

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire
24-183-OLT Attachment 1



ISSUE DATE: August 15, 2024

CASE NO.: OLT-23-000733

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act, R.S.O. 1990, c. P. 13, as amended.*

Applicant/Appellant: Rymal East Development Corp.
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment
Description: To permit a residential development consisting of apartment buildings and stacked townhouses
Reference Number: UHOPA-20-021
Property Address: 544-550 Rymal Road East
Municipality/UT: Hamilton/Hamilton
OLT Case No: OLT-23-000733
OLT Lead Case No: OLT-23-000733
OLT Case Name: Rymal East Development Corp. v. Hamilton (City)

PROCEEDING COMMENCED UNDER section 34(11) of the *Planning Act, R.S.O. 1990, c. P. 13, as amended.*

Applicant/Appellant: Rymal East Development Corp.
Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description: To permit a residential development consisting of apartment buildings and stacked townhouses
Reference Number: ZAC-20-037
Property Address: 544-550 Rymal Road East
Municipality/UT: Hamilton/Hamilton
OLT Case No: OLT-23-000734
OLT Lead Case No: OLT-23-000733

PROCEEDING COMMENCED UNDER section 51(34) of the *Planning Act, R.S.O. 1990, c. P. 13, as amended.*

Applicant/Appellant: Rymal East Development Corp.
Subject: Proposed Plan of Subdivision – Failure of Approval Authority to make a decision

Description: To permit a residential development consisting of apartment buildings and stacked townhouses
 Reference Number: 25T-202006
 Property Address: 544-550 Rymal Road East
 Municipality/UT: Hamilton/Hamilton
 OLT Case No: OLT-23-000735
 OLT Lead Case No: OLT-23-000733

BEFORE:

S. BRAUN) Thursday, the 15th day of
 VICE-CHAIR)
) August, 2024

THESE MATTERS having come before the Tribunal as a written settlement hearing, and the Tribunal having issued its Order on July 31, 2024;

AND THE TRIBUNAL having been advised that the attachment provided to the Tribunal contained typographical errors noting street address as Rymal Road West when the address is located on Rymal Road East;

THE TRIBUNAL ORDERS that Attachment “1” of the Order issued on July 31, 2024, is replaced with Attachment “A” contained in this Order. In all other respects the Order remains as issued.

“Euken Lui”

EUKEN LUI
 ACTING REGISTRAR

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

O L T
Tribunal ontarien de l'aménagement
du territoire



T July 31, 2024

O OLT-23-000733

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O O
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51(34) of the *Planning Act, R.S.O.*

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Description: To permit a residential development consisting of apartment buildings and stacked townhouses
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 Property Address: 544-550 Rymal Road East
 Municipality/UT: Hamilton/Hamilton
 OLT Case No: OLT-23-000735
 OLT Lead Case No: OLT-23-000733

BEFORE:

S. BRAUN)
 VICE-CHAIR)
) Wednesday, the 31st day of
) July, 2024

T T S, having come before the Tribunal as a written Hearing to consider a settlement reached between Rymal East Development Corp. and the City of Hamilton with respect to the lands at 544-550 Rymal Road East (“subject lands”);

T T L having reviewed the materials filed in support of the settlement, including the affidavit evidence of Ryan Ferrari (RPP, MCIP, CPT) sworn July 19, 2024, whom the Tribunal herein recognizes as qualified to assist in its deliberations through opinion evidence in the area of land use planning;

T T L having accepted the uncontroverted affidavit evidence of Mr. Ferrari, demonstrating that the proposal:

- provides a mix of housing types/tenures and makes optimal use of underutilized lands through compact development;
- appropriately situates residential growth along major arterial and planned higher order transit corridors within a settlement area;
- is compatible with the existing and future uses in the surrounding area in terms of heights, massing and arrangement of buildings and structures;
and
- through various Holding provisions and conditions of draft plan approval, ensures the orderly development of the subject lands;

T T L T T the proposed Zoning By-law Amendment and Draft Plan of Subdivision have appropriate regard for all applicable matters of provincial interest as set out in s. 2 of the *Planning Act*, are consistent with the Provincial Policy Statement, 2020, conform with the Growth Plan for the Greater Golden Horseshoe (2019, as amended) and the City of Hamilton Urban Official Plan, and are representative of good planning in the public interest.

T T L T T T: The proposed Draft Plan of Subdivision has regard for the matters listed under s. 51(24) of the *Planning Act* and the agreed upon conditions of draft plan approval are reasonable, relevant and necessary, having regard to the nature of the proposed development.

O T O

T T L O T T the appeals are allowed in part and:

1. By-Law No. 05-200 for the City of Hamilton by Rymal East Development Corp. is hereby amended as set out in Attachment 1 to this Order, and the municipal clerk is authorized to assign a number to and format, as may be necessary, the Zoning By-law for record keeping purposes; and
2. The draft plan of subdivision shown on the plan prepared by A.J. Clarke and Associates Ltd. dated July 12, 2024, is approved, subject to the fulfillment of listed conditions as set out in Attachment 2 to this Order;
3. Pursuant to subsection 51(56.1) of the *Planning Act*, the City of Hamilton shall have the authority to clear the conditions of draft plan approval and to administer final approval of the plan of subdivision for the purposes of subsection 51(58) of the *Act*; and;
4. The Tribunal may be spoken to in the event there are any difficulties implementing this Order.

