

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire
24-215-OLT Attachment 1
24-216-OLT Attachment 2
24-217-OLT Attachment 3



ISSUE DATE: November 19, 2024

CASE NO(S): OLT-24-000648

PROCEEDING COMMENCED UNDER subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: 1520866 Ontario Limited (Losani Homes)
Subject: Site Plan
Description: To facilitate the development of a medium-density mixed use development.
Reference Number: DA-23-043
Property Address: 157 Upper Centennial Parkway (Part of Lot 25, Concession 7. Part 1 of 62R-15922)
Municipality/UT: Hamilton/Hamilton
OLT Case No: OLT-24-000648
OLT Lead Case No: OLT-24-000648
OLT Case Name: 1520866 Ontario Limited v Hamilton (City)

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

Subject: Proposed Plan of Subdivision – Failure of Approval Authority to make a decision
Reference Number: 25T-202304
Property Address: 157 Upper Centennial Parkway (Part of Lot 25, Concession 7. Part 1 of 62R-15922)
Municipality/UT: Hamilton/Hamilton
OLT Case No: OLT-24-000649
OLT Lead Case No: OLT-24-000648

Heard: October 17, 2024, by Video Hearing

APPEARANCES:**Parties****Counsel/Representative***

1520866 Ontario Limited

D. Baker

City of Hamilton

P. Krysiak
P. MacDonald (*in absentia*)Alinea Land Corporation (formerly
Penta Properties and Upper
Centennial Developments Ltd.)S. Snider
A. Toumanians (*in absentia*)

660439 Ontario Inc.

J. Petropoulos*

MEMORANDUM OF ORAL DECISION DELIVERED BY P. TOMILIN ON OCTOBER 17, 2024 AND ORDER OF THE TRIBUNAL

[Link to the Order](#)**PRELIMINARY MATTER**

[1] The oral decision for this Hearing was rendered on October 17, 2024, and by Order of the Tribunal is in force and effect on that same date.

[2] At that time the Provincial Policy Statement, 2020 (“PPS”), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (“GP”) was in force. Thus, the written decision will follow those guidelines.

INTRODUCTION

[3] The matters before the Tribunal are the Appeals by 1520866 Ontario Limited (Losani Homes) (“Applicant” / “Appellant”) arising from the failure of the City of Hamilton (“City”) to make a decision on an Official Plan Amendment (“OPA”), Zoning By-law Amendment (“ZBA”), the Subdivision Application and the Site Plan Application, (“Applications”), pursuant to ss. 17(40), 34(11), 41(12) and 51(34) of the *Planning Act* (“Act”), for the property located at 157 Upper Centennial Parkway (“site”).

[4] The purpose of the Applications is to facilitate a medium-density mixed-use development consisting of 82 townhouses and a mixed-use building with nine (9) residential units and five (5) commercial units fronting onto Upper Centennial Parkway.

[5] At the onset of the Hearing and with the consent of the Parties, the Tribunal combined OLT Case Nos. OLT-22-003572 with OLT-24-000648.

[6] Prior to the Hearing, the Parties advised the Tribunal that they had resolved their issues.

[7] David Aston, a Registered Professional Planner, and a member of the Canadian Institute of Planners, provided a Sworn Affidavit (Exhibit 2), and was qualified by the Tribunal to provide land use planning opinion evidence in relation to the matters under appeal. Mr. Aston delivered a detailed contextual and land use planning rationale in support of the settlement proposal.

SITE CONTEXT

[8] The site is located on the west side of Upper Centennial Parkway, north of Highland Road West, in the Felker neighbourhood and forms part of a larger development area in Stoney Creek, in the City.

[9] The site is approximately 1.87 hectares (“ha”) in size, irregular shaped with 73 metres (“m”) of frontage on Upper Centennial Parkway, classified as a Major Arterial Road, and approximately 110 m of frontage onto Taverny Road and is currently vacant.

[10] Three (3) vehicular access points are proposed, including two from Taverny Road and one from Upper Centennial Parkway. The proposed development includes surface parking and amenity space.

DEVELOPMENT PROPOSAL

[11] The OPA for the site is required to redesignate a portion of the site to the “Neighbourhoods” designation in the Urban Hamilton Official Plan (“UHOP”) and to amend the West Mountain Area (Heritage Green) Secondary Plan (“Secondary Plan”) to redesignate certain areas of the site to “Low Density Residential 3c” and “Local Commercial” and to remove Site-Specific Policy - Area C, to facilitate the development of residential uses and a mixed-use building.

[12] The ZBA for the site is required to implement new site-specific policies to permit the proposed development. Two site-specific zoning By-laws are proposed. The first By-law amends Stoney Creek Zoning By-law No. 3692-92 to rezone a portion of the site from Neighbourhood Development “ND” Zone and Open Space “OS” Zone and General Commercial Special Exception “GC-49” Zone to Multiple Residential Modified “RM3-XX-H” Zone, to permit residential uses. The second By-law, adds a portion of the site to City Zoning By-law No. 05-200 and zones the lands Community Commercial (C3, XXX) Zone, Modified to permit a mixed-use building.

[13] The Draft Plan of Subdivision creates two (2) blocks. Block 1 is proposed as a multiple residential block (1.605 ha); Block 2 is proposed as a mixed-use block (0.266 ha).

[14] The Site Plan Application includes the Site Plan to establish the development proposal, including buildings, access, parking, landscaping and associated details to address the City’s site plan requirements.

PLANNING RATIONALE

[15] The planning policy documents related to the proposed development are s. 2 of the Act, the PPS, GP, UHOP, and Secondary Plan.

[16] In Mr. Aston’s opinion, the development proposal has regard for the matters of provincial interest, as set out in s. 2 of the Act.

[17] Mr. Aston submitted that the proposed Development represents the efficient use of land and will result in the development of land along an arterial road, in an area planned for low-density and commercial development and will contribute to the provision of housing options in the community.

[18] Further, the Functional Servicing and Stormwater Management Reports were prepared in support of the development and concluded that the development proposal can be adequately serviced through connections to existing and planned municipal infrastructure.

[19] In Mr. Aston's professional opinion, the Applications are consistent with the policies of the PPS and conform to the GP. The Draft Plan of Subdivision addresses the requirements of ss. 51(24) and 51(25) of the Act, has regard to matters of Provincial interest, conforms to the UHOP and maintains the intent of the Zoning By-law.

ANALYSIS AND FINDINGS

[20] Having reviewed the uncontested planning evidence of Mr. Aston, the Tribunal finds that the proposed development has regard for matters of Provincial interest as set out in s. 2 of the Act, is consistent with the PPS, conforms with the GP and the designated policies, has regard to the other policies of the UHOP and Secondary Plan, represents good planning and is in the public interest.

ORDER

[21] **All orders are in force and effect as of October 17, 2024.**

[22] **THE TRIBUNAL ORDERS THAT** the Appeals are allowed in part, and Orders that the Official Plan for the City of Hamilton is modified as set out in Attachment 1 to this Order. The Tribunal Orders that the Official Plan is approved as modified.

[23] **THE TRIBUNAL ORDERS THAT** the Appeals are allowed, in part, and City of

Hamilton By-law No. 3692-92 and Stoney Creek By-law No. 05-200 is hereby amended as set out in Attachment 2 and 3 to this Order. The Tribunal authorizes the municipal clerk of the City of Hamilton to assign a number to this by-law for record keeping purposes.

[24] **THE TRIBUNAL ORDERS THAT** the Appeals are allowed in part, the draft plan shown on the plan prepared by Robert McLaren dated 2022/12/22 comprising Pt Lt 25 Con 7 Saltfleet, Being Part 1 On 62R15922; Stoney Creek, City Of Hamilton is approved as set out in Attachment 4 to this Order, subject to the fulfillment of the conditions set out in Attachment 5 to this Order;

[25] **AND THE TRIBUNAL ORDERS THAT** 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. In the event that there are any difficulties implementing any of the conditions of draft plan approval, or if any changes are required to be made to the draft plan, the Tribunal may be spoken to.

[26] **THE TRIBUNAL ORDERS THAT** the Appeals are allowed in part, the site plan prepared by MHBC dated 2024/08/13 is approved as set out in Attachment 6 to this Order, subject to the conditions set out in Attachment 7 to this Order.

"P. Tomilin"

P. TOMILIN
MEMBER

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.

Attachment 1 – Official Plan Amendment

BY-LAW NO. 24-215-OLT

Schedule “1”

**Urban Hamilton Official Plan
Amendment No. 222**

The following text, together with:

Appendix “A”	Volume 1: Schedule E-1 – Urban Land Use Designations
Appendix “B”	Volume 2: Map B.7.6-1 – West Mountain Area (Heritage Green) Secondary Plan – Land Use Plan

attached hereto, constitutes Official Plan Amendment No. 222 to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to redesignate a portion of the subject lands to the “Neighbourhoods” designation and amend the West Mountain Area (Heritage Green) Secondary Plan to redesignate certain areas of the subject lands to “Low Density Residential 3c” and “Local Commercial” and to remove Site Specific Policy - Area C, to facilitate the development of residential uses and to provide a mixed-use building along Upper Centennial Parkway.

