

December 24, 2021

Raj Kehar / Sylvain Rouleau
T: 416-947-5051 / 416. 947-5016
rkehar@weirfoulds.com /
srouleau@weirfoulds.com

SENT VIA E-MAIL

File 16938.00018

Andrea Holland, City Clerk
Office of the City Clerk
Hamilton City Hall
71 Main Street West, 1st Floor
Hamilton, Ontario L8P 4Y5

Dear Mayor & Members of Council:

**Re: Complaint to Council re: Development Charges pursuant to section 20 of the
*Development Charges Act, 1997, S.O. 1997, c. 27***

Losani Homes (1998) Ltd.

505, 509, 513 and 517 Highland Road West, Stoney Creek

We are counsel to Losani Homes (1998) Ltd. ("**Losani**") with respect to the above-referenced matter. We understand that the City of Hamilton (the "**City**") has recently assessed development charges ("**DCs**") for our client's Proposed Development (defined below) at the 2021 indexed rates.

Our client hereby complains to City Council pursuant to section 20 of the *Development Charges Act, 1997, S.O. 1997, c. 27* (the "**DC Act**") that the DCs assessed for its Proposed Development are: (i) incorrectly determined; and/or (ii) there was an error in the application of City of Hamilton Development Charges By-laws No. 19-142, as amended and City of Hamilton Development Charges By-law No. 11-174, as amended (collectively, the "**DC By-law**").

At this time the City has not issued our client a building permit for the relevant portion of its Proposed Development, and so DCs are not yet payable. Accordingly, this complaint is made within the ninety (90) day time limit imposed by the *DC Act*.

Request

Losani hereby requests the City to proceed with a Council hearing into its DC complaint, on an expediated basis, in order to confirm that the DCs payable for the relevant portion of its Proposed Development are to be calculated in accordance with the 2020 indexed rates.

Impact

The impact of the application of the 2021 indexed rates as compared to the 2020 indexed rates is an increase in DCs payable for the relevant portion of Phase 1 of the Proposed Development in the amount of \$307,558.00 for a total DC payable of \$7,218,564.00. This increase in DCs has the potential to jeopardize the feasibility of the Proposed Development as currently envisioned. Should DCs for the relevant portion of the Proposed Development be payable in accordance with the 2021 indexed rates, the feasibility of some affordable rental apartment units are put into jeopardy.

Background

Losani is the owner of lands municipally known as 505, 509, 513 and 517 Highland Road West, Stoney Creek (the "**Subject Property**"). Our client seeks to redevelop the Subject Property with four (4) eight storey multiple dwellings with 670 units and a one storey amenity building (the "**Proposed Development**"). These 670 units are a mix of affordable rental apartment units and condominium apartment units. The Proposed Development will take place in two phases, as provided for in the site plan. The DCs payable have been assessed against Phase 1 of this Proposed Development.

A copy of the site plan showing the Subject Property and the Proposed Development is attached as **Appendix "A"**.

Our client filed a complete site plan application for the Proposed Development on June 10, 2019. This site plan application was assigned City file no. DA-19-125 (the "**SP Application**"). Confirmation of the City's receipt of the complete SP Application is attached as **Appendix "B"**

Since 2019 Losani and its consultants have been actively pursuing approval of its SP Application, and a building permit application for the relevant portion of the Proposed Development.

As of June 30, 2021, and but for the City's delay, Losani had or was in a position to complete all things necessary in order to obtain approval of the SP Application and a building permit for the relevant portion of the Proposed Development.

Pursuant to the DC By-laws the 2021 indexed rates were triggered on July 6, 2021.

SP Application Status on June 30, 2021

As it relates to the SP Application the conditions for final approval are set out in the commenting letter from City staff dated November 25, 2019 that acknowledged conditional approval of the SP Application (the “**Conditional Approval letter**”). A copy of the Conditional Approval Letter is attached as **Appendix “C”**. The outstanding conditions to SP Approval as indicated in the Conditional Approval letter are summarized below together with their status as of June 30, 2021:

- All of the following conditions to final approval of the SP Application were satisfied as of June 30, 2021:
 - Condition 2(a) Erosion and Siltation Control – November 6, 2020 (the letter from the City incorrectly notes 2021) cleared by Development Engineering
 - Condition 2(c) Fill Permits – May 25, 2021 cleared by HCA
 - Condition 2(f) Interior Garbage Storage/ Outdoor Garbage Containers – April 3, 2021 cleared by Development Planning
 - Condition 2(g) Cost Estimate and Letter of Credit – November 20, 2020 cleared by Finance
 - Condition 3(a) Pre-Grading – November 6, 2020 cleared by Development Engineering
 - Condition 3(b) Grading and Drainage Control – November 6, 2020 cleared by Development Engineering
 - Condition 3(c) Stormwater Management Design – May 25, 2020 cleared by Development Engineering
 - Condition 3(d) Road Widening – May 25, 2020 cleared by Development Engineering
 - Condition 3(s) Wastewater Assessment - November 6, 2020 cleared by Development Engineering
 - Condition 3(t) Water Service Assessment – May 25, 2020 cleared by Development Engineering
 - Condition 3(u) Storm Drainage Area Plan – May 25, 2020 cleared by Development Engineering
 - Special Conditions 2 and 3 Construction Management Plan – June 25, 2021 cleared by City Engineering
 - Special Condition 14 Summit Park 1 Mainline Fee – January 7, 2021 cleared by Finance

- The following conditions to approval of the SP Application could have been satisfied as of June 30, 2021 but for delays caused by City staff:
 - Building Elevations and Material Board – Submitted May 19, 2021
 - Site Plan – Submitted May 19, 2021
 - Landscape Plan – Submitted May 19, 2021
 - Engineering Drawings – Submitted May 19, 2021
 - MUI Sign – Submitted May 19, 2021
 - Noise Study Addendum – Submitted May 19, 2021
 - Dust Mitigation Plan – Submitted October 2, 2020
 - Transportation Demand Management Report – Submitted October 2, 2020
 - Lighting Plan – Submitted October 2, 2020
 - Pest Control Plan – Submitted October 2, 2020
 - Any other items listed in the Conditional Approval Letter that relate to approval of the SPA Application.

City staff have recently taken the position that the conditional approval for the SP Application lapsed as of November 25, 2020. For the reasons described below, it is our client's position that the SP Application was revived by the City as a 'new' site plan application as of that date.

Building Permit Status on June 30, 2021

Our client was not able to obtain the relevant building permit to trigger DCs payable under the 2020 indexed rates because of delays that were caused solely by City staff that were not within our client's control. These delays occurred notwithstanding that City staff had made several assurances to Losani that led it to believe that it would obtain a building permit for the relevant portion of the Proposed Development before July 6, 2021 – thus triggering the 2020 indexed rates. Copies of select correspondence containing these assurances from City staff are attached as **Appendix "D"**.

Our client could not file its building permit application for the Proposed Development before July 6, 2021 because the City's building department would not accept it without a clearance letter from the City's Planning and Economic Development Department (the "**Planning Department**").

The City's Planning Department promised that this letter (the "**Clearance Letter**") would be released before July 6, 2021. The only substantive reason the Clearance Letter was not released was because of certain outstanding urban design comments. The City finally provided these urban design comments to our client on June 30, 2021. These urban comments did not materially

change the Proposed Development and were quickly addressed through a subsequent submission. As a result of this, City staff did not issue the Clearance Letter until July 16, 2021, which followed the July 6, 2021 trigger date for 2021 indexed rates. A copy of the correspondence from City staff providing assurances regarding the timing of the Clearance Letter is attached as **Appendix “D”**; the urban design comments are attached as **Appendix “E”**; and the Clearance Letter is attached as **Appendix “F”**.