“Euken Lui”

EUKEN LUI
ACTING REGISTRAR

O L T

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

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Authority: Item,
Report (PED)
CM:
Ward: 7

Bill No.

**CITY OF HAMILTON
BY-LAW NO. 24-183-OLT**

To amend Zoning By-law No. 05-200 with respect to lands located at 544 and 550 Rymal Road East, Hamilton

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at its meeting held on **DATE**;

AND WHEREAS this By-law conforms to the Urban Hamilton Official Plan;

NOW THEREFORE Council amends Zoning By-law No. 05-200 as follows:

1. That Schedule “A” – Zoning Maps, Map No. 1447 is amended by adding the Transit Oriented Corridor Multiple Residential (TOC3, 913, H183) Zone, Transit Oriented Corridor Multiple Residential (TOC3, 914, H184) Zone, and Low Density Residential (R1, H185) Zone, for the lands known as 544 and 550 Rymal Road East, the extent and boundaries of which are shown on Schedule “A” to this By-law.
2. That Schedule “C”: Special Exceptions is amended by adding the following new Special Exception:
 - “913. Within the lands zoned Transit Oriented Corridor Multiple Residential (TOC3, 913, H183) Zone, identified on Map No. 1447 of Schedule “A” – Zoning Maps and described as 544 and 550 Rymal Road East, Hamilton, the following special provisions shall apply:
 - a) Notwithstanding Section 5.6 c), as it relates to the parking spaces within Multiple Dwelling in a Transit Oriented Corridor Zone, the parking ratio shall be 0.5 parking spaces per residential unit and 0.15 visitor parking spaces per residential unit;
 - b) In addition to Section 11.3.2 and notwithstanding Sections 11.3.1.1 i)1, 11.3.2 a) and c), 11.3.2 e) i) ii) and iii) and 11.3.2 f) ii), iii) and v), the following regulations shall apply:
 - i) The finished floor elevation of any dwelling unit shall be at

least 0.0m above grade.

- | | | |
|------|-------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ii) | Building Setback
from a Street Line | Minimum 3.0 metres; except in
accordance with Figure No. 42
of Schedule "F" – Special
Figure. |
| iii) | Minimum Interior
Side Yard abutting
a single detached
dwelling | 4.0 metres. |
| iv) | Building Height | Shall be in accordance with
Figure No. 42 of Schedule "F" –
Special Figures. |
| v) | Built Form for New
Development | A maximum of one 7.5 metre
wide driveway shall be permitted
for ingress and egress. |
| vi) | Building Separation | A minimum 21.5 metres
separation shall be provided
between buildings as shown on
Figure No. 42 of Schedule "F" –
Special Figures. |
| vii) | Minimum
percentage of two
(2) and three (3)
bedroom units | A minimum 20% of the total
number of residential units shall
be constructed as two (2)
bedroom units and a minimum of
5% of the total number of
residential units shall be
constructed as three (3)
bedroom units. |

"914. Within the lands zoned Transit Oriented Corridor Multiple Residential (TOC3, 914, H184) Zone, identified on Map No. 1447 of Schedule "A" – Zoning Maps and described as 544-550 Rymal Road East, Hamilton, the following special provisions shall apply:

- a) Notwithstanding Section 5.6 c), as it relates to the parking spaces within Multiple Dwelling in a Transit Oriented Corridor Zone, the parking ratio shall be 0.5 parking spaces per residential unit and 0.15 visit parking spaces per residential unit;

b) Notwithstanding Sections 11.3.1.1 i)1., 11.3.2 a) and c), 11.3.2 e)i) ii) and iii), the following regulations shall apply:

- i) The finished floor elevation of any dwelling unit shall be permitted below grade.
- ii) Building Setback from a Street Line Minimum 6.0 metres.
- iii) Minimum Interior Side Yard abutting a single detached dwelling Minimum 6.0 metres.
- iv) Building Height Maximum 11.6 metres.

3. That Schedule “D” – Holding Provision, of By-law No. 05-200, be amended by adding the following Holding Provisions:

“183. Notwithstanding Section 11.3 of this By-law, within lands zoned Transit Oriented Corridor Multiple Residential (TOC3, 913, H183) Zone on Map No 1447 on Schedule “A” – Zoning Maps, and described as 544 and 550 Rymal Road East, Hamilton, no development shall be permitted until such time as:

- i) The sanitary service outlet is available and has sufficient capacity to accommodate the development on Rymal Road to the satisfaction of the Director, Growth Management and Chief Development Engineer. Should the development not proceed prior to the Capital Works identified for Rymal Road East along the subject lands, the Owner will pay their fair share of any costs assessed for the installation of such sanitary outlet, including any other infrastructure related costs, in accordance with the City’s Financial Policy and applicable By-Laws;
- ii) The Owner submitting and receiving approval of a revised Sun/Shadow Study demonstrating that the shadowing cast by the proposal meets the Sun/Shadow Study Guidelines, to the satisfaction of the Director of Heritage and Urban Design;
- iii) The Owner submitting and received approval of a Quantitative Wind Tunnel Study demonstrating that the windy study meets the Wind Study Guidelines, to the satisfaction of the Director

