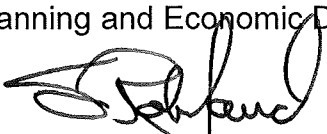


TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 18, 2018
SUBJECT/REPORT NO:	Application for Approval of a Draft Plan of Condominium (Common Element) and Draft Plan of Subdivision for Lands Located at 1831 Rymal Road East (Stoney Creek) (PED18218) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	George T. Zajac (905) 546-2424 Ext. 1024
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Draft Plan of Condominium Application 25CDM-201809, by MHBC Planning, on behalf of 232470 Ontario Inc. (Losani Homes Limited), Owner** to establish a Draft Plan of Condominium (Common Element) to create a condominium road network, sidewalks, landscaped areas, 75 visitor parking spaces, and centralized mailboxes, on lands located at 1831 Rymal Road East (Stoney Creek), as shown on Appendix "A", attached to Report PED18218, be **APPROVED** subject to the following conditions:
- (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-201809 applies to the plan prepared by A.T. McLaren Limited, certified by S. D. McLaren, dated August 8, 2018, consisting of a condominium road network, sidewalks, landscaped areas, 75 visitor parking spaces, and centralized mailboxes, in favour of 305 Parcels of Tied Lots (POTL'S), attached as Appendix "C" to Report PED18218;
 - (ii) That the conditions of Draft Plan of Condominium Approval 25CDM-201809, attached as Appendix "D" to Report PED18218, be received and endorsed by City Council;
- (b) That **Draft Plan of Subdivision Application 25T-201805, by MHBC Planning, on behalf of 232470 Ontario Inc. (Losani Homes Limited), owner** to establish a Draft

SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) and Draft Plan of Subdivision for Lands Located at 1831 Rymal Road East (Stoney Creek) (PED18218) (Ward 9) - Page 2 of 10

Plan of Subdivision on lands located at 1831 Rymal Road East (Stoney Creek), as shown on Appendix "B", attached to Report PED18218, be **APPROVED** subject to the following conditions:

- (i) That this approval apply to the for Draft Plan of Subdivision 25T-201805 prepared by A.T. McLaren Limited and certified by S.D. McLaren, dated November 27, 2017, consisting of five development blocks to add lands to a previously approved Draft Plan of Subdivision, attached as Appendix "E" to Report PED18218;
- (ii) That the conditions of Draft Plan of Subdivision Approval 25T-201805, attached as Appendix "F" to Report PED18218, be received and endorsed by City Council;
- (c) 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, and the calculation for the payment be based on the value of the lands on the day, prior to the day of issuance of each building permit, to which payment shall be based on the value of the land on the day, prior to the issuance of the first building permit, for each said Block, with the calculation of the Cash-in-Lieu payment based on the value of the lands on the day prior to the issuance of each building permit, and in the case of multiple residential blocks, prior to the issuance of the first building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.
- (d) The Owner entering into a Standard Form, Subdivision Agreement or an addendum to an existing one, with conditions attached as Appendix "F" to Report PED18218.

EXECUTIVE SUMMARY

The purpose of application 25T-201805 is to add these lands to a previously approved Draft Plan of Subdivision (25T-201401), registered as Plan 62M-1250. Registered Plan 62M-1250 was approved in 2016 for a residential subdivision having a range of unit types and a total of 600 units. Detailed information is provided in Report PED16072. Block 1, as shown on the attached Appendix "B" to Report PED18218 is to be developed with the Losani Homes development and is part of the aforementioned condominium development and application 25CDM-201809. Block 2, as shown on the attached Appendix "B" to Report PED18218 is part of the Losani Homes development, which was approved in 2016. Block 3, as shown on the attached Appendix "B" to Report PED18218 are additional lands owned by the applicant and were acquired to complete the road pattern and development. The lands are to be developed for four single detached lots.

SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) and Draft Plan of Subdivision for Lands Located at 1831 Rymal Road East (Stoney Creek) (PED18218) (Ward 9) - Page 3 of 10

The purpose of application 25CDM-201809 is to establish a Draft Plan of Condominium (Common Element) to create the following common elements: a private condominium road network, sidewalks, landscape areas, 75 visitor parking spaces, centralized mailboxes in favour of 305 Parcels of Tied Lots (POTLS), as conditionally approved under Site Plan Control Application DA-16-170. The condominium road will provide access to public roads being Greenwich Avenue, Times Square Boulevard and Soho Street. The subject lands are to be developed as maisonette and townhouse units fronting onto Times Square Boulevard and Soho Street, as well as onto a private condominium road network, by way of Part Lot Control Application PLC-18-022, currently being processed.

The proposed Draft Plan of Condominium and Draft Plan of Subdivision conform to the Stoney Creek Zoning By-law No. 3692-92, as amended by By-laws No. 16-100, 16-101 and 16-102, however, a housekeeping mapping amendment is required to Zoning By-law 16-101 to rezone Block 2 on Appendix "E" to the Multiple Residential "RM3-56" Zone, Modified. Blocks 3 on Appendix "E" are proposed to be rezoned to the Multiple Residential "RM3-57" Zone, Modified, as part of application ZAC-16-064, which is currently being processed. In addition, as part of application ZAC-16-064, Block 4 is to be rezoned to the Single Residential "R3-41" Zone, Modified. The applications are consistent with and will implement Site Plan Control Application DA-16-170, once final approval has been provided.

The proposed Draft Plan of Condominium and Draft Plan of Subdivision have merit and can be supported as they are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (2017) and comply with the Urban Hamilton Official Plan (UHOP).

Alternatives for Consideration – See Page 10

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for a Draft Plan of Condominium (Common Element) and / or Draft Plan of Subdivision.