2.0 Location:

The lands affected by this Amendment are known municipally as 157 Upper Centennial Parkway, in the former City of Stoney Creek.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development provides for a range of housing types and commercial uses within the West Mountain Area (Heritage Green) Secondary Plan, and is supported by transportation and servicing infrastructure.
- The proposed development is in keeping with the character of the surrounding neighbourhood.
- The proposed development conforms to the residential and commercial designation policies of the West Mountain Area (Heritage Green) Secondary Plan.

- The proposed Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

Schedules and Appendices

4.1.1 Schedule

- a. That Volume 1: Schedule E-1 – Urban Land Use Designations be amended by redesignating a portion of the subject lands from “Arterial Commercial” to “Neighbourhoods”, as shown on Appendix “A”, attached to this Amendment.

4.2 Volume 2 – Secondary Plans

Maps

4.2.1 Map

- a. That Volume 2, Map B.7.6-1 – West Mountain Area (Heritage Green) Secondary Plan – Land Use Plan be amended by:
 - i) redesignating certain lands from “Low Density Residential 2b” to “Low Density Residential 3c”;
 - ii) redesignating certain lands from “Arterial Commercial” to “Low Density Residential 3c”;
 - iii) redesignating certain lands from “Arterial Commercial” to “Local Commercial”; and,
 - iv) deleting Site Specific Policy – Area C from the subject lands.

as shown on Appendix “B”, attached to this Amendment.

5.0 Implementation:

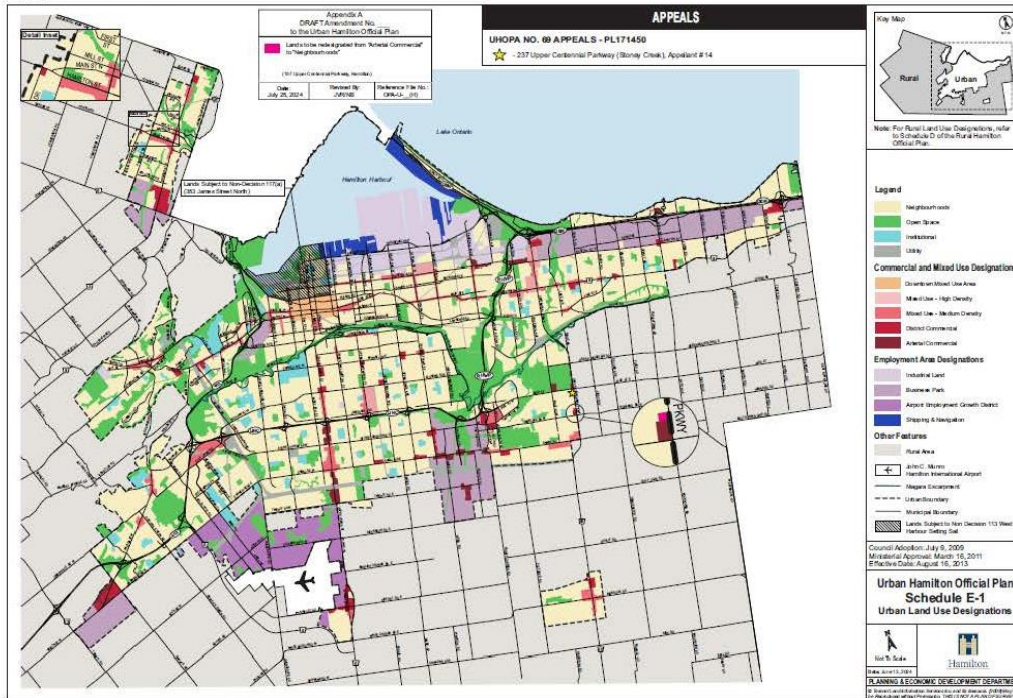
An implementing Zoning By-Law Amendment, Plan of Subdivision, and Site Plan Application will give effect to the intended uses on the subject lands.

Urban Hamilton Official Plan Amendment No. X	Page 2 of 3	
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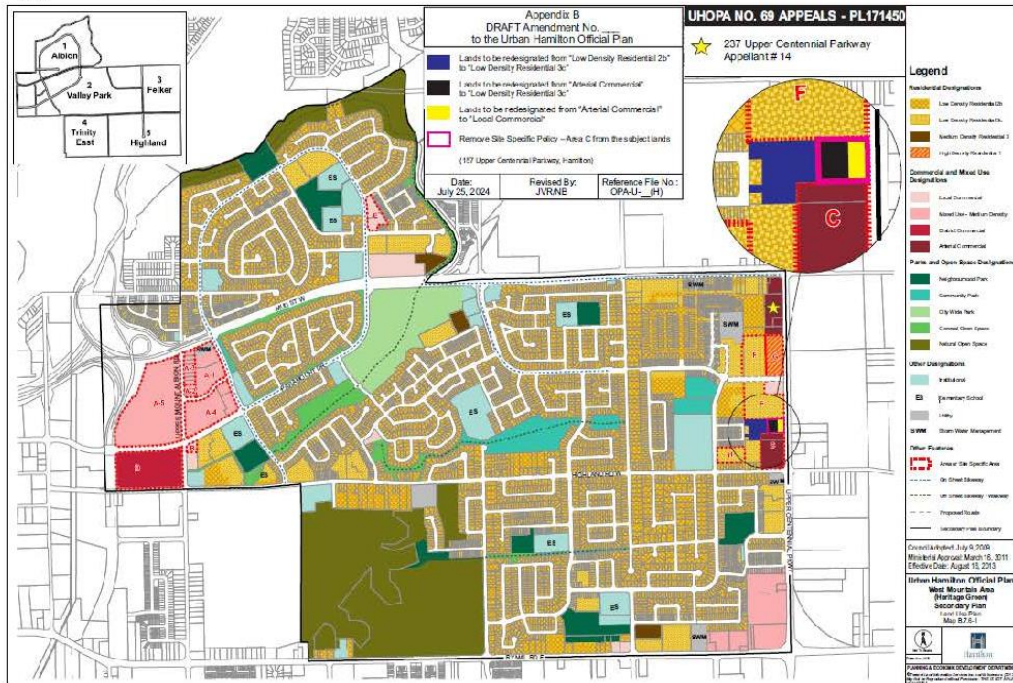
This Official Plan Amendment is Schedule "1" to By-law No. ^{24-215-OLT} _____ passed on the 19th day of November, 2024.

**The
Ontario Land Tribunal**

Appendix "A"



Appendix "B"



Attachment 2 - Stoney Creek Zoning By-law Amendment

CITY OF HAMILTON**BY-LAW NO. 24-216 -OLT****To Amend Zoning By-law No. 3692-92, Respecting Lands Located at 157 Upper Centennial Parkway (Stoney Creek)**

WHEREAS the Ontario Land Tribunal, in its Decision/Order for Case No. OLT -24-000648 dated the day of 2024, approved the amendment to Zoning By-law No. 3692-92 (Stoney Creek), as herein provided;

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

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

1. That Map No. 16 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended by changing the zoning from Neighbourhood Development "ND" Zone, Open Space "OS" Zone and General Commercial "GC-49" Zone, Modified to Multiple Residential "RM3-76-H" Zone, Modified, for the lands known as 157 Upper Centennial Parkway, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A";
 - (a) by adding the lands to the City of Hamilton Zoning By-law No. 05-200 and zoned Mixed Use Medium Density (C5) Zone on the lands to the extent and boundaries of which are shown as Part B on a Plan hereto annexed as Schedule "A";
2. For the purpose of the regulations contained in the Stoney Creek Zoning By-law No. 3692-92, the external boundary of the lands zoned RM3-76 shall be deemed to be the lot lines for this development, and not the individual property boundaries of the individual lots created by the *Condominium Act* or *Planning Act* application.
3. That Subsection No. 6.10.7 "Special Exceptions of Section No.6.10, of the Multiple Residential "RM3" Zone, be amended for the lands shown as Block 1 on Schedule "A" of this by-law to include the following special requirements:

"RM3-76" 157 Upper Centennial Parkway, Schedule "A" Map No. 16

 1. Notwithstanding Part 2 – Definitions, for the purposes of zoning the lands shown as RM3-76 on Schedule "A" of this by-law Taverny Road shall be deemed the Lot Frontage

