



STAFF REPORT Planning

Title: Official Plan Amendment No. 24, Zone Change Application Z-18-17, Draft Plan of Subdivision 30T-18401, City of Waterloo, West Side Employment Lands, 928, 960, 980 Erb Street West, 975 Columbia Street West and 100 The Wilmot Line

Report Number: IPPW2020-014

Author: Natalie Hardacre

Meeting Type: Council Meeting

Council/Committee Date: February 24, 2020

File: OPA 24, Z-18-17, 30T-18401

Attachments: Maps 1 - 4 and Appendices A - C

Ward No.: Ward 2, Northwest

Recommendations:

1. That IPPW2020-014 be approved.
2. That Council adopt Official Plan Amendment No. 24, City of Waterloo, West Side Employment Lands, municipally known as 928, 960, 980 Erb Street West, 975 Columbia Street West and 100 The Wilmot Line, as set out in Section 7 of IPPW2020-014.
3. That Council approve Zone Change Application Z-18-17, City of Waterloo, West Side Employment Lands, municipally known as 928, 960, 980 Erb Street West, 975 Columbia Street West and 100 The Wilmot Line, as set out in Section 7 of IPPW2020-014.
4. That Council adopt Draft Plan of Subdivision 30T-18401, City of Waterloo, West Side Employment Lands, municipally known as 928, 960, 980 Erb Street West, 975 Columbia Street West and 100 The Wilmot Line, as set out in Section 7 of IPPW2020-014.

A. Executive Summary

The City of Waterloo's Economic Development Division (the 'Applicant') has requested an amendment to the City's Official Plan for the lands known municipally as 928, 960, 980 Erb Street West, 975 Columbia Street West and 100 The Wilmot Line, commonly referred to as the West Side Employment Lands (the "WSEL"). The WSEL is one of the largest contiguous undeveloped non-residential land parcels remaining in the city. The WSEL is proposed to contain a range of business employment uses, a commercial block, open space lands (e.g., Wilmot Line buffer), and walkways. The Applicant has requested: (1) additional ancillary commercial uses along Platinum Drive to primarily serve the needs of the business park and to increase activity along this corridor; (2) additional uses throughout the WSEL; and (3) the ability to accommodate traditional industrial uses in specific locations.

Based on Planning Approvals' review of the application, staff supports Official Plan Amendment No. 24, Zone Change Application Z-18-17, and Draft Plan of Subdivision 30T-18401 as described in Section 7 of this report, for reasons including:

1. The application conforms to the Growth Plan for the Greater Golden Horseshoe.
2. The application is consistent with the Provincial Policy Statement.
3. The application is consistent with the policies of the Regional Official Plan.
4. The application to amend the Official Plan will result in a policy framework that allows for orderly development and good land use planning.
5. The proposed zoning is appropriate and will implement the Official Plan as amended.
6. The applications direct growth to designated urban lands.
7. The applications advance land uses that are suitable for the lands.
8. The applications create opportunities for economic growth and choice in the market place.
9. The applications advance land parcels with appropriate configurations, sizes and orientations.
10. Reasonable and appropriate conditions of draft approval are applied to the Plan of Subdivision.
11. The applications are in the public interest and represent good planning.

B. Financial Implications

Financial costs related to the proposed subdivision will be borne by the developer, being the City of Waterloo. The budget for the applications, proposed development and associated works will be funded by the West Side Employment Lands Servicing project. On June 17, 2019 Council approved \$5,476,000 in capital funding, funded \$3,481,000 from the Industrial Land Reserve Fund – West Side Lands and \$1,995,000 from the Development Charges Reserve Fund as per report CAO2019-021.

Additionally on February 6, 2017 Council approved \$7,598,000 in capital funding, funded from the Industrial Land Reserve Fund – West Side Lands as per report CAO2017-004. The balance of the West Side Employment Lands Servicing project funding is included in the approved 2020-2022 capital budget (ref #123) in the amount of \$18,334,000 funded \$14,468,000 from the Industrial Land Reserve Fund – West Side Lands and \$3,865,000 from the Development Charges Reserve Fund.

The cost of the West Side Employment Lands Servicing project will be based on competitive procurement with RFT18-24 – Area Grading and Erosion Control Works previously awarded to Kieswetter Excavating Inc. as per report IPPW2019-016. The award of RFT1-20 - Platinum Drive Extension and Westside Employment Lands – Phase 1 & 2 Municipal Servicing is scheduled to be awarded in March 2020.

C. Technology Implications

Planning Division staff are not aware of any municipal technological implications.

D. Link to Strategic Plan

(Strategic Objectives: Equity, Inclusion and a Sense of Belonging; Sustainability and the Environment; Safe, Sustainable Transportation; Healthy Community & Resilient Neighbourhoods; Infrastructure Renewal; Economic Growth & Development)

(Guiding Principles: Equity and Inclusion; Sustainability; Fiscal Responsibility, Healthy and Safe Workplace, Effective Engagement, Personal Leadership, Service Excellence)

The development of the WSEL supports the Economic Growth & Development objective of the City's Strategic Plan, by adding to a diverse economy 'that works for all, where all can work'. The creation of additional employment land will foster job growth and will maximize opportunities within the local labour market.

The proposed development also supports the Infrastructure Renewal objective through the creation of new transportation infrastructure to improve modal choice on the west side of the city.

E. Previous Reports on this Topic

None.

F. Approvals

Name	Signature	Date
Author: Natalie Hardacre		
Director: Joel Cotter		
Acting Commissioner: Ron Ormson		
Finance: Filipa Reynolds		

CAO

Acting CAO, Keshwer Patel



**Official Plan Amendment No. 24, Zone Change Application Z-18-17, Draft Plan of Subdivision 30T-18401, City of Waterloo, West Side Employment Lands, 928, 960, 980 Erb Street West, 975 Columbia Street West and 100 The Wilmot Line
IPPW2020-014**

SECTION 1 – BACKGROUND INFORMATION

Location: 928, 960, 980 Erb Street West, 975 Columbia Street West and 100 The Wilmot Line (see inset map)

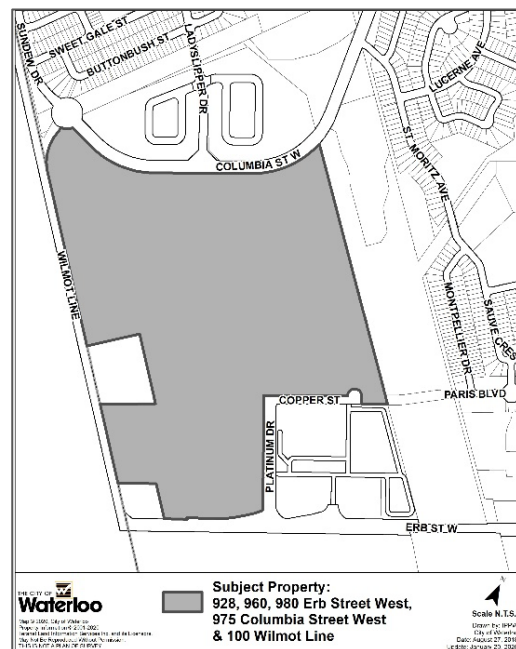
Ward: 2 - Northwest

Total Lot Area: 45.2 hectares (111.7 acres)

Owner/Applicant: City of Waterloo

Existing Use: Vacant

Proposed Use: Employment subdivision containing a range of employment / office / industrial uses, a commercial block, open space, and new streets



Public Input: An Informal Public Meeting was held on January 14, 2019. Public and agency comments received have been considered during the preparation of this report, where appropriate. Mechanisms used to gather input in relation to these applications are summarized in the following chart:

MECHANISM	DATE	RESULTS
AGENCY CIRCULATION	September 2018	Agency comments provided in Appendix B.
INFORMAL PUBLIC MEETING	January 14, 2019	Meeting minutes provided in Appendix A.
ADVERTISE FORMAL PUBLIC MEETING	February 6, 2020	Meeting has been advertised in the Waterloo Chronicle. Property owners within 120 metres of the subject lands and those who requested notice at the Informal Public Meeting have been sent a notice.
FORMAL PUBLIC MEETING	February 24, 2020	Council considers the application.

1.1 Subject Lands

The WSEL is located at the western edge of the city, comprised of lands known municipally as 928, 960, 980 Erb Street West, 975 Columbia Street West and 100 The Wilmot Line (the “Lands”) (see Map 1). The WSEL is 45.2 hectares in size and is vacant. Currently owned by the City of Waterloo, the WSEL was previously occupied by the former Waterloo Golf Academy (golf course) and the Hergott Cider Mill.

1.2 Surrounding Context

The Lands are located at the westerly limit of the city, adjacent to the Township of Wilmot. The Lands are bounded by The Wilmot Line to the west, Columbia Street West to the north, a hydro corridor under the control of Hydro One Networks Inc. (the “HONI Lands”) to the east, and Erb Street West / Copper Street to the south. Surrounding land uses include:

- Vista Hills residential neighbourhood to the north
- Clair Hills residential neighbourhood east of the HONI Lands
- commercial lands (including the Costco site) to the southeast
- Region of Waterloo Waste Management facility to the south
- agricultural lands to the west within the Township of Wilmot

SECTION 2 – PROPOSED DEVELOPMENT

The Applicant proposes to create a plan of subdivision for the development of an employment business park. The subdivision will contain primarily business employment lands, with a commercial block abutting Columbia Street, open space (e.g. Wilmot Line buffer), and walkways. The Applicant has requested: (1) additional ancillary commercial uses along Platinum Drive to primarily serve the needs of the business park and to increase activity along this corridor; (2) additional uses throughout the WSEL; and (3) the ability to accommodate traditional industrial uses in specific locations. The proposed draft plan of subdivision (the “Draft Plan”) is included as Map 4. The Applicant submitted an Official Plan Amendment and Zone Change application to implement the proposed subdivision. Additional information related to the applications is contained in Section 3 below.

SECTION 3 – PLANNING ACT APPLICATIONS

3.1 Official Plan Amendment No. 24

Official Plan Amendment No. 24 seeks to amend the City’s Official Plan, as follows:

1. Convenience Commercial Lands:
 - a) To relocate the Convenience Commercial block from 975 Columbia Street West to Block 13 on the proposed Draft Plan.
 - b) To expand the complementary uses permitted.
 - c) To increase the maximum permitted ground floor building floor area.

2. Business Employment Lands
 - a) To expand the ancillary uses permitted along Platinum Drive to permit additional service uses.
 - b) To expand the primary uses permitted on Block 11 and Block 6 to permit more traditional industrial uses.
3. Open Space:
 - a) Re-designate two small areas (re: wetland-type features) from Open Space to Business Employment.

3.2 Zone Change Z-18-17

Zone Change Application Z-18-17 seeks to amend Zoning By-law 2018-050, to implement Official Plan Amendment No. 24 and to align the proposed land uses with Draft Plan 30T-18401. If approved, the WSEL would be zoned as follows:

1. From Zone Change Application (ZC) to Business Employment One (E1-27), with site specific provisions
2. From Zone Change Application (ZC) to Convenience Commercial (C3-20), with site specific provisions
3. From Zone Change Application (ZC) to Parks and Recreation (OS1)
4. From Convenience Commercial (C3-10) to Business Employment One (E1-27)
5. From Future Determination (FD) to Business Employment One (E1-27)

3.3 Draft Plan of Subdivision 30T-18401

The Applicant proposes to create a plan of subdivision that includes employment, commercial, walkways, open space and new streets including the northward extension of Platinum Drive. The proposed land uses are included in the table below:

LOTS / BLOCKS	LAND USE	AREA (ha)
BLOCKS 1 – 12	EMPLOYMENT	37.663
BLOCK 13	COMMERCIAL	1.200
BLOCKS 14 – 15	OPEN SPACE	0.433
BLOCKS 16 – 18	10.0 m WALKWAY	0.467
BLOCK 19	10.0 m ACCESS	0.123
BLOCK 20	15.0 m WALKWAY / SERVICING	0.320
BLOCKS 21 – 26	0.3 m RESERVE	0.053
ROADS		4.952
TOTAL		45.211

SECTION 4 – PLANNING POLICY FRAMEWORK

4.1 Growth Plan for the Greater Golden Horseshoe (2017)

The WSEL is identified as ‘Designated Greenfield Area’ within the Growth Plan for the Greater Golden Horseshoe (Growth Plan). In Planning Approval’s opinion, the proposed development conforms to the Growth Plan, for the following reasons:

- Is directed to a settlement area with existing municipal services.
- Will contribute to Waterloo as a complete community and contribute to an appropriate mix of jobs in the community.
- Will make efficient use of vacant designated employment lands and increase employment densities.
- Provides flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries.
- Integrates and aligns land use planning and economic development goals to retain and attract investment and employment.

4.2 Provincial Policy Statement (2014)

In Planning Approval’s opinion, the proposed development is consistent with the Provincial Policy Statement, for the following reasons:

- Is directed to a settlement area with existing municipal services.
- Contributes to Waterloo as a complete community by contributing to the mix of employment uses in the city to meet long term employment needs.
- Promotes economic development and competitiveness by providing opportunities for a diversified economic base, and a range and choice of suitable sites for employment uses that account for the needs of existing and future businesses.

4.3 Region of Waterloo Official Plan (2015)

The Regional Official Plan designates the WSEL “Urban Designated Greenfield Area” in the Urban Area. In Planning Approval’s opinion, the proposed development conforms to the Regional Official Plan (ROP), for the following reasons:

- Promotes balanced growth by directing development within the settlement boundary to make better use of land, existing physical infrastructure, community infrastructure and human services.
- Supports the Regional goal of an adaptable, innovative and creative economy by providing a broad range of accessible employment opportunities, and maintaining a competitive advantage in attracting and retaining people, jobs and investment.
- Is anticipated to conform to the Region’s employment density target for Urban Designated Greenfield Areas of 40 residents and jobs combined per hectare.
- Minimizes potential adverse impacts due to the encroachment of sensitive land uses and potentially incompatible uses on one another by establishing requirements for separation distances, noise attenuation, and other measures as appropriate.

4.4 City of Waterloo Official Plan

The WSEL is currently designated Business Employment, Convenience Commercial and Open Space in the City of Waterloo Official Plan, and is subject to the policies of Specific Provision Area (SPA) 43.

Business Employment

The Business Employment land use designation is intended to cater to the needs of technical and/or scientific businesses, advanced industrial technologies, prestige office, and a restricted range of service uses. Business Employment lands are generally located on the periphery of employment areas, serving as a buffer between traditional industrial uses and sensitive uses. To achieve the vision of prestigious business employment lands, a high standard of urban design is required. The lands are also designated Medium Density Employment, which contemplates building heights no greater than 27 metres.

The Applicant is proposing to maintain the Business Employment designation across the WSEL. Additional uses are proposed through a site specific amendment to the Official Plan. Section 5 contains a planning evaluation of the proposed amendment.

Open Space

A small portion of the WSEL is designated Open Space, Natural System and Supporting Natural Features, to recognize two existing wetland-type features. The lands are classified as constraint level two features, meaning the form can be modified provided the function is retained. The Applicant is proposing to remove the open space features and re-designate these lands to Business Employment. The function of the features will be replicated in the stormwater management facility.

Convenience Commercial

The northwest corner of the WSEL is currently designated Convenience Commercial, approved through the Vista Hills subdivision (re: Draft Plan 30T-05402). This designation is planned to accommodate retail and service commercial establishments in a small-scale centre to help meet the day to day needs of nearby residents and businesses. Convenience Commercial facilities are intended to have a strong pedestrian and cyclist focus, be well connected to the surrounding local neighbourhood, and provide an opportunity to obtain convenience goods and services within a reasonable walking and cycling distance; reducing the need for automobile trips and fostering social interaction.

SPA 43 enables the relocation of the Convenience Commercial block at 975 Columbia Street West (northwest corner of the WSEL), to a location along Columbia Street West between The Wilmot Line and the HONI Lands. The Applicant is requesting that this Convenience Commercial block be relocated to Block 13 on the Draft Plan, along with additional site specific provisions, including additional permitted uses and an increase in the permitted ground floor building floor area. Section 5 provides a summary and planning evaluation of the proposed amendment.

4.5 Clair Hills District Implementation Plan

The WSEL is within the Clair Hills District. The Clair Hills District Implementation Plan was approved by Waterloo City Council in 1997, and since modified. Related District Plan objectives include, in part:

- A range of lot sizes for a variety of future industrial and arterial commercial uses.
- Additional lands to meet future needs of industrial and arterial commercial uses.
- Adequate buffering to minimize adverse effects between differing land uses.
- Encourage industrial operations of a non-noxious nature.
- Development densities that will support affordable levels of public transit.

The WSEL is identified as Industrial in the Clair Hills District Implementation Plan, which is intended to provide a wide range of industrial and business uses in a planned industrial park setting. Should the development applications be approved as proposed, the District Plan text as well as associated mapping will be updated.

4.6 City of Waterloo Zoning By-law 2018-050

The WSEL is currently zoned Zone Change Application (ZC), Convenience Commercial (C3-10), and Future Determination (FD) in By-law 2018-050.

The Applicant is proposing through Z-18-17 to rezone the WSEL to Business Employment One (E1-27), Convenience Commercial (C3-20), and Parks & Recreation (OS1). If approved, the zoning would implement the Official Plan policy and land use framework proposed through OPA 24. In addition, application Z-18-17 is being advanced to reflect the development configuration proposed through Draft Plan 30T-18401.

The Applicant is requesting site specific provisions to permit additional land uses. Section 5 provides a summary and planning evaluation of the proposed amendments.

SECTION 5 – PLANNING EVALUATION

A summary of Planning Approvals' evaluation of the applications and proposed development is provided in this Section.

5.1 Convenience Commercial (Block 13)

Through the submitted applications, the Applicant is proposing the following modifications to the Convenience Commercial lands.

Location

The applicant is proposing to relocate the existing Convenience Commercial Block at 975 Columbia Street West to Block 13 on the Draft Plan. This is enabled by SPA 43, which allows for the commercial block to be relocated along the axis of Columbia Street between The Wilmot Line and the HONI Lands, to allow for the strategic placement of a

commercial block during the detailed planning for the WSEL. The lands originally designated Convenience Commercial will be redesignated Business Employment through this application.

Staff are supportive of the relocation of the commercial block to Block 13. This central and prominent location at the intersection of Columbia Street and Platinum Drive / Ladyslipper Drive will serve both the residents of Vista Hills to the north and Clair Hills to the east, as well as serve the future businesses in the WSEL. Block 13 provides a transition in land use between the residential lands to the north and the employment lands to the south. From an urban design perspective, any future development on Block 13 will be encouraged to have a built form that frames the intersection and roundabout, creates a gateway into the WSEL with an architectural focal point, and activates the Columbia Street and Platinum Drive streetscapes.

Maximum Permitted Building Footprint

The Convenience Commercial designation in the Official Plan caps the maximum total ground floor building footprint at 2,000 square metres. For a property of 1.2 ha in size, this would result in a lot coverage of approximately 17%. The Applicant has requested an increase in the permitted ground floor building footprint to a maximum of 3,000 which would allow a lot coverage of approximately 25%, which is more common for suburban commercial centres.

In reviewing the request for an increase in ground floor building floor area by 1,000 square metres, Council must consider the intent of the Convenience Commercial designation and the planning principle to efficiently use land. The planned function of the Convenience Commercial designation is to accommodate retail and/or service establishments in a small-scale centre to help meet the day to day needs of nearby residents and businesses.

The Applicant is requesting to increase the permitted ground floor building floor area for the following reasons:

- The Market Analysis submitted with the application, prepared by urbanMetrics, dated August 2018 (the “Market Analysis”), indicates that one of the challenges to the development of the WSEL is the limited amenities, such as retail, restaurants, fitness facilities, etc. within walking distance of the Lands. This in turn, could limit the types of employers who would consider locating in the WSEL. Increasing the permitted maximum ground floor building floor area will assist in overcoming this challenge by allowing for a wider range of commercial amenities and services in proximity to the employment uses.
- The increased size will be more conducive to a mixed-use development, comprised of convenience commercial in conjunction with offices, to compliment the employment uses proposed within the WSEL.
- To facilitate a wider range of commercial uses on the block to serve the long-term needs of the surrounding residents and future employees and businesses in the area.

- To accommodate additional flexibility with respect to potential uses, site design and layout.

Planning staff are supportive of the requested increase to 3,000 square metres based on the reasons outlined above, and believe that a maximum coverage of 25% is appropriate and maintains the planned function of the Convenience Commercial block. It is important to note that multiple storey development is permitted, with a maximum building height of up to 20 metres. The proposed building floor area increase of 3,000 square metres only applies to the ground floor of the building(s) on the block.

Additional Permitted Uses

The Applicant has requested that the following additional complementary uses be permitted within Block 13:

- Catering Establishment
- Child Care Centre
- Microbrewery

Staff have no concerns with this request, as it coincides and is compatible with the planned function of the WSEL as a whole. The Child Care Centre use will be subject to a holding (H) symbol through the implementing zoning to ensure land use compatibility with nearby industrial uses on the WSEL.

Prohibited Uses

A number of uses will be prohibited from the Convenience Commercial Block (Block 13) through the implementing zoning by-law. The prohibited uses are included as follows:

Sensitive Uses – The Convenience Commercial designation contemplates residential ‘Dwelling Units’ on storeys above the ground floor, ‘Assisted Living Facility’ and ‘Long Term Care Facility’. Due to potential issues of land use compatibility, it is recommended that these uses be prohibited.

Automobile Gas Station – The Applicant has requested that ‘Automobile Gas Station’ be removed as a permitted use from the Convenience Commercial Block, based on the intended market and prospective users of this Convenience Commercial Block. Staff have no concern with this request.

5.2 Business Employment (Blocks 1, 2, 4, 5, 7 and 10)

Through the submitted applications, the Applicant is proposing the following modifications to the Business Employment lands, particularly Blocks 1, 2, 4, 5, 7 and 10 on the Draft Plan.

Additional Permitted Uses

The Applicant has requested site specific amendments to include the following primary permitted uses:

- Artist Studio (Class B)

- Light Industrial Assembly
- Light Industrial Manufacturing
- Light Industrial Processing
- Microbrewery
- Municipal Recreation Facility
- Parkland

The Applicant is requesting Light Industrial Assembly, Light Industrial Manufacturing and Light Industrial Processing uses as primary uses. The Official Plan restricts manufacturing, processing and assembly uses in the Business Employment designation to uses related to the production of high-value, high-technology products (i.e., advanced tech). The Applicant is seeking to accommodate a wider range of light industrial uses in the WSEL based on context and market demand. In other words, this request has been made to facilitate greater flexibility of employment uses to ensure the economic viability of the WSEL as a successful business park. This request applies to the blocks through the middle and along the east side of the proposed subdivision, which are surrounded primarily by other Business Employment lands including Block 6 and 11 where a broader range of employment uses is contemplated including traditional industrial uses. The subject blocks are distanced from the residential uses north of Columbia Street and east of the HONI Lands.

