TO: Chair and Members
   Economic Development and Planning Committee

WARD(S) AFFECTED: WARD 11

COMMITTEE DATE: September 7, 2010

SUBJECT/REPORT NO:
Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Elements), “Conservation Walk”, for Lands Located at 1478 Baseline Road (Stoney Creek) (PED10191) (Ward 11)

SUBMITTED BY:
Tim McCabe
General Manager
Planning and Economic Development Department

PREPARED BY:
Alvin Chan
(905) 546-2424, Ext 1334

SIGNATURE:

RECOMMENDATION

(a) That approval be given to Draft Plan of Subdivision Application 25T-201004, by A. DeSantis Developments Ltd., Owner, to establish a Draft Plan of Subdivision, consisting of one block for Residential development, and one block for Natural Heritage Conservation Purposes, on the property located at 1478 Baseline Road, (Stoney Creek), as shown on Appendix “A” to Report PED10191, subject to the following conditions:

(i) That this approval apply to “Conservation Walk”, 25T-201004, prepared by A.J. Clarke and Associates Limited, and certified by Barry J. Clarke, OLS, dated December 16, 2009, showing 1 block for 60 freehold townhouse units (Block 1), and 1 block for Natural Heritage Conservation purposes (Block 2), attached as Appendix “B” to Report PED10191, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and the Special Conditions attached as Appendix “D” to Report PED10191; and,
(ii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of the first building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of the first building permit.

With regard to Block 1, a parkland dedication, at a ratio of 1 ha for each 300 dwelling units proposed, will be required.

With regard to Block 2, as per the definition of “Net Land Area” in Parkland Dedication By-law No. 09-124, Environmental Lands are not to be included in the calculation and are, therefore, not subject to any Parkland Dedication. However, the owner/applicant is advised that as per Section 7 of the Parkland Dedication By-law, any conveyance or dedication of said Environmental Lands shall not be considered a conveyance for park or other recreational purpose pursuant to Sections 3 to 6 of this By-law;

all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

(b) That approval be given to Draft Plan of Condominium Application 25CDM-201007, by A. DeSantis Developments Ltd., Owner, to establish a common element condominium for, but not limited to, private internal roadway, visitor’s parking area, and landscaped area, on the property located at 1478 Baseline Road (Stoney Creek), as shown on Appendix “A” to Report PED10191, and subject to the following conditions:

(i) That this approval apply to the plan, prepared by A.J. Clarke and Associates Ltd. and certified by Barry J. Clarke, O.L.S., dated January 22, 2010, showing common elements for, but not limited to, a public internal roadway, visitor’s parking area, and landscaped area, attached as Appendix “C” to Report PED10191.

(ii) That the owner includes the following warning clauses in the Development Agreement and all Purchase and Sale and/or any Rental or Lease Agreements required for occupancy:

“Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road.”
(iii) That the owner/applicant agrees to follow the City of Hamilton Standards for Street Name Signs on Private and Condominium Lanes Policy, including the construction, installation, and maintenance of such signs, to the satisfaction of the Director of Planning.

(iv) That the owner (being the future Condominium Corporation) agrees to maintain, repair, or replace the acoustic walls, as installed and shown within the final approved Site Plan DA-09-127. Any maintenance, repair, or replacement shall be with the same material and the same standards as the original.

(v) That the owner provides the Manager of Design and Construction 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 condominium, including 9-1-1 emergency calling service that identifies, at a minimum, the caller’s name and location information.

(vi) That the owner enters into a Development Agreement to ensure that the tenure of each of the proposed 60 freehold units has legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor.

(vii) That prior to the registration of the final Plan of Condominium, the Draft Plan of Subdivision, “Conservation Walk”, 25T-201004 be registered.

(viii) That the owner applies for and receives final approval of a Part-Lot Control application for the establishment of the respective building lots and/or any necessary easements and/or parts.

(ix) That the final plan of condominium complies, in all respects, with the approved Site Plan (DA-09-127), to the satisfaction of the Director of Planning.

(x) That the owner satisfies all conditions, financial or otherwise, of the City of Hamilton.

**EXECUTIVE SUMMARY**

The proposed Draft Plan of Subdivision is to permit the development of a block for 60 townhouse units (Block “1”) and a block for Natural Heritage Conservation purposes (Block “2”), as shown on Appendix “A”.