HISTORICAL BACKGROUND

Proposal:

The purpose of application 25T-201805 is to add these lands to the adjacent lands that are in a previously approved Draft Plan of Subdivision (25T-201401), registered as Plan 62M-1250. Registered Plan 62M-1250 was approved for a residential subdivision having a range of unit types and a total of 600 units. Detailed information is provided in Report PED16072. Block 1, as shown on the attached Appendix "B" to Report PED18218 is to be developed with the Losani Homes development and is part of the aforementioned condominium development under application 25CDM-201809. Block 2, as shown on the attached Appendix "B" to Report PED18218 is part of the Losani Homes development, which was approved through the aforementioned Report PED16072. Block 3, as shown on the attached Appendix "B" to Report PED18218 are additional lands owned by the applicant, will complete the planned road pattern and are to be developed for four single detached lots.

The purpose of application 25CDM-201809 is to establish a Draft Plan of Condominium (Common Element) to create the following common elements: a private condominium road network, sidewalks, landscape areas, 75 visitor parking spaces, centralized mailboxes in favour of 305 Parcels of Tied Lots (POTLS), as conditionally approved under Site Plan Control Application DA-16-170. The condominium road will provide access to public roads being Greenwich Avenue, Times Square Boulevard and Soho Street. The subject lands are to be developed as maisonette and townhouse units fronting onto Times Square Boulevard and Soho Street, as well as onto a private condominium road network, by way of Part Lot Control Applications PLC-18-022 and PLC-18-028, that are currently being processed.

The proposed Draft Plan of Condominium and Draft Plan of Subdivision conform to the Stoney Creek Zoning By-law No. 3692-92, as amended by By-laws No. 16-100, 16-101 and 16-102. A housekeeping mapping amendment is required to Zoning By-law 16-101 to rezone Block 2 on Appendix "E" to the Multiple Residential "RM3-56" Zone, Modified. Block 3 on Appendix "E" is proposed to be rezoned to the Multiple Residential "RM3-57" Zone, Modified, as part of application ZAC-16-064, which is currently being processed. In addition, as part of application ZAC-16-064, Block 4 is to be rezoned to the Single Residential "R3-41" Zone, Modified. The applications are consistent with and will implement the Site Plan Control Application DA-16-170, once final approval has been provided.

Chronology:

April 6, 2018: Applications 25CDM-201809 and 25T-201805 submitted.

SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) and Draft Plan of Subdivision for Lands Located at 1831 Rymal Road East (Stoney Creek) (PED18218) (Ward 9) - Page 5 of 10

May 4, 2018: Applications 25CDM-201809 and 25T-201805 deemed complete.

May 23, 2018: Circulation of Notice of Complete Application and Preliminary Circulation for Draft Plan of Condominium (Common Element) Application sent to 6 property owners within 120 m of the subject lands.

May 25, 2018: Public Notice Sign placed on the subject lands.

August 22, 2018: Public Notice Sign updated to indicate Public Meeting date.

August 31, 2018: Notice of Public Meeting circulated to 6 property owners within 120 m of the subject lands.

Details of Submitted Application:

Location: 1831 Rymal Road East (Stoney Creek)
(See Location Map attached as Appendix "A" and Appendix "B" to Report PED18218)

Owner / Applicant: 232470 Ontario Inc. c/o: Losani Homes Ltd.

Agent: MHBC Planning, c/o: David Aston

Property Description:

<u>Lot Frontage:</u>	197 m (Soho Street)
<u>Lot Depth:</u>	385 m
<u>Lot Area:</u>	15,316 sq m

Servicing: Full Municipal Services

EXISTING LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	Multiple Residential "RM3-56" Zone, Single Residential "R1" Zone and Neighbourhood Development "ND" Zone

Surrounding Lands:

North	Commercial	Shopping Centre "SC2-7" Zone, Modified and Neighbourhood Development "ND" Zone
South	Vacant	Service Commercial "CS-1" Zone, Modified, Neighbourhood Development "ND" Zone and Multiple Residential "RM2-43" Zone, Modified
East	Vacant	Multiple Residential "RM2-43" Zone, Modified
West	Vacant	Prestige Business Park (M3, H28), Holding, Zone and Neighbourhood Development "ND" Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (PPS 2014):

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Local Planning Appeal Tribunal approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework.

As part of provincial interest, Natural Heritage, Archaeology and Noise were addressed through Report PED16072, as well as Site Plan Control Application DA-16-170 and therefore, municipal interest in the archaeological potential of the subject property has been addressed.

SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) and Draft Plan of Subdivision for Lands Located at 1831 Rymal Road East (Stoney Creek) (PED18218) (Ward 9) - Page 7 of 10

As the application for a Draft Plan of Condominium and Draft Plan of Subdivision comply with the UHOP, which implements Provincial policy and planning direction, it is staff's opinion that the applications are:

- consistent with Section 3 of the *Planning Act*; and,
- consistent with the Provincial Policy Statement (2014).

Growth Plan for the Greater Golden Horseshoe (2017)

The following policies, amongst others, from the Growth Plan for the Greater Golden Horseshoe are applicable to the proposal.

"2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to settlement areas that:
 - i. have a delineated built boundary;
 - ii. have existing or planned municipal water and wastewater systems; and,
 - iii. can support the achievement of complete communities.
- c) within settlement areas, growth will be focused in:
 - iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and,
 - iv. areas with existing or planned public service facilities."

The subject lands are located within a settlement area, outside of the built boundary, as shown on Appendix "G" – Boundaries Map of the Urban Hamilton Official Plan (UHOP). The subject lands are located where full municipal services are available, will provide for a complete community in conjunction with the adjacent lands through a compact design that includes a range and mix of housing types with easy access to local commercial uses and services in the area. As part of the Registered Plan of Subdivision 62M-1250 and Site Plan Control Application DA-16-170, planned municipal water and wastewater systems were reviewed to ensure that sufficient municipal services are in place to support the proposal. Accordingly, the proposal conforms to the Growth Plan for the Greater Golden Horseshoe (2017).