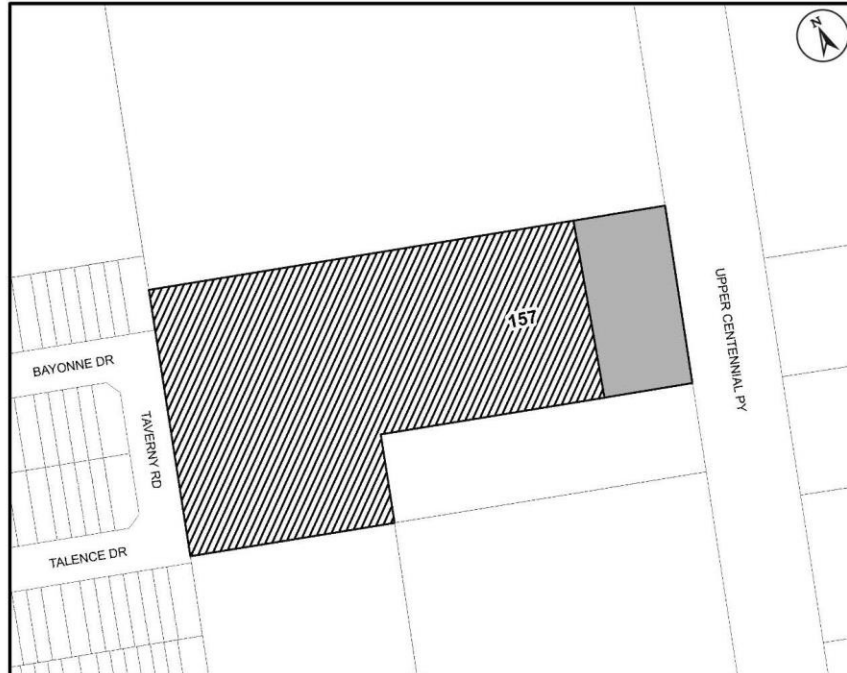
2. Notwithstanding anything to the contrary or the creation of property boundaries between units or common elements by registration of a plan of condominium, the zoning regulations for development in the RM3-76 zone, as set out herein, shall be applied to the entirety of the block of land zoned RM3-76 and not the individual units or parcels of tied land created and associated with a plan of condominium registration.
3. Notwithstanding the provisions of paragraph (d) of Section 4.19 Yard Encroachments, the following provisions shall apply:
 - (a) Balconies, canopies, unenclosed porches and decks, including a cold cellar underneath same, may project into any yard 1.8 metres.
 - (b) Stairs may project into any required front yard and flankage yard a distance of not more than 3.0 metres.
4. Notwithstanding the provisions of Paragraphs (c), (f), (h), (i), (j), (l), and (m), of Subsection 6.10.3 of the Multiple Residential "RM3" Zone, on those lands zoned Multiple Residential "RM3-76-H" Zone, Modified by this By-law, the following shall apply":
 - (c) Minimum Front Yard - 4.8 metres
 - (f) Minimum Rear Yard for Maisonettes, Townhouses and Dwelling Groups - 4.5 metres
 - (h) Minimum Distance Between Buildings on the Same Lot - 13 metres, except 3 metres between end walls and 9 metres between an end wall and a rear wall
 - (i) Maximum Density - 52 units per hectare
 - (j) Maximum Building Height - 12 metres
 - (l) No privacy area shall be required for townhouse units fronting Taverny Road, or maisonette townhouse uses.
 - (m) Minimum Landscaped Open Space
 1. A minimum of 35 percent, including privacy areas.
 2. No requirement for a landscaped strip between any privacy area and any lot line for maisonettes, or
 3. No requirement for a landscaped strip adjacent to every portion of any lot that abuts a street.
5. Notwithstanding Subsection 6.10.5 (e) and 6.1.8 (c), no parking space shall be provided closer than 2.0 metres to any dwelling unit located on the same lot.

6. Subsection 6.1.12 of the By-law shall also apply to maisonette and Stacked Townhouse dwellings.
7. On those lands zoned Multiple Residential "RM3-76" Zone, Modified by this By-law, the "H" symbol may be removed by way of an amending Zoning By-law, from all of the lands subject to this provision once the owner does the following:

The Owner shall have entered into a cost sharing agreement with Alinea Land Corporation which will require the Owner to pay its proportionate share of the cost of construction of any downstream improvements to the storm conveyance system from the downstream outside limit of the stormwater management pond block on the adjacent property (198 Frist Road West), such downstream improvements to include the roadside ditches along Upper Centennial Parkway, Mud Street East including all necessary culvert upgrades any downstream monitoring and remediation costs required to provide for proper conveyance of the post development drainage from 157 Upper Centennial Parkway and 198 First Road West. Such costs are to be calculated on a contributory area and percent impervious basis, in respect of costs associated with the land and construction and other reasonable and related costs of the stormwater conveyance system net of any monies recoverable from the City of Hamilton. These costs shall be calculated by the engineering consultant for Alinea in a timely manner and agreed upon by an engineering consultant retained by the owners of 157 Upper Centennial Parkway and shall be paid to Alinea prior to the lifting of the Hold Symbol. If agreement regarding the costs is not reached, they shall be determined by arbitration pursuant to the *Ontario Arbitration Act*, all to the satisfaction of the Senior Director of Growth Management.
8. 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 Multiple Residential "RM3" Zone, subject to the special requirements referred to in Section Nos 2, 3, 4, 5 and 6 of this By-law.
9. 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.
10. That this By-law No.24-216-OLT shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Sub-section.

PASSED and ENACTED this 19th day of November, 2024

UHOPA-16-020
ZAC-16-056



This is Schedule "A" to By-law No. 24-216-OLT
 Passed the 19th day of November 2024

 Mayor

 Clerk

<h2>Schedule "A"</h2> <h3>Map forming Part of By-law No. 24-216-OLT</h3> <h3>to Amend By-law No. 3692-92</h3>		<p>Subject Property 157 Upper Centennial Parkway (Ward 9)</p> <p> Block 1 - Change in zoning from Neighbourhood Development "ND" Zone, Open Space "OS" Zone and General Commercial "GC-49" Zone, Modified to Multiple Residential "RM3-XX-H" Zone, Modified</p> <p> Block 2 - Refer to the By-law No. 05-200</p>
<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-16056/JHOPA-16-020</p>	
<p>Date: September 19, 2024</p>	<p>Planner/Technician: JVR/NB</p>	<p>Hamilton</p>
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

Attachment 3 – City of Hamilton Zoning By-law Amendment

CITY OF HAMILTON
BY-LAW NO. 24-217-OLT

To amend Zoning By-law No. 05-200 with respect to lands located at 157 Upper Centennial Parkway, Stoney Creek

WHEREAS the Ontario Land Tribunal, in its Decision/Order for Case No. OLT-24-000648 dated the day of 2024, approved the amendment to Zoning By-law No. 05-200 (Hamilton), as herein provided.

AND WHEREAS this By-law conforms with the Urban Hamilton Official Plan upon adoption of Official Plan Amendment No. 222 ;

NOW THEREFORE Ontario Land Tribunal enacts as follows:

1. That Schedule "A" – Zoning Maps, Map No.1552 is amended by adding the Community Commercial (C3, 922) Zone to the lands known as 157 Upper Centennial Parkway, Stoney Creek, 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:
 - 922 . Within the lands zoned Community Commercial (C3, 922) Zone identified on Map No. 1552 of Schedule "A" – Zoning Maps and described as 157 Upper Centennial Parkway, Stoney Creek, the following special provisions shall apply:
 - a) Notwithstanding Section 10.3.1.1 ii), a Dwelling Unit (s), Mixed Use shall be permitted above the ground floor except for access, accessory office and utility areas, and shall not occupy more than 75% of the total gross floor area of all the building(s) within the lot.
 - b) Notwithstanding Section 10.3.3 i) vii), one principal entrance shall not be required.
 - c) Notwithstanding Section 5.7.4(a)(i), no electric vehicle parking spaces shall be required.
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

