

Recommended Conditions of Draft Plan of Condominium Approval

That this approval for the **Draft Plan of Condominium Application 25CDM-202012, by Wellings Planning Consultants Inc., on behalf of 1804482 Ontario Ltd. (Sonoma Homes), owner**, to establish a Draft Plan of Condominium (Common Element) to create a private road, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas, centralized mailboxes and a stormwater management pond on lands located at located at 3253, 3263, 3269, 3275, 3287, 3307, 3311, 3313 and 3323 Homestead 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 Hamilton By-law No. 05-200, as amended by By-law No. 17-240 and Minor Variance application GL/A-20:92 in force and effect at the time of registration of the Draft Plan of Condominium to the satisfaction of the Director of Planning and Chief Planner.
2. That the M-Plan for Subdivision (25T-202007) 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 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.
4. That the final Plan of Condominium complies with the approved Site Plan application DA-19-099, to the satisfaction of the Director of Planning and Chief Planner.
5. That the owner shall receive final approval of Part Lot Control Applications, including the enactment and registration on title of the associated Part Lot Control Exemption By-law(s), to the satisfaction of the Director of Planning and Chief Planner.
6. That the owner shall agree to include and demonstrating that the following condition 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.
 - (ii) 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.

(iii) The home mail delivery will be from a Community Mail Box.

7. That the owner will be responsible for officially notifying the purchasers of the exact Community Mail Box locations, to the satisfaction of the Senior Director of Growth Management and Canada Post prior to the closing of any home sales.
8. 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.
9. 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.
10. 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.
11. 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.
12. That the owner shall agree to in writing, implement and demonstrate that the following clauses have been included in all Purchase and Sale Agreements and Rental or Lease Agreements and in the Condominium Declaration, as described in the report titled "Environmental Noise Assessment Report 3311 Homestead Drive", dated August, 2020, to the satisfaction of the Senior Director of Growth Management:

(i) Blocks A, B, D, J, W, X, Y and Z of Site Plan Control application DA-19-099:

Warning Clause "A":

Purchasers/tenants are advised that sound levels due to increasing road and air traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the City of Hamilton and the Ministry of the Environment, Conservation and Parks.

- (ii) Blocks A, E, F, G, H, K, L, M, N, O, P, Q, R, S, T, U and V of Site Plan Control application DA-19-099:

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 City of Hamilton and the Ministry of the Environment, Conservation and Parks.

- (iii) Blocks B, C, D, I, J, W, X, Y and Z of Site Plan Control application DA-19-099:

Warning Clause "D"

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

13. 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.
14. 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.
15. That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.
16. That the owner enters into and register on the title of the lands a Joint Use Agreement with the City of Hamilton to satisfy the Sewer and Water By-law requirements to the satisfaction of the Manager of the Engineering Approvals.
17. That the owner enters into and register on title of the lands a surface drainage easement in favor of the City of Hamilton to comply with the Detailed Grading Plan and Overall Grading Plan to the satisfaction of the Manager of Engineering Approvals.

18. That mutual access and any/all future on-going maintenance and/or replacement costs for any structures within the condominium lands including but not limited to private roads, water mains/services, private storm and sanitary sewers, catch basins, area drains, maintenance holes, retaining walls, parking areas, rip-rap channels, headwalls, etc. is the sole responsibility of the condominium corporation and as such shall be noted in the condominium declaration, to the satisfaction of the Senior Director of Growth Management.
19. The owner shall include in the Declaration and Description pursuant to section 93 of the *Condominium Act*, 1998, a provision to establish a Capital Reserve fund to provide for regular on-going cleaning and maintenance or possible eventual replacement of the stormwater management pond and Oil/Grit Separator (OGS) units by a qualified service provider as per the manufacturers' requirements to ensure compliance with the approved stormwater management plan by the City of Hamilton. The Owner is advised to follow the manufacturers' maintenance recommendations for the above stated items, to the satisfaction of the Senior Director of Growth Management.
20. That the Owner register on title reciprocal easements for access and rights-of-way and parking between the Phase One and Phase Two Plan of Condominiums to the satisfaction of the Senior Director of Growth Management.
21. That the owner shall agree to include the following notice in all Purchase and Sale Agreements and Rental or Lease Agreements and in the Condominium Declaration, to the satisfaction of the Manager of Engineering Approvals:

NOTICE REGARDING GRADING AND SURFACE DRAINAGE

- **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 all of the Units and the Common Elements of the Condominium, from time to time, for the purposes of 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.

NOTICE REGARDING MAINTENANCE OF THE STORMWATER MANAGEMENT POND

- A private stormwater management pond is shown on the approved grading and servicing plan prepared by SLA Ltd. The Owner is advised to follow

proper SWM pond maintenance practices as described below and within the SWM Report.

NOTICE REGARDING MAINTENANCE OF THE UNDERGROUND STORMWATER OIL/GRIT SEPARATOR UNIT

- The private underground stormwater oil/grit separator (OGS) units are shown on the approved servicing plan prepared by SLA Ltd. The Owner is advised to follow the OGS unit manufacturer's maintenance recommendations.
- The proponent has advised that two Condominium Corporations will be registered within the proposed development subject to Site Plan Control application DA-19-099 in the future. Therefore, the proponent will be required to enter into and register on the title of the lands a Joint Use Agreement with the City of Hamilton to satisfy the Sewer and Water By-law requirements.

NOTICE REGARDING MUTUAL ACCESS/MAINTENANCE/REPLACEMENT

- That mutual access and any/all future on-going maintenance and/or replacement costs for any structures within the condominium lands including but not limited to private roads, water mains/services, private storm and sanitary sewers, catch basins, area drains, maintenance holes, retaining walls, parking areas, rip-rap channels, headwalls, etc. is the sole responsibility of the condominium corporation and as such shall be noted in the condominium declaration.

NOTICE REGARDING COMMERCIAL ZONING/PERMITTED USES

- That a warning clause be included in all purchase and sale agreements and rental or lease agreements to advise prospective purchasers that the lands are also District Commercial (C6, 580) Zone, and the clause shall include the permitted uses of the District Commercial (C6, 580) Zone.
- That a warning clause be included in all purchase and sale agreements that the City of Hamilton will repeal and replace the District Commercial (C6,580) Zone in the future to recognize residential uses.

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.