

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire

24-193-OLT Attachment 1
24-194-OLT Attachment 2



ISSUE DATE: November 05, 2024

CASE NO(S).:

OLT-23-000877

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

Applicant and Appellant:
Subject:

Delta Joint Ventures Inc.
Request to amend the Official Plan –
Failure to adopt the requested amendment

Description:

To permit the development of 975
residential units

Reference Number:

UHOPA-23-006

Property Address:

1284 Main Street East

Municipality/UT:

Hamilton/Hamilton

OLT Case No.:

OLT-23-000877

OLT Lead Case No.:

OLT-23-000877

OLT Case Name:

Delta Joint Ventures 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:
Subject:

Delta Joint Ventures Inc.
Application to amend the Zoning By-law –
Refusal or neglect to make a decision

Description:

To permit the development of 975
residential units

Reference Number:

ZAC-23-012

Property Address:

1284 Main Street East

Municipality/UT:

Hamilton/Hamilton

OLT Case No.:

OLT-23-000878

OLT Lead Case No.:

OLT-23-000877

PROCEEDING COMMENCED UNDER subsection 33(9) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended

Applicant and Appellant:	Delta Joint Ventures Inc.
Subject:	Refusal of Heritage Alteration Application
Description:	To permit an adaptive reuse of the former Delta Secondary School and redevelopment of the balance of the property for residential purposes
Reference Number:	HP2023-036
Property Address:	1284 Main Street East
Municipality/UT:	Hamilton/Hamilton
OLT Case No.:	OLT-23-001217
OLT Lead Case No.:	OLT-23-000877

Heard: October 22, 2024 by Video Hearing

APPEARANCES:

Parties

Delta Joint Ventures Inc.
("Applicant/Appellant")

City of Hamilton ("City")

Counsel

David Bronskill

Patrick MacDonald

MEMORANDUM OF ORAL DECISION DELIVERED BY T.F. NG ON OCTOBER 22, 2024 AND ORDER OF THE TRIBUNAL

[Link to Order](#)

INTRODUCTION

[1] The matter before the Tribunal was a hearing to consider a settlement proposal ("Settlement") of the Appellant's appeals of an Official Plan Amendment ("OPA"), a Zoning By-law Amendment ("ZBA") of Zoning By-law No. 05-200 ("ZBL"), and a Heritage Permit Application ("HPA") (collectively, the "Applications").

[2] The purpose of the Applications was to facilitate the development of 975 new residential units, including three 14-storey residential buildings, two blocks of four-storey stacked townhouses, and two blocks of townhomes on lands municipally known as 1284 Main Street East (“Subject Property”/ “Site”) in the City of Hamilton (“City”).

[3] The Appellant and the City have settled the matter through this Settlement. Following the Settlement, a draft OPA and draft ZBA were provided. The Subject Property with a school structure has been designated under the *Ontario Heritage Act*. As such, the Settlement included Heritage Phasing Plans (“HPP”) and conditions pertaining to development of the Subject Property.

[4] Sarah Knoll, a Registered Professional Planner, swore an Affidavit on October 16, 2024, on behalf of the Appellant, in support of the Settlement. She was qualified to give expert opinion evidence in land use planning matters. The Affidavit was marked as **Exhibit 1A**, the Evidence Book as **Exhibit 1B**, and the Minutes of Settlement as **Exhibit 2**.

[5] The Participants’ [Kim Croonen, Grant Deegan, Anita Hayes, Michael Hayes, Gregory Heins, Barbara Marshall, Gene Penko, Sherry Petrie, Mona Powell, Colleen Ryan, Katie Schuessler, Noelle Unsworth, and Dave Wilson] concerns on the proposed development of the Subject Property were responded to and addressed by Ms. Knoll through her Affidavit and testimony. Their concerns about the proposed development generally relate to the scope, scale, density, height, traffic, compatibility, and the heritage designation.

[6] The Traffic Impact Study for the Applications indicated that there were no traffic-related issues. Transportation Planning at the City reviewed the report and approved the Traffic Impact Study and access location with their comments issued through the Applications’ circulation.

[7] ERA Architects Inc., in consultation with the City's Cultural Heritage department, prepared a Cultural Heritage Impact Assessment ("CHIA"), which assessed the heritage attributes within the entirety of the Site. A HPP and Heritage Permit with conditions have been developed to allow for the demolition of the rear portion of the building and adaptive reuse/restoration of the original building. These experts agreed that the prominent heritage attributes of the Site will be maintained through the Heritage Permit.

[8] The size of the Site allows for taller buildings to be situated internal to the Site, with a transitional low rise massing fronting onto the exterior municipal streets and complies with staying well below a 45 degree angular plane.

[9] The Tribunal, having reviewed the Settlement, the documents, and the uncontested sworn testimony of Ms. Knoll, allows the appeals for the reasons set out below.

PLANNING EVIDENCE

[10] Ms. Knoll described the background to the OPA, ZBA, HPA, and the Settlement to the Tribunal. She reviewed the legislative and policy framework in support of the Applications and Settlement.

[11] The relevant policy framework includes the Provincial Planning Statement, 2024 ("PPS"), and the Urban Hamilton Official Plan ("UHOP"). She opined that the Settlement, the OPA, and ZBA represent good land use planning and recommended approval of the OPA and ZBA. She recommended approval of the HPA with appropriate HPP conditions.

AREA CONTEXT

[12] The Subject Property is located within the neighbourhood known as Delta East, along its northern limit, in the City. The Delta East neighbourhood is bounded by Main

Street East to the north, Kenilworth Avenue South to the east, the escarpment beyond Lawrence Road to the south, and Ottawa Street South to the west.

[13] The Subject Property fronts Main Street East, a major arterial road. The streets in this area of the City follow a grid pattern. The blocks of the grids are rectangular in shape, and the longest lengths of each block run north to south. The Site bisects Houghton Avenue, and as a result, the 2.49 hectare Site occupies two City blocks.

[14] Residential, institutional, and commercial land uses surround the Site. Single detached dwellings present in the area are mostly two storeys in height, with the portion of Graham Avenue South, opposite the Site, primarily characterized by one-storey dwellings.