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Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
The proposed Draft Plan of Condominium is to permit the establishment of the respective common elements, such as, but not limited to, visitors parking area, internal condominium road, and landscaped area(s), to facilitate the proposed townhouse development approved under Site Plan Control Application DA-09-127.

The plan of subdivision and condominium applications have been submitted to facilitate tenure in that the subject lands are being developed as freehold townhouse units fronting onto a condominium road. The subject lands will be further subdivided into individual townhouse lots and associated common elements by way of Part Lot Control. Part Lot Control can only be used for lands within a registered plan of subdivision.

Alternatives for Consideration - See Page 16.

<table>
<thead>
<tr>
<th>FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)</th>
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<tbody>
<tr>
<td>Financial:  None.</td>
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<td>Staffing: None.</td>
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<tr>
<td>Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a Draft Plan of Subdivision and a Draft Plan of Condominium (Common Elements).</td>
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**HISTORICAL BACKGROUND** (Chronology of events)

**Official Plan and Zoning By-law Amendment Applications OPA-06-014 and ZAC-06-054:**

Official Plan Amendment No. 144 was adopted by Hamilton City Council on December 10, 2008, which re-designated the lands from “Rural Lakeshore” to “Residential” and “Natural Open Space” on Schedule “A” - General Land Use Plan, and the subject lands were added to Schedule “A4” - Urban Lakeshore Area Secondary Plan and designated as “Medium Density Residential” and “Natural Open Space”. The purpose and effect of this amendment is to facilitate the proposed freehold townhouse development and to recognize the Environmentally Sensitive Area (Fifty Creek) on the easterly portion of the subject lands.

Concurrently, By-law No. 08-290 was passed for a change in zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3” Zone, to facilitate the proposed townhouse development.
Lastly, By-law No. 08-291 was also passed to add the Environmentally Sensitive Area lands to City of Hamilton By-law No. 05-200, and zoned as Conservation/Hazard Lands (P5) Zone.

**Site Plan Application DA-09-127:**

Site Plan Control Application DA-09-127, for the construction of 60 townhouse dwelling units, was granted conditional approval on March 10, 2010. The applicant/owner is currently in the process of addressing the conditions of approval; one of which requires the owner/applicant to apply for, and receive, approval of the necessary Minor Variances (SC/A-10:096) to facilitate the proposed developments. A copy of the conditionally approved plan has been attached as Appendix “E”.

**Minor Variance Application SC/A-10:096:**

As a result of the detailed review of the submitted Site Plan (DA-09-127), a number of zoning deficiencies were identified. As a result, Minor Variance Application SC/A-10:096 was submitted, and approved, by the Committee of Adjustment on May 13, 2010, and is now final and binding.

**Proposal:**

The applicant has applied to establish a Draft Plan of Subdivision consisting of one block for residential development (Block 1), and one block for Natural Heritage Conservation purposes (Block 2), as shown on Appendix “B”.

In addition, the applicant has also applied for a Draft Plan of Condominium to establish common elements such as, but not limited to, a private internal roadway, visitors parking area, and landscaped area over the proposed Block 1 of the accompanying Draft Plan of Subdivision, as shown on Appendix “C”.

**Details of Submitted Application:**

- **Location:** 1478 Baseline Road (see Appendix “A”).
- **Owner(s):** A. DeSantis Developments Ltd.
- **Applicant/Agent:** A.J. Clarke and Associates Ltd. (c/o Stephen Fraser)
**SUBJECT:** Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Elements), “Conservation Walk”, for Lands Located at 1478 Baseline Road (Stoney Creek) (PED10191) (Ward 11) - Page 6 of 17

**Property Description:**

| Total Lot Area: | 2.12 hectares (All Blocks) |
|                | ± 1.71 hectares (Residential) |
|                | ± 0.41 hectares (Open Space) |
| Total Lot Frontage: | 273.9 metres |
| Lot Depth: | 75.8 metres |
| Servicing: | Existing municipal water service, storm ditches, and private septic system. |