Zoning By-law 2018-050 defines 'Light' as an industrial use which:

- a) *is wholly enclosed within a building, except for parking spaces and loading spaces; and*
- b) *in its operation does not ordinarily result in emissions from the building of odours, fumes, noise, cinder (including smoke, soot, ash), dust, vibrations, heat, glare (lighting), or electrical interference,*
Where the finished goods are typically designed for the end consumer rather than other industries, such as consumer electronics and clothing manufacturing.

Therefore, by its very definition the requested uses will be required to create little to no impact on surrounding uses, which aligns with the intent of the Business Employment designation.

In terms of appropriateness, the general Employment Land policies of the Official Plan state: *"It is a policy of this plan to maintain a diverse and balanced employment land supply to serve the employment needs of the City and to ensure there are sufficient employment areas available to accommodate employment growth now and into the future, including an adequate supply of serviced land and an allowance for choice."*

According to the Market Analysis, while there is currently sufficient space available for pure technology firms in other business parks within the City (e.g., David Johnston Technology Park), there is limited opportunity in the city for medium to large-scale traditional employment uses which require large contiguous sites.

Providing flexibility in the range of employment uses within the WSEL allows for a diverse business park, while still maintaining the overall intent of the lands as Business Employment. Depending on the evolution of the employment sector in Waterloo, this flexibility still accommodates advanced tech uses but with additional flexibility built in to ensure certain non-tech uses can be accommodated as well; facilitating the economic viability of the WSEL. Staff supports the requested additional uses.

Prohibited Uses

A number of uses will be prohibited on Blocks 1, 2, 4, 5, 7 and 10 through the implementing zoning by-law. The prohibited uses are listed below:

Child Care Centre – Due to potential issues of land use compatibility, it is recommended that 'Child Care Centre' be prohibited.

Transportation Service – The Applicant has requested that 'Transportation Service' be removed as a permitted use from these Business Employment blocks based on the intended market and prospective users. Staff have no concern with this request.

5.3 Business Employment with Flexible Industrial Permissions (Blocks 6, 11)

Additional Permitted Uses

The Applicant has requested that Block 6 and Block 11 permit additional 'Flexible Industrial' uses - being more traditional industrial uses - to provide additional flexibility for the long term development of the lands. The additional 'Flexible Industrial' uses proposed by the Applicant include the following primary uses:

- Artist Studio (Class B)
- Custom Service Shop
- Industrial Assembly
- Industrial Manufacturing
- Industrial Processing
- Makerspace (Class B)
- Pharmaceutical Industry

According to the Applicant, proximity to the Region of Waterloo Landfill Operations could limit the types of tenants at the south end of the WSEL. As a result, and according to the Market Analysis, the south end of the WSEL is more appropriate for flexible industrial building uses. These types of uses would benefit from exposure along Erb Street and proximity to the Costco site. Block 6 and Block 11 are also the furthest distance from the residential neighbourhoods to the north and east of the WSEL.

As a result, staff are generally supportive of the request for additional Flexible Industrial uses in this location and opine that the general intent of the OP is maintained so long as further modification are not made to the ancillary uses, in the way of increased building floor area, in conjunction with this request (see below).

Despite the permissions for more traditional industrial uses, it will remain the intent of the Business Employment designation that these lands be developed to achieve a high standard of urban design, as contemplated across the Business Employment designation. This is to be upheld throughout the WSEL, particularly along Platinum Drive.

Prohibited Uses

Due to potential issues of land use compatibility, it is recommended that 'Child Care Centre' be prohibited from Blocks 6 and 11.

5.4 Business Employment with Additional Permitted Ancillary Uses – Platinum Drive Frontage (Blocks 4 to 7)

The Applicant has requested site specific provisions on Blocks 4, 5, 6 and 7 on the Draft Plan abutting Platinum Drive. More specifically, to permit additional ancillary uses on the ground floor of a building having frontage onto Platinum Drive between Street B and Street C and to increase the total percentage of building floor area permitted for ancillary uses from 15% to 20%.

Additional Permitted Uses

The requested additional ancillary uses are:

- Cultural Facilities
- Personal Brewing Establishment
- Personal Service Shop
- Temporary Farmers Market

Staff support the Applicant's request for additional ancillary uses along Platinum Drive to activate the street frontage in this area and to create a unique central street within the WSEL, thereby enhancing the area for businesses and their employees by serving their day-to-day needs in a unique and attractive environment. No issues of land use compatibility are foreseen with the proposed additional uses and the primary uses of the Business Employment One (E1) zone.

Ancillary Use Permissions

In addition, the Applicant has requested an increase in the total percentage of building floor area permitted for ancillary uses from 15% to 20%. Staff note that this request has been made for all Business Employment lands. To ensure the planned function of the Business Employment designation is maintained, staff recommend that this request be restricted to strategic locations, being buildings fronting Platinum Drive to activate the central travel corridor in the WSEL. Staff support the request along Platinum Drive only.

5.5 Park

A Park Block was included in previous versions of the Draft Plan. While the Park Block is not shown as a defined block on the current Draft Plan, the following uses are being requested as uses throughout the WSEL:

- Parkland
- Municipal Recreation Facility

The intent is to permit the location of the Park Block in a strategic location, to be determined by the owner (City of Waterloo) at a future date. The need and function of the park will be further reviewed by the Corporation, which may impact the size and location of the park. Conditions of draft approval for the subdivision are proposed to address the implementation of the park.

5.6 Open Space Designation

The Applicant proposes to re-designate existing Open Space lands on the property to Business Employment. The Official Plan contains policies that speak to specific criteria for removal of environmental features. As outlined in the Planning Justification Report and detailed in the Environmental Impact Statement submitted by the Applicant, five small wetland-type features are proposed to be removed. Only two of these features are designated in the Official Plan as Open Space on Schedule 'A' and Supporting Natural Feature on Schedule 'A3'.

From a policy perspective, staff are satisfied that the five features meet the criteria for removal set out in Official Plan policy 8.2.5(19). For the two designated features, as per Official Plan policy 8.2.5(18), it is appropriate to replace their existing designations with the Land Use Designation and Height & Density permissions applied to the balance of the Lands. As such, planning staff and the Grand River Conservation Authority (GRCA) have no objection to the re-designation of these lands and are satisfied that the Applicant has met the criteria for removal of these natural features. The open water function of the features will be replicated in the stormwater management facility.

5.7 Commemorative Assessment Brief

The Applicant submitted a Commemoration Assessment Brief, prepared by Stantec Consulting Inc., dated August 2018. The purpose of the brief was to recommend ways in which to repurpose salvaged materials (stone) on the Lands to commemorate the Hergott Farm blacksmith shop / smoke house / summer house. This included a review of background studies, consultation with staff and a site assessment of the Lands. Three options were recommended to commemorate the history of the property. The preferred option combines a commemorative structure that also includes a focus on the agricultural landscape. Although not subject to the City's Public Art Policy, it was determined that inclusion of a commemorative feature would be most effective through the provision of public art. City staff will continue to advance this component of the project, in consultation with the Municipal Heritage Committee and in alignment with the intent of the Commemorative Assessment Brief.

5.8 Land Use Compatibility and Ministry of Environment D-6 Guidelines

The Ministry of Environment, Conservation and Parks' D-6 Guidelines are established to prevent or minimize future land use problems due to the encroachment of sensitive land uses and industrial land uses on one another, and is intended to apply when a change of land use is proposed. The guideline categorizes industrial facilities into three classes according to their physical size/scale, the objectionable nature of their emissions, production volumes and/or the intensity and scheduling of operations. The guideline recommends the following minimum separation distances to a sensitive land use for each class of industry:

Class I – 20 metres minimum separation distance

Class II – 70 metres minimum separation distance

Class III – 300 metres minimum separation distance

The above noted separation distances were reviewed against the existing surrounding residential land uses in proximity to the Draft Plan, including the residential land uses north of Columbia Street West, the residential land uses east of the HONI Lands along Montpelier Drive and St. Moritz Avenue, 1074 Erb's Road (within the Township of Wilmot), and 303 Wilmot Line (within the Township of Wilmot). Based on this review, the following conclusions were made:

1. No portion of the WSEL is within 20 metres of a sensitive use. Therefore Class I industries could locate anywhere within the WSEL with little to no concern for land use compatibility.
2. Blocks 3, 8, 9 and 13 (blocks abutting Columbia Street) are within 70 metres of sensitive uses. Land uses within these Blocks should therefore be focused to Class I industries or industries that will create little to no negative impacts from a land use compatibility perspective.
3. The majority of Block 5, Block 6 and Block 11 are greater than 300 metres from existing sensitive land uses. Theoretically, these Blocks could accommodate Class II or Class III industries. Additional land use compatibility assessment and/or minimum setback requirements may be necessary, depending on the use.

5.9 Phasing of Development

The WSEL is intended to be registered as one phase, but constructed in phases. Phase 1 of the construction will include Platinum Drive, Street B and the stormwater management facility within the HONI Lands (outside of the limits of the Draft Plan, but relevant for the servicing of the WSEL). The temporary stormwater management pond will be decommissioned before Street B can be fully constructed.

5.10 Urban Design Guidelines

As a condition of approval of the Draft Plan of Subdivision, the Applicant will be required to prepare Urban Design Guidelines for the WSEL, to the satisfaction of Council in consultation with the Director of Planning. This document will guide the development of the walkway, open space lands, and each block to ensure design consistency throughout the entire WSEL, specifically as it relates to building design and site layout. The Design Guidelines will also have a strong focus to sustainability and will encourage sustainable design measures. The preparation of this document is currently underway in collaboration with staff from the Planning Approvals Division.

5.11 50 Wilmot Line

The lands municipally known as 50 Wilmot Line are located along the western boundary of the subject lands, with frontage on The Wilmot Line. This property is held under private ownership and does not form part of the development applications. However, from a planning perspective the lands should integrate with the WSEL in the future, subject to the owner securing the required planning approvals to redevelop the lands.

Street 'C' has been strategically located to provide frontage to this property, separated by a 0.3 metre reserve (Block 24). The reserve prevents access to and the servicing of 50 Wilmot Line from Street 'C' until the owner secures the required planning approvals to redevelop the lands and funds its appropriate share of benefiting infrastructure, as determined by Council. Prior to lifting the 0.3 metre reserve, the owner will be required to enter into a development agreement with the City to connect to municipal services, ensure stormwater management is available, terminate the access to The Wilmot Line and establish an access to Street 'C'. The detailed grading for the WSEL included 50 Wilmot Line.

5.12 The Wilmot Line

A landscaped buffer will be provided adjacent to the Wilmot Line through Open Space Blocks (Blocks 15 and 16). The purpose of this buffer is to create a partial visual screen between the Wilmot Line and the WSEL in an effort to maintain the scenic qualities of The Wilmot Line. The buffer will also assist in the delineation of the City's urban boundary. The buffer will consist of naturalized plantings and a post and wire fence, is intended to contribute to the naturalized rural cross section of Wilmot Line, and will provide continuity with the existing buffer further north adjacent to the Vista Hills neighbourhood (which was established for the same reasons).

5.13 Transportation Network

The design of the subdivision includes the extension of Platinum Drive from its current terminus at Copper Street, northward to Columbia Street West where it intersects with Lady Slipper Drive. In addition, two new streets – currently identified as Street B and Street C – are proposed on the east side and west side of Platinum Drive. Street B will

connect to Copper Street at its existing terminus across from the entrance into the Costco site.

The proposed road right-of-way (ROW) widths are as follows:

Platinum Drive	30 m ROW
Street B	20 m ROW
Street C	20 m ROW

To assist with traffic calming along Platinum Drive, a roundabout / turning circle is proposed at the following intersections:

Platinum Drive and Copper Street / Street C
Platinum Drive and Street B / Street C
Columbia Street and Platinum Drive

Staff have no concerns with the road configuration as proposed.

Platinum Drive

Platinum Drive is an important transportation and active transportation connection for the west side of the City. This transportation link is required for the continued development of the Vista Hills neighbourhood and to enhance the municipal transportation network.

The construction of Platinum Drive will create an important link to the surrounding active transportation network and is identified as a 'City Wide Cycling and Multi-Use Route' in Schedule F of the Official Plan. In addition, the Waterloo West Side Integrated Multi Modal Transportation Study, prepared by WSP, dated June 2018 recommends the design of Platinum Drive include pedestrian and cycling facilities separated from motor vehicles. As a result, Platinum Drive is to be constructed with raised bike lanes and a multi- use trail allowing for the separated movement of cars, cyclists and pedestrians.

5.14 Traffic Impact

The West Side Employment Lands Traffic Impact Study (TIS) was submitted with the applications, prepared by Stantec Consulting Ltd., dated August 2018. An addendum to this report was also submitted by Stantec, dated October 2019. The recommendations of the reports include the following findings and warranted traffic improvements:

- That Platinum Drive be widened to two lanes in the northbound direction between Erb Street West and Copper Street to address vehicular operations and enhance cyclist safety in support of the City's objective to encourage Platinum Drive as an active transportation corridor. This can be accommodated within the existing Platinum Drive right-of-way.
- Addition of a northbound auxiliary right-turn lane at Platinum Drive / Copper Street, to be accommodated through the proposed roundabout design for this intersection.

- Addition of a northbound auxiliary right-turn lane at Columbia Street West / Ladyslipper Drive, to be accommodated through the proposed roundabout design for this intersection.
- Addition of a westbound right-turn lane at Erb Street West / Platinum Drive to complement the existing through-right movement, with a storage length of 25 metres.
- Addition of an eastbound and southbound auxiliary right-turn lane at Columbia Street West / Erbsville Road. Under background traffic operations for the 2031 horizon year and in conjunction with planned road network improvements, all intersections operate at acceptable levels of service with the exception of Columbia Street West / Erbsville Road whose capacity and operations are constrained at left turning movements and north-south approaches due to high volumes. Newly generated traffic related to the WSEL development would only moderately impact this intersection. The Regional Transportation Master Plan identifies the need to widen Erbsville from two to four lanes between Erb and Columbia. Stantec's TIS recommends that the Region, at that time, explore opportunities to improve operations at that intersection in conjunction with broader corridor improvements.

The TIS also determined that the proposed intersection spacing within the WSEL between the proposed roundabouts / turning circles are sufficient to accommodate vehicular operations. This is contingent on the following intersection configurations that would mitigate approach queueing along Platinum Drive:

- Columbia Street West / Ladyslipper Drive:
 - single lane roundabout with a 25 metre northbound auxiliary right-turn lane
- Platinum Drive / Street C and Street B
 - single lane roundabout / turning circle
- Platinum Drive / Copper Street
 - single lane roundabout / turning circle with a 120 metre northbound auxiliary right-turn lane

Staff are satisfied that the transportation layout and warranted traffic improvements are sufficient to accommodate the development of the WSEL and resulting traffic on the surrounding road network.

To address the recommended westbound right-turn lane at Erb Street West / Platinum Drive, staff are recommending a condition to the Draft Approval of 30T-18401 that requires the implementation of this turn lane prior to the construction of Street C, unless otherwise determined through an updated Traffic Impact Statement prepared by the Applicant that this traffic improvement is not required based on actual employment densities realized through the build out of the WSEL.

5.15 Functional Servicing

A Functional Servicing Report was prepared by Stantec Consulting Ltd.. The findings of this report conclude that the proposed development can be adequately serviced by both municipal water and sanitary services.

Water

A new watermain will be included as part of the design and construction of the new roads. This watermain will connect to the existing watermain stub located at the intersection of Platinum Drive and Copper Street and will extend to the watermain located on Columbia Street at the proposed Platinum Drive intersection.

Sanitary

Sanitary servicing will be extended up Platinum Drive, within Street B and Street C and will connect to Columbia Street via Block 18. The majority of the WSEL will outlet through a servicing corridor (Block 20) to an existing connection on Columbia Street West while the remainder of the site will outlet to the existing sanitary sewer on Copper Street. Adequate capacity exists in the downstream sewers to convey sanitary flow from the WSEL.

Stormwater

The WSEL generally drains from the southwest (high point) of the site to the northeast. Storm sewers will be designed within Platinum Drive, Street B and Street C. The majority of these flows will be directed to the Servicing Corridor (Block 20), then to the ultimate stormwater management facility. The ultimate SWM facility will account for flows coming from the WSEL, the existing West Waterloo Commercial Centre lands ("Costco site") and a portion of the Vista Hills community north of Columbia Street West.

5.16 Stormwater Management (SWM) Facility

A Stormwater Management Report was prepared by Stantec Consulting Ltd.. The findings of the report conclude that adequate stormwater management will be accommodated for the long term development of the site.

Ultimate SWM Facility

The ultimate stormwater management facility will be built on City owned lands within the hydro transmission corridor east of the WSEL and south of Columbia Street. Given this facility is outside the limits of the Draft Plan, the detailed design of this facility has already been finalized and construction is underway. The sizing of this SWM facility accounts for all of the WSEL, 50 Wilmot Line, the Costco lands, and a portion of the Vista Hills neighbourhood (e.g., Foamflower Place and Raspberry Place).

Impervious Coverage and Rooftop Retention

This ultimate stormwater management facility will provide sufficient water quality and water quantity control for the WSEL provided impervious coverage is 80% or less. In addition, the design of the stormwater management facility assumes 25% of each site

within the subject lands is rooftop area with 'clean' runoff which can be directed to a retention system. Individual site plan applications will require a detailed analysis to ensure the above assumptions are incorporated into the site plan design. If a site is unable to achieve the target through rooftop retention then the difference will need to be met through the retention of other 'clean' impervious runoff. Retention targets can be met through practices such as infiltration trenches, green roofs, permeable pavers (or increased landscaped areas), grey water reuse, or other green infrastructure or Low Impact Development practices. As the ultimate stormwater management facility accommodates redevelopment at 50 Wilmot Line and was sized to include this property, post development storm flows at 50 Wilmot Line should also be controlled to the levels noted above.

Temporary SWM Pond

An existing temporary stormwater management facility is located at the south east corner of the WSEL, which currently addresses the stormwater management needs of the Costco site. This facility will be decommissioned as the Costco site has been accounted for in the design and sizing of the ultimate stormwater management facility.

SECTION 6 – CONCLUSIONS

Based on Planning Approvals' review of the application staff supports Official Plan Amendment No. 24, Zone Change Application Z-18-17, and Draft Plan of Subdivision 30T-18401 as described in this report, for reasons including:

1. The application conforms to the Growth Plan for the Greater Golden Horseshoe.
2. The application is consistent with the Provincial Policy Statement.
3. The application is consistent with the policies of the Regional Official Plan.
4. The application to amend the Official Plan will result in a policy framework that allows for orderly development and good land use planning.
5. The proposed zoning is appropriate and will implement the Official Plan as amended.
6. The applications direct growth to designated urban lands.
7. The applications advance land uses that are suitable for the lands.
8. The applications create opportunities for economic growth and choice in the market place.
9. The applications advance land parcels with appropriate configurations, sizes and orientations.
10. Reasonable and appropriate conditions of draft approval are applied to the Plan of Subdivision.
11. The applications are in the public interest and represent good planning.

SECTION 7 – RECOMMENDATIONS

- A. That IPPW2020-014 be approved.
- B. That Council adopt Official Plan Amendment No. 24, City of Waterloo, West Side Employment Lands, for the lands known municipally as 928, 960, 980 Erb Street West, 975 Columbia Street West and 100 The Wilmot Line as follows:
1. That the lands identified as *“Lands to be re-designated from Open Space to Employment”* on Map 2 attached hereto be designated as follows:
 - a) Re-designated from ‘Open Space’ to ‘Employment’ on Schedule ‘A’ (Land Use Plan)
 - b) Designated ‘Business Employment’ on Schedule ‘A2’ (Employment Areas)
 - c) That the ‘Natural System’ designation shall be removed from Schedule ‘A3’ (Open Space Land Uses)
 - d) That the ‘Supporting Natural Features’ designation shall be removed from Schedule ‘A4’ (Natural System)
 - e) Designated “Medium Density Employment, 27 metres’ on Schedule ‘B1’ (Height and Density)
 2. That the lands identified as *“Lands to be re-designated from Commercial to Employment”* on Map 2 attached hereto be designated as follows:
 - a) Re-designated from ‘Commercial’ to ‘Employment’ on Schedule ‘A’ (Land Use Plan)
 - b) That the ‘Convenience Commercial’ designation shall be removed from Schedule ‘A1’ (Commercial Land Uses)
 - c) Designated ‘Business Employment’ on Schedule ‘A2’ (Employment Areas)
 - d) Re-designated from ‘Low Density, 10 metres’ to “Medium Density Employment, 27 metres’ on Schedule ‘B1’ (Height and Density)
 3. That the lands identified as *“Lands to be re-designated from Employment to Commercial”* on Map 2 attached hereto be designated as follows:
 - a) Re-designated from ‘Employment’ to ‘Commercial’ on Schedule ‘A’ (Land Use Plan)
 - b) Designated ‘Convenience Commercial’ on Schedule ‘A1’ (Commercial Land Uses)
 - c) That the ‘Business Employment’ designation shall be removed from Schedule ‘A2’ (Employment Areas)
 - d) Re-designated from ‘Medium Density Employment, 27 metres’ to ‘Medium Density, 20 metres’ on Schedule ‘B1’ (Height and Density)

4. That Schedule 'A6' (Specific Provision Areas) be amended by modifying the "Limits of SPA 43", as identified on Map 2 attached hereto.
5. That Section 11.1.43 of the Official Plan be deleted in its entirety and replaced with the following Specific Provision Area:
 - 5.1 Specific Provision Area 43 (West Side Employment Lands) shall apply to the lands municipally known as 928, 960, 980 Erb Street West, 975 Columbia Street and 100 The Wilmot Line and as identified on Schedule 'A6' to the Official Plan.
 - 5.2 That lands within Specific Provision Area 43 designated Convenience Commercial on Map 2, specifically Block 13 of Draft Plan of Subdivision 30T-18401 on Map 4, shall be subject to the following site specific policies:
 - (1) It shall be a policy of the City that the lands designated Convenience Commercial shall generally be no larger than 1.2 hectares in size.
 - (2) It shall be a policy of the City that the following additional complementary uses may be permitted on the lands designated Convenience Commercial:
 - Catering Establishment
 - MicrobreweryThe implementing Zoning By-law may further define the type, amount and format of complementary commercial uses on the lands.
 - (3) Notwithstanding policy 10.2.2.7(7), it shall be a policy of the City that the collective gross leasable area of ground floor uses on the lands shall not exceed 3,000 square metres.
 - (4) It shall be a policy of the City that the following uses shall be expressly prohibited through the implementing Zoning By-law:
 - Residential Dwelling Units
 - Assisted Living Facility
 - Long Term Care Facility
 - Automobile Gas Station
 - 5.3 That lands within Specific Provision Area 43 designated Business Employment on Map 2, specifically Blocks 3, 8, 9 of Draft Plan of Subdivision 30T-18401 on Map 4, shall be subject to the following site specific policies:
 - (1) It shall be a policy of the City that the following additional primary uses may be permitted on lands designated Business Employment:

- Community Uses including recreational facilities, except public schools

The implementing Zoning By-law may further define the type, amount and format of the uses on the lands.