Our client filed its building permit application for the Proposed Development on July 21, 2021. A copy of the building permit application is attached as **Appendix “G”**. The City assessed development charges on the Proposed Development based on the 2021 indexed rates in correspondence dated September 9, 2021, and attached as **Appendix “H”**.

Reasons for Request

- (1) On January 1, 2020 the *DC Act* was amended to freeze DC rates as of the date of an application for site plan approval. This amendment is contained at section 26.2 of the *DC Act*. The intent of this amendment is to provide certainty to developers and municipalities as to the DC rate that will be payable in connection with a development at the time of site plan application. While we acknowledge that this amendment to the *DC Act* applies only to a site plan application filed on or after January 1, 2020 (our client’s SP Application having been originally filed on June 10, 2019), we think we meet this requirement for the reasons contained in paragraph no.2 below. In addition, had the City not made the assurances that it did, our client would have formally refiled its SP Application before July 6th, 2021, which would have also made our client eligible for this transition provision causing it to pay DCs in accordance with the 2020 indexed rates.
- (2) City staff have recently taken the position that our client’s SP Application lapsed approximately one (1) year ago on November 25, 2020. See City staff correspondence dated November 23, 2021 attached as **Appendix “I”**. The basis for this appears to be a condition contained in the City’s Conditional Approval letter see Appendix “C”. City staff relying on the Council resolution dated November 3, 2020 and attached as **Appendix “J”** indicate that a site plan amendment fee in the amount of \$14,180 needs to be paid.

Notwithstanding the lapsing of the SP Application on November 25, 2020, to date the City has continued to comment on and process the SP Application. Accordingly, the City through its actions revived the SP Application as a ‘new’ application as of November 25, 2020.

It is also notable that the Council resolution acknowledges that for lapsed applications, these are revived as a new site plan file for the purposes of calculating development charges. Specifically, the resolution states: “for administrative purposes, a new site plan file be opened for the purposes of calculating Development Charges”.

Accordingly, Losani has a revived and new SP Application as of November 25, 2020 for the Proposed Development. In such instance, our client’s SP Application is made after January 1, 2020, and accordingly Losani, by operation of section 26.2 of the *DC Act*, should be charged the DC rate in effect on November 25, 2020 – being the 2020 indexed rates.

- (3) It is unreasonable and unfair for the City to have first made assurances to our client that it would obtain a building permit before July 6, 2021 such that it would trigger the 2020 indexed rates, and then to have caused delay solely in its control that caused our client to be subject to the 2021 indexed rates.
- (4) The DC By-laws contains the following transition provision:

*41. The Development Charge rates payable are the rates in effect on the date a complete building permit application is received and accepted by the City’s Chief Building official, provided that the permit is issued within 6 months of the effective date of the first Development Charge rate increase following said building permit application. Where the said building permit is lawfully revoked by the Chief Building Official on or after the date of the said Development Charge rate increase, any subsequent application for a building permit on the lands or site will be subject to the Development Charge rate in effect on the date of building permit issuance. For the purposes of this Section, a “complete application” shall mean an **application with all information and plans required as per the Ontario Building Code.** (emphasis added).*

But for the City’s failure to provide the Clearance Letter before the July 6, 2021 trigger date, our client could have filed a complete building permit application before that date. In such instance our client would be transitioned under the DC By-law to the 2020 indexed rates.

Notwithstanding our client’s position that site plan approval could have been granted on June 30, 2020, the above transition provision makes it clear that an approved SP Application is not necessary in order to be transitioned under the DC By-law to the 2020 indexed rates. This is because site plan approval is not required to file an application with

all information and plans required as per the *Ontario Building Code*. Instead, site plan approval is only required in order for the Chief Building Official to issue a building permit without conditions.

- (5) In addition and alternative, our client relied on City assurances that it would obtain a building permit for the Proposed Development before July 6, 2021. Had the City not made these assurances, our client would have explicitly refiled its SP Application which would have secured the 2020 indexed rates. Further, in making such assurances on multiple occasions, the City made negligent misstatements that were reasonably relied upon by our client. This reliance resulted in a loss for our client which would not have occurred were it not for the City's assurances and representations.
- (6) We suspect City staff were delayed in processing our client's applications because of delays caused by COVID-19. While we appreciate the challenges the City and City staff have faced because of COVID-19, we believe our client should not be penalized for it by having to pay DCs at 2021 indexed rates.
- (7) We will elaborate on the above reasons, and provide further reasons in support of our client's position, at the hearing to be held in front of Council.

Notice

We are hopeful to hear from you as soon possible regarding the date for a Council hearing into our client's complaint. Please send notice of the date of the Council hearing to the undersigned together with a copy to our client at the following address:

Losani Homes (1998) Ltd.

William Liske, Vice President & Chief Legal Officer
430 McNeilly Road, Suite 203
Stoney Creek, ON L8E 5E3
E-mail: wLiske@Losanihomes.com

Should you have any questions and/or concerns regarding the above and/or enclosed, please do not hesitate to contact us.

Yours truly,

WeirFoulds LLP

A handwritten signature in black ink, appearing to be 'Raj Kehar', with a long horizontal flourish extending to the right.

Raj Kehar
Partner

A handwritten signature in blue ink, appearing to be 'Sylvain Rouleau', with a long horizontal flourish extending to the right.

Sylvain Rouleau
Partner

c: Stephen Spracklin, City Solicitor, City of Hamilton
Clients

APPENDIX

A

- SITE PLAN NOTES:**
- All work involved in the construction, relocation, repair of municipal services for the project shall be to the satisfaction of the Director of Planning and Chief Planner, Planning and Economic Development Department.
 - Fire Route Signs and 3-Way Fire Hydrants shall be established to the satisfaction of the City Fire Department and at the expense of the owner.
 - Main driveway dimensions at the proper line boundaries are plus 7.5m unless otherwise stated.
 - All driveways from property lines for the first 7.5m shall be within 5% maximum grade, thereafter, all driveways shall be within 10% maximum grades.
 - The approval of this plan does not exempt the owner's bonded contractor from the requirements to obtain the various permits/approvals normally required to complete a construction project, such as, but not limited to the following:
 - Building Permit
 - Road Cut Permit
 - Approach Approval Permit
 - Committee of Adjustment
 - Sewer and Water Permit
 - Relocation of Services
 - Encroachment Agreements (if required)
 - Abandoned accesses must be removed and the curb and boulevard restored with sod at the Owner's expense to the satisfaction of the Geomatics and Corridor Management Section, Public Works Department.
 - For visibility triangles at vehicular access points, the following note to be provided:
 - "5.0 metre by 5.0 metre visibility triangles in which the maximum height of any objects or mature vegetation is not to exceed a height of 0.70 metres above the corresponding perpendicular centerline elevation of the adjacent street."
 - A minimum 1.2 metre separation must be provided within the City's road allowance area between driveways, a fence, and any pole, utility, fire hydrant, tree sign, etc. Any costs for the traffic signs or utility relocated are the sole responsibility of the Applicant / Owner. It is the Applicant's responsibility to coordinate with the appropriate departments ahead of time.
 - Proposed signage shall conform to the City's Sign By-law No. 10-197.
 - Lighting must be directed on site and must not spill over adjacent properties or streets.
 - This property is eligible for weekly collection of Garbage, Recycling, Organics, and Leaf and Yard Waste through the City of Hamilton subject to compliance with specifications indicated by the Public Works Department and subject to compliance with the City's Solid Waste Management By-law 09-067, as amended.

