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Date Issued: February 5, 2018

City of Hamilton

REQUEST FOR PROPOSALS

Contract Number: C11-66-17

**Request for Proposals
Pier 8 Development Opportunity**

ADDENDUM 7

The following queries and responses, issued by the Procurement Section shall form part of the **Request for Proposals** documents for the above, and the revisions and additions noted herein and any attachments shall read in conjunction with all other documents. This Addendum shall, however, take precedence over all previously issued **Request for Proposals** documents where differences occur.

Included in this Addendum are: 13 Pages for Addendum 7

1.0 ELIGIBILITY OF DILLON CONSULTING

Subsection 1(1) of the RFP Special Provisions identifies Dillon Consulting Limited (“Dillon”) as an Ineligible Party given the work that the company has been providing to the City to-date with respect to Piers 5 to 8. However, a request has been made pursuant to Subsection 1(3) for the City to consider the potential eligibility of certain divisions of Dillon as non-interested affiliates.

Upon further review, the City has concluded that only certain divisions at Dillon must remain Ineligible Parties. The City must exercise diligence in protecting its interests, and as such, prior to engaging Dillon in the capacity of a non-exclusive, Adjunct Team Member, Proponents must meet the following conditions via written submission to, and approval from, the City:

1. A precise description of the services that are being sought from Dillon. Dillon may not provide any services to the Proponent that originate from its Environmental Sciences division; and
2. A list of the identities and relative physical locations of Dillon employees that will be providing the services. Dillon personnel physically located in the Kitchener, London,

and Ottawa offices, irrespective of functional division or service provided, may not be engaged to work in support of any Proponent team.

The City reserves the right to accept, reject, or request a change to either submission in whole, or in part, in its absolute discretion.

2.0 STATUS OF HAMILTON WATERFRONT TRUST LAND LEASE

On January 24, 2018, City Council passed a motion to dissolve the land lease between the City and the Hamilton Waterfront Trust, which encumbered a large portion of the Subject Lands (namely, Blocks 16, 1, and 4). This motion approves the City taking direct ownership of the Hamilton Waterfront Trust Centre (57 Discovery Dr.) and the surrounding lands used for public amenities and open space. Enactment of this termination is contingent on a similar motion being passed by the Board of the Hamilton Waterfront Trust, which as of the publication of this Addendum, remains outstanding. However, for the purposes of this RFP, Proponents are to assume that this encumbrance will not exist as at the Commencement Date.

Furthermore, City Council has also directed staff to explore the merits of appending the Hamilton Waterfront Trust Centre and a portion of its surrounding lands to the Subject Lands and this RFP process. The results and recommendations arising from this investigation remain outstanding and staff has received the authority to discuss this possible course of action openly with the Proponents of this RFP. It is expected that this can be a topic of discussion during the upcoming Round 2 Commercially Confidential Meetings.

Proponents are reminded that CCM Registration Forms for Round 2 must be received by the City's Contact Person by end of day, **Monday, February 5, 2018**.

3.0 UPDATE TO CITY RESPONSE #71

Original Question #71:

Please provide a CAD plan of Forrec's winning landscape proposal in context with the Blocks. The Sketchup file provided by Forrec does not match with CAD file provided by the city.

Original City Response #71:

As at the release date of this Addendum 6, final working drawings have not been completed and are, therefore, not available for review.

Updated City Response #71:

The City has added to the Electronic Data Room, a full set of 100% design development drawings for the Promenade Park in PDF format. At this time, CAD formats of these drawings are not available. Proponents are directed to work with the information that has been provided. The City may upload CAD versions in the future, at its absolute discretion, as they become available.