**EXISTING LAND USE AND ZONING:**

<table>
<thead>
<tr>
<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
<td>Vacant Lands</td>
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<td>Multiple Residential “RM3” Zone</td>
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<tr>
<td>Natural Open Space</td>
<td></td>
<td>Conservation/Hazard Lands (P5) Zone</td>
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<tr>
<th>Surrounding Lands:</th>
<th>Existing Zoning</th>
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<td>North</td>
<td>Rural Residential “RR” Zone and Highway Commercial (Holding) “HC-1(H)” Zone</td>
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<tr>
<td></td>
<td>Fifty Point Conservation Area and Marina</td>
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<tr>
<td>South</td>
<td>Open Space (P4) Zone</td>
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<tr>
<td>Queen Elizabeth Way and Agricultural Lands</td>
<td>Agricultural Specialty “AS” Zone</td>
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<tr>
<td>East</td>
<td>Neighbourhood Development “ND” Zone</td>
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<tr>
<td>West</td>
<td>Neighbourhood Development “ND” Zone</td>
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<td>Vacant Lands</td>
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POLICY IMPLICATIONS

Growth Plan for the Greater Golden Horseshoe (Places to Grow):

The proposed Draft Plan of Subdivision and accompanying Draft Plan of Condominium are consistent with the Guiding Principles, Section 1.2.2 of the Plan, through a planned and managed growth that supports a strong and competitive economy, while protecting, conserving, enhancing, and wisely using the valuable natural resources of land, air, and water for current and future generations; optimizing the use of existing and new infrastructure to support growth that is in a compact, efficient form, and finally, establishing a built compact, vibrant, and complete community.

In addition, the proposed development conforms to the Managing Growth Policy Section 2.2.2.1; whereby, population and employment growth will be accommodated by:

“a) Directing a significant portion of new growth to the built-up areas of the community through intensification;

h) Encouraging cities and towns to develop as complete communities with a diverse mix of land uses, a range and mix of employment and housing types, high quality public open space, and easy access to local stores and services;

i) Directing development to settlement areas, except where necessary for development related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in settlement areas;

j) Directing major growth to settlement areas that offer municipal water and wastewater systems, and limiting growth in settlement areas that are serviced by other forms of water and wastewater services.”

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe, Places to Grow Plan.

Provincial Policy Statement:

The applications have been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the applications are consistent with the policies that focus growth in Settlement Areas 1.1.3.1.
The subject lands are located adjacent to Environmentally Sensitive Area (ESA) 80 - Fifty Creek Valley, are of archaeological significance, and are in close proximity to the Queen Elizabeth Way. As such, Policies 2.1.6, 2.6.2, and 1.7.1(e) of the Provincial Policy Statement apply.

However, it is noted that Official Plan and Zoning By-law Amendment Applications OPA-06-014/ZAC-06-054 and Site Plan Control Application DA-09-127 established the limits of the Environmentally Sensitive Area and accompanying setback requirements, which were subsequently designated and re-zoned for Natural Heritage Conservation purposes, which addresses Policy 2.1.6. In addition, the owner/applicant has submitted and received approval/clearance of the required Archaeological Assessment addressing Policy 2.6.2, and a detailed Noise Study addressing Policy 1.7.1(e).

Based on the foregoing, the proposed Plan of Subdivision and Plan of Condominium applications are consistent with the policies of the Provincial Policy Statement.

**Region of Hamilton-Wentworth Official Plan:**

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

Similar to the Provincial Policy Statement section above, the Environmentally Significant Areas policy, Policy C-1.2.2, and Archaeological Resources policy, Policy B-9.2, apply and have been adequately addressed through previous development applications.

Based on the foregoing, as the proposed development is within the “Urban Area”, where full municipal services will be available, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

**City of Stoney Creek Official Plan:**

The subject lands are designated as “Residential” and “Natural Open Space” on Schedule “A” - General Land Use Plan, and as “Medium Density Residential” and “Natural Open Space” on Schedule “A4” - Urban Lakeshore Area Secondary Plan, in the City of Stoney Creek Official Plan. The proposal conforms to the policies of the Stoney Creek Official Plan.
Fifty Point Neighbourhood Plan:

The subject lands are identified as “Medium Density Residential” and “Open Space” in the Fifty Point Neighbourhood Plan. The proposal conforms to the Fifty Point Neighbourhood Plan.

