



## **Conditional Lease Offering Affordable Housing Developments**

**5 and 13 Lake Avenue South,  
Stoney Creek**



### **Project Objective**

Long-term ground leases for affordable residential development at 5 and 13 Lake Avenue South, Stoney Creek (the “Subject Sites”) that:

- Advances the City’s [Housing and Homelessness Action Plan](#) and [Housing Sustainability and Investment Roadmap](#);
- Supports the creation of affordable rental housing that supports equality and equity for all Hamiltonians;
- Fosters holistic community development;
- Showcases excellence in urban design and high performance building construction;
- Integrates the new development with the existing neighbourhood.

Proposals may be submitted for the development of both Subject Sites as a package, or for one of 5 Lake Avenue South or 13 Lake Avenue South independently.

### **Offering Parameters and Mandated Conditions**

#### **1. Financial Requirement**

The Subject Sites are being offered on the basis of a long-term ground lease (the “Lease”) with nominal annual rent. A nominal value lease arrangement is predicated on the condition that the proponent(s) is a non-profit housing provider.

## **2. Affordable Housing Supply and other Minimum Requirement Conditions**

- a) Any offer is conditional on the development of affordable housing in accordance with the following Affordable Housing Supply Schedules (the “AHSS”):

### **5 Lake Avenue South**

<b>Tier</b>	<b>Unit Type, Tenure</b>	<b>Mandated Rental Rate</b>
Minimum 30% of units must be affordable	No unit type requirements, rental	Maximum 80% of Average Market Rent

### **13 Lake Avenue South**

<b>Tier</b>	<b>Unit Type, Tenure</b>	<b>Mandated Rental Rate</b>
Minimum 30% of units must be affordable	No unit type requirements, rental	Maximum 80% of Average Market Rent

- b) Residential units within the development that meet the AHSS parameters shall be considered “affordable units” by the City. The City will not accept offers that propose alternate definitions and must adhere to the AHSS.
- c) In all cases, at least 30% of all units within the entire project must be allocated as affordable housing in accordance with the AHSS.
- d) All offers must designate a team member as an “operator”, as per the *Housing Services Act*, that has experience delivering, administering, and operating affordable housing in Canada.
- e) Tenants for the affordable rental units must be drawn exclusively from the City’s centralized waitlist.
- f) All affordable units must be committed to the above Schedule (AHSS) and for a minimum term of 40 years, which shall be consistent with the negotiated lease term.

- g) Average Market Rent (AMR) shall be as defined in the most recent Affordability Threshold for Rental Housing, City of Hamilton, set out in the [Affordable Residential Units for the Purposes of the Development Charges Act, 1997 Bulletin](#). The maximum threshold is the lower of the market-based and income-based definition.
- h) Rents may only be increased annually by the Provincial Rent Increase Guideline amount, regardless of unit turnover.
- i) Preference will be given to projects that meet the minimum requirements and are led by non-profit organizations serving veterans.

### **3. Site Conditions**

The lands are being leased “as is”. The tenant shall be responsible for managing and funding the entire capital cost of all site condition requirements, including, but not limited to, any environmental issues, necessary on-site and off-site servicing, grading, geotechnical, etc. A copy of Phase I and II Environmental Site Assessments and a topographic survey are available for proponents proceeding to Step 2 of the offering process.

5 Lake Avenue South contains below-grade infrastructure owned by Alectra in the northern portion of the site. An estimated three metres along the northern boundary will need to be protected. Additional information including drawings will be provided to proponents proceeding to Step 2 of the offering process. To optimize site development, access to a proposed development at 5 Lake Avenue South shall be at the rear of the site, through the adjacent City-owned parking lot (10 Mountain Avenue South).

13 Lake Avenue South is subject to the following easements that must be factored into a development plan:

- Easements over Part 1 on 62R-14515 in favour of two adjacent properties
- Easement over Part 3 on 62R-15872 in favour of an adjacent property

A copy of reference plan 62R-21579 which identifies all easements is available on the City's webpage.

#### **4. Regulatory Requirements**

This offering is being made available by the City as the Owner/Landlord of the lands. Any resultant contract shall not fetter the City's rights to regulate the use or improvement of the lands.

The proposal must comply with existing land use regulations respecting the Subject Site(s). The Subject Sites are designated Mixed Use – Medium Density in the Urban Hamilton Official Plan and are zoned C5 – Mixed Use Medium Density in Zoning By-law 05-200.

Preliminary modelling of the sites has indicated that 5 Lake Avenue South can accommodate a 3-storey building with 24 studio units. 13 Lake Avenue South can accommodate a 5-storey building with 43 one-bedroom units. Proposals requiring Official Plan or Zoning By-law amendments will not be considered. A copy of the preliminary modelling is available for proponents proceeding to Step 2 of the offering process.

