

Ontario Land Tribunal

Tribunal ontarien de l'aménagement
du territoire

24-236-OLT Attachment 1

24-237-OLT Attachment 2

24-238-OLT Attachment 3



ISSUE DATE: December 11, 2023

CASE NO(S).:

OLT-22-004768

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

Applicant and Appellant:

LIV Developments Ltd.

Subject:

Request to amend the Official Plan – Failure to adopt the requested amendment

Description:

To permit the development of 84 stacked townhouses and 150 apartment units

Reference Number:

UHOPA-20-018

Property Address:

909 North Waterdown Drive

Municipality/UT:

City of Hamilton

OLT Case No.:

OLT-22-004768

OLT Lead Case No.:

OLT-22-004768

OLT Case Name:

LIV Developments Ltd. v. Hamilton (City)

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

Applicant and Appellant

LIV Developments Ltd.

Subject:

Application to amend the Zoning By-law – Refusal or neglect to make a decision

Description:

To permit the development of 84 stacked townhouses and 150 apartment units

Reference Number:

ZAC-22-032

Property Address:

909 North Waterdown Drive

Municipality/UT:

City of Hamilton

OLT Case No.:

OLT-22-004768

OLT Lead Case No.:

OLT-22-004768

OLT Case Name:

LIV Developments Ltd. v. Hamilton (City)

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

Referred by:	LIV Developments Ltd.
Subject:	Site Plan
Property Address/Description:	909 North Waterdown Drive
Municipality:	City of Hamilton
Municipality File No.:	DA-20-057
LPAT Case No.:	PL200274
OLT Lead Case No.:	OLT-22-004768

Heard: December 1, 2023 - by Video Hearing

APPEARANCES:

Parties

LIV Developments Ltd.

City of Hamilton

Counsel

Russel Cheeseman
Stephanie Fleming

Peter Krysiak

MEMORANDUM OF ORAL DECISION DELIVERED BY ERIC S. CROWE ON DECEMBER 1, 2023 AND ORDER OF THE TRIBUNAL

[Link to Final Order](#)

INTRODUCTION

[1] The Tribunal convened a Settlement Hearing with respect to appeals brought by LIV Developments Ltd. pursuant to sections 22(7), 34(11) and 41(12) of the *Planning Act* (“Act”) for an Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) and Site Plan for the property municipally addressed as 909 North Waterdown Drive (the “Subject Property”) located in the City of Hamilton (the “City”), for the failure of council to adopt or to make a decision within the legislated timeframe.

[2] The original purpose of the OPA and ZBA and Site Plan approval applications were to permit the development of 84 stacked townhouses and 150 apartment units. A total of 234 residential units are proposed. The revised applications now consist of 219 residential units, 84 of which will be stacked townhouses and 135 units within a mid-rise condominium building.

PROPOSED SETTLEMENT

[3] Liv Developments Ltd. and the City (collectively, the “Parties”) have agreed to a comprehensive resolution of the appeals, and wish to reflect their agreement, herein before the Tribunal for approval.

[4] The Parties request that the Tribunal should allow the appeal of the City OPA, attached as **Attachment 1**, approve the City ZBLA No. 90-145-Z (Flamborough), attached as **Attachment 2**, and approve the City of Hamilton Zoning By-law No. 05-200 79, attached, as **Attachment 3**, and approve the Conditional Site Plan, attached as **Attachment 4** to this Order.

WITNESSES

[5] Evidence in support of the proposed applications was provided by Rachelle Larocque, a land use planner. Ms. Larocque, on consent, was qualified to provide expert land use planning opinion evidence.

[6] The Tribunal previously marked the Affidavit of Notice as Exhibit 1 and further received and marked the following documents as **Exhibits**:

- Exhibit 2: Joint Book of Documents
- Exhibit 3: Conditions of Site Plan

SUBJECT SITE CONTEXT

[7] The Subject Property is located within the urban boundary of the City. The lands to the north of the Subject Property are currently a wooded area with adjacent agricultural uses, with the urban boundary running to the north-west. The lands to the east are developed with low-density residential units and a stormwater management facility, and further east there is an environmental corridor. The lands to the south are within the urban boundary and are currently not developed. The lands to the west are wooded and outside of the urban boundary.

PLANNING ACT SECTION 2

[8] Ms. Larocque outlined section 2 of the Act, which requires decision makers, in carrying out their responsibilities under the Act, to have regard to, among other matters, matters of provincial interest. Ms. Larocque noted several provincial interests that were applicable to the application, including protection of ecological and agricultural resources. She noted the Subject Property contains fallow agricultural fields, disturbed cultural meadows, and a hedgerow, with wooded natural heritage features occurring to the immediate north.

[9] An Environmental Impact Assessment determined that most of the vegetation and wildlife habitat occurring on or within 120 meters (“m”) of the Subject Property is limited to ‘common and secure’ species that are well adapted to rural environments. To mitigate environmental impact, an upland restoration concept has been prepared and it identifies the creation of meadow habitat in a disturbed cultural meadow north of the Subject Property, on lands owned by the Applicant. Natural Heritage Features north of the Subject Property include a significant woodland (Parkside Drive Woodlot), a significant wetland (Logie’s Creek – Parkside Drive Significant Wetland Complex), fish habitat (Borer’s Creek), and significant wildlife habitat. These features are outside of the lands proposed for development and will be maintained with appropriate buffers. Minor encroachments to the wetland buffer are proposed to accommodate the plunge pool,

emergency spillway, and internal road network. The encroachment will be compensated with an extra buffer area totaling 260 square meters (“m²”) in the southeast portion of the Subject Property. Proposed buffer plantings will enhance the significant woodland, fish habitat, and significant wetland.

[10] In Ms. Larocque’s opinion, the proposed development has appropriate regard for the applicable matters of provincial interest.

PROVINCIAL POLICY STATEMENT (2020)

[11] Ms. Larocque outlined the various provisions of the Provincial Policy Statement 2020 (“PPS”). She advised the proposed OPA and ZBA and Site Plan Approval Application is to permit the construction of a high-density residential development within the urban serviced area. The lands are within the Waterdown North Secondary Plan Area, which is provided with water, sanitary, and storm services, as well as with parks and schools. The development will not require the extension of services and it is within an area that has the appropriate social services and infrastructure to accommodate the proposed development.

[12] In Ms. Larocque’s opinion, the proposed development is consistent with the PPS.

GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE

[13] Ms. Larocque advised the Subject Property is within the Urban Boundary of the City of Hamilton as is identified in the Urban Hamilton Official Plan (“UHOP”) and the Waterdown North Secondary Plan (“WNSP”). As per the WNSP, the Waterdown/Aldershot Transportation Master Plan, the Master Drainage Plan, and the Master Servicing Plan studies, the Subject Property has existing and planned municipal infrastructure that would appropriately accommodate a high-density residential development. Moreover, a compact, high-density residential development aligns with the City’s vision for the Subject Property, as is detailed by the WNSP.

[14] In regard to complete communities in the Growthy Plan, Ms. Larocque advised the stacked townhomes and mid-rise building will provide an alternative form of housing to a predominantly low-density residential neighbourhood. An elementary school and secondary school are within walking distance of the subject site, as are parks, recreational trails, and commercial facilities. A bus stop is approximately 550 m from the site, which can be considered as being within walking distance. This development will enhance the neighbourhood and provide additional housing options.

[15] In Ms. Larocque's opinion, the proposed development conforms with the Growth Plan.

URBAN HAMILTON OFFICAL PLAN

[16] Ms. Larocque stated within the UHOP, the Subject Property is designated as "Neighbourhoods" on Schedule E-1 and as "Core Areas" on Schedule B. On Schedule C, North Waterdown Drive is designated as a "Minor Arterial Road".

[17] Ms. Larocque outlined several policies of the UHOP and advised the Application proposes a phased high-density residential development that will offer housing options including stacked townhouse units and a mid-rise building. The proposed development will consist of a mix of unit types and sizes that will accommodate varying spatial needs and will offer a greater range of units that support different household configurations. Furthermore, the proposed development will bring higher-density housing options to the Waterdown North community, which at present predominantly consists of low-density detached and semi-detached single-family homes.

[18] In Ms. Larocque's opinion, the proposed development conforms with the UHOP.

J. WATERDOWN NORTH SECONDARY PLAN

[19] Ms. Larocque advised that within the WNSP, the Subject Property is designated as “High Density Residential 1”, “Natural Open Space”, and “Low Density Residential 2” on Schedule B.4.2-1. North Waterdown Drive is designated as an “Arterial Road” on Schedule B.4.2-2.

[20] Ms. Larocque noted several policies within the WNSP include principles for development. She submits the proposed development would help to meet these principles, set out by the WNSP, as it would offer a mix of housing that includes 219 residential units, 84 of which will be stacked townhouses and 135 units within a mid-rise condominium building.

[21] In Ms. Larocque’s opinion, the proposed development conforms to the WNSP.

TOWN OF FLAMBOROUGH (NOW CITY OF HAMILTON) ZONING BY-LAW NO. 90-145-Z

[22] The Subject Property is zoned as Agricultural Zone (A) within the Flamborough Zoning By-law No. 90-145-Z on the Hamilton Interactive Zoning Map. The lands to the north and west of the Subject Property are zoned as Conservation/Hazard Land – Rural Zone (P8), the lands directly to the south are zoned as Urban Residential (Single Detached) (R1-53), and the land directly to the east are zoned as Medium Density Residential (R6-36).

[23] Ms. Larocque submits that high-density residential uses are not permitted in the Agricultural Zone. However, it is important to note that current zoning for the Subject Property is not aligned with the City’s vision for the site as articulated by the UHOP and the WNOP. The Application proposes a ZBA to rezone the Subject Property from Agriculture (A) to the Medium Density Residential (R6) with site-specific provisions. The ZBA would implement the proposed development and bring the Subject Property into

conformity with the City's OP policies. The Medium Density Residential Zone - R6 permits the proposed uses, including stacked townhouses and an apartment building, as well as reductions to yard setbacks.

CITY OF HAMILTON ZONING-BY-LAW NO. 05-200 79

[24] Ms. Larocque notes the ZBA proposes that lands on the Subject Property used for Vegetative Protect Zones will be zoned Conservation/Hazard Lands (P5) Zone under the City of Hamilton's Comprehensive Zoning By-law 05-200. Permitted uses in P5 Zones include conservation, flood and erosion control facilities, and passive recreation uses. This would add a new special exception, permitting buildings or structures to be setback a minimum of 0.0 m from the west and south side of the Conservation / Hazard Land Zone boundary.

SITE PLAN APPROVAL APPLICATION

[25] Ms. Larocque updated the Tribunal on the site plan application. She advised an updated Site Plan Approval package was submitted to the City on June 16, 2023, in response to comments received regarding the first submission of the OPA and ZBA, and to be consistent with these applications. The City has provided draft Conditions of Site Plan Approval, which have been reviewed. The parties have reached a conditional site plan approval, attached as **Attachment 4**.

SUMMARY

[26] In Ms. Larocque's opinion, that the requested OPA, ZBA, and Site Plan Approval application represents good land use planning, is consistent with the policies of the PPS, conforms with the policies in the Growth Plan, is consistent with the UHOP and the WNSP, and maintains the intent and purpose of the Town of Flamborough Zoning By-law 90-145-Z and City of Hamilton Zoning By-law No. 05-200 79.

FINDINGS AND DISPOSITION

[27] In the absence of any planning evidence to the contrary, the Tribunal finds and accepts the land use planning evidence and expert opinion provided by Ms. Larocque, that the proposed OPA and ZBA conforms with the applicable municipal plans and, correspondingly, satisfies all of the criteria of the Act, and otherwise represents good planning and is in the public interest.

[28] The Tribunal acknowledges the cooperation between the Parties to reach a Settlement.

ORDER

[29] **THE TRIBUNAL ORDERS** that;

1. The amendment to the Urban Hamilton Official Plan, attached as **Attachment 1** to this Order, is hereby approved; and,
2. The amendment to the City of Hamilton Zoning By-law No. 90-145-Z (Flamborough), attached as **Attachment 2** to this Order, is hereby approved; and,
3. The amendment to the City of Hamilton By-law No. 05-200, attached as **Attachment 3** to this Order, is hereby approved; and

4. The Conditional Site Plan approval, attached as **Attachment 4** to this Order, is hereby approved.

"Eric S. Crowe"

ERIC S. CROWE
MEMBER

Ontario Land Tribunal

Website: www.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
BY-LAW NO. 24-236-OLT
Urban Hamilton Official Plan
Amendment No. 198

Schedule “1”

The following text, together with Appendix “A” – Volume 2, Map B.4.2-1 Waterdown North Secondary Plan – Land Use Plan, attached hereto, constitutes Official Plan Amendment No. 198 to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to amend the Waterdown North Secondary Plan by revising the identification of North Waterdown Drive and redesignating a portion of the subject lands from “Low Density Residential 2” to “High Density Residential 1” and a portion of the subject lands from “High Density Residential 1” to “Natural Open Space” to permit the development of a maximum eight storey multiple dwelling containing up to 135 units and 84 stacked townhouse dwellings.

