given to staff and Council after fulsome study, reports and discussion;
- Correction needed – If not corrected, this error will lead to major consequences for landowners;
- Summary.

The delegation was received.

**(h) DISCUSSION (Item 8)**

**(i) Urban Hamilton Official Plan Housekeeping Amendment (PED16060) (City Wide) (TABLED May 31, 2016) (Item 8.1)**

This Item was deferred to a future meeting under changes to the agenda.

**(ii) Applications for a Zoning By-law Amendment and for Approval of a Draft Plan of Subdivision known as "Springbrook Meadows West Extension", for Lands Located at 296, 304, and 312 Springbrook**

**Avenue (Ancaster) (PED16153) (Ward 12) (REFERRED from July 5, 2016) (Item 8.2)**

Committee approved the following amendment:

That the Special Conditions attached as Appendix “D” to Report PED16153 be amended by deleting and replacing Condition 2 as follows:

- ~~2. That, **prior to any grading and / or servicing**, the owner shall submit a Tree Protection Plan, which shall address Natural Heritage Planning staff concerns outlined in comments dated Dec. 3, 2015, to the satisfaction of the Director of Planning and Chief Planner. Removal of trees is not to occur until this condition has been satisfied. A total of 285 trees (representing 1 for 1 replacement) will be required for compensation.~~
2. That, **prior to registration**, the owner shall provide cash-in-lieu at a rate of \$ 590.00 per tree for the 152 native trees to the City in the event that the owner cannot provide for any of the required 152 native trees 285 trees within the development, to the satisfaction of the Director of Planning and Chief Planner. For the 133 non-native trees, the applicant shall prepare and submit an off-site compensation plan to provide for tree planting through the donation of 107 133 trees to a non-governmental organization to the satisfaction of the Director of Planning and Chief Planner.

For disposition of this matter refer to Item 9.

**(i) GENERAL INFORMATION/OTHER BUSINESS (Item 11)**

**(i) Outstanding Business List (Item 11.1)**

- (a) The following new due dates were approved:

Item “E” - City Initiative to Amend Hamilton Zoning By-law No. 6593 for the Properties Located at 118 to 338 Mountain Brow Boulevard (Hamilton) (PED13101)

Due Date: August 9, 2016

New due date: December 6, 2016

Item “G” - Request to Designate 437 Wilson Street East (Ancaster) Under Part IV of the Ontario Heritage Act (PED12166)

Due Date: August 9, 2016

New Due Date: December 6, 2016

Item “L” - Hamilton Municipal Heritage Committee Report 14-009 – regarding recommendations to include 206, 208 and 210 King

**Council – August 12, 2016**

Street East in the Register of Property of Cultural Heritage Value or Interest and to staff's designation work program  
Due Date: December 6, 2016

Item "P" Staff to report back on Feasibility of Licensing Cats in Urban area  
Due Date: August 9, 2016  
New Due Date: October 4, 2016

(b) The following Items were removed:

Item "R" - Outdoor Entertainment on Restaurant / Bar Patios (PED16155)  
(Addressed as Item 10 in Planning Committee Report 16-013)

Item "X" - Staff to report back on possible operational efficiencies with respect to the management of school crossing guard resources before the beginning of the 2016/2017 school year  
Due Date: August 9, 2016

**(j) ADJOURNMENT (Item 13)**

There being no further business, the Planning Committee adjourned at 12:06 p.m.

**CARRIED**

Respectfully submitted,

Councillor B. Johnson  
Chair, Planning Committee

Ida Bedioui  
Legislative Co-ordinator  
Office of the City Clerk

**Recommended Conditions of Draft Plan Approval for  
Draft Plan of Subdivision 25T-201402**

That this approval apply to "Part of Lot 34 – Concession 8", 25T-201402, prepared by A.J. Clarke and Associates Ltd., and certified by B.J. Clarke O.L.S., dated April 15, 2015 showing two blocks for industrial development (Blocks 1 and 5); one block for a multi-use corridor including a storm water management facility (Block 2); a 0.30 metre reserve (Block 3); a temporary turnaround until such time as Street "A" is extended westerly to Pritchard Road (Block 4); a road widening and daylight triangle (Block 6); and a proposed street (Street "A"), be received and endorsed by City Council with the following special conditions:

Development Planning

1. That, ***prior to preliminary grading or servicing***, the Owner / Developer shall submit a Tree Protection Plan (TPP) prepared by a tree management professional (i.e. certified arborist, registered professional forester or landscape architect) showing the location of driplines, edges of existing plantings, 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. The TPP is to be based on information provided in the Tree Inventory and Preservation Plan prepared by Jeremy Jackson (certified arborist) Dec. 2013.
2. That, ***prior to registration of the plan of subdivision***, the Owner / Developer prepare a landscape plan by a certified landscape architect showing the placement of compensation trees, for any tree removals completed in accordance with the Tree Protection Plan to the satisfaction of the Director of Planning and Chief Planner. To enhance diversity of tree species, native species, where possible, should be planted. The landscape plan is subject to change pending final design of each block(s) at the Site Plan stage.
3. That, ***prior to preliminary grading or servicing***, the Owner / Developer shall implement the mitigation recommendations within Sections 4 and 7 of the Terra Dynamics Consulting Inc. (Nov. 14, 2014) Report to the satisfaction of the Senior Director of Growth Management.
4. That, ***prior to preliminary grading or servicing***, the Owner / Developer shall submit a detailed design/restoration plan for the multi-use corridor to the satisfaction of the Director of Planning and Chief Planner and the Hamilton Conservation Authority. The elements identified within Section 9.0 of the EIS Comment Response and Addendum prepared by Renovo Watershed Sciences Inc. (Feb. 2015) are to be included in the design of the multi-use corridor.
5. That, ***prior to registration of the plan of subdivision***, the Owner / Developer shall submit a monitoring plan to the satisfaction of the Director of Planning and Chief Planner and the Hamilton Conservation Authority to monitor the design