5.4 That lands within Specific Provision Area 43 designated Business Employment on Map 2, specifically Blocks 1, 2, 4, 5, 7, 10 of Draft Plan 30T-18401 on Map 4, shall be subject to the following site specific policies:

(1) It shall be a policy of the City that the following additional primary uses may be permitted on lands designated Business Employment:

- Artist Studio (Class B)
- Community Uses including recreational facilities, except public schools
- Light Industrial Assembly
- Light Industrial Manufacturing
- Light Industrial Processing
- Microbrewery

Such uses are encouraged to include, complement, or relate to uses of a technical and/or scientific nature, and/or elements of advanced industrial technologies, but are not necessarily required to. The implementing Zoning By-law may further define the type, amount and format of the uses on the lands.

(2) It shall be a policy of the City that the following uses shall be expressly prohibited through the implementing Zoning By-law:

- Child Care Centre
- Transportation Service

5.5 That lands within Specific Provision Area 43 designated Business Employment on Map 2, specifically Blocks 6 and 11 of Draft Plan 30T-18401 on Map 4, shall be subject to the following site specific policies:

(1) It shall be a policy of the City that the following additional primary uses may be permitted on lands designated Business Employment:

- Artist Studio (Class B)
- Custom Service Shop
- Industrial Assembly
- Industrial Manufacturing
- Industrial Processing
- Makerspace (Class B)
- Pharmaceutical Industry

The implementing Zoning By-law may further define the type, amount and format of the employment uses on the lands.

- (2) It shall be a policy of the City that the following uses shall be expressly prohibited through the implementing Zoning By-law:
- Child Care Centre

5.6 That lands within Specific Provision Area 43 designated Business Employment on Map 2, specifically Blocks 4, 5, 6 and 7 of Draft Plan 30T-18401 on Map 4, shall be subject to the following site specific policies:

- (1) It shall be a policy of the City that the following additional ancillary uses may be permitted on lands designated Business Employment:
- Cultural Facilities
 - Personal Brewing Establishment
 - Personal Service Uses
 - Temporary Farmers Market

The implementing Zoning By-law may further define the type, amount and format of the employment uses on the lands.

- (2) That ancillary uses shall be within a building containing primary permitted use(s) and shall not exceed twenty percent (20%) of the gross building floor area (excluding parking structures) of the mixed-use building.

C. That Council direct staff to modify the Clair Hills District Implementation Plan, as necessary and in line with Official Plan Amendment No. 24 and Zone Change Application Z-18-17.

D. That Council approve Zone Change Application Z-18-17, City of Waterloo, West Side Employment Lands, for the lands known municipally as 928, 960, 980 Erb Street West, 975 Columbia Street West and 100 The Wilmot Line as follows:

1. That By-law No. 2018-050 is hereby amended by changing the zoning category as shown on the Zoning Map attached to the said By-law No. 2018-050 as Schedule 'A', for the lands identified as "*Lands to be re-zoned from Convenience Commercial (C3-10) to Business Employment One (E1-27) with site specific provisions*" on Map 3 attached hereto, be re-zoned from Convenience Commercial (C3-10) to Business Employment One (E1-27), with site specific provisions contained herein.

2. That By-law No. 2018-050 is hereby amended by changing the zoning category as shown on the Zoning Map attached to the said By-law No. 2018-050 as Schedule 'A', for the lands identified as "*Lands to be re-zoned from Future Determination (FD) to Business Employment One (E1-27) with site specific provisions*" on Map 3 attached hereto, be re-zoned from Future Determination (FD) to Business Employment One (E1-27), with site specific provisions contained herein.

3. That By-law No. 2018-050 is hereby amended by changing the zoning category as shown on the Zoning Map attached to the said By-law No. 2018-050 as Schedule 'A', for the lands identified as "*Lands to be re-zoned from Zone Change Application (ZC) to Convenience Commercial (C3-20), with site specific provisions*" on Map 3 attached hereto, be re-zoned from Zone Change Application (ZC) to Convenience Commercial (C3-20), with site specific provisions contained herein.
4. That By-law No. 2018-050 is hereby amended by changing the zoning category as shown on the Zoning Map attached to the said By-law No. 2018-050 as Schedule 'A', for the lands identified as "*Lands to be re-zoned from Zone Change Application (ZC) to Business Employment One (E1-27), with site specific provisions*" on Map 3 attached hereto, be re-zoned from Zone Change Application (ZC) to Business Employment One (E1-27), with site specific provisions contained herein.
5. That By-law No. 2018-050 is hereby amended by changing the zoning category as shown on the Zoning Map attached to the said By-law No. 2018-050 as Schedule 'A', for the lands identified as "*Lands to be re-zoned from Zone Change Application (ZC) to Parks and Recreation (OS1)*" on Map 3 attached hereto, be re-zoned from Zone Change Application (ZC) to Parks & Recreation (OS1).
6. Notwithstanding anything to the contrary, the following site specific provisions shall apply to all lands identified on Map 3 attached hereto:
 - 6.1 Notwithstanding anything to the contrary, the maximum impervious coverage limit shall be 80%.
 - 6.2 Notwithstanding anything to the contrary, a drive-through shall be prohibited.
 - 6.3 Notwithstanding anything to the contrary, the minimum building setback from lands zoned OS1 shall be 5.0 metres.
 - 6.4 Notwithstanding anything to the contrary, the minimum building setback from the Wilmot Line Street Line shall be 30 metres.
7. Notwithstanding anything to the contrary, the following site specific provisions shall apply to the lands zoned Convenience Commercial (C3-20) on Map 3 attached hereto, and identified as Block 13 on Draft Plan 30T-18401 on Map 4 attached hereto:
 - 7.1 Notwithstanding anything to the contrary, the following additional complementary uses shall be permitted:

- Catering Establishment (including the retail sale of products produced on site to a maximum of 25% of the total floor space of the Catering Establishment use)
 - Microbrewery
- 7.2 Notwithstanding anything to the contrary, the following uses shall be prohibited:
- Dwelling Units
 - Assisted Living Facility
 - Long Term Care Facility
 - Automobile Gas Station
- 7.3 Notwithstanding anything to the contrary, the following regulations shall apply to Child Care Centres:
- i. That a holding (H) symbol shall be applied to the lands and that no person shall use in whole or in part any lands for a Child Care Centre use until such time as the holding (H) symbol is removed.
 - ii. Prior to the passing of a By-law to remove the holding (H) symbol, the owner of the lands shall prepare a Land Use Compatibility Study and demonstrate compliance with the Provincial D-6 Guideline “Compatibility Between Industrial Facilities and Sensitive Land Uses”, to the satisfaction of the City of Waterloo and Region of Waterloo.
- 7.4 Notwithstanding anything to the contrary, the following regulations shall apply:
- i. Lot Area (maximum): 1.2 hectares.
 - ii. Building Height (maximum): 20 metres
 - iii. Building Height (minimum): 5 metres
 - iv. Total Ground Floor Building Floor Area (maximum): 3,000 square metres
8. Notwithstanding anything to the contrary, the following site specific provisions shall apply to the lands zoned Business Employment One (E1-27) on Map 3 attached hereto, and identified as Blocks 3, 8, 9 on Draft Plan 30T-18401 on Map 4 attached hereto:
- 8.1 Notwithstanding anything to the contrary, the following additional primary uses shall be permitted:
- Municipal Recreation Facility
 - Parkland
- 8.2 Notwithstanding anything to the contrary, the following additional complementary uses shall be permitted:

- Child Care Centre

8.3 Notwithstanding anything to the contrary, the following regulations shall apply to Child Care Centres:

- i. That a holding (H) symbol shall be applied to the lands and that no person shall use in whole or in part any lands for Child Care Centre until such time as the holding (H) symbol is removed.
- ii. Prior to the passing of a By-law to remove the holding (H) symbol, the owner of the lands shall prepare a Land Use Compatibility Study and demonstrate compliance with the Provincial D-6 Guideline "Compatibility Between Industrial Facilities and Sensitive Land Uses", to the satisfaction of the City of Waterloo and Region of Waterloo.

8.4 Notwithstanding anything to the contrary, the following regulations shall apply:

- i. Building Height (maximum): 27 metres
- ii. Building Height (minimum): 2 storeys

9. Notwithstanding anything to the contrary, the following site specific provisions shall apply to the lands zoned Business Employment One (E1-27) on Map 3 attached hereto, and identified as Blocks 1, 2, 4, 5, 7, 10 on Draft Plan 30T-18401 on Map 4 attached hereto:

9.1 Notwithstanding anything to the contrary, the following additional primary uses shall be permitted:

- Artist Studio (Class B)
- Light Industrial Assembly
- Light Industrial Manufacturing
- Light Industrial Processing
- Microbrewery
- Municipal Recreation Facility
- Parkland

9.2 Notwithstanding anything to the contrary, the following uses shall be prohibited:

- Child Care Centre
- Transportation Service

9.3 Notwithstanding anything to the contrary, the following regulations shall apply to Alternative Education Centre, Parkland and Municipal Recreation Facility:

- i. That a holding (H) symbol shall be applied to the lands and that no person shall use in whole or in part any lands for Alternative Education Centre, Parkland and/or Municipal Recreation Facility use until such time as the holding (H) symbol is removed.
 - ii. Prior to the passing of a By-law to remove the holding (H) symbol, the owner of the lands shall:
 - a. Provide to the City of Waterloo verification from the Region of Waterloo and/or the Province of Ontario that the owner has completed a Record of Site Condition; or
 - b. Obtain written confirmation from the Region and/or Province of Ontario that a Record of Site Condition is deemed not to be required.
10. Notwithstanding anything to the contrary, the following site specific provisions shall apply to the lands zoned Business Employment One (E1-27) on Map 3 attached hereto, and identified as Blocks 6 and 11 on Draft Plan 30T-18401 on Map 4 attached hereto:
 - 10.1 Notwithstanding anything to the contrary, the following additional primary uses shall be permitted:
 - Artist Studio (Class B)
 - Custom Service Shop
 - Industrial Assembly
 - Industrial Manufacturing
 - Industrial Processing
 - Makerspace (Class B)
 - Pharmaceutical Industry
 - 10.2 Notwithstanding anything to the contrary, the following uses shall be prohibited:
 - Child Care Centre
11. Notwithstanding anything to the contrary, the following site specific provisions shall apply to the lands zoned Business Employment One (E1-27) on Map 3 attached hereto, and identified as Block 12 on Draft Plan 30T-18401 on Map 4 attached hereto:
 - 11.1 Notwithstanding anything to the contrary, the following uses shall be prohibited:
 - Child Care Centre
12. Notwithstanding anything to the contrary, the following site specific provisions shall apply to the lands zoned Business Employment One (E1-27) on Map 3 attached hereto, and identified as Blocks 4, 5, 6, 7 on Draft Plan 30T-18401 on Map 4 attached hereto:

12.1 Notwithstanding anything to the contrary, the following additional ancillary uses shall be permitted:

- Cultural Facilities
- Personal Brewing Establishment
- Personal Service Shop
- Temporary Farmers Market

12.2 Notwithstanding anything to the contrary, the following regulations shall apply to permitted ancillary uses:

- i. Ancillary uses collectively shall not exceed 20% of the building floor area of the associated building, excluding structured parking.
- ii. Ancillary Uses permitted in 12.1 above shall abut the Platinum Drive Street Line Building Façade.

E. That Council support Draft Plan of Subdivision 30T-18401, “West Side Employment Lands”, City of Waterloo, for the lands known municipally as 928, 960, 980 Erb Street West, 975 Columbia Street West and 100 The Wilmot Line, being Part of Lots 41 and 42 German Company Tract (Geographic Township of Waterloo) in the City of Waterloo, Project No 161413446, prepared by Stantec Consulting Inc., dated October 30, 2019 and last revised January 17, 2020, and request the Regional Municipality of Waterloo approve the said plan of subdivision subject to the following conditions:

Plan To Be Registered

1. That this Draft Plan approval applies to the West Side Employment Lands forming a Plan of Subdivision shown in Map 4 (hereinafter also referred to as the “Draft Plan”), of report IPPW2020-014, and further that the final plan to be registered shall include the following, where applicable:

- | | |
|---------------------|---------------------------------------|
| a) Blocks 1 to 12 | Employment (37.663 ha) |
| b) Block 13 | Commercial (1.200 ha) |
| c) Blocks 14 and 15 | Open Space (0.433 ha) |
| d) Blocks 16 to 18 | 10.0 m Walkway (0.467 ha) |
| e) Block 19 | 10.0 m Access (0.123 ha) |
| f) Block 20 | 15.0 m Walkway / Servicing (0.320 ha) |
| g) Blocks 21 to 26 | 0.3 m Reserve (0.053 ha) |

Subdivision Agreement

2. That the Owner complete a City Standard Subdivision Agreement(s) for the West Side Employment Lands to satisfy all of the requirements of the City financially and otherwise, concerning provision of roads and installation of services, facilities, drainage works and any other matters deemed necessary by the City to develop the subject lands in an orderly and proper manner.

The City's standard Subdivision Approval conditions are set out in Appendix 'C' to report IPPW202020-014, as they apply to Draft Plan of Subdivision 30T-18401.

Phasing

3. That the phasing of development, if phased, shall occur in a logical order, to the satisfaction of the City's Director of Planning.

Street Naming

4. That the highways on the plan of subdivision shall be named in a manner satisfactory to the City of Waterloo and Region of Waterloo. The City Planning Department recommends the following Street names:
Street B – Copper Street
Street C – Titanium Drive

Conveyances

5. The following Blocks identified on the Draft Plan shall be conveyed to the City, free and clear of encumbrances, immediately following registration and prior to conveyance of any other lots or blocks in the Draft Plan.
 - a) Blocks 14 and 15 (Open Space) for the purpose of buffering and municipal purposes relative to the Wilmot Line.
 - b) Blocks 16, 17 and 18 (Walkway) for the purpose of a walkway, servicing and municipal purposes.
 - c) Block 19 (Access) for the purpose of access to the open space blocks and municipal purposes.
 - d) Block 20 (15.0 m Walkway / Servicing) for the purpose of a walkway, servicing and municipal purposes.
 - e) Block 21 for the purpose of a 0.3 metre (one foot) reserve, restricting access from Block 3 and Block 13 to Columbia Street West.
 - f) Block 22 for the purpose of a 0.3 metre (one foot) reserve, restricting access from Block 8 and Block 9 to Columbia Street West.
 - g) Block 23 for the purpose of a 0.3 metre (one foot) reserve, restricting access from Block 9 and Block 10 from The Wilmot Line (may be conveyed to the Township of Wilmot).
 - h) Block 24 for the purpose of a 0.3 metre (one foot) reserve, restricting access between Street C and adjacent lands owned by others (50 The Wilmot Line).
 - i) Block 25 for the purpose of a 0.3 metre (one foot) reserve, restricting access from Block 11 and Block 12 from The Wilmot Line (may be transferred to the Township of Wilmot).
 - j) Block 26 for the purpose of a 0.3 metre (one foot) reserve, restricting access from Block 11 to Erb Street West.

Note: As the City is the current owner of these lands, the aforementioned blocks are intended for long term ownership by the City for public purposes.

6. That any dead-ends and open sides of road allowances created by the Draft Plan shall be terminated in 0.3 metre reserves to be conveyed to the City, to the satisfaction of the City's Director of Planning unless otherwise required by the City's Director of Planning.
7. That such easements or rights-of-way as may be required for utility, servicing or access purposes (including temporary turning circles) are granted to the City or appropriate authorities free and clear of encumbrances.

Park Block

8. That prior to final approval the Owner agrees to provide a block for parkland (the "Park Block") within the limits of the draft plan, with a size, configuration and frontage to the satisfaction of the City's Director of Planning. Alternatively, the Owner may provide cash in lieu of parkland pursuant to Condition #11 herein.
9. The Owner agrees to develop the Park Block for the purpose of a neighbourhood park, as part of the primary servicing of the Draft Plan, in accordance with an approved detailed engineering and landscape design and to the satisfaction of the City's Director of Planning and Director of Engineering Services. This shall include but shall not be limited to the following minimum design requirements:
 - a) Eighty percent (80%) of the Park Block shall have grades of two percent (2%) or less, unless otherwise agreed to by the City's Commissioner of Integrated Planning & Public Works.
 - b) Shall meet AODA requirements.
 - c) Shall be provided with topsoil and seed/sod.
 - d) All lands within the Park Block must be free and clear of encumbrances. Infrastructure shall not be installed within the park block except as required for the park, unless otherwise agreed to by the City's Commissioner of Integrated Planning & Public Works.
 - e) Installing landscape and plantings along the perimeter of the park.
 - f) Installing fencing or demarcation / trees adjacent to the Hydro Corridor, where feasible, to delineate the limits of the park.
 - g) Compliance with the City's Landscape Design Process and Requirements Manual.
10. That the Owner be advised and agree that the City's Parkland Frontage Policy shall not apply to the Park Block, meaning that the City will not fund one-half of the cost of the adjacent surface works (road, sidewalk, boulevard) beyond 15 metres.

11. That if a park block is not provided on the Draft Plan, the Owner agrees to pay cash-in-lieu of parkland prior to final approval, in accordance with applicable law, in accordance with the Planning Act, R.S.O. 1990, c. P. 13, and to the satisfaction of the City's Commissioner of Integrated Planning & Public Works.

Parks and Open Space – Utilities and Services

12. Subdivision utilities and services (including easements related to such utilities and services) shall not be located on parks, parkettes, open spaces, greenbelts, or municipal right of ways without written conditional authorization from the City. The foregoing shall not apply to utilities and services that solely serve the park, parkette, open space, greenbelt, or municipal right of way. Where conditional authorization is granted by the City, it may be conditional upon a requirement for the Owner to compensate the City for the encumbrance, to the satisfaction of the City.

Walkway

13. That the Owner shall, at its sole expense, design and construct public pedestrian walkways within the subdivision in accordance with the Draft Plan to City design standards and to the satisfaction of the City. The Owner shall maintain, at its sole expense, the public pedestrian walkways until the completion of the Maintenance Period, to the satisfaction of the Director of Engineering Services.
14. The Owner agrees to design and construct Blocks 16, 17, 18 and 20 on the Draft Plan for the purpose of a public pedestrian walkway, as part of the primary servicing of the Draft Plan, in accordance with the approved detailed engineering and landscape design and to the satisfaction of the City Planner and Director of Engineering. This includes but shall not be limited to the following design requirements:
 - a) Grading the parcel in accordance with the approved grading and drainage plan.
 - b) Shall meet AODA requirements.
 - c) Installation of a 3.0 metre wide multi-use trail (MUT) walkway containing an asphalt surface.
 - d) Installation of lighting.

The Owner further agrees to design and construct Block 19 on the Draft Plan for the purposes of access to Block 14, to the satisfaction of the Director of Engineering Services.

Entrance Feature

15. If any subdivision entrance feature or identification feature is proposed on public lands or lands to be dedicated/conveyed to the City, the Owner shall obtain written approval from the City's Commissioner of Integrated Planning & Public Works for the said feature prior to its installation, and such approval may be denied. Prior to the installation of any approved entrance/identification feature, the Owner shall enter into a binding agreement with the City to address all matters related to the said entrance/identification feature including financial arrangements, liability, design and maintenance for the full expected lifespan of the entrance/identification feature, to the satisfaction of the City. The form and content of the said binding agreement shall be to the satisfaction of the Commissioner of Integrated Planning & Public Works and the City Solicitor.
16. That the Owner acknowledge and agree that subdivision entrance features or identification features on private lands within the subdivision are subject to the City's Sign By-law, and shall only be constructed or erected in accordance with the City's Sign By-law.

Wilmot Line Buffer

17. Prior to final approval, the Owner shall prepare a landscape buffer plan for Block 14 and Block 15 on the Draft Plan (hereinafter the "Wilmot Line Buffer Plan"), to the satisfaction of the City's Director of Planning.
18. The Owner shall implement the Wilmot Line Buffer Plan within one year of the issuance of the first building permit on the Lands, or in accordance with timing specified by the City's Director of Planning.
19. The Owner agrees to design, construct and install fencing along the east side of the Wilmot Line where it abuts the Draft Plan, at a time to be determined by the City's Director of Engineering and the City's Director of Planning, to the satisfaction of the Township and the City. The cost of the said fencing shall be borne by the Owner.

50 Wilmot Line and Block 24 (0.3 m Reserve)

20. That Block 24 (0.3 m Reserve) shall not be lifted and/or removed until the redevelopment of 50 Wilmot Line. Further, prior to the lifting of Block 24 (0.3 m Reserve) the owner of 50 Wilmot Line shall enter into a binding agreement with the City of Waterloo requiring: (1) development on 50 Wilmot Line to be serviced by municipal sanitary, water and stormwater services on Street 'C'; (2) development on 50 Wilmot Line be provided with transportation access to Street 'C'; and (3) the existing driveway to the Wilmot Line be removed, all to

the satisfaction of the City's Director of Planning. The form and content of the agreement shall be to the satisfaction of the City Solicitor.

Convenience Commercial (Block 13)

21. That development of Block 13 on the Draft Plan for Convenience Commercial purposes, shall prepare a site plan, detailed building elevations, landscape plan, and site engineering design for development prior to the issuance of a building permit, to the satisfaction of the City's Director of Planning. An application pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended shall be deemed to satisfy this requirement.
22. That a final stormwater management report be prepared by a qualified professional for Block 13 on the Draft Plan, to the satisfaction of the City of Waterloo, prior to site plan approval.
23. That a noise study shall be prepared by an acoustical engineer for Block 13 on the Draft Plan assessing stationary noise impacts on surrounding sensitive uses, including residential land uses north of Columbia Street West, prior to site plan approval. The noise study shall be implemented by the owner of Block 13, at its expense, to the satisfaction of the City of Waterloo.

