

**Conditions of Draft Plan of Subdivision Approval for  
25T-201609, 1819, 1817 and 1821 Rymal Road East**

That this approval apply to the Revised Draft Plan of Subdivision, 25T-201609, 1819, 1817 and 1821 Rymal Road East, "Midtown", prepared by MHBC and certified by D. McLaren, O.L.S., dated, November 15, 2018, consisting of one block for multiple dwellings and street townhouses (Block 1), one block for commercial development (Block 2), and one block for a Right Of Way widening (Block 3), subject to the owner entering into a Standard Form Subdivision Agreement, received, and approved by City Council with the following special conditions.

**Growth Planning**

1. That, **prior to registration of the plan of subdivision**, the Owner agrees to acquire from the City the remaining portion of Part 20, Plan 62R-18648 lying south of Street B where it intersects with Upper Red Hill Valley Parkway on the Draft Plan on the basis of value in contribution, as determined by a qualified (A.A.C.I.) appraiser, the terms of reference of which will be agreed upon by the Owner and the City, and to the satisfaction of the Senior Director of Growth Management.

**Development Engineering**

2. That, **prior to registration of the plan of subdivision**, the Owner shall submit the necessary transfer deed to the City's Legal Department to convey Block 3 of the plan to the City for road widening purposes, to the satisfaction of the Senior Director, Growth Management Division.
3. That, **prior to registration of the plan of subdivision**, the Owner agrees to pay all outstanding servicing costs associated with the installation of the municipal and private services on Rymal Road East, adjacent to the subject lands, to the satisfaction of the Senior Director, Growth Management Division.
4. That, **prior to registration of the plan of subdivision**, the Owner agrees to provide proof of clearance of the Karst design and protection of karst spring SP-3, from the External Agencies such as from HCA and/or MNR and to the satisfaction of the Senior Director, Growth Management Division.
5. That, **prior to registration of the plan of subdivision**, the Owner agrees to develop a plan and post adequate security deposit to protect and maintain Karst conduits as identified in the Report dated January 20, 2014 and the additional brief dated June 22, 2016 both by Terra Dynamics Consulting Inc. to the satisfaction of the Senior Director, Growth Management Division.

6. That, **prior to servicing**, the Owner agrees in writing that no servicing works are going to be permitted within Block 1 on the draft plan until the municipal services constructed under Central Park Phase 1 Subdivision (25T-201401R) have been assumed by the City of Hamilton, to the satisfaction of the Senior Director, Growth Management Division.
7. That, **prior to servicing**, the Owner agrees in writing, to establish a 9.0m wide storm drainage easement over Block 1 in the City's favour, from Soho Street to the existing karst spring SP-3 prior to receiving conditional Site Plan approval, and to the satisfaction of the Senior Director, Growth Management Division.
8. That, **prior to preliminary grading**, the Owner agrees, in writing, to obtain a grading and drainage easement over the adjacent City Owned lands described as Part 3 on 62R-20603, or to identify an alternative drainage route via Block 1. Furthermore, the Owner agrees to provide a cash payment to the City as a financial compensation for the any required works on City Owned lands to bring additional fill on the subject lands, all to the satisfaction of the Senior Director, Growth Management Division.

### **Development Planning**

9. That, **prior to registration of the final plan of subdivision**, and at the Owner's expense, the Owner shall submit Architectural and Urban Design Guidelines, including north-south pedestrian connections between the blocks which are aligned with internal north-south streets, internal pedestrian connections and private amenity space, prepared by a qualified architect or urban designer (referred to as the "Design Architect"), to the satisfaction of the Manager of Development Planning, Heritage and Design.
10. That, **prior to registration of the final plan of subdivision**, and at the Owner's expense, the Owner shall have a "Control Architect", independent of the "Design Architect" firm or individual retained, to the satisfaction of the Manager of Development Planning, Heritage and Design, and whose function shall be to certify, through stamping and signing, all drawings for the development of each lot and or block subject to the design guidelines prior to the issuance of any building permit(s).

### **Natural Heritage**

11. That, **prior to registration of the draft plan of subdivision**, the owner / developer provide a site specific geotechnical report, prepared by a qualified engineer, to determine appropriate buffer widths, and a Landscape Plan prepared by a certified Landscape Architect, that identifies conservation measures within the identified buffer of SP-3, to the satisfaction of the Director of Planning and Chief Planner.

12. That, **prior to pre-grading**, the owner / developer prepare a Monitoring Plan for the karst feature, and a Maintenance and Monitoring Plan pertaining to SP-3, to the satisfaction of the Director of Planning and Chief Planner.
13. That **prior to occupancy**, the applicant will prepare an Education / Stewardship Brochure to the satisfaction of the Director of Planning and Chief Planner. The Stewardship Brochure will be distributed to all future homeowners and will describe the importance of the natural feature and its functions and how the homeowner can minimize their impact on this feature.

### **CANADA POST**

14. That the home / business mail delivery will be from a designated Centralized Mail Box.
15. That the developer / owner be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sale.

### **Hamilton Conservation Authority**

16. That **prior to preliminary grading or servicing**, the Owner prepares a revised Draft Plan of Subdivision to indicate the location of any and all sinkholes and springs, as well as buffer limits associated with these features, and to include site specific karst management, protection, implementation and monitoring plans to the satisfaction of the Hamilton Conservation Authority.

### **Environmental Noise Provision**

17. That **prior to the issuance of building permits**, the applicant/owner provide an addendum to the submitted Noise Assessment Report dated March 2014, revised December 2014 and revised November 2016, to address the specific building components required for Blocks A-D, F, H, and J-S as shown on Figure 5 of the study, to meet the requirements of Table C-2 of NPC-200, to the satisfaction of the Manager of Development Planning, Heritage and Design.
18. That **prior to the registration of the Draft Plan of Subdivision**, the owner shall include in said registration a warning clause regarding Environmental Noise Impacts to properties as described in the submitted Noise Assessment Report dated March 2014, revised December 2014 and revised November 2016, to the satisfaction of the Director of Planning and Chief Planner.

**NOTES TO DRAFT PLAN APPROVAL**

The following note should be included in the City's draft plan approval letter:

Pursuant to Section 51(32) of the Planning Act, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received before the draft approval lapses.