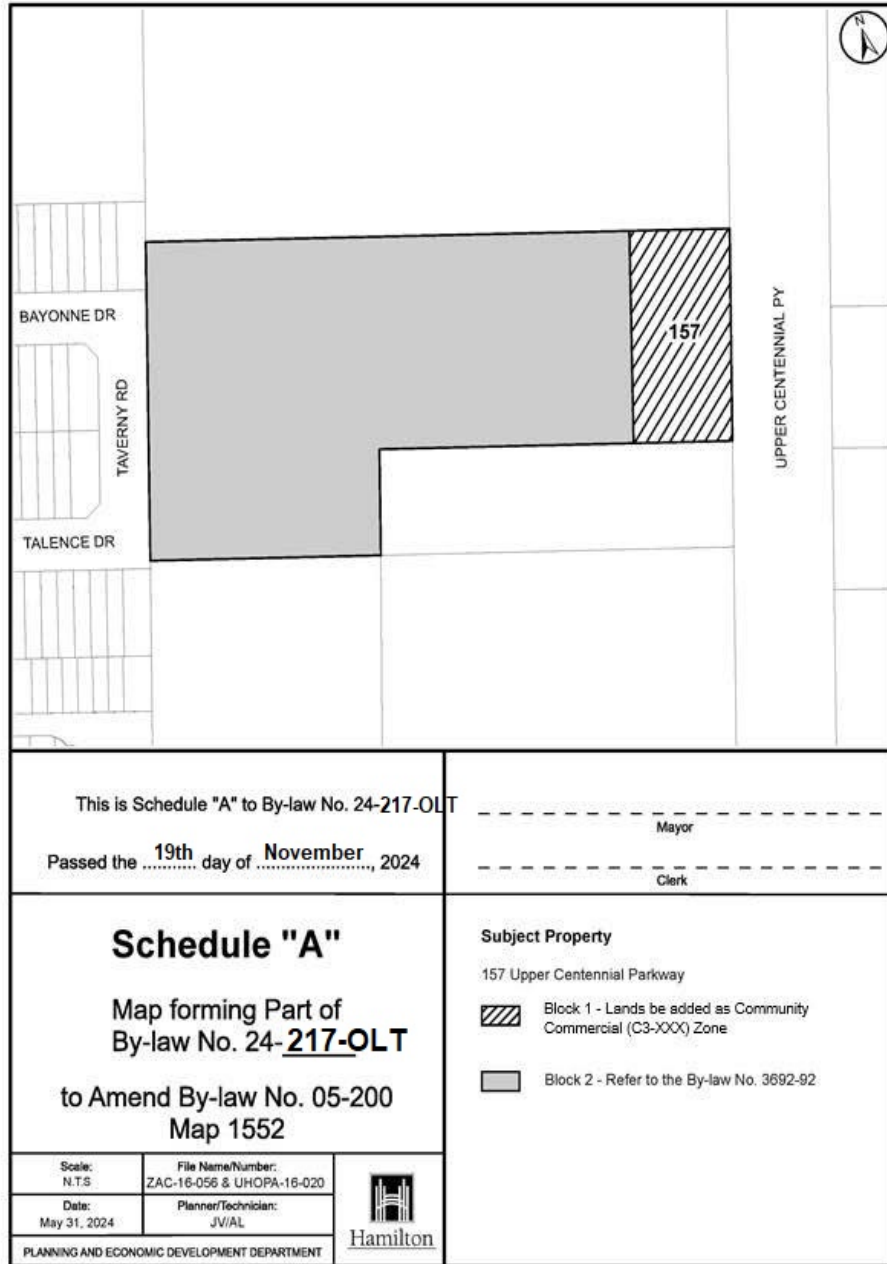
4. That this By-law No. 24-217-OLT shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Sub-section.

PASSED this 19th day of November, 2024

A. Horwath
Mayor

M. Trennum
City Clerk

UHOPA-16-020
ZAC-16-056




This is Schedule "A" to By-law No. 24-217-OLT
 Passed the19th day of November, 2024


 Mayor

 Clerk

Schedule "A"
 Map forming Part of
 By-law No. 24-217-OLT
 to Amend By-law No. 05-200
 Map 1552

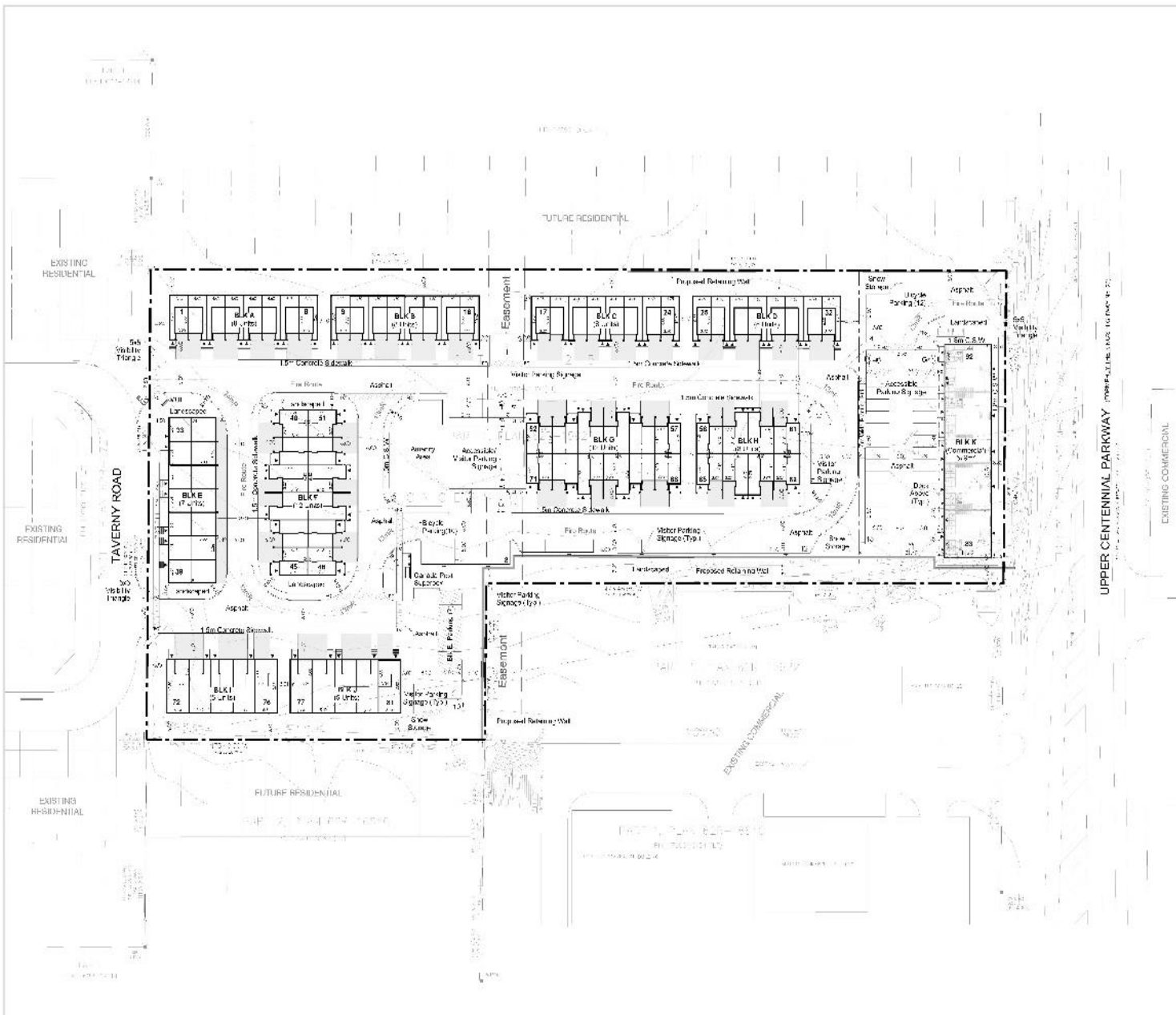
Subject Property
 157 Upper Centennial Parkway

 Block 1 - Lands be added as Community Commercial (C3-XXX) Zone

 Block 2 - Refer to the By-law No. 3692-92

Scale: N.T.S.	File Name/Number: ZAC-16-056 & UHOPA-16-020	
Date: May 31, 2024	Planner/Technician: JV/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Attachment 4 – Site Plan



Legal Description
 157 UPPER CENTENNIAL PARKWAY
 CITY OF TAVERNY

File # 23-007-Subdiv, Subg Plan - File # 20-1022,
 Sunny Green City Center

Key Plan

Site Plan

Block	Area (sq ft)	Notes
BLK A	1,200	...
BLK B	1,200	...
BLK C	1,200	...
BLK D	1,200	...
BLK E	1,200	...
BLK F	1,200	...
BLK G	1,200	...
BLK H	1,200	...
BLK I	1,200	...
BLK J	1,200	...
BLK K	1,200	...

PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE
MHBC

Approved By: [Signature] Date: August 13, 2024

Drawn By: [Signature]

Checked By: [Signature]

LOSANI
 420 McNeil's Road
 Honey Creek, CO 80111-5633
 P: 303.584.1700

SITE PLAN 1 of 1

Attachment 5 – Site Plan Conditions

Site Plan Conditions – 157 Upper Centennial (City File No. DA-23-043)

October 9, 2024

The City's approval requires satisfactory completion of all the following conditions:

1. SITE PLAN

1. (a) To develop and maintain the site in compliance with the Site Plan, dated [Date] attached hereto and hereinafter referred to as the "Site Plan". Minor changes to the Site Plan or condition(s) shall be permitted only upon written approval from the City's Manager, Site Planning.

Approval Limitation

1. (c) That in the event there has been no submissions made to clear conditions for a period of two (2) years this approval shall be considered inactive. To reactivate this approval a notice to the Manager, Site Planning shall be provided with a description of any changes to the proposed development and payment of a second Site Plan Control Full Application Clearing of Conditions Fee (fee determined based on fee schedule in effect at the time of reactivation). The applicant is responsible to monitor when submissions have been made to ensure that the application remains active.

