

Recommended Conditions of Draft Plan of Condominium Approval

That this approval for the **Draft Plan of Condominium Application 25CDM-201902, by IBI Group, on behalf of DeSantis Rose Joint Venture Inc., owner,** to establish a Draft Plan of Condominium (Common Element) to create a private road, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas and centralized mailboxes, on lands located at located at 84 and 96 Lakeview Drive (Stoney Creek), be received and endorsed by City Council with the following special conditions:

1. That the final Plan of Condominium shall comply with all of the applicable provisions of the City of Stoney Creek Zoning By-law No. 3692-92, as amended by By-law No. 18-139, or in the event the City of Hamilton has repealed and replaced the City of Stoney Creek Zoning By-law No. 3692-92 with By-law No. 05-200, the final Plan of Condominium shall comply with all of the applicable provisions of the Zoning By-law in force and effect at the time of registration of the Draft Plan of Condominium.
2. That the M-Plan for Subdivision (25T-201804) be registered on title of the subject lands prior to the final approval of Plan of Condominium, to the satisfaction of the Senior Director of Growth Management.
3. That prior to registration, the owner submit a list to the Growth Planning Section, indicating the mailing address unit number of each residential unit, to the satisfaction of the Senior Director of Growth Management.
4. That the Owner enters into and registers on title the condominium agreement incorporating the approved plan of condominium and related conditions to the satisfaction of the Senior Director of Growth Management.
5. That the subject lands be developed in accordance with approved Site Plan Application DA-18-079 and that the final Plan of Condominium complies with the approved Site Plan, to the satisfaction of the Director of Planning and Chief Planner.
6. That the owner shall receive final approval of Part Lot Control Applications PLC-19-018 and PLC-19-019, including the enactment and registration on title of the associated Part Lot Control Exemption By-law, to the satisfaction of the Director of Planning and Chief Planner.
7. That the owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed 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.

8. That the owner shall agree to include the following in all Purchase and Sale Agreements and Rental or Lease Agreements, to the satisfaction of the Senior Director of Growth Management:
 - (i) Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road. In addition, City Waste Management services may not be available to residents and that the provision of such services may require agreements with private contractors.
 - (ii) Purchasers are advised that that there is an approved grading plan and that the purchaser agrees not to alter the approved grading plan without approval from the City of Hamilton. Additionally, no grade alteration within 0.45 metres of the property line will be permitted including retaining walls, walkways, curbs, etc.
 - (iii) Garages are provided for the purpose of parking a vehicle. It is the responsibility of the owner / tenant to ensure that their parking needs (including those of visitors) can be accommodated onsite. On-street, overflow parking may not be available and cannot be guaranteed in perpetuity.
 - (iv) The home mail delivery will be from a Community Mail Box.
9. That the owner will be responsible for officially notifying the purchasers of the exact Community Mail Box locations, to the satisfaction of Senior Director of Growth Management and Canada Post prior to the closing of any home sales.
10. That the owner work with Canada Post to determine and provide temporary suitable Community 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, to the satisfaction of the Senior Director of Growth Management.
11. That the owner install a concrete pad in accordance with the requirements of, and in locations to be approved by the Senior Director of Growth Management and Canada Post, to facilitate the placement of Community Mail Boxes.
12. That the owner identify the concrete pads for the Community Mail Boxes on the engineering / servicing drawings. Said pads are to be poured at the time of the sidewalk and / or curb installation within each phase, to the satisfaction of the Senior Director of Growth Management.
13. That the owner determine the location of all mail receiving facilities in co-operation with the Senior Director of Growth Management and Canada Post, and to indicate the location of mail facilities on appropriate maps, information boards, and plans.

Maps are also to be prominently displayed in the sales office(s), showing specific mail facility locations.

14. That the owner shall agree to include the following in all Purchase and Sale Agreements and Rental or Lease Agreements and in the Condominium Declaration, as described in the report titled "84 & 96 Lakeview Drive/ Hamilton Noise Assessment", dated December 22, 2016, with an addendum titled "Addendum to the Environmental Noise Assessment", dated March 13, 2019 to the satisfaction of the Senior Director of Growth Management:

- (i) All Units (except 125-131):

Warning Clause "A":

Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within building units, sound levels due to increasing road traffic may on occasion interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.

Warning Clause "B":

This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.

- (ii) Units 125-131:

Warning Clause "A":

Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within building units, sound levels due to increasing road traffic may on occasion interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.

Warning Clause "C"

This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the

indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.

15. That the owner / developer provide to Union Gas the necessary easements and / or agreements required by Union Gas for the provision of gas services, in a form satisfactory to Union Gas.
16. That the owner 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.
17. That the owner enter into a Joint Use Agreement and register any necessary easements for the proposed multiple storey condominium north of the site to the satisfaction of the Senior Director of Growth Management.
18. That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

NOTES TO DRAFT PLAN APPROVAL

1. 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.