



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

### **NOTICE OF PUBLIC HEARING**

#### **Consent/Land Severance**

**You are receiving this notice because you are either:**

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

<b>APPLICATION NO.:</b>	<b>B-25:033</b>	<b>SUBJECT PROPERTY:</b>	375 McNeilly Road, Stoney Creek
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**APPLICANTS:** Owner: DFG Holdings Inc c/o David De Faveri

Agent: UrbanSolutions Planning and Land Development Consultants c/o Matt Johnston

**PURPOSE & EFFECT:** To permit the conveyance of a parcel of land containing existing accessory structures (to be demolished or removed) for industrial purposes and to retain a parcel of land containing manufacturing and accessory structures (to remain).

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS: (Part 1)</b>	77.97 m <sup>±</sup>	194 m <sup>±</sup>	1.54 ha <sup>±</sup>
<b>RETAINED LANDS: (Part 2)</b>	157.96 m <sup>±</sup>	194 m <sup>±</sup>	3.18 ha <sup>±</sup>

Associated Planning Act File(s): N/A

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

This application will be heard by the Committee as shown below:

<b>DATE:</b>	<b>Thursday, July 17, 2025</b>
<b>TIME:</b>	<b>2:05 p.m.</b>
<b>PLACE:</b>	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

For more information on this matter, including access to drawings illustrating this request and other information submitted:

## **B-25:033**

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton

### **PUBLIC INPUT**

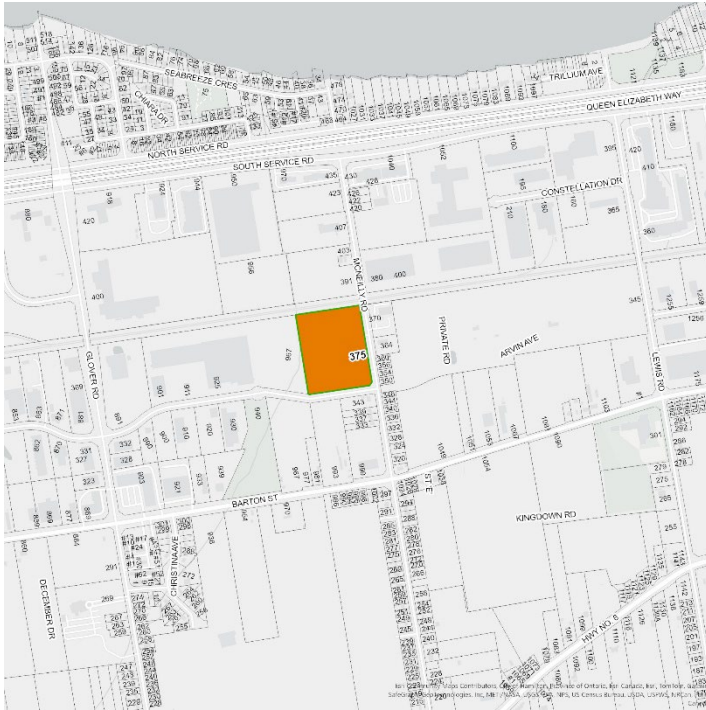
**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon **July 15, 2025**

**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, registration to participate virtually must be received no later than noon **July 16, 2025**

### **FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding B-25:033, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided the Notice of Decision of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



**Subject Lands**

**DATED: June 30, 2025**

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**Justin Leung,  
Secretary-Treasurer  
Committee of Adjustment**

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

## **PARTICIPATION PROCEDURES**

### **Written Submissions**

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon on the date listed on the Notice of Public Hearing.**

Comments are available the Tuesday prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### **Oral Submissions**

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

#### **1. Virtual Oral Submissions**

Interested members of the public, agents, and owners **must register by noon on the day listed on the Notice of Public Hearing** to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca). The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