[15] Immediately to the east of the Subject Property, beyond Wexford Avenue South, the area includes commercial (a gas station and convenience store), institutional (Redeemer Lutheran Church), and low-density residential dwellings. Immediately to the south of the Subject Property, beyond Maple Avenue, the area is primarily low-density residential dwellings. Further south is A.M. Cunningham Elementary School, an institutional use. Immediately to the west of the Site, the area is primarily low-density residential dwellings.

[16] The land uses to the north of the Site, along Main Street East, are commercial at grade, with apartment units on top. Immediately north of the Subject Property is a cluster of two-storey mixed-use commercial buildings.

[17] Some lands fronting Main Street East have undergone redevelopment opportunities. Approximately 500 metres (“m”) west of the Site is a new seven-storey mixed-use building.

[18] The neighbourhood has a variety of public facilities and amenities necessary to support the achievement of a complete community, including: education facilities, a wide

variety of commercial amenities, parks, community/religious facilities, and is in close proximity to employment opportunities.

[19] The Site is currently served by three local Hamilton Street Railway bus routes. The planned Light Rail Transit (“LRT”) corridor follows Main Street East. The nearest LRT stations are planned at the intersections of Main Street East and Kenilworth Avenue South, and Main Street East and Ottawa Street. The Site falls within the Major Transit Station Area (“MTSA”) limits of both of these stops, as the Site is located within less than 500 m of each stop. The proposed LRT along Main Street East forms the B-Line of the City’s B.L.A.S.T network. The B.L.A.S.T network is a series of higher order transit lines planned throughout the City.

[20] Following the Tribunal-led mediation, and as part of the settlement discussions with the City, a revised proposal was submitted with the plans being modified. The Subject Property school structure comprises three distinct sections. The first section is the original school structure built in the 1920s and is prominent along the Main Street East frontage. The second section is the 1950s addition (wing extensions and rear building), and the third section is the 1970s renovation to the central portion and extensions at the rear and east facade.

THE REVISED PROPOSAL

[21] The revised Settlement includes plan modifications as follow:

- Increased tower separation distance of new 14-storey buildings (A and B) that are connected to the heritage building from the stand alone 12-storey (revised) building (C) to 18 m (previously 12.5 m).
- Revision to massing of the new 14-storey buildings that are connected to the heritage building (A and B).
- Revision to the massing of the new stand-alone 12-storey building.

- Revision to floor plans of the exterior buildings along Graham Avenue South and Wexford Avenue South (D and E) with a step back above the third storey (at the 4th floor) and improved articulation to reduce the appearance of long facades through design elements.
- Revision to floor plans of the exterior buildings along Maple Avenue (F and G) to provide 14 three-bedroom units.
- Inclusion of three-bedroom units within the three taller buildings (A, B, and C), totaling nine units.
- Provisions to increase two- and three-bedroom unit count based on market demand, by allowing for convertible units if required.
- Reduction of total gross area proposed.
- Addition of surface parking spaces.

[22] The implementing planning instruments, the OPA and ZBA, were modified to implement the revisions expressed above in the settlement plan.

[23] The OPA remained as submitted to harmonize the UHOP designation on Site. A site specific policy is required to allow for the 14-storey height maximum.

[24] The ZBA was modified from the initial submission to address the settlement revisions.

[25] The draft ZBL was further modified from the initial submission to address the previously under appeal parking regulations with holding provisions, specifically approvals of an updated pedestrian wind study; updated sun shadow study; updated visual impact study; watermain hydraulic analysis; and receipt of a heritage permit.

[26] The HPA was modified to include special conditions and incorporate a HPP.

ANALYSIS/FINDINGS

[27] The Tribunal agrees with the uncontested opinion evidence of Ms. Knoll that the Settlement has proper regard for the matters of provincial interest as set out in s. 2 of the *Planning Act* (“Act”). In particular, s. 2(d) of the conservation of significant historical features, s. 2(h) on the orderly development of communities, s. 2(n) on the resolution of planning conflicts involving public and private interests, s. 2(p) on the appropriate location of growth and development, s. 2(q) on the promotion of development that supports public transit and is oriented to pedestrians, and s. 2(r) on the promotion of built form that is well-designed, encourages a sense of place, and provides for public spaces that are high quality, accessible, attractive, and vibrant.

[28] Further the proposed development is consistent with the PPS issued under s. 3 of the Act, which came into effect on October 20, 2024. The PPS is a streamlined province-wide land use planning policy framework that replaces both the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019.

[29] Ms. Knoll opined, and the Tribunal agrees, that the Settlement is consistent with the policies within the PPS and conforms to the UHOP.

Provincial Planning Statement, 2024

- a) The proposal is a redevelopment of an underutilized vacant institutional Site. Residential development is supported on the Site as it is on a primary corridor, supporting the transit investment of the LRT on Main Street East and will contribute to the minimum density targets (PPS ss. 2.2 and 2.4.2).
- b) The Site is within the settlement area, strategic growth area, and MTSA, making this Site a priority for residential intensification (PPS ss. 2.3 and 2.4).

- c) The proposal will assist with the impacts of minimizing climate change by adaptively reusing the original existing heritage school building and developing the Site with features such as geothermal for the new building and permeable pavers. Long term and short-term bicycle parking will be provided (PPS s. 2.9)
- d) The proposal is consistent with PPS s. 4.6 as through the submission of a CHIA by ERA Architects Inc., and with discussions with the City's Cultural Heritage department, the proposal includes a Heritage Permit with conditions and a HPP to facilitate the adaptive reuse of the heritage resource on the Site, the original school building.
- e) Conforms with the UHOP by:

Urban Hamilton Official Plan

- 1. Proposing a development within the planned urban structure identified along the Primary Corridor and in the Priority Transit Corridor.
- 2. Providing a development conforming to the development criteria and City's vision for growth including Urban Nodes, Urban Corridors, and MTSA within the Urban Boundary and within the built-up area intensification policies in the UHOP (s. E.2.1).
- 3. Conforming to UHOP s. E.1.0g by:

Promoting and supporting appropriate residential intensification throughout the urban area with focused attention to development in the strategic growth areas of the Urban Nodes, Urban Corridors, and Major Transit Station Areas.