Ground Cover to Prevent Soil Erosion

1. (d) Where the construction or demolition of a building, or buildings, or site development works are, in the opinion of the City's Director of the Building Division, substantially suspended or discontinued for more than 45 days the Owner shall forthwith provide suitable ground cover to prevent soil erosion by wind, rain and snow for the protection of adjoining lands to the satisfaction of the said Director.

Garbage Collection

1. (e) The Owner acknowledges that garbage collection for the proposed development shall be in accordance with the applicable Municipal By-Law.

2. PRIOR TO THE COMMENCEMENT OF ANY GRADING ON THE SITE

Erosion and Siltation Control

2. (a) To show all erosion and siltation control features in detail on a Grading and Drainage Control Plan hereinafter described in Section 3(b); to the satisfaction

of the City's Manager of Development Engineering and to implement all such erosion and siltation control measures. The Owner further agrees to maintain all such measures to the satisfaction of the City's Manager of Development Engineering until the site has been fully developed as determined by the City's Manager, Site Planning.

Tree Management

2. (b) To prepare a Tree Preservation/Enhancement Plan as part of the required Landscape Plan hereinafter described in Section 3(e), showing the location of drip lines, edges and existing plantings, the location of all existing trees and the method to be employed in retaining trees required to be protected; to obtain approval thereof from the City's Manager, Site Planning; and to implement all approved tree savings measures. Prior to the implementation of the Plan or any site alteration, the applicant shall provide the associated securities and a Verification of Tree Protection Letter, prepared by a qualified professional and approved to the satisfaction of the Director of Planning and Chief Planner.

3. PRIOR TO THE APPLICATION FOR ANY BUILDING PERMITS

3. (a) Satisfy all pre-grading conditions set out in Section 2 above.

Grading and Drainage Control

3. (b) i) To prepare a detailed Grading and Drainage Control Plan showing drainage details for the subject property, abutting properties and public rights-of-way so as to ensure compatible drainage, and to show thereon all existing and proposed connections to the municipal storm sewer to provide for that drainage i.e. catch basins/leads etc. to the satisfaction of the City's Manager of Development Engineering.
- ii) To pay a fee (current rate at time of payment) for the final inspection all aboveground features, such as but not limited to, landscaping, drainage, roads, driveways, noise barriers/fencing, lighting, etc., to the satisfaction of the City's Manager of Development Engineering.

Storm Water Management Design

3. (c) To submit to the satisfaction of the City's Manager of Development Engineering detailed engineering design for storm water management or to receive from the said Manager an exemption from this requirement.

Road Widening

3. (d) To convey to the City, without cost and free of encumbrance, the road widening and/or daylighting triangles as indicated on the Site Plan to the satisfaction of the City's Manager of Development Engineering.

Landscape Plan

3. (e) To prepare a Landscape Plan showing planting and surfacing details for all areas not covered by buildings, structures, loading areas or parking areas; and to obtain approval thereof from the City's Manager, Site Planning.

Interior Garbage Storage/Outdoor Garbage Containers

3. (f) To show the following on the required Site Plan:
 - i) The location of any vaults, central storage and collection areas, or other facilities for the storage of garbage and recyclable material, including those which may be internal to a proposed or existing building; or
 - ii) The location of any outdoor garbage and recycling containers and details for a supporting concrete pad and, if required by the City's Manager, Site Planning, a roofed enclosure having a height sufficient to conceal the containers.

Fencing/Visual Barriers

3. (g) To obtain approval of the details of all fencing and visual barriers as indicated on the Site Plan, from the City's Manager, Site Planning, as part of the approval of the Landscape Plan.

Boulevard Sodding

3. (h) To show on the required Landscape Plan, planting and surfacing details for the portion of all adjacent public property located between the sidewalks, curbs or streets and the Owner's property line so as to ensure a contiguous landscaped area between the public streets and the Owner's proposed development to the satisfaction of the City's Manager, Site Planning.

Site Lighting-Design

3. (j) To prepare a Site Lighting Plan, including lighting for any underground parking facilities, and to submit said plan with a signed certification from an Electrical Engineer stating that said plan complies with Section 3.9 "Lighting" of the City of Hamilton Site Plan Guidelines to the satisfaction of the City's Manager, Site Planning.

Multiple Unit Identification Sign

3. (k) To prepare a concept plan for a multiple unit identification sign for emergency access or for a multiple unit development that shows unit numbers and to obtain approval thereof from the City's Manager of Legislative Approvals/Staging of Development.

Cost Estimate and Letter of Credit

3. (l)
 - i) To provide cost estimates for 100% of the total cost of all exterior on-site works to be done by the Owner. Such cost estimates shall be in a form satisfactory to the City's Manager, Site Planning; or be prepared in accordance with the Guides for estimating security requirements for landscaping and engineering.
 - ii) Calculate the lump sum payment for exterior works using the City's Letter of Credit Policy or Surety Bond Policy to the satisfaction of the City's Manager, Site Planning.
 - iii) To provide an irrevocable Letter of Credit or Surety Bond to the City's Manager, Site Planning for 75% of the total cost of all on-site development works in a form satisfactory to Finance (Development Officer, Budget, Taxation and Policy) to be held by the City as security for the completion of the on-site development works required in this Agreement.

Alternatively, the owner may choose to provide a lump sum payment for on-site works in accordance with 3. (l) ii). above.
 - iv) The Letter of Credit or Surety Bond shall be kept in force until the completion of the required site development works in conformity with the approved design and requirements, securities may be reduced in accordance with the City's Letter of Credit Policy or Surety Bond Policy. If the Letter of Credit or Surety Bond is about to expire without renewal thereof and the works have not been completed in conformity with their approved designs, the City may draw all of the funds so secured and hold them as security to guarantee completion unless the City Solicitor is provided with a renewal of the Letter of Credit or Surety Bond forthwith.
 - v) In the event that the Owner fails to complete, to the satisfaction of the City's Manager, Site Planning, the required site development works in conformity with its approved design within the time required, then it is agreed by the Owner that the City, its employees, agents or contractors may, at the City's sole option and in addition to any other remedies that the City may have, enter on the lands and so complete the required site development works to the extent of monies received under the Letter of Credit or Surety Bond. The cost of completion of such works shall be deducted from the monies obtained from the Letter of Credit or Surety Bond. In the event that there is a surplus, the City shall pay it forthwith to the Owner. In the event that there are required site development works remaining to be completed, the City may exercise its

authority under (Section 446 of the Municipal Act) to have such works completed and to recover the expense incurred in doing so in like manner as municipal taxes.

Site Servicing Plan

3. (m) i) To submit to the City's Manager of Development Engineering a satisfactory Site Servicing Plan and pay the applicable drawing review fee based on the approved User Fees Schedule for the year that the Servicing Plans are submitted for review.
- ii) To pay for and obtain the required Site Servicing Permits, the cost of which will be calculated based on the approved servicing design.

Cash-in-Lieu of Parkland

3. (p) To pay to the City of Hamilton Park Trust Fund Account the required cash-in-lieu of parkland contribution based on the value of the lands the day before the issuance of a Building Permit.

Development Charges

3. (o) To pay to the City of Hamilton all applicable Development Charges in accordance with the Development Charges By-law, as amended, to the satisfaction of the City's Director of the Building Division.

Building Elevations

3. (r) To submit a digital copy of the final building elevations to the satisfaction of the City's Manager, Site Planning. Minor changes to the Building Elevations or condition(s) shall be permitted only upon written approval from the City's Manager, Site Planning.

Site Plan Drawing

3. (s) To submit a digital copy of the final site plan drawing to the satisfaction of the City's Manager, Site Planning.

Taxes

3. (t) To submit proof from the Taxation Division that the Municipal Taxes are current on the subject lands to the satisfaction of the City's Manager, Site Planning.

Tariff of Fees

3. (u) To pay to the City of Hamilton the applicable additional charges as per the Tariff of Fees By-law for the proposed development type as follows:
 - i) Residential (including institutional) – current rate at time of payment for the first 10 units and current rate at time of payment for units 11 to a maximum of 50 units to the satisfaction of the City's Manager, Site Planning.
 - ii) Industrial – current rate at time of payment per m² of new gross floor area to a maximum of 5,000m² to the satisfaction of the City's Manager, Site Planning.
 - iii) Commercial – current rate at time of payment per m² of new gross floor area to a maximum of 50,000m² to the satisfaction of the City's Manager, Site Planning.

Wastewater Assessment

3. (v) To submit a wastewater generation assessment using Part 8 of the latest edition of the Code and Guide for Sewage Systems to establish an updated equivalent population density, to the satisfaction of the City of Hamilton Public Works Department.

Water Service Assessment

3. (w) To submit a water service assessment which tabularizes the expected occupancy and provides a water demand estimation and needed fire flow calculation based on City of Hamilton Policy PW/19096, to the satisfaction of the City Public Works Department.