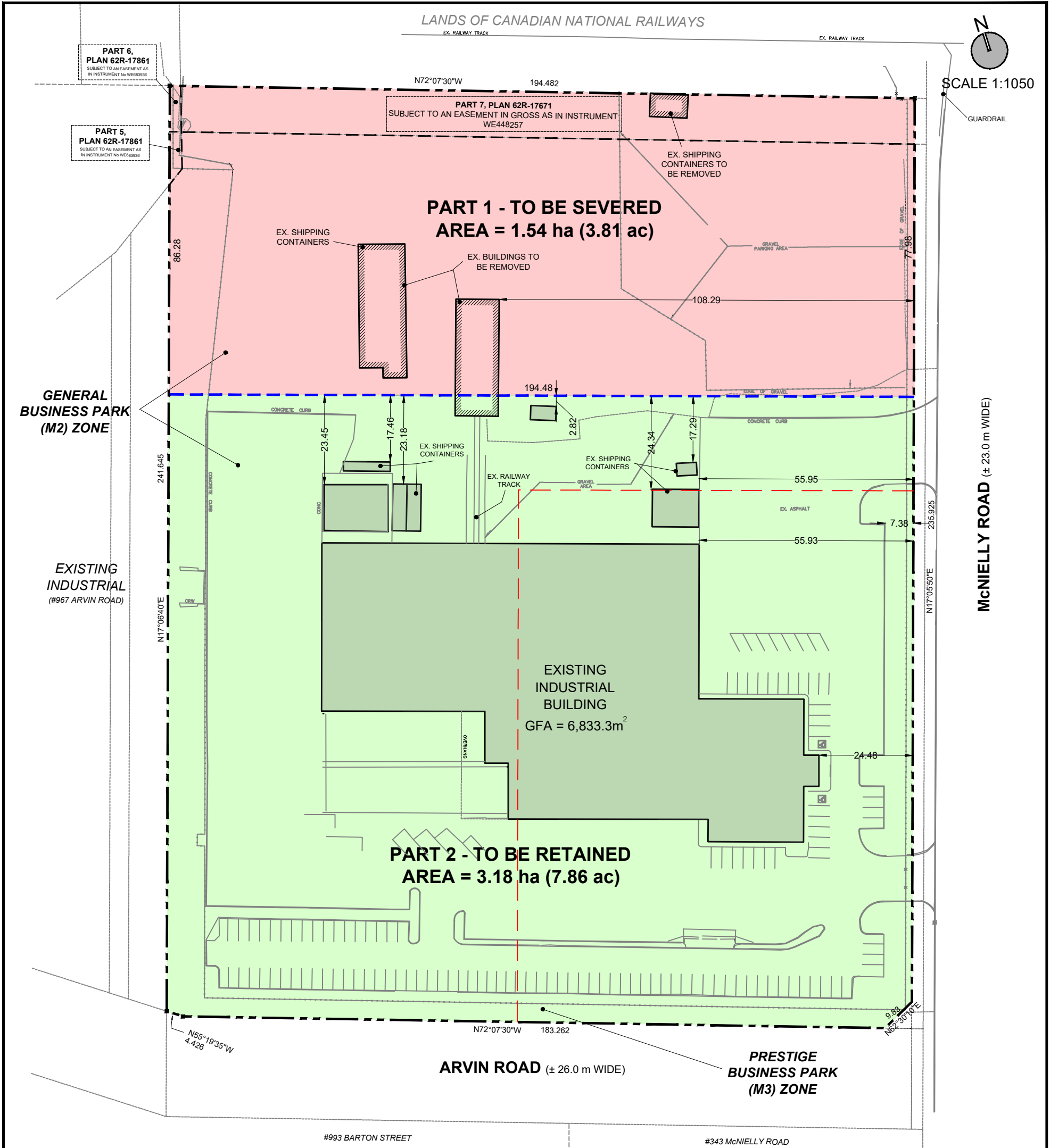
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

