

Recommended Conditions of Draft Plan of Condominium Approval
For a Common Element Condominium 25CDM-201515

That this approval for the Draft Plan of Condominium (Common Elements) 25CDM-201515, prepared and certified by A.T. McLaren Limited, Legal and Engineering Surveys, dated December 1, 2016, showing a 6 metre wide private condominium road with sidewalks, visitors parking spaces, storm water management pond, safety berm and fence, and landscaped areas labelled as "Common Elements" be received and endorsed by City Council with the following special conditions:

Development Planning, Heritage and Design

1. The Owner shall apply for and receive approval of a Site Plan Control Application for the proposed residential condominium development and that the final Plan of Condominium complies in all respects with the approved Site Plan to the satisfaction of the Manager of Development Planning, Heritage and Design.
2. The Owner covenants and agrees that no plan of condominium shall be registered on the lands of the Draft Plan of Subdivision until the Owner has provided the Director of Planning and Chief Planner with a list certified by an Ontario Land Surveyor showing the net area and width of each lot and block created by registration of the condominium plan, including the gross floor area of the plan to be registered, and that the Director of Planning and Chief Planner has confirmed to the Owner that the lots and blocks within the plan comply with the City's Zoning By-law to the satisfaction of the Director of Planning and Chief Planner.
3. The Owner shall provide the Manager of Design and Construction (Bell) with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunications service provider, approved by the Canadian Radio and Telecommunication Commission (CRTC), that adequate telecommunication service will be provided to the condominium, including 9-1-1 emergency calling service that identifies, at a minimum, the caller's name and location information to the satisfaction of the Director of Planning and Chief Planner.
4. The Owner shall satisfy any conditions, financial or otherwise, of the City of Hamilton to the satisfaction of the Director of Planning and Chief Planner.
5. The final plan of condominium shall comply with all applicable provisions of Zoning By-law No. 05-200 to the satisfaction of the Director of Planning and Chief Planner.

6. The Owner shall receive final approval of Urban Hamilton Official Plan Amendment Application UHOPA-15-21, Zoning By-law Amendment Application ZAC-15-043 and Draft Plan of Subdivision Application 25T-201508, to the satisfaction of the Director of Planning and Chief Planner.
7. The Owner shall agree in writing, that prior to the issuance of building permits for those Lots within the Plan that have been identified for noise mitigation measures, the builder's plans shall be certified by a Professional Engineer qualified to provide acoustical engineering services in Ontario, as being in compliance with the recommendations of the Noise Study prepared by HGC Engineering Limited, dated July 24, 2015, as approved to the satisfaction of the Director of Planning and Chief Planner.
8. The Owner shall agree in writing, that prior to the final inspection for those Lots within the Plan that have been identified for noise mitigation measures, these dwellings shall be certified by a Professional Engineer qualified to provide acoustical engineering services in Ontario, as being in compliance with the recommendations of the Noise Study prepared by HGC Engineering Limited, dated July 24, 2015, as approved to the satisfaction of the Director of Planning and Chief Planner.
9. The Owner shall agree to include the following clauses in the Development Agreement, all Purchase and Sale Agreements and any rental or lease agreements required for occupancy to the satisfaction of the Director of Planning and Chief Planner.

Noise Control Features

All Residential Units:

"Purchasers and tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing levels of road and rail traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the criteria of the Municipality and the Ministry of the Environment."

Blocks 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 29, 39, and 40 as shown on Draft Plan of Condominium 25CDM-201515:

"This dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning due to exposure to CP Rail and Quigley Road. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment and Climate Change's noise criteria. (Note - The location and installation of the outdoor

air conditioning device should be done so as to comply with the noise criteria of MOE Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property)."

Blocks 20, 21, 22 and 28 as shown on Draft Plan of Condominium 25CDM-201515:

"This dwelling unit has been supplied with a central air conditioning system which allows windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the noise criteria of the Municipality and the Ministry of the Environment and Climate Change's. (Note- The location and installation of the outdoor air conditioning device should be done so as to comply with the noise criteria of MOECC Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property)."

All Residential Units:

Warning: Canadian Pacific Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land subject hereof. There may be alteration to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. CPR will not accept responsibility for any complaints or claims arising from use of such facilities and/or operations on, or under the aforesaid right-of-way.