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

Urban Hamilton Official Plan (UHOP):

The subject lands are designated Neighbourhoods within the Urban Hamilton Official Plan. In addition, Blocks 1 and 2 are designated "Medium Density Residential 2", Blocks 3 and 5 are designated "Medium Density Residential 3" and Block 4 is designated "Low Density Residential 1" within the Trinity West Secondary Plan.

The purpose of application 25T-201805 is to develop these lands in conjunction with a previously approved Draft Plan of Subdivision (25T-201401), registered as Plan 62M-1250. As discussed, Registered Plan 62M-1250 was approved for a residential subdivision having a range of unit types and a total of 600 units. Block 1, as shown on the attached Appendix "B" to Report PED18218, is to be developed with the Losani Homes development and is part of a condominium development (application 25CDM-201809). Block 2, as shown on the attached Appendix "B" to Report PED18218 is part of the Losani Homes development, which was approved through the aforementioned Report PED16072. Block 3, as shown on the attached Appendix "B" to Report PED18218 are additional lands owned by the applicant and will allow for the completion of the road network and are to be developed for four single detached lots.

As discussed previously, the proposed Draft Plan of Condominium proposes to establish a Draft Plan of Condominium (Common Element) to create the following common elements: a private condominium road network, sidewalks, landscape areas, 75 visitor parking spaces, centralized mailboxes in favour of 305 Parcels of Tied Lots (POTL'S), as conditionally approved under Site Plan Control Application DA-16-170. The condominium road will provide access to public roads being Greenwich Avenue, Times Square Boulevard and Soho Street. The subject lands are to be developed as maisonette and townhouse units fronting onto Times Square Boulevard and Soho Street, as well as onto a private condominium road network, by way of Part Lot Control Applications PLC-18-022 and PLC-18-028, currently being processed.

The subject applications are technical in nature and required to facilitate orderly development. The subject applications comply with the UHOP.

Stoney Creek Zoning By-law No. 3692-92

A housekeeping mapping amendment is required to Zoning By-law 16-101 to rezone Block 2 on Appendix "E" to Report PED18218 to the Multiple Residential "RM3-56" Zone, Modified. Block 3 on Appendix "E" to Report PED18218 is proposed to be rezoned to the Multiple Residential "RM3-57" Zone, Modified, as part of application ZAC-16-064, which is currently being processed. In addition, as part of application ZAC-16-064, Block 4 is to be rezoned to the Single Residential "R3-41" Zone, Modified. Proposed Draft Plan of Subdivision Condition No. 27 requires that the Final Plan of Subdivision comply with zoning.

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RELEVANT CONSULTATION

A limited internal circulation was required and are incorporated into the proposed Draft Plan conditions as found within Appendices "D" and "F" to Report PED18218. There were no objections to either the proposed Draft Plan of Subdivision or the proposed Draft Plan of Condominium.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notices of Complete Application and Preliminary Circulation were sent to 6 property owners within 120 m of the subject property on May 23, 2018, requesting comments on the Draft Plan of Condominium application.

Furthermore, a Public Notice Sign was posted on the property on May 25, 2018, and updated on August 22, 2018, with the Public Meeting date. Finally, Notice of the Public Meeting was given on August 31, 2018, in accordance with the requirements of the *Planning Act*.

Due to the extensive previous approval process per Report PED16072, it was determined a public consultation strategy was not required. In addition, to date, no public submissions have been received regarding the subject applications.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow);
 - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,
 - (iii) The proposal establishes condominium tenure for a form of development permitted under the City of Stoney Creek Zoning By-law No. 3692-92 as amended. It will implement the approved Site Plan Control Application DA-16-170, which provides for a form of development that is compatible with surrounding land uses.
2. Part Lot Control Applications PLC-18-022 and PLC-18-028 are currently being processed for the creation of the townhouse units, as well as maintenance easements for the single detached units. In addition, noise mitigation was addressed through the Site Plan Control application DA-16-170. A housekeeping mapping amendment is required to Zoning By-law 16-101 to rezone Block 2 on

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Appendix "E" to the Multiple Residential "RM3-56" Zone, Modified. Blocks 3 on Appendix "E" is proposed to be rezoned to the Multiple Residential "RM3-57" Zone, Modified, as part of application ZAC-16-064, which is currently being processed. In addition, as part of application ZAC-16-064, Block 4 is to be rezoned to the Single Residential "R3-41" Zone, Modified. The applicant will be required to demonstrate zoning conformity prior to registration of the Draft Plan of Subdivision (Condition No. 27) and Draft Plan of Condominium (Condition 3).

3. The proposed conditions of draft plan approval for both the subdivision application and condominium application are consistent with the conditions previously approved by Council for the abutting lands and are consistent with City requirements. The proposed conditions will ensure that orderly, planned development occur in accordance with Provincial policy direction and the applicable requirements of the UHOP.