- 4. Proposing a built form that respects, and which residential form is compatible with, the neighbourhood's existing development in the area. The proposed townhouse form along the perimeter is an acceptable built form compatible with the low-rise built form and to the mid-rise development situated 500 m to the west of the Subject Property (UHOP s. 2.4.16). New

development shall respect the existing built form of adjacent neighbourhoods where appropriate by providing a gradation in building height. New development shall locate and be designed to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.

5. Providing a mixed-use medium-density development with a maximum height of 14 storeys, with a mix of unit sizes of studio, one-, two-, and three-bedroom units, within the existing heritage building and new multiple dwelling buildings, representing residential intensification through this development that is accommodated in the UHOP (ss. E.4.6.5f; E4.6.7, and E4.6.8).
6. Designing the buildings that are progressively stepped back from adjacent areas designated Neighbourhoods to provide for appropriate transition to adjacent lands. These measures conform to the UHOP (s. E4.6.8).
7. Being designed with the scope, scale, mass, and height to fit the existing and planned context of the neighbourhood with no adverse impacts.

[30] The Tribunal finds that the Settlement:

- a) Is consistent with the PPS. The proposed development is within a strategic growth area and MTSA making this a priority site for the kind of residential intensification envisioned by the City.
- b) This redevelopment of an underutilized vacant lot in a primary corridor is transit supportive, considering the transit investment of the LRT on Main Street East and the existing and planned transit network connections in this area.
- c) The proposal is consistent with heritage conservation policies of the City where the HPA is supported by a CHIA, which led to the inclusion of a HPP to facilitate the reuse of the heritage resource (i.e., the original school building).

- d) The proposed development is located within the primary strategic growth areas of the City, specifically along an Urban Corridor and within two MTSA's. The proposal will contribute to the City's 40% residential intensification target to be planned within the City's Urban Nodes and Corridors (UHOP s. A2.3.2b).
- e) The existing character of the neighbourhood is low-rise residential interior to the neighbourhood and low mid-rise single use or mixed-use along the periphery at Main Street East. Properties along Main Street East have begun to be redeveloped, including a mid-rise mixed-use new building approximately 530 m to the west of the Site. The existing building on Site is heritage designated and at a height of a mid-rise building. Existing residential buildings are mostly located close to the street frontage with few driveways.
- f) Building on the established pattern of the street, the low-rise buildings are pulled close to the street frontage with driveway access scoped to one combined entrance/exit. With the large block configuration, the Site can build upon built form and patterns to provide a taller multiple dwelling form interior to the Site without negatively affecting the neighbourhood.
- g) The neighbourhood character will continue to be enhanced by building upon the heritage component on Site with the adaptive reuse of the original building. The architectural design of the new buildings will borrow design elements from the heritage architecture of the retained building.
- h) The proposal on the Subject Property represents appropriate intensification development that is compatible with the neighbourhood character and can co-exist without adverse impacts to the area.
- i) This proposal seeks to further broaden the housing options offered not only on the street, but also within the broader neighbourhood.
- j) Studio, one-, two-, and three-bedroom units are proposed to allow for a variety of unit sizes.
- k) The proposed development provides greater housing options for those who would like to live near the future LRT with convenient amenities and access

to institutional and public service facilities, without the need to maintain a large home or property.

- l) The UHOP defines compatible as:

Land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. Compatibility or compatible should not be narrowly interpreted to mean “the same as” or even as “being similar to”

- m) The proposed architectural design uses materials and colours consistent with the existing context in both the existing heritage building on the Site, as well as the surrounding residential uses abutting the Site, as referenced in the Urban Design Brief prepared by Whitehouse Urban Design.

Use

- n) The proposed residential use is compatible with the area, given that the area includes residential and mixed-use developments.

Scale

- o) The low-rise perimeter buildings create a comfortable transition in scale to the surrounding residential neighbourhood.
- p) The mid-rise buildings comprise towers with podiums to align with the scale of the heritage building and perimeter blocks. The height and massing of the interior buildings are sensitive to the pedestrian experience by providing a comfortable transition in scale that respects the angular plane.
- q) Overall, the Site is organized in a way which preserves the existing heritage building as the focal point and provides context-sensitive intensification along Main Street East and its surrounding residential streets.

Form

- r) The built form that comprises this development is strategically placed, with the original heritage building prominent in its position along Main Street East. The addition of the taller buildings on the interior of the Site allow for a transition to the low rise residential surrounding the Site in a compatible manner, while also creating a carefully designed ‘campus like’ setting on the Site.

Character

- s) The character of the neighbourhood includes the heritage component, of which, the proposal will retain the original structure by adaptively reusing the building for residential purposes.
- t) The proposed development optimally utilizes the Subject Property while maximizing the use of public service and transportation infrastructure. The proposed development will result in a community that is transit supportive in the area.

Zoning By-law

[31] The Subject Property is zoned Institutional (I2, 293) zone. Given that the institutional use ceases to exist on the Subject Property and the building is to be adaptively reused for residential purposes, along with purpose built residential buildings, the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone is proposed for the Site. This zone is reflective of the zone imposed on the adjacent lands along Main Street East.

[32] Specific modifications to the proposed zone are required due to the adaptive reuse of the existing building on site, respecting its prominence. Amendments to the parent TOC1 zoning by-law regulations are required.

CONCLUSION

[33] The Tribunal is satisfied that the Settlement represents good planning and that the proposed draft OPA and ZBA have regard for the matters of provincial interest as set out in s. 2 of the Act, are consistent with the PPS, and conform to the UHOP.

[34] The Tribunal will grant the appeals and approve the OPA, ZBA, and HPA (with HPP conditions).

ORDER

[35] **THE TRIBUNAL ORDERS THAT** the appeals are allowed, in part; and,

1. The Official Plan for the City of Hamilton is amended as set out in **Attachment 1** to this Order.
2. City of Hamilton By-law No. 05-200 is hereby amended as set out in **Attachment 2** to this Order. The Tribunal authorizes the municipal clerk to assign a number to this By-law for record keeping purposes.
3. The City of Hamilton is to consent to the alteration of the structure at 1284 Main Street East in accordance with the plan terms and conditions contained in the Heritage Phasing Plans attached as **Attachment 3** to this Order.