4.0 QUESTIONS AND RESPONSES

Question #75	Do the residential areas listed in Fig.14 [in By-law 17-095] under “Maximum Residential Unit Floor Area” include amenities, circulation, etc.?
City Response #75	Yes
Question #76	Please confirm “Front in Front out” garbage pickup configuration.
City Response #76	Yes, in compliance with the <i>Occupational Health and Safety Act</i> , the City’s development specifications require that waste collection vehicles be able to drive forward onto a site, collect the waste, and exit without the need to back up onto a municipal roadway. Please see Appendix 21 to the City’s Site Plan Guidelines (link can be found on Electronic Data Room) for a detailed description of the City’s <u><i>Solid Waste Collection Design Guidelines for Developments</i></u> .
Question #77	Confirm that the façade % of Block 7 on the North Side GF is 50%
City Response #77	Yes. Please also note that there is no minimum or maximum setback for this façade.
Question #78	Would the City allow more than one Development Block to be simultaneously covered by a single site plan application?
City Response #78	No. The City typically requires individual site plan applications to be submitted for lands that are physically separate and on separate titles, which would be the case for each of the Pier 8 Blocks.
Question #79	Do the Maximum building setbacks listed in Fig. 11 of Appendix B to Report PED17074 apply to all storeys or only the ground floor?
City Response #79	The Maximum Setbacks listed in By-law 17-095, Figure 11 apply to all storeys except where noted otherwise.
Question #80	If the building façade above ground floor is setback by 10m, which is more than total required setbacks – for example the 3m + 2m above 5th storey requirement– is a 2m setback above the 5th storey still required.
City Response #80	Please note that the setbacks requirements provided in By-law 17-

	095 Figure 11 are <u>maximum</u> measurements, not minimum, and are applicable to all floors, not just to the first floor (see City Response #79). Therefore, the above-described scenario (i.e., 10 metre setback) is not possible. Notwithstanding, in accordance with RFP Evaluation Process subsection 2.1.1.1(2), Proponents may identify in their Proposals, any potential minor variances that would be required for the Development Plan to be consistent with the Zoning By-law.
Question #81	Does the “live-work” designation fall within the Residential classification in terms of area calculations?
City Response #81	Yes.
Question #82	Can the storeys per Block exceed the requirements listed in Fig. 12 of Appendix B to Report PED17074 while keeping within the maximum building heights prescribed?
City Response #82	No.
Question #83	Does the building envelope have to adhere to the chamfered corner prescribed by the “daylight triangles” shown at certain street intersections?
City Response #83	Yes.
Question #84	Is there a ratio for visitor parking?
City Response #84	No.
Question #85	Would the City allow for a variance to street parking to accommodate visitor parking?
City Response #85	No. Street parking is public access and cannot be reserved for visitors of the units.
Question #86	Schedule M-2 of the Secondary Plan (and the proposed Zoning bylaw) seems to restrict Prime Retail uses to Blocks 4, 6 and 9 (of the Waterfront Block Plan) with some allowance for minor retail or other uses on Blocks 16, 3 and 8. Please confirm that no retail uses are allowed on any other Block.
City Response #86	In addition to the retail uses permitted in the Waterfront Prime Retail and Waterfront Mixed Use Zones, Live/Work Units also allow limited