Business Employment (Blocks 1 to 12)

24. The Owner agrees that the development of Blocks 1 to 12 on the Draft Plan for Business Employment purposes, shall prepare a site plan, detailed building elevations, landscape plan, and site engineering design for development prior to the issuance of a building permit, to the satisfaction of the City's Director of Planning. An application pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended shall be deemed to satisfy this requirement.
25. That a final stormwater management report be prepared by a qualified professional for Blocks 1 to 12 on the Draft Plan, to the satisfaction of City of Waterloo, as a result of the development of each said Block, prior to site plan approval of each Block.
26. That a noise study shall be prepared by an acoustical engineer for Blocks 1 to 12 on the Draft Plan assessing stationary noise impacts on surrounding sensitive uses prior to site plan approval. The noise study shall be implemented by the owner of the Block, at its expense, to the satisfaction of the City of Waterloo.

Urban Design Guidelines

27. That prior to final approval, the Owner agrees to prepare Urban Design Guidelines for the subject lands (hereinafter the “WSEL Urban Design Guidelines”) at its expense and to the satisfaction of Waterloo City Council in consultation with the City’s Director of Planning. The Owner further agrees that the subdivision and all buildings therein shall conform to the said municipally approved WSEL Urban Design Guidelines, unless otherwise agreed to by the City’s Director of Planning.
28. The WSEL Urban Design Guidelines shall, in part, encourage design continuity; create a vision and design objectives for the WSEL; assist future tenants through the site plan development process; create common design vocabulary for the development; determine important focal points and views/ vistas; include provisions that create active streetscapes; encourage a high quality design with a high degree of connectivity; and encourage well designed and attractive streetscapes.

Road Construction

29. That all road construction and servicing components for the WSEL shall be the responsibility of the Owner and shall be to a standard urban cross section in accordance with City standards and the Engineering Design Manual (except as modified by the City), as follows and to the satisfaction of the City’s Director of Engineering:
 - a) 30 metre road allowance width for Platinum Drive, to contain a 3.0 metre wide multi-use trail on the east side, a 1.8 metre wide sidewalk on the west side and raised bike lanes on both sides.
 - b) 20 metre road allowance width for Street B, to contain a 1.8 metre wide sidewalk on both sides of the road.
 - c) 20 metre road allowance width for Street C, to contain a 1.8 metre wide sidewalk on both sides of the road.
 - d) Copper Street improvements, as required to implement the Draft Plan
 - e) Roundabout at the intersection of Platinum Drive and Street B / Street C
 - f) Roundabout at the intersection of Platinum Drive and Copper Street / Street C
 - g) Roundabout at the intersection of Columbia Street West and Platinum Drive / Ladyslipper Drive
 - h) All daylight triangles where streets intersect, as per TAC guidelines
30. That prior to final approval or the construction of the road(s), whichever occurs first, the Owner shall prepare and submit a detailed design of the road(s) and intersections identified above to the satisfaction of the City’s Director of Engineering Services.

Erb Street / Platinum Drive Roundabout – Warranted Traffic Improvements

31. That the required functional highway improvements at the Erb Street West / Platinum Drive roundabout, namely a westbound right-turn 'slip off' lane as described in the Transportation Impact Study prepared by Stantec Consulting Inc., dated August 2018 and revised August 2019, shall be constructed prior to opening Street C as a municipal highway.

Alternatively, prior to Street C being opened as a municipal highway, the Owner shall prepare at its sole expense, an update to the TIS to the satisfaction of the City's Director of Planning and Director of Engineering Services, to confirm if the warranted traffic improvements are required based on the current and forecasted growth at that time, and that the Owner shall be responsible for implementing the recommended traffic improvements.

Temporary Turning Circles

32. That prior to final approval, temporary turning circles and associated easements be established at the termination of road allowances, to the satisfaction of the City of Waterloo. Temporary turning circles are required at all dead end open road allowances, and as determined by the City's Director of Planning or Director of Engineering Services.

Copper Street

33. That the Owner shall be responsible for the removal of the turning circle at the terminus of Copper Street and for the appropriate connection of services, emergency accesses, and sidewalks / multi-use trails in this location, to municipal standards and to the satisfaction of the City's Director of Planning and Director of Engineering Services. A plan showing the details of these works shall be submitted to the City's Engineering Services Department prior to the approval of the design for Street B, to the satisfaction of the City's Director of Engineering Services.

Farm Access – Hydro Corridor

34. The Owner shall provide an access from Street B to the hydro transmission corridor of sufficient size and design to accommodate standard agricultural equipment, to the satisfaction of the City's Director of Planning. The Owner acknowledges the current access at the easterly terminus of Copper Street, traversing a portion of Block 1. Notwithstanding the foregoing, this condition may be released if an alternative agricultural access is provided to the hydro transmission corridor, to the satisfaction of the City's Director of Planning.

Paris Boulevard

35. That prior to final approval, the Owner shall relocate or remove the turning circle at the terminus of Paris Boulevard (west of Montpellier Drive), currently located on a portion of Lot 36, Plan 58M-536 (601 Montpellier Drive), as per the requirements of Transfer Easement document WR671237 and the Subdivision Agreement registered on title to the lands (Plan 58M-536), to the satisfaction of the City's Director of Transportation Services.

Ground Water Monitoring

36. That the Owner shall implement, at its sole expense, a groundwater monitoring program for each stage of development on the Lands, to the satisfaction of the City and the Region. The terms of reference for the said monitoring program shall be accepted by the City and the Region prior to the commencement of the monitoring. The groundwater monitoring program shall be undertaken in accordance with the accepted terms of reference.

Engineering Services

38. That prior to any site servicing or subdivision construction works (excluding grading or topsoil removal or any works authorized by a site alteration permit), the Owner shall be responsible for the following:
 - a) obtain written confirmation from the Regional Municipality of Waterloo that sufficient water pressure is available to fully service the subdivision; and
 - b) complete a water distribution analysis for the subdivision, to the satisfaction of the City of Waterloo and the Region of Waterloo.
39. That prior to any site servicing or subdivision construction works (excluding grading or topsoil removal or any works authorized by a site alteration permit), the Owner shall secure the provision of sanitary services to the lands to fully service the subdivision, to the satisfaction of the City's Director of Engineering Services.
40. That the Owner, at its expense, shall design and construct sufficient stormwater management infrastructure to fully service the subdivision, to the satisfaction of the City's Director of Engineering Services. The said infrastructure shall manage stormwater quantity and quality, to the satisfaction of the City's Director of Engineering Services.
41. That the roads in the subdivision be designed and configured to minimize the need for road salt application during deicing and winter operations, to the satisfaction of the City's Director of Engineering Services.

42. That prior to final approval, the Owner shall make secure arrangements to provide easements in favour of the City of Waterloo for the purposes of engineering services as deemed to be required through the detailed engineering design and to the satisfaction of the City's Director of Engineering Services.

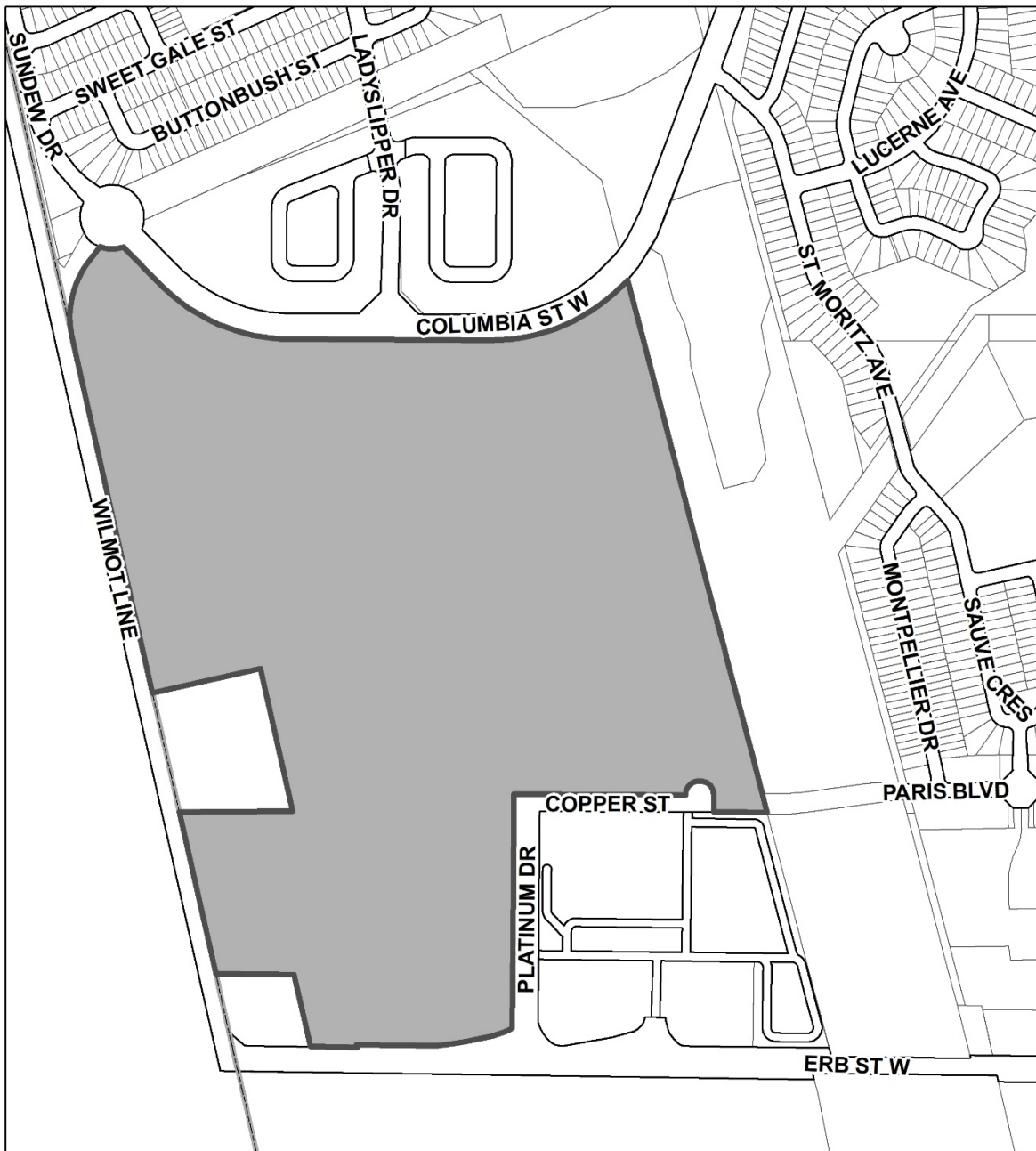
Standard Conditions of Subdivision Approval

43. That the City of Waterloo's standard conditions of subdivision approval as set out in Appendix 'C' to IPPW2020-014 shall apply to Draft Plan of Subdivision 30T-18401.

Submitted by:

Natalie Hardacre, BES, MCIP, RPP
Manager, Planning Approvals
City of Waterloo

MAP 1 – SUBJECT LANDS



Map © 2020, City of Waterloo
Property Information © 2001-2020
Teranet Land Information Services Inc. and its Licensors.
May Not Be Reproduced Without Permission.
THIS IS NOT A PLAN OF SURVEY



Subject Property:
928, 960, 980 Erb Street West,
975 Columbia Street West
& 100 Wilmot Line

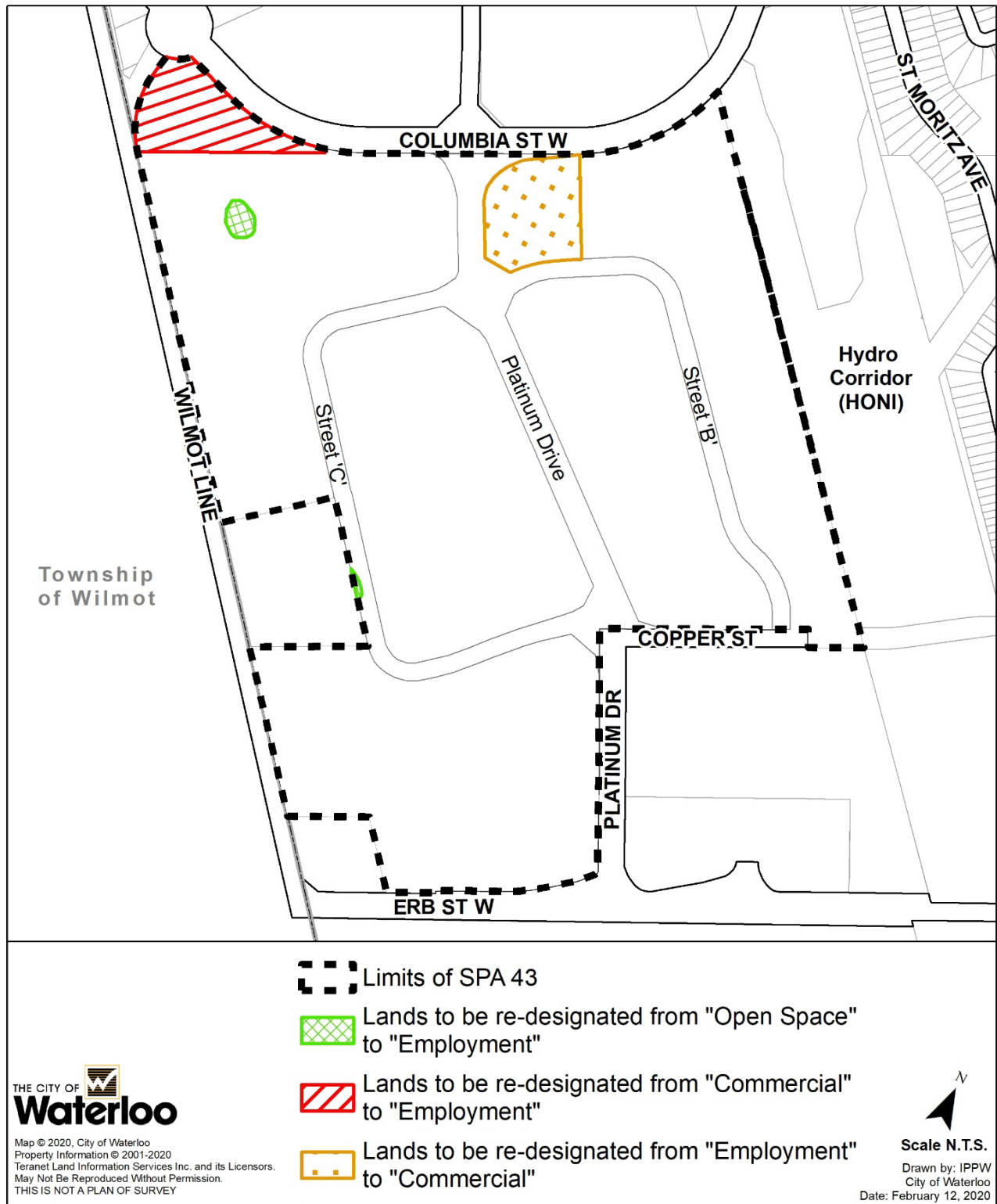


Scale N.T.S.

Drawn by: IPPW
City of Waterloo
Date: August 27, 2018
Update: January 20, 2020

LOCATION MAP

MAP 2 – PROPOSED AMENDMENT TO OFFICIAL PLAN



MAP 3 – PROPOSED AMENDMENT TO ZONING BY-LAW



MAP 4 – DRAFT PLAN OF SUBDIVISION 30T-18401

APPENDIX 'A'

Minutes of Informal Public Meeting, January 14, 2019

b) Title: Official Plan Zone Change No. 24 & Zoning Amendment Application Z-18-17, and Draft Plan of Subdivision 30T-18401, 928, 960, 980 Erb Street West and 100 The Wilmot Line

Prepared By: Natalie Hardacre

The Chair advised that the Informal Public Meeting was the first opportunity to inform Council and the public of the application and emphasized that no decision would be made by Council at this meeting.

Natalie Hardacre, Development Planner advised that the City of Waterloo has received applications for an Official Plan Amendment, Zone Change and Draft Plan of Subdivision for 928, 960, 980 Erb Street West & 100 The Wilmot Line. The Official Plan Amendment application proposes to re-designate a portion of the lands from Business Employment to Convenience Commercial, with site specific policies. The Zone Change application proposes to rezone the lands to Business Employment One (E1-27) with site specific provisions, Convenience Commercial (C3) and Parks and Recreation (OS1). NOTE: This application was submitted and deemed complete in accordance with the Planning Act, prior to the passing of By-law 2018-050 on September 10, 2018, being the new Zoning By-law for the City of Waterloo. The subject lands are zoned Zone Change Application (ZC) on Schedule 'A' to By-law 2018-050, which carries forward the zoning provisions applied to the lands in By-law 1418, being Agriculture (A).

The Draft Plan of Subdivision application has been submitted to the Region of Waterloo. The purpose of the requested applications is to permit the development of a subdivision for employment and commercial land uses, a park, and new streets including the extension of Platinum Drive.

Natalie Hardacre, Development Planner responded to questions from Council.

Mayor Jaworsky left the meeting; (Time: 8:46 p.m.)

Greg Romanick, Stantec reviewed the application and responded to questions to Council.

Mayor Jaworsky returned to the meeting; (Time: 8:49 p.m.)

Deb Swidrovich, The Wilmot Line spoke about her concerns with the Laurel Creek Environmentally Sensitive Lands, the traffic impacts on The Wilmot Line and the completion timelines for Platinum Drive.

Joel Cotter, Director, Planning Approvals responded to questions from Council.

As no one else was present to speak to the application, the Chair concluded the Informal Public Meeting and indicated that staff will review the issues and report back to Council at a later date.

APPENDIX 'B'
Agency Comments

Environmental Planning

The groundwater monitoring program of the stormwater management facility, since it is not being constructed as part of this subdivision and is a City-led project, will be the responsibility of City of Waterloo Engineering Services. The proposed monitoring program set out in the Preliminary Stormwater Management Report should be used to establish the scope of the program. Details on the program need to be provided for City and Regional review. It is expected that, at a minimum, the deep/shallow wells (W-EB-OW1A-18 and W-EB-OW1B-18) recently installed at the western edge of the site, north of the reservoir lands are monitored for pre, during and post-construction phases and the program includes chloride monitoring. The need to carry out a groundwater monitoring program will be included as a condition of final approval.

Transportation

- Staff recognize the need for the installation of the dedicated right slip lane at the Erb St. W./Platinumb Dr. roundabout in the westbound direction.
- Staff are satisfied with the spacing of the roundabouts between Columbia St. W. and Erb St. W. as well as the queue lengths between roundabouts.
- Staff support the widening of Platinum Dr. between Erb St. W. and Copper St. Operationally this allows for a proper design of a bike lane without adding more conflict points between cyclists and turning traffic.

Region of Waterloo

Water Services

- Water Services staff understands that the plan of subdivision is anticipated to be draft approved in early spring 2020 with registration to follow thereafter. Water Services is not requiring the property before this timeframe and require the draft approval to acknowledge the property will be conveyed to Water Services via a condition of draft approval.
- Acknowledges the submission of final grading plans to the Region. Please be advised these grading plans will also need to be reviewed by our Source Water protection and Corridor Planning Groups.
- Region comments of January 8, 2019 indicated staff did not want a 0.3 metre reserve block over the 10m wide strip of land fronting on Wilmot Line. Water Services staff has now confirmed access to Block 12 can be provided via Erb Street West. Staff no longer has objection to reserve Block 25 extending along the frontage of Block 12 along Wilmot Line.
- Water Services staff has no additional concerns with the applications and offer no additional comments.

Source Water Protection

- Hydrogeology and Source Water (HSW) staff has reviewed the Hydrogeological Investigation Version 2 (Stantec, 2019a) and the Final SWM Report (Stantec, 2019b). HSW's concerns have been adequately addressed in the updated reports. Staff would like to re-iterate the following points:
- As a condition of draft approval, HSW will require that the Developer enter into an agreement with the Region to secure completion of detailed SWM plan at site plan for each individual Block, to the satisfaction of the Region, City, and GRCA.
- It is noted that detailed infiltration testing will be required at any location proposing a large rooftop infiltration gallery and/or LID infiltration as part of the Final SWM reports.
- The Developer will be required to enter into an agreement with the Region to complete a Salt Management Plan (SMP) for each development block. This will be a condition of draft plan approval and can be submitted at Site Plan control.
- Geothermal energy systems are currently prohibited on this property per the City of Waterloo's comprehensive zoning by-law. If the City wishes to pursue vertical geothermal energy systems (i.e. extending to a depth of more than 10 feet), the Region will require a Hydrogeological Study to be completed in support of the proposed geothermal system. This would need to be completed as part of a complete application for a zoning by-law amendment. Horizontal geothermal systems (i.e. less than 10 feet in depth) are permitted without any study.
- HSW will require that a Spill Prevention, Response and Contingency Plan for all commercial and/or industrial and/or institutional properties at Site Plan. The Developer will be required to enter into an agreement with the Region of Waterloo to prepare such plans in the event that LID is proposed on industrial and/or commercial and/or institutional properties. This will be a condition of draft plan approval. Staff also recognize not all businesses will have chemical storage or use on the property. So the requirement to complete a spill plan will need to be determined on a site by site basis as part of site plan. The agreement can reflect this requirement.

Archaeology

- Region staff acknowledges receipt of the completed archaeological assessment reports (Stages 1 - 4) and Ministry of Tourism, Culture and Sport clearances. No further action is required at this time.

Proposed Official Plan Amendment

- Specific Provision Area 43 (Columbia Street West) in the City Official Plan provides for relocation of this commercial designation to another area adjacent to Columbia Street W. between the Wilmot Line and Hydro Corridor with proviso the relocated site generally be no larger than 1.2 hectares in size; and that the original site be designated for employment.
- The convenience commercial policies in the City Official Plan permits upper-storey residential uses within a mixed use development in the convenience commercial designated area. Given the lands are designated employment area,

Region staff do not support residential uses within this designation, and recommends this specific use be removed or prohibited.

Proposed Zoning By-law

- Staff has reviewed the matrix identifying the permitted uses (primary, complementary and ancillary) within each of the 9 areas subject to the application. Staff provides the following responses to the three main areas of concern.