“T.F. NG”

T.F. NG
MEMBER

Ontario Land Tribunal

Website: 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

BY-LAW NO. 24-193-OLT

Schedule "1"

Urban Hamilton Official Plan Amendment No. 220

The following text, together with

Appendix "A"	Volume 1: Schedule E-1 – Urban Land Use Designations
Appendix "B"	Volume 3: Map 2a – Urban Site Specific Key Map (Lower City)

attached hereto, constitutes Official Plan Amendment No. "220" to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to redesignate the southerly portion of the subject lands from "Neighbourhoods" to "Mixed Use – Medium Density" and establish a new Site Specific Policy within the Urban Hamilton Official Plan, to permit a maximum building height of 14 storeys.

2.0 Location:

The lands affected by this Amendment are known municipally as 1284 Main Street East, in the former City of Hamilton.


3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development supports the policies of the Urban Hamilton Official Plan in that it maintains on site heritage features, contributes to the range of housing forms in the Urban Area, efficiently utilizes existing infrastructure and contributes to development of transit-supportive densities;
- The proposed development implements the Residential Intensification policies of the Urban Hamilton Official Plan; and,
- The Amendment is consistent with the Provincial Planning Statement, 2024.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

Urban Hamilton Official Plan Amendment No. 220	Page 1 of 3	
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Schedules / Appendices

4.1.1 Schedule E-1 – Urban Land Use Designations

- a. That Volume 1: Schedule E-1 – Urban Land Use Designations be amended by redesignating the southerly portion of the subject lands from “Neighbourhoods” to “Mixed Use – Medium Density”, as shown on Appendix “A”, attached to this Amendment.

4.2 Volume 3 – Special Policy Areas, Area Specific Policies, and Site Specific Policies

Text

4.2.1 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:

“UHC-14 Lands located at 1284 Main Street East, former City of Hamilton

- 1.0 Notwithstanding Policy E.4.6.8 of Volume 1, for the lands designated “Mixed Use – Medium Density”, located at 1284 Main Street East, Hamilton, additional height up to a total of 14 storeys shall be permitted.”

Maps and Appendices

4.2.2 Map


- a. That Volume 3: Map 2a – Site Specific Policies Key Map (Lower City) be amended by identifying the subject lands as UHC-14, as shown on Appendix “B”, attached to this Amendment.

5.0 Implementation:

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

24-193-OLT

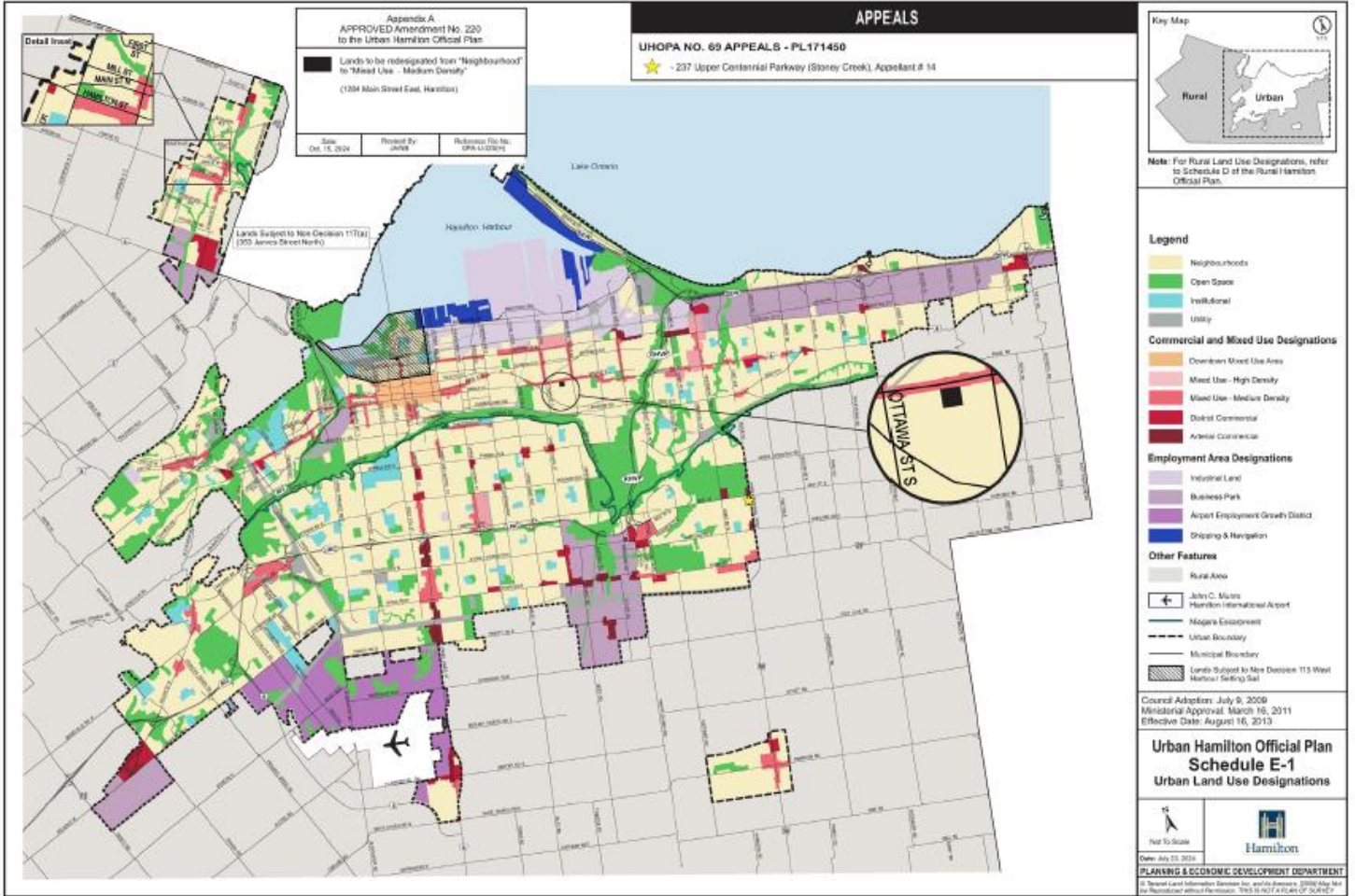
This Official Plan Amendment is Schedule “1” to By-law No. _____ passed on the 5th day of **Nov** 2024.