2.0 Location:

The lands affected by this Amendment are known municipally as 909 North Waterdown Drive, in the former Town of Flamborough.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development supports the policies of the Urban Hamilton Official Plan and the Waterdown North Secondary Plan, as it contributes to the range of housing forms and the efficient use of land.
- The proposed development implements the Residential Intensification policies of the Urban Hamilton Official Plan and represents good planning by providing housing while respecting the natural environment.
- The 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 2 – Secondary Plans

Maps

4.1.1 Map

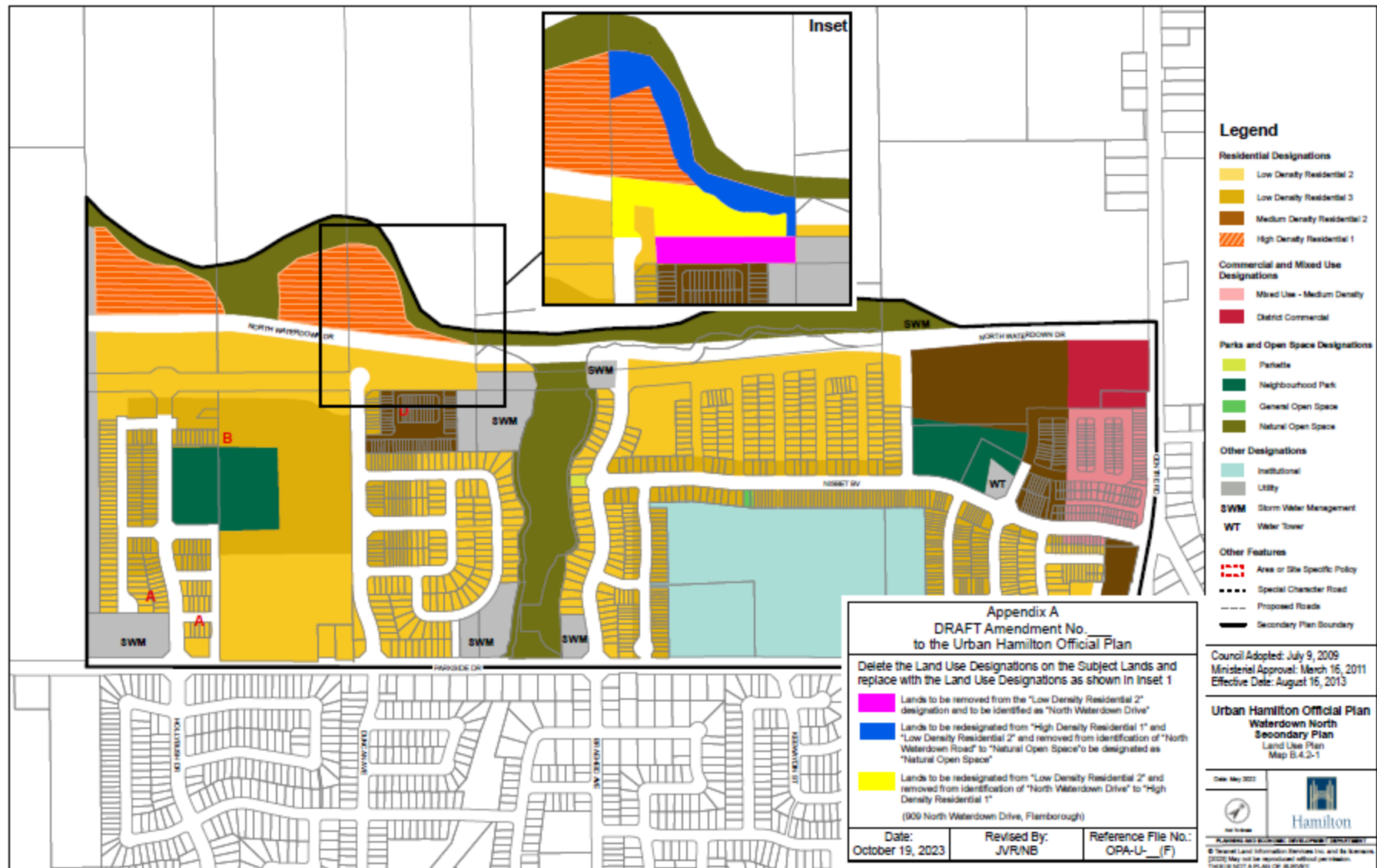
- a. That Volume 2: Map B.4.2-1 – Waterdown North Secondary Plan – Land Use Plan be amended by:
- i) redesignating a portion of the subject lands from “High Density Residential 1” to “Natural Open Space”;
 - ii) redesignating a portion of the subject lands from “Low Density Residential 2” to “High Density Residential 1”; and,
 - iii) revising the identification of North Waterdown Drive,
- as shown on Appendix “A”, attached to this Amendment.

5.0 Implementation:

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

This Official Plan Amendment is Schedule “1” to By-law No. 24-236-OLT passed on the 11th day of December, 2023.

OLT Case No. OLT-22-004768



ATTACHMENT 2

OLT Case 22-004768

CITY OF HAMILTON BY-LAW NO. 24-237-OLT

To Amend Zoning By-law No. 90-145-Z with Respect to Lands Located at 909 North Waterdown Drive, Flamborough

WHEREAS the Ontario Land Tribunal, in its Decision/Order for Case No. OLT-22-004768 dated the 11th day of December, 2023, approved the amendment to Zoning By-law No. 90-145-Z (Flamborough), as herein provided

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No 198.