	retail and is a use that is permitted in all Blocks (excluding Institutional).
Question #87	[In the Secondary Plan,] Medium Density 1 and 2 are defined under A.6.3.3.1.13 and A.6.3.3.1.14 and do not appear to allow any uses other than parking and residential. Would proposed streetfront retail uses on Blocks 1, 2, 5, 7 and 11 require an amendment to WHSP?
City Response #87	Yes, unless the retail use conforms with the Live/Work Unit provisions, which is a use that is permitted in all Blocks (excluding Institutional).
Question #88	[In the Secondary Plan,] Mixed Use appears to be defined under A.6.3.3.1.17 and appears to allow ground floor retail however this appears to be contradicted in A.6.3.5.1.12 which allows only retail ancillary to a cultural use and to 20% of the floor area of that cultural use. Please clarify.
City Response #88	For further clarity, the regulation provided in A.6.3.5.1.12 is specific to commercial uses (e.g., retail or restaurant) that are <u>ancillary to a cultural use</u> in Mixed Use Zones. In By-law 17-095, cultural uses are further defined as a Library, Art Gallery, or Museum. As a normal course, commercial uses not associated with a cultural use are widely permitted in Mixed Use (WF2) Zones.
Question #89	[In the Secondary Plan,] Prime Retail is defined once in the WHSP, and is mapped out in schedule M-2 and M-4: <i>A.6.3.3.1.18 James Street and Barton Street are the prime retail streets in West Harbour. In Prime Retail areas...</i> <i>iv) the range of uses permitted on upper floors shall include residential, live/work and office. Two-storey retail stores are permitted, and personal services are permitted on the second floor of buildings;</i> This suggests that we are allowed to build residential above Prime Retail to the maximum applicable height. Please confirm.
City Response #89	Yes. Prime Retail blocks have a height limitation (see WF3 Zone regulations) that must be adhered to, but residential can be located above it provided the total height limitation is respected.
Question #90	[In the Secondary Plan,] Institutional appears to be defined under A.6.3.3.1.20. In addition to institutional uses only Medical offices are allowed. Can other office uses be provided?

City Response #90	No.
Question #91	[In the Secondary Plan,] Schedule M-4 restricts heights on some blocks to 4-6 storeys whereas the bylaw and UDB and UDS appear to allow up to 8 storeys in some instances. Our understanding is that we can therefore have 8 stories where shown on the UDB and UDS unless it is specifically shown at 4-6 storeys in the WHSP. Please confirm.
City Response #91	By-law 17-095 conforms to the height schedule of the Secondary Plan and this must be adhered to. For further clarity, the maximum heights for each Block indicated in Figure 14 shall prevail for Waterfront Multiple Residential (WF1) Zones. The maximum building height in Waterfront Mixed-Use (WF2) Zones shall be in accordance with subsection 14.2.3(c). The maximum building height in Waterfront Prime Retail (WF3) Zones shall be in accordance with subsection 14.3.2(c).
Question #92	[In the Secondary Plan,] Prime Retail appears to be defined under A.6.3.3.1.19 as allowing residential and office uses above the ground floor however it limits height to 4-6 storeys whereas 17-095 and the UDB and UDS allow up to 6 and 8 storeys in these areas. Please clarify.
City Response #92	As per By-law 17-095, WF3 (Prime Retail) Zones have a maximum height limit of 6 storeys and up to 22.0 metres.
Question #93	[In the Secondary Plan,] A.6.3.5.1.14 allows a Public Garage on the block north of Guise between John and Hughson. This appears to be Blocks 9, 10 and 11 (17-095 Block Plan) whereas the zoning 17-095 and the UDB and UDS seems to indicate this is to be on Block 6/7 (17-095 Block Plan). Please clarify.
City Response #93	Please consider the Urban Design Brief and Urban Design Study to be correct – Block 6/7 (of By-law 17-095 Block Plan) is the block that contemplates the opportunity for a parking garage.
Question #94	The requirement for parking structures to front on all levels by commercial, cultural or residential uses appears number of times in the document. We are wondering how this is to be interpreted. For instance on Block 6/7 where the UDB and UDS indicate a large shared commercial garage it may be preferable to have the garage partially exposed for ventilation and natural light. If the façade here were an extension of an adjacent office or residential use such that it were not distinguishable as parking would this be interpreted as