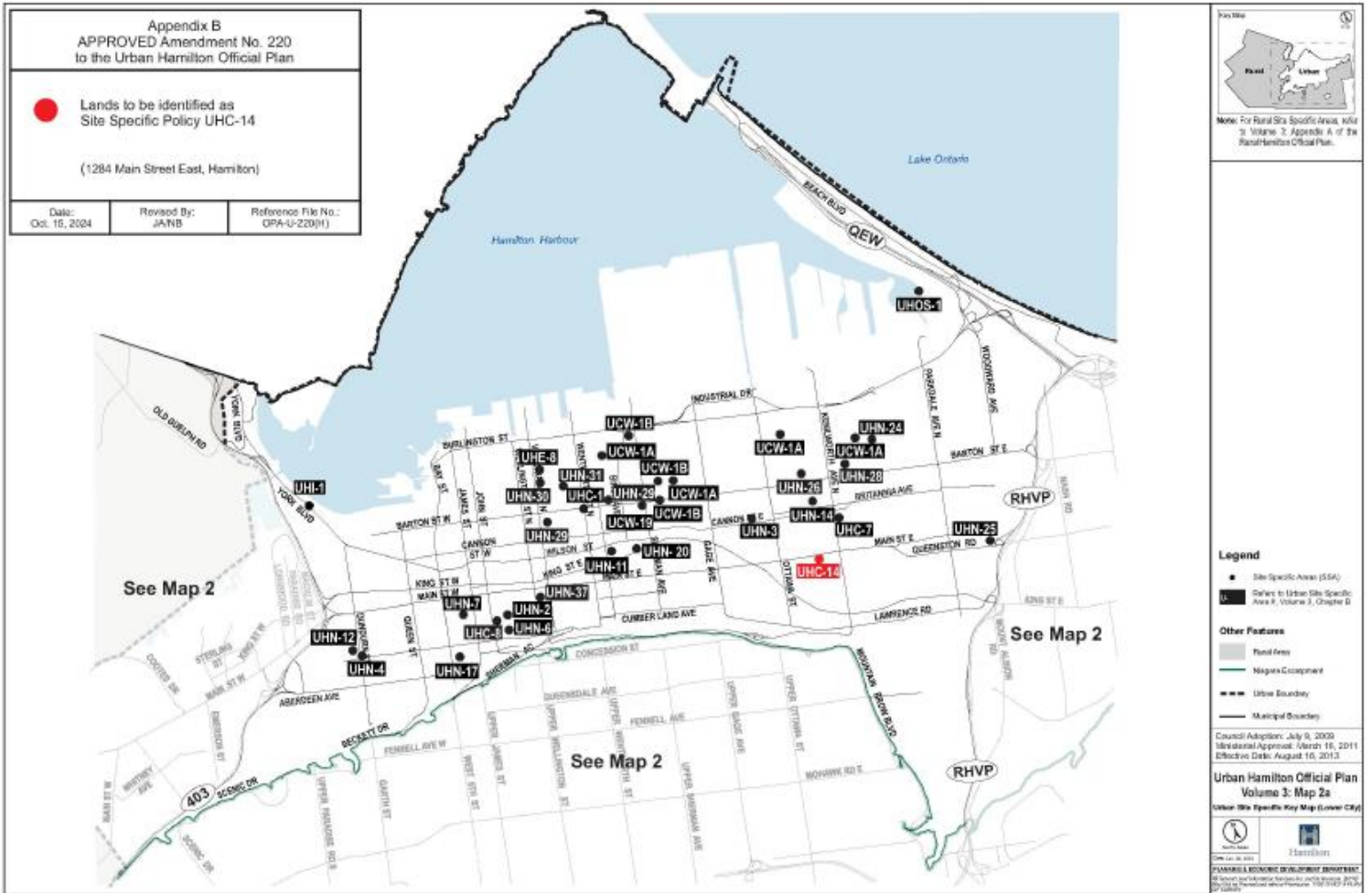
Urban Hamilton Official Plan Amendment No. 220	Page 2 of 3	
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**The
City of Hamilton**

A. Horwath
Mayor

M. Trennum
City Clerk





ATTACHMENT 2

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Authority: Item,
Report (LS23)
CM:
Ward: 4

Bill No.

**CITY OF HAMILTON
BY-LAW NO. 24-194-OLT**

To amend Zoning By-law No. 05-200 with respect to lands located at 1284 Main Street East, Hamilton

23-000877

WHEREAS the Ontario Land Tribunal, in its Decision/Order No. OLT-~~XX-XXX~~, dated the 5th day of Nov , 2024 approved the amendment to Zoning By-law No. 05-200, as herein provided;

AND WHEREAS this By-law conforms with the Urban Hamilton Official Plan upon adoption of Official Plan Amendment No. 219;

NOW THEREFORE Council amends Zoning By-law No. 05-200 as follows:

1. That Schedule "A" – Zoning Maps, Map Nos. 1043 and 1089 are amended by changing the Community Institutional (I2) Zone to the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 915, H186) Zone, for the lands known as 1284 Main Street East, the extent and boundaries of which are shown on Schedule "A" to this By-law.
2. That Schedule "B" – Property Details is amended by adding Figure No. 41, attached hereto as Schedule "B" to this By-law.
3. That Schedule "C": Special Exceptions is amended by adding the following new Special Exception:

"No. 915 Within the lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1, 915, H186) Zone, identified on Map Nos. 1043 and 1089 of Schedule "A" – Zoning Maps, and described as 1284 Main Street East, Hamilton, the following special provisions shall apply:

- a) Notwithstanding Sections 4.6 d) and e) and Section 4.16 b), the following regulations shall apply:
- i) Permitted Yard Encroachments
 1. Balconies may encroach into any required yard to a maximum of 1.8 metres.
 2. A porch, deck or canopy may encroach into any required yard to a maximum of 2.0 metres.
 - ii) Consolidated Lot Development

Where a comprehensive condominium plan of subdivision has received draft plan approval or a conditional stratified severance has been approved, as well as any required site plan approval, and where registration of the plan is intended to occur in phases and/or stages, the lands to which the draft approved plan of condominium is to be located, shall be deemed to be one lot for the purposes of applying the provisions of the By-law. Zoning provisions shall apply only to the external lot lines of the overall condominium plan, and not to internal lot lines resulting from the registration of any condominium phase or stratified severance.
- b) Notwithstanding Sections 5.2.4 c), 5.7.2, and 5.7.5, the following provisions shall apply:
- i) Tandem Parking

Tandem Parking may be permitted at-grade.
 - ii) Maximum Parking Rate for Multiple Dwelling, and Dwelling Unit, Mixed Use

In Parking Rate Area 1 (PRA 1), 1.2 spaces per unit, inclusive of resident and visitor parking spaces.
 - iii) Minimum Short-term Bicycle

0.05 spaces per unit.

