

**Ontario Land Tribunal**

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**Tribunal ontarien de  
l'aménagement du territoire**

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July 9, 2024

TO: All recipients of the Ontario Land Tribunal Decision and Order issued on January 30, 2024

**RE: OLT CASE NO.: OLT-22-004063, DECISION AND ORDER ISSUED JANUARY 30, 2024**

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On January 30, 2024 the Ontario Land Tribunal issued its Decision and Order ("Decision") on the above noted case.

Rule 24.4 of the Ontario Land Tribunal's *Rules of Practice and Procedure* ("Rule") states that the Tribunal may at any time correct a technical or typographical error made in a decision or order.

The Tribunal has corrected the Order under the authority of this Rule by replacing page 18 under **Attachment 3** with the revised Attachment provided by the parties.

A corrected version of the Decision issued on January 30, 2024 is enclosed with this communication. This enclosed Decision and Order replaces the Decision issued on January 30, 2024.

Thank you.

*"Euken Lui"*

EUKEN LUI  
REGISTRAR

Encl.

## Ontario Land Tribunal

Tribunal ontarien de l'aménagement  
du territoire

24-013-OLT Attachment 1

24-014-OLT Attachment 2

24-015-OLT Attachment 3



**ISSUE DATE:** January 30, 2024

**CASE NO(S):**

OLT-22-004063

**PROCEEDING COMMENCED UNDER** subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.

Applicant and Appellant:	Wellington Hamilton Non-Profit Housing Inc.
Subject:	Request to amend the Official Plan - Failure of City of Hamilton to adopt the requested amendment
Existing Designation:	Neighbourhoods
Proposed Designation:	Neighbourhoods – High Density Residential
Purpose:	To permit a 12-storey residential building
Property	186 Hunter Street
Address/Description:	
Municipality:	City of Hamilton
Reference No.:	UHOPA-22-006
OLT Case No.:	OLT-22-004063
OLT Lead Case No.:	OLT-22-004063
OLT Case Name:	Wellington Hamilton Non-Profit Housing Inc. v. Hamilton (City)

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant:	Wellington Hamilton Non-Profit Housing Inc.
Subject:	Application to amend Zoning By-law No. 05-200 Refusal of application City of Hamilton
Existing Zoning:	Community Commercial (C3) Zone
Proposed Zoning:	"E3/S_" (High Density Multiple Dwelling) District
Purpose:	To permit a 12-storey residential building
Property	186 Hunter Street
Address/Description:	
Municipality:	City of Hamilton
Reference No.:	ZAC-22-014
OLT Case No.:	OLT-22-004064
OLT Lead Case No.:	OLT-22-004063

**PROCEEDING COMMENCED UNDER** subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Wellington Hamilton Non-Profit Housing Inc.
Subject:	Site Plan
Description:	To permit a 12-storey residential building
Reference Number:	DA-22-151
Property Address:	186 Hunter Street
Municipality/UT:	City of Hamilton
OLT Case No.:	OLT-22-004855
OLT Lead Case No.:	OLT-22-004063

**Heard:** December 6, 2023 by Video Hearing

## **APPEARANCES:**

### **Parties**

### **Counsel**

Wellington Hamilton Non-Profit Housing Inc.

Russell Cheeseman  
Stephanie Fleming

City of Hamilton

Peter Krysiak  
Patrick MacDonald (in absentia)

## **MEMORANDUM OF ORAL DECISION DELIVERED BY G.A. CROSER ON DECEMBER 6, 2023 AND ORDER OF THE TRIBUNAL**

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### **INTRODUCTION**

[1] This appeal was brought pursuant to subsections 22(7), 34(11), and 41(12) of the *Planning Act* (the “Act”) by Wellington Hamilton Non-Profit Housing Inc. (the “Applicant”). The appeal arose following non-decisions by the City of Hamilton (the “City”) within the prescribed timeframes for the proposed Official Plan Amendment (“OPA”), Zoning By-law Amendments (“ZBLA 1 & ZBLA 2”), and Site Plan Approval (“SPA”) necessary to facilitate the redevelopment of 186 Hunter Street East (“Subject Site”).

[2] The Parties engaged in Tribunal-led mediation and, prior to the hearing on the merits of this matter, entered into Minutes of Settlement (“MOS”) based on a revised concept plan for the Subject Site. As a result, the Parties requested that the merit

hearing be converted into a hearing of the proposed settlement. The Applicant's Planner, Mr. Matt Johnston, provided the Tribunal with uncontroverted land use planning evidence in support of the settlement.

## **SUBJECT SITE AND AREA CONTEXT**

[3] The Subject Site is rectangular in shape, approximately 0.18 hectares and borders three municipal roads: Liberty Street, Ferguson Avenue South, and Hunter Street East. It is located within walking distance of the Hamilton GO Station and there are ten public parks within an 800-metre radius of the site. This area of the City is known as the Corktown Neighbourhood, an old neighbourhood characterized by variation: some historic built form, high density, and a mix of residential types including mid-rise, high rise as well as single detached dwellings of two and three storeys.

[4] The site is currently occupied by a single-storey commercial building and the lands are presently zoned Community Commercial (C3) within the City Zoning By-law No. 05-200 ("ZBL 05-200"), and designated Neighbourhoods in the Urban Hamilton Official Plan ("UHOP"). A Cultural Heritage Impact Assessment was completed as part of the original OPA and ZBLA applications to the City which concluded that the proposed demolition of the existing building on site would have minimal impact on the documented heritage of the Corktown Neighbourhood.

## **CHRONOLOGY OF THE APPLICATION**

[5] On December 22, 2021, the Applicant submitted an OPA and ZBLA applications to facilitate the redevelopment of the Subject Site ("Original Proposal"). The concept consisted of a 12 storey multiple dwelling containing 104 affordable residential units and an underground garage with 50 vehicle parking spaces. The OPA was required to address the number of units per hectare that was permitted by the UHOP within the Neighbourhoods designation. Following the submission of the Original Proposal, a change to the UHOP via Official Plan Amendment 167 ("OPA 167") was approved by the City. The OPA 167 removed all maximum density requirements on an individual site



basis within the Neighbourhoods designation, meaning an OPA was technically no longer required.

[6] Two Zoning By-law Amendments (“ZBLA 1”) and (“ZBLA 2”) were required to redevelop the Subject Site. The City’s Residential Zoning By-law No. 6593 (“ZBL 6593”) is separate from the remainder of the City’s Zoning By-law. Therefore, ZBLA 1 was required to remove the lands from the Community Commercial (C3) Zone in ZBL 05-200. ZBLA 2 was required to include the lands within ZBL 6593 as high-density multiple dwelling residential, along with other regulations for reduced yard setbacks, increased building height, minimum landscaped area reductions and reduced vehicle parking ratios.

[7] On June 21, 2022, the above noted applications were appealed to the Tribunal. On September 22, 2022, a Site Plan Application (“SPA”) was submitted to the City for the Subject Site, which was subsequently appealed to the Tribunal on October 28, 2022. The OPA, ZBLA 1 & 2 and SPA were subsequently consolidated by the Tribunal into one appeal.

[8] On June 30, 2023, an amendment proposal for the Subject Site was submitted to the Tribunal consisting of a fourteen-storey residential building containing 241 dwelling units, 50 vehicle spaces contained in an underground garage and 122 long-term bicycle parking spaces.

## **REVISED PROPOSAL**

[9] Through Tribunal-led mediation in August 2023, both Parties agreed to a further revision of the application (the “Revised Proposal”). On December 6, 2023, the parties entered into MOS based on the Revised Proposal. The Revised Proposal consists of a 14 storey dwelling containing 227 dwelling units, comprised of 94 one (1) bedroom units, 102 one (1) bedroom + den units and 31 two (2) bedroom units. The development provides 45 vehicle spaces contained within an underground garage and 123 long-term bicycle parking spaces. All of the proposed vehicle parking spaces will be located within an underground garage internal to the site which will maintain a pedestrian oriented

environment along Hunter Street East, Liberty Street, and Ferguson Avenue South. The reduced vehicle parking ratio of 0.2 spaces per unit reflects the Subject Site's location within an identified Major Transit Station Area ("MTSA"). The architectural plans for this Revised Concept introduced tower setbacks above the 8<sup>th</sup> and 12<sup>th</sup> storeys along the building's easterly façade to achieve a more gradual transition in height and scale to the existing dwellings fronting Liberty Street.

[10] It was agreed by the Parties that in light of the change to UHOP via OPA 167, an OPA for the Revised Proposal would no longer be necessary to facilitate the redevelopment with regard to density. However, an OPA would be sought with regards to the affordable housing component of the MOS. The Parties agreed that no less than 25% of the units in the new development would be Affordable Units (as that term is defined in the UHOP resulting in rent set at 30% of household income for the 60<sup>th</sup> percentile of incomes in the area), to be secured by an agreement with the City to be registered on title for the Subject Site for a term of not less than 20 years from occupancy.

## **LEGISLATIVE FRAMEWORK**

[11] When considering a proposed settlement, the Tribunal must have regard for matters of provincial interest set out in s.2 of the Act, as well as the position taken by the municipality and the information considered by it, pursuant to s.2.1(1) of the Act. In this case the settlement, and thus the Tribunal's decision, must be consistent with the Provincial Policy Statement, 2020 ("PPS"), conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe ("Growth Plan") and conform with the Urban Hamilton Official Plan ("UHOP") and City Zoning By-law No. 6593.

### **Planning Act**

[12] Mr. Johnston's opinion was that the Revised Proposal had regard for all matters of provincial interest outlined in s.2 of the Act. In particular, he explained that this was an infill project on an under-utilized site, in an appropriate location for growth and was more in keeping with the surrounding Corktown Neighbourhood than the current use. Mr.

Johnston noted that s.2(j) of the Act was met as the provision for affordable housing units was secured through the OPA. The Planner also stated that this type of intensification improved the range of affordable housing options within the area, would utilize existing infrastructure, and would have positive implications for the municipal tax base. Lastly, Mr. Johnston alluded to the fact s.2(f), the adequate provision and efficient use of sewage, water services and waste management, amongst others, would be further secured through the proposed Site Plan Conditions.

### **Provincial Policy Statement, 2020**

[13] Mr. Johnston noted that the Subject Site is located within a MTSA and would further PPS policies with respect to land use patterns and transportation systems. The Tribunal was also taken to Policy directive 1.4 on Housing, and the Planner testified that the Revised Proposal would introduce a built form that was needed in the community and would deliver a component of affordable housing. In summary, Mr. Johnston was of the opinion that the proposed OPA, ZBLAs and SPA were consistent with the PPS.