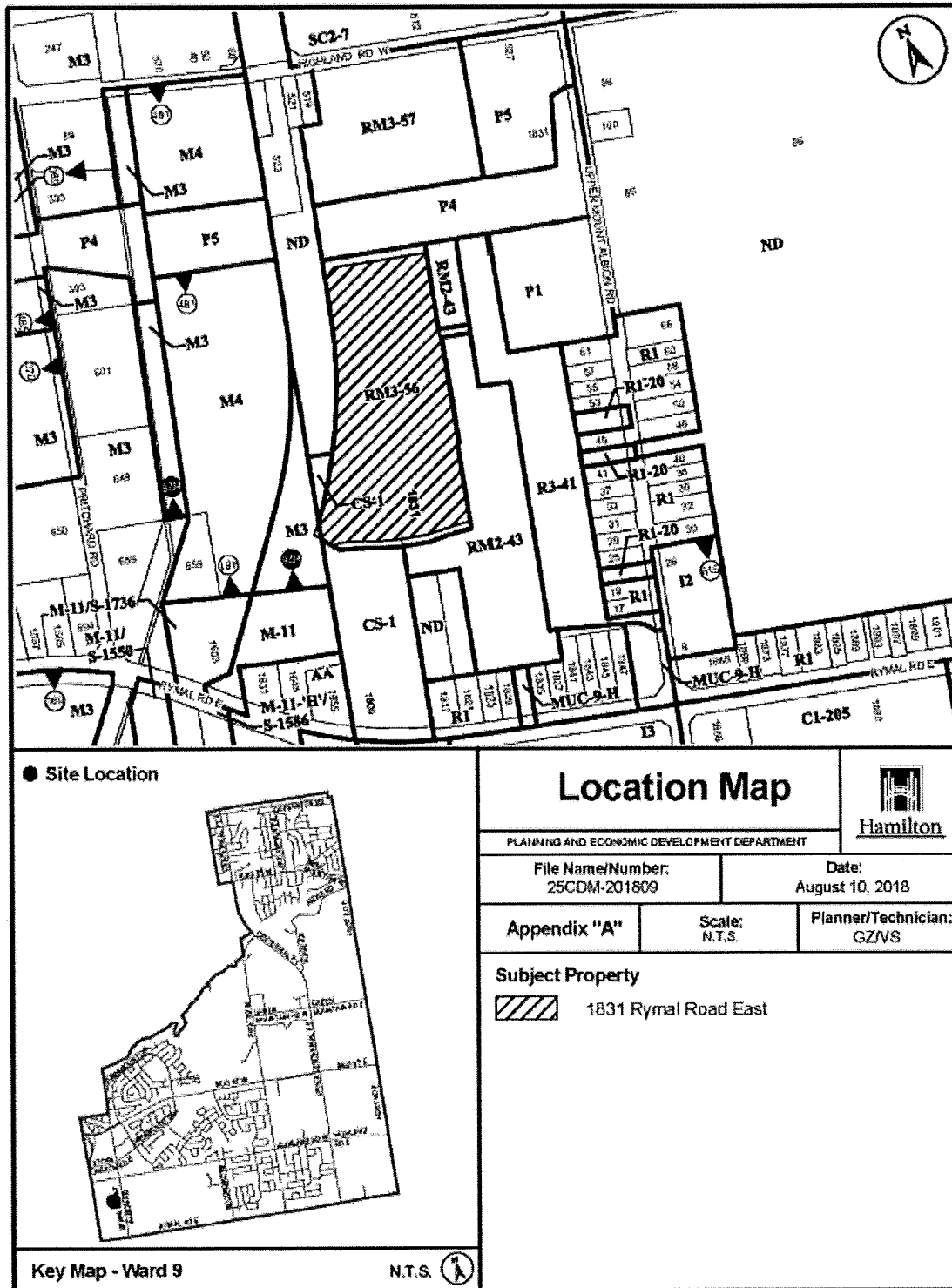
ALTERNATIVES FOR CONSIDERATION

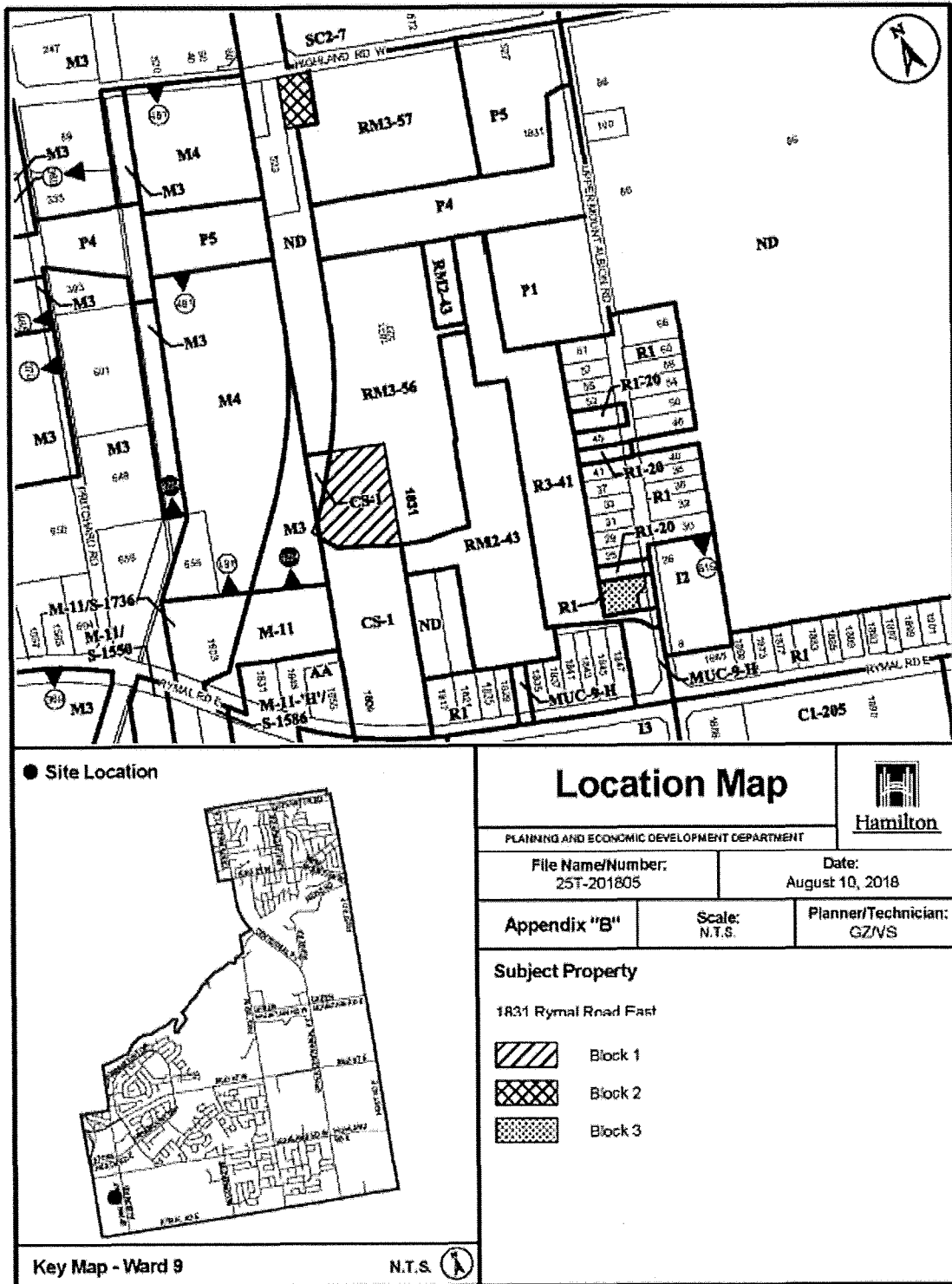
Should the proposed Plan of Condominium (Common Element) not be approved, the applicant / owner could develop the lands as a standard block condominium development or as a rental development. Should the Draft Plan of Subdivision not be approved, the applicant / owner could develop the lands as a rental development.