In proceeding with development, the tenant(s) shall be responsible for meeting all applicable regulatory requirements imposed by any level of government or conservation authority. The tenant is responsible for minor variance, site plan and building permit applications and approval processes required to implement its development plan.

As related to this offering, the City cannot guarantee any concessions to exempt the subject lands or development project from typical application fees, development charges, permitting requirements or taxation that may be applicable to the proposed project. Additional information related to existing programs and legislated exemptions for non-profit housing or affordable housing development can be provided to proponents. The tenant will be responsible for ensuring that the eligibility requirements for any available incentive programs and/or exemptions are met.

## **5. Additional Capital Funding**

The City is willing to be named as a “co-investor” for any applications being made for upper-tier government capital funding or financing to build the affordable housing units. However, only the value of the leased land may be counted as co-investment capital contributions if/when applying for upper-tier government loans or grants.

It is the responsibility of the tenant(s) to make appropriate accounting and legal arrangements to satisfy the funding agency’s application submission and due diligence requirements.

## **6. Obligation to Deliver**

The Lease shall contain requirements for the provision of the affordable units over the 40-year term, or longer as negotiated, based on the minimum affordability requirements and unit mix and tenure proposed by the tenant.

Development milestones shall be specified in the Lease to ensure timely delivery of the affordable units. The entire development must be completed by no later than 4 years following the execution of the Lease unless it can be reasonably demonstrated that completion is imminent or that the delay is a result of extraordinary circumstances. Failure to deliver within this timeframe will constitute termination pursuant to the terms of the Lease.

## **7. Reporting and Consent Requirements**

Every three (3) months, the tenant shall provide the City’s Housing Secretariat with a written project progress update that includes projected milestones for land development, financing, construction, and operations management activities, with particular emphasis on specific steps that require City participation as either a named co-investor or operating partner.

The first update report shall be submitted within two (2) months of Lease execution, or not less than one (1) month prior to making an application submission, whichever is earlier.

Post-construction, the tenant shall be required to submit annual reports confirming the continuation of the minimum affordability requirements, in accordance with the City's Affordable Housing Development Project Stream guidelines. Such reporting requirements will also be included in the terms of the Lease.

### **Submission Objectives and Requirements**

The City wishes to encourage proposals that showcase excellence in urban design, high performance building construction, sustainability and connectivity with the community, and that advance the City's commitment to the Housing Sustainability and Investment Roadmap.

1. The offering process includes two steps, as outlined below.

#### **Step One**

An expression of interest may be accepted up to 3pm on Monday, April 28, 2025, and must include:

- A. Development presentation and description that is compatible with the surrounding neighbourhood, including:
  - i. Preliminary concept sketches/development layout, if available;
  - ii. Number/location of affordable units committed; and,
  - iii. Information on any intended features or use of techniques and technologies that promote environmental sustainability.
- B. Description of how the project meets or exceeds the affordable housing requirements set out in this offering, including:
  - i. Depth of affordability (i.e. percentage of average market rent) and unit types;
  - ii. Target population(s), as identified on the City's Affordable Housing Development Project Stream webpage or Housing Needs Assessment, that the project will address (Note, preference will be given to non-profit organizations serving veterans); and,

iii. Committed funding and sources, and/or intended financing strategy.

C. Proponent information and status as a non-profit housing provider, including:

- i. An overview of the company, Board of Directors, subsidiary corporations and their Boards and expertise;
- ii. A copy of the organization's most recent audited financial statement demonstrating that they are in good financial standing;
- iii. A copy of the incorporation documents demonstrating that the proponent is a non-profit and that operating affordable housing is part of its mandate;
- iv. A certificate of status indicating that the corporation is in good standing, valid within the last 3 months; and,
- v. Examples of other affordable housing projects that have been completed within the past 5 years in Canada.

## Step Two

Proponents that have expressed an interest in Step One and meet the minimum requirements will be invited to continue to Step Two. It is anticipated that this will occur within two weeks of the Step One submission. Proponents proceeding to Step Two will receive access to the data room and will be requested to submit the following:

- A. Concept sketches/development layout, which may be amended after Step One based on additional information provided in the data room.
  - B. Development schedule identifying milestone dates.
  - C. Proforma model demonstrating feasibility of the proposed project based on a nominal Lease.
2. City reserves the right to choose any proposal, or reject all offers and issue a new call for proposals.

3. City will prioritize proposals on the basis of committed affordable units and ability to address the needs of target populations.
4. City anticipates conducting meetings with shortlisted potential non-profit housing providers to discuss topics that may include, but not be exclusive to, delivery of affordability objectives, proposed design, the partners' commercial relationship, phasing, financing plans, sustainability measures, accessibility targets, and affordable housing management experience.
5. The selected non-profit housing provider(s) will enter into a Ground Lease Agreement with the City for the Subject Site(s), which shall include conditions related to development milestones. The major terms and conditions will be outlined in a Letter of Intent and provided to proponents proceeding to Step Two.