### **Growth Plan for the Greater Golden Horseshoe**

[14] Mr. Johnston opined that the Revised Proposal conformed with the Growth Plan. The Planner directed the Tribunal to the s.1.2.1 of the Growth Plan which, to paraphrase, states that the policies of the Growth Plan concerning the development of land include supporting the achievement of complete communities. To Mr. Johnston, the Revised proposal will contribute to a complete community through the introduction of a mix of unit sizes and densities, as well as a built form that promotes walkability and neighbourhood integration.

### **Urban Hamilton Official Plan**

[15] Mr. Johnston directed the Tribunal to Policy B.2.4.1.3 of the UHOP which prescribes a 30% residential intensification target within lands designated Neighbourhoods. Further at Policy E.2.5 of the UHOP, a minimum density target of 160 residents and jobs per combined hectare (in keeping with the Growth Plan) is set for

lands located within MTSAs to achieve a “mix of uses and densities which are supportive of higher-order transit.” Mr. Johnston opined that as the Subject Site is within an area designated Neighbourhoods and an identified MTSA, that the proposed development would aid the City in managing growth through the provision of dwelling units and meeting population targets.

[16] With respect to the criteria for evaluating residential intensification as set out in Policy B.2.4.2.2 of the UHOP, Mr. Johnston directed the Tribunal to his Affidavit which set out his opinion for each point in detail. At the hearing, Mr. Johnston opined that the proposed development had been designed to be compatible with the character and function of the existing neighbourhood and appropriately transitioned height through the implementation of appropriate setbacks and tower step backs which would be regulated by the amending By-law. That it was a compatible form of intensification that fit within the surrounding context.

[17] Mr. Johnston also directed the Tribunal’s attention to Policy B.3.2.4 of the UHOP which provides general policies for urban housing. Policy B.3.2.4.2, specifically, speaks to the need for housing with a full range of tenure, affordability, and support services throughout the City. The Planner opined that this section of the UHOP was particularly relevant with respect to the affordable housing component of the Revised Proposal. He explained that the UHOP sets out criteria with respect to the conversion of rental units into condominiums. While these policies are well intended to provide opportunities for home ownership, the consequence is that they also remove units from the housing stock. The OPA instrument will safeguard the affordable housing component by preventing condominium conversion for the life of the affordable housing component of the Revised Proposal.

### **Former City of Hamilton Zoning By-law No. 6593**

[18] Currently, the Subject Site is zoned as Community Commercial (C3). The Revised Proposal includes two ZBLA’s. The City’s consolidation of the parent Zoning By-law was introduced in phases, the only remaining phase is Residential. As such, ZBLA 1 is to remove the Commercial zoning from the Subject Site and thus remove it

from the ZBL 05-200. The ZBLA 2 will place the Subject Site within ZBL 6593 in a site specific E3 high density and multiple dwelling district and include the other regulations with respect to massing, prescribed parking ratios to ensure the orderly development of the Subject Site in alignment with the architectural drawings.

[19] Mr. Johnston explained that there was much discussion between the Parties over how to integrate the redevelopment into the neighbourhood and that it was the careful arrangement of the building's massing that led to the Parties reaching a consensus. In his opinion, ZBLA 2 was necessary to establish appropriate site-specific development standards which implement both municipal and provincial policy objectives.

[20] Mr. Johnston concluded his testimony by stating that in his opinion the Revised Proposal and the requisite OPA, ZBLA 1, ZBLA 2 and SPA to implement the Revised Proposal represent good land use planning and are in the public interest. He recommended that the Tribunal allow the Appeals and approve the OPA and ZBLA's as per the documents set out in **Attachments 1-3**. With respect to the Site Plan, Mr. Johnston explained that a conditional site plan approval would be utilized and that it would be a two-phase process requiring the approval of conditions prior to the City issuing a building permit. In his view, the conditions for the SPA agreed upon by the Parties were standard conditions. Mr. Johnston recommended that the Tribunal grant the SPA in accordance with the drawings set out in **Attachment 5** and that the approval of the SPA be subject to the Site Plan Conditions set out in **Attachment 4**.

## FINDINGS

[21] Based on the uncontroverted and unopposed opinion evidence of Mr. Johnston, the Tribunal finds that the proposed Application has appropriate regard for matters of Provincial Interest, is consistent with the PPS, conforms with the Growth Plan, UHOP and is representative of good land use planning in the public interest.

[22] The Tribunal finds that this is a compact, transit-supportive infill development within an identified MTSA. It will contribute to the range and mix of housing types and increases the supply of affordable housing units in the area. The Tribunal accepts the

evidence of Mr. Johnston that the Corktown Neighbourhood is characterized by variation in built form and that the setbacks and step backs to the east of the Subject Site will improve the transition in height and scale to the existing low density uses along Liberty Street.

[23] The Tribunal is satisfied that the conditions of the SPA are appropriate for the redevelopment of the Subject Site.

[24] Since the conclusion of the Settlement heard by the Tribunal, and prior to the issuance of this Decision, the Tribunal reached out to the Parties to seek input if the passing of Bill 150, *Planning Statute Amendment Act, 2023*, which enacts the *Official Plan Adjustments Act, 2023*, which received Royal Assent on December 6, 2023, had any impact on the potential outcome of this matter. Counsel for the City provided a response stating that Bill 150 did not impact the matter that was heard.

[25] The Tribunal allows the Appeal, approves the OPA as set out in the instrument found at **Attachment 1** and approves the ZBLAs as set out in the instruments found at **Attachment 2** and **Attachment 3**. The Tribunal approves the SPA in accordance with the Revised Proposal plans, set out at Attachment 5 and subject to the conditions set out at Attachment 4.

## ORDER

[26] **THE TRIBUNAL ORDERS THAT** the appeal filed pursuant to s.22(7) of the *Planning Act*, as amended, is allowed and that the Urban Hamilton Official Plan is hereby amended as set out in Attachment 1 to this Order.

[27] **THE TRIBUNAL ORDERS THAT** the appeal filed pursuant to s.34(11) of the *Planning Act*, as amended, is allowed and By-law No. 05-200 of the City of Hamilton is hereby amended as set out in Attachment 2 to this order. The Tribunal authorizes the municipal clerk of the City of Hamilton to assign a number to this By-law for record keeping purposes.

[28] **THE TRIBUNAL ORDERS THAT** the appeal filed pursuant to s.34(11) of the *Planning Act*, as amended, is allowed and By-law No. 6593 of the City of Hamilton is hereby amended as set out in Attachment **3** to this order. The Tribunal authorizes the municipal clerk of the City of Hamilton to assign a number to this By-law for record keeping purposes.

[29] **THE TRIBUNAL ORDERS THAT** the appeal filed pursuant to s.41(12) of the *Planning Act*, as amended, is allowed and the site plan drawings prepared by Graziani & Corazza Architects Inc. referenced as Job# 2131.23 and having a plot date of September 28, 2023, are approved subject to the conditions set out in Attachment **4** to this Order.

“G.A. Croser”

G.A. CROSER  
MEMBER

**Ontario Land Tribunal**

Website: [www.olt.gov.on.ca](http://www.olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

# **ATTACHMENT 1**

## **DRAFT Urban Hamilton Official Plan Amendment No.204**

The following text, together with Appendix "A", Volume 3: Map 2a-Urban Site Specific Key Map (Lower City) attached hereto, constitutes Official Plan Amendment No.204 to the Urban Hamilton Official Plan.

### **1.0 Purpose and Effect:**

The purpose and effect of this Amendment is to ensure that no condominium conversion can be made for a portion of the units, being those which are set at 30% of the household income for the 60th percentiles of incomes in the area in accordance as per the Ontario Land Tribunal Settlement Decision (OLT-22-004063) for a minimum of 20 years.

### **2.0 Location:**

The lands affected by this Amendment are known municipally as 186 Hunter Street East, in the former City of Hamilton.

### **3.0 Basis:**

The basis for permitting this Amendment is to implement a Settlement Decision at the Ontario Land Tribunal (OLT-22-004063).

### **4.0 Actual Changes:**

#### **4.3 Volume 3 – Special Policy Areas, Area Specific Policies, and Site Specific Policies**

##### **Text**

##### **4.3.1 Chapter C – Urban Site Specific Policies**

- a. That Volume 3: Chapter C – Urban Site Specific Policies be amended by adding a new Site Specific Policy, as follows:

**"UHN-37 186 Hunter Street East, Hamilton**

Urban Hamilton Official Plan Amendment No. 204	Page 1 of 2	
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- 1.0 Notwithstanding Section B.3.2.5, no condominium conversions shall be permitted for any units where the rent is set at 30% of the household income for the 60<sup>th</sup> percentiles of incomes in the area (as determined by StatsCan), which represents 25% of the proposed unit count, for a minimum of 20 years to implement a Settlement Decision at the Ontario Land Tribunal (OLT-22-004063).



### **Maps and Appendices**

#### **4.3.2 Map**

- a. That Volume 3: Map 2a – Urban Site Specific Key Map (Lower City) be amended by identifying the subject lands as UHN-37, as shown on Appendix “A”, attached to this Amendment.

### **5.0 Implementation:**

An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

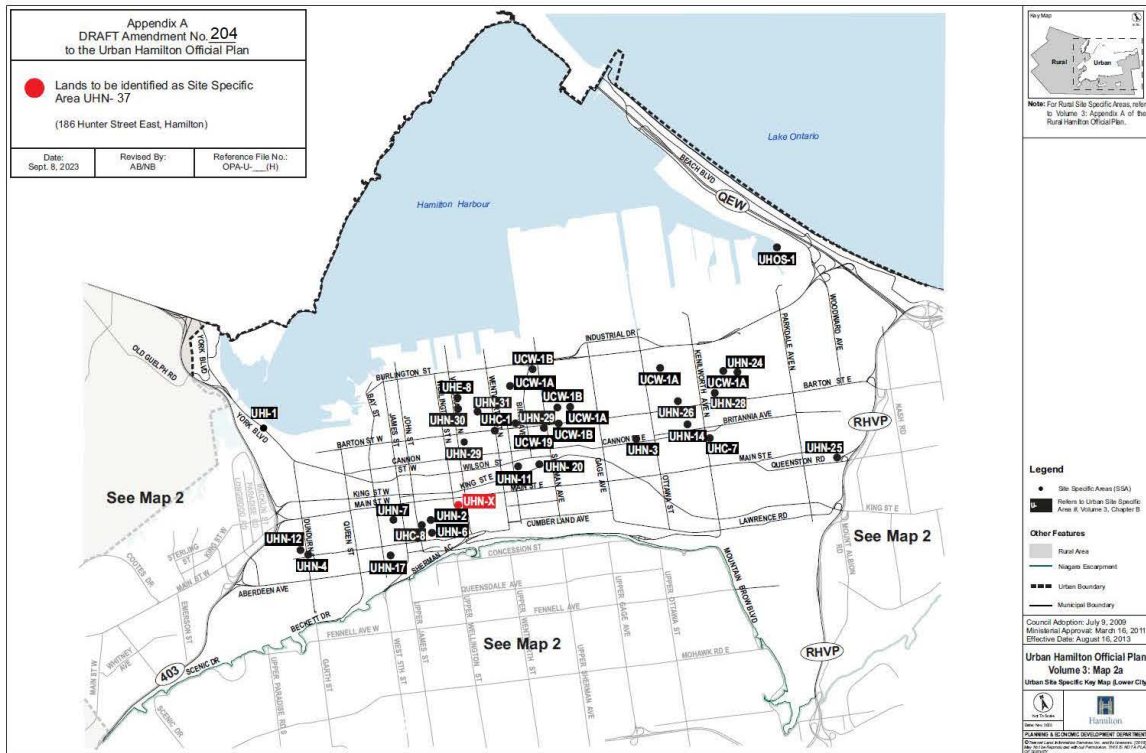
24-013-OLT

This Official Plan Amendment is Schedule “1” to By-law No. \_\_\_\_\_ passed on the 30<sup>th</sup> day of January 2024.