UNDERTAKING
RE: 505 Highland Road West, 509 Highland Road West, 513 Highland Road West and 517 Highland Road West
File No. DA-19-125

I, (We) _____ the Owner(s) of the land, hereby undertake and agree without reservation, a. To comply with all the content of this plan and drawing and not to vary therefrom;

b. To perform the facilities, works or matters mentioned in Section 41(7)(a) of the Planning Act shown on this plan and drawing(s) in accordance with the conditions of approval as set out in the letter of approval dated _____;

c. To maintain to the satisfaction of the City and at my (our) sole risk and expense, all of the facilities, works or matters mentioned in Section 41(7)(b) of the said Act, shown in this plan and drawing, including removal of snow from access ramps and driveways, parking and loading areas and walkways;

d. In the event that the Owner does not comply with the plan dated _____ the owner agrees that the City may enter the land and do the required works, and further the Owner authorizes the City to use the security filed to obtain compliance with this plan.

e. The owner shall complete to the satisfaction of the Director of Engineering of the City of Hamilton and Canada Post;

- Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - That the home/business mail delivery will be from a designated Centerized Mail Box.
 - That the developers/owners are responsible for officially notifying the purchasers of the exact Centerized Mail Box locations prior to the closing of any home sales.
- The owner further agrees to:
 - Work with Canada Post to determine and provide temporary suitable Centerized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
 - Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
 - Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and /or curb installation within wach phase of the plan of subdivision.
 - Determine the location of all centerized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centerized mail facilities on appropriate maps, information boards and plans.
 - Maps are also to be prominently displayed in the sales office(s) showing specific Centerized Mail Facility locations.
 - Canada Post's multi-unit policy, which requires that the owner/developer provide the centerized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly & more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

f. That the Owner agrees to physically affix the municipal number or full address to each building and on a sign at both Highland Road West entrances to the Condominium, in a manner that is visible from the street.

g. The owner shall indicate in an Agreement, in words satisfactory to Bell Canada, that it will grant Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.

Dated this _____ day of _____, 20____

Witness (signature) _____ Owner(s) (signature)

Witness (print) _____ Owner(s) (print)

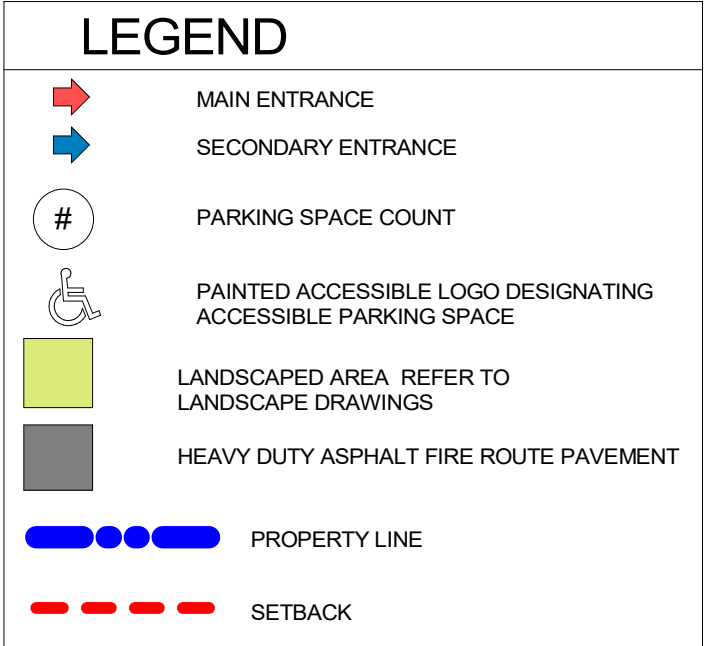
SITE STATISTICS			
DESCRIPTION	AREA (SM)	AREA (SF)	PERCENTAGE
BUILDING FOOTPRINT			
BUILDING FOOTPRINT	10535.30 m ²	113401 ft ²	26.3%
BUILDING FOOTPRINT	10535.30 m ²	113401 ft ²	26.3%
HARD LANDSCAPE			
ASPHALT	9936.99 m ²	106961 ft ²	24.8%
CURB	445.17 m ²	4792 ft ²	1.1%
SIDEWALK	8351.82 m ²	89898 ft ²	20.9%
SIDEWALK	18733.98 m ²	201651 ft ²	46.8%
SOFT LANDSCAPE			
GRASS	10757.95 m ²	115798 ft ²	26.9%
GRASS	10757.95 m ²	115798 ft ²	26.9%
GRASS	40027.24 m ²	430850 ft ²	100.0%
SITE TOTAL	39401.22 m²	424111 ft²	100.0%

BICYCLE PARKING SCHEDULE		
Mark	COUNT	Type Comments
BUILDING A	45	LONG TERM BIKE PARKING
BUILDING B	36	LONG TERM BIKE PARKING
BUILDING C	37	LONG TERM BIKE PARKING
BUILDING D	157	LONG TERM BIKE PARKING
	432	
	432	

PARKING SCHEDULE		
Mark	COUNT	Type Comments
PHASE 1	310	
GP - ADA	2	4.4X5.5
GROUND PARKING	112	90 DEGREE - 2.6X5.5
UG - ADA	6	4.4X5.5
UG PARKING	182	90 DEGREE - 2.6X5.5
UG PARKING	8	90 DEGREE - 2.6X5.5 - Tandem
PHASE 2	843	
GP - ADA	1	4.4X5.5
GROUND PARKING	103	90 DEGREE - 2.6X5.5
GROUND PARKING	8	PARALLEL - 3.0X7.5
UG - ADA	2	4.4X5.5
UG PARKING	419	90 DEGREE - 2.6X5.5
PHASE 2	533	
	843	

REQUIRED PARKING		
- 1.0 / UNIT	670	670
- 0.25 / VISITOR	168	173
TOTAL	838	843
PROPOSED PARKING		
- 1.0 / UNIT	670	670
- 0.25 / VISITOR	168	173
TOTAL	838	843