	complying with the WHSP?
City Response #94	This appears to conform to the intent however additional plans and information would be required to confirm.
Question #95	There seems to be a significant grade change at the North and East sides of the site at the water edge. Please provide a CAD file clearly illustrating the grade change dimensions in relation to the Blocks. In addition, please specify if this grade change will be achieved through additional infill.
City Response #95	The City has added to the Electronic Data Room, digital files indicating the overall intended grading plan (Second Submission version, January 2018). This plan indicates the grade elevations and drainage routes that will be in place throughout Pier 8 upon completion of the City's planned grading and servicing activities. The files are available in PDF and CAD (zipped) formats.
Question #96	Please provide the "proposed" topographic information of how the site will interface with the winning landscape waterfront promenade proposal in CAD format.
City Response #96	Please see City Response #95
Question #97	One of the Risk Management Measures is a 225mm minimum hardscape cap across each block or 1m clean material cap. Is that something that will be in place on each block or is that the responsibility of the proponent?
City Response #97	Fulfilling this measure will be the responsibility of the Successful Proponent. Individual Blocks will be left in "as is" condition except for transitional grading onto the Block from the street line. Please refer to the provided grading plan (see City Response #95) to understand the anticipated elevations of each Block, relative to street-level grade, at the time of acquisition and conveyance. A cap is required as a condition of allowing a sensitive use on each Block, but is not required until that use is pursued. However, development of a sensitive use on a portion of a Block will trigger the cap requirement for entirety of that Block.
Question #98	The Minimum 1 meter soil cap based on potential risk management measures are to be in place as per the possible CPU. Will the City be delivering that prior to property transaction?

City Response #98	Please see City Response #98
Question #99	Has a tender been awarded for the roads and services yet?
City Response #99	No. The City anticipates awarding these tenders in April 2018.
Question #100	The Draft Plan of Subdivision indicates a road widening for Guise Street. What is the anticipated dimension for the right-of-way? Does the widening occur at the full of the development across Blocks 7, 8, 9?
City Response #100	The anticipated dimension of the revised right-of-way is approximately 20 metres and will only apply to the southwest portion of Block 7 (in front of Brewer's Marine building) and not any other Block. In any event, this right-of-way widening shall not affect any property boundary for any Development Block. A sketch of this area has been provided in the Electronic Data Room which illustrates the widening.
Question #101	In the proposed plan of subdivision some red lines have been mentioned. Are all red lines included on the current draft plan available to Proponents?
City Response #101	Please see City Response #58 (Addendum 6)
Question #102	Please confirm that the minimum structural live load capacity requirement for above-grade parking is in fact 7.2 kPa as noted in Item #9 of the Minimum Green Building and Design Guidelines (Appendix F)
City Response #102	Yes, the structural live load capacity requirements for above-grade parking as noted in the Minimum Green Building and Design Guidelines is confirmed. Please note that the 7.2 kPa live load capacity requirement is for <u>slabs on-grade</u> only. The live load capacity requirement for suspended slabs is 4.8 kPa. These targets are in line with Building Code Div. B, Part 4, Table 4.1.5.3, and may need to be conditional on vehicles exceeding 4,000 kgs being limited to traveling on slab-on-grade floors only.
Question #103	Please confirm that the cost sharing for the sanitary pumping station is not to be borne by the Proponent.
City Response #103	100% of the capital costs related to installing the sanitary pumping station shall be borne by the City.

Question #104	[In the Secondary Plan,] the area of Prime Retail on Schedule M-2 is very restrictive (20m wide). Is there a possibility of moving this line to accommodate more functional retail and office formats?
City Response #104	Since the Secondary plan only specifies the locations but not the exact dimensions of Prime Retail areas, a change to these dimensions would only require an amendment to the zoning rather than an amendment to the Secondary Plan. Notwithstanding any changes to dimensions, the City would expect that floor area limits for commercial uses for the affected Blocks, as indicated in By-law 17-095 Figure 14, would be preserved.
Question #105	[In the Secondary Plan,] A.6.3.5.1.16 does not allow “Street Townhouses” anywhere on Pier 8, however townhomes (with rear lane or other parking arrangements) appear to be appropriate either by themselves (particularly fronting Guise) or incorporated into larger blocks. Please clarify your definition of street townhouses.
City Response #105	<p>According to Definitions in Zoning By-law 05-200:</p> <p>“Street Townhouse Dwelling – shall mean a building divided vertically into three or more dwelling units, by common walls which prevent internal access between units and extend from the base of the foundation to the roof line and for a horizontal distance of not less than 35 percent of the horizontal depth of the building but shall not include a maisonette. Each townhouse shall be designed to be on a separate lot having access to and frontage on a street, laneway or common condominium driveway” and</p> <p>“Multiple Dwelling – shall mean a building or part thereof containing three or more dwelling units but shall not include a street townhouse dwelling or semi-detached dwelling”.</p> <p>Note that Street Townhouses have a condition to be on separate lots and also exclude maisonettes. For further clarity, consider a maisonette to be a ground-oriented unit with a separate entrance, but without its own lot and integrated into a larger Multiple Dwelling. Stacked townhouses integrated into a larger structure may also be considered maisonettes.</p>
Question #106	Does GFA also exclude elevator shafts, stairs, garbage chutes, loading, mechanical shafts, and interior amenity? Please also confirm that GFA excludes above and below parking.
City Response #106	<p>According to Definitions in Zoning By-law 05-200:</p> <p>“Gross Floor Area – shall mean the aggregate horizontal area</p>