and effectiveness of the multi-use corridor in the movement of wildlife. This monitoring plan will be based on discussion provided in Section 9.3 of the EIS Comment Response and Addendum prepared by Renovo Watershed Sciences Inc. (Feb. 2015).

#### Development Engineering

6. That, ***prior to registration of the plan of subdivision***, a 15.0 metre by 15.0 metre daylight triangle be established on the final plan of subdivision from the widened limits of Highland Road West and Upper Red Hill Valley Parkway, to the satisfaction of the Senior Director, Growth Management.
7. That, ***prior to registration of the plan of subdivision***, the Owner agrees to dedicate Block 6 to the City to establish an ultimate road allowance of 30.48 metres on Highland Road West, to the satisfaction of the Senior Director, Growth Management.
- ~~8. That, ***prior to registration of the plan of subdivision***, Block 4 be dedicated to the City of Hamilton as public highway, by the Owner's certificate on the final plan of subdivision for purposes of a temporary turning circle on Street 'A', to the satisfaction of the Senior Director, Growth Management.~~
9. That, ***prior to servicing***, the Owner, through a soil consultant or other qualified consultant, shall: check existing wells which provide potable water supply to other properties located within a reasonable distance of the subject lands to establish the existing depth of water within wells, prior to commencement of construction; monitor these wells during construction and continue monitoring and checking the wells after completion of construction until full buildout of the subdivision. Where, in the opinion of the City, if any problems arise, they must be appropriately addressed by the Owner, to the satisfaction of the Senior Director, Growth Management
10. That, ***prior to servicing***, the Owner agrees to provide in writing a plan or 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 all to the satisfaction of the Senior Director, Growth Management.
11. That, ***prior to registration of the plan of subdivision***, the Owner shall pay their proportional share for the future urbanization of Highland Road West, adjacent to Block 1, based on the City's "New Road Servicing Rate" in effect at the time of payment, to the satisfaction of the Senior Director, Growth Management.

12. That, ***prior to servicing***, the Owner shall submit a detailed Stormwater Management report prepared by a qualified professional engineer, in accordance with the City of Hamilton Drainage Policies, City of Hamilton Development Guidelines (2016), subject to the transitional policy and the current MOECC Stormwater Management Planning and Design Manual, all to the satisfaction of the Senior Director, Growth Management:

- I. Demonstrating how quality quantity control criteria established by the governing Sub-watershed Study and (Davis Creek Sub-watershed Study) will be achieved during all phases of development (interim and full build-out);
- II. Demonstrating that the design has accommodated for the conveyance of the 100-year storm event, for the westerly lands (hydro lands) that are external to the plan of subdivision;
- III. Demonstrating that the hydraulic grade line for the post-development 100-year storm event is below the top of grade elevation at all inlet locations;
- IV. Verifying that the proposed SWM Facility, Block 2 shall be of sufficient size and shape to adequately accommodate the ultimate SWM facility and accommodate external drainage areas. Until such time as the size and shape are confirmed the adjacent lands Block 1 shall be undevelopable. The SWM facility design geometry shall be as per the City of Hamilton Comprehensive Guidelines 2016 and the facility landscaping as per City of Hamilton Landscape Design Guidelines for SWM facilities (2009);
- V. Confirming that the controlled flows from the SWM facility meet the recommendations of the water balance report prepared for the Losani Highlands subdivision to maintain flows into the relocated wetland at the southeast corner of Highland Road and Upper Mount Albion Road, to the satisfaction of the Senior Director, Growth Management.

Furthermore, ***that prior to assumption***, the Owner shall agree:

- I. To submit an operation and maintenance manual as per the City of Hamilton Operation and Maintenance Report for Stormwater Management Facilities (2009), for approval by the Senior Director, Growth Management;
- II. To keep detailed logs concerning stormwater management facility performance and maintenance, including costs for cleaning and removal of sediment, and submit such logs to the City during pre-grading and construction activities, in accordance with the operation manual;
- III. To construct, operate and maintain, at the Owner's expense, the storm water management facility, in a manner acceptable to the City, including any changes to conditions of the MOE's Environmental Compliance Approval, throughout the



servicing of all stages of draft plan registration and development of all registered blocks, and external developments contributing runoff to the SWM facility or until such time as determined by the Senior Director, Growth Management;