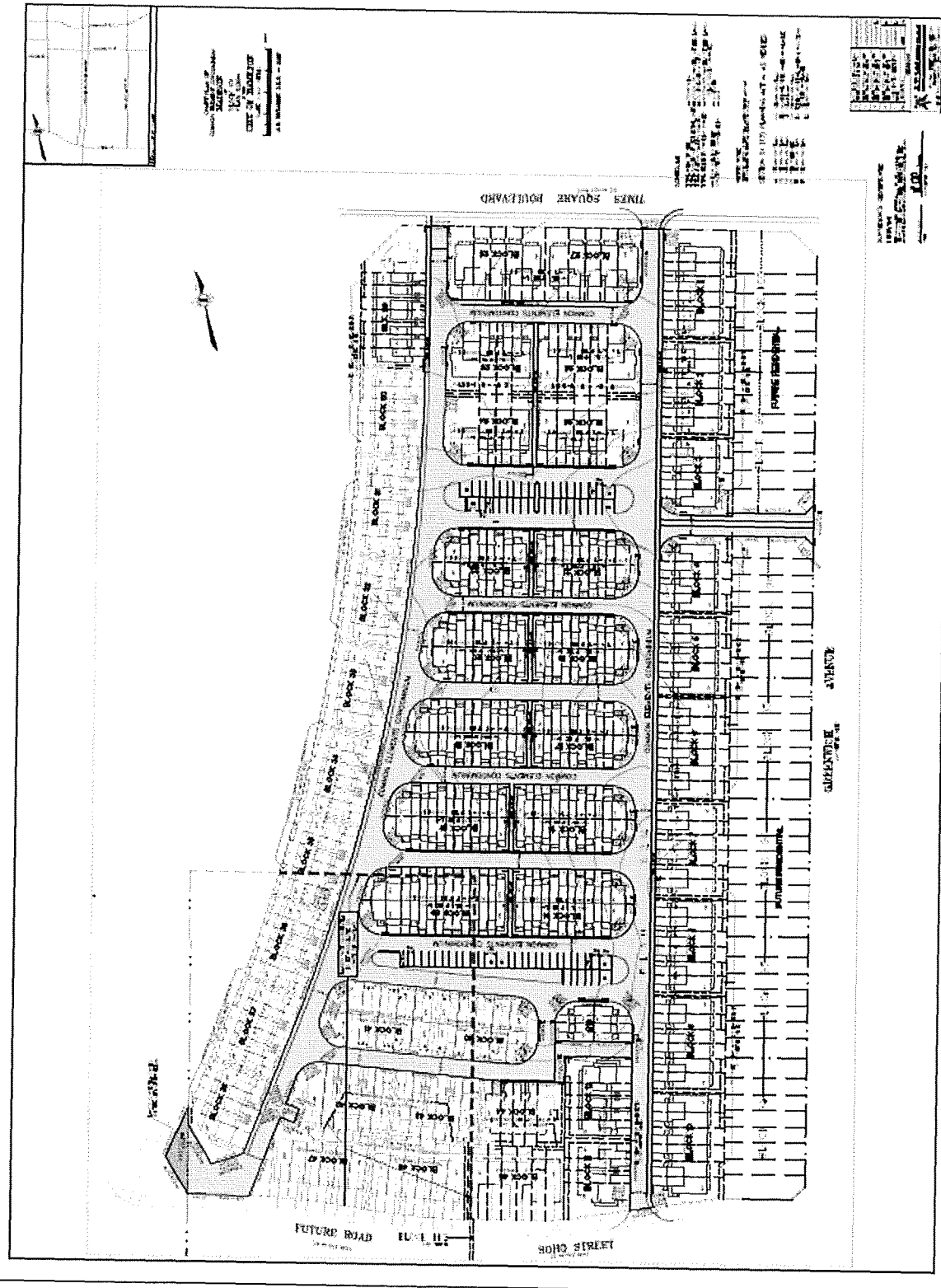
APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map – 25CDM-201809
Appendix "B" – Location Map – 25T-201805
Appendix "C" – Draft Plan of Condominium
Appendix "D" – Recommended Conditions of Draft Plan of Condominium
Appendix "E" – Draft Plan of Subdivision
Appendix "F" – Recommended Conditions of Draft Plan of Subdivision