- of Heritage and Urban Design;
- iv) The Owner submitting and receiving approval of a revised Landscape Plan to demonstrate the appropriate native plant species have been selected and that adequate soil volumes are provided for the tree plantings, to the satisfaction of the Director of Heritage and Urban Design; and,
- v) The Owner completing and obtaining a permit under the *Endangered Species Act, 2007* from the Ministry of Environment, Conservation, and Parks (MECP) with regards to the removal of Little Brown Myotis and Eastern Small-footed Bat habitat. Written correspondence from MECP (i.e., e-mail, letter) with regards to the outcome of the Overall Benefit Permit (including implementation measures) is to be provided by the owner/developer to the satisfaction of the Director of Planning and Chief Planner.”

“184. Notwithstanding Section 11.3 of this By-law, within lands zoned Transit Oriented Corridor Multiple Residential (TOC3, 914, H184) Zone and on Map No. 1447 on Schedule “A” – Zoning Maps, and described as 544 and 550 Rymal Road East, Hamilton, no development shall be permitted until such time as:

- i) Arrowhead Drive is constructed;
- ii) The sanitary service outlet is available on Arrowhead Drive and has sufficient capacity to accommodate the development including provisions for roadway construction and servicing from the existing terminus of Arrowhead Drive east of the subject lands through the Hydro lands, to the satisfaction of the Director, Growth Management and Chief Development Engineer;
- iii) The Owner submitting and receiving approval for an updated FSR to demonstrate the servicing and stormwater management strategy for Blocks 1 and 2, to the satisfaction of the Director, Growth Management and Chief Development Engineer;
- iv) The Owner submitting and receiving approval of a revised Tree Protection Plan (and applicable review fee) to evaluate the retention of additional trees, to the satisfaction of the Director of Heritage and Urban Design;
- v) The Owner submitting and receiving approval of a revised

Landscape Plan to demonstrate the appropriate native species have been selected and that adequate soil volumes are provided for the tree plantings, to the satisfaction of the Director of Heritage and Urban Design; and,

- vi) The Owner completes and obtains a permit under the Endangered Species Act, 2007 from the Ministry of Environment, Conservation, and Parks (MECP) with regards to the removal of Little Brown Myotis and Eastern Small-footed Bat habitat. Written correspondence from MECP (i.e., e-mail, letter) with regards to the outcome of the Overall Benefit Permit (including implementation measures) is to be provided by the owner/developer to the satisfaction of the Director of Planning and Chief Planner.”

“185. Notwithstanding Section 15.1 of this By-law, within lands zoned Low Density Residential (R1, H185) Zone on Map No. 1447 on Schedule “A” – Zoning Maps, and described as 544 and 550 Rymal Road East, Hamilton, no development shall be permitted until such time as:

- i) Arrowhead Drive and Onyx Court are constructed;
- ii) An adequate sanitary service outlet is available on Onyx Court that has sufficient capacity to accommodate the development including provisions (design and security) for roadway construction and servicing from the existing terminus of Onyx Court west of subject lands to the proposed Onyx Court cul-de-sac on the subject lands, or an approved alternative to the satisfaction of the Director, Growth Management and Chief Development Engineer;
- iii) The Owner submitting and receiving approval for an updated FSR to demonstrate the servicing and stormwater management strategy for Blocks 1 and 2, to the satisfaction of the Director, Growth Management and Chief Development Engineer;
- iv) The Owner submitting and receiving approval of a revised Tree Protection Plan (and applicable review fee) to evaluate the retention of additional trees, to the satisfaction of the Director of Heritage and Urban Design;
- v) The Owner submitting and receiving approval of a revised Landscape Plan to demonstrate the appropriate native plant species have been selected and that adequate soil volumes

are provided for the tree plantings, to the satisfaction of the Director of Heritage and Urban Design; and,

- vi) The Owner completing and obtaining a permit under the *Endangered Species Act, 2007* from the Ministry of Environment, Conservation, and Parks (MECP) with regards to the removal of Little Brown Myotis and Eastern Small-footed Bat habitat. Written correspondence from MECP (i.e., e-mail, letter) with regards to the outcome of the Overall Benefit Permit (including implementation measures) is to be provided by the owner/developer to the satisfaction of the Director of Planning and Chief Planner.”
4. That Schedule “F” – Special Figures, of By-law No. 05-200, be amended by adding Schedule “B” to this By-law.
 5. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the provisions of the Transit Oriented Corridor Multiple Residential (TOC3, 913, H183) Zone, Transit Oriented Corridor Multiple Residential (TOC3, 914, H184) Zone, and Low Density Residential (R1, H185) Zone, subject to the special requirements referred to in Section No. 2 and 3 of this By-law.
 6. 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 this 15th day of August, 2024.