Storm Drainage Area Plan

3. (x) To submit a storm drainage area plan that clearly illustrates the extent of the property which will contribute surface water and ground water by direct connection to the existing systems. The plan must also illustrate where runoff from the remainder of the subject property if applicable, will be directed and/or collected. Appropriate runoff coefficients are to be assigned for the consideration and records of the Public Works Department.

Construction Management Plan

3. (y) To submit a comprehensive Construction Management Plan addressing: Construction Details/Management, Traffic Management, and Public Communication, and pay the CMP Review Fee for the current year, to the satisfaction of the City's Manager of Development Engineering.

PRIOR TO OCCUPANCY

Prior to occupancy of the proposed development the Owner agrees to fulfill each of the conditions which follow:

Driveway Closure

4. (a) To complete the closure of all redundant driveways to the City's or Ministry of Transportation's standards.

Driveway Installation

4. (b) To install, at the Owner's cost and to the City's or Ministry of Transportation's standards, new driveway ramps at grade with the (existing, proposed or future) sidewalk. That the Owner must apply for and receive an Access Permit from the Public Works Department or the Ministry of Transportation.

Relocation of Municipal and/or Public Utilities

4. (c) That the relocation of any Municipal and/or Public Utilities, such as but not limited to, street furniture, transit shelters, signs, hydrants, utility poles, transformers, communication pedestals, wires or lines, required due to the location of buildings, structures, walkways, boulevards, driveways, curbing or parking, be arranged and carried out at the Owner's cost, to the satisfaction of the appropriate City Department or Public Utilities.

Emergency/Fire Routes

4. (d) That any required "Emergency/Fire Routes" shall be established by the City's Director of the Building Division and that such signage shall be installed at the Owner's cost and to the satisfaction of the City's Director of the Building Division.

Traffic Control Signs

4. (e) To install, at the Owner's cost, all required traffic signs, including directional, visitor parking and barrier-free parking signs, to the satisfaction of the City's Senior Project Manager, Corridor Management, Public Works.

Multiple Unit Identification

4. (f) To erect the multiple unit identification sign in accordance with the approved concept plan to the satisfaction of the City's Manager of Legislative Approvals/Staging of Development.

Fire Hydrant

4. (g) To install at the Owner's cost, any fire hydrant required by the Ontario Building Code as directed by the City's Director of the Building Division.

Site Servicing

4. (h) To complete site servicing to the satisfaction of the City's Manager of Development Engineering.

4. WITHIN ONE YEAR OF OCCUPANCY (PRIOR TO RELEASE OF CREDIT)

Grading and Drainage Completion

5. (a) To complete the site grading and drainage scheme in accordance with the Grading and Drainage Control Plan approval.

Storm Water Management Implementation

5. (b) To complete any storm water management scheme and all related drainage control facilities in accordance with the approval Plan.

Tree Management

5. (c) To complete the tree management requirements for the lands in accordance with the approved Tree Preservation/Enhancement Plan.

Landscape Completion

5. (d) To complete the landscaping in accordance with the approved Landscape Plan.

Interior Garbage Storage/Outdoor Garbage Container Installation

5. (e) To install or demarcate on-site any vaults, central storage and collection areas, or other facilities for the storage of garbage and recyclable material, in accordance with the approved Landscape Plan.

Fencing/Visual Barriers Installation

5. (f) To install all fencing and visual barriers as indicated on the Site Plan in accordance with the approved Landscape Plan.

Boulevard Sodding

5. (g) To complete, at the Owner's cost, the landscaping on all adjacent public property in accordance with the approved Landscape Plan.

Curb Installation

5. (h) To install 0.15 metre raised curbing in the locations shown on the Site Plan.

Site Lighting Installation

5. (i) To implement the approved Site Lighting Plan.

Paving

5. (j) To pave all areas intended to facilitate on-site vehicular movement, parking and loading, as shown on the Site Plan with hot-mixed asphalt or equivalent and to demarcate the parking on said surface.

Certification of Site Development Works

5. (k) To submit to the City's Director of Growth Management, Site Development Works Certification Forms prepared by the appropriate consultants, certifying that the site development works required under this approval have been completed in accordance with the respective plans prepared by such consultant and accepted by the City.

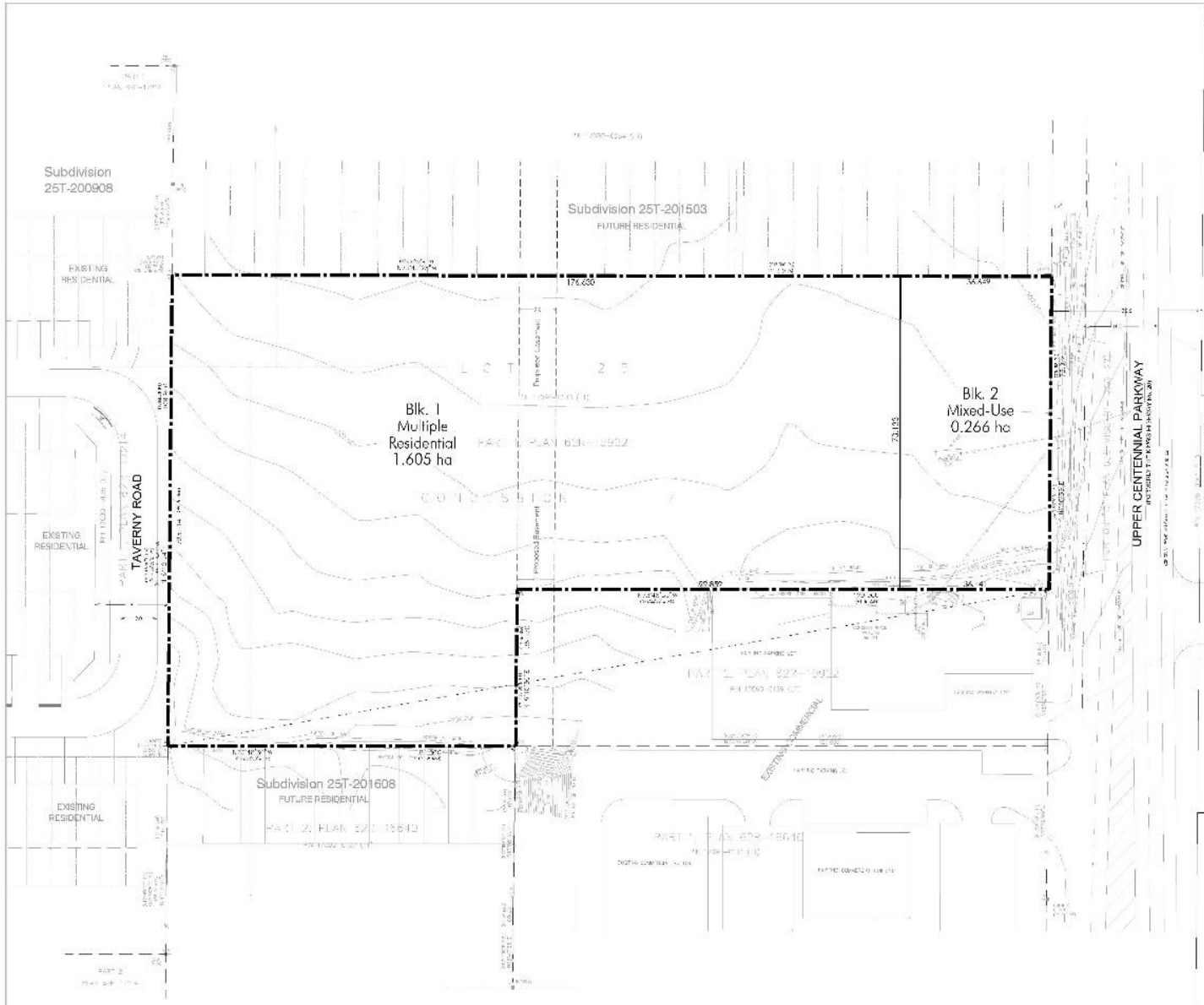
In addition to the foregoing conditions, the following **special conditions** are also part of this approval:

PRIOR TO THE APPLICATION FOR ANY BUILDING PERMITS

1. That the Owner clear all draft plan of subdivision conditions under application 25T-202304 (157 Upper Centennial Parkway), to the satisfaction of the City's Director of Development Engineering.
2. That the Owner submit a stormwater management design for the subject development shall include filter media-landscaped based Low Impact Development (LID) techniques on Blocks 1 and 2 of the site plan in accordance with the City of Hamilton and Ministry of the Environment Conservation and Parks design standards. The Owner further agrees to maintain, develop and implement a compliance and performance monitoring plan for all LID systems proposed within Blocks 1 and 2 for a minimum of 2 years, all to the satisfaction of the Director, Growth Management & Chief Development Engineer.
3. That the Owner submit a Watermain Hydraulic Analysis Report to demonstrate that the required domestic and fire flows are available within the appropriate pressure ranges in the water district, to the satisfaction of the Director, Growth Management & Chief Development Engineer.