- IV. To remove sediment from the stormwater management facility attributed to development, carry out a bathymetric survey and verify volumetric capacity of the stormwater management facility, prior to release of the Owner's operation and maintenance responsibilities for the stormwater management facility.
13. The Owner agrees to design and construct the SWM facility (Block 2) at his expense. The City will not cost share for any component of the pond or land costs, to the satisfaction of the Senior Director, Growth Management.
14. The Owner agrees to submit, ***within 90 days of draft plan approval***, an upgraded FSR to confirm the functional servicing and functional grading of each block including required LID's to meet the water balance requirements, to the satisfaction of the Senior Director, Growth Management.
15. That, ***prior to registration of the plan of subdivision***, Owner shall pay any outstanding commutation charges assessed against the subject lands, to the satisfaction of the Senior Director, Growth Management.
16. That, ***prior to registration of the plan of subdivision***, the Owner agrees that Block 1 will be undevelopable until such time as the SWM pond (Block 2) shape and size is confirmed to the satisfaction of the Senior Director, Growth Management.
17. That, ***prior to registration of the plan of subdivision***, the Owner shall submit transfer deeds to the City to convey all lands necessary for the construction of the SWM facility and a sanitary sewer within Block 2 and any additional lands required to accommodate the final design, in accordance with MOECC's and the City's current standards, to the satisfaction of the Senior Director, Growth, Management.
18. That, ***prior to servicing***, the Owner agrees to design and construct Street "A" from the west limit of the subdivision to Pritchard Road, at the City's cost and agrees to accommodate servicing for the external lands adjacent to the westerly limit of the subdivision in the design of Street "A", within the draft plan, to the satisfaction of the Senior Director, Growth Management.
19. That, ***prior to servicing***, the Owner, at his expense, shall construct a 1.5m metre high black vinyl coated heavy duty chain link fence along the north property limit of Block 2, to the satisfaction of the Senior Director, Growth Management.
20. That, ***prior to registration of the plan of subdivision***, the Owner shall construct a 4.0m multi-use path within the north boulevard of Street "A", to the satisfaction of the Senior Director, Growth Management.

21. That, **prior to servicing**, the Owner agrees to establish a sanitary corridor across Block 2 which shall include a 9.0m section of flat area to accommodate the installation of a sanitary sewer providing a sanitary outlet for Block 1, to the satisfaction of the Senior Director, Growth Management.
22. That, **prior to servicing**, the Owner agrees, at his expense, to re-locate the existing Bell Cable across Street "A" and makes all necessary arrangements to have the easement discharged, to the satisfaction of the Senior Director, Growth Management.
23. That, **prior to servicing**, the Owner shall submit an updated geotechnical report, to the satisfaction of the Senior Director, Growth Management.
24. That, **prior to servicing**, the Owner will develop a plan to protect and maintain Karst conduits and sinkholes as identified in the Terra –Dynamics Consulting Inc report, dated November 14, 2014 during development. Furthermore the Owner will ensure that any site works including installation of services and earthworks will not disturb these features, if it is determined that they must be retained. Otherwise, a methodology dealing with Karst close out will be followed, to the satisfaction of the Senior Director, Growth Management.
25. That, **prior to servicing**, the Owner will submit a rock removal protocol and vibration monitoring plan and associated cost estimates, prepared by a licensed Professional Engineer. The cost to implement the Owner's blasting protocol and vibration monitoring plan shall be included in the engineering cost schedules, to the satisfaction of the Senior Director, Growth Management.
26. That, **prior to servicing**, the Owner agrees that a third party peer review of the proposed blasting protocol and vibration monitoring plan shall be completed. Furthermore, the Owner agrees to pay for the peer review and to provide a cash payment to the City in advance of the peer review, if required, to the satisfaction of the Senior Director, Growth Management.
27. That, **prior to servicing**, where services are to be constructed in rock, the Owner shall conduct a pre-condition survey of residences within 100 metres and notify residents of rock removal within 200 metres of that phase of construction, to the satisfaction of the Senior Director, Growth Management.
28. That, **prior to servicing**, the Owner shall submit a Hydrogeological Report, 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 to undertake any mitigative works, as recommended, including monitoring, to the satisfaction of the Senior Director, Growth Management. The report shall include a groundwater contingency plan to ensure that an appropriate mitigation strategy is available to be implemented in the case whereof:

- I. an aquifer is breached during construction;
- II. groundwater is encountered during any construction within the subdivision; and,
- III. water supply and sewage disposal systems, and any surface and groundwater related infrastructure, are negatively impacted.

#### Geomatics and Corridor Management (Public Works Department)

29. That **prior to servicing** the Owner / Developer's street light design consultant contact the City's Project Manager of Street Lighting and Electrical Engineering prior to preparing their lighting plan to discuss incorporating lighting options to reduce impacts to wildlife along the Street 'A' open space corridor, to the satisfaction of the Director of Engineering Services, Public Works.
30. As a condition of draft plan approval, the urbanization of Highland Road West between the Upper Red Hill Expressway and Pritchard Road be required prior to the development of Block 1 to the satisfaction of the Director of Engineering Services, Public Works Department.

#### Budgets and Financing

31. Deleted. Now Condition 49.d.

#### Hamilton Conservation Authority:

32. That **prior to preliminary servicing and grading**, a Hydrogeology Study is required to the satisfaction of the Hamilton Conservation Authority. This study should include the identification of the hydrologic features and functions in the area, including wetland, creeks, karst and external drainage and how they will be incorporated with the development.
33. That **prior to preliminary servicing and grading**, a Water Balance Study is required to the satisfaction of the Hamilton Conservation Authority. This is required for the site to maintain the water regime. Consideration of the karst features is also required as part of this assessment.
34. That **prior to preliminary servicing and grading**, a Functional Servicing Study and a Storm Water Management Plan is required to the satisfaction of the Hamilton Conservation Authority. The purpose is to maintain the integrity of the features on site and continuation of their function as identified in the Hydrogeology Study.

