

Appendix A

Conditions of Draft Plan Approval for 26CD-11-2022-001

1. Approval applies to the Draft Plan of Condominium (Phased Standard) prepared by J.D. Barnes Limited printed May 10, 2022, showing 148 unit stacked and stacked, back-to-back townhouses as well as common element areas for private road and visitor parking.
2. The registration of the plan shall proceed in two phases to the satisfaction of the City. A separate Condominium Agreement will be required for each phase.
3. The developer enter into a condominium agreement with the City for each phase, to be registered on title, to satisfy all requirements, financial and otherwise, related to the division of the land.
4. The developer submits a Solicitor's Certificate of Ownership for the condominium land to the City Solicitor prior to the preparation of the condominium agreement.
5. The developer submits to the City all necessary drawings and information to confirm zoning and confirm substantial completion and certification of site works for each phase in accordance with the site plan agreement.
6. That the developer describes all required servicing and access easements in a registered instrument or shown on a registered or deposited plan.
7. The owner shall complete to the satisfaction of the Director of Engineering of the City of Niagara Falls and Canada Post:
 - a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i. That the home/business mail delivery will be from a designated Centralized Mail Box.
 - ii. That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
 - b) The owner further agrees to:
 - i. 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 condominium,
 - ii. 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. 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 od subdivision, and

- iv. 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. Maps are also to be prominently displayed in the sales office (s) showing specific Centralized Mail Facility locations.
 - c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.
- 8. The developer agree in the Plan of Condominium (Standard) Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easement, the developer shall be responsible for the relocation of such facilities or easements.

Note: The developer is hereby advised the prior to commencing any work, the developer must confirm that sufficient wire-line communication/telecommunication infrastructure is available. In the event that such infrastructure is unavailable, the 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 connections, then the developer will be required to demonstrate to the satisfaction of the City that sufficient alternative communication/telecommunication will be provided to enable, at the minimum, effective delivery of communication/telecommunication services for emergency management services (i.e. 911 Emergency Services).

- 9. The Owner agrees to include the following warning clauses in any agreements of purchase and sale or lease for the specified units:
 - a) For Blocks 1, 2, 10, and 11:
 - i. Purchasers and Tenants are advised that sound levels due to increasing road and rail traffic may occasionally interfere with some activities of the dwelling occupancies as the sound levels exceed the Municipality's and Ministry of Environment, Conservation and Park's noise criteria.
 - ii. Purchasers/Tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road and rail traffic may occasionally interfere with some activities of the dwelling occupants as sound levels exceed the Municipality's and Ministry of Environment, Conservation and Park's noise criteria.
 - b) For Block 1 end unit:
 - i. This 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, Conservation and Parks.
 - c) For Blocks 1 (other than end unit), 2, 9, 10, and 11:

- i. This dwelling unit has been fitted with an alternative means of ventilation and the ducting, etc., was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and Ministry of the Environment, Conservation and Parks noise criteria (Note: the location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and comply with the criteria of MECP publication NPC-300 as applicable.).
- d) For Block 1 and 10:
- i. Purchasers/Tenants are advised that due to the proximity of this dwelling to the nearby railway tracks, vibration from rail pass-bys may occasionally be perceptible with this unit.
- e) All units:
- i. Purchasers are advised that due to the proximity of the existing commercial and retail facilities, sound levels from these facilities may at times be audible.
 - ii. CN Rail is satisfied with the noise report prepared by HGC Engineering dated December 12, 2020. However, the ground vibrations concerns must be addressed to the satisfaction of CN Rail.

Prior to granting approval to the final plan, Planning & Development requires written notice from applicable City Divisions and the following agencies indicating that their respective conditions have been satisfied:

- Legal Department for Condition 2 to 4, inclusive
- Planning Department for Condition 5
- Municipal Works for Condition 6
- Canada Post for Condition 7
- Bell Canada for Condition 8
- CN Rail for Condition 9