NOW THEREFORE the Ontario Land Tribunal amends Zoning By-law No. 90-145-Z as follows:

1. That Schedule "No.A-6" is amended by changing the zoning from the Agriculture "A" Zone to the Medium Density Residential "R6-49" Zone, and to the Medium Density Residential "R6-50" Zone for the lands known as 909 North Waterdown Drive the extent and boundaries of which are shown on Schedule "A" to this By-law.
2. That the Medium Density Residential "R6" Zone Regulations, as contained in Section No. 11 of Zoning By-law No. 90-145-Z, applicable to the subject lands, be modified to include the following special requirements:
"11.3.46 "R6-49" (See Schedule A-6)

Permitted Uses shall be restricted to:

(b) Stacked Townhouse Dwelling

For the purposes of this amending By-law, a Stacked Townhouse means a residential building containing a minimum of 10 and a maximum of 18 units, each of which has an independent entrance, provided that:

- i. Not more than half of all dwelling units shall be on the ground floor.
- ii. Dwelling units shall be fully attached to adjoining units and are attached vertically and horizontally.

iii. Access to all upper level units shall be from an interior stairway within the stacked townhouse building, in addition to exterior stair cases

iv. Maximum of 3 storeys”.

Definitions

That notwithstanding Sub-Section 3 Lot Area, for the purposes of this amending By-law Lot Area means the horizontal area within the zone boundaries of a zone.

That notwithstanding Sub-Section 3 Rear Lot Line, for the purposes of this amending By-law Rear Lot Line means the lot line that is also the shared zone boundary line between the Medium Density Residential "R6-49" Zone, and to the Medium Density Residential "R6-50" Zone.

Zone Provisions

Notwithstanding Sub-Section 11.2 (i) (a), (b), (c), (d), (e), (f), (g), (i), (j), and (k) the following provisions shall apply:

- | | | |
|-----|------------------------------|--|
| (a) | Lot Area (minimum) | 12,900 square metres |
| (b) | Lot Frontage (minimum) | 208.8 metres |
| (c) | Height(maximum) | Does not apply |
| (d) | Lot Coverage | Does not apply |
| (e) | Front Yard (minimum) | 3 metres |
| (f) | Rear Yard (minimum) | 12.4 metres |
| (g) | Side Yard (minimum westerly) | 17 metres |
| (h) | Side Yard (minimum easterly) | 2.0 metres |
| (i) | Interior Side Yard (minimum) | Does not apply |
| (j) | Planting Strip (minimum) | 0 metres
width across all lot lines adjacent
to a street or lot line |

- (k) Landscaped Open Space (minimum) 20%
- (l) Parking Notwithstanding Subsection 5.21.1 (c)
2 parking spaces per dwelling unit
plus 0.2 visitor parking spaces per dwelling unit
are required"
- Notwithstanding Subsection 5.21.5 (d), parking spaces are permitted within 6 metres of a window of a habitable room that is in the basement or first floor.
- Parking Space Dimensions
Notwithstanding Subsection 5.21.4, the following dimensions apply:
Compact Space: 2.5 m x 5.5 m
Standard Space: 2.6 m x 5.8 m
Parallel Space: 2.4 m x 6.7 m
- (m) Zone Setbacks Notwithstanding Section 5.16, Lots with more than one Zone, zone lines shall not be deemed to be lot lines for the purposes of setback requirements, unless a zone line is otherwise specified in this zone as a lot line.
- (n) Encroachments Notwithstanding Section 5.3, Yard Encroachments permitted, unenclosed porches, balconies, and stairs may encroach 3.0 metres into any required yard.
- Air conditioners and other mechanical equipment can encroach into the front yard a maximum of 2.0 metres.

11.3.47 "R6-50" (See Schedule A-6)

Permitted Uses shall be restricted to:

(b) Apartment

Definitions

That notwithstanding Sub-Section 3 Lot Area, for the purposes of this amending By-law Lot Area means the horizontal area within the zone boundaries of a zone.

That notwithstanding Sub-Section 3 Front Lot Line, for the purposes of this amending By-law Front Lot Line means the lot line that is also the shared zone boundary line between the Medium Density Residential "R6-49" Zone, and to the Medium Density Residential "R6-50" Zone.

Zone Provisions

Notwithstanding Sub-Section 11.2 (iii) (c), (d), (e), (f), (g), (i), (j), and (k) the following provisions shall apply:

- (a) Lot Area 0.5 hectares
- (c) Height (maximum) 8 storeys and 30 metres, excluding mechanical equipment, elevator shafts, air conditioning equipment, roof top amenity space, etc.
- (d) Lot Coverage Does not apply
- (e) Front Yard (minimum) 6 metres
- (f) Rear Yard (minimum) 1.2 metres
- (g) Side Yard (minimum westerly) 25 metres
- (h) Side Yard (minimum easterly) 3.5 metres
- (j) Planting Strip (minimum) 0 metres
width across all lot lines adjacent to a street or lot line
- (k) Landscaped Open Space (minimum) 20%
- (l) Parking Notwithstanding Subsection 5.21.1 (c)
1 parking spaces per dwelling unit
plus 0.1 visitor parking spaces per dwelling unit
are required"

Notwithstanding Subsection 5.21.5 (d), parking spaces are permitted within 6 metres of a window of a habitable room that is in the basement or first floor.

Parking Space Dimensions

Notwithstanding Subsection 5.21.4, the following dimensions apply:

Compact Space: 2.5 m x 5.5 m

Standard Space: 2.6 m x 5.8 m

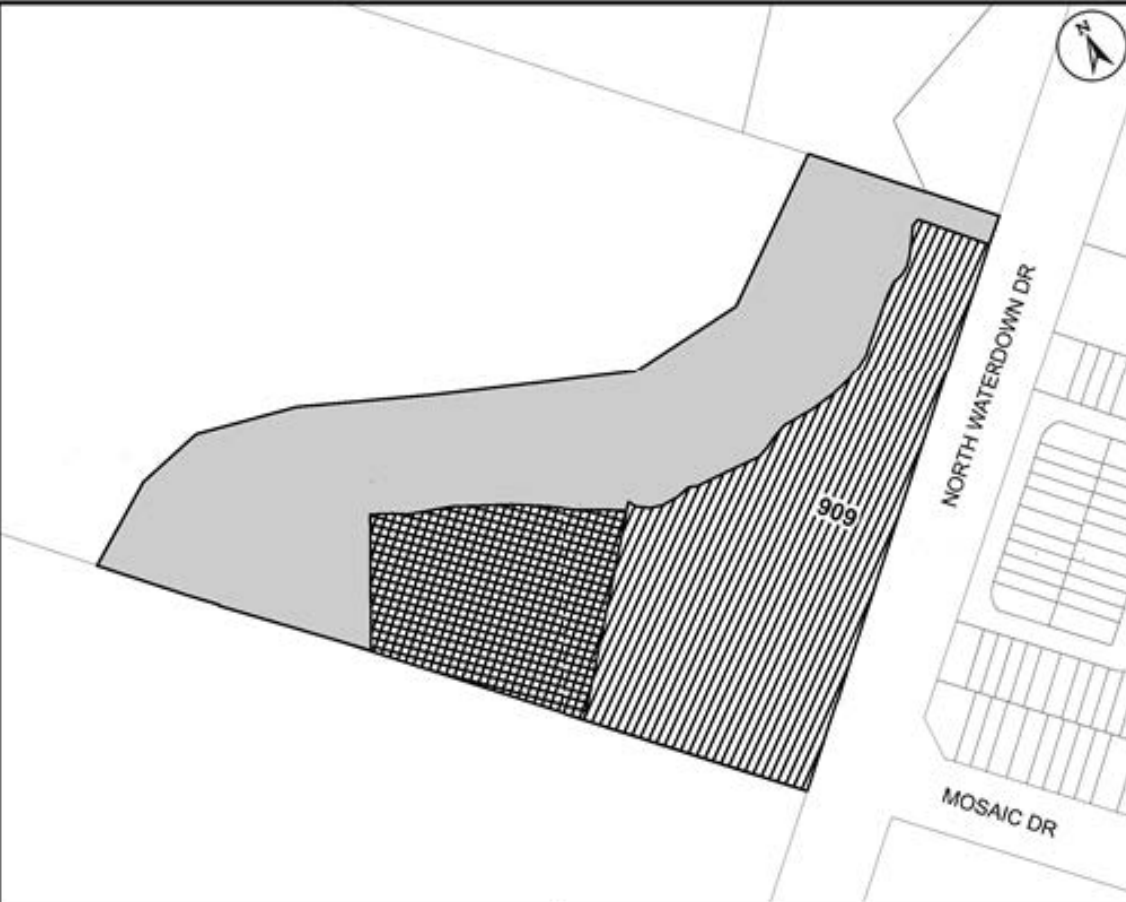




Parallel Space: 2.4 m x 6.7 m

- (m) Zone Setbacks Notwithstanding Section 5.16, Lots with more than one Zone, zone lines shall not be deemed to be lot lines for the purposes of setback requirements, unless a zone line is otherwise specified in this zone as a lot line.
 - (n) Encroachments Notwithstanding Sub-Section 5.30, Yard Encroachments permitted, air intakes for underground parking garages are permitted in any yard.
3. That the amending By-law be added to Schedule “A-6” of Flamborough Zoning By-law No. 90-145-Z.
 4. 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*.
 5. That this By-law No. 24-237-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 11th day of December,

2023.

ZAC-22-032
UHOPA-22-018

		<p>-----</p> <p>Mayor</p> <p>-----</p> <p>Clerk</p>	
		<p>-----</p> <p>-----</p>	
<p>This is Schedule "A" to By-law No24-237-OLT</p> <p>Passed the ..11th.. day of ..December.., 2023</p>		<p>Schedule "A"</p> <p>Map forming Part of</p> <p>By-law No. 24-237-OLT</p> <p>to Amend By-law No. 90-145-Z</p>	
<p>Scale: N.T.S.</p> <p>Date: October 20, 2023</p>		<p>Subject Property</p> <p>909 Waterdown Road, Flamborough (Ward 15)</p> <p> Change in zoning from the <u>Agriculture "A"</u> Zone to the Medium Density Residential "R6-XX" Zone</p> <p> Change in zoning from the <u>Agriculture "A"</u> Zone to the Medium Density Residential "R6-YY"</p> <p> Refer to the By-law No. 05-200</p>	
<p>File Name/Number: ZAC-22-032/UHOPA-22-018</p> <p>Planner/Technician: JVR/NB</p>		<p></p> <p>Hamilton</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>			

ATTACHMENT 3

CITY OF HAMILTON BY-LAW NO. 24-238-OLT

To Amend Zoning By-law No. 05- 200 Respecting Lands located at 909 North Waterdown Drive, Flamborough

WHEREAS the Ontario Land Tribunal, in its Decision/Order for Case No. OLT-22-004768 dated the 11th day of December, 2023, approved the amendment to Zoning By-law No. 05-200 (Hamilton), as herein provided.

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. 198;