Record of Site Condition:

- The Region's comments of May 8, 2019 identified the need to complete a Record of Site Condition (RSC) for the subject lands. On further discussion with City and Region staff, a waiver of the RSC was provided by the Region dated November 19, 2019. The waiver was based on the submission of an affidavit submitted by a qualified professional indicating that there is no significant purpose served by the completion of the RSC for: 1) non-sensitive uses within limits of the zone change application; and 2) sensitive uses as they apply to employment Blocks 3, 8, 9; convenience commercial Block 13, and 0.3m reserve Blocks 21 and 22 as shown on the draft plan.
- The following sensitive uses have been identifying as requiring a RSC:
 - o Uses being rezoned from industrial/commercial to parkland which meet the definition of sensitive use under the Region's implementation guideline for contaminated sites, and in accordance with O. Reg. 153/04. Based on the proposed zoning, these uses include: a) parkland, and b) outdoor recreational activities associated with municipal recreation facilities and private recreation facilities.
 - o Uses permitted in Area 4, Area 5, Area 6, Area 7 and Area 8 (employment) being rezoned from industrial/commercial to employment which meet the definition of sensitive use under the Region's implementation guideline for contaminated sites, and in accordance with O. Reg. 153/04. Based on the proposed zoning, these uses include: a) alternative education centre, b) daycare centre (though this use is being recommended for removal as a result of the landfill comments noted below), c) outdoor recreational activities associated with municipal recreation facilities and community centres, and d) community uses.
 - o Uses permitted in Area 9 (employment) being rezoned from industrial / commercial to employment which meet the definition of sensitive use under the Region's implementation guideline for contaminated sites, and in accordance with O. Reg. 153/04. Based on the proposed zoning, these uses include: a) alternative education centre, b) daycare centre (though this use is being recommended for removal as a result of the landfill comments noted below), c) outdoor recreational activities associated with municipal recreation facilities and community centres.

Landfill Odour:

- Regional staff has no objection to permitting sensitive uses on lands identified as Blocks 3, 8, 9 and 13 on the draft plan.

- Staff is recommending the following sensitive use be prohibited within all other blocks: Child Care Centre.
- Region staff further reviewed the Ministry of the Environment, Conservation and Parks D- Series Guidelines on Land Use Compatibility relative to whether parkland the (OS1) Parks & Recreation zoning is considered a sensitive land use. The D-1-3 guidelines generally defines Sensitive Land Use as: "A building, 'amenity area', or outdoor space where routine or normal activities occurring at reasonably expected times would experience 1 or more 'adverse effects(s)' from contaminant discharges generated by a nearby 'facility'. The 'sensitive land use' may be a part of the natural or built environment. Depending upon the particular 'facility' involved, a sensitive land use and associated activities may include one or a combination of certain outdoor recreational uses deemed by a municipality or other level of government to be sensitive (e.g., trailer park, picnic area, etc.)."
- The D-4 Guidelines on Land Use On or Near Landfills and Dumps, go on further to define in Section 5.1.1 Sensitive Land Uses for Landfills Currently in Operation to mean: "Any existing or committed land use which includes a permanent structure where: (i) a person sleeps, or (ii) a person is present on a full time basis"
- Section 5.1.2 of the guidelines also considers a compatible land use to include: "such land uses which would not be threatened by any hazard to public health or safety and would not be impaired by nuisance effects"
- Based on more recent information, Region staff understands the City will be considering removal of park Block 14, and extending the 10.0m walkway easterly from Street B to the hydro corridor and adding the remaining lands to the adjacent employment block.

General Land Use Compatibility:

- The Region requests the proposed zoning by-law include the use of a holding provision to ensure land use compatibility be addressed as part of future development of the lands. The "H" is applicable to: Area 1 (or specifically Block 13 on draft plan), Area 2 (Blocks 3, 8 & 9 on draft plan), Area 4 (Blocks 2, 4, 7 & 10 on draft plan), and Area 5 (Blocks 4 & 7). Any technical study to address compatibility can be secured through Section 51 City subdivision agreement (with the study being completed prior to site plan approval).
- Environmental contaminants such as noise, odour and dust are best determined through the site planning process and/or through building design. The Ministry's D-6 guidelines on land use compatibility only provides recommended minimum distance separations for various uses or classes of industries to address compatibility. Use of this approach to eliminate the need for detailed technical studies would preclude development potential of a site. A proviso can be added to the City subdivision agreement that the need for any compatibility study can be determined at time of site plan.

Summary

Region staff has no objection to City staff proceeding with recommendations on the applications to City of Waterloo Council for consideration.

Canada Post

Canada Post comments of October 26, 2018 indicated mail service to this plan will be via centralized mail delivery provided through community mail boxes. Staff understands Stantec has been in contact with Canada Post regarding the types of mail service potentially available to the subdivision. Canada Post has indicated the service(s) available can be determined at site plan or when a business is operating and receiving mail delivery. Regional staff is recommending the following condition of draft approval:

"The Owner/Developer agrees to make satisfactory arrangements with Canada Post and the City of Waterloo for the provision of necessary easements and/or agreements for the provision of mail services to this plan in a form satisfactory to the City of Waterloo."

Township of Wilmot

The Township requested removal of walkway Block 19 access to Wilmot Line. The Township's concern is public pedestrian or cycling access to Wilmot Line. Region and Township staff were not able to tell on the draft plan whether 0.3m reserve Block 23 extends across the walkway block. If it does, and the walkway is simply providing access to open space Block 15, the Township has no concerns. Stantec provided an enlargement showing reserve Block 23 extending over walkway Block 19. In addition, Stantec has provided an enlargement of the 0.3m reserve Block 25 over employment Block 12 (lands to the Region) to prevent access to the Wilmot Line. The reserve (conveyance to Township) will be made a condition of draft approval along with Wilmot's other requirements. The above satisfies the Township's concerns.

Hydro One Networks Inc.

Hydro One Networks Inc. (HONI) provided initial comments on the subdivision in a letter to the City dated September 21, 2018 which did not support the application until such time as the appropriate technical information has been submitted to HONI for review and acceptance. On further review, HONI indicated in a letter dated February 5, 2020 that it has now completed a preliminary review of the subdivision application and that conditions of draft approval are being provided at this time. These conditions will be included as conditions of draft approval.

Bell Canada

The following paragraph is to be included as a condition of approval:

"The Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements".

Contact Bell Canada during detailed design to confirm the provision of communication / telecommunication infrastructure needed to service the development. The Developer must confirm that sufficient wire-line communication / telecommunication infrastructure is available. In the event that such infrastructure is unavailable, the Developer shall be required to pay for the connection to and/or extension of the existing communication / telecommunication infrastructure. If the Developer elects not to pay for the above noted connection, then the Developer will be required to demonstrate to the satisfaction of the Municipality that sufficient alternative communication / telecommunication will be provided to enable, at a minimum, the effective delivery of communication / telecommunication services for emergency management services.

Grand River Conservation Authority

- GRCA staff have no concerns with approval of the Official Plan Amendment and zone change application.
- The draft plan proposes the removal of the wetlands, which is addressed in the Environmental Impact Study (EIS).
- We had previously requested confirmation that the Scoped EIS addresses the applicable Official Plan policy as some of the wetlands are identified as Supporting Natural Features in the Official Plan. We received confirmation from City staff in an email dated December 21, 2018 (Brown/McMullen).
- Removal of one of the wetlands (MAM2) will require works on the adjacent property (50 Wilmot Line). We had previously requested confirmation that approval for the wetland removal and associated grading has been obtained from the neighbouring landowner. We received confirmation from City staff in an email dated January 2, 2019 (Brown/Little).
- Upon receipt of the information, we are satisfied that the wetland removal meets GRCA policies and can be supported through our permitting process. All recommended mitigation measures and timing windows outlined in the EIS for the removal of the features should be fully implemented.
- The GRCA has previously approved the design of the centralized stormwater management facility to service these lands through review of OPA 5, Zone Change Z-13-06 and Site Plan SP-13-21 applications for 924 and 930 Erb Street West. We trust the City will review the stormwater management strategy to ensure conformance with the design of the centralized SWM facility and the Subwatershed 314 Management Plan targets. We note that a GRCA permit will be required for its construction as the facility will be located within the regulated allowance of a wetland.
- As our interests will be addressed through the GRCA permitting process, the property will not be regulated after removal of the wetlands, and we have previously approved the centralized stormwater management facility design adjacent to an off-site wetland, we will not undertake a detailed review of the draft plan and all the supporting documents.

Waterloo Region District School Board

The Waterloo Region District School Board has no comments or concerns.

APPENDIX 'C'

Standard Conditions of Subdivision Approval

STANDARD CONDITIONS

DRAFT PLAN OF SUBDIVISION 30T-18401

- 0.1 Prior to final approval, the Owner shall complete a standard subdivision agreement (hereinafter the "Subdivision Agreement") with The Corporation of the City of Waterloo to satisfy all requirements, financial or otherwise, of the City for Draft Plan of Subdivision 30T-18401. The said agreement shall include terms concerning the provision of roads, installation of services, drainage, staging of development, financial securities, legal and insurance securities, and any other conditions set out as part of the approval of Draft Plan of Subdivision 30T-18401, to the satisfaction of the City.

The form and content of the Subdivision Agreement shall be to the satisfaction of:

- the City's Commissioner of Integrated Planning & Public Works; and,
- the City Solicitor or the City's Corporate Legal Counsel.

- 0.2 The Owner shall prepare a schedule detailing all works necessary to provide complete services and infrastructure for Draft Plan of Subdivision 30T-18401, in accordance with City subdivision standards and procedures, and in accordance with the general specifications and conditions designated by the City and any other authority having jurisdiction (hereinafter "Schedule 'B'" to the Subdivision Agreement). The Owner shall undertake and pay for the works referred to as "Estimated Subdivider Cost" designated in a column set forth in Schedule 'B', and construct the said works in accordance with the standards and procedures for such a project and the general specifications of the City. Schedule 'B' shall form an integral part of the Subdivision Agreement. The form and content of Schedule 'B' shall be to the satisfaction of the City's Director of Engineering Services.

- 0.3 That the Owner agree to the inclusion of a schedule in the Subdivision Agreement detailing: (1) the installation timing for services, infrastructure, and surface works; and, (2) the calculation and payment timing for development charges (hereinafter "Schedule 'C'" to the Subdivision Agreement). The form and content of Schedule 'C' shall be to the satisfaction of the City.

For Draft Plan of Subdivision 30T-18401, subject to phasing:

- a.) the works referred to as "Underground Services to Base Asphalt" designated in a column set forth in Schedule 'B' shall commence within two (2) years of the execution date of the Subdivision Agreement containing the Schedule 'B';
- b.) the works referred to as "Underground Services to Base Asphalt" designated in a column set forth in Schedule 'B' shall be completed within twelve (12)

months of the commencement of installation, unless otherwise agreed to by the City;

- c.) the works referred to as “Surface Works” designated in a column set forth in Schedule ‘B’ shall be constructed and completed according to a timeline provided by the City, but not in excess of four (4) years commencing on the execution date of the Subdivision Agreement containing the Schedule ‘B’. The City may extend the four (4) year time period to complete “Surface Works” where the Owner is diligently working towards completing the surface works within the four (4) year period but additional time is warranted, as determined by the City.
 - d.) Development Charges will be calculated in accordance with the City’s Development Charge By-Law and any amendments thereto, and paid immediately prior to the issuance of a building permit at one hundred percent (100%) of the development charge rate in effect at the time of the issuance of the said permit.
- 0.4 That the Owner agree to the inclusion of a schedule in the Subdivision Agreement detailing grading and drainage requirements for landowners in the subdivision (hereinafter “Schedule ‘D’” to the Subdivision Agreement). The form and content of Schedule ‘D’ shall be to the satisfaction of the City.

GENERAL CONDITIONS

Financial

1.1 Letter of Credit

Prior to undertaking any works on the Lands or any part thereof including but not restricted to the installation of site services and infrastructure for the subdivision, and prior to final approval, the Owner (other than The Corporation of the City of Waterloo) shall provide to the City security in the form of an irrevocable standby letter of credit (hereinafter the “Letter of Credit”) from an approved financial institution acceptable to the City, in a form and content acceptable to the City’s Chief Financial Officer, and in an amount equal to one-hundred percent (100%) of the Owner’s share of the cost of the “Underground Services to Base Asphalt” set forth in Schedule ‘B’. The Letter of Credit shall fully indemnify the City against all subdivision/development and related costs for which the Owner is responsible relative to Draft Plan of Subdivision 30T-18401. The Letter of Credit shall be security for all:

- subdivision services, infrastructure and works for which the Owner is responsible relative to Draft Plan of Subdivision 30T-18401; and,
- financial obligations of the Owner relative to Draft Plan of Subdivision 30T-18401.

The Letter of Credit shall provide the City with full security to cover the cost of all uncompleted works and unpaid costs of the Owner at all times during the

development of the Lands and throughout the Maintenance Period. Where the Owner does not satisfy its/their obligations relative to Draft Plan of Subdivision 30T-18401, the City may draw upon the Letter of Credit in part or in full to satisfy the said obligations and any other amounts that are overdue or owing from the Owner to the City or anyone else in relation to Draft Plan of Subdivision 30T-18401, together with interest thereon at fifteen percent (15%) per annum. Where the Letter of Credit is drawn upon, the Owner shall replace or increase the Letter of Credit to its original value (being the amount prior to the said draw) within fifteen (15) business days of receiving notice of the said draw.

Subject to the approval of the City's Chief Financial Officer, the Letter of Credit may be adjusted to reflect the current estimate of costs and may be reduced annually or more frequently, at the discretion of the City, to fifteen percent (15%) of the value of the completed works plus one hundred percent (100%) of the value of the uncompleted works including surface works such as parks, trails and other works not included in the securities submitted for the "Underground Services to Base Asphalt". In no case shall less than fifty thousand dollars (\$50,000) be retained, but a higher amount may be retained as determined by the City after:

- a.) the Owner's consulting engineer has certified to the City that the services and infrastructure to be installed for Draft Plan of Subdivision 30T-18401 and over which the City has jurisdiction are substantially complete as defined in the Construction Lien Act;
- b.) all required statutory declarations and advertising under the Construction Lien Act have been completed; and,
- c.) all of the work has been paid for and no person has filed a lien claim within the prescribed periods under the Construction Lien Act (the "Certification Date").

The said reduced sum, or fifty thousand dollars (\$50,000), whichever is greater, shall be held by the City for the entire Maintenance Period to indemnify the City against the cost of any required maintenance and/or repair of subdivision works on or related to Draft Plan of Subdivision 30T-18401.

Prior to the installation of "Surface Works" for Draft Plan of Subdivision 30T-18401 as designated in a column set forth in Schedule 'B', the Letter of Credit deposited with the City shall be adjusted to fully indemnify the City against all costs related to the installation of the said Surface Works, to the satisfaction of the City's Chief Financial Officer.

Prior to the installation of any works for subsequent stages or phases of Draft Plan of Subdivision 30T-18401 (if any), the Letter of Credit deposited with the City shall be adjusted to fully indemnify the City against all costs related to the development of the subsequent stage(s) or phase(s) of Draft Plan of Subdivision 30T-18401, to the satisfaction of the City's Chief Financial Officer.

1.2 Estimated Subdivider Costs

That the Owner agree to install and pay for the works referred to as “Estimated Subdivider Cost” designated in a column set forth in Schedule ‘B’, and such installation shall be within the time limits set out in Schedule ‘C’, to the satisfaction of the City. The works shall be undertaken, constructed and installed:

- in accordance with the engineering drawings and plans accepted by the City;
- in accordance with tender and contract documents approved by the City; and,
- to the satisfaction of the City.

1.3 Update Schedule ‘B’

If requested by the City, the Owner shall forthwith update Schedule ‘B’ to the satisfaction of the City. If the City determines that the Letter of Credit or financial securities posted by the Owner for Draft Plan of Subdivision 30T-18401 are insufficient to fully indemnify the City against the costs set out in the updated Schedule ‘B’, the Owner shall forthwith increase the Letter of Credit and financial securities to fully indemnify the City against the costs set out in the updated Schedule ‘B’, to the satisfaction of the City.

1.4 Additional City Charges

The Owner shall pay standard City charges for services and works performed by the City, including but not restricted to site engineering inspections, valve inspections/operations, and street signs. The Owner shall pay the said charges within thirty (30) days of being invoiced by the City, unless the works are carried out by the Owner under the authorization of the City and to the satisfaction of the City.

1.5 Engineering Fee

The Owner shall pay the City’s Engineering Services Division five percent (5%) of the cost of the works referred to as “Estimated Subdivider Cost” designated in a column set forth in Schedule ‘B’ for engineering and administration costs incurred by the City. Two percent (2%) shall be paid at first submission of engineering drawings and the remaining three percent (3%) shall be paid at final submission of engineering drawings. The five percent (5%) engineering fee shall also apply to capital and development charge projects.

1.6 Agreement Compliance and Implementation Costs

The Owner shall pay one hundred percent (100%) of the cost to comply with and implement the Subdivision Agreement and any supplementary agreement thereto, unless otherwise stated in the said agreements and excluding allocated municipal capital monies, development charge monies, and/or other secured government funding/grants.

1.7 Cost of Subdivision Works

The Owner shall pay one hundred percent (100%) of the cost of all subdivision, servicing, infrastructure, parks and open space works (including design, installation and construction) required to develop the Lands, excluding allocated

municipal capital monies, development charge monies, and/or other secured government funding/grants. The said works shall include, but not be restricted to, sanitary sewers, drainage works, storm sewers, watermain, valves, hydrants, underground structures, all electrical distribution apparatus, lighting apparatus, pipes, pedestals and transformers, driveway ramps, streets, pavements, curbs, gutters, fences in public right-of-ways, boulevard landscaping (including trees), street name signs, traffic control signs, sidewalks, and all necessary connections, appurtenances and outlets to the foregoing services.

1.8 Cost To Install Works – Schedule “B” - City

- a.) Where a portion of the cost of the works set out in Schedule ‘B’ will be borne by the City and/or development charges, the award of the contract for such works shall be approved by the City and shall be in accordance with City tendering policies and practices.

- b.) Where a portion of the cost of the works set out in Schedule ‘B’ will be borne by the City and/or development charges, the City shall pay its share of the cost after the City issues the start of maintenance letter for the works and Council has approved funding for the works. Where development charges fund all or part of the works, the development charge monies shall be paid after:
 - i.) the City’s Chief Financial Officer confirms that sufficient funding exists in the development charges account to fund the works;

 - ii.) the works are identified in the current year or preceding year(s) of the City’s approved capital budget, as amended from time to time;

 - iii.) the tender for the works has been awarded; and,

 - iv.) the Owner pays its share of the works.

The foregoing shall be to the satisfaction of the City.

1.9 Contravention Fee - Building Permit

Should a permit be issued by the City’s Chief Building Official as a result of an application in contravention of the Subdivision Agreement and/or any supplementary agreement thereto, the Owner shall pay to the City an administration fee of not less than five thousand dollars (\$5,000) per permit.

1.10 Registration Costs

All costs incurred by the City related to the processing and registration of legal instruments related to Draft Plan of Subdivision 30T-18401, including but not restricted to the Subdivision Agreement and any supplementary agreement thereto, shall be borne by the Owner.

1.11 Taxes

The Owner shall pay all taxes to be levied on the Lands as they fall due and in accordance with the assessment and collector's roll.

1.12 Legal Costs

Within thirty (30) days of being invoiced, the Owner shall pay all legal fees and disbursements incurred by the City with respect to Draft Plan of Subdivision 30T-18401, including but not restricted to the preparation of the Subdivision Agreement and any supplementary agreement thereto.

1.13 Failure of Owner

If the Owner fails or neglects to conform with any condition of approval applied to Draft Plan of Subdivision 30T-18401, or if the Owner fails or neglects to comply with any term or provision of the Subdivision Agreement or any supplementary agreement thereto, the City may provide written notice of such failure or neglect and require rectification by the Owner within a specified period of time. If the Owner has not remedied the failure or neglect within the timeline set out in such notice, or is not diligently working towards remedying the failure or neglect (other than a financial default) as determined by the City, the City may without notice enter upon the Lands and:

- a.) proceed to supply all equipment, material and professional services necessary to implement the subdivision on the Lands in accordance with the approved Draft Plan of Subdivision 30T-18401, and undertake all necessary work in connection with the Owner's obligations relative to Draft Plan of Subdivision 30T-18401, and charge the cost thereof together with applicable engineering and administrative fees/charges to the Owner who shall forthwith pay the same upon demand; or,
- b.) proceed to return the Lands to a vacant state with grades acceptable to the City, and charge the cost thereof together with applicable engineering and administrative fees/charges to the Owner who shall forthwith pay the same upon demand.

Upon such entry by the City:

- c.) the Letter of Credit and financial securities placed on deposit with the City relative to Draft Plan of Subdivision 30T-18401 may be drawn upon by the City:
 - i.) to remedy the failure or neglect;
 - ii.) for the purposes set out in Condition 1.13 a.);
 - iii.) for the purposes set out in Condition 1.13 b.).

d.) further building permits for the Lands will not be requested or issued until:

- i.) the failure or neglect has been rectified, to the satisfaction of the City; and,
- ii.) sufficient monies or securities are posted with the City to fully indemnify the City against all subdivision/development costs for which the Owner is responsible relative to Draft Plan of Subdivision 30T-18401.

1.14 Damage to Municipal Infrastructure

The Owner shall be responsible to the City for the cost of damage done to any public service and/or municipal infrastructure in the immediate vicinity of the Lands during servicing and/or construction on or related to the Lands by anyone other than the City, unless the Owner demonstrates to the reasonable satisfaction of the City that such damage was not caused by any employee, contractor, supplier or agent of the Owner. If, in the opinion of the City, such damage was caused by the Owner (or its employees, contractors, suppliers or agents) and the Owner fails to repair such damage or pay to the City the cost of such damage:

- a.) no additional building permits shall be applied for or issued until the damage is repaired to the satisfaction of the City; and,
- b.) the City may draw upon the Letter of Credit or any other financial security related to the development of the Lands to repair the damage.

Any dispute between the City and the Owner as to the responsibility for any damage shall be resolved by a third party consulting engineer retained by the City and paid for by the Owner, and the decision of the third party consulting engineer shall be binding on the City and the Owner.

Maintenance Period

2.1 Maintenance Period

a.) Subdivision Maintenance Period

The Owner shall warrant and guarantee all works, services and materials set out in Schedule 'B' for which the subdivider is responsible against all defects until the completion of the Maintenance Period. The Maintenance Period shall commence on the date the City issues a "start of maintenance letter" following the substantial completion of the said works, services and materials to the satisfaction of the City, and shall continue for at least twenty-four (24) months until a final inspection has been undertaken by the City and the City issues an "end of maintenance letter". The Maintenance Period may exceed twenty-four (24) months where required by the City. Where applicable, the "start of maintenance letter" shall be issued after the Certification Date as set out in Condition 1.1. The Owner shall maintain the said works, services and materials until the completion of the Maintenance Period. The acceptance of

all works and services by the City shall be in writing. Underground works, up to and including the base course of asphalt, will be accepted separately from above ground works. Above ground works may be accepted on a street by street basis.

b.) Parks, Open Space, Etc. – Maintenance Period

The Owner shall warrant and guarantee all works, services and materials (including plant material) for which the subdivider is responsible that are installed within parks, parkettes, open space, trails, greenbelts, right of ways, boulevards, and berms against all defects until the completion of the Maintenance Period. The Maintenance Period shall commence on the date the City issues a “start of maintenance letter” following the substantial completion of the said works, services and materials to the satisfaction of the City, and shall continue for at least twenty-four (24) months until a final inspection has been undertaken by the City and the City issues an “end of maintenance letter”. The Maintenance Period may exceed twenty-four (24) months where required by the City. The Owner agrees that the acceptance of all works, services and materials by the City shall be in writing. The Owner shall maintain the said works, services and materials until the completion of the Maintenance Period. The maintenance requirements for parkland shall be as set out in the City’s Landscape Design Process and Requirements Manual as amended.