GZ:mo







Recommended Conditions of Draft Plan of Condominium Approval
(25CDM-201809)

That this approval for the **Draft Plan of Condominium Application 25CDM-201809, by MHBC Planning on behalf of 232470 Ontario Inc. (Losani Homes Limited), Owner**, to establish a Draft Plan of Condominium (Common Element) to create a condominium road network, sidewalks, landscaped areas, 75 visitor parking spaces, and centralized mailboxes on lands located at 1831 Rymal Road East (Stoney Creek), be received and endorsed by City Council with the following special conditions:

1. That the final Plan of Condominium shall comply with all of the applicable provisions of the City of Stoney Creek By-law No. 3692-92, as amended by By-laws No. 16-100, 16-101 and 16-102, or in the event the City of Hamilton has repealed and replaced the City of Stoney Creek By-law No. 3692-92 with By-law No. 05-200, the final Plan of Condominium shall comply with all of the applicable provisions of the Zoning By-law in force and effect at the time of registration of the Draft Plan of Condominium.
2. That the subject lands be developed in accordance with the final approved Site Plan Application DA-16-170 and that the final Plan of Condominium complies with the approved Site Plan, to the satisfaction of the Director of Planning and Chief Planner.
3. That prior to registration, Draft Plan of Subdivision 25T-201805 be registered, to the satisfaction of the Senior Director, Growth Management.
4. That prior to registration, the Owner submit a list to the Growth Planning Section, indicating the mailing address unit number of each residential unit, to the satisfaction of the Senior Director of Growth Management.
5. That the owner shall receive final approval of Part Lot Control Applications PLC-18-022 and PLC-18-028, including the enactment and registration on title of the associated Part Lot Control Exemption By-law, to the satisfaction of the Director of Planning and Chief Planner.
6. That the owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed townhouse and maisonette dwellings having frontage on the condominium road has legal interest, in common, to the common elements condominium, to the satisfaction of the City Solicitor.

7. That the owner shall agree to, prior to the commencement of collection service on private property, an "Agreement for on-site Collection of Municipal Solid Waste" must be completed and submitted to the City. A certificate of insurance naming the City as additional insured (in relation to waste collection services) must also be submitted prior to the start of service to the satisfaction of the Manager of Public Works Department (Operations Division).
8. That the owner shall agree to include the following in all Purchase and Sale Agreements and Rental or Lease Agreements and in the Development Agreement, to the satisfaction of the Senior Director of Growth Management:
 - (i) Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road. In addition, City Waste Management services may not be available to residents and that the provision of such services may require agreements with private contractors.
 - (ii) Purchasers are advised that there is an approved grading plan and that the purchaser agrees not to alter the approved grading plan without approval from the City of Hamilton. Additionally, no grade alteration within 0.45 metres of the property line will be permitted including retaining walls, walkways, curbs, etc.
 - (iii) Garages are provided for the purpose of parking a vehicle. It is the responsibility of the owner / tenant to ensure that their parking needs (including those of visitors) can be accommodated onsite. On-street, overflow parking may not be available and cannot be guaranteed in perpetuity.
 - (iv) The home mail delivery will be from a Community Mail Box.
9. That the owner will be responsible for officially notifying the purchasers of the exact Community Mail Box locations, to the satisfaction of Senior Director of Growth Management and Canada Post prior to the closing of any home sales.
10. That the owner work with Canada Post to determine and provide temporary suitable Community Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision, to the satisfaction of the Senior Director of Growth Management.
11. That the owner install a concrete pad in accordance with the requirements of, and in locations to be approved by the Senior Director of Growth Management and Canada Post, to facilitate the placement of Community Mail Boxes.
12. That the owner identify the concrete pads for the Community Mail Boxes on the engineering / servicing drawings. Said pads are to be poured at the time of the

sidewalk and / or curb installation within each phase, to the satisfaction of the Senior Director of Growth Management.