LG : LOADING / GARBAGE 10m x 3.6m



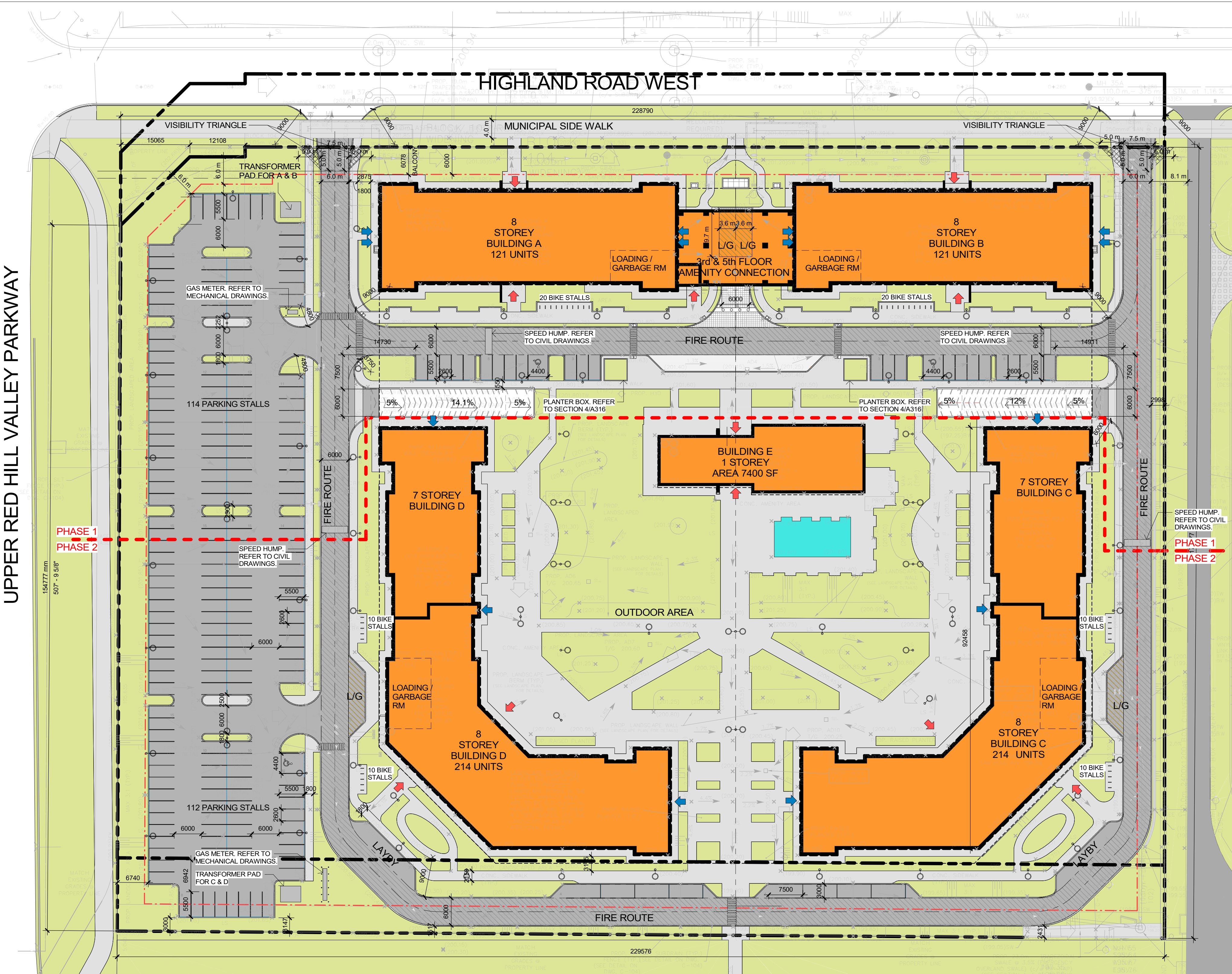
AMENITY AREA
2 METRES PER UNIT FOR 1 BR UNIT
3 METRES PER UNIT FOR 2 BR UNIT
10% OF THE TOTAL PROVIDED INSIDE THE APPLICABLE BUILDING

REQUIRED AMENITY AREA BUILDING A & B
1BR = 2m x 120 = 240sm
2BR = 3m x 122 = 366sm
TOTAL AREA = 606sm

REQUIRED AMENITY AREA BUILDING C & D
1BR = 2m x 134 = 268sm
2BR = 3m x 294 = 882sm
TOTAL AREA = 1,150sm

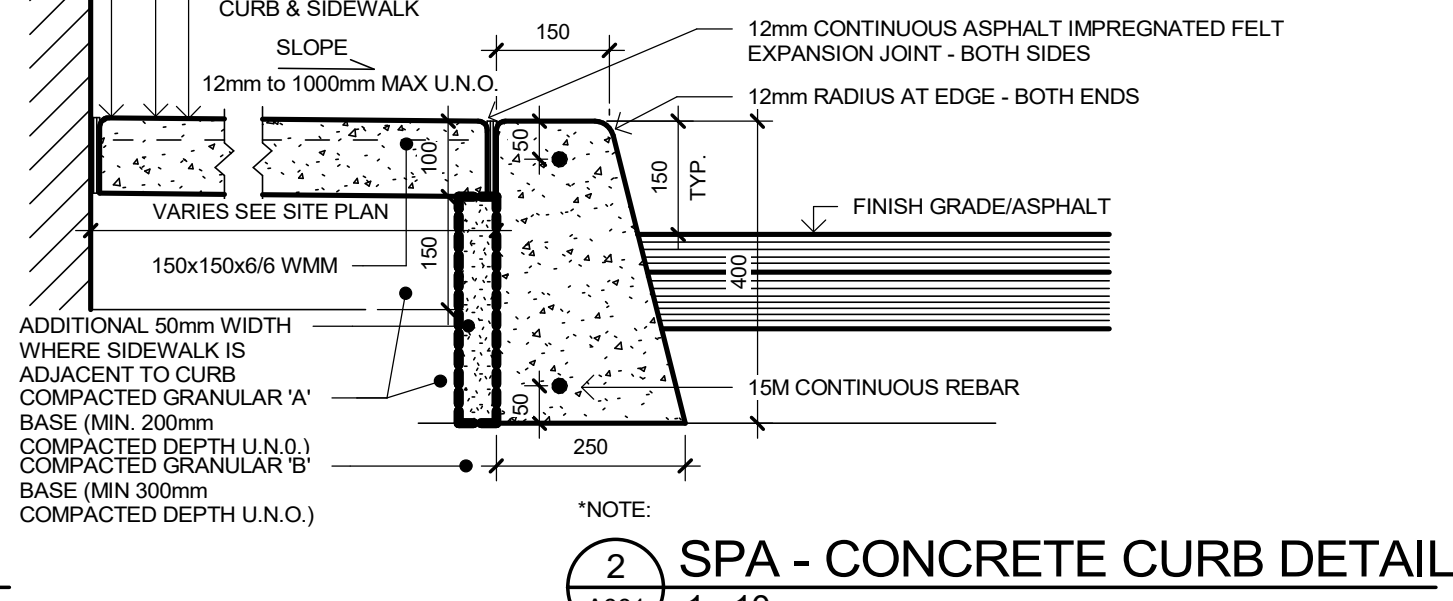
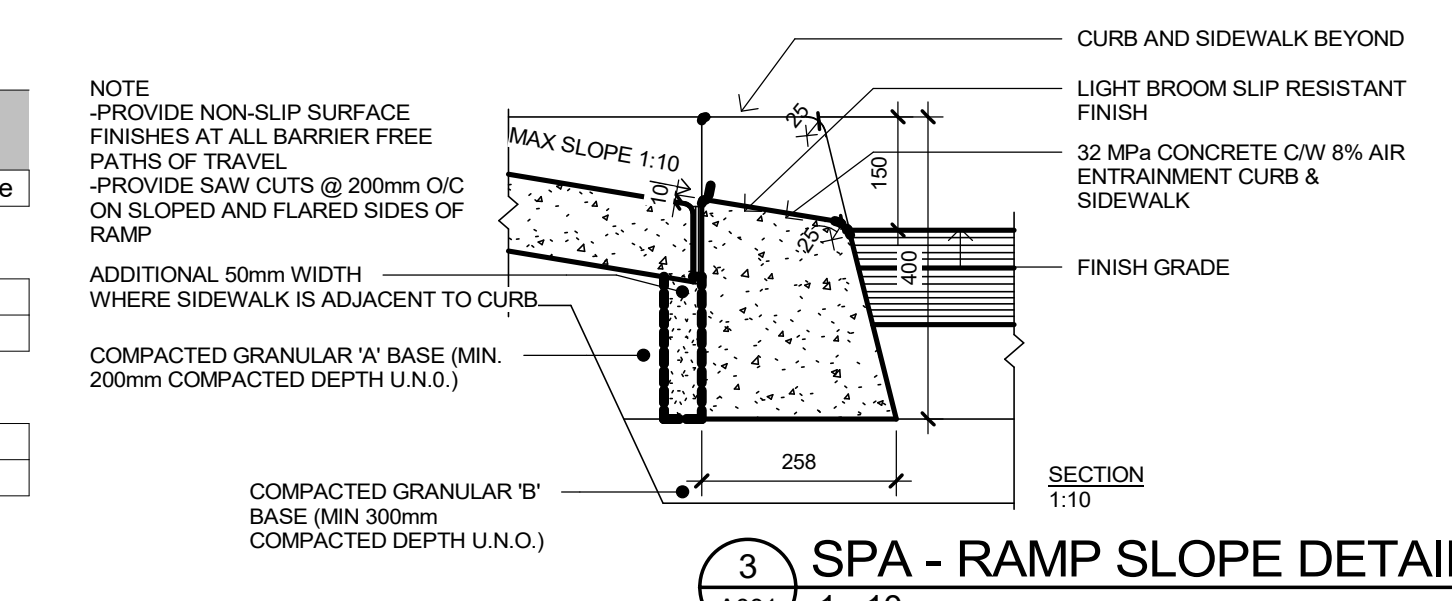
TOTAL AMENITY AREA NEEDED = 1,756sm