Parking for Multiple Dwellings

- | | | |
|--|---|--|
| iv) | Minimum Long-term Bicycle Parking for Multiple Dwellings | 0.5 space per unit. |
| c) Notwithstanding Section 11.1.1.1 i) 1., 11.1.3 a) i) and a) ii), b), d) i), d) ii) and iv) C., g) v) and vii), the following regulations shall apply: | | |
| i) | Minimum Finished Floor Elevation of any dwelling unit | 0.1 metres above grade. |
| ii) | Building Setback from a street line | Shall be in accordance with Figure No. 41 of Schedule "F" – Special Figures. |
| iii) | Minimum Rear Yard | Shall be in accordance with Figure No. 41 of Schedule "F" – Special Figures. |
| iv) | Building Height | Shall be in accordance with Figure No. 41 of Schedule "F" – Special Figures. |
| v) | Height of wholly enclosed or partially enclosed amenity area, or portion of a building designed to provide access to a rooftop amenity area | Not greater than 4.5 metres in vertical distance from the uppermost point of the building to the uppermost point of the rooftop enclosure. |
| vi) | Maximum Driveway Width | 7.5 metres |
| vii) | Principal Entrance Location | Shall not apply to buildings not fronting on a public street. |
| viii) | Percentage of two and three bedroom units | 1. A minimum of 10.5% of the dwelling units shall have two or more bedrooms and an additional minimum of 2.4% of the dwelling |

units shall have three or more bedrooms.

2. Where the application of the requirement of Subsection c) viii) 1. above results in a numerical fraction, fractions shall be rounded down to the nearest whole number.

- | | |
|---|--|
| ix) Minimum Setbacks for Underground Parking Garage | 39.0 metres from the northerly lot line as existing on the date of the passing of this By-law. |
|---|--|

3.0 metres from the easterly and westerly lot lines.

2.0 metres from the southerly lot line.

4. That Schedule "D" – Holding Provisions be amended by adding the following Provision:

"186. Notwithstanding Section 11.1 of this By-law, within lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1, 915) Zone, on Map Nos. 1043 and 1089 of Schedule "A" – Zoning Maps, and described as 1284 Main Street East, Hamilton, no development shall be permitted until such time as:

- a) The owner submits and receives approval of an updated Pedestrian Wind Study, to the satisfaction of the Director of Heritage and Urban Design.
- b) The owner submits and receives approval of an updated Sun Shadow Study, to the satisfaction of the Director of Heritage and Urban Design.
- c) The owner submits and receives approval of an updated Visual Impact Study, to the satisfaction of the Director of Heritage and Urban Design.
- d) The owner submits and receives approval of a Watermain Hydraulic Analysis that demonstrates that the required domestic and fire flows are available within the appropriate pressure ranges and that the impact of this development on the surrounding pressure district is not adverse, to the satisfaction of the director of Hamilton Water.
- e) That the owner receives a Heritage Permit, to the satisfaction of the Director of Heritage and Urban Design.

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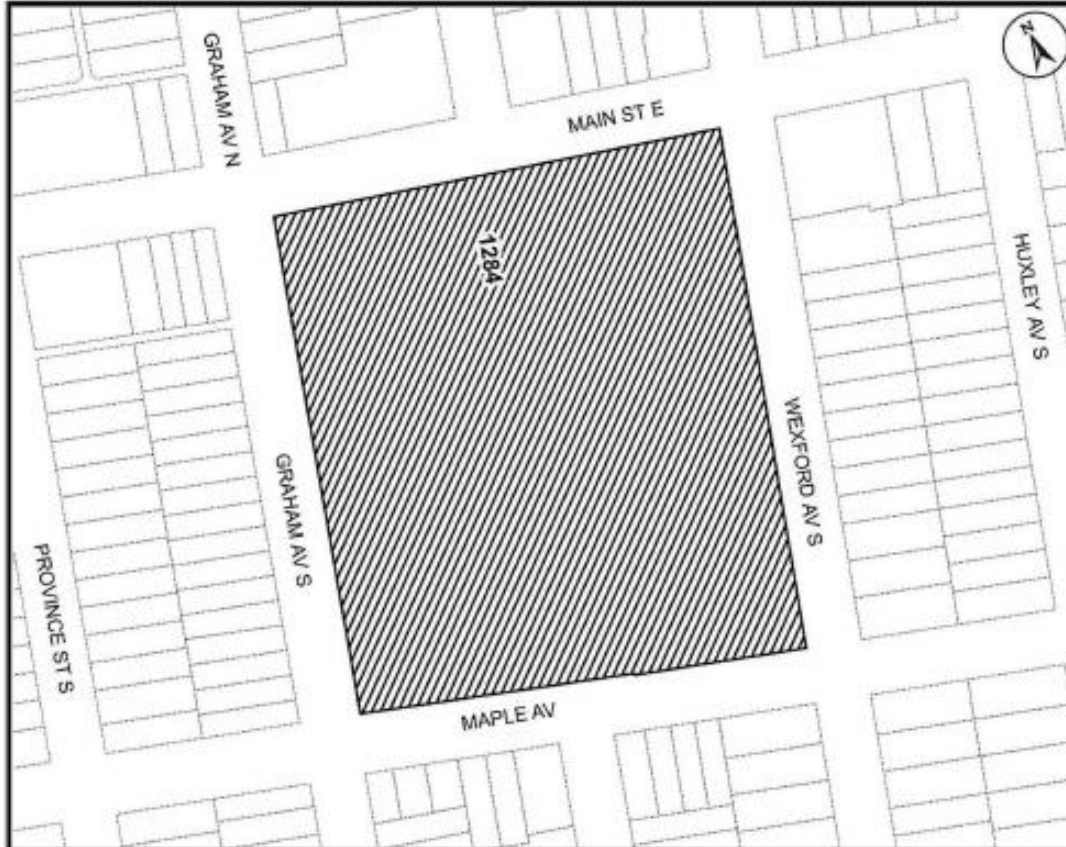
5. That Schedule "F" – Special Figures is amended by adding Figure No. 41 attached hereto as Schedule "B".
6. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the provisions of the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 915, H186) Zone, subject to the special requirements referred to in Section 3 and 4 of this By-law.
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 5th day of November, 2024