A. Horwath
Mayor

M. Trennum
City Clerk

ZAC-20-037



This is Schedule "A" to By-law No. 24-183-OLT
 Passed the 15th day of August, 2024

 Mayor




 Clerk

Schedule "A"

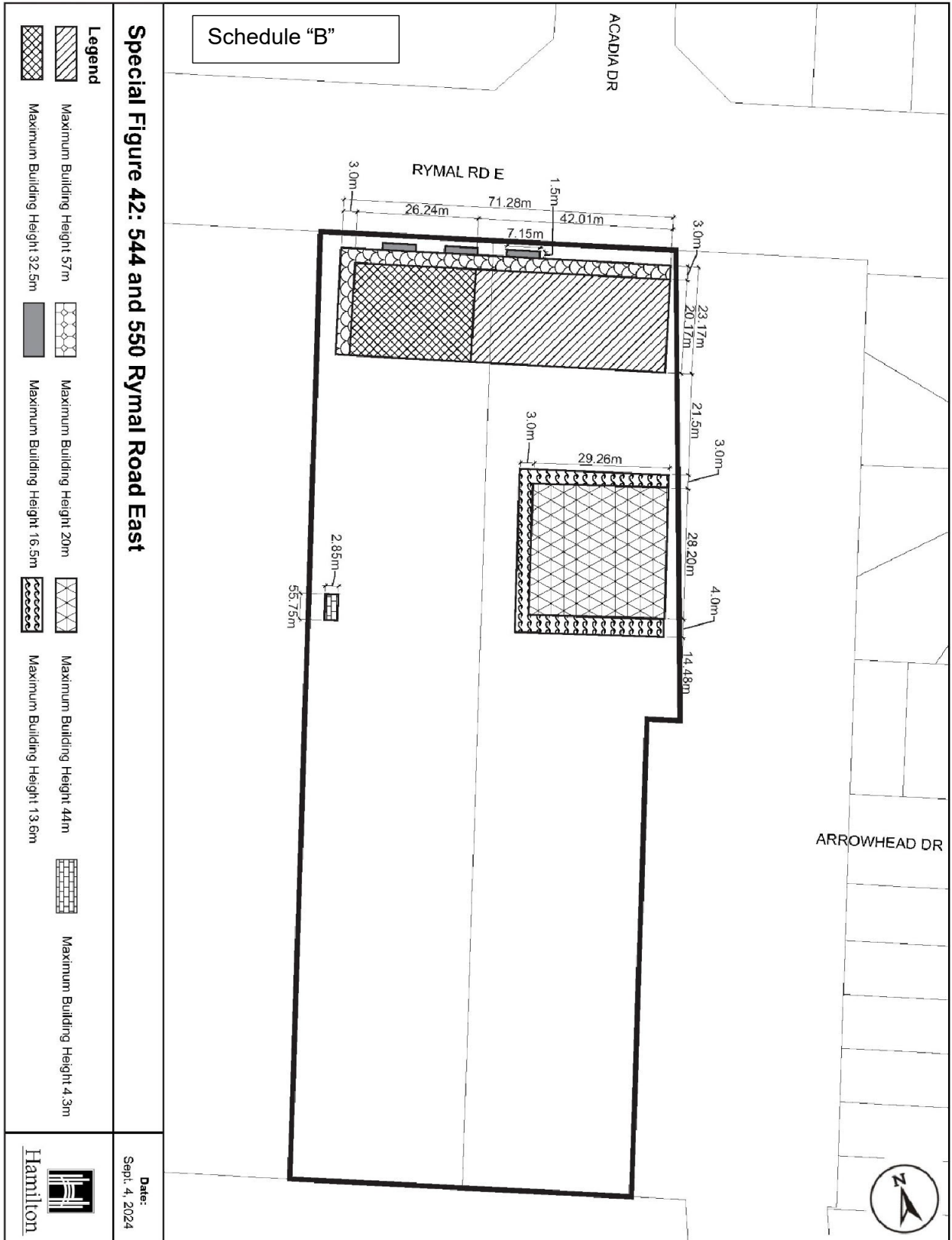
Map forming Part of
 By-law No. 24-183-OLT