35. That ***prior to preliminary servicing and grading***, a detailed design/restoration plan including a natural channel design for the multi-use corridor is to be completed to the satisfaction of the Hamilton Conservation Authority and, the Director of Planning and Chief Planner.
36. That ***prior to registration of subdivision agreement***, a specific monitoring plan is required to the satisfaction of the Hamilton Conservation Authority. The monitoring plan will monitor the design of the multi-use corridor and its effectiveness in the movement of wildlife.
37. That ***prior to preliminary servicing and grading***, a Grading Plan and Erosion and Sediment Control Plan is required for the subject lands and should be prepared to the satisfaction of the Hamilton Conservation Authority. The Grading Plan and the Erosion and Sediment Control Plan should include provisions and allowances for the phasing of the development over time.
38. That ***prior to preliminary servicing and grading***, a Karst Assessment Study is required and should be prepared to the satisfaction of the Hamilton Conservation Authority.
- ~~39. That ***prior to preliminary servicing and grading***, an environmental impact study is required to be completed to the satisfaction of the Hamilton Conservation Authority. The Environmental Impact Study should address potential for species at risk and fish habitats.~~
40. That the required permits for the development of the subjects shall be obtained as required from the Hamilton Conservation Authority pursuant to the HCA's Development, Interference with Wetlands, and Alteration to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04.

Hydro One Networks Inc.

41. That, ***prior to registration of subdivision agreement***, copies of the lot grading and drainage plan, showing existing and final grades, must be submitted to Hydro One Networks Inc. in triplicate for review and approval. Drainage must be controlled and directed away from Ontario Infrastructure and Lands Corporation / Hydro One Networks Inc. transmission corridor.
42. That, ***prior to preliminary servicing and grading***, temporary fencing must be installed along the edge of the transmission corridor at the Owner / Developer's expense.
43. That, ***after construction is complete***, permanent 1.5 metre fencing must be installed along the mutual property line at the developer's expense, excluding the mutual property line between Hydro One Networks Inc. lands and Block 2 (multi-use corridor).

44. Ontario Infrastructure and Lands Corporation / Hydro One Networks Inc. transmission corridor is not to be used without the express written permission of Hydro One Networks Inc. on behalf of Ontario Infrastructure and Lands Corporation. During construction there will be no storage of materials or mounding of earth, snow or other debris on the transmission corridor. The proponent will be responsible for restoration of any damage to the transmission corridor or Hydro One Networks Inc. facilities thereon resulting from construction of the subdivision.
45. The conditions contained therein should in no way be construed as permission for or an endorsement of proposed location(s) for any road crossing(s) contemplated for the proposed development. This permission may be specifically granted by Ontario Infrastructure and Lands Corporation under separate agreement(s). Proposals for any secondary land use including road crossings on the transmission corridor are processed through the Provincial Secondary Land Use Program (PSLUP), Hydro One Networks Inc., as Ontario Infrastructure and Lands Corporation's Service Provider, will review detailed engineering plans for such proposals separately, in order to obtain final approval. Should approval for a road crossing be granted, the subdivider shall then make arrangements satisfactory to Ontario Infrastructure and Lands Corporation / Hydro One Networks Inc. for the dedication and transfer of the proposed road allowance directly to the (municipality) of Cambridge. Access to, and road construction on the Ontario Infrastructure and Lands Corporation / Hydro One Networks Inc. transmission corridor is not to occur until the legal transfer(s) of lands or interests are completed.
46. The cost of any relocations or revisions to Hydro One Networks Inc. facilities that are necessary to accommodate this subdivision will be borne by the developer.
47. If the proposed development is within close proximity to a Transmission or Distribution station the following applies:
  - a. The Developer hereby confirms and agrees that every agreement of purchase and sale heretofore and hereafter entered into by the Developer with any purchaser(s) of any unit or proposed unit in the Development contains the following notice/warning provisions 9or clauses substantially similar thereto in all respects), namely: "Each unit purchaser and/or lessee specifically acknowledges and agrees that the development of the Lands upon which this Development is being (or has been) constructed, will be 9or has been) undertaken and completed in accordance with any requirements that may be imposed from time to

time by any Governmental Authorities, and that the proximity of this Development to facilities, installations and/or equipment owned and/or operated by Hydro One Networks Inc. may result in noise, vibration, electro-magnetic interference and stray current transmissions (hereinafter collectively referred to as the "Interferences") to this Development, and despite the inclusion of control features within this Development, Interferences from the aforementioned sources may, occasionally interfere with some activities of the occupants in this Development. Notwithstanding the above, each unit purchaser and/or lessee agrees to indemnify and save Hydro One Networks Inc. and harmless, from and against all claims, losses, judgements or actions arising or resulting from any and all of the Interferences. In addition, it is expressly acknowledged and agreed that Hydro One Networks Inc. does not, and will not accept any responsibility or liability for any of the Interferences in respect of this Development and/or its occupants. Furthermore, there may be alterations and/or expansions by Hydro One Networks Inc. to its facilities and/or transformer station which may temporarily affect the living environment of the residents notwithstanding the inclusion of any noise and vibration clause similar to the foregoing shall be inserted into any succeeding or subsequent sales agreement, lease or sublease, and that this requirement shall be binding not only on the Purchaser hereunder but also upon the Purchaser's respective heirs, estate trustees, successors and permitted assigns, and shall not cease or terminate on the closing of this purchase and sale transaction with the Vendor / Declarant"