Engineering

3.1 Works in Schedule “B”

The works set out in Schedule ‘B’ shall include all works, services and infrastructure required to fully implement the subdivision (or a stage thereof where the context so applies) in accordance with City standards and procedures for such a development, and in accordance with the general specifications and conditions applied by the City and any other authority having jurisdiction. The cost estimates for the works, services and infrastructure as set out in Schedule ‘B’ shall be accurate and complete in all respects, to the satisfaction of the City’s Director of Engineering Services.

3.2 Inspection Services

The Owner shall retain, at its sole expense, a licensed consulting engineer to undertake design, construction, supervision and inspection services of the works set out in Schedule ‘B’.

The City shall have the right to inspect the installation of the said works at any time and without notice. If, in the opinion of the City, the works are not being carried out in accordance with accepted engineering drawings, contract documents, or in accordance with good engineering practice, the City may direct the consulting engineer to stop all or any part of the installation until such time as the installation is carried out to the satisfaction of the City. The Owner shall deliver to the City a

certificate from the consulting engineer certifying that the works set out in Schedule 'B' have been installed in accordance with accepted engineering drawings, contract documents, and good engineering practice. The form and content of the said certificate shall be to the satisfaction of the City's Director of Engineering Services.

3.3 Contracts and Insurance

All contracts between the Owner and any contractor for any work to be done relative to Draft Plan of Subdivision 30T-18401 shall be with a contractor acceptable to the City and contain a provision binding the contractor to obtain and maintain liability insurance in an amount satisfactory to the City, and in the case of such insurance the City shall be named as a co-insured and the said insurance shall not be less than five million dollars (\$5,000,000). The said insurance certificate shall be delivered to the City Clerk prior to the commencement of any works on the Lands including but not restricted to topsoil removal and area grading.

If required by the City, all contracts between the Owner and any contractor for any work to be done relative to Draft Plan of Subdivision 30T-18401 shall be subject to the acceptance of the City's Director of Engineering Services.

3.4 Works Carried Out In Accordance With Accepted Plans and Reports

All works related to the development of the Lands including those set forth in Schedule 'B' shall be constructed, installed, and carried out in accordance with plans and reports accepted by the City and in accordance with tender and contract documents accepted by the City's Director of Engineering Services. The said plans and reports shall be prepared by qualified professionals who are acceptable to the City's Director of Engineering Services.

3.5 Responsibility of Works, Services and Infrastructure

The Owner shall be responsible for the maintenance and repair of all works, services and infrastructure constructed, installed, and carried out for Draft Plan of Subdivision 30T-18401 until the completion of the Maintenance Period.

3.6 Servicing Staging

The Owner shall proceed with the installation of services and infrastructure for the subdivision on the Lands as promptly as good practices permit. The City may specify in what order the services are to be installed and may require steps to be undertaken by the Owner to protect public infrastructure, public lands, and existing works installed for Draft Plan of Subdivision 30T-18401.

3.7 No Expansion of Services

Municipal services shall not be extended beyond the limits of the Lands, or expanded or connected to in any way without the prior written conditional approval of the City.

3.8 Servicing in the Public Interest

If servicing and infrastructure works for Draft Plan of Subdivision 30T-18401 are not constructed, installed and/or carried out in accordance with accepted plans and contract documents, and/or where the City determines it to be in the public interest to provide such services and infrastructure to secure orderly development and/or public health and safety, the City may at its sole discretion proceed with the engineering and construction of such services and infrastructure at the Owner's expense and the cost thereof shall be a charge upon the Lands and a debt payable by the Owner to the City. The City may draw upon the Letter of Credit and any other financial security related to Draft Plan of Subdivision 30T-18401 to undertake the said engineering and installation of services and infrastructure. This provision shall not extend to the servicing of adjacent privately held lands under usual circumstances.

3.9 Servicing And Infrastructure Works Prior to Final Approval

Where the Owner wishes to proceed with the installation of services and infrastructure prior to final approval, the following shall be required:

- a.) Final approval of any implementing zoning by-law for the Lands;
- b.) Acceptance of all engineering drawings and reports referred to in Conditions 13.1 to 13.4 inclusive;
- c.) Acceptance of all plans referred to in Conditions 12.1, 12.2 and 12.3;
- d.) Acceptance of any Environmental Impact Study required for Draft Plan of Subdivision 30T-18401 and implementation of its recommendations;
- e.) Completion of pre-development monitoring referred to in Condition 6.1;
- f.) Approval of a plan showing the final lotting for registration of all lands being serviced;
- g.) Written conditional authorization from the City's Director of Engineering Services;
- h.) Receipt by the City of the Letter of Credit referred to in Condition 1.1;
- i.) Receipt by the City of the Engineering Fee referred to in Condition 1.5;
- j.) Receipt by the City of the insurance certificate referred to in Condition 3.3; and,
- k.) Any additional agreements as required by the City.

The Owner agrees that the above a.) to k.) inclusive shall be to the satisfaction of the City's Commissioner of Integrated Planning & Public Works.

If the Owner receives authority to proceed with the installation of services and infrastructure prior to final approval, the installation of such services and infrastructure shall be at the Owner's sole risk and the Owner shall indemnify the City with respect to any claim or loss which may occur as a result of the installation of services and/or infrastructure prior to registration. If the final plan is not approved or if final approval has been rescinded, the Owner agrees to take measures to stabilize the Lands to ensure that erosion control measures are in place, to the satisfaction of the City.

3.10 Service Upgrades

Where and if required by the City's Director of Engineering Services, the Owner shall, at its sole expense (excluding any allocated municipal capital monies, development charge monies, and other secured government funding/grants), design, install and upgrade to current municipal standards any servicing infrastructure beyond the limits of the Lands required to service the subdivision, including related restoration works, to the satisfaction of the City's Director of Engineering Services. The City and authorities having jurisdiction shall accept the design of the said servicing works prior to their installation.

3.11 Street Upgrades

Where and if required by the City's Director of Engineering Services, the Owner shall, at its sole expense (excluding any allocated municipal capital monies, development charge monies, and other secured government funding/grants), design, construct and upgrade to current municipal standards any streets beyond the limits of the Lands required to access the subdivision or accommodate traffic from the subdivision, including related restoration works, to the satisfaction of the City. The City and authorities having jurisdiction shall accept the design of the said street works prior to their installation.

3.12 Easements and Street Dedications - Extension of Services

The Owner shall provide the City all easements and street dedications necessary for the extension of servicing infrastructure to the limits of the Lands at such time as requested by the City's Commissioner of Integrated Planning & Public Works. The form and content of the said easements and street dedications shall be to the satisfaction of the City's Commissioner of Integrated Planning & Public Works.

3.13 Decommission Wells and Septic Systems

The Owner shall decommission all existing wells and septic systems on the Lands in accordance with applicable laws and regulations, excluding any wells to be used for monitoring purposes. Wells used for monitoring purposes shall be decommissioned by the Owner in accordance with applicable laws and regulations once the well is no longer required for monitoring purposes. All costs related to decommissioning wells and septic systems shall be borne by the Owner.

New wells and septic systems shall only be constructed on the Lands if written consent to do so is granted by the City's Director of Engineering Services. If conditions are applied by the City's Director of Engineering Services to such written consent, the Owner shall comply with the said conditions to the satisfaction of the City's Director of Engineering Services.

3.14 Temporary Sedimentation Basins

If directed by the City's Director of Engineering Services, the Owner shall install, at its sole expense, temporary sedimentation basins on the Lands, to the satisfaction of the City's Director of Engineering Services. The said basins shall

not be located within any area identified by the City's Director of Engineering Services as environmentally significant.

3.15 Construction of Stormwater Management Facilities and Erosion/
Siltation Control Measures

The Owner shall:

- a.) develop all stormwater management facilities for Draft Plan of Subdivision 30T-18401 prior to or in conjunction with site servicing for the first stage of the subdivision;
- b.) maintain all stormwater management systems in accordance with accepted plans and in good working order until the completion of the Maintenance Period;
- c.) implement erosion and siltation control measures prior to stripping of topsoil and/or area grading; and,
- d.) prevent sediment laden water runoff,

all to the satisfaction of the City's Director of Engineering Services.

3.16 Groundwater Flow Gradients

Existing groundwater flow gradients shall be maintained to the extent possible through the provision of cutoffs in service trenches where shallow groundwater is intercepted, or other means acceptable to the City's Director of Engineering Services with notification of such other means to the Region.

3.17 Organic Materials and Geotechnically Unsuitable Soils

The Owner shall provide the City's Director of Engineering Services written notice of the location, quantity and composition of organic materials and geotechnically unsuitable soils on the Lands immediately after their discovery. The quantity and composition of the organic materials and geotechnically unsuitable soils shall be determined by a geotechnical professional acceptable to the City's Director of Engineering Services. The Owner shall, at its expense, remove the organic materials and geotechnically unsuitable soils from the Lands, unless otherwise directed in writing by the City's Director of Engineering Services. The organic materials and geotechnically unsuitable soils removed from the Lands shall be properly disposed of off-site by the Owner at its expense, to the satisfaction of the City's Director of Engineering Services. At the discretion of the City's Director of Engineering Services, the Owner's consultant shall certify that the organic materials and geotechnically unsuitable soils were removed from the Lands and properly disposed of in accordance with all applicable law.

All soil and granular material replacing the organic materials and geotechnically unsuitable soils as backfill on the Lands shall be certified by a geotechnical professional acceptable to the City's Director of Engineering Services as suitable for development purposes, and where the context requires suitable for building, servicing, and infrastructure installation, to the satisfaction of the City's Director of Engineering Services and/or the City's Chief Building Official.

Where, in the opinion of the City's Director of Engineering Services, organic material and/or geotechnically unsuitable soil has not been removed from the Lands to an off-site location or has been re-used as backfill, the City's Director of Engineering Services may:

- a.) issue a conditional order to remove and properly dispose of the organic material and/or geotechnically unsuitable soil from the Lands. The Owner shall comply with the said order and conditions thereto, as well as all applicable law, at its expense. Without limiting the generality of the foregoing, the conditional order may stop all or part of the installation of subdivision services, works and infrastructure and/or stop the issuance of building permits on the Lands until the order is fully complied with to the satisfaction of the City's Director of Engineering Services; and,
- b.) draw upon the Letter of Credit or any other financial security related to the development of the Lands to remove and properly dispose of the organic material and/or geotechnically unsuitable soil from the Lands.

3.18 Decorative Street Lighting

The installation of decorative street lights shall be subject to the following:

- a.) Decorative street lights shall only be installed in locations accepted by the City's Commissioner of Integrated Planning & Public Works, and shown on the accepted engineering drawings referred to in Condition 13.1;
- b.) The Owner shall provide the City one (1) additional complete decorative street light (including but not restricted to the decorative pole, arm, and fixture) for every ten (10) decorative street lights to be installed, and one (1) power supply pedestal including concrete base for every three (3) pedestals to be installed, to the satisfaction of the City's Director of Transportation Services. In no case shall fewer than two (2) complete decorative street lights and no fewer than one (1) power supply pedestal including concrete base be provided to the City. The Owner shall deliver (including unloading and placement under the direction of the City or its agent) the additional decorative street lights, power supply pedestals, and concrete bases to a location determined by the City's Director of Transportation Services at its discretion. For the purposes of calculating compliance with this requirement, any fraction shall be rounded to the next highest whole number. The foregoing shall be to the satisfaction of the City.
- c.) Where directed by the City's Director of Transportation Services, the Owner shall provide a cash payment in lieu of providing physical decorative street light(s) and power supply pedestal(s) including concrete bases under b.) above, to the satisfaction of the City's Director of Transportation Services. The payment shall be based on the cash equivalent of a complete decorative street

light (including but not restricted to the decorative pole, arm, and fixture), power supply pedestal, and concrete base.

- d.) Where decorative street light bulbs are not standard high pressure sodium 70W, 100W or 150W bulbs, the Owner shall provide a cash payment to the City's Director of Transportation Services in lieu of providing decorative street light bulbs equal to one (1) bulb for every three (3) decorative street lights to be installed, to the satisfaction of the City's Director of Transportation Services. The payment shall be based on the cash equivalent of a decorative street light bulb. For the purposes of calculating compliance with this requirement, any fraction shall be rounded to the next highest whole number. The foregoing shall be to the satisfaction of the City's Director of Transportation Services.

Planning

4.1 Part Lot Control

Where required by the City, the Owner shall complete a supplementary subdivision agreements prior to the passing of a by-law exempting part lot control, said agreements to address such matters as lot numbering, lot layout, access, temporary turning circles, reserves, easements, solar orientation, servicing, grading, drainage, and any other matter of interest to the City having regard to the nature of the development proposed. Notwithstanding the foregoing, it is acknowledged that City Council cannot contract in advance to approve or pass an exempting by-law and the City cannot fetter its authority in respect to passing or not passing by-laws.

4.2 Staging

The Owner shall stage the development of the Lands in a manner satisfactory to the City's Commissioner of Integrated Planning & Public Works. The staging shall have regard to servicing, drainage areas, transportation needs and the provision of park blocks. If Draft Plan of Subdivision 30T-18401 is to be developed in stages, the Owner shall provide the City's Commissioner of Integrated Planning & Public Works with a plan demonstrating how the Lands will be developed in stages and how required services and infrastructure will be provided, to the satisfaction of the City's Commissioner of Integrated Planning & Public Works.

4.3 Access for Local Authorities

The Owner shall schedule its road construction and servicing to facilitate access to and development of lands dedicated or conveyed to the City, School Board or other local board or commission for use as a school site, public park or other municipal purpose at such time or times as may be required by the City in accordance with the accepted development staging for the Lands. Further, the Owner shall permit the City and such local authorities' temporary passage across any vacant lands in the subdivision to access and undertake works on the dedicated/conveyed lands. The City or the local authority accessing such lands

shall indemnify the Owner with respect to crossing the vacant lands, and shall reinstate the vacant lands to their prior condition upon completion of the works on the dedicated/conveyed lands.

Parks, Open Spaces & Entrance Features

5.1 Parkland

The Owner shall convey land in the amount of two percent (2%) of the lands comprising Draft Plan of Subdivision 30T-18401 to the City for park and/or public purposes pursuant to the provisions of Subsection 51.1(1) of the Planning Act, R.S.O. 1990 c.P.13, or where directed by the City at its sole discretion to forthwith make a cash payment in lieu thereof pursuant to Subsection 51.1(3) of the Planning Act, R.S.O. 1990 c.P.13. The payment in lieu required in the preceding sentence shall be paid to the City prior to final approval.

5.2 Parkland – Utilities and Services

Subdivision utilities and services (including easements related to such utilities and services) shall not be located on parks, parkettes, open spaces, greenbelts, or municipal right of ways without written conditional authorization from the City's Commissioner of Integrated Planning & Public Works. The foregoing shall not apply to utilities and services that solely serve the park, parkette, open space, greenbelt, or municipal right of way. Where conditional authorization is granted by the City's Commissioner of Integrated Planning & Public Works, a condition shall be applied requiring the Owner to compensate the City for the encumbrance prior to final approval, to the satisfaction of the City's Commissioner of Integrated Planning & Public Works.

5.3 Licensed Landscape Architects

The Owner shall, at its sole expense, retain the services of a licensed Landscape Architect acceptable to the City's Director of Engineering Services to design, construct and maintain all parkland, open space, landscaping of stormwater management facilities, boulevards, trails, and the like on the Lands until the completion of the Maintenance Period, to the satisfaction of the City's Director of Engineering Services.

5.4 Construction of Parkland / Open Space

The Owner shall, at its sole expense, construct and maintain parks, parkettes, open space, trails, greenbelts, right of ways, and boulevards in accordance with the accepted Park Plan and Landscape Plan referred to in Condition 12.1 and in accordance with the City's Landscape Design Process and Requirements Manual as amended.

5.5 Seeding/Sodding

The Owner shall, following finished area grading or upon written direction of the City's Director of Engineering Services, topsoil and seed/sod those blocks within

the subdivision to be used for park, parkette, open space, greenbelt, right of way, trail, and the like, to the satisfaction of the City's Director of Engineering Services.

5.6 Boulevard and Walkway Sodding/Landscaping and Fencing

- a.) The Owner shall provide boulevard sodding, landscaping, and fencing for streets within and adjacent to the subdivision as required by the City and to the satisfaction of the City's Director of Engineering Services. The said boulevard sodding, landscaping, and fencing shall be designed to City standards and constructed at the sole expense of the Owner. The Owner shall maintain, at its sole expense, the boulevard sodding, landscaping, and fencing until the completion of the Maintenance Period.
- b.) The Owner shall provide hard surfacing, sodding, landscaping, and fencing for servicing, access and walkway blocks within the subdivision as required by the City and to the satisfaction of the City's Director of Engineering Services. The said hard surfacing, sodding, landscaping, and fencing shall be designed to City standards and constructed at the sole expense of the Owner. The Owner shall maintain, at its sole expense, the hard surfacing, sodding, landscaping, and fencing until the completion of the Maintenance Period.

5.7 Living Fence and Demarcation Posts

The Owner shall, at its sole expense, install demarcation measures (such as demarcation posts, living fences, post-and-wire fencing) along all public-private interfaces as required by the City, to City design standards and to the satisfaction of the City's Director of Engineering Services. Living fences shall be located near the property line on the municipal lands in accordance with the Demarcation Plan required under Condition 12.1, to the satisfaction of the City's Director of Engineering Services. Demarcation posts shall be located approximately one hundred and fifty millimeters (150 mm) from the property line on the municipal lands, to the satisfaction of the City's Director of Engineering Services.

5.8 Community/Pedestrian Trails

The Owner shall, at its sole expense, design and construct community/pedestrian trails within the subdivision in accordance with the Park Plan referred to in Condition 12.1, to City design standards and to the satisfaction of the City's Director of Engineering Services. The Owner shall maintain, at its sole expense, the community/pedestrian trails until the completion of the Maintenance Period.

5.9 Landscape Design Process and Requirements Manual

The Owner shall ensure the Landscape Plan, Park Plan and designs for stormwater management ponds, parks, parkettes, open space, trails, greenbelts, right of ways, boulevards, berms, demarcation posts, and signage required under Condition 12.1 are in accordance with the City's current landscape standards as set out in the City's Landscape Design Process and Requirements Manual as

amended, unless specifically directed otherwise in writing by the City's Director of Engineering Services.

5.10 Entrance Features – Public Lands

If any subdivision entrance feature or identification feature is proposed on public lands or lands to be dedicated/conveyed to the City, the Owner shall obtain written approval from the City's Commissioner of Integrated Planning & Public Works for the said feature prior to its installation, and such approval may be denied. Prior to the installation of any approved entrance/identification feature, the Owner shall enter into a binding agreement with the City to address all matters related to the said entrance/identification feature including financial arrangements, liability, design and maintenance for the full expected lifespan of the entrance/identification feature, to the satisfaction of the City's Commissioner of Integrated Planning & Public Work, unless otherwise directed by the City Solicitor. The form and content of the said binding agreement shall be to the satisfaction of the City's Commissioner of Integrated Planning & Public Works and the City Solicitor.

5.11 Entrance Features – Private Lands

That the Owner acknowledge and agree that subdivision entrance features or identification features on private lands within the subdivision are subject to the City's Sign By-law, and shall only be constructed or erected in accordance with the City's Sign By-law.

Environment

6.1 Environmental Monitoring Plan

The Owner shall implement, at its sole expense, an environmental monitoring plan for each stage of development on the Lands, to the satisfaction of the City and the Region. The terms of reference for the said monitoring plan shall be accepted by the City and the Region prior to the commencement of the environmental monitoring. The environmental monitoring plan shall be undertaken in accordance with the accepted terms of reference.

The said monitoring plan shall be completed for pre-construction, during construction and post construction time periods, to the satisfaction of the City and the Region. The said monitoring plan shall include the establishment of groundwater monitoring wells, installed by the Owner to allow performance monitoring of the proposed subdivision design and works. The location, depth and completion details of the monitoring wells shall be reviewed and accepted by the City and the Region. The monitoring wells are to be installed prior to area grading, unless otherwise directed by the City.

Post construction monitoring shall continue for two (2) years after ninety percent (90%) of Draft Plan of Subdivision 30T-18401 has been fully implemented including building construction and landscape stabilization, as determined by the City's Commissioner of Integrated Planning & Public Works. The purpose of the

monitoring is to determine whether during and post construction targets for water quality and quantity have been met, and to evaluate the effectiveness of best management practices. Best management practices acceptable to the City and the Region are to be used to achieve the said targets and objectives. Where during and post construction targets for groundwater objectives are not met due to matters related to the development of the subdivision and/or construction of buildings/structures thereon, the Owner shall undertake measures acceptable to the City and the Region to mitigate impacts and facilitate compliance with the said targets and objectives to the extent possible. Such measures shall be incorporated into:

- a.) any built portion of the development, where determined feasible by the City's Commissioner of Integrated Planning & Public Works; and,
- b.) any unbuilt portion of the development.

6.2 Groundwater Recharge

Where appropriate, the Owner shall maximize permeability and "clean water" infiltration on lots and blocks within the subdivision to facilitate groundwater recharge, to the satisfaction of the City and Region. Measures to maximize permeability and "clean water" infiltration shall form part of the comprehensive Stormwater Management Plan required under Condition 12.1.

6.3 Winter Maintenance & Salt Reduction Plan – Site Plan Control

A winter maintenance and salt reduction plan shall be included in each site plan application pursuant to Section 41 of the Planning Act R.S.O. 1990 c.P.13 on the Lands. The accepted winter maintenance and salt reduction plan shall be implemented in conjunction with the development of the related lands, to the satisfaction of the City. The winter maintenance and salt reduction plan shall address snow storage, plowing, road salt management/reduction and any other mitigative measures required to minimize salt impacts on the natural environment. Development requiring site plan approval on the Lands shall be designed with a road drainage system based on cold weather (winter) flows, unless otherwise directed in writing by the City's Director of Engineering Services.

6.4 Vehicle Fueling

Vehicle fueling and re-fueling shall be located away from natural features and precautions taken to prevent spillage.