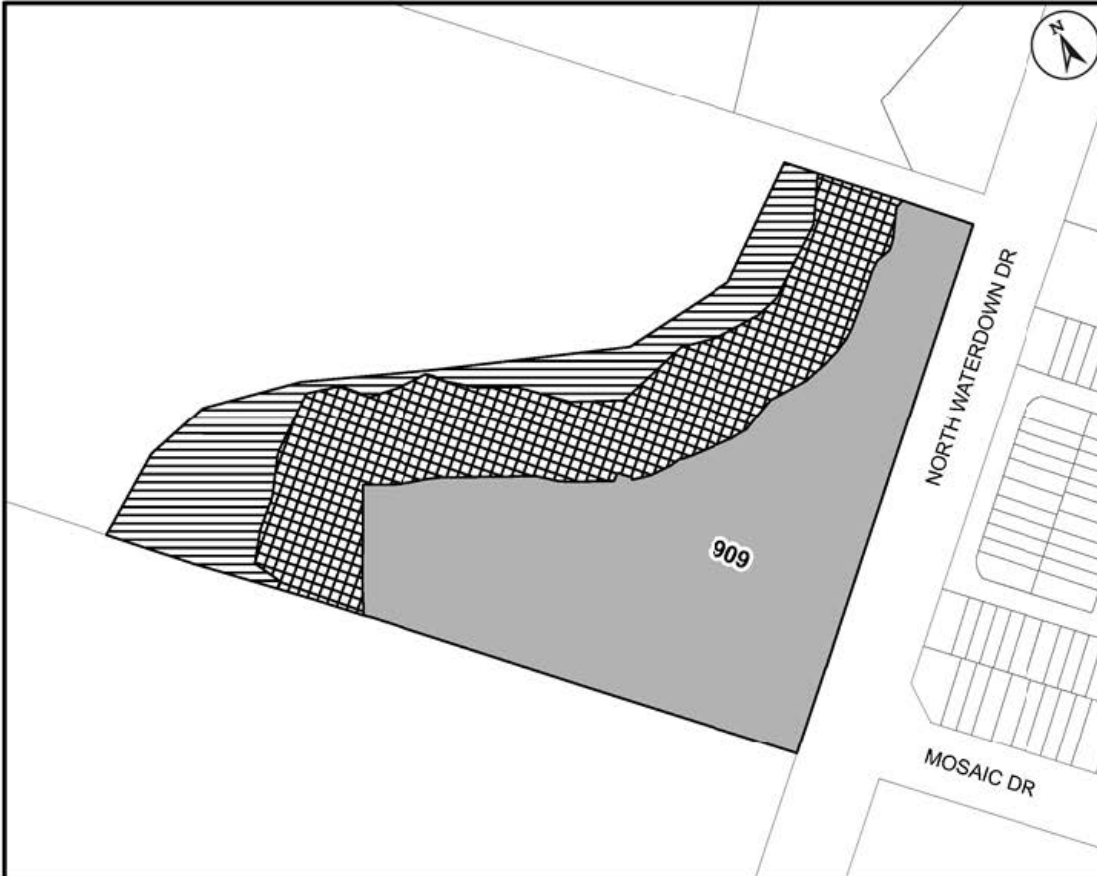












NOW THEREFORE the Ontario Land Tribunal enacts as follows:

1. That Map No. 479 and 480 of Schedule “A” – Zoning Maps of Zoning By-law No. 05-200, is amended by adding the Conservation / Hazard Land (P5) Zone and the Conservation / Hazard Land (P5, 905) Zone, to the lands known as 909 North Waterdown Drive, the extent and boundaries of which are shown on Schedule “A” of this By-law.
2. That Schedule “C” - Special Exceptions of Zoning By-law No. 05-200, is amended by adding the following new special exception:

“905. Within the lands zoned Conservation / Hazard Land (P5, 905) Zone, identified on Map No. 479 and 480 of Schedule “A” and described as 909 North Waterdown Drive, the following special provision shall apply:

Notwithstanding Subsection 4.23 d), buildings or structures located on a property may be setback a minimum of 0.0 metres from the west and south side of the Conservation / Hazard Land (P5, 905) Zone boundary.
3. That the Clerk is hereby authorized 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. 24-238-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 11th day of December, 2023.

												
<p>This is Schedule "A" to By-law No. 24-238-OLT</p> <p>Passed the 11th day of December, 2023</p>												
<table border="1"> <tr> <td colspan="2" data-bbox="256 1386 795 1690"> <p>Schedule "A"</p> <p>Map forming Part of By-law No. 24-238-OLT</p> <p>to Amend By-law No. 05-200 Map 479, 480</p> </td> <td data-bbox="795 1386 1347 1816"> <p>Subject Property</p> <p>909 Waterdown Road, Flamborough (Ward 15)</p> <p>  Lands to be added as Conservation / Hazard Land (P5) Zone  Lands to be added as Conservation / Hazard Land (P5-XXX) Zone  Refer to the By-law No. 90-145-Z </p> </td> </tr> <tr> <td data-bbox="256 1690 422 1785"> <p>Scale: N.T.S</p> </td> <td data-bbox="422 1690 657 1785"> <p>File Name/Number: ZAC-22-032/UI IOPA-22-010</p> </td> <td data-bbox="657 1690 795 1785" rowspan="2">  </td> </tr> <tr> <td data-bbox="256 1785 422 1816"> <p>Date: October 24, 2023</p> </td> <td data-bbox="422 1785 657 1816"> <p>Planner/Technician: JVR/NB</p> </td> </tr> <tr> <td colspan="3" data-bbox="256 1816 795 1820"> <p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p> </td> </tr> </table>		<p>Schedule "A"</p> <p>Map forming Part of By-law No. 24-238-OLT</p> <p>to Amend By-law No. 05-200 Map 479, 480</p>		<p>Subject Property</p> <p>909 Waterdown Road, Flamborough (Ward 15)</p> <p>  Lands to be added as Conservation / Hazard Land (P5) Zone  Lands to be added as Conservation / Hazard Land (P5-XXX) Zone  Refer to the By-law No. 90-145-Z </p>	<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-22-032/UI IOPA-22-010</p>		<p>Date: October 24, 2023</p>	<p>Planner/Technician: JVR/NB</p>	<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		
<p>Schedule "A"</p> <p>Map forming Part of By-law No. 24-238-OLT</p> <p>to Amend By-law No. 05-200 Map 479, 480</p>		<p>Subject Property</p> <p>909 Waterdown Road, Flamborough (Ward 15)</p> <p>  Lands to be added as Conservation / Hazard Land (P5) Zone  Lands to be added as Conservation / Hazard Land (P5-XXX) Zone  Refer to the By-law No. 90-145-Z </p>										
<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-22-032/UI IOPA-22-010</p>											
<p>Date: October 24, 2023</p>	<p>Planner/Technician: JVR/NB</p>											
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>												

ATTACHMENT 4



Planning and Economic Development Department
Heritage and Urban Design
71 Main Street West, 4th Floor, Hamilton ON L8P 4Y5
Phone: 905-546-2424 Fax: 905-546-5611

December 01, 2023

File: [File Type]

Agent/Address

Dear [Name of Agent]:

**Re: Concurrent Site Plan / Building Plan Review Process
Site Plan Control Application by Applicant for Lands Located at 909 North
Waterdown Drive, Flamborough (Ward 15)**

The above noted Site Plan Application has been considered by the Development Review Team. Your application to permit a development of 219 residential units on the above-referenced property will be conditionally approved by the Manager of Heritage and Urban Design on December 01, 2023, subject to an Undertaking pursuant to Section 41 of the *Planning Act*, R.S.O. 1990, c.P.13 being entered into. The City's conditional approval relates to the attached revised site plan SP-01 dated October 20, 2023 and the comments received as a result of circulation of the application as well as any changes / modifications or revisions required to the plans to implement its conditions of approval.

The City's conditional approval has been structured to allow the Applicant to participate in the Concurrent Site Plan / Building Plan Review Process subject to the Applicant entering into the Acknowledgement with the Building Division.

Upon clearance of the Section 2 conditions below, and subject to receiving a clearance letter from Development Planning, the Applicant may submit building plans for Building Plan Review under the Concurrent Site Plan process. Upon clearance of the conditions in Section 2 and Section 3, and subject to receiving a clearance letter from Development Planning, a building permit application may be submitted to the Building Division and, subject to the satisfaction of the Building Division, a building permit may be issued.

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 October 20, 2023 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 of Heritage and Urban Design.