Blocks 14, 16, 17, 18, 19, 20, 21, 22, and 28 as shown on Draft Plan of Condominium 25CDM-201515:

Brick exterior wall construction is required for the dwellings in the first row adjacent to the railway. Upgraded glazing construction is required for the dwellings with exposure to CP Railway

Safety Berm, Acoustical Barrier and Perimeter Fencing

"Purchasers and all subsequent property owners are advised that the property owner is financially and technically responsible for the maintenance and operation of the safety berm, acoustical barrier and perimeter fencing. The purchaser and subsequent property owner further acknowledges and agrees that they will not remove and will maintain these features which were installed by the developer for the safety, privacy and benefit of the property owners."

Storm Water Management

"Purchasers and tenants are advised that the condominium development requires the use of a drainage area which includes a dry storm water management pond located on the northwestern part of the property adjacent to the Canadian Pacific Railway lands. The maintenance of the drainage area and storm water management block is the responsibility of the condominium corporation."

Private Road, Sidewalks and Parking

"Purchasers and tenants are advised that the private roadway and sidewalks are the responsibility of the Condominium Corporation in terms of maintenance and repair, and that the private road is a designated fire route, and as such, on-street parking is not permitted. It is the Owner's responsibility to ensure that their parking needs can be met on site."

"On-street, public parking in the surrounding neighbourhood is limited and cannot be guaranteed in perpetuity. Garage space for this unit is provided and intended for the purposes of parking a vehicle. It is the owner's responsibility to ensure that their parking needs can be met on site."

10. The Owner shall agree to follow the City of Hamilton Standards for Street Name Signs on Private and Condominium Lanes Policy, including the construction installation and maintenance of such signs, to the satisfaction of the Director of Planning and Chief Planner.
11. That the owner shall receive final approval of a Part Lot Control Application, including the enactment and registration on title of the Part Lot Control Exemption By-law, to the satisfaction of the Director of Planning and Chief Planner.
12. That the owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed freehold townhouse dwellings having frontage on the condominium road has legal interest, in common, to the common elements condominium, to the satisfaction of the City Solicitor.

Development Engineering

13. The Owner shall agree that the following easement is created upon registration of the Condo Declaration and Description pursuant to section 20 of the *Condominium Act, 1998* over the units adjacent to the external lands identified as Part 1 on Plan 62R-10588; and Part 1 and Part 3 on Plan 62R-19657 to the satisfaction of the Director of Growth Management:

"Reserving unto the Condominium Corporation, its assigns, successors, servants, agents and employees, the right in the nature of an easement, to enter

without charge in, over and along the Units and the Common Elements of the Condominium, from time to time, for the purposes entering, inspecting and undertaking, at any time, modifications to the surface drainage of the said Units and the Common Elements of the Condominium in accordance with the Detailed Grading Plan and the Overall Grading Plan approved by the City of Hamilton."

14. The Owner shall provide satisfactory evidence demonstrating that all Maintenance Easements are registered on title, to the satisfaction of the Senior Director of Growth Management.

Canada Post

15. The Owner agrees to include in all offers of purchase and sale, a statement which advises the purchaser that mail will be delivered via a Centralized Mail Box. The developer also agrees to note the locations of all Centralized Mail Boxes prior to the satisfaction of Canada Post.
16. The Owner agrees to provide the following:
 - i) To work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision;
 - ii) To install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes;
 - iii) To identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and / or curb installation within each phase of the plan of subdivision; and,
 - iv) To determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans.

all to the satisfaction of Canada Post.

Union Gas

17. The Owner shall provide to Union Gas Limited the necessary easements and / or agreements required by Union Gas Limited for the provision of gas services for this project, in a form satisfactory to Union Gas Limited.

Operations Division, Public Works Department

18. The Owner shall enter into an Agreement for On-site Collection of Municipal Solid Waste (“Access Agreement”) and provide a Certificate of Insurance to allow for the onsite collection of municipal solid waste by the Municipality. The Access Agreement must be executed and submitted to the City prior to the start of waste collection service to the satisfaction of the Director of Operations, Public Works Department.

Hamilton Conservation Authority

19. The Owner shall grant a 6 metre wide maintenance easement to the Hamilton Conservation Authority without encumbrances on lands to be zoned Conservation / Hazard (P5) Zone which are outside of the top of stable slope to the satisfaction of the Manager of Watershed Planning, Hamilton Conservation Authority.

NOTES TO DRAFT PLAN APPROVAL

Pursuant to Section 51(32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if a written request is received before the draft approval lapses.