to Amend By-law No. 05-200
 Map 1447

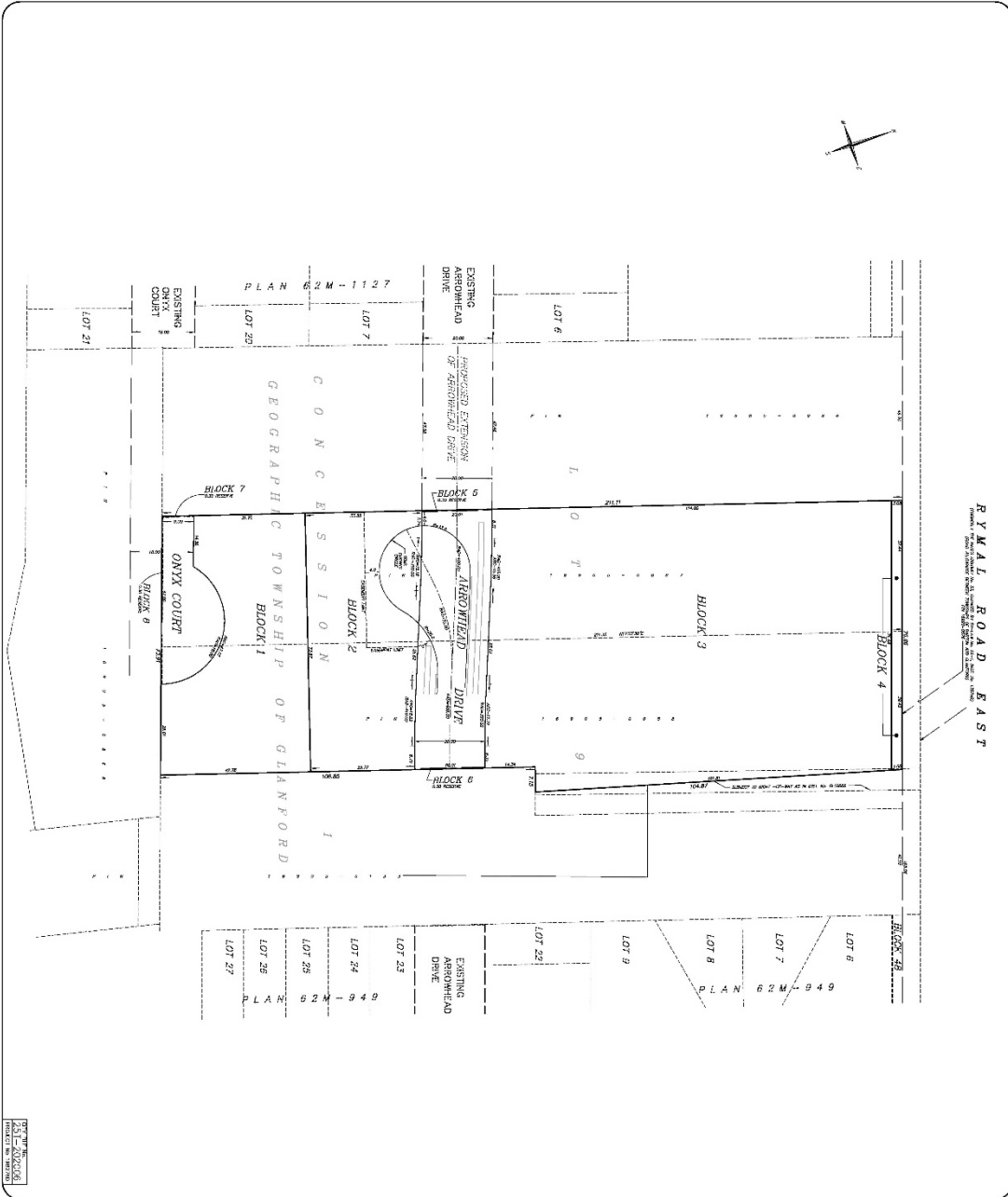
Subject Property
 544 and 550 Rymal Road East, Hamilton

-  Lands to be Zoned Transit Oriented Corridor Multiple Residential (TOC3, 913, H183) Zone
-  Lands to be Zoned Transit Oriented Corridor Multiple Residential (TOC3, 914, H184) Zone
-  Lands to be Zoned Low Density Residential (R1, H185) Zone

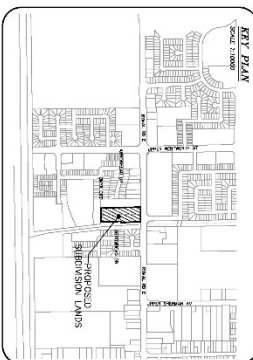
Scale: N.T.S	File Name/Number: ZAC-20-037/UHOPA-20-020/25T-202006	 Hamilton
Date: September 4, 2024	Planner/Technician: JL/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



ATTACHMENT "2"



DATE: 01/15/2024
 PROJECT NO: 2024-01-001



DRAFT PLAN OF

544 & 550 Rymal

Subdivision

PART OF LOT 9 CONVESSION 1
 GEOGRAPHIC TOWNSHIP OF GLANFORD
 IN THE
 CITY OF HAMILTON
 NICHOLAS P. WIRTH O.L.S.

SCALE: 1:500

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METERS UNLESS OTHERWISE NOTED. ALL DISTANCES ARE TO BE CONSIDERED TO PERTAIN TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.

RR. CHAPTER P. 13, R.S.O. 1990, SECTION 51(12)

THE PLANNING ACT

A. SPREAD ON PLAN
 B. SPREAD ON PLAN
 C. SPREAD ON PLAN
 D. SPREAD ON PLAN
 E. SPREAD ON PLAN
 F. SPREAD ON PLAN
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 X. SPREAD ON PLAN
 Y. SPREAD ON PLAN
 Z. SPREAD ON PLAN

SEWERAGE CERTIFICATE:

THE SEWERAGE SYSTEM IS TO BE SHOWN AS SHOWN ON THE PLAN AND NEW RELATIONS TO ADJACENT LANDS ARE AS SHOWN ON THE PLAN.