AMENITY				
Name	Area(sf)	Area (sm)	Count	Percentage
BUILDING A & B				
AMENITIES	0 SF	0 m ²	2	0%
PARTY ROOM	0 SF	0 m ²	2	0%
	0 SF	0 m ²	4	0%
BUILDING E				
GYM	1517 SF	141 m ²	1	34%
PARTY ROOM	2965 SF	275 m ²	4	66%
	4482 SF	416 m ²	5	100%
	4482 SF	416 m ²	9	100%



UNITS SCHEDULE

BUILDING A	121 UNITS
BUILDING B	121 UNITS
BUILDING C	214 UNITS
BUILDING D	214 UNITS
TOTAL	670 UNITS



Chamberlain Architects
Architects
Managers

Chamberlain Architect Services Limited
4671 Palladium Way (Unit 1)
Burlington, Ontario, L7M 0W9
CANADA

Phone: 905.631.7777
www.chamberlainPD.com

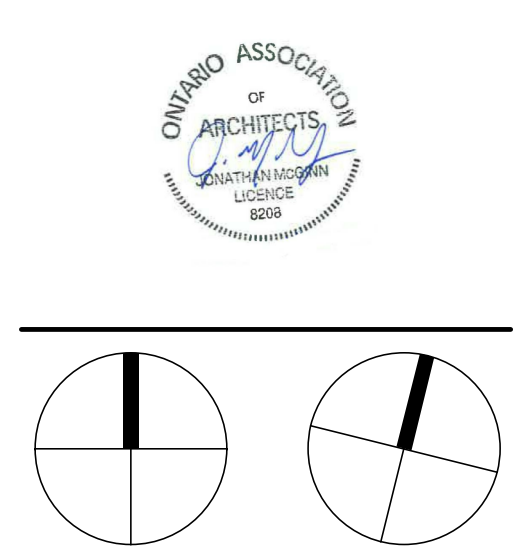
NO.	ISSUED	DATE
1	CLIENT REVIEW	APR 18, 2018
2	CLIENT REVIEW	MAY 02, 2018
3	CLIENT REVIEW	JUN 26, 2018
4	CLIENT REVIEW	MAR 25, 2019
5	CLIENT REVIEW	MAR 28, 2019
6	SPA SUBMISSION	MAY 07, 2019
7	SPA SUBMISSION	OCT 16, 2019
8	SPA SUBMISSION	MAR 13, 2020
17	80% REVIEW	MAR 01-21
18	PROGRESS REVIEW	MAR 31-21
19	SPA SUBMISSION	MAY 19-21
20	PERMIT REVIEW	JUN 09-21
21	PERMIT	JUN 11-21

THIS SITE PLAN IS BASED UPON AND MUST BE READ IN CONJUNCTION WITH THE REGISTERED PLAN. CHAMBERLAIN ARCHITECT SERVICES LIMITED ACCEPTS NO RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF THE DATA SUPPLIED AND SUCH DATA IS NOT INCLUDED UNDER SEALS OF CERTIFICATION IF ANY.

DO NOT SCALE DRAWINGS. USE ONLY DRAWINGS MARKED ISSUED FOR CONSTRUCTION. VERIFY CONFIGURATIONS AND DIMENSIONS ON SITE BEFORE BEGINNING WORK. NOTIFY ARCHITECT IMMEDIATELY OF ANY ERRORS, OMISSIONS OR DISCREPANCIES.

CHAMBERLAIN ARCHITECT SERVICES LIMITED AND CHAMBERLAIN CONSTRUCTION SERVICES LIMITED HAVE SIMILAR OWNERSHIP.

CHAMBERLAIN ARCHITECT SERVICES LIMITED HAS COPYRIGHT. CONSTRUCTING A SUBSTANTIALLY SIMILAR BUILDING WITHOUT PERMISSION MAY INFRINGE THE COPYRIGHT OWNERS RIGHTS. MAKING MINOR CHANGES TO PLANS DOES NOT NECESSARILY AVOID COPYRIGHT INFRINGEMENT. INDICENT INFRINGEMENT IS NOT A DEFENSE TO COPYRIGHT INFRINGEMENT. ©



LOSANI HOMES SOHO

UPPER RED HILL VALLEY PARKWAY / HIGHLAND ROAD WEST

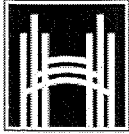
SITE PLAN

START DATE 2019-03-25
DRAWN BY ME, LGJ
CHECKED BY JM
SCALE As indicated
PROJECT NO. 118018

A001

APPENDIX

B



Hamilton

Mailing Address:
71 Main Street West, 5th Floor
Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

Planning and Economic Development Department
Development Planning, Heritage and Design
71 Main Street West, 5th Floor, Hamilton ON L8P 4Y5
Phone: 905-546-2424 Fax: 905-546-4202

June 26, 2019

File: DA-19-125

MHBC Planning Ltd.
c/o Stephanie Mirtitsch
540 Bingemans Centre Drive, Suite 200
Kitchener, Ontario
N2B 3X9

Dear Ms. Mirtitsch:

Re: Site Plan Control Application by MHBC c/o Stephanie Mirtitsch for Lands Located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (Ward 9)

Thank you for choosing the City of Hamilton for your new development. It is our goal to provide you with an efficient and timely site plan approval so that you may proceed with your development as soon as possible.

Your Site Plan Application has been deemed complete and accepted for processing pursuant to Section 41 of the *Planning Act*, R.S.O. 1990 c.P.13., and has been assigned to **Alaina Baldassarra** for processing.

Your application will be considered by various City departments and outside agencies. Following this review you are invited to attend the Development Review Team meeting at **9:20 a.m., on Wednesday, July 24, 2019, in Room 193, City Hall, 71 Main Street West, Hamilton.** The Department's final recommendations and conditions relative to this proposal will be issued at or shortly after the Development Review Team meeting.

Should you have any questions or require assistance at any time throughout the development process, please feel free to contact Alaina Baldassarra at 905.546.2424 ext. 7421 or by e-mail at Alaina.Baldassarra@hamilton.ca, or myself at ext. 5863.

Yours truly,

Trudy Kennedy
Senior Project Manager
Development Planning, Heritage and Design - Rural Team

TK:ab

cc: Losani Homes (1998) Ltd.
430 McNeilly Road, Suite 203
Stoney Creek, Ontario
L8E 5E3

APPENDIX

C



Hamilton

Mailing Address:
71 Main Street West, 5th Floor
Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

Planning and Economic Development Department
Development Planning, Heritage and Design
71 Main Street West, 5th Floor, Hamilton ON L8P 4Y5
Phone: 905-546-2424 Fax: 905-546-4202

November 25, 2019

File: DA-19-125

MHBC Planning Ltd.
c/o Stephanie Mirtitsch
540 Bingham Centre Drive, Suite 200
Kitchener, Ontario
N2B 3X9

Dear Sir / Madam:

**Re: Concurrent Site Plan / Building Permit Review Process
Site Plan Control Application by MHBC Planning Ltd. c/o Stephanie Mirtitsch for Lands Located at 505, 509, 513 and 517 Highland Road West, Stoney Creek (Ward 9)**

The above noted Site Plan Application has been considered by the Development Review Team. Your application to construct four, eight-storey multiple dwellings with 672 units, a one storey amenity building and two accesses on Highland Road West which includes 1008 parking spaces (840 residential parking spaces and 168 visitor parking spaces) was conditionally approved by the Manager of Development Planning, Heritage and Design on November 25, 2019, 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 October 18, 2019 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.