4. That the Owner/Applicant submit a plan indicating the mailing address unit number of each residential unit in the development, to the satisfaction of the Director of Growth Management & Chief Development Engineer.
5. That the Owner / Applicant finalize municipal addressing with the Legislative Approvals / Staging of Development Section, to the satisfaction of the Director of Growth Management & Chief Development Engineer.
6. That the Owner / Applicant design the access driveways along Upper Centennial Parkway and Taverny Road and as per the requirements specified in the Infrastructure Improvements section of Transportation Planning's report submitted in response to this proposal, all to the satisfaction and approval of the Manager, Transportation Planning.
7. That the Owner / Applicant implement any infrastructure improvements required to operate the two (2) proposed Blocks, all at their cost, to the satisfaction and approval of the Manager, Transportation Planning.

Attachment 6 – Draft Plan of Subdivision

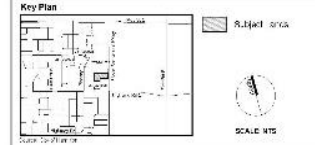


DRAFT PLAN OF SUBDIVISION

Legal Description
 T1, 25th Con 7th Sec 14, Twp 24th N, R15th W, Storey Creek, City of
 Waterloo

Owner's Certificate
 I HEREBY CERTIFY THAT THE ABOVE DESCRIBED PARCELS ARE THE
 PROPERTY OF THE ABOVE NAMED PERSONS AND ARE NOT SUBJECT TO ANY
 ENCUMBRANCES.
 Date: December 21, 2022

Surveyor's Certificate
 I HEREBY CERTIFY THAT THE ABOVE DESCRIBED PARCELS ARE THE PROPERTY OF THE ABOVE NAMED PERSONS AND ARE NOT SUBJECT TO ANY ENCUMBRANCES.
 Date: 22 DEC 2022



Additional Information Required Under Section 511(1) of the Planning Act
 R.S.O. 1990, c. 313 as amended

A. RESIDENTIAL	B. RESIDENTIAL	C. RESIDENTIAL
D. RESIDENTIAL MEDIUM DENSITY	E. RESIDENTIAL	F. RESIDENTIAL
G. RESIDENTIAL	H. RESIDENTIAL	I. RESIDENTIAL
J. RESIDENTIAL	K. RESIDENTIAL	L. RESIDENTIAL

Area Schedule

Description	Lots/Blocks	Units	Area (ha)
Multiple Residential	1	21	1.605
Mixed Use	2	14	0.266
Total	2	35	1.871

Notes

1. THE PLAN IS SUBJECT TO THE CITY OF WATERLOO ZONING BY-LAW.
2. THE PLAN IS SUBJECT TO THE CITY OF WATERLOO DEVELOPMENT CHARGES BY-LAW.
3. THE PLAN IS SUBJECT TO THE CITY OF WATERLOO SUBDIVISION ACT.



Approval Stamp

Date: January 2, 2024
 File No.: 24-035W
 Plan Scale: 1:1000
 Drawn By: C.C.
 Checked By: D.A.

Project 157 UPPER CENTENNIAL

Applicant **LOSANI HOMES**
 431 McNeil, Suite
 Storey Creek, ON N1B 5L5
 P: 519-887-7700

File Name DRAFT PLAN **Draw No.** 1 of 1
Scale Bar 1" = 100'

Attachment 7 – Draft Plan of Subdivision Conditions

**Special Conditions for Draft Plan of Subdivision Approval for 25T2023XX –
Schedule '1'**

October 7, 2024

As authorized by By-law No. XX-XXX, I, _____, hereby approve draft plan of Subdivision, 1520866 Ontario Ltd., owner, for lands located in the City of Hamilton under File No. 25T2023XX, subject to the following conditions:

- 1) That this approval apply to Draft Plan of Subdivision 25T2023XX, prepared by MHBC, and certified by D. McLaren, O.L.S., dated _____, consisting of one block for multiple dwellings and one block for mixed use development, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the following Special Conditions.

Growth Planning (Legislative Approvals)

- 1) Prior to registration, the Owner and Agent should work with Legislative Approvals / Staging of Development Staff to finalize municipal addressing, to the satisfaction of the Director of Growth Management & Chief Development Engineer.

Development Planning

- 1) That, prior to registration of the plan of subdivision, the Owner shall submit a Noise Assessment to the satisfaction of the Director of Planning and Chief Planner.
- 2) That, prior to registration, the required warning clauses shall be included within all offers and agreements of purchase and sale or lease and noted within the Subdivision Agreement to the satisfaction of the Director of Planning and Chief Planner.
- 3) That, prior to registration of the plan of subdivision, the Owner agrees to convey required daylight triangles and 0.3 metre reserves to the satisfaction of the Director, Growth Management.

Development Engineering

Part 1 of the Subdivision Agreement – General Conditions to be included

- 1) The Owner agrees to provide a phasing plan, which details the staging of preliminary grading and servicing works and is in accordance with the 198 First

- Road West (25T-200908R) development to the satisfaction of the Director, Growth Management & Chief Development Engineer.
- 2) The Owner agrees to include in the site plan control submission for Block 1 and Block 2, a 2.4m high privacy fence along the south and east property limit of Block 1 and the south property limit of Block 2 adjacent to 151 Upper Centennial Parkway, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
 - 3) The Owner shall agree to include in all agreements of purchase and sale and/or lease of residential units, the following warning clause:
 - a. "Purchasers of units in Block 1 are advised that Block 1 contains a private Stormwater Management Facility that will be the future condominium corporation's responsibility to operate and maintain, while accepting external flows from Block 2, in perpetuity."
 - b. "Purchasers of units in Block 1 are advised that Block 1 will include a storm sewer and inlet headwall located within a 9.0m wide easement, on lands of Block 1, to convey external drainages and will be the future condominium corporation's responsibility to maintain in perpetuity."
 - c. "Purchasers of units in Block 1 & 2 are advised that the grading, drainage and any related infrastructure, in addition to any trees / plantings, within landscaped buffers will be the future condominium corporation's responsibility to maintain in perpetuity."
 - d. "Purchasers of units in Block 1 & 2 are advised that the filter media-landscaped based Low Impact Development (LID) techniques located within Blocks 1 & 2 will be the future condominium corporation's responsibility to maintain in perpetuity."
 - e. "Purchasers of units in Block 1 & 2 are advised that under the future development of 151 Upper Centennial Parkway, the Owners of 151 Upper Centennial Parkway will have the right to regrade and place fill within the landscape buffers along the east property limit of Block 1 and the south property limit of Block 2, in order to rectify the elevation difference between the lands.

Part 2, 3 and 4 of the Subdivision Agreement – Conditions

- 1) That, ***prior to registration of the plan of subdivision***, the Owner will be required to make a cash payment to the City of Hamilton for the future urbanization of Upper Centennial Parkway, from the north limit of the subject lands to the south limit of the subject lands, based on the "New Roads Servicing Rate", for the local component only, in effect at the time of payment, in accordance with the City's financial policy, to the satisfaction of the Director, Growth Management & Chief Development Engineer.

- 2) That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimate schedules, the extension of the sanitary sewer on Upper Centennial Parkway from the north limit of the subject lands to the south limit of the subject lands, in accordance with the City's financial policies and / or subject to cost sharing, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
- 3) That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimate schedules, the installation of a 400mm watermain from the north limit of the subject lands to the south limit of the subject lands, including looping to the existing dead end watermain located at the northwest corner at the intersection of Highland Road and Upper Centennial Parkway in accordance with the City's financial policies and / or subject to cost sharing, all to the satisfaction of the Director, Growth Management & Chief Development Engineer.
- 4) That, **prior to preliminary grading**, the Owner agrees to prepare a Functional Servicing Design Brief and SWM Report for Block 1 and Block 2 of the subject lands in accordance with the phasing plan outlining that the west portion of Block 1 can proceed with the existing infrastructure currently available within 198 First Road West (25T-200908R), while the remainder of the Block 1 cannot proceed until the minor / major storm system outlet and the conveyance system through 165 Upper Centennial Parkway (25T-201503) has been established, to the satisfaction of Director, Growth Management & Chief Development Engineer.
- 5) That, **prior to registration of the plan of subdivision**, the Owner agrees to secure their proportional share for the downstream drainage improvement & monitoring costs and ongoing operation and maintenance of the stormwater management pond located within 198 First Road West subdivision (25T-200908R) and 165 Upper Centennial Parkway (25T-201503) throughout all phases of the development or until such time as the stormwater management pond is assumed by the City of Hamilton, all to the satisfaction of the Director, Growth Management & Chief Development Engineer.
- 6) That, **prior to preliminary grading**, the Owner agrees to include in the engineering design and cost estimate schedules, an appropriately sized culvert, or suitable alternative in accordance with City standards for the proposed entrance to the subject lands on Upper Centennial Parkway that will not impede or otherwise negatively affect the upstream flows within the existing ditching system on the west side of Upper Centennial Parkway, entirely at the Owner's expense, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
- 7) That, **prior to preliminary grading**, the Owner agrees to include in the engineering design and cost estimate schedules the reconstruction of the west ditch along Upper Centennial Parkway from the south property limit to the north property limit of subject lands, all entirely at the Owner's expense. In the event the ditch reconstruction impedes drainage from lands located southerly of the subject lands, the Owner agrees to reconstruct the ditch from the southerly property limit extending to Highland Road to provide unimpeded positive