Urban Hamilton Official Plan:

The subject lands are designated “Neighbourhoods” on Schedule E - Urban Structure and Schedule E-1 - Urban Land Use Designations, and “Low Density Residential 3c” and “Natural Open Space” on Map B.7.3-1 - Urban Lakeshore Area Secondary Plan Land Use Plan, in the Urban Hamilton Official Plan. They are also identified as “Built-up Area” on Appendix G - Boundaries Map; Urban Lakeshore Area Secondary Plan on Appendix A to Volume 2 - Secondary Plans Index Map.

The “Neighbourhoods” designation permits residential dwellings, as per Policy E.3.2.3(a). However, the “Low Density Residential” designation of Section E.3.4 does not permit townhouse developments. In spite of this, the Urban Lakeshore Secondary Plan, in particular Policy B.7.3.14 of Volume 2, states:

“Notwithstanding E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the lands designated as Low Density Residential 3c on Map B.7.3-1 - Urban Lakeshore Area - Land Use Plan:

a) The permitted uses shall be low rise apartments, row houses, stacked and block townhouses, and innovative forms of attached housing; and,

b) The density shall range from 30 to 49 units per net residential hectare”.

As the proposed form of development is street townhouses, with a density of approximately 35 units per net residential hectare, the applications conform with the policies of the new Urban Hamilton Official Plan.

City of Hamilton Staging of Development Plan:

The proposal is consistent with the Criteria for Staging of Development, in that utilities and services are available, there are no budgetary impacts, it supports a healthy growing economy, provides for additional assessment and Development Charges revenue, provides housing opportunities, and complies to the Official Plan. Furthermore, priority is to be given to the processing of unidentified 'infill' development.
RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections, as it pertains to the subject Official Plan Amendment applications:

- Traffic Engineering Section, Public Works Department.
- Tax Administration/Banking Section, Corporate Services Department.
- Hydro One Networks Inc.

**Environmental Services Section, Public Works Department:**

An assessment of the draft plan for Conservation Walk Condominiums related to the proposal to create common elements for 60 freehold townhouses, private internal road, visitors parking area, and landscaped areas shows that there are no Urban Forestry tree concerns.

The Tree Management Plan was accepted by the Forestry and Horticulture Section on April 8, 2010. There are a myriad of trees located on private property and only one located on municipal property. The municipal tree, denoted as number 132 on the T.M.P, is a multi-stem Willow on the road allowance of North Service Road. This tree is shown to be retained and protected. The majority of the internal private trees are shown to be removed.

A Plan showing the installation of caliper bailed and burlapped deciduous trees, both on Baseline Road and off municipal property, will be required for review and comment by the Forestry and Horticulture Section.

The Forestry and Horticulture Section does not oppose this application. All municipal tree assets have been shown to be previously managed to our satisfaction.

A Landscape/Street Tree Planting Plan, prepared and signed by a landscape architect, will be required. This plan must be submitted for review and comments by the Forestry and Horticulture Section.

It is noted that through the previous Site Plan Control Application DA-09-127, a Landscape Plan, which shall include Street Tree Plantings, has been applied as Condition 3(e) of the Site Plan Control approval letter, dated March 10, 2010.

**Canada Post:**

This subdivision will receive mail service to centralized mail facilities provided through our Community Mailbox Program.

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The owner shall, to the satisfaction of the Director of Engineering of the City of Hamilton and Canada Post:

(a) 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.

(b) The owner further 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 cooperation with Canada Post, and to indicate the location of the centralized mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

(c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility at their own expense, will be in affect for buildings and complexes with a common lobby, common indoor, or sheltered space.

Accordingly, staff has included the required conditions within the Special Conditions for the Draft Plan of Subdivision attached as Appendix “D”, and under Recommendation (b) to this Report regarding the Draft Plan of Condominium.
Bell Canada:

Bell Canada advised in their letter dated June 1, 2010, that the requested conditions of approval be applied to the Draft of Subdivision. However, as the Standard Form Subdivision Agreement currently includes a Telecommunications Section, special conditions will not be required for the Draft Plan of Subdivision. The appropriate special condition has been included under Recommendation (b) to this Report regarding the Draft Plan of Condominium.