Transportation

7.1 Reserves

Any open sides of road allowances created by the subdivision shall be terminated with a 0.300 metre reserve. Reserves shall be conveyed to the City and held by the City to prevent undesired access to a municipal highway or municipal lands, or until required for future road allowances or the development of adjacent lands in accordance with municipal approvals.

7.2 Sidewalks and/or Multi-Use Trails

- a.) The Owner shall construct, at its sole expense, concrete sidewalks along both sides of the streets within the subdivision as shown on the accepted engineering drawings required under Condition 13.1, to the satisfaction of the City.
- b.) The Owner shall construct, at its sole expense, active transportation infrastructure such as multi-use trails within the subdivision as shown on the accepted engineering drawings required under Condition 13.1, to the satisfaction of the City.

7.3 Sidewalks and/or Multi-Use Trails on Abutting lands

The Owner shall construct, at its sole expense, concrete sidewalks and/or active transportation infrastructure on municipal highways adjacent to the subdivision as required by the City's Commissioner of Integrated Planning & Public Works, to the satisfaction of the Commissioner.

7.4 Temporary and Emergency Access Signs and Devices

The Owner shall install temporary street name and emergency access signs in the subdivision in the event permanent signs are not erected, at the sole expense of the Owner and to the satisfaction of the City's Director of Transportation Services. The said signs shall indicate that such roads are not assumed by the City and are used at one's own risk.

The Owner shall install temporary traffic control devices in the event permanent traffic control devices are not erected, at the sole expense of the Owner and to the satisfaction of the City's Director of Transportation Services. The City shall have the right to inspect the temporary traffic control devices at any time and without notice, and the cost of the said inspections shall be at the sole expense of the Owner.

7.5 Street Signs

The Owner shall, at its expense, arrange for the erection of permanent street name signs, emergency access signs, and traffic control signs and devices in the subdivision immediately following the placement of the first course of asphalt on a street, to the satisfaction of the City's Director of Transportation Services. At such time as the permanent signs are installed, the Owner shall remove, at its sole expense, any related temporary signs within the subdivision.

7.6 Temporary Turning Circles

- a.) Temporary turning circles and associated easements shall be established at the termination of road allowances, to the satisfaction of the City's Director of Engineering Services. The Owner shall provide an easement to the City over the temporary turning circle and the adjacent lot/block, to the satisfaction of the City's Director of Engineering Services. The form and content of the said

easement shall be to the satisfaction of the City's Commissioner of Integrated Planning & Public Works and the City Solicitor. The said easement shall be released when the related street is extended and the City determines that the temporary turning circle is no longer required. No building permits shall be issued on the said lot/block until the easement has been released by the City.

- b.) The Owner shall grade, topsoil and seed the easement lands referred to in Condition 7.6 a.), excluding the temporary turning circle, with a native low grow and low maintenance turf mix, to the satisfaction of the City's Director of Engineering Services. The Owner shall maintain the seeded lands until they are developed for a primary land-use permitted by the zoning applied to the said lands.
- c.) Prior to final approval, the Owner (other than The Corporation of the City of Waterloo) shall provide financial securities to the City in a form and content acceptable to the City's Chief Financial Officer equal to the cost of removing the temporary turning circle plus the cost of constructing, servicing and permanently landscaping the road allowance fronting the easement lands referred to in Condition 7.6 a.), to the satisfaction of the City's Director of Engineering Services.

7.7 Bicycle Lanes

The Owner agrees to construct, at its expense, on-street bicycle lanes as identified on the accepted engineering drawings referred to in Condition 13.1, to the satisfaction of the City's Director of Engineering Services.

Building (Non-Residential)

8.1 Non-Residential Building Construction – Materials Handling and Storage

Non-residential buildings shall be designed and constructed in accordance with best management practices for materials handling and storage, such as storing hazardous chemicals above ground and using secondary containment.

8.2 Groundwater Risk Mitigation Measures

Non-residential buildings on the Lands shall incorporate groundwater risk mitigation measures during their design and construction, to the satisfaction of the City's Chief Building Official. Non-residential buildings (excluding accessory buildings to a residential dwelling) shall be constructed with subsurface floor drains that connect to the local sanitary system to prevent the accidental discharge of chemicals or undesirable substances to the subsurface, unless otherwise required by the Ontario Building Code Act.

Agencies

9.1 Canada Post

That the Owner agrees to make satisfactory arrangements with Canada Post and the City of Waterloo for the provision of necessary easements and/or agreements for the provision of mail services to this plan in a form satisfactory to the City of Waterloo."

9.2 Waterloo North Hydro

- a.) The Owner shall locate hydro meters in locations deemed acceptable to Waterloo North Hydro Inc.
- b.) Decreased setbacks (if proposed) may necessitate the installation of non-combustible barrier walls between Waterloo North Hydro Inc. padmounted transformers and the buildings as per the Ontario Electrical Safety Code, Section 26-242, and the said installation will be at one hundred percent (100%) the Owner's cost and may require a revised right-of-way cross section to facilitate the said installation due to the proximity of the padmounted transformer to the sidewalk.
- c.) Ganged hydro meters shall be provided for townhouses on end units, unless otherwise directed by Waterloo North Hydro Inc. in writing. Further, the Owner shall register an easement over any end unit containing a ganged hydro meter in favour of the owners of the internal units for their electrical services, to the satisfaction of Waterloo North Hydro Inc. and that the said easement shall be registered on title.
- d.) The Owner shall dedicate a blanket easement over the entire Lands, or a site specific easement over the underground conductors from the property line to the meter bases, if requested by Waterloo North Hydro Inc. and to the satisfaction of Waterloo North Hydro Inc.. The Owner agrees to construct easement lands used for hydro anchoring purposes to within 150mm of final grade.
- e.) Any relocation of existing hydro facilities, if necessary, will be at one hundred percent (100%) the Owner's cost.

9.3 Bell Canada

- a.) The Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication / telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.

9.4 Hydro One Networks Inc. (HONI)

- a.) Prior to HONI providing its final approval, the developer must make arrangements satisfactory to HONI for lot grading and drainage. Digital PDF copies of the lot grading and drainage plans (true scale), showing existing and proposed final grades, must be submitted to HONI for review and approval. The drawings must identify the transmission corridor, location of towers within the corridor and any proposed uses within the transmission corridor. Drainage must be controlled and directed away from the transmission corridor.
- b.) Any development in conjunction with the subdivision must not block vehicular access to any HONI facilities located on the transmission corridor. During construction, there must be no storage of materials or mounding of earth, snow or other debris on the transmission corridor.
- c.) At the developer's expense, temporary fencing must be placed along the transmission corridor prior to construction, and permanent fencing must be erected along the common property line after construction is completed.
- d.) The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this subdivision will be borne by the developer. The developer will be responsible for restoration of any damage to the transmission corridor or HONI facilities thereon resulting from construction of the subdivision.
- e.) The conditions contained herein should in no way be construed as permission for or an endorsement of proposed location(s) for any road crossing(s) contemplated for the proposed development. This permission may be specifically granted by OILC under separate agreement(s). Proposals for any secondary land use including road crossings on the transmission corridor are processed through the Provincial Secondary Land Use Program (PSLUP). HONI, as OILC's service provider, will review detailed engineering plans for such proposals separately, in order to obtain final approval.

Should approval for a road crossing be granted, the developer shall then make arrangements satisfactory to OILC and HONI for the dedication and transfer of the proposed road allowance directly to the City of Waterloo

Access to, and road construction on the transmission corridor is not to occur until the legal transfer(s) of lands or interests are completed.

- f.) The transmission lines abutting the subject lands operate at either 500,000, 230,000 or 115,000 volts. Section 188 of Regulation 213/91 pursuant to the Occupational Health and Safety Act, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for

230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the developer's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line

Drawings

10.1 Electronic Drawings

All accepted and as-recorded drawings for the subdivision on the Lands, including the plans and drawings required under Conditions 12.1 and 13.1, shall be provided by the Owner to the City's Director of Planning in an electronic format acceptable to the City's Director of Planning.

10.2 School Board – Drawings

Upon registration, the Owner shall provide the City, the Waterloo Region District School Board and the Waterloo Catholic District School Board with a digital file of the registered plan of subdivision in an electronic format acceptable to the City and the School Boards containing the layer information for plans of subdivision as set out in the City's Digital Plan Submission Standards.

General

11.1 Expeditious Works

All work done in relation to the subdivision and building construction on the Lands shall be done expeditiously, in a good workmanlike manner by persons qualified and licensed in accordance with all applicable by-laws, statutes and regulations.

11.2 Clean Site

The Owner shall require its employees, contractors, suppliers and agents and any builder's employees, contractors, suppliers and agents to maintain the Lands in a clean condition in accordance with the requirements of the City and to the satisfaction of the City's Director of Engineering Services. The intent is to:

- a.) avoid unsightly properties and construction debris impacts on nearby landowners, stormwater management facilities, and open space lands; and,
- b.) avoid the accumulation of grit, dirt, debris or other materials within the road right-of-way.

A qualified representative of the Owner shall, at the Owner's expense, monitor and inspect the Lands throughout all stages of subdivision development and building construction to ensure the Lands are maintained in a clean condition, to the satisfaction of the City's Director of Engineering Services. The representative shall manage and resolve all 'clean site' complaints, at the Owner's expense and to the

satisfaction of the City's Director of Engineering Services. Notwithstanding the foregoing, 'clean site' complaints arising from unauthorized storage, unauthorized site works, and/or lot maintenance by a private property owner shall be directed to the said private property owner for resolution in accordance with City By-Laws 2011-122 and 2011-123, as amended, being a "By-law to Prescribe Standards for the Maintenance and Occupancy of Property within the City of Waterloo" and a "By-law to Regulate the Maintenance of Land within the City of Waterloo" respectively.

Where the City's Director of Engineering Services provides written notice to the Owner (or the Owner's representative) regarding the need to clean up the Lands and the said clean up is not undertaken within the timeline set out in the notice, the City may take the necessary action to clean the Lands at the Owner's expense, and the Owner shall pay to the City upon demand the full amount of the costs incurred by the City to clean the Lands. If the Owner does not pay the City:

- c.) the Letter of Credit and any financial securities deposited with the City relative to Draft Plan of Subdivision 30T-18401 may be drawn upon by the City to satisfy the required payment, and the Owner shall replace or increase said Letter of Credit and financial securities to their original value within fifteen (15) business days of receiving notice of such draw or draws; and,
- d.) further building permits on the Lands shall not be requested or issued until the Owner satisfies the obligations of Condition 11.2 c.) above to the satisfaction of the City.

Without restricting the generality of the foregoing, all streets within and abutting the Lands shall be kept in a good useable condition and free of obstructions during all stages of subdivision development and building construction on the Lands, and if damaged or dirtied will be restored to a good and useable condition by the Owner at its expense and to the satisfaction of the City's Director of Engineering Services.

11.3 Open Burning

The burning of brush, garbage, debris, waste or any other material / substance shall not be permitted on the Lands without the written permission of the City's Fire Rescue Services.

11.4 Geodetic Monuments

The Owner shall retain a qualified professional to install concrete geodetic monuments in the subdivision with coordinates and elevations thereon, to the satisfaction of the City. The plan submitted for registration shall include the location of monuments, their coordinate values, elevation and code numbers as prescribed by the Surveyor General of Ontario.

11.5 Survey Bar Installation

The Owner shall, at its sole expense, employ an Ontario Land Surveyor to install survey bars on all corners of lots and blocks and at any other locations required by the City. Further, the Owner shall, upon final completion of all servicing works for this subdivision, provide an Ontario Land Surveyor's Certificate that all survey bars are in place and easily accessible.

PRIOR TO AREA GRADING OF THE SUBDIVISION

12.1 Plans

That prior to the stripping of topsoil or area grading, the Owner shall obtain acceptance of the following plans from the City's Director of Engineering Services and any other authority having jurisdiction, and shall comply with and implement the said accepted plans:

- a.) "Trees To Be Saved Plan" shall be required identifying existing individual trees, hedgerows or other groupings of trees on or adjacent to the Lands, and an analysis of which of these trees are proposed to be removed. The Owner shall endeavor to retain as many trees, hedgerows and groupings of trees as possible, and any tree or trees identified as "to be removed" shall be reviewed and approved by the City. The Owner agrees to protect trees to be retained with snow fencing and/or other means deemed appropriate by the City as identified on the Trees To Be Saved Plan.
- b.) "Subdivision Grading Plan" shall be required showing existing and proposed elevations, existing trees to be retained and the drainage scheme for each lot and block within the subdivision. The grading plan shall include detailed information on the method proposed to re-establish ground cover, and the said ground cover shall be installed upon completion of fine grading.

The Subdivision Grading Plan shall illustrate topographic contours and spot elevations at least twenty (20) metres beyond the limits of the development, and shall be in accordance with City policies and practices including the City's Development Manual as amended.

The said Subdivision Grading Plan shall be to the satisfaction of the Region where the Lands drain to a Regional Facility.

- c.) "Erosion and Sediment Control Plan" shall be required for all lots and blocks within the subdivision. The said plan shall include the identification of soil stockpiling areas.
- d.) Plans required by the City's Director of Engineering Services in conjunction with a valid site alteration permit pursuant to City By-law 2010-066. The City's "Site Alteration By-law No. 2010-066" and all other by-laws that regulate topsoil filling, grading and/or site alteration in the City shall be complied with in regards to the Lands. No topsoil shall be stripped on the Lands until the

Owner has applied for and obtained a site alteration permit, unless otherwise directed by the City's Director of Engineering Services in writing. The Owner shall abide by any site alteration permit issued by the City, including conditions related thereto. No topsoil or fill shall be stored on park blocks without the prior written consent of the City's Director of Engineering Services.

In addition to the foregoing, the City's Director of Engineering Services may require the Owner to obtain acceptance of one or more of the plans identified in e.) through m.) below prior to the stripping of topsoil or area grading, and the Owner shall comply with and implement the said accepted plans to the satisfaction of the City's Director of Engineering Services:

- g.) "Park Plan" shall be required for parks, parkettes, greenbelts, trails, right-of-ways and open spaces within the subdivision. The Park Plan shall have regard to the surrounding neighbourhood and Crime Prevention Through Environmental Design (CPTED) principles. Parkland shall contain both active and passive recreation components, to the satisfaction of the City. Passive recreation components include asphalt trails, native landscaping, park furniture (such as seating, bicycle racks, and garbage receptacles), bollard gates, and property demarcations. All active and passive recreation components shall be CSA compliant. The location of active and passive recreational components shall be to the satisfaction of the City's Director of Engineering Services. The Owner shall (at its expense) implement the Park Plan in accordance with timing specified by the City's Commissioner of Integrated Planning & Public Works.
- h.) "Landscape Plan for Stormwater Management Facilities" shall be required for stormwater management facilities prior to the construction of the said facilities. The Owner shall (at its expense) implement the Landscape Plan for Stormwater Management Facilities in accordance with timing specified by the City's Director of Engineering Services.
- i.) "Landscape Plan" shall be required for all boulevard right-of-ways within and adjacent to the subdivision. The Owner shall (at its expense) implement the Landscape Plan in accordance with timing specified by the City's Director of Engineering Services.
- j.) "Demarcation Plan" shall be required for all interfaces between public and private lands within the subdivision. The Owner shall (at its expense) implement the Demarcation Plan in accordance with timing specified by the City's Director of Engineering Services.
- k.) "Stormwater Management Plan" shall be required for all lots and blocks within the subdivision. The Stormwater Management Plan shall include the identification of stormwater controls such as infiltration trenches, clean water

collector systems, water retention ponds, and the elimination of storm sewer connections.

The Stormwater Management Plan shall demonstrate how:

- i. run-off from the Lands will be controlled to prevent erosion;
- ii. run-off volumes will maintain the form and function of significant wetland features and surface water systems (such as creeks, streams, rivers, ponds) on or near the Lands;
- iii. groundwater infiltration on the Lands can be maintained as close as possible to pre-development conditions or enhanced;
- iv. the water balance on the Lands can be maintained as close as possible to pre-development conditions or enhanced, that is how during-construction and post-construction conditions match pre-development estimates;
- v. the targets of any applicable watershed study and subwatershed management plan, and any other targets approved by the City, can be met; and,
- vi. indicate the design and location of any special engineering measures required to maintain the water balance, stormwater quality, and/or stormwater quantity,

all to the satisfaction of the City and GRCA. The Stormwater Management Plan shall also be to the satisfaction of the Region where the Lands drain to a Regional Facility.

- l.) "Servicing Plan" shall be required for all water, sanitary, stormwater, roads and other services and infrastructure required to implement the subdivision, and all existing easements on the Lands.

Services shall be located to one side of the road where a centre median is used to provide emergency access, unless otherwise directed by the City's Director of Engineering Services.

- m.) "Encumbrance Plan" shall be required showing all existing and known encumbrances within and adjacent to the subdivision that could reasonably affect topsoil removal, grading, site servicing, subdivision construction works, subdivision lotting, and/or the positioning of buildings/structures on proposed lots/blocks. Without restricting the generality of the foregoing, encumbrances include easements, rights-of-way, and significant utility infrastructure such as hydro vaults and high voltage transformers. Encumbrances shall exclude standard natural gas easements adjacent to streets.

All plans identified in e.) to m.) above shall be accepted by the City's Director of Engineering Services prior to the commencement of site servicing (including utilities installation and infrastructure works) and subdivision construction works, and the Owner shall (at its expense) comply with and implement the said accepted plans, to the satisfaction of the City's Director of Engineering Services.

12.2 Archaeological Assessment

Prior to the stripping of topsoil or area grading, the Owner shall prepare and implement an archaeological assessment for the Lands to the satisfaction and approval of the Ministry of Heritage, Sport, Tourism and Culture Industries.

12.3 Construction Traffic Plan – Grading Phase

Prior to any stripping of topsoil or area grading, the Owner shall provide a Construction Traffic Plan for the grading phase of the site works, to the satisfaction of the City's Director of Engineering Services. The accepted construction traffic route(s) shall remain open as long as possible, and the Owner shall advise the City prior to closing any construction traffic route(s). The Owner shall require contractors and builders to use the said construction traffic route(s) as their primary access in order to redirect construction traffic away from occupied residential streets. The Owner shall provide appropriate securities to enforce the Construction Traffic Plan, to the satisfaction of the City's Director of Engineering Services.

12.4 Grading, Servicing and Construction Monitoring

The Owner shall undertake site monitoring during grading, servicing and construction on the Lands, to the satisfaction of the City, including:

- a.) monitoring the edge of the water features, deciduous forest, and conservation lands;
- b.) ensuring vegetation protection measures are implemented and functioning;
- c.) assessing the integrity of the erosion control measures;
- d.) managing construction debris and ensuring complete removal of such debris from the site upon the completion of construction; and,
- e.) debris removal from natural areas.

Site monitoring requirements shall be detailed in a plan, to the satisfaction of the City's Director of Engineering Services. The Owner shall provide a copy of the accepted site monitoring plan to the Region's Manager of Environmental Planning. The City agrees to notify the Region's Manager of Environmental Planning of any significant instance of non-compliance relative to site monitoring.

12.5 Area Grading

No area grading shall occur on the Lands until such time as the Owner has received a letter of authorization from the City's Director of Engineering Services to proceed, and then only in accordance with the accepted Subdivision Grading Plan and/or any site alteration permit. Further, no area grading shall occur on the Lands until such time as the City Clerk has received the insurance certificate required under Condition 3.3.

12.7 Grand River Conservation Authority

Prior to any grading or construction on the site and prior to registration of the plan of subdivision, the Owner or its agents shall submit and have approved the following plans, reports and agreements to the satisfaction and approval of the Grand River Conservation Authority (the "GRCA"):

- a.) a final stormwater management report in accordance with: (1) the Servicing Strategy Report and Preliminary Stormwater Management Report, Waterloo West Side Employment Lands, City of Waterloo (dated August 2018 and prepared by Stantec Consulting).
- b.) a detailed Lot Grading, Servicing and Storm Drainage Plan;
- c.) an erosion and siltation control plan in accordance with the Erosion & Sediment Control Guidelines for Urban Construction (2006) indicating the means whereby erosion will be minimized and silt maintained on-site throughout all phases of grading and construction;
- d.) approval of a final detailed monitoring program with the submission of post-construction monitoring reports in accordance with the Preliminary Stormwater Management Report, Waterloo West Side Employment Lands, City of Waterloo (dated August 2018 and prepared by Stantec Consulting); and,
- e.) approval and issuance of permits from the GRCA for any works pursuant to Ontario Regulation 150/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation).

The Owner shall undertake, complete and maintain all works according to the approved plans, reports and permits contained in a.) to e.) above.

12.9 Geotechnical Engineer – Inspection Services - Grading

The Owner, at its expense, shall retain a geotechnical engineer to undertake full-time inspections during area grading operations. The geotechnical engineer shall, among other duties:

- a.) undertake full-time inspections during earth works on the Lands;
 - b.) examine and approve sources of fill material;
 - c.) monitor fill placement and verify compaction by insitu density testing;
 - d.) certify geotechnical compliance with accepted engineering drawings for underground services and dewatering; and,
 - e.) certify geotechnical compliance with accepted engineering drawings for grading,
- all to the satisfaction of the City's Director of Engineering Services.

PRIOR TO SERVICING

13.1 Engineering Drawings

The Owner shall provide engineering drawings for all sanitary sewers, watermain, storm sewers, road base, sidewalks, pavement and all other surface and underground works set forth in Schedule 'B' and required pursuant to Condition 12.1. The said drawings shall be accepted by the City's Director of Engineering Services and any other authority having jurisdiction prior to undertaking any site servicing or subdivision construction works on the Lands.

13.2 Dewatering

If required by the City's Director of Engineering Services, the Owner shall submit a dewatering plan with the engineering drawings referred to in Condition 13.1, to the satisfaction of the City's Director of Engineering Services.

13.3 Construction Traffic Plan – Construction Phase

Prior to any site servicing or subdivision construction works (excluding grading or topsoil removal), the Owner shall provide a Construction Traffic Plan for the servicing and construction phase of the site works, including temporary street signs and emergency access signs, to the satisfaction of the City's Director of Engineering Services. The accepted construction traffic route(s) shall remain open as long as possible, and the Owner shall advise the City prior to closing any construction traffic route(s). The Owner shall require contractors and builders to use the said construction traffic route(s) as their primary access in order to redirect construction traffic away from occupied residential streets. The Owner shall provide appropriate securities to enforce the Construction Traffic Plan.

13.4 Subsurface Soil Investigation

The Owner shall submit to the City's Director of Engineering Services a soil investigation report prepared by a qualified geotechnical engineer that provides engineering specifications and recommendations to make all lots and blocks within the subdivision adequate for foundations, roads, stormwater management facilities and all other works set out in Schedule 'B'. The soil investigation report shall identify the presence of groundwater elevations and hydrostatic pressure that may impact footings, basements, and underground or surface works. Building permits shall not be available until the required soil investigation report has been accepted by the City's Director of Engineering Services or City's Chief Building Official.