- drainage, all entirely at the Owner's expense, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
- 8) That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimate schedules, provision for any road improvements within the existing right-of-way of Upper Centennial Parkway in accordance with the revised Traffic Impact Study (BA Group Ltd). These works include all the recommendations from the above reports but is not limited to pavement widening, re-ditching, pavement markings, installation of Traffic Signals, etc. entirely at the Owner's expense, and to the satisfaction of the Director, Growth Management & Chief Development Engineer.
 - 9) That, **prior to registration of the plan of subdivision**, the Owner agrees to provide a 9.0 metre wide easement to the City of Hamilton for installation of a public storm sewer through Block 1, including an adequate overland flow route, for the lands at 151 Upper Centennial Parkway, including any external flows traversing 151 Upper Centennial Parkway, entirely at the Owner's expense, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
 - 10) 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 the 9.0 metre wide storm water conveyance easement through Block 1 to the satisfaction of the Director, Growth Management & Chief Development Engineer.
 - 11) That, **prior to preliminary grading**, the Owner shall provide a comprehensive grading plan demonstrating how the drainage split between Block 1 & 2 will be maintained / established, in accordance with the storm drainage area plan (DAP) identified in the Stormwater Management Report prepared for 198 First Road West (25T-200908R), to the to the satisfaction of the Director, Growth Management & Chief Development Engineer.
 - 12) That, **prior to preliminary grading**, the Owner shall submit a Hydrogeological Study completed by a qualified professional, which shall assess the impact that the proposed development would have on the water supply and the sewage disposal systems on the adjacent properties. Pending the outcome of the study, the Owner shall propose appropriate mitigation measures to address the concerns and provide municipal water and sewer services, as required, entirely at the Owner's expense, to any property that may be negatively impacted, all to the satisfaction of the Director, Growth Management & Chief Development Engineer.
 - 13) That, **prior to preliminary grading**, the Owner shall submit a detailed SWM Report to demonstrate compliance with the assumptions used in the approved design of the SWM Facility within the development known as 198 First Road West (25T- 20908R), as they relate to the subject lands regarding the minor and major storm conveyance systems, including the 100-year Hydraulic Grade Line analysis, all to the satisfaction of the Director, Growth Management & Chief Development Engineer.

- 14) That, **prior to servicing**, the Owner agrees to include in the site plan control submission for Block 1 & Block 2, a storm sewer through Block 1 to convey the 100-year post development flow from the external drainage areas to the south including 151 Upper Centennial Parkway property. A total capture inlet headwall shall be located within the proposed landscaped buffer area along the common property line of 151 Upper Centennial and Block 1, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
- 15) That, **prior to preliminary grading**, the Owner agrees to include in the site plan control submission for Block 1 & Block 2 the provision for a drainage swale within the proposed landscaped buffer area along the east property limit of Block 1 and the south property limit of Block 2, adjacent to 151 Upper Centennial Parkway, to accommodate an overland emergency spillway for the external drainage areas directed towards the west ditches on Upper Centennial Parkway, all to the satisfaction of the Director, Growth Management & Chief Development Engineer.
- 16) That, **prior to preliminary grading**, the Owner agrees to provide a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout the construction within the subdivision, including homes. This document will also include, first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works as well as the contractor/agent contact information so that the City can direct works to be completed as necessary, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
- 17) That, **prior to preliminary grading**, the Owner agrees that the stormwater management design for Block 1 and Block 2 shall include filter media-landscaped based Low Impact Development (LID) techniques on Block 1 and Block 2 to achieve water balance targets in accordance with City and MECP guidelines. The Owner will be responsible to maintain, develop and implement a compliance and performance monitoring plan for all LID systems proposed within Block 1 and Block 2 for a minimum of 2 years, 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 agrees, at their expense, to remove, relocate, as may be required, all affected utility poles, hydrants, pedestals, hydro vaults, etc. on Upper Centennial Parkway, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
- 19) That, **prior to preliminary grading**, the Owner agrees to include in the site plan control submission for Block 1 & Block 2, a storm sewer to convey the 100-year post development flow from Block 2 to Block 1, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
- 20) That, **prior to preliminary grading or servicing**, 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.

- 21) That, **prior to preliminary grading**, the Owner agrees to entered into a cost sharing agreement with Alinea Land Corporation which will require the Owner to pay its proportionate share of the cost of construction of any downstream improvements to the storm conveyance system from the downstream outside limit of the stormwater management pond block on the adjacent property (198 First Road West), such downstream improvements to include the roadside ditches along Upper Centennial Parkway, Mud Street East including all necessary culvert upgrades any downstream monitoring and remediation costs required to provide for proper conveyance of the post development drainage from 157 Upper Centennial Parkway and 198 First Road West. Such costs are to be calculated on a contributory area and percent impervious basis, in respect of costs associated with the land and construction and other reasonable and related costs of the stormwater conveyance system net of any monies recoverable from the City of Hamilton. These costs shall be calculated by the engineering consultant for Alinea in a timely manner and agreed upon by an engineering consultant retained by the owners of 157 Upper Centennial Parkway and the Owner shall enter into a cost sharing agreement with Alinea prior to lifting of the Holding Provision. If an agreement regarding the costs is not reached, they shall be determined by arbitration pursuant to the Ontario Arbitration Act, all to the satisfaction of the Senior Director of Growth Management.
- 22) That, **prior to preliminary grading**, the Owner agrees that Block 1 & 2 cannot be developed until a comprehensive grading plan demonstrating a consistent and adequately wide landscaped area along the south and east property line adjacent to 151 Upper Centennial Parkway is provided to accommodate:
- a) The transitional grading,
 - b) Landscape features
 - c) An adequate swale to convey the major and minor flows including emergency spillway, and
 - d) Stormwater Management infrastructure,
 - e) Maintenance access

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

- 23) That, **prior to preliminary grading**, the Owner agrees to submit final reports for approval, that address all City comments, including Peer Review comments with regards to the Wood Environmental Report dated Feb 26, 2021, related to grading, servicing and stormwater management strategies on lands internal and external to the draft plan including:
- a) Functional Servicing Report;

- b) Storm Water Management (SWM) Report;
 - c) Hydrogeological Report;
 - d) Geotechnical Report;
- 24) The Owner further agrees to amend the draft plan, if necessary to implement all recommendations from the above reports and / or provide any easements that may be required, all to the satisfaction of the Director, Growth Management & Chief Development Engineer.

Transportation Planning

- 1) That, prior to servicing, , the Applicant / Owner shall submit a Transportation Impact Study to the satisfaction and approval of the Manager, Transportation Planning.

Landscape Architectural Services

- 1) That, prior to registration of the plan of subdivision, the Owner shall provide a Landscape Plan prepared by a certified Landscape Architect to the satisfaction of the Director of Planning and Chief Planner. The Landscape Plan is to show the placement of compensation trees required for any tree removals completed in accordance with the approved Tree Protection Plan. The minimum size of trees required for compensation are to be in accordance with the City's Tree Protection Guidelines (revised October 2010). In the event that the owner cannot provide for all trees on site, the owner shall provide cash-in-lieu for the remaining trees.

Canada Post

- 1) That prior to registration of the plan of subdivision, the Owner shall include in all offers of purchase and sale and lease or rental agreements, a statement that advises the prospective purchaser:
 - i. That the home / business mail delivery will be from a designated Centralized Mail Box; and,
 - 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.
- 2) That prior to registration of the plan of subdivision, 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;

- 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 co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans; and,
- v. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

Bell Canada:

- 1) 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.
- 2) 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.

Rogers:

- 1) That prior to registration of the plan of subdivision, the owner / developer shall provide to Rogers Communications Inc. ("Rogers") the necessary easements and /or agreements required by Rogers for the provision of telecommunications services for this project, in a form satisfactory to Rogers.

Union Gas:

- 1) That prior to registration of the plan of subdivision, the owner / developer shall provide to Enbridge Gas Inc.'s 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.

Alectra:

- 1) That prior to registration of the plan of subdivision, the owner / developer shall provide to Enbridge Gas Inc.'s 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.

That the following be added as a Note to the Draft Approval Conditions:

NOTES:

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 Solid Waste" is finalized, and municipal collection services are initiated.
3. If the development is not designed according to specifications identified herein, the developer must:
 - i. Arrange a private waste hauler for the removal of all waste materials.
 - ii. 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.