\_\_\_\_\_  
A. Horwath  
MAYOR

\_\_\_\_\_  
J. Pilon  
ACTING CITY CLERK

The  
City of Hamilton



## **ATTACHMENT 2**

Authority: Item,  
Report (PED19XXX)  
CM:  
Ward: X

Bill No.

**CITY OF HAMILTON  
BY-LAW NO. 24-014-OLT**

**To amend Zoning By-law No. 05-200 with respect to lands located at 186 Hunter Street East, Hamilton**

**WHEREAS** Council approved Item \_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on MONTH DAY, 201X;

**AND WHEREAS** this By-law conforms to the Urban Hamilton Official Plan;

**NOW THEREFORE** Council of the City of Hamilton amends Zoning By-law No. 05-200 as follows:

1. That Map 995 of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200 is amended by removing the lands from the Community Commercial (C3) Zone for the lands identified as 186 Hunter Street East, Hamilton attached as Schedule "A" to this By-law.
2. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.




**PASSED** this 30th day of January, 2024.

\_\_\_\_\_  
A. Horwath  
Mayor

\_\_\_\_\_  
J. Pilon  
Acting City Clerk

ZAC-22-014

To Amend Zoning By-law No. 05-200 with respect to lands located at 186 Hunter Street East,  
Hamilton

	
<p>This is Schedule "A" to By-law No. 24-014-OLT</p> <p>Passed the <u>30th</u> day of <u>January</u>, 2024</p>	
<p>----- Mayor -----</p> <p>----- Clerk -----</p>	
<p><b>Schedule "A"</b></p> <p>Map forming Part of By-law No. 24-014-OLT</p> <p>to Amend By-law No. 05-200 Map 995</p>	
<p><b>Subject Property</b></p> <p>186 Hunter Street East</p> <p> To remove the lands from the Community Commercial (C3) Zone</p>	
<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-22-014 &amp; UHOPA-22-006</p>
<p>Date: September 7, 2023</p>	<p>Planner/Technician: AB/AL</p>
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	
	

## **ATTACHMENT 3**

**Authority:** Item ,  
Report  
CM: June 26, 2017  
Ward: 2

**Bill No.**

### **CITY OF HAMILTON**

#### **BY-LAW NO.24-015-OLT**

#### **To Amend Zoning By-law No. 6593 Respecting Lands Located at 186 Hunter Street East, Hamilton**

**WHEREAS** the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Schedule C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

**AND WHEREAS** the *City of Hamilton Act, 1999* provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951 (File No. P.F.C. 3821);

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan subject to the approval of an Official Plan Amendment;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Sheet No. E-5 of the District Maps appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by adding the "E-3/S-1832-H" (High Density Multiple Dwellings) District, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That the "E-3/S-1832-H" (High Density Multiple Dwellings) District provisions, as contained in Section Eleven C of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:
  - a) That notwithstanding Section 2.(2)J.(xiii), Hunter Street East is deemed to be the front lot line;
  - b) That notwithstanding Section 11C.(1a), the height of a building or structure shall not exceed 44.0 metres;

**Page 2 of 5**

- c) That notwithstanding Section 11C.(2)(a), a front yard having a depth of at least 0.5 metres shall be provided and maintained;
- d) That notwithstanding Section 11C.(2)(b),
  - i) along each side lot line a side yard having a width of at least 0.5 metres shall be provided and maintained;
  - ii) a side yard width of 7.7 metres shall be provided from Liberty Street for any portion of the building between 26.0m and 38.0 metres in height; and;
  - iii) a side yard width of 13.9 metres shall be provided from Liberty Street for any portion of the building between 38.0 metres and 44.0 metres in height; and,
  - iv) a side yard width of 20.1 metres shall be provided from Liberty Street to a rooftop mechanical penthouse;
- e) That notwithstanding Section 11C.(2)(c), a rear yard having a depth of at least 4.4 metres shall be provided and maintained;
- f) That Sections 11C.(2a)(a) and 11C.(2a)(b) shall not apply;
- g) That notwithstanding Section 11C.(4), a maximum gross floor area ratio factor of 7.70 shall be permitted;
- h) That Section 11C.(5) shall not apply;
- i) That a minimum setback of 0.3 metres shall be provided from the hypotenuse of the daylight triangle at Liberty Street and Hunter Street East;
- j) That a minimum setback of 0.9 metres shall be provided from the hypotenuse of the daylight triangle at Ferguson Avenue South and Hunter Street East;
- k) That notwithstanding Section 18.(3)(vi)(cc) as it relates to a balcony, a balcony must be setback a minimum of the following:
  - i) 0.5 metres from a front lot line;
  - ii) 0 metres from a side lot line;
  - iii) 0 metres from a daylight triangle at Liberty Street and Hunter Street East; and,
  - iv) 0 metres from a daylight triangle at Ferguson Avenue South and Hunter Street East.

**Page 3 of 5**

- l) Notwithstanding 18A(1)(a), 18A-Table 1 and 18A-Table 2, a minimum of 0.2 spaces per unit shall be provided and maintained for a Multiple Dwelling;
  - m) A minimum of one (1) of the required parking spaces shall be clearly identified and reserved for the exclusive use of barrier-free parking, having dimensions of not less than 4.4 metres in width and 5.8 metres in length;
  - n) That Section 18A.(1)(b) shall not apply;
  - o) That notwithstanding Section 18A.(1)(c), a minimum of 1 loading space having a minimum length of 14 metres, a minimum width of 3.7 metres and a minimum height of 4.3 metres shall be provided and maintained;
  - p) That notwithstanding Section 18A.(7), every required parking space, other than a parallel parking space, shall have dimensions not less than 2.8 metres wide and 5.8 metres long;
  - q) That Section 18A.(32) shall not apply.
3. That the 'H' Symbol applicable to the lands referred to in Section 1 of this By-law, shall be removed conditional upon:
- a) A Revised Functional Servicing Report (FSR) is submitted to the satisfaction of the Director of Development Engineering and:
    - i) Establishes the location of the sanitary connection to Hunter Street East;
    - ii) Includes a drainage area plan and sewer design sheet for the storm sewer on Ferguson Avenue South; and,
    - iii) Reflects the assigned C value of 0.7 for the designated catchment area on the portion of the subject land draining to Hunter Street East and also includes the existing discharges to each of the other designated catchment areas (to Ferguson and Liberty) and demonstrates that the allowable discharge rate to each of the three designated catchment areas has not been exceeded.

Note: That the Owner acknowledges and agrees that, as part of the future Site Plan application, the owner will enter into and register an External Works Agreement with the City on the title of the lands for the design and construction of any required municipal infrastructure upgrade in accordance with the approved Functional Servicing Report and Watermain Hydraulic Analysis at Owner's cost to support this development, all to the satisfaction of the Director of Development Engineering.
  - b) An updated Watermain Hydraulic Analysis, completed on the Pressure District Level, that has been calibrated based on two recent hydrant flow tests in proximity of the subject lands to demonstrate that there is adequate water pressure/flow to support the domestic demand and required fire flow (RFF) for

**Page 4 of 5**

- proximity of the subject lands to demonstrate that there is adequate water pressure/flow to support the domestic demand and required fire flow (RFF) for the proposed development, to the satisfaction the Director of Development Engineering.
- c) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and the submission of the City of Hamilton's current RSC administration fee.
  - d) That the Applicant / Owner shall investigate the noise levels on site and determine any required noise control measures, to the satisfaction and approval of the Manager of Development Planning. A revised Noise Study will be required should the design change, resulting in the need for updated noise mitigation measures.
- 4. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "E-3" (High Rise Multiple Dwelling) District provisions, subject to the special requirements referred to in Section 2 of this By-law.
  - 5. That Sheet No. E-5 of the District Maps is amended by marking the lands referred to in Section 1 of the By-law as "E-3/S-1832-H".
  - 6. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1832.
  - 7. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

**PASSED** this 30th day of January, 2024.




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A. Horwath  
Mayor

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J. Pilon  
Acting City Clerk



	
<p>This is Schedule "A" to By-law No. 24-015-OLT</p> <p>Passed the <u>30th</u> day of <u>January</u>, 2024</p>	
<p>----- Mayor -----</p> <p>----- Clerk -----</p>	
<p><b>Schedule "A"</b></p> <p><b>Map forming Part of</b></p> <p><b>By-law No. 24-015-OLT</b></p> <p><b>to Amend By-law No. 6593</b></p>	
<p><b>Subject Property</b></p> <p>186 Hunter Street East, Hamilton</p> <p> To zone the property "E-3/S-1832-H" (High Density Multiple Dwellings) District, Modified</p>	
<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-22-014 &amp; UHOPA-22-006</p>
<p>Date: December 5, 2023</p>	<p>Planner/Technician: AB/NB</p>
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	
	

## **ATTACHMENT 4**



**Hamilton**

Planning and Economic Development Department

Heritage and Urban Design

71 Main Street West, 4<sup>th</sup> Floor, Hamilton ON L8P 4Y5

Phone: 905-546-2424 Fax: 905-546-5611

File: DA-22-151

**Re: Concurrent Site Plan / Building Plan Review Process  
Site Plan Control Application by Urban Solutions Planning and Land  
Development Consultants Inc. on Behalf of Wellington Hamilton Non-Profit  
Housing Inc. for Lands Located at 186 Hunter Street East, Hamilton (Ward  
02)**

The above noted Site Plan Application has been considered by the Development Review Team. Your application to [Describe proposal] was conditionally approved by the Manager of Heritage and Urban Design on [Date], subject to an Undertaking pursuant to Section 41 of the *Planning Act*, R.S.O. 1990, c.P.13 being entered into. The City's conditional approval relates to the attached revised site plan dated [Date] and the comments received as a result of circulation of the application as well as any changes / modifications or revisions required to the plans to implement its conditions of approval.

To start the clearance of conditions process, the Applicant is required to pay to the City of Hamilton the applicable **clearing of conditions fee** (current rate at time of payment) in accordance with the applicable Planning Division Fee Structure.