- b. The Developer covenants and agrees that so long as the City does not object thereto, the language set out in Section 46(a) hereof (or language substantially similar thereto) shall also be included in the Site Plan Agreement entered into by the Developer with the City of Hamilton to be registered on title to the Development.
48. The transmission lines abutting this subdivision operate at 500,00, 230.000 or 115,000 volts. Section 188 – Proximity – of the Regulations for Construction Projects in the Occupational Health and Safety Act, require that no object be brought closer than 6.0 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3.0 metres (10 feet). It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.

49. Should the lands municipally known as 1603 Rymal Road East and 665 Pritchard Road be purchased in whole by the Owner / Developer of the lands located at 99 Highland Road West (Part of Lot 34 – Concession 8), these additional lands will be included as developable employment blocks as part of Draft Plan of Subdivision 25T-201402 and the following special conditions will apply:
- a. That, ***prior to preliminary grading or servicing*** the Owner / Developer carries out and completes an archaeological assessment of the lands to the satisfaction of the Director of Planning, Chief Planner and the Ministry of Tourism, Culture and Sport, submitting all archaeological reports to the City of Hamilton for approval concurrent with their submission to the Ministry of Tourism, Culture and Sport.
  - b. That, ***prior to registration of subdivision agreement*** the Owner / Developer shall mitigate through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found.
  - c. No demolition or soil disturbances shall take place on the subject property prior to the approval of the Director of Planning, Chief Planner and the Ministry of Citizenship, Culture and Recreation confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
  - d. That, ***prior to registration of the plan of subdivision***, the Owner / Developer pay the sanitary sewer Summit Park 1 mainline fee of \$6,850.00, to the satisfaction of the Senior Director, Growth Management.
  - e. ***All conditions applicable to Draft Plan of Subdivision 25T-201402, including special conditions No. 1-47 shall also apply to the acquired lands located at 1603 Rymal Road East and 665 Pritchard Road.***

**NOTE:** Pursuant to Section 51(32) of the Planning Act, draft approval shall lapse if the plan is not given final approval within three (3) years. However, extensions will be considered if a written request is received before the draft approval lapses.

**Authority:** Item [REDACTED]  
Planning Committee  
Report 16- 165 (PED16165)  
CM: [REDACTED]

**Bill No.** [REDACTED]

**CITY OF HAMILTON**

**BY-LAW NO. [REDACTED]**

**To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at  
2064, 2066, 2068 and 2070 Rymal Road East, in the former Township of  
Glanbrook, now in the City of Hamilton**

**WHEREAS** the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City Of Hamilton";

**AND WHEREAS** the City Of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Township of Glanbrook" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

**AND WHEREAS** the *City Of Hamilton Act, 1999* provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** Zoning By-law No. 464 (Glanbrook) was enacted on the 16<sup>th</sup> day of March, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1993;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 16-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2016, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

**AND WHEREAS** this By-law will be in conformity with the Urban Hamilton Official Plan upon the approval of Official Plan Amendment No. 63.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Zoning Schedule C appended to and forming part of Zoning By-law No. 464 (Glanbrook), as amended, is hereby further amended as follows:
  - (a) That the land be rezoned from the Rural Commercial "C6-026" Zone to the General Commercial "C3-301" Zone, Modified, for the lands comprised of the subject lands.

**Council – August 12, 2016**



2. That Section 44, “Exceptions to the Provisions of the By-law”, as amended, of Zoning By-law No. 464, is hereby further amended as follows:

(a) by deleting Sub-section “C6-026” and all its contents, and

(b) adding the following Sub-section:

**“C3-301      2064, 2066, 2068, and 2070 Rymal Road East**

- (a) Notwithstanding Subsection 25.1 Permitted Uses of Section 25 General Commercial “C3” Zone of Zoning By-law 464, the following shall be the only permitted uses:

- (i) Banks and financial institutions, billiard parlour, Brewers Retail stores, commercial schools, day nurseries, dry cleaning distribution stations, farm equipment sales establishments, Farm produce market, Liquor License Board of Ontario stores, personal service shops, post offices, printing establishments, professional and business offices, private or commercial clubs, fast food restaurants with a maximum seating of 30 persons, standard restaurants with a maximum seating of 30 persons, take-out restaurants, retail stores, service shops, taverns, veterinary service establishments; urban farmers market and uses, buildings and structures accessory to the above permitted uses; and
- (ii) Motor Vehicle Service Station (oil and lube service station only, as defined in section C3-301), and Motor Vehicle Washing Establishment (manual and automatic).
- (iii) Notwithstanding any of the uses permitted in sub-sections (i) and (ii) the below-grade storage of fuel, petroleum products, or chemical storage tanks shall be prohibited.