	<p>measured from the exterior faces of the exterior walls of all floors of a building (excluding any cellar or floor area having a ceiling height of 2.0 metres or less or devoted exclusively to parking) within all buildings on a lot but shall not include any area devoted to mechanical equipment.”</p> <p>Additionally, please consider stairs, amenity areas, and loading areas as included this definition, but elevator shafts and garbage chutes as excluded.</p>
Question #107	Will the City allow for below-grade work to begin prior to the RSC being finalized?
City Response #107	An RSC is required to finalize the zoning, so below-grade work would not be allowed until the RSC is complete.
Question #108	Who will be responsible for the connection hardware and connection fees for gas and hydro?
City Response #108	City will be providing gas and hydro. However, only the main line gas will be installed, and hydro will be stubbed to each property. All connection fees are to be paid by the Proponent.
Question #109	Please elaborate on the performance requirements of the proposed “Greenway”. For example, are all the Block sites required to be drained in it, does it have filtration requirements, capacity requirements, etc.
City Response #109	The Greenway corridor is intended to convey roof top drainage to a storm sewer from the Blocks abutting it. The Greenway could in theory accept clean storm drainage to the storm sewer from other sources such as landscaped amenity areas.
Question #110	One of the Risk Management Measures is an engineered barrier to protect aquatic species of the harbour. It would be our understanding that this barrier would be adjacent to the harbour wall and would therefore be part of the park re-development project currently undertaken?
City Response #110	Yes, fulfilling this measure is entirely within the City’s responsibility.
Question #111	Can the parking extend under the greenway?
City Response	Conceptually yes; however, the City would have to agree to an

#111	encroachment. The City would need to protect a corridor for the municipal storm sewer in the Greenway in accordance with City standards.
Question #112	The RFP states in 4(3)(b)(i) on page 17 that we are to submit in the Financial Proposal package "one (1) original hard copy of each of a completed Bid Form 1 and Bid Form 2...." Please confirm that this is the case.
City Response #112	The City wishes to amend Instructions To Proponents subsections 4(3)(a) and 4(3)(b) such that the required quantities of the original, photocopy, and electronic copies of <u>Bid Form 1</u> be included in the <u>Technical Proposal</u> package, and required quantities of the original, photocopy, and electronic copies of <u>Bid Form 2</u> be included in the <u>Financial Proposal</u> package.
Question #113	Has a stormwater management report been completed for this site that is available for viewing?
City Response #113	The City has posted to the Electronic Data Room, a Stormwater Management Report for Piers 6-8. Please also see the Functional Servicing Report found in the Electronic Data Room for stormwater management design information.
Question #114	Are there any conditions in the subdivision agreement that will be passed on to the proponent that may impact design/construction, such as timing, noise, traffic, SWM targets, etc.?
City Response #114	<p>Planning Committee Report 17-009, Item 4, subsection (e)(i) states that "if the lands are sold the subsequent owner shall enter into a Standard Form Subdivision Agreement, which shall include the Special Conditions attached as Appendix 'C' to Report PED17074"</p> <p>In general, these are standard City of Hamilton subdivision conditions. The responsibility for these conditions will also follow the Development Obligations of the City and the Development Obligations of the Builder, as stipulated within the Draft Development Agreement, Appendix "C" of the RFP.</p> <p>While this provision suggests that the distribution of responsibility for each condition is contingent on the timing of any land sale transaction and conveyance, for the purposes of responding to this RFP, Proponents are directed to assume that with respect to the Specific Special Conditions mentioned in Appendix "C" to Report PED17074, the City has the responsibility for fulfilling and funding all of the conditions therein, with the exception of those mentioned in (a) and</p>