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

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 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 Development Planning, Heritage and Design.

Approval Limitation

1. (c) That, in the event a building permit for the proposed development has not been issued within one (1) year from the date of site plan approval, the approval shall lapse. Prior to the approval lapsing, a request for an extension for a period up to, but not exceeding a one (1) year period, may be made directly to the Manager of Development Planning, Heritage and Design, with written justification and the required fee. The Manager of Development Planning, Heritage and Design will consider the request in light of current requirements and:
 - i) May deny the request;
 - ii) May grant the request; or
 - iii) May grant the request with revisions or additional conditions.

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 Building Services, 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 APPLICATION FOR ANY BUILDING PERMITS

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 Engineering Approvals and Hamilton Conservation Authority 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 Approvals until the site has been fully developed as determined by the City's Manager of Development Planning, Heritage and Design.

Fill Permits

2. (c) To obtain a permit from the Hamilton Conservation Authority, pursuant to the Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation under Ontario Regulation 97/04.

Building Elevations

2. (d) To submit six (6) copies of final building elevations and one (1) reduced 11" x 17" copy to the satisfaction of the Manager of Development Planning, Heritage and Design. Minor changes to the Building Elevations or condition(s) shall be permitted only upon written approval from the City's Manager of Development Planning, Heritage and Design.

Interior Garbage Storage/Outdoor Garbage Containers

2. (f) To show the following on the required Landscape 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 Development Planning, Heritage and 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 Development Planning, Heritage and 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 to the satisfaction of the City's Manager of Development Planning, Heritage and Design.
- iii) To provide an irrevocable Letter of Credit to the City's Manager of Development Planning, Heritage and 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 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. If the Letter of Credit 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 forthwith.

- v) In the event that the Owner fails to complete, to the satisfaction of the City's Manager of Development Planning, Heritage and 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 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. The cost of completion of such works shall be deducted from the monies obtained from the Letter of Credit. 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 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, including infiltration of rooftop runoff where soil conditions and by-law conditions permit, (a Storm Water Management Report prepared by a qualified engineer must be submitted to support the design), showing drainage details for 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, and all detailed erosion and siltation control features; all to the satisfaction of the City's Manager of Engineering Approvals and the Hamilton Conservation Authority
- 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 Approvals.

Storm Water Management Design

3. (c) To submit to the satisfaction of the City's Manager of Engineering Approvals and the Hamilton Conservation Authority 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 Approvals.

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 Development Planning, Heritage and Design.

Fencing/Visual Barriers

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 Development Planning, Heritage and 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.

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.

Site Servicing Plan

3. (k)
 - i) To submit to the City's Manager of Development Engineering Approvals 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.

Cash-in-Lieu of Parkland

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, to the satisfaction of the City's Director of Building Services.

Site Plan Drawing

3. (p) To submit six (6) copies of the final site plan drawing and one (1) reduced 11" x 17" copy to the satisfaction of the Manager of Development Planning, Heritage and 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 Manager of Development Planning, Heritage and 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 - \$828.00/unit for the first 10 units and \$498.00/unit for units 11 to a maximum of 50 units to the satisfaction of the Manager of Development Planning, Heritage and Design.

Water and Wastewater Usage

3. (s) To submit a water usage and wastewater generation rate assessment calculation to the satisfaction of the Manager of engineering design and construction.

Water Service Assessment

3. (t) To submit a water service assessment to the satisfaction of the City Public Works Department which tabularizes the expected occupancy and provides a water demand estimation, and needed fire flow calculation based on the "Water Supply for Public Protection, Fire Underwriters Survey, 1999".

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

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

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 Building Services.

Site Servicing

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

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.

Tree Management

5. (c) To complete the tree management requirements for the lands in accordance with the approved Tree Preservation/Enhancement 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

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 Building Services, 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 ISSUANCE OF ANY BUILDING PERMITS

1. That the owner / applicant shall apply for a temporary Sewer Discharge Permit with Hamilton Water Environmental Monitoring and Enforcement Group for their dewatering discharges to the satisfaction of the Director of Hamilton Water.

Note: The Dewatering discharge must comply with City of Hamilton Sewer Bylaw standards. It is recommended that the applicant/Owner consult with the superintendent of Environmental Monitoring and Enforcement Group within Hamilton Water as early as possible in the approval process, given that additional review may be required by Hamilton Water to verify the wastewater system could accept the quantity and/or quality of the discharge.

2. That the owner / applicant provides a detailed Foundation Support & Construction Plan(s) that demonstrate the location of existing underground infrastructure and the proposed method of foundation construction. The plans must be submitted to the satisfaction of the Manager of Development Engineering Approvals.
3. That the owner / applicant submit a detailed and comprehensive Construction Management Plan (CMP) which complies to the new City of Hamilton Construction Management Plan Guidelines. The CMP shall contain a comprehensive report addressing the following three (3) main elements of the CMP that are described in the Guidelines:
 - a. Construction Management (including but not limited to: geotechnical/hydrogeological reports, noise and vibration studies, storage and loading areas, hoarding, scaffolding, fencing, encroachments, dust control, etc.);

- b. Traffic Management (including but not limited to: Traffic Management Site Plan (TMSP), crane location and aerial rights, construction parking management, pre/post condition records of truck routes, etc.); and,
- c. Public Communication (including but not limited to the following: notification to area residents, emergency contacts, project website, etc.)

to the satisfaction of the Manager of Development Engineering Approvals and Director of Engineering Services, Public Works.

- 4. That the Owner / applicant provide a security for potential damages to existing municipal infrastructure during construction including any/all relocations of existing utilities and infrastructure to the satisfaction of the Manager of Development Engineering Approvals. This security shall be kept in force until the completion of the required site development works. This amount is to be established through an approved cost estimate to be prepared by the applicant/Owner's engineer.
- 5. That all applicable conditions of Draft Approval for the Central Park Subdivision will also apply to the subject lands to the satisfaction of the Manager of Development Engineering Approvals.
- 6. That all grading and servicing related works for this development shall be designed in accordance with the approved central park phase 1 engineering drawings and reports to the satisfaction of the Manager of Development Engineering Approvals.
- 7. That no municipal sewer or water services will be constructed within the limits of the subject lands to the satisfaction of the Manager of Development Engineering Approvals.
- 8. That the owner / applicant submit a list to the Growth Planning Section, indicating the mailing address unit number of each residential unit on each floor, to the satisfaction of the Senior Director of Growth Management.
- 9. That the applicant / owner shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment and Climate Change (MOECC) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner / applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner.
- 10. That the applicant / owner submit and receive approval of a Transportation Demand Management Report to the satisfaction of the Manager of Transportation Planning.