The City's conditional approval has been structured to allow the Applicant to participate in the Concurrent Site Plan / Building Plan Review Process subject to the Applicant entering into the Acknowledgement with the Building Division.

Upon clearance of the Section 2 conditions below, and subject to receiving a clearance letter from Development Planning, the Applicant may submit building plans for Building Plan Review under the Concurrent Site Plan process. Upon clearance of the conditions in Section 2 and Section 3, and subject to receiving a clearance letter from Development Planning, a building permit application may be submitted to the Building Division and, subject to the satisfaction of the Building Division, a building permit may be issued.

The City's approval requires satisfactory completion of all the following conditions:

### **1. SITE PLAN**

#### **Site Plan and Underground Parking Plan**

1. (b) To develop and maintain the site in compliance with the Site Plan and underground parking plan, attached hereto each of which is dated [Date] and hereinafter collectively referred to as the "Site Plan". Minor changes to the Site Plan or conditions shall be permitted only upon written approval from the City's Manager of Heritage and Urban Design.

**Re: CONCURRENT SITE PLAN / BUILDING PLAN REVIEW PROCESS      Page 2 of 12**  
**Site Plan Control Application by Urban Solutions Planning and Land**  
**Development Consultants Inc. on Behalf of Wellington Hamilton**  
**Non-Profit Housing Inc. for Lands Located at 186 Hunter Street East,**  
**Hamilton (Ward 02)**

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**Approval Limitation**

1. (c) That in the event there has been no submissions made to clear conditions for a period of two (2) years this approval shall be considered inactive. To reactivate this approval a notice to the Manager of Heritage and Urban Design shall be provided with a description of any changes to the proposed development and payment of a second Site Plan Control Full Application Clearing of Conditions Fee (fee determined based on fee schedule in effect at the time of reactivation). The applicant is responsible to monitor when submissions have been made to ensure that the application remains active.

**Ground Cover to Prevent Soil Erosion**

1. (d) Where the construction or demolition of a building, or buildings, or site development works are, in the opinion of the City's Director of the Building Division, substantially suspended or discontinued for more than 45 days the Owner shall forthwith provide suitable ground cover to prevent soil erosion by wind, rain and snow for the protection of adjoining lands to the satisfaction of the said Director.

**Garbage Collection**

1. (e) The Owner acknowledges that garbage collection for the proposed development shall be in accordance with the applicable Municipal By-Law.

**2. PRIOR TO THE SUBMISSION FOR BUILDING PLAN REVIEW**

**Erosion and Siltation Control**

2. (a) To show all erosion and siltation control features in detail on a Grading and Drainage Control Plan hereinafter described in Section 3(b); to the satisfaction of the City's Manager of Development Engineering; and to implement all such erosion and siltation control measures. The Owner further agrees to maintain all such measures to the satisfaction of the City's Manager of Development Engineering until the site has been fully developed as determined by the City's Manager of Heritage and Urban Design.

**Building Elevations**

2. (d) To submit a digital copy of final building elevations to the satisfaction of the City's Manager of Heritage and Urban Design. Minor changes to the Building Elevations or condition(s) shall be permitted only upon written approval from the City's Manager of Heritage and Urban Design.

**Interior Garbage Storage/Outdoor Garbage Containers**

**Re: CONCURRENT SITE PLAN / BUILDING PLAN REVIEW PROCESS      Page 3 of 12**  
**Site Plan Control Application by Urban Solutions Planning and Land**  
**Development Consultants Inc. on Behalf of Wellington Hamilton**  
**Non-Profit Housing Inc. for Lands Located at 186 Hunter Street East,**  
**Hamilton (Ward 02)**

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2. (f) To show the following on the required Site Plan:
- i) The location of any vaults, central storage and collection areas, or other facilities for the storage of garbage and recyclable material, including those which may be internal to a proposed or existing building; or
  - ii) The location of any outdoor garbage and recycling containers and details for a supporting concrete pad and, if required by the City's Manager of Heritage and Urban Design, a roofed enclosure having a height sufficient to conceal the containers.

**Cost Estimate and Letter of Credit**

2. (g) i) To provide cost estimates for 100% of the total cost of all exterior on-site works to be done by the Owner. Such cost estimates shall be in a form satisfactory to the City's Manager of Heritage and Urban Design; or be prepared in accordance with the Guides for estimating security requirements for landscaping and engineering.
- ii) Calculate the lump sum payment for exterior works using the City's Letter of Credit Policy or Surety Bond Policy to the satisfaction of the City's Manager of Heritage and Urban Design.
- iii) To provide an irrevocable Letter of Credit or Surety Bond to the City's Manager of Heritage and Urban Design for 75% of the total cost of all on-site development works in a form satisfactory to Finance (Development Officer, Budget, Taxation and Policy) to be held by the City as security for the completion of the on-site development works required in this Agreement.
- Alternatively, the owner may choose to provide a lump sum payment for on-site works in accordance with 2. (g) ii). above.
- iv) The Letter of Credit or Surety Bond shall be kept in force until the completion of the required site development works in conformity with the approved design and requirements, securities may be reduced in accordance with the City's Letter of Credit Policy or Surety Bond Policy. If the Letter of Credit or Surety Bond is about to expire without renewal thereof and the works have not been completed in conformity with their approved designs, the City may draw all of the funds so secured and hold them as security to guarantee completion unless the City Solicitor is provided with a renewal of the Letter of Credit or Surety Bond forthwith.
- v) In the event that the Owner fails to complete, to the satisfaction of the City's Manager of Heritage and Urban Design, the required site development works in conformity with its approved design within the time required, then it is agreed by the Owner that the City, its employees, agents or contractors may, at the City's sole option and in addition to any other remedies that the City

**Re: CONCURRENT SITE PLAN / BUILDING PLAN REVIEW PROCESS** **Page 4 of 12**  
**Site Plan Control Application by Urban Solutions Planning and Land**  
**Development Consultants Inc. on Behalf of Wellington Hamilton**  
**Non-Profit Housing Inc. for Lands Located at 186 Hunter Street East,**  
**Hamilton (Ward 02)**

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may have, enter on the lands and so complete the required site development works to the extent of monies received under the Letter of Credit or Surety Bond. The cost of completion of such works shall be deducted from the monies obtained from the Letter of Credit or Surety Bond. In the event that there is a surplus, the City shall pay it forthwith to the Owner. In the event that there are required site development works remaining to be completed, the City may exercise its authority under (Section 446 of the Municipal Act) to have such works completed and to recover the expense incurred in doing so in like manner as municipal taxes.

**3. PRIOR TO THE ISSUANCE OF ANY BUILDING FOUNDATION PERMITS**

3. (a) Satisfy all pre-grading conditions set out in Section 2 above

**Grading and Drainage Control**

3. (b) i) To prepare a detailed Grading and Drainage Control Plan showing drainage details for the subject property, abutting properties and public rights-of-way so as to ensure compatible drainage, and to show thereon all existing and proposed connections to the municipal storm sewer to provide for that drainage i.e. catch basins/leads etc. to the satisfaction of the City's Manager of Development Engineering
- ii) To pay a fee (current rate at time of payment +HST) for the final inspection all aboveground features, such as but not limited to, landscaping, drainage, roads, driveways, noise barriers/fencing, lighting, etc., to the satisfaction of the Manager of Development Engineering.

**Storm Water Management Design**

3. (c) To submit to the satisfaction of the City's Manager of Development Engineering detailed engineering design for storm water management or to receive from the said Manager an exemption from this requirement.

**Road Widenings**

3. (d) To convey to the City, without cost and free of encumbrance, the road widening and/or daylighting triangles as indicated on the Site Plan to the satisfaction of the City's Manager of Development Engineering.

**Cash-in-Lieu of Parkland**

**Re: CONCURRENT SITE PLAN / BUILDING PLAN REVIEW PROCESS** **Page 5 of 12**  
**Site Plan Control Application by Urban Solutions Planning and Land**  
**Development Consultants Inc. on Behalf of Wellington Hamilton**  
**Non-Profit Housing Inc. for Lands Located at 186 Hunter Street East,**  
**Hamilton (Ward 02)**

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3. (n) To pay to the City of Hamilton Park Trust Fund Account the required cash-in-lieu of parkland contribution based on the value of the lands the day before the issuance of a Building Permit.

#### **Development Charges**

3. (o) To pay to the City of Hamilton all applicable Development Charges in accordance with the Development Charges By-law, as amended, or to execute a Development Charge Instalment Declaration Form to the satisfaction of the City's Director of the Building Division and the City's Director of Financial Planning, Administration and Policy.

#### **Site Plan Drawing** (stamped for Foundation ONLY)

3. (p) To submit a digital copy of the final site plan drawing to the satisfaction of the City's Manager of Heritage and Urban Design

#### **Taxes**

3. (q) To submit proof from the Taxation Division that the Municipal Taxes are current on the subject lands to the satisfaction of the City's Manager of Heritage and Urban Design.

#### **Tariff of Fees**

3. (r) To pay to the City of Hamilton the applicable additional charges as per the Tariff of Fees By-law for the proposed development type as follows:
  - i) Residential (including institutional) – current rate at time of payment for the first 10 units and current rate at time of payment for units 11 to a maximum of 50 units to the satisfaction of the City's Manager of Heritage and Urban Design.
  - ii) Commercial – current rate at time of payment per m<sup>2</sup> of new gross floor area to a maximum of 50,000m<sup>2</sup> to the satisfaction of the City's Manager of Heritage and Urban Design.

### **3. PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS FOR WORKS BEYOND THE BUILDING FOUNDATION**

#### **Landscape Plan**

3. (e) To prepare a Landscape Plan showing planting and surfacing details for all areas not covered by buildings, structures, loading areas or parking areas; and to obtain approval thereof from the City's Manager of Heritage and Urban Design.

#### **Fencing/Visual Barriers**

**Re: CONCURRENT SITE PLAN / BUILDING PLAN REVIEW PROCESS      Page 6 of 12**  
**Site Plan Control Application by Urban Solutions Planning and Land**  
**Development Consultants Inc. on Behalf of Wellington Hamilton**  
**Non-Profit Housing Inc. for Lands Located at 186 Hunter Street East,**  
**Hamilton (Ward 02)**

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3. (f) To obtain approval of the details of all fencing and visual barriers as indicated on the Site Plan, from the City's Manager of Heritage and Urban Design, as part of the approval of the Landscape Plan.

**Boulevard Sodding**

3. (g) To show on the required Landscape Plan, planting and surfacing details for the portion of all adjacent public property located between the sidewalks, curbs or streets and the Owner's property line so as to ensure a contiguous landscaped area between the public streets and the Owner's proposed development to the satisfaction of the City's Manager of Heritage and Urban Design.