- (b) Notwithstanding subsection (e) of Section 25.2 Regulations for Uses Permitted in Paragraph (a) of Subsection 25.1:

- i) a maximum permitted gross floor area of 3,735 square metres shall be permitted;
- ii) the maximum permitted gross floor area for any individual commercial use permitted in subsection (a) (i) shall not be more than 60% of the total gross floor area provided on site;
- iii) Notwithstanding subsection ii) above, the maximum gross floor area for a billiard parlour shall be 372 square metres.

iv) The maximum permitted combined gross floor area for the uses listed in subsection (a) (ii) shall be 1,360 square metres.

(c) Notwithstanding subsection (f) of Section 25.2 Regulations for Uses Permitted in Paragraph (a) of Subsection 25.1 the minimum front yard setback for any new commercial building established after the date of passing of this site-specific by-law shall be 4.75 metres;

(d) Minimum Landscaping Requirements:

Notwithstanding subsection (l)(i) of Section 25.2 Regulations for Uses Permitted in Paragraph (a) of Subsection 25.1 and subsection 26.2 (j)(i) of Section 26.2 Regulations for Uses Permitted in Subsection 26.1 the following shall apply:

i) A landscaped area in the form of a planting strip having a minimum width of 4.5 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a Residential Zone or any Zone where the adjoining land is used for residential purposes other than for the west lot line where a landscape area in the form of a planting strip having a minimum width of 3.0 metres shall be provided and thereafter maintained.

(e) Acoustical Barriers

Acoustical barrier walls and / or wing walls for noise mitigation shall be required.

Noise mitigation shall be implemented to the satisfaction of the General Manager of Planning and Economic Development.

(f) Minimum Number of Parking Spaces:

Notwithstanding subsection (j) (ii) and (iii) of Section 25.2 Regulations for Uses Permitted in Paragraph (a) of Subsection 25.1 and Section 26.2 (h) Regulations for uses permitted in Subsection 26.1: The number of on-site Parking Spaces shall be provided in accordance with the following regulations:

i) A minimum of 1 parking space for every 24 square metre of gross floor area for the uses in 2 (a) (i) above;

ii) No parking spaces shall be required for the uses outlined in subsection 2 (a) (ii) above.

(g) Parking Space Requirements:

- i) Notwithstanding subsection 7.35 (vi) (b) A minimum access driveway of 6.0 metres shall be provided for two-way vehicular circulation except the one-way access driveways to the Motor Vehicle Services Station and the Automatic Motor Vehicle Washing Establishment shall have a minimum width of 3 metres.
- (h) Loading Space Requirements:
  - i) Notwithstanding subsection (k) of Section 25.2 Regulations for Uses Permitted in Paragraph (a) of Subsection 25.1 and Section 26.2 (i) Regulations for uses permitted in Subsection 26.1 one (1) on-site Loading Space is required.
  - (i) Notwithstanding Section 4: Definitions, for the purpose of this By-law a Motor Vehicle Service Station “means a building, structure and/or lot where oil and grease, may be stored above grade or kept for sale, and where motor vehicles may be oiled or greased or have their ignition adjusted. This definition shall not include a motor vehicle body shop, motor vehicle repair garage or motor vehicle dealership and shall not include the sale of gasoline or other motor fuels. The below grade storage of fuel, petroleum products, and chemicals is prohibited. ”
  - (j) Notwithstanding Section 4: Definitions, for the purpose of this By-law a Landscaped area and planting strip shall be defined as a strip of land or area of land which shall not be used for any other purpose than an area of landscaping, which may include grass, shrubs, flowers, trees, and similar types of vegetation, and paths, walk, patios, fences, and similar appurtenances, but shall exclude parking areas, loading areas, driveways or ramps. Landscaped areas / planting strips abutting a street shall also be permitted to contain hydro transformers and related appurtenances and the one sign existing as of the date of the passing of this site-specific amendment. All signage shall be provided in accordance with the City of Hamilton’s Sign By-law No. 10-197.
- 3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

**PASSED and ENACTED** this [REDACTED] day of [REDACTED], 2016.

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Fred Eisenberger  
Mayor  
ZAC-15-056

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Rose Caterini  
Clerk

**Council – August 12, 2016**

That this approval apply to the Draft Plan of Subdivision, 25T-201504, prepared by Urbex Engineering Limited and certified by Dan McLaren, O.L.S., dated, December 19, 2014, consisting of 42 lots for single detached dwellings (Lots 1 – 42), two blocks for 0.30 m reserves (Blocks 43 & 44) and one public road (the extension of Klein Circle) subject to the owner entering into a standard Form Subdivision Agreement, received, and approved by City Council with the following special conditions.