Site Plan and Underground Parking Plan

1. (b) To develop and maintain the site in compliance with the Site Plan and underground parking plan, attached hereto each of which is dated September

Re: CONCURRENT SITE PLAN / BUILDING PLAN REVIEW PROCESS **Page 2 of 14**
Site Plan Control Application by Biglieri Group on behalf of LIV
Communities Inc. for Lands Located at 909 North Waterdown Drive,
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07, 2023 and hereinafter collectively referred to as the "Site Plan". Minor changes to the Site Plan or conditions shall be permitted only upon written approval from the City's Manager of Heritage and Urban Design.

Approval Limitation

1. (c) That, in the event a building permit for the proposed development has not been issued within one (1) year from the date of conditional site plan approval, the approval shall lapse. Prior to the approval lapsing, a request for an extension for a period up to, but not exceeding a one (1) year period, may be made directly to the City's Manager of Heritage and Urban Design, with written justification and the required fee. The applicant is responsible for making this request and ensuring the conditional site plan approval does not lapse. The Manager of Heritage and Urban Design will consider the request in light of current requirements and:
 - i) May deny the request;
 - ii) May grant the request; or
 - iii) May grant the request with revisions or additional conditions.

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.

Phasing

1. (f) That the proposed development may be implemented in phases. Where conditions are required to be completed prior to building permit or occupancy, or within one year of occupancy, such timing shall relate to all site works within the boundary of the particular phase with specific details and extent of each phase to be approved by the City's Manager of Heritage and Urban Design.

2. PRIOR TO GRADING ON SITE

Erosion and Siltation Control

Re: CONCURRENT SITE PLAN / BUILDING PLAN REVIEW PROCESS Page 3 of 14
Site Plan Control Application by Biglieri Group on behalf of LIV
Communities Inc. for Lands Located at 909 North Waterdown Drive,
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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 Approvals and Hamilton Conservation Authority; 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 Approvals until the site has been fully developed as determined by the City's Manager of Heritage and Urban Design.

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 of Heritage and Urban Design; 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.

Fill Permits

2. (c) To obtain a permit from the Hamilton Conservation Authority pursuant to the Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation under Ontario Regulation 97/04.

Building Elevations

2. (d) To submit a digital copy of final building elevations to the satisfaction of the City's Manager of Heritage and Urban Design. Minor changes to the Building Elevations or condition(s) shall be permitted only upon written approval from the City's Manager of Heritage and Urban Design.

Foundation Support & Construction (for grading within Phase 4 Lands)

2. (e) To submit a set of Shoring Plans prepared by a Licensed Professional Engineer showing the proposed shoring design and location of any existing municipal services and utilities within the municipal right-of-way as well as any existing adjacent privately-owned utilities, services and structures, all to the satisfaction of the City's Manager of Development Engineering Approvals.

Interior Garbage Storage/Outdoor Garbage Containers

2. (f) To show the following on the required Site Plan:

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Site Plan Control Application by Biglieri Group on behalf of LIV
Communities Inc. for Lands Located at 909 North Waterdown Drive,
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- 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 of Heritage and Urban Design, a roofed enclosure having a height sufficient to conceal the containers.

Cost Estimate and Letter of Credit

2. (g) 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 of Heritage and Urban Design; 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 of Heritage and Urban Design.
 - iii) To provide an irrevocable Letter of Credit or Surety Bond to the City's Manager of Heritage and Urban Design 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 2. (g) 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 of Heritage and Urban Design, 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

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Site Plan Control Application by Biglieri Group on behalf of LIV
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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.

3. PRIOR TO THE ISSUANCE OF 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 Approvals and Hamilton Conservation Authority
- 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 Approvals.

Storm Water Management Design

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

Road Widenings

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 Approvals.

Landscape Plan

3. (e) To develop and maintain the planting and surfacing details for all areas not covered by buildings, structures, loading areas or parking areas in compliance with the Landscape Plans L-1, L-2, L-3, L-4, L-5, and L-6 dated October 5, 2023 hereinafter referred to as the "Landscape Plan" to the satisfaction of the City's Manager of Heritage and Urban Design.

Fencing/Visual Barriers

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Site Plan Control Application by Biglieri Group on behalf of LIV
Communities Inc. for Lands Located at 909 North Waterdown Drive,
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3. (f) To obtain approval of the details of all fencing and visual barriers as indicated on the Site Plan, from the City's Manager of Heritage and Urban Design, as part of the approval of the Landscape Plan.

Boulevard Sodding

3. (g) 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 of Heritage and Urban Design.

Treatment of Future Development Areas

3. (h) To make provision on the required Landscape Plan for the surface treatment of areas intended for future development so as to prevent the occurrence of noxious weeds and erosion to the satisfaction of the City's Manager of Heritage and Urban Design.

Site Lighting-Design

3. (i) 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 of Heritage and Urban Design.

Multiple Unit Identification Sign

3. (j) 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.

Site Servicing Plan

3. (k)
 - i) To submit to the City's Manager of Development Engineering Approvals 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

Re: CONCURRENT SITE PLAN / BUILDING PLAN REVIEW PROCESS Page 7 of 14
Site Plan Control Application by Biglieri Group on behalf of LIV
Communities Inc. for Lands Located at 909 North Waterdown Drive,
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3. (n) 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.

Site Plan Drawing

3. (p) To submit a digital copy of the final site plan drawing to the satisfaction of the City's Manager of Heritage and Urban Design.

Taxes

3. (q) 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 of Heritage and Urban Design.

Tariff of Fees

3. (r) 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 of Heritage and Urban Design.
 - 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 of Heritage and Urban Design.
 - 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 of Heritage and Urban Design.

Wastewater Assessment

3. (s) 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. (t) To submit a water service assessment which tabularizes the expected occupancy and provides a water demand estimation and needed fire flow

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Site Plan Control Application by Biglieri Group on behalf of LIV
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calculation based on City of Hamilton Policy PW19096, to the satisfaction of the City Public Works Department.

Storm Drainage Area Plan

3. (u) 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. (v) 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 Approvals.

4. 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

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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 Approvals.

5. 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

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Site Plan Control Application by Biglieri Group on behalf of LIV
Communities Inc. for Lands Located at 909 North Waterdown Drive,
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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 SUBMISSION FOR BUILDING PLAN REVIEW

1. That the Owner submits Geotechnical and Hydrogeological report conducted by a qualified professional (P.Eng, P.Geo) that discusses soil/groundwater conditions to properly characterize potential dewatering needs. This brief should discuss seasonal high groundwater levels, excavation depths, dewatering calculations (on a L/s and L/day basis), and if dewatering is required, groundwater quality sampling to compare

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against Sewer Use Bylaw criteria, all to the satisfaction of the City's Manager of Development Approvals.