#### **2. In person Oral Submissions**

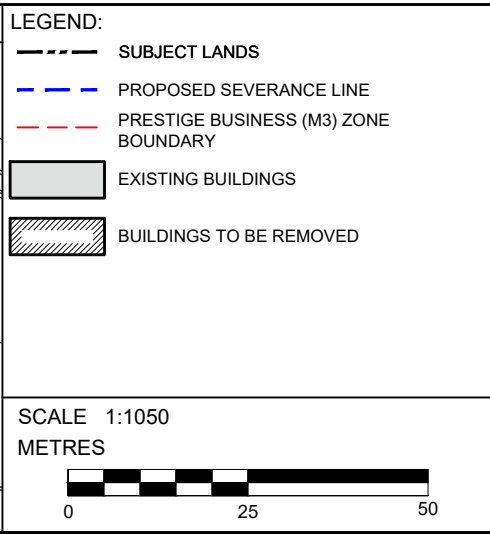
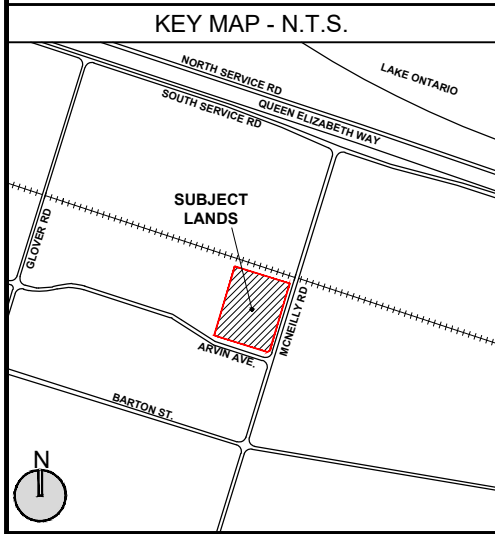
Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **no less than 10 minutes** before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca).

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



DEVELOPMENT STATISTICS							
GENERAL BUSINESS PARK (M2) ZONE					PRESTIGE BUSINESS PARK (M3) ZONE		
ITEM	REQUIRED	EXISTING	PROPOSED		ITEM	REQUIRED	EXISTING
			RETAINED	SEVERED			
Min. Lot Area	4000.0 m <sup>2</sup> (0.4 ha)	4.72 ha	3.18 ha	1.54 ha	Min. Lot Area	4000.0 m <sup>2</sup>	4.72 ha
Min Yard Abutting Street	3.0 m	24.48 m	24.48 m	N/A	Min. Yard Abutting Street	6.0 m	24.48 m
Min. Landscaped Area Abutting Street	6.0 m landscape with 3.0 m planting strip	7.38 m	7.38 m	N/A	Max. Yard Abutting Street	27.0 m	24.48 m
					Landscaped Area & Planting Strip	Min 6.0 m wide landscaped area with 3.0 planting strip between parking spaces & street	7.38 m



PREPARED BY:

**URBAN SOLUTIONS**  
PLANNING & LAND DEVELOPMENT

3 STUDEBAKER PLACE, UNIT 1  
HAMILTON, ON L8L 0C8  
905-546-1087 - urbansolutions.info

NOT FOR CONSTRUCTION  
ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:  
ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

TITLE:

**SEVERANCE SKETCH**

PROJECT:

**375 MCNEILLY ROAD**  
CITY OF HAMILTON

CLIENT:

**DFG HOLDINGS INC.**

DESIGN BY: L. TAIBI

CHECKED BY: M. JOHNSTON

DRAWN BY: L. TAIBI

DATE: MAY 28, 2025

U/S FILE NUMBER: 514-24

SHEET NUMBER: 1

May 28, 2025

514-24

**Via Email & Delivery**

Justin Leung  
Secretary-Treasurer of Committee of Adjustment  
City of Hamilton  
71 Main Street West  
Hamilton, ON L8P 4Y5

Dear Mr. Leung,

**RE: 375 MCNEILLY ROAD, STONEY CREEK**  
**Application for Consent to Sever**

*Urban Solutions Planning & Land Development Consultants Inc. (UrbanSolutions)* has been retained by the Owner of 375 McNeilly Road (DFG Holdings Inc.), to assist with securing development approvals for an industrial lot severance. The lands are currently home to Superior Boiler Works & Welding Limited while a smaller portion of the site's northern area is being leased to Bobcat of Hamilton for outdoor equipment storage and parking.