A. Horwath
Mayor

M. Trennum
City Clerk

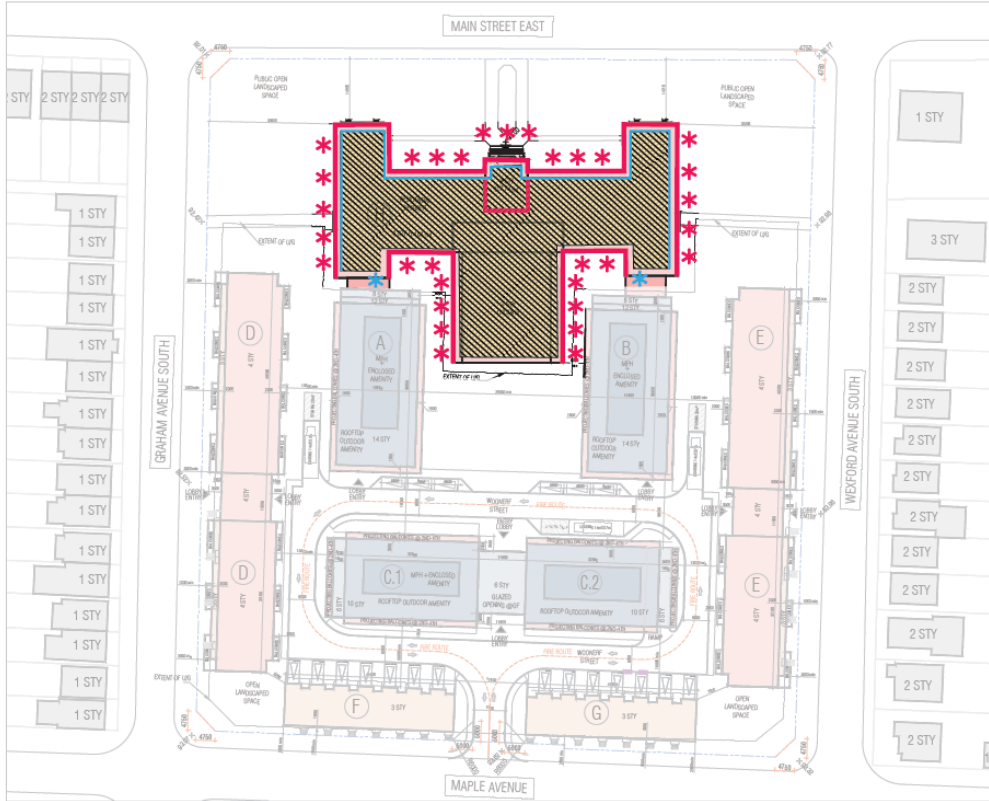
UHOPA-23-006 & ZAC-23-012



<p>This is Schedule "A" to By-law No. 24-</p> <p>Passed the day of, 2024</p>		<p>-----</p> <p>Mayor</p> <p>-----</p> <p>Clerk</p>
<p>Schedule "A"</p> <p>Map forming Part of By-law No. 24-_____</p> <p>to Amend By-law No. 05-200 Maps 1043 & 1089</p>		<p>Subject Property</p> <p>1284 Main Street East</p> <p> Zoning to be changed from the Community Institutional (I2) Zone to the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 915, H186) Zone</p>
<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-23-012 & UHOP-23-008</p>	 <p>Hamilton</p>
<p>Date: July 2, 2024</p>	<p>Planner/Technician: SS/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		



ATTACHMENT 3



CONSERVATION PHASE 1

- Priority exterior masonry repair on the north, east, and west elevations.
- Priority roof repair and tower repair.
- ★ Demolition of rear additions and securing of openings until new construction begins, with salvaging of heritage masonry for off-site storage.

Notes:
 Submission of field review reports at intervals appropriate to the progress of the conservation work

CONSERVATION PHASE 2

- Exterior masonry conservation of the north, east, west, south, and courtyard elevations. Erect scaffolding around the original building envelope and repair masonry.
- Interior renovation and conservation work.
- ★ Installation of new windows.
- Roof replacement.

Notes:
 Occupants vacated, general interior demolition commences.
 Submission of field review reports at intervals appropriate to the progress of the conservation work.