	<p>(b) below:</p> <p>a) Responsibility for fulfilling and funding each of the following conditions shall rest solely with the Successful Proponent (condition numbers): 13, 16, 22, 28, 31, 32, 35, 36, 37, 38, 39, 41, 42, 44, 47, 48, 49, 50, 51, 52; and</p> <p>b) Responsibility for fulfilling each of the following Specific Special Conditions from Appendix “C” to Report PED17074, shall rest with Successful Proponent to fulfill, but the City shall be responsible for funding its completion (condition number): 17</p>
Question #115	[PED17074] mentions the installation of traffic lights at Burlington St and Ferguson once the development progresses. Will be at the cost of the City?
City Response #115	Yes. Please see City Response #114.
Question #116	[PED17074] mentions the retention of a Control architect at the owner’s expense Appendix C item 36, in this case is the owner the City of Hamilton?
City Response #116	Please see City Response #114.
Question #117	[PED17074] mentions a holding provision and states that applications to remove the applicable holding provisions may be considered on a block by block basis – who would be responsible for removing these holding provisions?
City Response #117	Please see City Response #114.
Question #118	At what point does the City reimburse the Proponent for construction of the Greenway Blocks 12, 13, 14?
City Response #118	Proponents will be reimbursed for the construction of the Greenway upon completion of the work, to the satisfaction of the Senior Director of Growth Management
Question #119	In efforts to reduce the amount of soil being removed from the Site, can the Proponent disperse excavated materials (from Foundations, slabs, servicing) around the site, and if that is the case, can the Proponent have the ability to discuss with the City the final road

	grades in order to match the blocks with the roads as best as possible?
City Response #119	Depending on the Proponent's design, a small amount of material could possibly remain on site, within the Block being excavated only. Roads and boulevards have been designed, and will be in place long before excavation of the Blocks will begin.
Question #120	How will the City put in road network given the land lease expiring in 2025?
City Response #120	There may be an interim alignment of Street A alongside the Brewers Marine building.
Question #121	[PED17074] mentions that the owner agrees to submit a detailed SWM report that looks at many items for the development. Will the Proponent be required to submit individual plans for each block?
City Response #121	The Successful Proponent will need to demonstrate that their plan conforms with the stormwater management and functional servicing reports already prepared on behalf of the City, as well as any requirements as outlined in Section 3.7 of the City's Site Plan Guidelines. Please see the Electronic Data Room for copies of these reports and guidelines.
Question #122	Can we receive copies of correspondence between the City and MOECC with respect to the Risk Assessment / Risk Management Plan?
City Response #122	The City has posted to the Electronic Data Room, all correspondence received to date from the MOECC with respect to the Risk Assessment / Risk Management Plan. The city will share, in its sole discretion, future correspondence as it is received.

END OF ADDENDUM 7

Proponents providing a signed Form of Proposal have made any necessary inquiries with respect to addenda issued by the City and have provided for all addenda in their Proposal submission.

All addenda will be posted on the City's bid portal at:
hamilton.bidsandtenders.ca

and at

www.hamilton.ca/westharbour

Procurement Section, City of Hamilton, Ontario