According to the Urban Hamilton Official Plan (UHOP), the subject lands are designated '*Employment Area*', on Schedule E – Urban Structure and '*Business Park*' on Schedule E-1 – Urban Land Use. Further, the land falls within the '*Provincially Significant Employment Zone*' as depicted on Schedule H – Provincially Significant Employment Zones of the UHOP. The lands are regulated by the City of Hamilton Zoning By-law No. 05-200, under which they fall into two separate zones. The lands to be severed (Part 1) are wholly zoned General Business Park (M2) Zone, whereas the retained lands (Part 2) are partly within the General Business Park (M2) Zone and partly within the Prestige Business Park (M3) Zone.

The proposed development is illustrated on the attached Severance Sketch, prepared by UrbanSolutions, and is summarized as follows:

**Part 1 (Severed)**

- Create one (1) lot suitable for future industrial development; and
- Remove all existing accessory buildings.

**Part 2 (Retained)**

- Retain one (1) lot suitable for the existing industrial use; and
- Preserve the existing boiler manufacturing complex and its accessory buildings.

The proposed lot to be severed is subject to two existing easements. First, a  $\pm 12.0$  m wide drainage easement registered in 2007, in favour of the City, extends along the north lot line. Second, a  $\pm 3.0$  m wide watercourse easement registered in 2010, in favour of the City, impacts a small quadrant of the northwest corner of the severed lot. Both covenants generally prevent any grading works, tree planting, or building within the easements without the prior written approval of the City.



The lands to be severed are currently leased out to Bobcat of Hamilton for parking and storage of machinery and equipment. However, this lease is set to expire in July 2025, after which the lands will be considered surplus to the current owners' needs. The future conveyance of the lands to be severed will provide opportunity for another motivated party to purchase and develop the parcel into a productive industrial site.

At this time, there are no plans to develop the proposed lot beyond the severance approval and current Zoning permissions.

The proposed severance is aligned with Provincial interests given its location within a built-up settlement area, reliance on existing available infrastructure, improved economic productivity and more efficient use of an underutilised urban property. The proposed severance does not impact any ecologically sensitive natural heritage features and will be bound by Site Plan Control to ensure Provincial and City interests are upheld. Further, the proposed lot fabric conforms to the applicable Zoning By-law regulations and are appropriately sized to accommodate the full range of permitted uses within the General Business Park (M2) and Prestige Business Park (M3) Zones. The application satisfies Section 53(1) of the Planning Act, R.S.O, 1990, as amended, as a plan of subdivision is not necessary for the proper and orderly development of the subject lands. Accordingly, the proposed severance represents good land use planning.

In support of this Application, the following is enclosed:

- One (1) copy of the completed Consent to Sever Application form;
- One (1) copy of the Severance Sketch prepared by UrbanSolutions; and,
- One (1) Cheque in the amount of **\$3,460** to cover the Consent to Sever application fee.

We trust this submission is in order; however, please contact the undersigned if there are questions.

Respectfully,  
**UrbanSolutions**



Matt Johnston, MCIP, RPP  
*Principal*



Stefano Rosatone, BES  
*Planner*

Cc: DFG Holdings Inc. c/o David De Faveri

**APPLICATION FOR CONSENT TO SEVER LAND**  
**and VALIDATION OF TITLE**  
 UNDER SECTION 53 & 57 OF THE *PLANNING ACT*

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

**1. APPLICANT INFORMATION**

	NAME	MAILING ADDRESS	
<b>Purchaser*</b>	N/A		<b>Phone:</b>  <b>E-mail:</b> 
<b>Registered Owners(s)</b>	DFG Holdings Inc. (c/o David De Faveri)		
<b>Applicant(s)**</b>	Same as Owner		
<b>Agent or Solicitor</b>	UrbanSolutions Planning & Land Development Consultants (c/o Matt Johnston)		

\*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application.

\*\* Owner's authorisation required if the applicant is not the owner or purchaser.