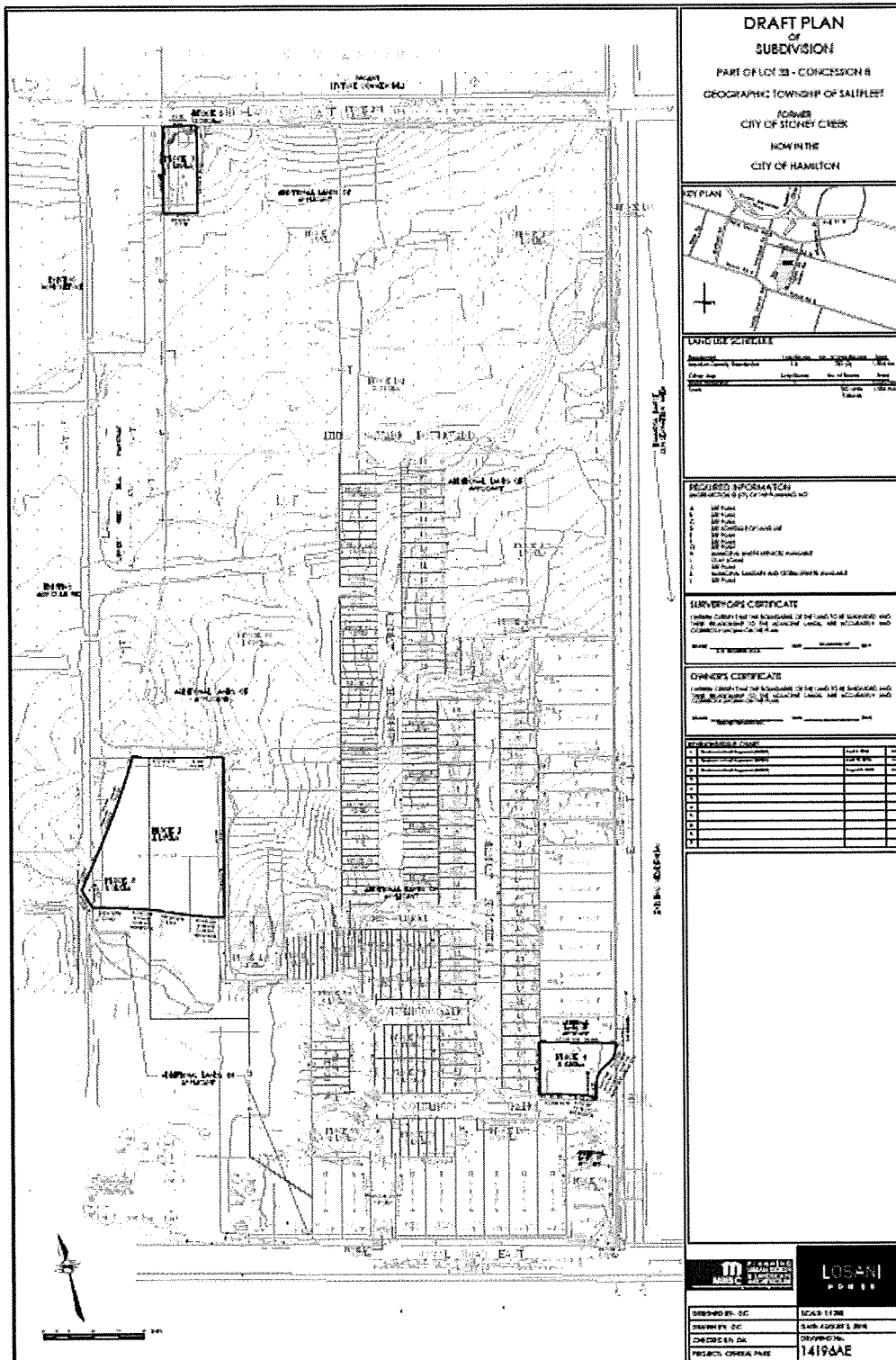
13. That the owner determine the location of all mail receiving facilities in co-operation with the Senior Director of Growth Management and Canada Post, and to indicate the location of mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s), showing specific mail facility locations.
14. That the owner / developer ensure the following wording is included in the associated Condominium Declaration to the satisfaction of the Senior Director of Growth Management:

The Condominium Corporation shall maintain and repair the Common Elements at its own expense. The Corporation shall also maintain and repair all utilities (including without limitation, water mains, storm and sanitary sewers, catch basins, overland flow routes, marsh spring 5.0 x 5.0 buffer between Blocks 12 and 13 including any secondary areas of discharge associated with the marsh spring as identified in the Terra-Dynamics Consulting Inc. report dated December 22/14 and technical follow-up letters dated November 27, 2017 and August 27, 2018 , and fire hydrants) which services more than one Parcel of Tied Land (POTL), whether located within the Common Elements or wholly or partly within the POTL and the Corporation and its designated agents shall have full access to a POTL to carry out its obligation pursuant to this paragraph. If the Corporation is required to maintain or repair any utility or service on a POTL, the Corporation shall only be responsible to return the POTL to its original stage and shall not be responsible to repair or replace, or to correct any upgrade or improvement performed or added to the POTL by the POTL owner.

15. That the Applicant/Owner provide a final monitoring report including but not limited too; karst monitoring, closeouts, daily takings from the applicant's Permit to Take Water, groundwater level and quality monitoring and address all recommendations included in the final monitoring report and revised engineering servicing drawings, if required, to the satisfaction of the Director of Hamilton Water and the Senior Director of Growth Management.
16. That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

NOTES TO DRAFT PLAN APPROVAL

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



Conditions of Draft Plan of Subdivision Approval – 25T-201805
1831 Rymal Road East (Stoney Creek)

That this approval apply to the **Draft Plan of Subdivision, 25T-201805, by MHBC Planning on behalf of 232470 Ontario Inc. (Losani Homes Limited), Owner**, prepared by A. T. McLaren Limited and certified by S.D. McLaren, dated November 27, 2017, for lands located at 1831 Rymal Road East, consisting of five development blocks, subject to the owner entering into a standard Form Subdivision Agreement, received, and approved by City Council, with the following special conditions.

Development Engineering

1. That, *prior to registration of the plan of subdivision*, the owner shall amend the Subdivision Agreement for Central Park Phase 1 Subdivision (25T-201401) to include lands identified as Block 1 to 4, inclusive on the plan to the satisfaction of the Senior Director Growth Management Division.
2. That, *prior to registration of the plan of subdivision*, the owner shall acquire lands identified as Block 2 on the plan from the City of Hamilton at their fair market value to the satisfaction of the Senior Director Growth Management Division.
3. That, *prior to registration of the plan of subdivision*, the Owner shall submit the necessary transfer deed to the City's Legal Department to convey Block 5 of the plan to the City for road widening purposes, to the satisfaction of the Senior Director Growth Management Division.
4. That, *prior to registration of the plan of subdivision*, the Owner pay their proportionate share for urbanization of Highland Road West and Upper Mount Albion Road adjacent to Block 4 and 5 based on the City's "New Roads Servicing Rate" in effect at the time of payment, to the satisfaction of the Senior Director Growth Management Division.
5. That, *prior to registration of the plan of subdivision*, the Owner acknowledges and agrees to include Block 3 on the plan as a part of the future planning application for development of Block 97 on 62M-1250 to the satisfaction of the Senior Director Growth Management Division.
6. That, *prior to registration of the subdivision agreement*, the Owner / Developer shall acquire the lands described as Parts 3 and 4 on Plan RC-S-863, from the City of Hamilton on the basis of "value in contribution", as determined by a qualified (A.A.C.I.) appraiser, to the satisfaction of the Senior Director of Growth Management.