DATE: 01/15/2024

NICHOLAS P. WIRTH
 CIVIL ENGINEER

LAND USE SCHEDULE:

BLOCK 1 - RESIDENTIAL LOW DENSITY DEVELOPMENT
 BLOCK 2 - RESIDENTIAL LOW DENSITY DEVELOPMENT
 BLOCK 3 - RESIDENTIAL LOW DENSITY DEVELOPMENT
 BLOCK 4 - RESIDENTIAL LOW DENSITY DEVELOPMENT
 BLOCK 5 - RESIDENTIAL LOW DENSITY DEVELOPMENT
 BLOCK 6 - RESIDENTIAL LOW DENSITY DEVELOPMENT
 BLOCK 7 - RESIDENTIAL LOW DENSITY DEVELOPMENT
 BLOCK 8 - RESIDENTIAL LOW DENSITY DEVELOPMENT
 BLOCK 9 - RESIDENTIAL LOW DENSITY DEVELOPMENT

SUBDIVISION PLAN APPROVAL:

APPROVED UNDER SECTION 51 OF THE PLANNING ACT, R.S.O. 1990, CHAPTER P. 13, AS AMENDED, BY THE BOARD OF ENGINEERS AND ARCHITECTS OF THE CITY OF HAMILTON ON 01/15/2024.

DATE: 01/15/2024

CIVIL ENGINEER, PLANNING AND ECONOMIC DEVELOPMENT
 CITY OF HAMILTON

A.E. *of Clark and Associates Ltd.*

ENGINEERS - PLANNERS - DESIGNERS

20 MAIN STREET WEST SUITE 202
 HAMILTON, ONTARIO L8N 3K9
 TEL: 905.571.2299
 FAX: 905.571.2299
 WWW.AECLARK.COM

Special Conditions for Draft Plan of Subdivision for 25T-202006

That this approval apply to the Draft Plan of Subdivision "544-550 Rymal Road East" 25T-202006, certified by Nicholas P. Muth, O.L.S., dated July 12, 2024, consisting of two blocks for future residential development (Blocks 1 and 2), one block for multiple dwellings (Block 3), one road widening block (Block 4) and four 0.3 metre reserve blocks (Blocks 5, 6, 7 and 8), be received and endorsed by City Council with the following special conditions:

Development Engineering:

The following special conditions shall be inserted in Part 1 of the Subdivision Agreement, to the satisfaction of the Senior Director, Growth Management Division:

1. The Draft Plan of Subdivision must be amended to include a Block for the temporary turning circle, which must be constructed in accordance with City standards. A public right-of-way cannot be established on lands not in the City's possession. The Owner will be required to transfer sufficient land to the City as public highway by the Owner's Certificate on the final plan of subdivision, upon which such temporary turning circle will be located. The temporary turning circle shall remain in place until a second permanent access is available by extension Arrowhead Drive. The City agrees to stop-up, close and transfer such lands back to the Owner when the land is no longer required by the City for the temporary turning circle.
2. The Draft Plan of Subdivision must be amended to include a right-of-way Block for the future Onyx Court in Block 1, in accordance with City standards, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
3. The Owner agrees that Building C and Building D in Block 3 on the conceptual site plan dated May 23, 2024, will remain undevelopable until Arrowhead Drive is extended from the existing terminus of Arrowhead Drive east of the subject lands through the Hydro lands, to the proposed Arrowhead Drive terminus at the west limit of the subject lands, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
4. The Owner agrees that on-site stormwater management will be required for Block 3 in accordance with the Functional Servicing Report (May 2024), to the satisfaction of the Director, Growth Management & Chief Development Engineer.

The following conditions shall be inserted into Part 2, 3 and 4 of the Subdivision Agreement:

5. That, **prior to servicing**, the Owner include in the engineering design and cost estimate schedules the extension of Arrowhead Drive, from the existing terminus of Arrowhead Drive east of the subject lands, through the Hydro Lands, to the proposed Arrowhead Road terminus at the west limit of the subject lands, and

Onyx Court from the existing terminus to the west limit of the draft plan lands. These works include the removal of the existing dead-end barricades, utility relocates, restoration of the roads and boulevards and the extension of sidewalks to blend with the proposed sidewalks on Arrowhead Drive and Onyx Court, entirely at the Owner's cost, to the satisfaction of the Director, Growth Management & Chief Development Engineer.