1.2 Primary contact ☐ Purchaser ☐ Owner  
☐ Applicant ☒ Agent/Solicitor

1.3 Sign should be sent to ☐ Purchaser ☐ Owner  
☐ Applicant ☒ Agent/Solicitor

1.4 Request for digital copy of sign ☒ Yes\* ☐ No

If YES, provide email address where sign is to be sent

1.5 All correspondence may be sent by email ☐ Yes\* ☒ No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.



1.6 Payment type

☐ In person  
☒ Cheque

☐ Credit over phone\*

\*Must provide number above

## 2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	375 McNeilly Road		
Assessment Roll Number	Unknown 2518003 – 11040400		
Former Municipality	Township of Saltfleet		
Lot	Part of Lot 9	Concession	1
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

2.2 Are there any easements or restrictive covenants affecting the subject land?

☒ Yes ☐ No

If YES, describe the easement or covenant and its effect:

Pt 7, 62R-17671 easement (WE448257) & Pts 5-6, 62R-17861 easement (WE683936)

## 3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> creation of a new lot(s)  | <input type="checkbox"/> concurrent new lot(s) |
| <input type="checkbox"/> addition to a lot  | <input type="checkbox"/> a lease               |
| <input type="checkbox"/> an easement  | <input type="checkbox"/> a correction of title |
| <input type="checkbox"/> validation of title (must also complete section 8)   | <input type="checkbox"/> a charge              |
| <input type="checkbox"/> cancellation (must also complete section 9)  |  |
| <input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10)<br>( i.e. a lot containing a surplus farm dwelling<br>resulting from a farm consolidation) |  |

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

Unknown

3.3 If a lot addition, identify the lands to which the parcel will be added:

N/A

3.4 Certificate Request for Retained Lands: ☐ Yes\*

\* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (O. Reg. 786/21)

#### 4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

##### 4.1 Description of subject land:

All dimensions to be provided in metric (m, m<sup>2</sup> or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
Identified on Sketch as:	Part 2	Severed(Part 1)			
Type of Transfer	N/A	Lot Creation			
Frontage	157.96	77.97			
Depth	+/- 194	+/- 194			
Area	+/- 3.18	+/- 1.54			
Existing Use	Industrial	Industrial			
Proposed Use	Same	Same			
Existing Buildings/ Structures	Manufacturing & Accessory Structures	Accessory Structures			
Proposed Buildings/ Structures	Same	Industrial			
Buildings/ Structures to be Removed	N/A	Accessory Structures			

\* Additional fees apply.

##### 4.2 Subject Land Servicing

###### a) Type of access: (check appropriate box)

- ☐ provincial highway  
☐ municipal road, seasonally maintained  
☒ municipal road, maintained all year

- ☐ right of way  
☐ other public road

###### b) Type of water supply proposed: (check appropriate box)

- ☒ publicly owned and operated piped water system  
☐ privately owned and operated individual well

- ☐ lake or other water body  
☐ other means (specify)

###### c) Type of sewage disposal proposed: (check appropriate box)

- ☒ publicly owned and operated sanitary sewage system  
☐ privately owned and operated individual septic system  
☐ other means (specify)

##### 4.3 Other Services: (check if the service is available)

- ☒ electricity
 ☒ telephone
 ☒ school bussing
 ☒ garbage collection

#### 5 CURRENT LAND USE

##### 5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): N/A

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) Employment Area (Sched. E) & Business Park (Sched. E-1)

Please provide an explanation of how the application conforms with a City of Hamilton Official Plan.

See Cover Letter.

- 5.2 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval?
- ☐ Yes ☒ No ☐ Unknown

If YES, and known, provide the appropriate file number and status of the application.

N/A

- 5.3 What is the existing zoning of the subject land? M2 (severed); Partly M2 & M3 (retained)

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?

N/A

- 5.4 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?
- ☐ Yes ☒ No ☐ Unknown

If YES, and known, provide the appropriate file number and status of the application.

N/A

- 5.5 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input checked="" type="checkbox"/>	Manufacturing
An active railway line	<input type="checkbox"/>	Abutting (North Lot Line)
A municipal or federal airport	<input type="checkbox"/>	

## 6 HISTORY OF THE SUBJECT LAND

- 6.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?