Hamilton Wentworth District School Board:

The Hamilton-Wentworth District School Board has advised in their letter dated March 19, 2010, that the original comments and recommendations provided for the previously submitted Site Plan Control Application DA-09-127 shall continue to apply. In particular, it is noted that the schools within the surrounding area are at, or exceed, current enrolment capacity. As a result, should the City of Hamilton proceed with such a development, the Hamilton-Wentworth District School Board requires that the developer agree to have the following included as conditions of draft plan approval:

1. The developer, at their expense, place adequate signage on the site, based on Board specifications, advising that students from this development are likely to be re-directed to schools outside of the area with available capacity, and that students may be transported as governed by the Board Transportation Policy.

2. The developer is required to include, in all agreement of purchase and sale, notice to purchasers advising that the students from this development are likely to be re-directed to schools outside of the area with available capacity, and that students may be transported as governed by the Board Transportation Policy.

The conditions/warning clauses have been included in the respective Special Conditions (see Appendix “D”) for the Draft Plan of Subdivision, and under Recommendation (b) to this Report for the Draft Plan of Condominium. On May 31, 2010, the required School Board signage was installed by the applicant through the previous Site Plan Control Application DA-09-127.

Horizon Utilities:

Horizon Utilities has advised the following under their letter dated May 13, 2010:

- For Subdivision or Townhouse development, please contact our Engineering Design Department at (905) 317-4744.
• If required, relocation, modification, or removal of any existing hydro facilities shall be at the owner’s expense. Please contact Horizon Utilities to facilitate this.

• Should the Developer choose to employ Horizon Utilities to prepare, design, and procure the materials required to service this site, a minimum of 5 months notification is required. It would be advantageous for the Developer if Horizon Utilities were contacted at the stage where the new Site Plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

• Do not excavate within two metres of hydro poles and anchors.

• Excavation within one metre of underground hydro plant is not permitted, unless approval is granted by a Horizon Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.

• Horizon Utilities must be contacted if the removal, isolation, or relocation of existing plant is required. All cost associated with this work will be at the owner’s expense.

• CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.

• Clearance from Overhead and Underground existing electrical distribution system must be maintained in accordance to:
  o Electrical Safety Code Rule 75-312.
  o Occupational Health and Safety Act (OH&SA) - Construction Projects (Electrical Hazards).
  o CAN/CSA-C22.3 No. 1-01 Overhead System.
  o C22.3 No. 7-94 Underground Systems.

PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was circulated to 71 property owners within 120 metres of the subject property on May 7, 2010, for the Draft Plan of Subdivision, and on May 18, 2010, for the Draft Plan of Condominium.
A Public Notice sign was also posted on the property on May 31, 2010, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act. To date, no public responses have been received.

### ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

1. The proposal has merit and can be supported for the following reasons:
   
   (i) It is consistent with the policies of the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe, Places to Grow.
   
   (ii) It conforms to the Hamilton-Wentworth Official Plan, and the City of Stoney Creek Official Plan, as amended by Official Plan Amendment No. 144.
   
   (iii) It conforms to the policies of the new Urban Hamilton Official Plan.

2. The proposal provides for intensification in a built-up area providing a compact, vibrant, and complete community optimizing the use of existing and new infrastructure, and conserving and enhancing the valuable natural resources for future generations. The proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe, Places to Grow Plan.

3. The policies of the Provincial Policy Statement focus growth in settlement areas, Policy 1.1.3.1. As the nature of the application is for the development of 60 townhouse dwelling units within the “Urban Area”, where full municipal services will be available, the proposal is consistent with the policies of the Provincial Policy Statement.

4. Since the proposed residential development is within the “Urban Area”, which is intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020, where full municipal services will be available, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

5. Since the proposed development applications are to facilitate the “Medium Density” form of development, as approved by Hamilton City Council through Official Plan Amendment No. 144, the proposal conforms to the policies of the City of Stoney Creek Official Plan.
6. The proposed development applications implement the approved land uses; in particular, the “Low Density Residential 3c” and “Natural Open Space” designations, as shown on Map B.7.3-1 - Urban Lakeshore Area Secondary Plan Land Use Plan of the new Urban Hamilton Official Plan. As a result, the applications conform to the Urban Hamilton Official Plan.

7. Urban Forestry has commented that due to municipal tree asset removals, and as per the City’s Reforestation Policy, a street tree planting plan shall be submitted showing adequate calliper replacement trees, to the satisfaction of the Director of Planning.