Re: Concurrent Site Plan / Building Permit Review Process
Site Plan Control Application by MHBC Planning Ltd. c/o
Stephanie Mirtitsch for Lands Located at 505, 509, 513 and
517 Highland Road West, Stoney Creek (Ward 9)

Page 11 of 13

11. That the applicant / owner submit and receive approval of a Dust Mitigation Plan to the satisfaction of the Health Protection Division, Public Health Service Department.
12. That the applicant / owner pay the required street tree fee for the trees within the road allowance to the satisfaction of the Manager of Forestry and Horticulture.
13. That the applicant / owner submit and receive approval of a Pest Control Plan to the satisfaction of the Health Protection Division, Public Health Service Department.
14. That the applicant / owner pay the applicable sanitary sewer Summit Park 1 Mainline fee and connection fee to the satisfaction of the Corporate Services Department.
15. That detailed Pavement Markings, Traffic Signs, and/or Traffic Signal Plans be submitted and approved to the satisfaction of the Manager of Transportation Operations, Public Works.

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**. Please note that by signing, you are also acknowledging that in the event a building permit for the proposed development has not been issued within one (1) year from the date of site plan approval, the approval shall lapse.

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 immediately.

Owner's Signature

Date

Once the applicable conditions have been satisfied, a Building permit may be issued. Also attached for your information are the submission requirements for the Grading and Drainage Plan, the Landscape Plan, Site Lighting Guidelines, Road Widening Procedural Guideline, a copy of the Sewer and Water Permit Process and an Access Permit application.

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**

Re: Concurrent Site Plan / Building Permit Review Process
Site Plan Control Application by MHBC Planning Ltd. c/o
Stephanie Mirtitsch for Lands Located at 505, 509, 513 and
517 Highland Road West, Stoney Creek (Ward 9)

Page 12 of 13

Land Use topic. New Commercial, and Residential 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 July 5, 2019.

Yours truly,



Anita Fabac, MCIP, RPP

Manager of Development Planning, Heritage and Design
Planning Division

AF:ab

Attachments

cc: S. Robichaud, Director of Planning and Chief Planner, Planning Division (letter only)
June Christy, Senior Project Manager, Development Planning, Heritage and
Design,
Attn: Alaina Baldassarra
G. Wong, Manager of Building Engineering & Zoning
Attn: Robyn Reid
Z. Panovski, Senior Project Manager, Engineering Design and Construction,
Attn: Steve Ryan
J. Wice, Solicitors, Legal Services
S. Blackley, Development Financial Officer, Budgets & Finance (letter only)
Hamilton Conservation Authority, Attn: Mike Stone
Councillor Brad Clark, Ward 9
Hamilton Water Approvals, Water & Wastewater Systems Planning (Digital)
Transportation Planning and Parking (Digital)
GIS Planning & Analysis (Digital: dlgisplanninganalysis@hamilton.ca)

**Re: Concurrent Site Plan / Building Permit Review Process
Site Plan Control Application by MHBC Planning Ltd. c/o
Stephanie Mirtitsch for Lands Located at 505, 509, 513 and
517 Highland Road West, Stoney Creek (Ward 9)**

Page 13 of 13

Losani Homes (1998) Ltd.
430 McNeilly Road, Suite 203
Stoney Creek, Ontario
L8E 5E3

APPENDIX

D

Archived: December 21, 2021 2:58:30 PM

From: [Toman, Charlie](#)

Mail received time: Tue, 22 Jun 2021 18:27:11

Sent: Tue, 22 Jun 2021 18:27:05

To: [Stephanie Mirtitsch](#) [Marib Pirzada](#) [Baldassarra, Alaina](#)

Cc: [Dave Aston](#)

Subject: RE: [External] RE: DA-19-125 Conditional Approvla Letter

Importance: Normal

Sensitivity: None

Hi Stephanie,

We understand the concern regarding the DC increase date and reviewing the file now to confirm if all clearances have been received to allow for the concurrent submission of the building permit application. This includes confirmation from urban design staff on the revised elevations (the deadline for comments on the revised drawings is tomorrow). Assuming there are no unresolved conditions, we will strive to have the concurrent building permit letter sent by the end of the week.

Thanks,

Charlie

From: Stephanie Mirtitsch <smirtitsch@mhbcplan.com>

Sent: Tuesday, June 22, 2021 9:56 AM

To: Marib Pirzada <MPirzada@losanihomes.com>; Baldassarra, Alaina <Alaina.Baldassarra@hamilton.ca>; Toman, Charlie <Charlie.Toman@hamilton.ca>

Cc: Dave Aston <daston@mhbcplan.com>

Subject: RE: [External] RE: DA-19-125 Conditional Approvla Letter

Hi Alaina and Charlie,

I am just following up on this. Our team has the building permit submission ready to go, and have been told by the Building Dept. that they cannot submit until they have this letter.

Can you please let us know expected timing for this letter so we can let our team know?

Thanks,

STEPHANIE MIRTITSCH, BES, MCIP, RPP | Senior Planner

Please note I will be away on vacation from June 28-July 5, returning on July 6.

MHBC Planning, Urban Design & Landscape Architecture

540 Bingemans Centre Drive, Suite 200 | Kitchener | ON | N2B 3X9 | C 519-859-4107
| smirtitsch@mhbcplan.com

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From: Marib Pirzada [<mailto:MPirzada@losanihomes.com>]
Sent: June 18, 2021 11:35 AM
To: Baldassarra, Alaina <Alaina.Baldassarra@hamilton.ca>; Toman, Charlie <Charlie.Toman@hamilton.ca>
Cc: Stephanie Mirtitsch <smirtitsch@mhbcplan.com>
Subject: RE: [External] RE: DA-19-125 Conditional Approvla Letter

Further to below, I'm also being told that development charges are increasing July 6th. As such, it's imperative for us to submit our permit application next week to avoid these increases. If we can receive this letter today or early next week at the latest that would be appreciated. Please let me know if there are any concerns with this.

Thank you,

Marib Pirzada
Project Manager



D: +1 (905) 643-3823
E: MPirzada@losanihomes.com | W: www.losanihomes.com

Head Office
430 McNeilly Road, Suite 203
Stoney Creek, ON L8E 5E3
T: +1 (905) 561-1700
T: +1 (905) 297-5530
F: +1 (905) 643-9308

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From: Marib Pirzada <MPirzada@losanihomes.com>
Sent: June 18, 2021 11:16 AM
To: Baldassarra, Alaina <Alaina.Baldassarra@hamilton.ca>; Toman, Charlie <Charlie.Toman@hamilton.ca>
Cc: smirtitsch@mhbcplan.com
Subject: RE: [External] RE: DA-19-125 Conditional Approvla Letter

Good morning Alaina, Charlie,

Following up on below – we’ve been requesting this letter for several weeks now. Our building division has been ready to submit for permit on this project however they’re unable to because of this.

Can you please provide a timeline for when we can expect to receive this letter? If there’s anything you require from Losani Homes please let Stephanie or myself know.

Thank you,

Marib Pirzada
Project Manager



D: +1 (905) 643-3823

E: MPirzada@losanihomes.com | W: www.losanihomes.com

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From: Stephanie Mirtitsch <smirtitsch@mhbcplan.com>

Sent: June 16, 2021 4:31 PM

To: Baldassarra, Alaina <Alaina.Baldassarra@hamilton.ca>

Cc: Marib Pirzada <MPirzada@losanihomes.com>; Toman, Charlie <Charlie.Toman@hamilton.ca>

Subject: [External] RE: DA-19-125 Conditional Approvla Letter

Hi Alaina,

Is it possible for you to issue this letter to the building department by the end of the week so they will accept the building permit application? I believe the only outstanding item was your review of the most recent building elevations but please let me know if anything is outstanding for you to issue this.