13.5 No Servicing Prior to Acceptance of Plans

The Owner agrees that no site servicing or subdivision construction works shall commence until the technical drawings and reports referred to in Conditions 6.1, 12.1, 12.2, 12.3, 13.1, 13.2, 13.3, 13.4 and 13.6 have been accepted by the City's Director of Engineering Services and any other authority having jurisdiction.

13.6 Plans – Condition 12.1

Prior to any site servicing or subdivision construction works, the obligation in Condition 12.1 shall be satisfied, being the acceptance of the plans identified in Condition 12.1 e.) to m.) by the City's Director of Engineering Services.

13.7 Development Manual Compliance

The engineering drawings referred to in Condition 13.1 shall be in accordance with the City's current subdivision standards and the City's Development Manual as amended, unless otherwise directed by the City's Director of Engineering Services.

13.8 Consultant - Engineer

The Owner shall retain, at its sole expense, a licensed consulting engineer to prepare and co-ordinate all engineering reports, schedules, drawings, approvals, specifications, estimates, contract administration, inspection, certification and completion of 'as-recorded' drawings required to service the subdivision. The Owner shall, at its sole expense, provide for the full time supervision and inspection services of a consulting engineer acceptable to the City's Director of Engineering Services for the installation of all engineering, servicing, grading and geotechnical works related to the subdivision on the Lands.

13.9 References on Drawings

If required by the City's Director of Engineering Services, maintenance procedures and timing for subdivision services and infrastructure shall be included on the engineering drawings submitted to the City for acceptance. With respect to stormwater management and drainage drawings, if requested by the City's Director of Engineering Services, quality and quantity control assurances for the maintenance of stormceptors, siltation controls and the like shall be identified on the engineering drawings submitted to the City for acceptance.

13.10 Regional Agreement for Servicing

Prior to any site servicing or subdivision construction works, the Owner shall enter into an Agreement for Servicing with the Region to preserve access to municipal water supply and municipal wastewater treatment services. The Regional Commissioner of Transportation and Environmental Services shall advise prior to the execution of a Regional Agreement for Servicing that sufficient water supplies and wastewater treatment capacity is available for this subdivision, or the portion of the subdivision to be registered.

13.11 Waterloo North Hydro Inc.

Prior to any site servicing or subdivision construction works, the Owner shall enter into an agreement with Waterloo North Hydro Inc. for the provision of hydro services to the Lands and for the subdivision. The Owner further agrees that the removal, replacement and/or relocation of any existing electrical distribution facilities of Waterloo North Hydro Inc. will be solely the financial responsibility of the Owner.

13.12 Utilities and Telecommunications

- a.) Prior to any site servicing or subdivision construction works, the Owner shall make satisfactory arrangements for the provision of permanent (and where necessary temporary) utility and telecommunications services for the subdivision, to the satisfaction of the City.
- b.) The Owner shall provide for the underground installation of telecommunication, natural gas, and hydro services in the subdivision, unless otherwise agreed to in writing by the City and the applicable service provider.

13.13 Road Salt Impact Assessment

Prior to any site servicing or subdivision construction works, the Owner shall complete a road salt impact assessment for the subdivision in conjunction with the required Stormwater Management Plan, to the satisfaction of the Region and the City. The assessment shall calculate the loading of salt from deicing operations to groundwater so as to ensure that groundwater concentrations of sodium and chloride will remain within the Reasonable Use Guidelines established by the Ontario Ministry of the Environment. The Owner shall, at its expense, implement the recommendations of the road salt impact assessment, to the satisfaction of the City and the Region.

13.14 Geotechnical Engineer – Servicing Design and Construction

The Owner, at its sole expense, shall retain a geotechnical professional acceptable to the City's Director of Engineering Services to provide geotechnical expertise with respect to the design and construction/installation of underground services and dewatering requirements for the subdivision, to the satisfaction of the City's Director of Engineering Services.

13.15 Geotechnical – Infrastructure

The Owner shall retain a qualified geotechnical professional acceptable to the City's Director of Engineering Services to inspect all infrastructure and servicing excavation areas. Where structural fill or soil concerns are found, the geotechnical professional shall prepare a report to the satisfaction of the City's Director of Engineering Services indicating whether-or-not the site is suitable to accept the proposed infrastructure and/or services. Where a site is not suitable for site servicing or subdivision construction works, the report shall provide professional recommendations regarding methods to remediate the site to allow for servicing and construction, to the satisfaction of the City's Director of Engineering Services.

PRIOR TO OR CONCURRENT WITH THE REGISTRATION OF THE PLAN

14.1 Plan

Prior to registration, the plan to be registered shall be approved by the City's Director of Planning.

14.2 Technical Plans – Prior To Registration

Prior to registration, the plans and reports set out in Conditions 6.1, 12.1, 12.2, 12.3, 13.1, 13.2, 13.3, 13.4, shall be accepted by the City.

14.3 OLS verification

Prior to registration, the Owner shall submit verification from an Ontario Land Surveyor that the proposed lots/blocks to be registered comply with the requirements of the City's Zoning By-law.

14.4 Clearances and Financial Securities

Prior to registration, the Owner shall submit the required clearances and financial securities set out in the City's conditions of approval for Draft Plan of Subdivision 30T-18401.

14.5 Dedication of Streets and Lanes

At the time of registration, streets and lanes shall be dedicated as public highways to the City, free of charge and clear of encumbrances. The streets shall be named to the satisfaction of the City.

14.6 Lands To Be Conveyed

Lands to be conveyed to the City at the time of registration (excluding the lands identified in Condition 14.5) may be established in a supplementary subdivision agreement. The form and content of the supplementary subdivision agreement shall be to the satisfaction of the City's Commissioner of Integrated Planning & Public Works and the City Solicitor.

14.7 Conveyance of Easements to Utilities and Telecommunication Service Providers

At the time of registration, the Owner shall have made secure arrangements satisfactory to the City to convey easements for utility and telecommunication services in the subdivision to the applicable utilities and telecommunication service providers.

14.8 Stormwater Management Facilities - Registration

No portion of the Lands shall be registered until all stormwater management facilities required to service the Lands have been constructed, to the satisfaction of the City's Director of Engineering Services.

14.9 Decommissioning of Temporary Stormwater Management Facility

Prior to registration, the Owner shall decommission the existing temporary stormwater management facility adjacent to Copper Street and the Hydro Corridor. Permanent storm infrastructure shall be connected to the Ultimate SWM Facility within the Hydro Corridor, as per the accepted engineering drawings. Decommissioning of the temporary pond shall be staged such that there is no disruption to service or negative impacts to surrounding lands which the temporary pond currently services.

14.10 Public Land Signage

Prior to registration and immediately after plan servicing or within 30 days written notice from the City's Director of Planning, the Owner shall, at its sole expense, design, construct, install, and maintain signage that clearly notifies the public of the designated locations and intended function of public spaces (including parks, open spaces, greenbelts, right of ways, and the like) on the Lands, to the satisfaction of the City's Director of Planning. The sign's design, construction and installation shall be to the satisfaction of the City's Director of Planning. The Owner shall remove the signage within 30 days of receiving written notice from the City's Director of Planning. The said signage shall comply with the City's Sign By-law, as amended.

14.12 Grand River Transit

Prior to registration, the Owner shall either:

- a.) provide the physical and financial resources for the construction of concrete landing pads at transit locations determined by the Region; or,
- b.) construct concrete transit landing pads, to the satisfaction of the Region.

For the purposes of this paragraph, transit pads are approximately nine (9) metres in length, one-point-five (1.5) metres in width, with a connection to the sidewalk.

14.13 Regional Agreement for Servicing

Prior to registration, the obligation in Condition 13.10 shall be satisfied.

14.14 Easement Plan

Prior to registration, the Owner shall obtain acceptance of an easement plan (the "Easement Plan") from the City Solicitor and any other authority having jurisdiction. The Easement Plan shall identify all existing and proposed easements on the lands to be registered, to the satisfaction of the City Solicitor.

At the time of registration, the Owner shall have made secure arrangements satisfactory to the City to convey the easements on the accepted Easement Plan. Easements shall be conveyed free of charge and clear of encumbrances. Where an easement is to be conveyed to the City, the form and content of the said easement shall be to the satisfaction of the City and its solicitor.

14.15 Temporary Turning Circle – Financial Securities

Prior to registration, the obligation in Condition 7.7 c.) shall be satisfied, being the receipt of financial securities for the removal of temporary turning circles and the construction of the road allowance to municipal standards.

14.16 Turning Circle – Paris Boulevard

Prior to registration, further to Conditions 14.15 and 7.7, the Owner shall be responsible for the design and construction of a permanent turning circle at the

west terminus of Paris Boulevard, to enable the removal of the temporary turning circle on Paris Boulevard.

PRIOR TO ISSUANCE OF BUILDING PERMITS

15.1 No Assurance – Building Permits

That the Owner agree that any approval or acceptance by the City with respect to this subdivision or any authorization to commence the installation of services/infrastructure shall not be deemed to give assurance that building permits when applied for will be issued unless all other by-laws and requirements of the City and all other applicable laws have been complied with.

The City's Chief Building Official may, at his/her sole discretion, withhold the issuance of a building permit or permits to the Owner, its successors or assigns, for any lot or block on the Lands if the Owner is in default of the Subdivision Agreement or any supplementary agreement thereto.

15.2 Soil Stabilization, Fill, Flood Protection, Etc.

The City's Chief Building Official may, at his/her sole discretion, withhold the granting of building permits until required work such as soil stabilization, the placing of structural fill, installation of flood protection, special foundations, retaining walls or other work is completed to his/her satisfaction and has absolute discretion to refuse to grant building permits on any lot or block on the Lands which, in the opinion of the Chief Building Official, is unsuitable for building because of its rocky, low lying, marshy or unstable characteristics or which may be subject to flooding, until such time as all works which may be required to make such land suitable for building or protected from flooding are completed to the satisfaction of the City's Chief Building Official.

15.3 Development Charges

Prior to the issuance of a building permit, all applicable development charges shall be paid to the City in accordance with Schedule 'C'.

15.4 Water Saving Fixtures

The Owner shall require all builders within the subdivision to utilize water saving fixtures in all non-residential buildings.

15.5 Underground Services

- a.) Prior to the issuance of the first building permit in each subdivision registration, the Owner shall:
 - i.) construct the "Underground Services to Base Asphalt" as set out in Schedule 'B', and provide an engineering consultant's verification for the underground services and works, to the satisfaction of the City's Director of Engineering Services;

- ii.) provide written evidence verifying that secure arrangements have been made for the installation of underground natural gas, hydro and telecommunication services, to the satisfaction of the City's Director of Engineering Services;
- iii.) satisfy the approval conditions applied to Draft Plan of Subdivision 30T-18401 related to the provision of natural gas services for the subdivision, to the satisfaction of the City's Director of Engineering Services;
- iv.) satisfy the approval conditions applied to Draft Plan of Subdivision 30T-18401 related to the provision of cable television services for the subdivision, to the satisfaction of the City's Director of Engineering Services;
- v.) satisfy the approval conditions applied to Draft Plan of Subdivision 30T-18401 related to the provision of telephone services for the subdivision, to the satisfaction of the City's Director of Engineering Services;
- b.) Prior to the City's Building Department undertaking an occupancy inspection, the Owner shall verify in writing that underground natural gas, hydro and telecommunication services have been installed and are functional, to the satisfaction of the City's Director of Engineering Services.

For the purposes of Condition 15.8 and the conditions of draft approval for Draft Plan of Subdivision 30T-18401, telecommunication services shall include, but are not restricted to, cable television and telephone services.

15.9 Services Required Prior to Issuance of Building Permit

The City's Chief Building Official may, at his/her sole discretion, withhold the issuance of a building permit or permits to the Owner, its successors or assigns, for any lot or block on the Lands until:

- a.) the street fronting the lot/block has been provided with sanitary sewers, storm sewers, watermains, road base, necessary utilities, and service connections;
- b.) the infrastructure in Condition 15.9 a.) is sufficiently sized to fully service the Lands;
- c.) the infrastructure in Condition 15.9 a.) has been connected to the City's servicing systems, the municipal road network, and the utility distribution system;
- d.) the City's Director of Engineering Services has verified that sufficient servicing capacity is available to fully service the Lands; and,
- e.) all easements and land dedications related to the services in Condition 15.9 a.) have been transferred to the City and registered, all to the satisfaction of the City.

The Owner agrees to not apply for any building permit on any lot or block on the Lands until the obligations in a.) to e.) above are satisfied.

15.10 Emergency Services – Access And Measures

Prior to the issuance of the first building permit in each subdivision registration, the Owner shall consult the City's Fire Rescue Services Division and obtain emergency access and fire protection requirements for the said stage to be implemented during residential and non-residential construction. The Owner shall construct and maintain the required emergency access and fire protection measures identified by the City's Fire Rescue Services Division, to the satisfaction of the City. In the event that the Owner does not comply with this paragraph, the City may remedy the default and charge the cost thereof against the Letter of Credit.

15.11 Information Required – Building Permit

As part of every building permit application on the Lands, the following information shall be submitted:

- a.) geotechnical details for the lot or block, including any structural fill requirements; and,
- b.) details on any structural fill pads, including the limits of the fill pad in relation to the building envelope.

15.12 Geotechnical – Buildings

- a.) The Owner shall retain a qualified geotechnical professional acceptable to the City's Chief Building Official to inspect all building excavation areas. Where structural fill or soil concerns are found, the said geotechnical professional shall prepare a report to the satisfaction of the City's Chief Building Official indicating whether-or-not the site is suitable to accept the proposed building construction. Where a site is not suitable for construction, the report shall provide professional recommendations regarding methods to remediate the site to allow for construction, to the satisfaction of the City's Chief Building Official.

The geotechnical professional shall confirm that subgrade soils are capable of supporting the foundation, and confirm that the building envelope does not extend beyond the limits of the structural fill pad.

- b.) If requested by the City's Chief Building Official, a geotechnical investigation shall be provided for all large structures (including but not limited to apartment buildings, commercial buildings, employment buildings and schools) in order to provide specific recommendations for the design of foundations for such structures, to the satisfaction of the City's Chief Building Official.

15.13 Verification of Capacity

That the Owner agree not to apply for building permits on the Lands, and further agree that no building permits shall be issued on the Lands, until the City has verified that sufficient servicing capacity is available to fully service the Lands.

Without restricting the generality of the foregoing, verification shall include servicing capacity of receiving sanitary pumping stations and related forcemains.

PRIOR TO RELEASE OF THE SUBDIVISION AGREEMENT

16.1 Release

- a.) The City may, at its discretion, release all or part of the Subdivision Agreement and any supplementary agreement thereto from any lot or block in the subdivision after all terms and provisions of the said agreement(s) applicable to the said lot or block have been complied with to the satisfaction of the City.
- b.) The City may, at its discretion, release the Owner from any obligation in the Subdivision Agreement and any supplementary agreement thereto after the obligation has been satisfied to the satisfaction of the City, or the City determines that the obligation is no longer required for the proper and orderly development of the Lands.

16.2 Release Costs

The cost of any release or notice deleting the Subdivision Agreement or any supplementary agreement thereto from title shall be borne by the Owner.

16.3 Compliance Letters

Upon the written request of the Owner and payment of applicable fees by the Owner, the City will provide a compliance letter with respect to the Subdivision Agreement and any supplementary agreement thereto, or any part thereof, as of the date of the request.

OTHER SPECIFIED TIMEFRAMES

17.1 Service Connections

The Owner shall be responsible for the maintenance and repair of all service connections from the main to the property line until such time as the City assumes these services.

17.4 Timing of Parkland Construction and Maintenance

The Owner shall construct parkland within each stage of subdivision registration within one year of the issuance of the first building permit for that registration, or in accordance with the timing specified by the City's Commissioner of Integrated Planning & Public Works.

LEGAL AND ADMINISTRATIVE

18.1 Easements

- a.) The Owner shall convey to the City or the Region (as the case may be) all easements and lands required to provide for drainage and the extension of

municipal services within the subdivision. The form and content of the said easements and land dedications shall be to the satisfaction of the respective municipality and its solicitor. Such conveyances shall be free of charge and clear of encumbrances.

- b.) The Owner shall convey to the appropriate authority all easements required for utility and drainage purposes relative to the subdivision on the Lands, to the satisfaction of the City. Such conveyances shall be free of charge and clear of encumbrances.

18.2 Indemnification

The Owner (other than The Corporation of the City of Waterloo) shall indemnify and hold harmless the City, its elected officials, officers, employees, solicitors, agents, and contractors from and against any and all costs, claims, demands, damages, fines, penalties, expenses, suits, actions, and judgments made, brought or recovered against the City, for any loss or damage, including bodily injury, death, property damage or environmental impairment, arising out of:

- the Subdivision Agreement and any supplementary agreement thereto;
- the subdivision, or buildings constructed thereon; and,
- the development of the Lands.

The form and content of the indemnity shall be to the satisfaction of the City Solicitor.

18.3 Contaminated Soil Indemnification

The Owner (other than The Corporation of the City of Waterloo) shall indemnify and hold harmless the City, its elected officials, officers, employees, solicitors, agents, and contractors from and against any and all costs, claims, demands, damages, fines, penalties, expenses, suits, actions, and judgments made, brought or recovered against the City arising in connection with any contaminants or soil problems defined by current environmental laws and found on any lands dedicated or to be dedicated to the City through the terms and provisions of the approval of the subdivision on the Lands. The Owner shall pay all costs associated with the removal, treatment and disposal of such contamination, all of which shall be to the satisfaction of the City. The Owner's liability under this paragraph shall be at an end when the construction of the works and services set out in Schedule 'B' are complete and the related Maintenance Period is complete. The form and content of the indemnity shall be to the satisfaction of the City Solicitor.

18.4 Adequacy of Soils Not Confirmed

That the Owner agree that any City approvals, including but not limited to zoning, subdivision and site plan approvals, do not verify or confirm the adequacy of soil conditions on the Lands and the Owner accept responsibility for soil conditions on the Lands (including soil composition, soil contamination, soil stability, geotechnical suitability, and soil load bearing capacity) and agree:

- a.) to comply with the Environmental Protection Act and other legislation; and,

b.) to indemnify and save the City harmless from all actions or claims relating to soil conditions on the Lands.

18.5 Construction Liens Act – Draw on Letter of Credit

That the Owner (other than The Corporation of the City of Waterloo) agree that the filing of any liens pursuant to the Construction Act, as amended, with respect to the Lands, shall within 30 days of written notice, constitute a default by the Owner of the terms of the Subdivision Agreement and any supplementary agreement thereto, and shall entitle the City to draw on any or all of the Letter of Credit and financial securities relative to the subdivision and to utilize said draw to make payment into court of the holdback together with costs in order to remove such lien from title, without prejudice to the Owner's rights to dispute such lien.

18.6 Advanced Timing of Infrastructure

Should advancement of the timing of infrastructure be needed for the Lands and/or supporting infrastructure, the Owner (other than The Corporation of the City of Waterloo) may request such advancement in writing to the City or the Region (as the case may be). The City or the Region shall consider the request in accordance with their advanced timing of infrastructure policies and practices, municipal objectives, financial means, the efficient and cost effective expansion of infrastructure, and any other matters deemed appropriate by the City or the Region. The decision to permit advanced timing of infrastructure shall be at the sole discretion of the City or the Region (as the case may be). The payment of advanced infrastructure shall be front-ended by the Owner, and repayment shall be made in accordance with the advanced timing of infrastructure agreement between the parties.

18.7 Default Under this Agreement – Building Permits

Where the Owner is in default of the Subdivision Agreement or any supplementary agreement thereto, no building permits shall be issued by the City. Building permits shall not be issued until such time as the Owner is in compliance with the terms, obligations and covenants of the Subdivision Agreement or supplementary agreement (as the case may be).

18.9 Force Majeure, Estoppel, Assignment Clauses

That the Owner agree that the Subdivision Agreement and any supplementary agreement thereto may, at the discretion of the City, contain a force majeure clause, estoppel clause, and assignment clause. The form and content of such clauses shall be to the satisfaction of the City Solicitor. Without limiting the generality of the foregoing, sample clauses are set forth below:

Force Majeure – Subdivision Agreement

In the event that either party hereto is delayed or hindered in or prevented from the performance of any act required hereunder by reason of strikes, lock-outs, labour troubles, inability to procure materials, failure of power, restrictive laws or

regulations of the Federal or Provincial governments, riots, insurrection, war or by reason of the order or direction of any administrator, comptroller, board, Federal or Provincial governmental department or office or other authority required thereby or other reason of a like nature not the fault of the party delayed in performing work or doing acts required under the terms of this Agreement, then performance of such act shall be excused for the period of the delay and the period for the performance of any such act shall be extended for a period equivalent to the period of such delay. Notwithstanding anything herein contained, the provisions of this clause shall not entitle either party to compensation for any inconvenience, nuisance or discomfort thereby occasioned.

Estoppel – Subdivision Agreement

The Owner (other than The Corporation of the City of Waterloo) agrees not to call into question directly or indirectly in any proceedings whatsoever in law or in equity or before any administrative tribunal or other body, the right of the parties to enter into this Agreement and to enforce each and every term, covenant and condition contained herein. This provision shall be treated as an estoppel by the City against the Owner or anyone else.

Assignment – Subdivision Agreement

This Agreement may not be assigned by the Owner (other than The Corporation of the City of Waterloo) unless the proposed assignee first separately agrees in writing with the City to assume all of the obligations and covenants of the Owner hereunder, and such assignment shall not release the Owner from said obligations. For the purposes of this clause, an assignment shall include the sale, transfer or pledge of shares in the Owner which would change the present ownership of the Owner. A consent to any such sale, transfer or pledge of shares shall not constitute consent for any subsequent sale, transfer or pledge of the Owner's shares.

18.10 Binding on Successor and Assigns

All of the covenants, provisions, agreements, obligations, terms, conditions and understandings contained in the Subdivision Agreement and any supplementary agreement thereto shall run with the Lands and shall be binding upon and enure to the benefit of each of the parties and upon their respective heirs, executors, administrators, successors and permitted assigns and upon future owners and occupiers of the Lands from time to time.

18.11 Registration

The Subdivision Agreement and any supplementary agreement thereto shall be registered by the City at the Owner's expense as a first charge against the title to the Lands in priority to all other charges and encumbrances, and the Owner shall obtain and register postponement agreements executed by all mortgagees/chargees/encumbrancees in respect to all mortgages, charges and encumbrances registered against the Lands to the satisfaction of the City Solicitor.