The provision of street trees will, in turn, establish a streetscape along this portion of Baseline Road, which complements the character established in the neighbourhood, in particular, the Fifty Point Conservation Area.

Furthermore, it is noted that a scoped Environmental Impact Statement (EIS) was submitted in support of the application, and was deemed satisfactory, and the limits of the ESA were established on the site-specific zoning. The conditions of approval (Condition 3(e) - Landscape Plan) of Site Plan Control Application DA-09-127 require the implementation of a Tree Management Plan and the approved Landscape Plan.

In summary, adequate buffering will be provided to the adjacent ESA block, and a streetscape established along Baseline Road with appropriate street trees.

8. The owner/applicant is advised of the following by Development Engineering:

**Watermain**

There is a 300mm dia. watermain on Baseline Road. Volume and pressure should not be an issue. However, it is a dead-end watermain, and there may be some hydraulic deficiency as it is only able to deliver 1200-1250 Imp. Gal/min and, therefore, it may require internal boosting with a fire pump for sprinklers.

**Sanitary Sewers**

There are no sanitary sewers available on Baseline Road adjacent to #1478 Baseline Road. The closest available sewers are on Glendarling Crescent (Fifty Road Joint Venture - Phase 3 development). Due to the existing road grades on Baseline Road and the topography of the site, it is not possible to adequately service the property with gravity sanitary sewers outletting to the Glendarling Crescent system. A private sanitary pumping station within the condominium site
will pump the internal sanitary sewage via a forcemain to the existing sanitary sewer on Glendarling Crescent.

**Storm Sewers and Storm Water Management**

There are no storm sewers available on Baseline Road adjacent to #1478 Baseline Road. Storm sewers will be installed internally on site and on Baseline Road, and will outlet to Fifty Creek. No quantity control of stormwater is recommended due to the location of the site within the Fifty Creek Watershed. Stormwater quality control will be achieved using a stormceptor or approved equivalent.

**Roadways**

The owner agrees to install all municipal services on Baseline Road, as required, for the servicing of the development, at his expense. All costs related to the restoration of the road will also be borne by the owner.

Baseline Road will require future urbanization (including 1.5m wide sidewalks) from approximately 40m east of Glendarling Crescent to the easterly limits of the subject lands. Therefore, the owner will be required to pay their proportionate share of urbanization in accordance with the City’s “New Roads Servicing Rate” in effect at the time of payment, to the satisfaction of the Director of Development Engineering.

**ALTERNATIVES FOR CONSIDERATION**

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

If the applications are not approved, the applicant/owner could develop the lands as a standard condominium in accordance with the approved Site Plan, or would have to apply for consent applications to create the individual lots.

**CORPORATE STRATEGIC PLAN** (Linkage to Desired End Results)


**Financial Sustainability**

- Effective and sustainable Growth Management.
• Delivery of municipal services and management capital assets/liabilities in a sustainable, innovative, and cost-effective manner.
• Generate assessment growth/non-tax revenues.

Social Development
• Everyone has a home they can afford that is well maintained and safe.

Environmental Stewardship
• Natural resources are protected and enhanced.

Healthy Community
• Plan and manage the built environment.

APPENDICES / SCHEDULES

• Appendix “A”: Location Map
• Appendix “B”: Draft Plan of Subdivision
• Appendix “C”: Draft Plan of Condominium
• Appendix “D”: Conditions of Approval for Draft Plan of Subdivision
• Appendix “E”: Conditionally Approved Site Plan Control Application DA-09-127

:AC
Attachs. (5)
Special Conditions of Draft Plan Approval for 25T-201004, Conservation Walk, for Lands Located at 1478 Baseline Road, Stoney Creek

1. That, prior to registration of the final plan, sanitary sewers, storm sewers, watermains, and roadway access shall be available to service the lands of the draft plan, all to the satisfaction of the Director of Development Engineering.

2. That, prior to registration of the final plan, the owner agrees to install all municipal services, as required, for development of the site along Baseline Road, and shall pay 100% of all associated costs for the installation of services and restoration of the road, to the satisfaction of the Director of Development Engineering.

3. That, prior to registration of the final plan, the owner pays their proportionate share for the future urbanization of Baseline Road adjacent to the subject lands in accordance with the City’s “New Roads Servicing Rate” in effect at the time of payment, to the satisfaction of the Director of Development Engineering.