**Site Lighting-Design**

3. (i) To prepare a Site Lighting Plan, including lighting for any underground parking facilities, and to submit said plan with a signed certification from an Electrical Engineer stating that said plan complies with Section 3.9 "Lighting" of the City of Hamilton Site Plan Guidelines to the satisfaction of the City's Manager of Heritage and Urban Design.

**Site Servicing Plan**

3. (k)
  - i) To submit to the City's Manager of Development Engineering a satisfactory Site Servicing Plan and pay the applicable drawing review fee based on the approved User Fees Schedule for the year that the Servicing Plans are submitted for review.
  - ii) To pay for and obtain the required Site Servicing Permits, the cost of which will be calculated based on the approved servicing design.

**Site Plan Drawing**

3. (p) To submit a digital copy of the final site plan drawing to the satisfaction of the City's Manager of Heritage and Urban Design.

**Wastewater Assessment**

3. (s) To submit a wastewater generation assessment using Part 8 of the latest edition of the Code and Guide for Sewage Systems to establish an updated equivalent population density, to the satisfaction of the City of Hamilton Public Works Department.

**Water Service Assessment**

**Re: CONCURRENT SITE PLAN / BUILDING PLAN REVIEW PROCESS      Page 7 of 12**  
**Site Plan Control Application by Urban Solutions Planning and Land**  
**Development Consultants Inc. on Behalf of Wellington Hamilton**  
**Non-Profit Housing Inc. for Lands Located at 186 Hunter Street East,**  
**Hamilton (Ward 02)**

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3. (t) To submit a water service assessment which tabularizes the expected occupancy and provides a water demand estimation and needed fire flow calculation based on City of Hamilton Policy PW19096, to the satisfaction of the City Public Works Department.

**Storm Drainage Area Plan**

3. (u) To submit a storm drainage area plan that clearly illustrates the extent of the property which will contribute surface water and ground water by direct connection to the existing systems. The plan must also illustrate where runoff from the remainder of the subject property if applicable, will be directed and/or collected. Appropriate runoff coefficients are to be assigned for the consideration and records of the Public Works Department.

**4. PRIOR TO OCCUPANCY**

**Prior to occupancy** of the proposed development the Owner agrees to fulfill each of the conditions which follow:

**Driveway Closure**

4. (a) To complete the closure of all redundant driveways to the City's or Ministry of Transportation's standards.

**Driveway Installation**

4. (b) To install, at the Owner's cost and to the City's or Ministry of Transportation's standards, new driveway ramps at grade with the (existing, proposed or future) sidewalk. That the Owner must apply for and receive an Access Permit from the Public Works Department or the Ministry of Transportation.

**Relocation of Municipal and/or Public Utilities**

4. (c) That the relocation of any Municipal and/or Public Utilities, such as but not limited to, street furniture, transit shelters, signs, hydrants, utility poles, transformers, communication pedestals, wires or lines, required due to the location of buildings, structures, walkways, boulevards, driveways, curbing or parking, be arranged and carried out at the Owner's cost, to the satisfaction of the appropriate City Department or Public Utilities.

**Emergency/Fire Routes**



**Re: CONCURRENT SITE PLAN / BUILDING PLAN REVIEW PROCESS** **Page 8 of 12**  
**Site Plan Control Application by Urban Solutions Planning and Land**  
**Development Consultants Inc. on Behalf of Wellington Hamilton**  
**Non-Profit Housing Inc. for Lands Located at 186 Hunter Street East,**  
**Hamilton (Ward 02)**

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4. (d) That any required "Emergency/Fire Routes" shall be established by the City's Director of the Building Division and that such signage shall be installed at the Owner's cost and to the satisfaction of the City's Director of the Building Division.

**Traffic Control Signs**

4. (e) To install, at the Owner's cost, all required traffic signs, including directional, visitor parking and barrier-free parking signs, to the satisfaction of the City's Senior Project Manager, Corridor Management, Public Works.

**Fire Hydrant**

4. (g) To install at the Owner's cost, any fire hydrant required by the Ontario Building Code as directed by the City's Director of the Building Division.

**Site Servicing**

4. (h) To complete site servicing to the satisfaction of the City's Manager of Development Engineering.

**5. WITHIN ONE YEAR OF OCCUPANCY (PRIOR TO RELEASE OF CREDIT)**

**Grading and Drainage Completion**

5. (a) To complete the site grading and drainage scheme in accordance with the Grading and Drainage Control Plan approval.

**Storm Water Management Implementation**

5. (b) To complete any storm water management scheme and all related drainage control facilities in accordance with the approval Plan.

**Landscape Completion**

5. (d) To complete the landscaping in accordance with the approved Landscape Plan.

**Interior Garbage Storage/Outdoor Garbage Container Installation**

5. (e) To install or demarcate on-site any vaults, central storage and collection areas, or other facilities for the storage of garbage and recyclable material, in accordance with the approved Landscape Plan.

**Fencing/Visual Barriers Installation**

**Re: CONCURRENT SITE PLAN / BUILDING PLAN REVIEW PROCESS** **Page 9 of 12**  
**Site Plan Control Application by Urban Solutions Planning and Land**  
**Development Consultants Inc. on Behalf of Wellington Hamilton**  
**Non-Profit Housing Inc. for Lands Located at 186 Hunter Street East,**  
**Hamilton (Ward 02)**

---

5. (f) To install all fencing and visual barriers as indicated on the Site Plan in accordance with the approved Landscape Plan.

**Boulevard Sodding**

5. (g) To complete, at the Owner's cost, the landscaping on all adjacent public property in accordance with the approved Landscape Plan.

**Curb Installation**

5. (h) To install 0.15 metre raised curbing in the locations shown on the Site Plan.

**Site Lighting Installation**

5. (i) To implement the approved Site Lighting Plan.

**Paving**

5. (j) To pave all areas intended to facilitate on-site vehicular movement, parking and loading, as shown on the Site Plan with hot-mixed asphalt or equivalent and to demarcate the parking on said surface.

**Certification of Site Development Works**

5. (k) To submit to the City's Director of Growth Management, Site Development Works Certification Forms prepared by the appropriate consultants, certifying that the site development works required under this approval have been completed in accordance with the respective plans prepared by such consultant and accepted by the City.

In addition to the foregoing conditions, the following **special conditions** are also part of this approval:

**PRIOR TO THE SUBMISSION FOR BUILDING PLAN REVIEW**

1. That the Owner submit a set of Shoring Plans prepared by a Licensed Professional Engineer showing the proposed shoring design and location of any existing municipal services and utilities within the municipal right-of-way as well as any existing adjacent privately-owned utilities, services and structures, all to the satisfaction of the City's Manager of Development Engineering.
2. That the Owner enters into with the City of Hamilton, a Shoring Agreement to address construction of the shoring system and further satisfy all requirements of the City based on the design of the proposed shoring system, to the satisfaction of the City's Manager of Development Engineering.

**Re: CONCURRENT SITE PLAN / BUILDING PLAN REVIEW PROCESS      Page 10 of 12**  
**Site Plan Control Application by Urban Solutions Planning and Land**  
**Development Consultants Inc. on Behalf of Wellington Hamilton**  
**Non-Profit Housing Inc. for Lands Located at 186 Hunter Street East,**  
**Hamilton (Ward 02)**

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3. That the Owner submits Geotechnical and Hydrogeological Briefs conducted by a qualified professional (P.Eng, P.Geo) that discusses soil/groundwater conditions to properly characterize potential dewatering needs. This brief should discuss seasonal high groundwater levels, excavation depths, dewatering calculations (on a L/s and L/day basis), and if dewatering is required, groundwater quality sampling to compare against Sewer Use Bylaw criteria, all to the satisfaction of the City's Manager of Development Engineering.
4. That the Owner submit a Ground Settlement Study by a Licensed Professional to identify any potential ground/soil settlement and anticipated effects on the surrounding lands and structures which may arise as a result of any temporary groundwater dewatering during construction. Ground settlement mitigation measures/strategies shall be discussed and identified in the study, to the satisfaction of the City's Manager of Development Engineering.
5. That the Owner submit a Vibration Study/Analysis by a Licensed Professional to assess the impacts of vibration on the surrounding lands and structures as a result of construction of the shoring system as well as vibration monitoring and mitigation strategies, all to the satisfaction of the City's Manager of Development Engineering.
6. That the Owner submit a letter certifying the design of the parking garage ramps shall be required, to be provided and signed by a Licensed Architect or Engineer, to the satisfaction of the Manager, Transportation Planning.
7. That the Owner, with the City as a party, enter into a maintenance agreement for the alleyway, whereby the Owner maintains the alleyway in its entirety from Ferguson Avenue South to Liberty Street the limit of the widening at its cost, which shall be registered on title to the satisfaction and approval of the Manager, Transportation Operations and Maintenance, and in a form satisfactory to the City Solicitor.
8. That the Owner submits a list and floor plans to the Legislative Approvals Section, indicating the mailing address unit number of each residential unit on each floor, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
9. That the Owner submits a revised Cultural Heritage Impact Assessment to address the impacts on adjacent heritage resources and provide mitigation measures for those impacts to the Satisfaction of the Manager of Urban Design and Heritage.
10. That the Owner submit and receive approval of a Pedestrian-Level Wind Report to the Satisfaction of the Manager of Heritage and Urban Design.

**PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS FOR WORKS BEYOND**  
**THE BUILDING FOUNDATION**

**Re: CONCURRENT SITE PLAN / BUILDING PLAN REVIEW PROCESS      Page 11 of 12**  
**Site Plan Control Application by Urban Solutions Planning and Land**  
**Development Consultants Inc. on Behalf of Wellington Hamilton**  
**Non-Profit Housing Inc. for Lands Located at 186 Hunter Street East,**  
**Hamilton (Ward 02)**

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11. That the Owner submit a comprehensive Construction Management Plan addressing: Construction Details/Management, Traffic Management, and Public Communication, and pay the CMP Review Fee for the current year, to the satisfaction of the City's Manager of Development Engineering.
12. That the Owner enter into and register on title of the lands, an External Works Agreement with the City to address any proposed construction within the municipal right-of-way including but not limited to: any necessary upgrades to municipal sewer or water main infrastructure, sidewalk, curb, road surface, boulevard restoration (including landscaping and soil cell tree units), all to the satisfaction of the City's Manager of Development Engineering.
13. That the Owner submit a Watermain Hydraulic Analysis, identifying the modelled system pressures at pressure district (PD2) level under various boundary conditions and demand scenarios, to the satisfaction of the City's Manager of Development Engineering.
14. That the Owner submit a Functional Servicing Report to the satisfaction of the City's Manager of Development Engineering to:
  - a. Establish the location of the sanitary connection to Hunter Street East
  - b. Include a drainage area plan and sewer design sheet for the storm sewer on Ferguson Avenue South
  - c. Reflect the assigned C value of 0.7 for the designated catchment area on the portion of the subject land draining to Hunter Street East and also includes the existing discharges to each of the other designated catchment areas (to Ferguson and Liberty) and demonstrates that the allowable discharge rate to each of the three designated catchment areas has not been exceeded.
15. That the Applicant / Owner shall determine and implement any required noise control measures, to the satisfaction and approval of the Manager of Development Planning. A revised Noise Study will be required should the design change, resulting in the need for updated noise mitigation measures.
16. That the Owner contribute a total of \$80,000 towards active transportation measures (Sobi membership, Presto cards, etc.) as part of the Transportation Demand Measures for the proposed development, to the Satisfaction of the Manager, Transportation Planning.
17. That the Owner enter into an agreement with the City of Hamilton that requires the Owner to provide the City of Hamilton with the monitoring reports provided to CMHC, as the financer, confirming they are meeting the affordability requirements for a minimum of 20 years for a minimum of 25% of the proposed units from the initial occupancy of the building to the satisfaction of the Director of Housing Services and

**Re: CONCURRENT SITE PLAN / BUILDING PLAN REVIEW PROCESS      Page 12 of 12**  
**Site Plan Control Application by Urban Solutions Planning and Land**  
**Development Consultants Inc. on Behalf of Wellington Hamilton**  
**Non-Profit Housing Inc. for Lands Located at 186 Hunter Street East,**  
**Hamilton (Ward 02)**

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Director of Planning and Chief Planner. Note that, rents can only be increased following the requirements of the Residential Tenancies Act for rent controlled units.