### **Development Planning, Heritage and Design**

1. That **prior to grading**, the Owner shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment'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 and Chief Planner. 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 and Chief Planner.
2. That, **prior to registration**, the owner shall provide cash-in-lieu at a rate of \$ 590.00 per tree for the 152 native trees to the City in the event that the owner cannot provide for any of the required 152 native trees 285 trees within the development, to the satisfaction of the Director of Planning and Chief Planner. For the 133 non-native trees, the applicant shall prepare an submit an off-site compensation plan to provide for tree planting through the donation of 107 133 trees to a non-governmental organization to the satisfaction of the Director of Planning and Chief Planner
3. That, **prior to any grading and / or servicing**, the owner shall submit a Tree Protection Plan, which shall address Natural Heritage Planning staff concerns outlined in comments dated Dec. 3, 2015, to the satisfaction of the Director of Planning and Chief Planner. Removal of trees is not to occur until this condition has been satisfied. A total of 285 trees (representing 1 for 1 replacement) will be required for compensation.
4. That, **prior to registration**, the owner shall provide cash-in-lieu at a rate of \$ 590.00 per tree to the City in the event that the owner cannot provide for any of the required 285 trees within the development, to the satisfaction of the Director of Planning and Chief Planner.
5. That, **prior to registration**, the owner / applicant shall provide a Landscape Plan that has been prepared by a Landscape Architect showing the placement of compensation trees for any tree removals completed in accordance with the

approved Tree Protection Plan to the satisfaction of the Director of Planning and Chief Planner. Due to the large number of trees that will be removed from the site, the planting rate will be two street trees for the front yard (where possible). These trees are to have a minimum caliper size of 50 mm DBH. The Landscape Plan is to comprise of at least 60 percent native species.

6. That, **prior to any grading or servicing**, the owner / applicant is aware of the Migratory Birds Convention Act, 1994 and agrees that removal of any vegetation on the subject lands is to occur outside of the breeding bird season (which is March 31<sup>st</sup> to August 31<sup>st</sup>). 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's Natural Heritage Planning staff, prior to any work commencing. Accordingly, removal may occur if it is determined that active nests are not present in the proximity to the removal area, to the satisfaction of the Director of Planning and Chief Planner.
7. That, **prior to grading and / or servicing**, the owner / applicant is to erect tree protection fencing, to the satisfaction of the Director of Planning and Chief Planner, around those trees that are to be protected as outlined within the approved Tree Protection Plan.
8. That, **prior to any grading and / or servicing**, the owner / applicant is to provide a Verification of Tree Protection Letter completed by a tree management professional (i.e. certified arborist, registered professional forester or landscape architect) to the satisfaction of the Director of Planning and Chief Planner to confirm that all tree protection measures have been installed according to the approved Tree Protection Plan.

#### **Hamilton Conservation Authority (HCA)**

9. That the applicant obtain a permit from the HCA under its *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04* prior to any watercourse alteration, construction and / or grading activities within the HCA's regulated area.
10. 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 revegetated;
  - 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 seven days of the completion of that particular phase of construction; and,
  - d) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction.
11. That the applicant prepares and implements a lot grading plan to the satisfaction of the HCA.

### **Development Engineering**

12. That, **prior to registration**, the Owner agrees to pay its proportionate share of the actual cost for the design and construction of Springbrook Avenue, including but not limited to, storm and sanitary sewers from the north limits of 296 Springbrook Ave to the south limits of 312 Springbrook Ave, to the Satisfaction of the Senior Director of Growth Management.
13. That, **prior to registration**, the Owner includes 0.3m reserves across the frontages of Lots 1 to 4, 41 and 42 inclusive. Further, that the reserves shall remain until such time as Springbrook Avenue has been fully urbanized.
14. That, **prior to preliminary grading**, in the event that the Owner of "Meadowlands Phase 10 (25T-200613)" subdivision, has not initiated the reconstruction of Springbrook Avenue, then the Owner may, at the discretion of the Senior Director Growth Management, proceed to reconstruct Springbrook Avenue from the northern limit to the southern limit of the draft plan of subdivision.
15. That, **prior to registration**, the Owner agrees to urbanize Springbrook Avenue from the northern limit to the southern limit of the draft plan of subdivision. The owner shall fully connect existing dwellings at 296 & 312 Springbrook Avenue to municipal

services including fully decommissioning existing septic tanks, all of the above to the satisfaction of the Senior Director of Growth Management.

16. That, **prior to registration**, the Owner agrees to cost share with the existing residents 296, 304 and 312 Springbrook Avenue for a substantial portion of the sanitary sewer cost and sanitary sewer private drain connections for urbanization of Springbrook Avenue as per Ontario Municipal Board (OMB) Decision No. 1493 to the satisfaction of the Senior Director of Growth Management.
17. That, **prior to registration**, the owner shall agree in the Subdivision Agreement to pay their proportionate share of the costs of the Traffic Study required for the Garner Road and Springbrook Avenue intersection and will provide the City sufficient securities for its proportionate share of the necessary Garner Road and Springbrook Avenue intersection improvement costs, based on its proportionate share between Meadowlands Phase 8, Meadowlands Phase 10, and Springbrook Meadows East and West to the satisfaction of the Manager of Traffic Engineering and Operations.
18. That, **prior to registration**, sanitary sewers, storm sewers and road access are available to service the lands of the draft plan or alternatively, the Owner acquires the necessary land or easements and pays the full cost, less over-sizing, to construct sanitary sewers, storm sewers or road access to service the lands of the draft plan to the satisfaction of the Senior Director of Growth Management.
19. That, **prior to preliminary grading**, the Owner shall include in the engineering design and cost estimate schedule suitable transition grading when matching into existing properties, further the use of retaining walls will only be permitted, if agreed upon and to the satisfaction of the Senior Director of Growth Management.
20. That, **prior to preliminary grading**, the Owner shall submit a revised grading plan demonstrating that drainage parameters for the subject lands are consistent with those used for the Dussin Estates Stormwater Management plan and external drainage from the Redeemer lands will be adequately, to the satisfaction of the Senior Director of Growth Management.
21. That, **prior to Registration**, the Owner shall contribute a proportionate share for maintenance responsibilities of the receiving stormwater management facility in

Dussin Estates Subdivision including the removal of deposited solids to the satisfaction of the Senior Director of Growth Management.