6. That, **prior to preliminary grading**, the Owner shall submit a Hydrogeological report to the City, prepared by a qualified professional, to assess impacts, identify any significant recharge and discharge zones, and provide recommendations to mitigate the groundwater impacts during any construction within the subdivision, including but not limited to building 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 whereof:
 - a) An aquifer is breached during excavation;
 - b) Groundwater is encountered during any construction within the subdivision, including but not limited to house construction;
 - c) Sump pumps are found to be continuously running; and,
 - d) Water supply and sewage disposal systems and any surface and groundwater related infrastructure are negatively impacted,
All to the satisfaction of the Director, Hamilton Water.
7. That, **prior to preliminary grading**, the Owner agrees to provide an Excess Soil Management Plan to demonstrate how the development will comply with O.Reg. 406/19, addressing registration, assessment, sampling and analysis, characterization, source/destination reporting and tracking requirements, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
8. That, **prior to preliminary grading**, the Owner shall submit a sanitary capacity analysis to demonstrate that there is a suitable sanitary outlet with sufficient capacity available in the existing sanitary sewer/trunk sewer systems along Upper Wentworth Drive up to the existing trunk sewer on Stone Church Road to service the proposed development, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
9. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedules the installation of a new sanitary sewer on Rymal Road from Upper Wentworth Street to the east limit of the subject lands and, if required, any improvements to the existing sanitary sewer on Upper Wentworth Street, north of Emperor Avenue, to accommodate planned growth along with the increased flows from the proposed development, including full reconstruction of all affected existing municipal right-of-ways, in accordance with the City's financial policy, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
10. That, **prior to registration of the final plan of subdivision**, the Owner agrees to pay all outstanding costs including cost recoveries associated with the draft plan

lands, to the satisfaction of the Director, Growth Management & Chief Development Engineer.

11. That, **prior to servicing**, the Owner be required to relocate, as required, all affected utility poles, hydrants, pedestals, hydro vaults, etc., including any utilities located on Rymal Road, entirely at the Owner's expense to the satisfaction of the Director, Growth Management & Chief Development Engineer.
12. That, **prior to servicing**, the Owner shall submit a rock removal protocol and vibration monitoring plan, including a pre-construction survey and associated cost estimates, prepared by a licensed professional engineer. All associated costs will be borne by the Owner and shall be included in the engineering cost schedules, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
13. That, **prior to preliminary grading**, should temporary turning circles be proposed, the Owner agrees to include in the engineering design and cost estimate schedules the construction of the temporary turning circles to permanent City standards, including a continuous sidewalk around the turning circle, and the future removal of the temporary turning circles. The Owner further agrees that all lots impacted by the construction of the temporary turning circles shall remain undevelopable until such time as the temporary turning circles are no longer deemed necessary by the City. The final M-Plan shall show the blocks required to be dedicated to the City for the temporary turning circle. Upon the extension of subject right-of-ways, the blocks no longer deemed necessary for the temporary turning circles shall be closed by By-Law and the lands returned to the original Owner, entirely at the Owner's expense, all to the satisfaction of the Director, Growth Management & Chief Development Engineer.
14. That, **prior to registration of the final plan of subdivision**, The Owner agrees that they will perform all required Winter Maintenance activities on all Public Highways within the registered Plan in accordance with Ontario Regulation 239/02 - Minimum Maintenance Standards for Municipal Highways under the Municipal Act, 2001 (MMS) until the criteria for municipal Winter Maintenance activities are met. Additionally, the Owner commits to submitting an application to the City for assuming Winter Maintenance responsibilities before September 15th, provided that the following criteria:
 - a) Sites are easily accessible;
 - b) Roads are free of all construction debris and have at least the base course asphalt completed;
 - c) Trucks can enter and exit without backing up; and,
 - d) Utility chambers are either ramped at a minimum of 2 meters from each chamber or set to grade.

All to the satisfaction of the Manager of Roadway Maintenance.

15. That, **prior to registration of the final plan of subdivision**, the Owner agrees that until an application for Waste Collection Services has been submitted and approved as per the City of Hamilton Waste Requirements for the Design of New

Developments and Collection, the Owner shall make the appropriate arrangements for the collection and disposal of household waste, entirely at owner's expense, all to the satisfaction of the Manager of Waste Collection.

16. That, **prior to registration of the final plan of subdivision**, the Owner agrees that prior to the installation of the permanent Street Name Signs by the City, the Owner shall install temporary street name signs, consisting of a painted and legible sign on wooden backing, fastened securely to a post 2.6 metres above ground level (to bottom of sign) shall be erected at all street intersections within the subdivision immediately following base course asphalt placement. The signs shall be visible from both directions (i.e. double sided). The street name signs shall be maintained until such time as all boulevard grading has been completed, all to the satisfaction of the Director, Growth Management & Chief Development Engineer.
17. That, **prior to registration of the final plan of subdivision**, the Owner shall design, install and energize the street lighting system, entirely at the Owner's expense, all to the satisfaction of the Director, Growth Management & Chief Development Engineer.
18. That, **prior to registration of the final plan of subdivision**, the Owner shall pay the appropriate fees for the installation of street signage, in accordance with the City's standards and the City's current user fees schedule, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
19. That, **prior to servicing**, the Owner shall include a filter media/landscaped storm based Low Impact Development (LID) techniques on each blocks on the draft plan to achieve water quality and water balance targets in accordance with Ministry of Environment, conservation and Parks (MECP) and City's Green Standards and Guideline for Low Impact Development. The Owner will be responsible to maintain, develop and implement a compliance and performance monitoring plan for all LID system proposed within all Blocks for a minimum of 5 years.