18. That the Owner / Applicant shall grant Metrolinx an environmental easement for operational emissions, which is to be registered on title for all uses within 300 metres of the rail right-of-way.

If you are agreeable to the conditions of approval, please sign and date in the space provided below and **return a copy to Alaina Baldassarra within 5 days**. However, if you have any questions or concerns with the conditions of this Site Plan Approval, please contact Alaina Baldassarra at 905.546.2424 ext. 7421 or by e-mail at [Alaina.Baldassarra@hamilton.ca](mailto:Alaina.Baldassarra@hamilton.ca) immediately.

\_\_\_\_\_  
**Owner's Signature**

\_\_\_\_\_  
**Date**

Once the applicable conditions have been satisfied, a Building Permit may be issued.

**Notes:**

1. The City of Hamilton is in the process of creating a new comprehensive Zoning By-law for the entire City. The new Zoning By-law is being prepared in phases by Land Use topic. New zoning may be implemented which could be different than the current zoning. Accordingly, if a Building Permit has not been issued by the City prior to the new zoning coming into effect, the approved site plan may be affected, related to zoning compliance, which may require further planning approvals (i.e. Minor Variance, Zoning Amendment, etc.).
2. The above conditions of site plan approval are separate and independent of any review under the Ontario Building Code (OBC) as part of the Building Permit review process. In the event that a building permit application does not comply with the OBC, a letter outlining the deficiencies or areas of non-compliance will be issued to the owner and/or agent. Site plan review and building permit review are separate and independent processes.
3. Please note that the Development Charge rates change on June 12, 2024.

# ATTACHMENT 5

PROPOSED RESIDENTIAL DEVELOPMENT  
**HUNTER & FERGUSON**  
186 HUNTER STREET EAST

HAMILTON

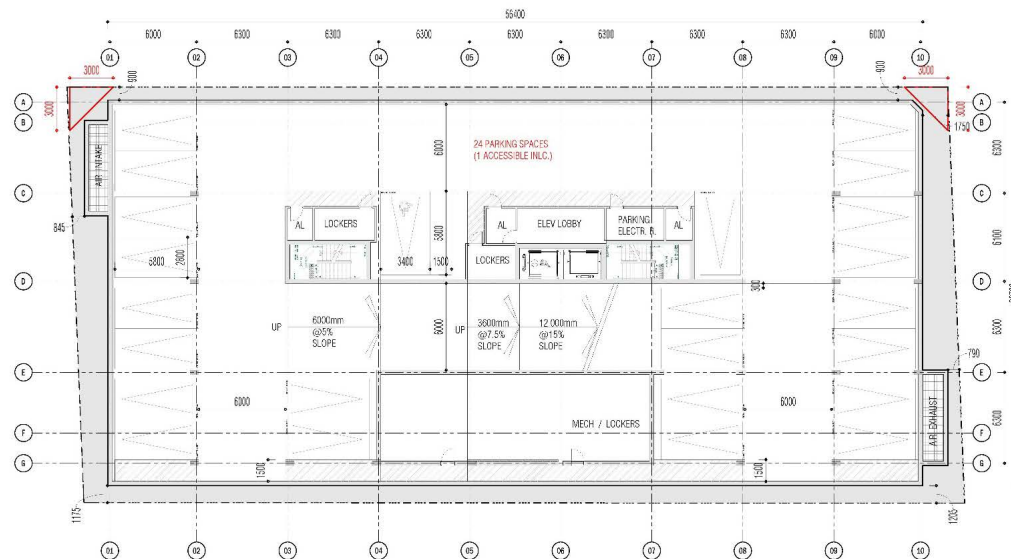
ONTARIO



GRAZIANI  
+  
CORAZZA  
ARCHITECTS INC.

186 HUNTER STREET EAST, SUITE 200, HAMILTON, ONTARIO L8N 2V5  
T: 905.763.1001 F: 905.763.1044 WWW.GRAZIANI-CORAZZA.COM

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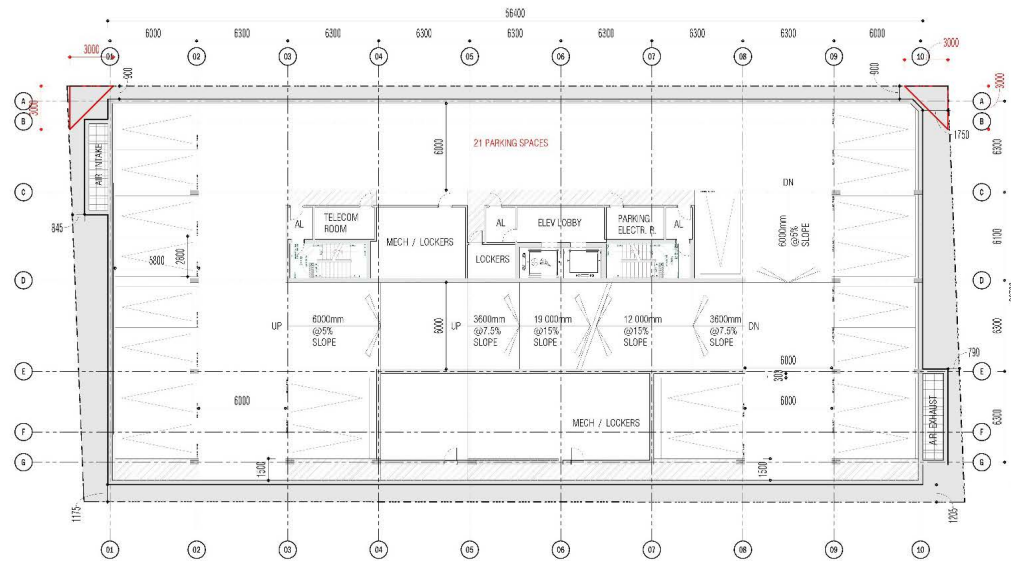


Name	Office	Contact Information	Website
			
<p><b>GRAZIATI CORAZZA</b> ARCHITECTS</p> <p>100 WEST 10TH STREET, SUITE 1000, NEW YORK, NY 10011-3602          TEL: 212 691 1000 FAX: 212 691 1001 WWW.GCA-ARCH.COM</p>			
<p>100% GREEN + LEED v3.0</p>			
<p><b>HUNTER &amp; PERGUSON</b>          (186 HUNTER STREET EAST)</p>			
<p>100% GREEN + LEED v3.0</p>			
Project Name	B/C		
Architect/Engineer	4.0		
Owner/Rep.	4.0		
Contract Doc.	0.0		
Field Obs.	5.0/5.0/2.0/2.0		
Job #	2174.20		

P2 UNDERGROUND







1. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS BEEN ADVISED BY THE CLIENT THAT THE SITE IS FREE OF CONTAMINATION AND IS SUITABLE FOR THE PROPOSED DEVELOPMENT. THE DESIGNER HAS NOT CONDUCTED ANY OTHER INVESTIGATIONS OR TESTS TO DETERMINE THE PRESENCE OF CONTAMINATION OR OTHER HAZARDOUS MATERIALS ON THE SITE.

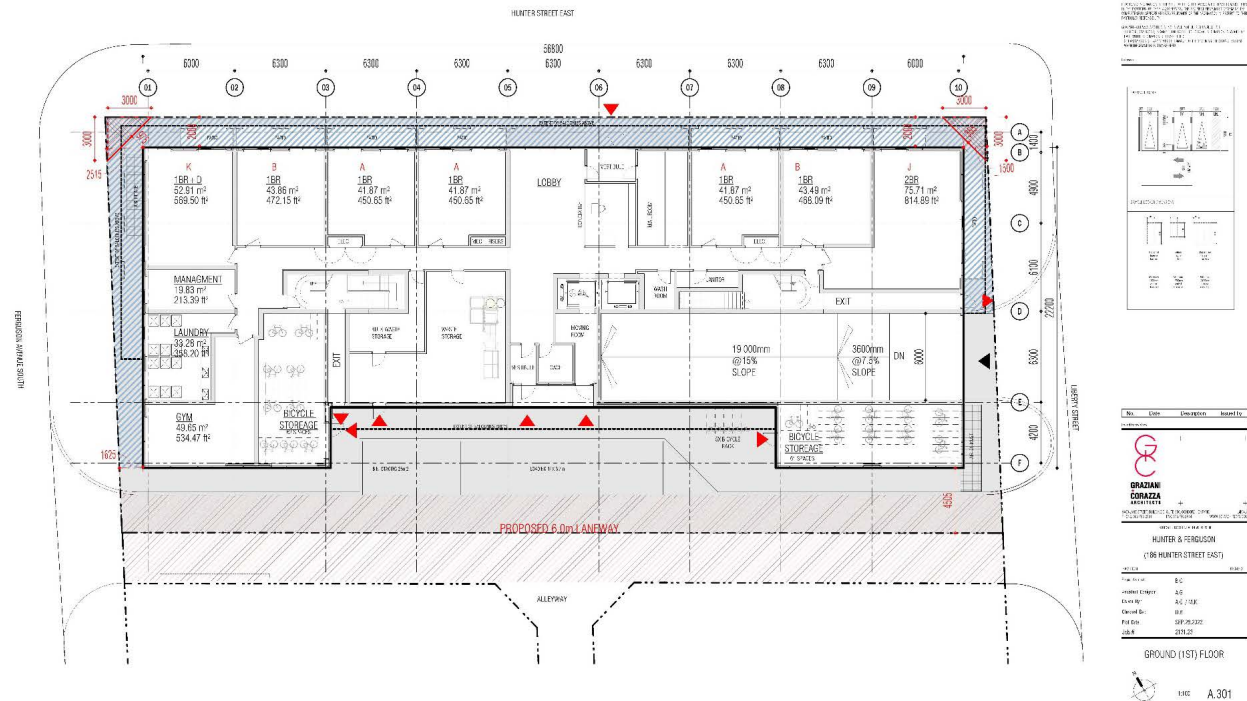
2. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS BEEN ADVISED BY THE CLIENT THAT THE SITE IS FREE OF CONTAMINATION AND IS SUITABLE FOR THE PROPOSED DEVELOPMENT. THE DESIGNER HAS NOT CONDUCTED ANY OTHER INVESTIGATIONS OR TESTS TO DETERMINE THE PRESENCE OF CONTAMINATION OR OTHER HAZARDOUS MATERIALS ON THE SITE.