22. That, **prior to servicing**, the owner shall submit a water distribution analysis of the water system to determine whether the existing water system can adequately service the proposed development, to the satisfaction of the Senior Director of Growth Management. The Report shall also focus on the following issues:

- 1) Tabularize the expected occupancy;
- 2) Generate residential and institutional water demand and fire flow, and the necessary calculation for this development;
- 3) Demonstrate how the proposal fits with GRIDS numbers;
- 4) Confirm the water servicing layout based on field information, as well as hydraulic models; and,
- 5) Provide the new hydrant locations on the Water Distribution Plan.

23. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate installation of a minimum 1.5 m high chainlink fence along the rear yards of lots 32 to 40 which rear yards abut Redeemer University Lands to the satisfaction of the Senior Director of Growth Management.

24. That, prior to registration, the Owner / applicant agrees to include the following warning clauses in all purchase and sale and / or lease agreements and registered on title for lots 32 to 40, that abut Redeemer University, to the satisfaction of the Director of Planning and Chief Planner:

- a) While the lands abutting the rear and / or side yards of this property is currently vacant, they are owned by Redeemer University and as such may be developed in the future for any number of uses, including but not limited to: educational buildings, recreational facilities and / or student housing.
- b) For the fences to be built on the rear and / or side yards of lots 32 to 40, gates shall be prohibited.



25. That, **prior to servicing**, the Owner shall submit a Hydrogeological report to the City, prepared by a qualified professional, to assess impacts, identify any recharge and discharge zone, and provide recommendations to mitigate the groundwater impacts during any construction within the subdivision, including but not limited to house construction, and to undertake the works, as recommended, including monitoring. The report shall also provide a groundwater contingency plan to ensure that an appropriate mitigation strategy is available to be implemented in the case where: i) an aquifer is breached during excavation; ii) groundwater is encountered during any construction within the subdivision, including but not limited to house construction; iii) sump pumps are found to be continuously running; iv) water supply and sewage disposal systems and any surface and groundwater related infrastructure are negatively impacted, all to the satisfaction of the Senior Director of Growth Management.
26. That, **prior to servicing**, the Owner shall prepare a Groundwater Study which shall assess the impact that the proposed development would have on the water supply and the sewage disposal systems on the adjacent properties. To address any concerns, the study shall propose appropriate mitigation measures to be implemented by the Owner, to the satisfaction of the Senior Director of Growth Management.
27. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate provisions for the construction and removal of any required temporary turning circles to the satisfaction of the Senior Director of Growth Management.
28. That, **prior to servicing**, the owner shall include in the engineering design and cost estimates, provision to install municipal sidewalks, in accordance with the current City of Hamilton Policy in following locations:
- i. From the north limit to the south limit of subdivision on Springbrook Avenue;
  - ii. East Klien Circle west side only full length; and,
  - iii. West Klien Circle east side only full length,
- to the satisfaction of the Senior Director of the Growth Management.

29. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedules, the provision for a detailed sump pump design which shall include a secondary relief / overflow on surface and back-up power unit. The pump design shall consider the weeping tile inflow based on both the groundwater and severe wet weather conditions, to the satisfaction of the Senior Director of Growth Management.
30. That, **prior to servicing**, the Owner shall provide a driveway location / on-street parking plan showing the following, to the satisfaction of the Senior Director of Growth Management:
- i) the location of driveways based on the premise of achieving on-street parking for 40% of the total dwelling units;
  - ii) driveway ramps and curb openings for all lots;
  - iii) the pairing of driveways;
  - iv) where lots in the subdivision abut a park entrance or a public walkway; and;
  - v) the location of transit pads, community mailbox pads, and fire hydrants, where the location has been determined by the appropriate authorities.

### COST SHARING

Acknowledgement by the City of Hamilton that cost sharing within this development shall be in accordance with the City's financial policy as approved by the Senior Director of Growth Planning, subject to the following:

1. The Owner shall share the proportionate amount of the actual cost for the design and construction of Springbrook Avenue, including but not limited to, storm and sanitary sewers from the north limits of 296 Springbrook Ave to the south limits of 312 Springbrook Ave, to the Satisfaction of the Senior Director of Growth Management.
2. The Owner shall share the proportionate amount of the costs of the Traffic Study required for the Garner Road and Springbrook Avenue intersection; and the proportionate share of the necessary Garner Road and Springbrook Avenue intersection improvement costs, based on its proportionate share between Meadowlands Phase 8, Meadowlands Phase 10, and Springbrook Meadows East and West.

3. The Owner shall share the proportionate amount of the costs for the urbanization of Springbrook Avenue, in accordance with the financial policies for development.
4. The Owner will be participating in the cost of sewers on Springbrook Avenue for the existing residents, in accordance with OMB decision No. 1493.

NOTES TO DRAFT PLAN APPROVAL

Pursuant to Section 51(32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if a written request is received before the draft approval lapses.