2. That the Owner finalizes municipal addressing and street naming with the Legislative Approvals / Staging of Development Section, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
3. That the Owner / Applicant shall prepare an Invasive Species Management Plan for the duration of 5 years, including a cost estimate for implementation, to the satisfaction of the Manager of Heritage and Urban Design.
4. That the Owner / Applicant shall maintain the Vegetation Protection Zone (VPZ) Planting Plan, previously confirmed by the Manager of Heritage and Urban Design.
5. That the Owner / Applicant shall develop and maintain the planting and surfacing details in accordance with the agreed Upland Vegetation Restoration Plan Planting Plan, previously confirmed by the Manager of Heritage and Urban Design..
6. That the Owner / Applicant shall prepare and implement a monitoring plan (specific to the Vegetation Protection Zone), including a cost estimate for implementation, to the satisfaction of the Manager of Heritage and Urban Design.
7. That the Owner / Applicant shall prepare and implement a monitoring plan (specific to the upland restoration plan), including a cost estimate for implementation, to the satisfaction of the Manager of Heritage and Urban Design.
8. That the Owner / Applicant shall prepare and implement a bat condominium habitat, including a cost estimate for implementation, to the satisfaction of the Manager of Heritage and Urban Design.
9. That the Owner / Applicant shall prepare and implement snake hibernaculum habitat, including a cost estimate for implementation, to the satisfaction of the Manager of Heritage and Urban Design.
10. That the Owner / Applicant shall prepare stewardship signage to be placed incrementally along the perimeter of the Vegetative Protection Zone where it abuts the amenity areas and sidewalks, as shown on the Servicing Plan as the limit of phase prepared by Stantec, dated June 14, 2023, to the satisfaction of the Manager of Heritage and Urban Design.
11. That a letter certifying the design of the parking garage ramps shall be provided and signed by a Licensed Architect or Engineer, to the satisfaction of the Manger, Transportation Planning.
12. That a Transportation Assessment shall be provided by a qualified Transportation Consultant to provide additional details regarding heavy vehicles circulation and

Re: CONCURRENT SITE PLAN / BUILDING PLAN REVIEW PROCESS Page 12 of 14
Site Plan Control Application by Biglieri Group on behalf of LIV
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updates to Transportation Demand Management measures to be provided, to the satisfaction and approval of the Manager, Transportation Planning.

13. That the Owner / Applicant shall provide a signed Letter of Intent indicating the agreement to provide preloaded Presto passes of \$120.00, and indicating the total amount per pass, with the purchase of an individual residential unit, to the satisfaction and approval of the Manager, Transportation Planning.
14. That updated Turning Plans shall be provided illustrating the complete movements for all loading and waste collection vehicles internal to the subject property without conflicts or limitations, to the satisfaction and approval of the Manager, Transportation Planning.
15. That prior to the application for any building permits, the proposed layout shall be to the satisfaction and approval of the Manager, Transportation Planning.
16. That short-term and long-term bicycle parking shall be located internal to the subject property limits and shall be illustrated and numbered on the site plan in accordance to the City of Hamilton Comprehensive Zoning By-law 05-200, Section 5: Parking, to the satisfaction and approval of the Manager, Transportation Planning.

PRIOR TO ISSUANCE OF ANY BUILDING PERMITS

17. That the Owner 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 Approvals.
18. That the Owner submit a sufficient security deposit to the Growth Management Division to cover potential damage to any municipal infrastructure within the municipal right-of-way during construction (including but not limited to sidewalks, curbs, light poles, underground and aboveground utilities, etc.). If any significant intersection improvements work at the intersection of North Waterdown Drive and Mosaic Drive is required, the Owner will be required to enter into and register on title of the lands, an External Works Agreement with the City instead of submitting the abovementioned security deposit, all to the satisfaction of the City's Manager of Development Approvals.

If you are agreeable to the conditions of approval, please sign and date in the space provided below and **return a copy to [Planner] within 5 days**. Please note that by signing, you are also acknowledging that in the event a building permit for the proposed development has not been issued within one (1) year from the date of conditional site plan approval, the approval shall lapse. Prior to the approval lapsing, a request for an extension for a period up to, but not exceeding a one (1) year period, may be made directly to the Manager of Heritage and Urban Design, with written justification and the

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required fee. The applicant is responsible for making this request and ensuring the conditional site plan approval does not lapse.

If you have any questions or concerns with the conditions of this Site Plan Approval, please contact [Planner] immediately.

Owner's Signature

Date

Once the applicable conditions have been satisfied, a Building Permit may be issued.

Notes:

1. The City of Hamilton is in the process of creating a new comprehensive Zoning By-law for the entire City. The new Zoning By-law is being prepared in phases by Land Use topic. New zoning may be implemented which could be different than the current zoning. Accordingly, if a Building Permit has not been issued by the City prior to the new zoning coming into effect, the approved site plan may be affected, related to zoning compliance, which may require further planning approvals (i.e. Minor Variance, Zoning Amendment, etc.).
2. The above conditions of site plan approval are separate and independent of any review under the Ontario Building Code (OBC) as part of the Building Permit review process. In the event that a building permit application does not comply with the OBC, a letter outlining the deficiencies or areas of non-compliance will be issued to the owner and/or agent. Site plan review and building permit review are separate and independent processes.
3. Please note that the Development Charge rates change on July 5, 2023.

Yours truly,

Ken Coit, OAA
Director, Heritage and Urban Design
Planning Division

KC:
Attachment(s)

cc:

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Site Plan Control Application by Biglieri Group on behalf of LIV
Communities Inc. for Lands Located at 909 North Waterdown Drive,
Flamborough (Ward 15)

[Councillor]	@hamilton.ca;
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A. Fabac, Director, Development Planning	anita.fabac@hamilton.ca;
[SPM] Senior Project Manager, Development Planning	@hamilton.ca;
Attn: Planner	
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	rosie.hagerty@hamilton.ca;
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GIS Planning & Analysis	dlgisplanninganalysis@hamilton.ca;
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Transportation Planning	tplanning@hamilton.ca;
E. Coe, Supervisor of Zoning	emily.coe@hamilton.ca;
	zoningrequest@hamilton.ca;
M. Viveiros, Development Application Intake Coordinator	maria.viveiros@hamilton.ca
Owner	