7. That, *prior to registration of the plan of subdivision*, the Owner agrees to register a reference plan establishing three parcels to be acquired from the City of Hamilton:

Firstly, that part of Part 20, Plan 62R-18648 forming part of Street "B" on the Draft Plan at the intersection of Upper Red Hill Valley Parkway (UHRVP);

Secondly, the remaining (triangular) parcel forming the north portion of Part 20, Plan 62R-18648; and

Thirdly, the remaining portion of Part 20, Plan 62R-18648 lying south of Street "B" where it intersects with URHRP on the Draft Plan.

Accordingly, the Owner agrees to acquire from the City the land Firstly described at the nominal consideration of \$2.00, and to acquire the Secondly and Thirdly described parcels on the basis of "value in contribution", as determined by a qualified (A.A.C.I.) appraiser, the terms of reference of which will be agreed upon by the Owner and the City, and to the satisfaction of the Senior Director of Growth Management.

8. That all road allowances, daylight triangles, public walkways and road widenings be dedicated by certificate as public highways on the final plan, to the satisfaction of the Manager of Development Engineering.
9. That the owner agrees to deed, free and clear to the appropriate authority, all easements or blocks required for utility purposes, to the satisfaction of the Manager of Development Engineering.
10. That, if required by the City of Hamilton, the owner / subdivider shall transfer to the City of Hamilton any easement over the subdivider's draft approved lands needed for water or sewer services, or both, which easements will permit development to occur on adjacent property in accordance with the criteria approved by Council. Such easements are to be conveyed upon registration of the final plan of subdivision for any phase of that draft approved land, to the satisfaction of the Senior Director of Growth Management.
11. That the owner shall prepare a plan showing the design and location of siltation and erosion control devices in accordance with the "Keeping Soils On Construction Sites" manual and to the satisfaction of the Manager of Development Engineering.
12. That the owner shall submit detailed engineering design drawings to current standards and to the satisfaction of the Manager of Development Engineering.
13. That the owner agrees that all lots and blocks shall be developed with full municipal services, to the satisfaction of the Senior Director of Growth Management.

14. That the owner agrees to submit a servicing report to the satisfaction of the Manager of Development Engineering.
15. That the owner agrees that all roads shall be designed to current geometric design standards of the City of Hamilton, to the satisfaction of the Senior Director of Growth Management.
16. That all temporary turnarounds be signed in accordance with the City's policy indicating that the street shall be extended in conjunction with future development, to the satisfaction of the Senior Director of Growth Management.
17. That the owner agrees to have prepared by a qualified consulting engineer and submitted to the City of Hamilton, a detailed engineering design submission, to be approved by the Manager of Development Engineering, prior to the preparation of the Subdivision Agreement or addendum agreement.
18. That the owner agrees to construct all works which may be considered temporary to facilitate the development of the subject property, as required by the Manager of Development Engineering. These may include, but not be limited to, emergency access, temporary turn around, or outfalls.
19. That the owner shall submit a detailed grading plan showing how the grading within the development will be integrated with the existing adjacent residential properties, to the satisfaction of the Manager of Development Engineering. The grading of the buildings will attempt to blend in with the existing topography and natural setting, where possible.
20. That the owner agrees that grading shall be carried out in accordance with the current standard drawings and specifications. Any modification to these drawings / specifications will require approval by the Manager of Development Engineering.
21. That the owner agrees that all dead or diseased trees shall be removed from the road allowances and that the removal and replacement of street trees, as required by the reconstruction of the roads, will be at the sole expense of the owner, to the satisfaction of the Manager of Development Engineering.
22. That the owner agrees to provide street lighting throughout the subdivision to the limits of the subdivision, to the satisfaction of the Manager of Development Engineering.
23. That the owner agrees not to dispose or stockpile any waste or surplus fill material except in a manner and in a location approved by the City of Hamilton, to the satisfaction of the Manager of Development Engineering.

24. That the owner agrees that no blasting will take place without a blasting permit from the City of Hamilton, to the satisfaction of the Senior Director of Growth Management.
25. That Pursuant to Section 59 of the Development Charges Act, the owner shall be required to pay their proportionate share for the over-sizing of storm sewers within the draft approved plan of subdivision, to the satisfaction of the City of Hamilton.

Corporate Real Estate and Building Division, Community Services

26. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton, as provided for under Section 51 of the Planning Act. The owner shall submit a land appraisal, to the satisfaction of the City, that identifies the value of the cash-in-lieu payment and is to be included in the Subdivision Agreement to the satisfaction of the Director, Design and Construction, Design and Construction Division, Community Services Department and the Manager, Real Estate and Properties, Real Estate Section, Corporate Real Estate and Buildings Division, Community Services Department.

Development Planning

27. That the final plan conform to the Zoning By-law approved under the Planning Act; to the satisfaction of the Director of Planning and Chief Planner.
28. That any phasing of the development of the subject lands be to the satisfaction of the Director of Planning and Chief Planner and the Senior Director of Growth Management.
29. That the owner agrees to provide the City of Hamilton with a certified list showing the net lot area and width of each lot and block and the gross area of the subdivision in the final plan, to the satisfaction of the Director of Planning and Chief Planner.

Finance and Corporate Services

30. That prior to registration of any phase of the proposed subdivision, the owner shall pay the required commutation amount of Local Improvement Charges, to the satisfaction of the Finance and Corporate Services Department.
31. That the owner agrees, in writing, to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands.

32. The owner agrees to enter into a Subdivision Agreement or Agreements with the City of Hamilton.

Notes of Draft Plan Approval for Plans of Subdivisions

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