4. That, prior to registration of the final plan, the owner agrees to identify and implement all the necessary Stormwater Quantity and Quality Control measures, including erosion control at the outlet, to the satisfaction of the Director of Development Engineering.

5. That, prior to registration of the final plan, the owner prepares an Acoustical Report, and implements the Report’s recommendations, to the satisfaction of the Director of Development Engineering.

6. That, prior to servicing, the owner prepares a Geotechnical Report and implements the Report’s recommendations, to the satisfaction of the Director of Development Engineering.

7. That, prior to servicing, the owner prepares a Groundwater Study, 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 mitigative measures to address the concerns, to the satisfaction of the Director of Development Engineering.

8. That, prior to servicing, the owner agrees, that in the event groundwater is encountered during any construction within the subdivision, including but not limited to house construction, the owner will submit a Hydrogeological Report to the City, prepared by a qualified professional, to assess impacts, to identify any significant recharge and discharge zone, to provide recommendations to mitigate the groundwater impacts, and to undertake the works, as recommended, including monitoring, all to the satisfaction of the Director of Development Engineering.
9. That, **prior to registration of the final plan**, the owner covenants and agrees to include the following warnings in all Purchase and Sale/Lease Agreements:

(a) Purchasers/tenants are advised that the common elements condominium corporation will be solely responsible for all costs associated with the operation and maintenance of the private sewage pumping station located within the development including the private sanitary forcemain sewer connecting the pumping station to the municipal sewer system.

(b) The pump station will be located seven feet underground and has been designed to comply with the guidelines of the MOE with regard to noise and aroma control, but purchasers/tenants should be aware of the possibility of odours and/or noise generated from the pumping station.

(c) Purchasers/tenants are therefore the common elements condominium corporation will also comply with all requests issued by the City to alter the maintenance schedule or to modify the pumping station, as necessary, to mitigate odours at the forcemain discharge to the municipal sewer system. All costs associated with the mitigation will be borne solely by the common elements condominium corporation; to the satisfaction of the Director of Development Engineering.

10. That the owner agrees, in writing, to include the following statements in all offers of purchase and sale:

(a) That the home/business mail delivery will be from a designated Centralized Mail Box.

(b) That the developers/owners be responsible for officially notifying the purchasers of the Centralized Mail Box locations prior to the closing of any home sales.

11. That the owner agrees to:

(a) 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.

(b) Determine the locations 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. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
12. That the owner/developer provides the centralized mail facility, at their own expense, for buildings and complexes with a common lobby, common indoor, or sheltered space.

13. That the owner/applicant agrees to follow the City of Hamilton Standards for Street Name Signs on Private and Condominium Lanes Policy, including the construction, installation, and maintenance of such signs, to the satisfaction of the Director of Planning.

14. That the following warning clause be included in the Standard Form Subdivision Agreement:

“The owner is advised that all permanent buildings and structures, both above and below ground, utilities, frontage roads/fire routes, essential parking spaces, stormwater management ponds and associated berms, and other essential structures must be set back 14.0m (45 feet) from the north limits of the North Service Road Right-of-Way. The developer is solely responsible for all noise mitigation measures. Noise walls may be set back 0.3 metres from the North Service Road Right-of-Way limit.

15. That, prior to any grading and construction on this site, the owner/applicant applies for, and receives, approval of a Ministry of Transportation building/land-use permit for any building within 46 metres (150 feet) of the QEW highway property line and within 396 metres of the intersection of QEW and Fifty Road. Separate building/land-use permits will be required for each stormwater management pond serving this proposed development. In addition, the owner/applicant applies for, and receives, approval of any required Ministry of Transportation Sign Permit.

16. That, prior to the registration of the final plan of subdivision, the developer, at their expense, places adequate signage in a structurally sound condition on the site, based on Board specifications with the following wording, to be removed at the request of the Hamilton-Wentworth District School Board:

“Be advised that students from this development are likely to be redirected to schools outside the area with available capacity. Students may be transported, as governed by the Board’s Transportation Policy.”

17. That the developer include the following warning clause in all agreements of purchase and sale and/or lease agreements:

“Purchasers/tenants are advised that students from this development are likely to be redirected to schools outside the area with available capacity, and that students may be transported, as governed by the Board Transportation Policy.”