Transportation:

20. That **prior to registration of the plan of subdivision**, the Owner convey to the City, without cost and free of encumbrance, right-of-way dedications along Rymal Road East necessary to achieve an ultimate right-of-way width of 36.576 metres along Rymal Road East, to the satisfaction of the Director of Transportation Planning and Parking.
21. That **prior to registration of the plan of subdivision for the phase which includes Arrowhead Drive**, the Owner submit a Parking Plan for Arrowhead Drive as per the requirements of the City of Hamilton Comprehensive Development Guidelines and Financial Policies Manual which shall demonstrate a minimum ratio of 0.4 parallel on-street parking spaces for every one residential unit, to the satisfaction of the Director of Transportation Planning and Parking.
22. That **prior to registration of the plan of subdivision for the phase which includes Onyx Court**, the Owner submit a Parking Plan for Onyx Court as per the requirements of the City of Hamilton Comprehensive Development

Guidelines and Financial Policies Manual which shall demonstrate a minimum ratio of 0.4 parallel on-street parking spaces for every one residential unit, to the satisfaction of the Director of Transportation Planning and Parking.

Growth Planning:

23. That **prior to registration of the plan of subdivision**, the Owner shall work with Growth Planning staff to finalize municipal addressing for the individual Lots and Blocks, to the satisfaction of the Senior Director, Growth Management Division.

Development Planning

24. The Owner shall investigate the noise levels of Building A, in Block 3, on the conceptual site plan dated May 23, 2024, and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures shall be submitted to the satisfaction of the 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 and shall be submitted, to the satisfaction of the Director of Planning and Chief Planner.

Heritage and Urban Design:

25. The, **prior to preliminary grading and servicing**, the Owner shall obtain confirmation from the Ministry of Citizenship and Multiculturalism that all archaeological resource concerns have met licensing and resource conservation requirements, to the satisfaction of the Direction of Planning and Chief Planner.
26. That, **prior to preliminary grading and servicing**, the owner/developer shall submit an updated Tree Protection Plan (TPP) prepared by a recognized tree management professional (i.e., certified arborist, registered professional forester, or landscape architect) showing the location of drip lines, edges of existing plantings, the 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. Removal of trees is not to occur until this condition has been satisfied. The TPP is to be prepared in accordance with the City's Council adopted Guidelines. In addition, the TPP is to provide methodology for the removal of invasive species (Common Buckthorn) and explore opportunities to retain locally uncommon species (Downy Hawthorn).
27. That, **prior to registration**, the owner/developer shall submit a Landscape Plan prepared 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. The Landscape Plan is to include (but not be limited to):

- Diversity of plant material (through the use of native species). Native species are to include Black Walnut, Shagbark Hickory, Sugar Maple, Eastern White Pine as well as Downy Hawthorn and plants supporting the life-cycle of pollinator species (i.e. Common Milkweed). Native species are to originate from a native seed source (within a 250 km radius).
- Compensation is to be provided on a 3:1 basis. Every effort is to be taken to plant as many trees on site as possible. If there is not sufficient space to accommodate all trees, then cash in lieu is required for each tree that is not planted, based on the Forestry User rate at the time of submission of the Landscape Plan.

Utilities:

28. That **prior to registration**, the Owner shall agree, in words satisfactory to Alectra Utilities Corporation, to grant to Alectra Utilities Corporation any easements that may be required for electrical services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Alectra Utilities Corporation facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.
29. That, **prior to registration**, the owner / developer shall provide to Enbridge Gas Inc., operating as Union Gas ("Union"), the necessary easements and / or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Union.

Telecommunications:

30. That **prior to registration**, the Owner provide the Manager of Development Approvals with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication service provider approved by the Canadian Radio and Telecommunication Commission (CRTC) that adequate telecommunication service will be provided to the subdivision including 9-1-1 emergency calling service that identifies, at a minimum, the callers name and location information.
31. That **prior to registration**, the Owner shall agree in the Subdivision Approval Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the Owner / Developer shall be responsible for the relocation of such facilities or easements.
32. That **prior to registration**, the Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

Canada Post:

33. The Owner shall include, on all offers of purchase and sale, a statement that advises the prospective purchaser:
- i) that the home/business mail delivery will be from a designated Centralized Mail Box.
 - ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
34. The Owner agrees to
- i) work with Canada Post to determine and provide temporary suitable Centralized 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. 2.)
 - ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
 - iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - iv) determine the location of all centralized mail receiving facilities in cooperation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans.
 - v) Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
35. The Owner shall provide a centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly & more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Bell Canada

36. The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.
37. The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

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 3 years. However, extensions will be

- considered if a written request is received two months before the draft approval lapses.
2. The developer is responsible for all waste removal up until the time that an "Agreement for On-site Collection of Municipal Solid Waste" is finalized, and municipal collection services are initiated.
 3. The developer must provide a signed letter from a professional engineer certifying that the road base along the access route can support at least 35,000 kilograms.
 4. Prior to the start of municipal waste collection service, the development must be free of construction debris and construction related activities.
 5. If the development is not designed according to specifications identified herein, the developer must:
 - a. Arrange a private waste hauler for the removal of all waste materials.
 - b. As part of the Purchase and Sale Agreement the developer, owner, property manager or agent for the development must disclose in writing to a prospective buyer of a unit within the development that the property is not serviceable for municipal waste collection.