Proposed Conditions of Heritage Permit Approval

- a) That Heritage Permit Application HP2023-036, under Sections 33 and 34 of the *Ontario Heritage Act*, for the adaptive reuse of the former Delta Secondary School Building (circa 1924), removal of the rear additions (circa 1948-1950), construction of new four storey rear additions interconnected with multi storey residential towers and modifications to the landscape at 1284 Main Street East, Hamilton, be approved in accordance with the submitted Heritage Permit Application, subject to the following conditions:
- (i) That a Conservation Strategy prepared in accordance with the recommendations of the Cultural Heritage Impact Assessment prepared by ERA Architects, dated August 1, 2023, including a Conservation Plan, Interpretation Plan, Documentation and Salvage Report and Heritage Lighting Plan, be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to implementation of any of the related conservation measures or the application of any related Building Permit Application.
 - (ii) That the work to conserve and rehabilitate the 1924 building, as outlined in the Conservation Plan approved as part of Condition (i) of this Heritage Permit, be implemented in phases concurrent to the redevelopment of the remainder of the site, as outlined in the Conservation Phasing Plan prepared by ERA Architects, dated June 26, 2024, revised August 8, 2024, and summarized below, to the satisfaction and approval of the Director of Planning and Chief Planner.
 - (1) Conservation Phase 1:
 - a. Priority exterior masonry repair of the north, east and west elevations;
 - b. Priority roof repair and repair of the tower;
 - c. Demolition of rear additions and securing of openings until new construction begins, and salvaging heritage masonry for storage off site; and,
 - d. Submission of field review reports at intervals appropriate to the progress of the conservation work.
 - (2) Conservation Phase 2:
 - a. Exterior masonry conservation of north, east, west, south and courtyard elevations;
 - b. Roof replacement;
 - c. Interior renovation and conservation work;
 - d. Installation of new windows; and,
 - e. Submission of field review reports at intervals appropriate to the progress of the conservation work.
 - (iii) That the following conditions with respect to cost estimates and security shall be satisfied prior to the issuance of a Building Permit to demolish the circa 1948-1950 rear additions:

- (1) The applicant shall provide cost estimates for 100% of the total cost of securing, protecting and stabilizing the retained circa 1924 building, the cost of monitoring and security for a period of four years from the date of this permit's approval, and the total cost of restoration work and conservation measures of the retained designated portions, as outlined in the Conservation Plan approved in accordance with Condition (i). Such cost estimates shall be in the form satisfactory to the Director of Planning and Chief Planner, or be prepared in accordance with the Guides for estimating security requirements for landscaping and engineering;
- (2) The applicant shall calculate the lump sum security payment, broken into the phases outlined in Condition (ii) of this Heritage Permit, submitted as separate Financial Instruments to be released upon completion of each phase, satisfactory to the City Solicitor for works to the satisfaction of the Director of Planning and Chief Planner;
- (3) The applicant shall provide Financial Instruments for securities that are satisfactory to the City Solicitor such as the Letter of Credit (Policy), Surety Bond (Policy), or Certified Cheque/Bank Draft to the Director of Planning and Chief Planner as per Condition (iii)(1) in a form satisfactory to the City's Finance Department (Development Officer, Development Charges, Programs and Policies) to be held by the City as security for the completion of the on-site development works required in these conditions, according to the provisions set out below:
 - a. 100% of the total estimated cost for Conservation Phase 1 described in Condition (ii)(1), including the cost of monitoring and security for a period of four years from the date of this permit's approval; and,
 - b. \$1,000,000 for Conservation Phase 2, described in Condition (ii)(2).Alternatively, the owner may choose to provide a lump sum payment for on-site works in accordance with Condition (iii)(2) above;
- (4) The Securities shall be kept in force, whether or not the ownership of 1284 Main Street East, Hamilton, changes at any time, until the completion of the required site development works in conformity with this Heritage Permit, and securities may be reduced in accordance with the approved Financial Instrument Policies by the City Solicitor. If the Security 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 replacement or renewal of the Security forthwith;
- (5) If, in the opinion of the Director of Planning and Chief Planner, the amount of the Securities should be reduced to reflect the partial completion of the Heritage

Conservation Work, the Owner may substitute a Financial Instrument in the reduced amount and the City will return the earlier issued Financial Instrument in its possession to the Owner.

- (6) In the event that the Owner fails to complete, to the satisfaction of the Director of Planning and Chief Planner, the required site development works in conformity with this Heritage Permit within the time required, then the Owner shall permit the City, its employees, agents or contractors, at the City's sole option and in addition to any other remedies that the City may have, to enter on the lands and so complete the required site development works to the extent of monies received as Security. The cost of completion of such works shall be deducted from the monies obtained from the Securities. 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 and the Owner shall enter an agreement with the City to give effect to this Condition (iii)(6) and shall register this Agreement on title to the Property at the Owner's own expense;
- (iv) That the applicant shall provide the City with copies of any field review reports of the original 1924 building prepared in accordance with the Conservation Plan approved in accordance with Condition (i) and as outlined in Condition (ii), until the time of project completion, and that the scope of any remedial actions required to be taken shall be submitted to the satisfaction and approval of the Director of Planning and Chief Planner prior to implementation;
- (v) Any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations;
- (vi) That should a Building Permit for the demolition of the 1948-1950 additions, in accordance with this approval, not be obtained and acted upon by November 30, 2030, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;
- (vii) That the Conservation Phase 1 work outlined in Condition (ii) be completed, to the satisfaction and approval of the Director of Chief Planner, prior to the earlier of first residential occupancy or condominium registration of the first building on the site;
- (viii) That the Conservation Phase 2 work outlined in Condition (ii) be completed, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to occupancy of the adaptive reuse of the 1924 building;

- (ix) That the Director of Planning and Chief Planner be authorized to approve a request to extend the date noted in Condition (vi) of this approval, if that request is submitted prior to the expiry and if progress is being made, and to waive the requirements of Conditions (vii) and (viii), assuming the applicant has demonstrated ongoing conservation efforts satisfactory to the Director of Planning and Chief Planner; and,
 - (x) That the owner receives approval of an Official Plan Amendment, Zoning By-law Amendment, and has submitted a Site Plan Control Application, for the redevelopment of 1284 Main Street East prior to the issuance of a Building Permit to demolish the circa 1948-1950 rear additions.
- b) That the Director of Planning and Chief Planner be authorized to execute an Agreement with the owner(s) of 1284 Main Street East, Hamilton, satisfactory to the City Solicitor, to be registered on title by the owner(s) and to give effect to Condition (iii) (6) of Schedule 2 of the Confidential Memorandum dated July 5, 2024;
 - c) That the Director of Planning and Chief Planner is authorized to execute any required Agreements with the owner(s) and other necessary parties with respect to the Securities required by Condition (iii) of Schedule 2 of the Confidential Memorandum dated July 5, 2024; and,
 - d) That staff be directed to amend Designation By-law No. 14-077, being a by-law to designate 1284 Main Street East, Hamilton under Part IV of the *Ontario Heritage Act*, in accordance with subsection 30.1(2) of the *Ontario Heritage Act*, to update the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, as required, following the implementation of Heritage Permit Application HP2023-036.