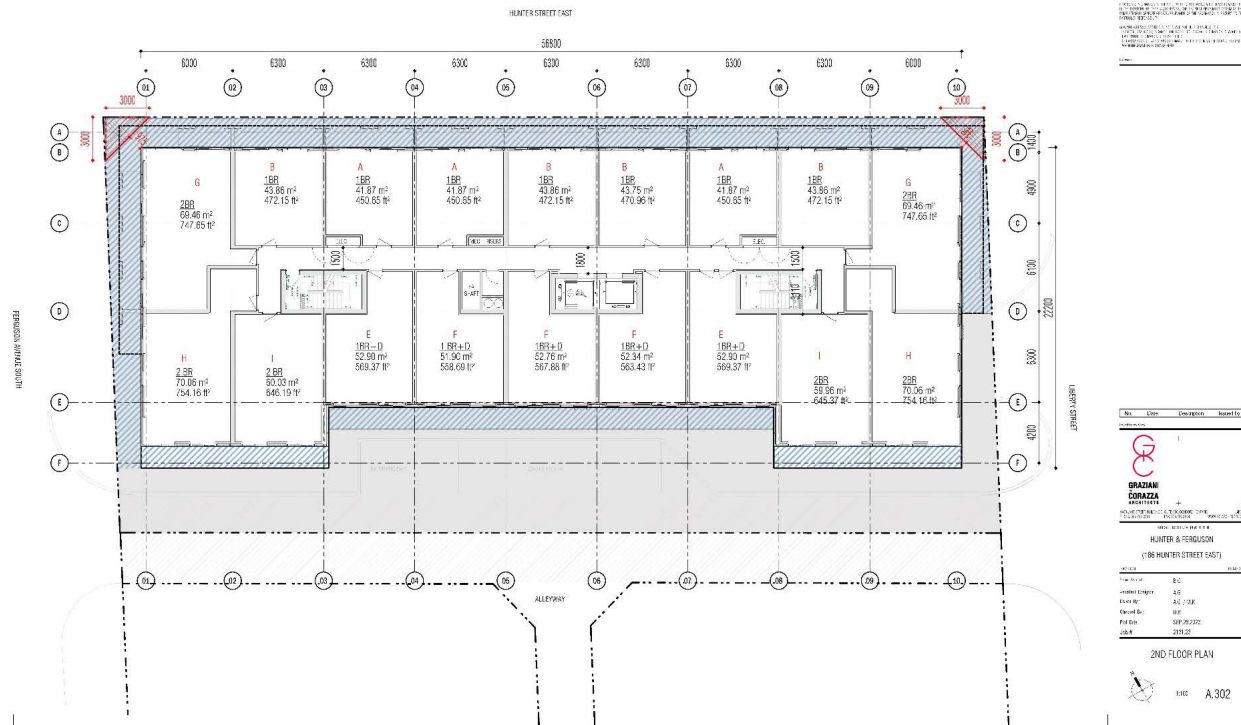
3. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS BEEN ADVISED BY THE CLIENT THAT THE SITE IS FREE OF CONTAMINATION AND IS SUITABLE FOR THE PROPOSED DEVELOPMENT. THE DESIGNER HAS NOT CONDUCTED ANY OTHER INVESTIGATIONS OR TESTS TO DETERMINE THE PRESENCE OF CONTAMINATION OR OTHER HAZARDOUS MATERIALS ON THE SITE.

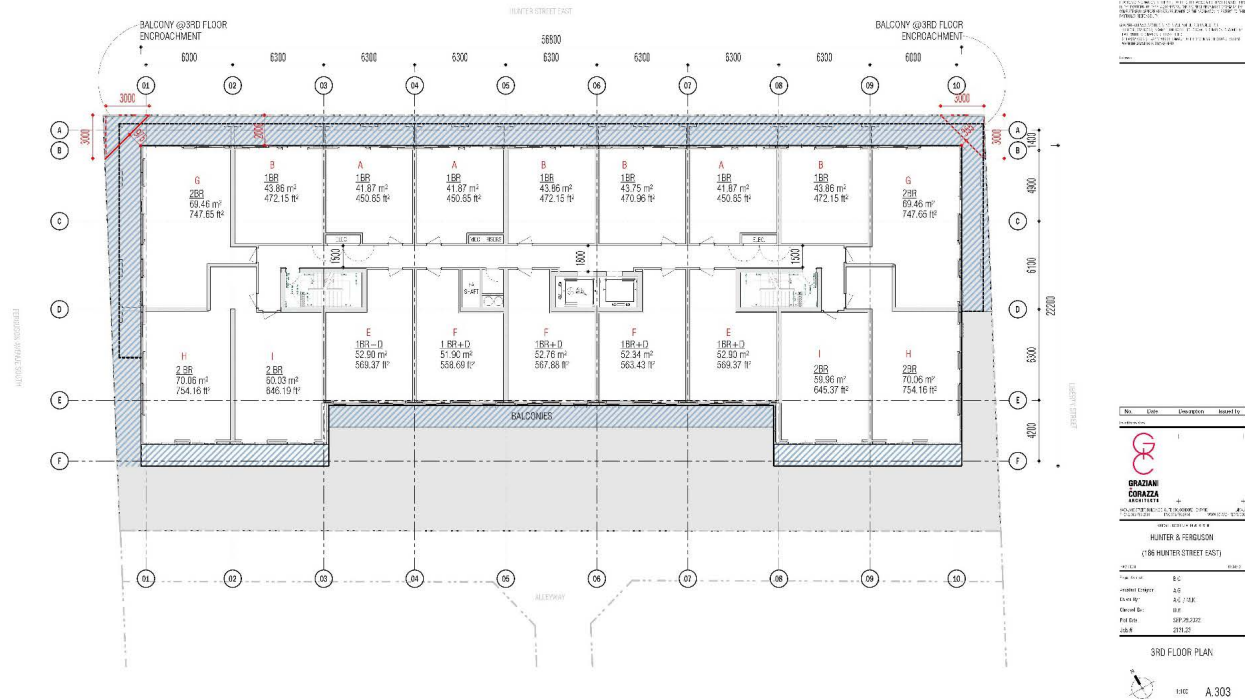


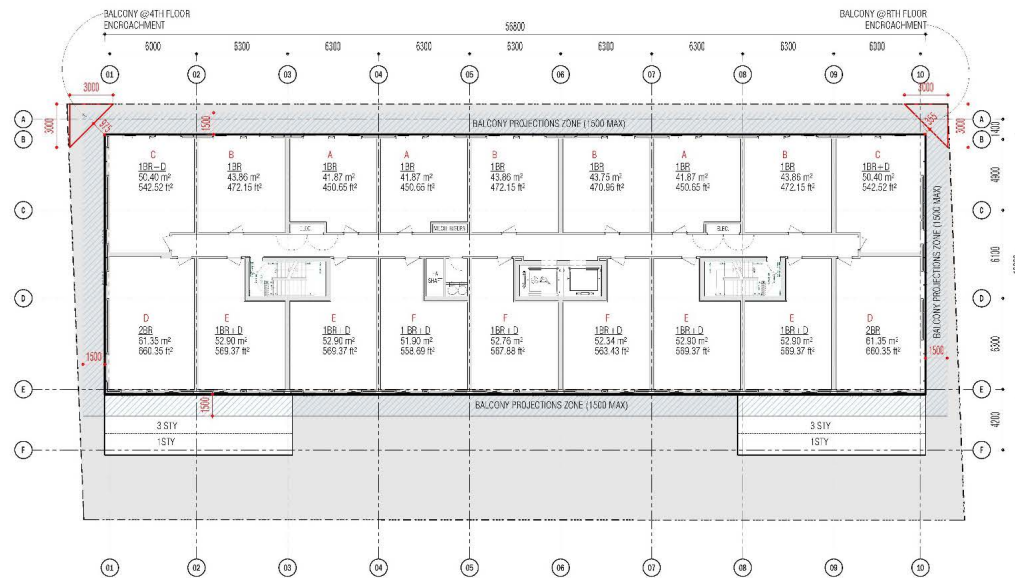
No.	Unit	Description	Quantity
1	m <sup>2</sup>	CONCRETE	100.00
2	m <sup>2</sup>	STEEL	100.00
3	m <sup>2</sup>	PAINT	100.00
4	m <sup>2</sup>	GLASS	100.00
5	m <sup>2</sup>	CEILING	100.00
6	m <sup>2</sup>	FLOOR	100.00
7	m <sup>2</sup>	WALL	100.00
8	m <sup>2</sup>	DOOR	100.00
9	m <sup>2</sup>	WINDOW	100.00
10	m <sup>2</sup>	STAIR	100.00
11	m <sup>2</sup>	ELEVATOR	100.00
12	m <sup>2</sup>	MECH	100.00
13	m <sup>2</sup>	LOCKER	100.00
14	m <sup>2</sup>	TELECOM	100.00
15	m <sup>2</sup>	ELECTR	100.00
16	m <sup>2</sup>	PAINT	100.00
17	m <sup>2</sup>	GLASS	100.00
18	m <sup>2</sup>	CEILING	100.00
19	m <sup>2</sup>	FLOOR	100.00
20	m <sup>2</sup>	WALL	100.00
21	m <sup>2</sup>	DOOR	100.00
22	m <sup>2</sup>	WINDOW	100.00
23	m <sup>2</sup>	STAIR	100.00
24	m <sup>2</sup>	ELEVATOR	100.00
25	m <sup>2</sup>	MECH	100.00
26	m <sup>2</sup>	LOCKER	100.00
27	m <sup>2</sup>	TELECOM	100.00
28	m <sup>2</sup>	ELECTR	100.00
29	m <sup>2</sup>	PAINT	100.00
30	m <sup>2</sup>	GLASS	100.00
31	m <sup>2</sup>	CEILING	100.00
32	m <sup>2</sup>	FLOOR	100.00
33	m <sup>2</sup>	WALL	100.00
34	m <sup>2</sup>	DOOR	100.00
35	m <sup>2</sup>	WINDOW	100.00
36	m <sup>2</sup>	STAIR	100.00
37	m <sup>2</sup>	ELEVATOR	100.00
38	m <sup>2</sup>	MECH	100.00
39	m <sup>2</sup>	LOCKER	100.00
40	m <sup>2</sup>	TELECOM	100.00
41	m <sup>2</sup>	ELECTR	100.00
42	m <sup>2</sup>	PAINT	100.00
43	m <sup>2</sup>	GLASS	100.00
44	m <sup>2</sup>	CEILING	100.00
45	m <sup>2</sup>	FLOOR	100.00
46	m <sup>2</sup>	WALL	100.00
47	m <sup>2</sup>	DOOR	100.00
48	m <sup>2</sup>	WINDOW	100.00
49	m <sup>2</sup>	STAIR	100.00
50	m <sup>2</sup>	ELEVATOR	100.00
51	m <sup>2</sup>	MECH	100.00
52	m <sup>2</sup>	LOCKER	100.00
53	m <sup>2</sup>	TELECOM	100.00
54	m <sup>2</sup>	ELECTR	100.00
55	m <sup>2</sup>	PAINT	100.00
56	m <sup>2</sup>	GLASS	100.00
57	m <sup>2</sup>	CEILING	100.00
58	m <sup>2</sup>	FLOOR	100.00
59	m <sup>2</sup>	WALL	100.00
60	m <sup>2</sup>	DOOR	100.00
61	m <sup>2</sup>	WINDOW	100.00
62	m <sup>2</sup>	STAIR	100.00
63	m <sup>2</sup>	ELEVATOR	100.00
64	m <sup>2</sup>	MECH	100.00
65	m <sup>2</sup>	LOCKER	100.00
66	m <sup>2</sup>	TELECOM	100.00
67	m <sup>2</sup>	ELECTR	100.00
68	m <sup>2</sup>	PAINT	100.00
69	m <sup>2</sup>	GLASS	100.00
70	m <sup>2</sup>	CEILING	100.00
71	m <sup>2</sup>	FLOOR	100.00
72	m <sup>2</sup>	WALL	100.00
73	m <sup>2</sup>	DOOR	100.00
74	m <sup>2</sup>	WINDOW	100.00
75	m <sup>2</sup>	STAIR	100.00
76	m <sup>2</sup>	ELEVATOR	100.00
77	m <sup>2</sup>	MECH	100.00
78	m <sup>2</sup>	LOCKER	100.00
79	m <sup>2</sup>	TELECOM	100.00
80	m <sup>2</sup>	ELECTR	100.00
81	m <sup>2</sup>	PAINT	100.00
82	m <sup>2</sup>	GLASS	100.00
83	m <sup>2</sup>	CEILING	100.00
84	m <sup>2</sup>	FLOOR	100.00
85	m <sup>2</sup>	WALL	100.00
86	m <sup>2</sup>	DOOR	100.00
87	m <sup>2</sup>	WINDOW	100.00
88	m <sup>2</sup>	STAIR	100.00
89	m <sup>2</sup>	ELEVATOR	100.00
90	m <sup>2</sup>	MECH	100.00
91	m <sup>2</sup>	LOCKER	100.00
92	m <sup>2</sup>	TELECOM	100.00
93	m <sup>2</sup>	ELECTR	100.00
94	m <sup>2</sup>	PAINT	100.00
95	m <sup>2</sup>	GLASS	100.00
96	m <sup>2</sup>	CEILING	100.00
97	m <sup>2</sup>	FLOOR	100.00
98	m <sup>2</sup>	WALL	100.00
99	m <sup>2</sup>	DOOR	100.00
100	m <sup>2</sup>	WINDOW	100.00

