



February 12, 2018

File: H/F,C/17/33

BY REGISTERED MAIL & EMAIL

Plaza Imports Ltd.
C/o John Lecluse
1505 Upper James St.
Hamilton, Ontario L9B 1K2

Dear Mr. Lecluse:

Re: NOTICE OF DECISION
Hearing Pursuant to Section 28(12) of the *Conservation Authorities Act*
Plaza Imports Ltd. Application for Development in a Regulated Area of the
Chedoke Creek Valley at 925 Main Street West and 150 Longwood Road
South, City of Hamilton

Please find attached the Notice of Decision from the February 1, 2018 Hearing for the above-noted application.

In accordance with Section 28(15) of the *Conservation Authorities Act*, an applicant who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons under subsection (14) appeal to the Minister who may refuse the permission, or grant permission, with or without conditions. Should you decide to proceed with an appeal of this decision, please forward your letter of appeal directly to the Honourable Nathalie Des Rosiers, Minister of Natural Resources and Forestry, 99 Wellesley St. W., 6th Floor, Whitney Block, Toronto ON M7A 1W3 within the required 30 day period.

If you do not appeal the decision, the conditions must be implemented within two years of the Hearing Board decision. If the conditions are not implemented, then the permit will be revoked.

Please do not hesitate to contact Mike Stone, Manager, Watershed Planning Services, (905) 525-2181, ext. 133 if you have any questions or require further information regarding this matter.

Yours truly,



Mike Stone MCIP, RPP
Manager, Watershed Planning Services

Enclosures: Notice of Decision, Permit

NOTICE OF DECISION

IN THE MATTER OF

THE *CONSERVATION AUTHORITIES ACT*, R.S.O. 1990, CHAPTER 28 AS AMENDED;

AND IN THE MATTER OF

AN APPLICATION MARKED H/F,C/17/33 BY: Plaza Imports Ltd. FOR THE PERMISSION OF THE HAMILTON REGION CONSERVATION AUTHORITY PURSUANT TO REGULATIONS MADE UNDER SECTION 28 OF THIS SAID ACT FOR THE:

Placement of fill and construction of a two 15-storey student residence, linked via a 4-storey mixed use podium, which will contain 456 suites to accommodate 910 students, 1,380m² of ground floor commercial space, 5,901m² of amenity areas, and a below grade parking garage with 107 vehicle spaces in the regulated area of the Chedoke Creek Valley at 925 Main Street, City of Hamilton.

TAKE NOTICE THAT A HEARING BEFORE THE HAMILTON REGION CONSERVATION AUTHORITY WAS HELD UNDER SECTION 28 (12) OF THE *CONSERVATION AUTHORITIES ACT* AT THE OFFICES OF SAID AUTHORITY AT 838 MINERAL SPRINGS ROAD, ANCASTER, ONTARIO AT THE APPROXIMATE HOUR OF 7 P.M., ON THE 1st DAY OF February, 2018.

MEMBERS OF THE HEARING BOARD PRESENT:

Robert Pasuta
Lloyd Ferguson
Susan Fielding
Kris Brown
Brad Gautreau
Doug Conley
Dan Bowman
Santina Moccio
Chad Collins

HEARING PARTICIPANTS AND INFORMATION SUBMITTED:

1. Mike Stone for the Hamilton Region Conservation Authority.

Mike Stone presented the staff report dated January 12, 2018.

2. The following representatives presented a report on the development proposal on behalf of the applicant:

- Brian Duxbury, Duxbury Law
- Sergio Manchia, Urban Solutions Planning & Land Development Consultants
- Brian Bishop, Amec Foster Wheeler
- James Dann, Landtek Limited
- Michael Spaziani, Michael Spaziani Architects Inc.
- Mary Ann Young, Dougan & Associates

DECISION

THAT the application made by Plaza Imports for the placement of fill and construction of a two 15-storey student residence, linked via a 4-storey mixed use podium, which will contain 456 suites to accommodate 910 students, 1,380m² of ground floor commercial space, 5,901m² of amenity areas, and a below grade parking garage with 107 vehicle spaces in the regulated area of the Chedoke Creek Valley at 925 Main Street, City of Hamilton BE APPROVED as submitted subject to the following conditions:

1. The owner shall retain a copy of the HCA permit and approved plans on-site at all times during construction;
2. The Owner shall adhere to the HCA permit and approved plans, documents and conditions, including HCA redline revisions, herein referred to as the "works", to the satisfaction of HCA. The Owner further acknowledges that all proposed revisions to the design of this project must be submitted for review and approval by HCA prior to implementation of the redesigned works;
3. The Owner shall notify the HCA Watershed Officer 48 hours prior to the commencement of any of the works referred to in this permit and within 48 hours upon completion of the works referred to herein;
4. The Owner shall arrange a final site inspection of the works with the HCA Watershed Officer prior to the expiration date on the permit to ensure compliance with terms and conditions of the permit to the satisfaction of the HCA;
5. The Owner shall submit a detailed Geotechnical Report to document site conditions, assess slope stability, and describe the proposed development and approach to slope reconstruction and stabilization. The report shall be prepared by a qualified geotechnical engineer in accordance with the *Technical Guide for River and Stream Systems: Erosion Hazard Limit* (OMNR, 2002);
6. The Owner shall submit a final detailed Site Plan, Grading Plan, Drainage Plan, Erosion and Sediment Control Plan, and Landscape Restoration Plan;
7. The Owner shall submit a Fill Management Plan, in accordance with HCA's *Application Checklist for Fill Application Submissions*;

8. That landowner authorization for any grading or fill placement work required on adjacent lands be provided to the HCA (City of Hamilton easement and tie-in of the slope face with the westerly neighbor); and
9. The owner shall enter into a Save Harmless Agreement with the Hamilton Conservation Authority regarding the development of a residential and commercial building as submitted on the subject lands.

AND FURTHER TAKE NOTICE THAT UNDER SECTION 28 (15), CONSERVATION AUTHORITIES ACT, R.S.O. 1990, YOU HAVE THIRTY (30) DAYS FROM THE RECEIPT VIA REGISTERED MAIL OF THIS NOTICE TO APPEAL THE ABOVE DECISION TO THE MINISTER OF NATURAL RESOURCES AND FORESTRY.

DATED THE 12th DAY OF February, 2018.

**THE BOARD OF DIRECTORS OF
THE HAMILTON REGION CONSERVATION AUTHORITY**



HCA CHIEF ADMINISTRATIVE OFFICER