☐ Yes ☐ No ☒ Unknown

If YES, and known, provide the appropriate application file number and the decision made on the application.

N/A

- 6.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

N/A

- 6.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land?

☐ Yes ☒ No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of the transferee and the land use.

N/A

- 6.4 How long has the applicant owned the subject land?

1999-12-10

- 6.5 Does the applicant own any other land in the City? ☐ Yes ☒ No

If YES, describe the lands below or attach a separate page.

N/A

## 7 PROVINCIAL POLICY

- 7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?

☒ Yes ☐ No (Provide explanation)

See Cover Letter.

- 7.2 Is this application consistent with the Provincial Policy Statement (PPS)?

☐ Yes ☐ No (Provide explanation)

N/A

- 7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe?

☐ Yes ☐ No (Provide explanation)

N/A

- 7.4 Are the subject lands subject to the Niagara Escarpment Plan?

☐ Yes ☒ No (Provide explanation)

7.5 Are the subject lands subject to the Parkway Belt West Plan?  
☐ Yes ☒ No (Provide explanation)

7.6 Are the subject lands subject to the Greenbelt Plan?  
☐ Yes ☒ No (Provide explanation)

7.7 Are the subject lands within an area of land designated under any other provincial plan or plans?  
☐ Yes ☒ No (Provide explanation)

## **8 ADDITIONAL INFORMATION - VALIDATION**

8.1 Did the previous owner retain any interest in the subject land?  
☐ Yes ☒ No (Provide explanation)

8.2 Does the current owner have any interest in any abutting land?  
☐ Yes ☒ No (Provide explanation and details on plan)

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

## **9 ADDITIONAL INFORMATION - CANCELLATION**

9.1 Did the previous owner retain any interest in the subject land?  
☐ Yes ☒ No (Provide explanation)

9.2 Does the current owner have any interest in any abutting land?  
☐ Yes ☒ No (Provide explanation and details on plan)

9.3 Why do you require cancellation of a previous consent? (attach additional sheets as necessary)

## 10 ADDITIONAL INFORMATION - FARM CONSOLIDATION

### 10.1 Purpose of the Application (Farm Consolidation)

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate if the consolidation is for:

- ☐ Surplus Farm Dwelling Severance from an Abutting Farm Consolidation
- ☐ Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation

### 10.2 Location of farm consolidation property:

Municipal Address			
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

### 10.3 Rural Hamilton Official Plan Designation(s)

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm consolidation property.

### 10.4 Description of farm consolidation property:

Frontage (m):	Area (m <sup>2</sup> or ha):
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Existing Land Use(s): \_\_\_\_\_ Proposed Land Use(s): \_\_\_\_\_

### 10.5 Description of abutting consolidated farm (excluding lands intended to be severed for the surplus dwelling)

Frontage (m):	Area (m <sup>2</sup> or ha):
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10.6 Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

### 10.7 Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from Section 4.1)
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Front yard set back: \_\_\_\_\_

#### a) Date of construction:

- ☐ Prior to December 16, 2004 ☐ After December 16, 2004

#### b) Condition:

- ☐ Habitable ☐ Non-Habitable



## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- ☒ Application Fee
- ☒ Site Sketch
- ☒ Complete Application Form
- ☒ Signatures Sheet

### 11.2 Validation of Title

- ☐ All information documents in Section 11.1
- ☐ Detailed history of why a Validation of Title is required
- ☐ All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

### 11.3 Cancellation

- ☐ All information documents in Section 11.1
- ☐ Detailed history of when the previous consent took place.
- ☐ All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary.

### 11.4 Other Information Deemed Necessary

- ☒ Cover Letter/Planning Justification Report
- ☐ Minimum Distance Separation Formulae (data sheet available upon request)
- ☐ Hydrogeological Assessment
- ☐ Septic Assessment
- ☐ Archeological Assessment
- ☐ Noise Study
- ☐ Parking Study

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