HUNTER & FERGUSON  
(100 HUNTER STREET EAST)  
P1 UNDERGROUND  
1000 A.202









1. The applicant has submitted a valid and complete set of documents for the proposed development.

2. The proposed development is consistent with the applicable zoning and land use regulations.

3. The proposed development is in the public interest.

4. The proposed development is consistent with the applicable environmental regulations.

5. The proposed development is consistent with the applicable fire and safety regulations.

6. The proposed development is consistent with the applicable health and safety regulations.

7. The proposed development is consistent with the applicable cultural and heritage regulations.

8. The proposed development is consistent with the applicable social and economic regulations.

9. The proposed development is consistent with the applicable transportation and infrastructure regulations.

10. The proposed development is consistent with the applicable public utility regulations.

11. The proposed development is consistent with the applicable public works regulations.

12. The proposed development is consistent with the applicable public safety regulations.

13. The proposed development is consistent with the applicable public health regulations.

14. The proposed development is consistent with the applicable public welfare regulations.

15. The proposed development is consistent with the applicable public order regulations.

16. The proposed development is consistent with the applicable public morals regulations.

17. The proposed development is consistent with the applicable public decency regulations.

18. The proposed development is consistent with the applicable public safety regulations.

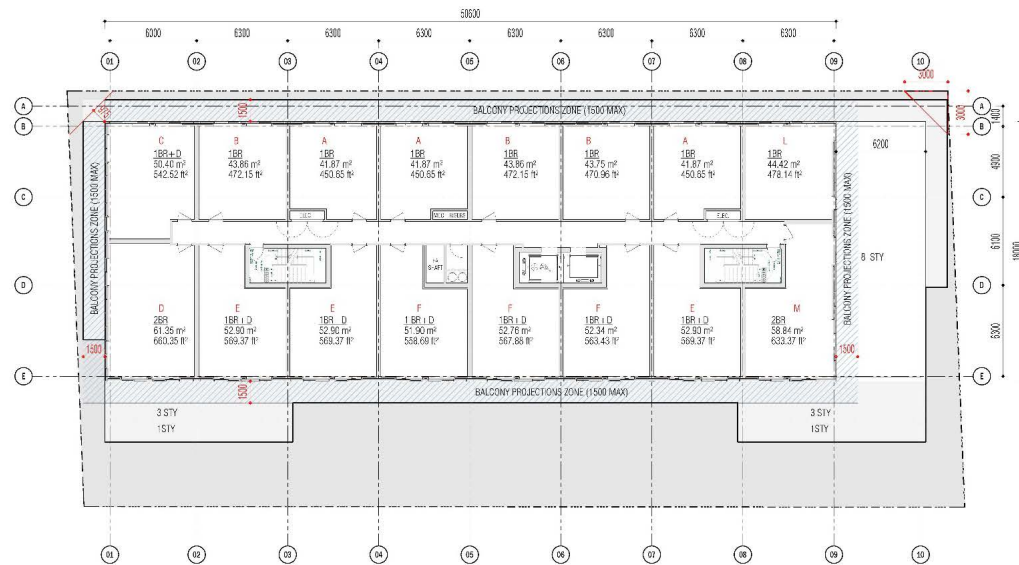
19. The proposed development is consistent with the applicable public health regulations.

20. The proposed development is consistent with the applicable public welfare regulations.

No.	Unit	Dimensions	Quantity
1	1000	1000	1
2	1000	1000	1
3	1000	1000	1
4	1000	1000	1
5	1000	1000	1
6	1000	1000	1
7	1000	1000	1
8	1000	1000	1
9	1000	1000	1
10	1000	1000	1
11	1000	1000	1
12	1000	1000	1
13	1000	1000	1
14	1000	1000	1
15	1000	1000	1
16	1000	1000	1
17	1000	1000	1
18	1000	1000	1
19	1000	1000	1
20	1000	1000	1

4th-8th FLOOR PLAN

1:100 A.304

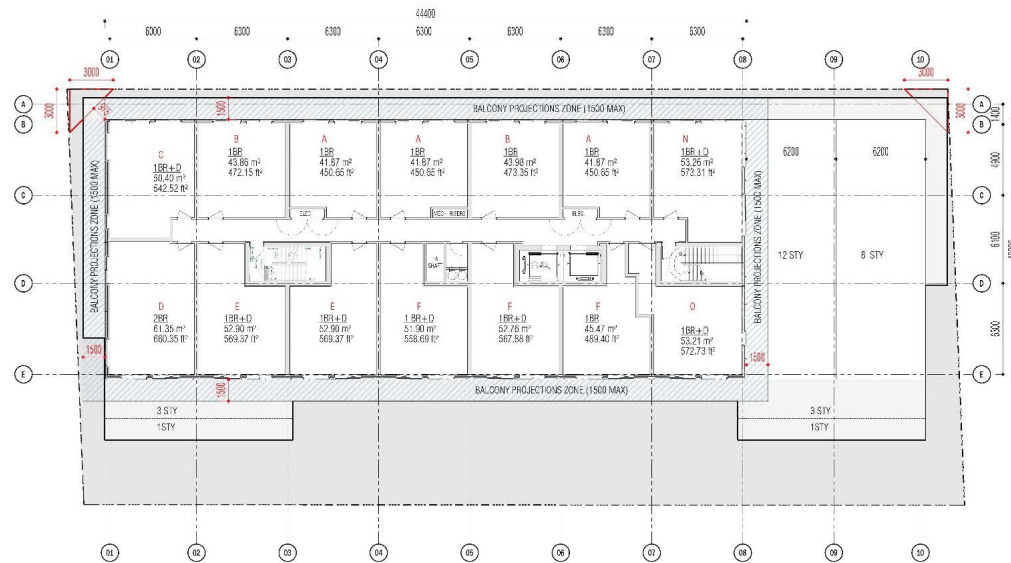


No.	Date	Description	Amount
			
<b>GRAZIANI CORAZZA ARCHITECTS</b>			
HUNTER & FERGUSON 1200 KENNEDY DRIVE SUITE 200 WEST YORK, ONTARIO M3J 1K2			
GROSS RECEIPT - BALANCE			
<b>HUNTER &amp; FERGUSON</b> <b>(78 HUNTER STREET EAST)</b>			
DATE:			
Amount Due to	B.C.		
Contract Charges	A.S.		
Extra Work	A.S. / 12.0%		
Overhead Fee	O.R.		
Paid Date	SEP.25.2022		
Job #	2019.20		

9TH-12TH FLOOR PLAN



1:100 A.305



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No.	Unit	Description	Quantity
1	Sq. Ft.	13TH-14TH FLOOR	13,100
2	Sq. Ft.	15TH-16TH FLOOR	15,100
3	Sq. Ft.	17TH-18TH FLOOR	17,100
4	Sq. Ft.	19TH-20TH FLOOR	19,100
5	Sq. Ft.	21ST-22ND FLOOR	21,100
6	Sq. Ft.	23RD-24TH FLOOR	23,100
7	Sq. Ft.	25TH-26TH FLOOR	25,100
8	Sq. Ft.	27TH-28TH FLOOR	27,100
9	Sq. Ft.	29TH-30TH FLOOR	29,100
10	Sq. Ft.	31ST-32ND FLOOR	31,100

13TH-14TH FLOOR

13,100 A.306