Thanks,

STEPHANIE MIRTITSCH, BES, MCIP, RPP | Senior Planner

MHBC Planning, Urban Design & Landscape Architecture

540 Bingemans Centre Drive, Suite 200 | Kitchener | ON | N2B 3X9 | C 519-859-4107

| smirtitsch@mhbcplan.com

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From: Stephanie Mirtitsch
Sent: June 10, 2021 3:38 PM
To: Baldassarra, Alaina <Alaina.Baldassarra@hamilton.ca>
Cc: Marib Pirzada (MPirzada@losanihomes.com) <MPirzada@losanihomes.com>
Subject: DA-19-125 Conditional Approvla Letter

Hi Alaina,

As I mentioned on our last call, our team is preparing the application for the building permit submission by mid-June. Can you please provide an update on the status of your letter to send to the building department to accept the application?

Is there anything you need from us to prepare this?

Thanks,

STEPHANIE MIRTITSCH, BES, MCIP, RPP | Senior Planner

MHBC Planning, Urban Design & Landscape Architecture
540 Bingemans Centre Drive, Suite 200 | Kitchener | ON | N2B 3X9 | C 519-859-4107
| smirtitsch@mhbcplan.com

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APPENDIX

E.1

From: [Stephanie Mirtitsch](#)

Mail received time: Wed, 30 Jun 2021 20:36:08

Sent: Wed, 30 Jun 2021 20:35:55

To: [Marib Pirzada](#)[Mohamed El Sayed](#)[Nina Pulver](#)[Dave Aston](#)[Sean Alexander](#)

Subject: [External] Fwd: REVISED UD Comments: DA-19-125, 505 Highland Rd W (Resubmission 3 July 2021)

Importance: Normal

Sensitivity: None

Archived: December 21, 2021 2:58:56 PM

All - please find additional urban design comments below that will need to be addressed prior to receiving the building permit letter. I believe we can confirm that no rooftop amenity areas are proposed but please confirm. We will need an update site plan, elevations and landscape plan for resubmission.

Thanks,

Stephanie Mirtitsch

MHBC Planning

519-859-4107

smirtitsch@mhbcplan.com

From: Toman, Charlie <Charlie.Toman@hamilton.ca>

Sent: Wednesday, June 30, 2021 4:26 PM

To: Stephanie Mirtitsch

Cc: Baldassarra, Alaina

Subject: FW: REVISED UD Comments: DA-19-125, 505 Highland Rd W (Resubmission 3 July 2021)

Good afternoon Stephanie,

We have received comments from Urban Design on the revised elevation drawings for 505 Highland Rd West which I've forwarded below. As discussed below, a resubmission of the elevation drawing is required before that Site Plan Approval condition can be cleared.

This is a condition of site plan approval prior to submission of a Building Permit application. Ana has said she would expediate the review of the revised submission; however, I'm not sure if this can all be completed prior to July 6th.

Alaina is out of the office the rest of the week, but I will turnaround the revised elevation if it comes in before then.

Kind regards,

Charlie

From: Cruceru, Ana <Ana.Cruceru@hamilton.ca>

Sent: Wednesday, June 30, 2021 3:59 PM

To: Baldassarra, Alaina <Alaina.Baldassarra@hamilton.ca>; Toman, Charlie <Charlie.Toman@hamilton.ca>

Subject: REVISED UD Comments: DA-19-125, 505 Highland Rd W (Resubmission 3 July 2021)

Hi Alaina,

Please see the following Urban Design staff comments regarding the application above. The comments are based on the consultant's Comments Response Letter (dated May 19, 2021), revised Site Plan (dated May 19, 2021), Elevation Drawings (dated Mar 31, 2021), and Landscape Plan (dated May 14, 2021) submitted for review.

Comments

Site Plan

* The comments response letter indicates that retaining walls are not proposed within the western landscape strip (adjacent to Upper Red Hill Valley Parkway). The final Site Plan should be revised to remove the graphic representation of retaining walls.

Elevation Drawings

Buildings C & D

* If a coded name (Side A Elevation, Side B Elevation, etc.) is proposed as a title for these facades, please indicate schematically on the axonometric drawing (with arrows or other form of labeling) which is which.

* As per previous comments, clarification is required on whether the southern elevations are correctly representing the interior layout at ground level (the floor plans provided in the previous submission indicated units where the drawing shows blank walls (highlighted in red below). Written confirmation with a quick snapshot of the ground floor plan for that area will suffice for clarification.

Material treatment

* Please review the Elevation Drawings package and ensure principal façade materials are labeled. One set of labels per elevation suffice in clarifying what the color and texture graphics illustrate and help coordinate them with the material legend. For example, on Buildings A & B is unclear what are the materials cladding the mechanical rooms on top; it is also not clear what the burgundy color material represents; materials for the column elements supporting the 'bridge' amenity area are not labeled. (The material may be the exposed concrete in the legend, but final elevations should be clear about it.)

Landscape Plan

- * Please add a note to the plan requiring structural engineer to ensure that supporting structure can hold proposed soil volumes, plant material, and other landscape features.
- * According to the comments response letter, landscape plans for any rooftop amenity areas will be provided under a different cover. These plans should be associated with the Landscape Plan package and provided for final clearance, if proposed.

Required documentation

- * A final Site Plan should be revised to remove retaining wall along the western side of the site. Recirculation to UD staff are not required.
- * Final Elevation Drawing should include labels as noted by staff above and confirmation should be provided indicating the blank wall treatment on ground levels of Buildings C and D is correctly coordinated with the internal floor layout. Staff is prepared to clear final elevations once clarification and final Elevations are provided for review.
- * A full Landscape Plan package will be required for review including any landscape plans for rooftop amenity areas, if proposed.

Thank you,

Ana Cruceru, B.Arch., MLA, M.PI.

Urban Designer,

Development Planning, Heritage and Design

Planning Division

Planning and Economic Development Department

E-mail: Ana.Cruceru@hamilton<mailto:Ana.Cruceru@hamilton>.ca

Ph: 905-546-2424 x.5707

APPENDIX

E.2



APPENDIX

F



Hamilton

Mailing Address:
71 Main Street West, 5th Floor
Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

Planning and Economic Development Department
Development Planning, Heritage and Design
71 Main Street West, 5th Floor, Hamilton ON L8P 4Y5
Phone: 905-546-2424 Fax: 905-546-4202

July 16, 2021

File: DA-19-125

D. Ortiz, Manager
Building Engineering & Zoning

Dear Sir:

**Re: CONCURRENT SITE PLAN / BUILDING PERMIT REVIEW PROCESS
Site Plan Control Application by Losani Homes for Lands Located at 505
Highland Road West, Stoney Creek, (Ward 9) – Clearance for Application of
Building Permit**

This letter is to advise that the list of conditions for file DA-19-125, approved by the Manager of Development Planning, Heritage and Design on **November 25, 2019**, which are required to be cleared **prior to the application of any building permits**, have been satisfied.

Please be advised that a number of conditions, which must be satisfied prior to the issuance of a building permit, remain outstanding. A subsequent letter will be issued once all applicable Site Plan conditions have been satisfied.

A lump sum security in the amount of **\$898,202.20** has been posted for the subject lands.

Therefore, the Applicant is now eligible to apply for a concurrent building permit review to facilitate the proposed development. The concurrent site plan / building permit review process will require the Applicant to sign an Acknowledgement with the Building Services Division. An itemized list of these conditions, the removal dates and clearance agencies are included in the chart below.

Condition		Clearance Date	Agency
Prior to the Application of any Building Permits			
2 (a)	Erosion and Siltation Control	November 6, 2021	Development Engineering
2 (c)	Fill Permits	May 25, 2021	HCA
2 (d)	Building Elevations	July 16, 2021	Development Planning
2 (f)	Interior Garbage Storage/Outdoor Garbage Containers	April 3, 2021	Development Planning
2 (g)	Cost Estimate and Letter of Credit	November 20, 2020	Finance

Please note that the following conditions remain outstanding, and must be cleared prior to the issuance of any building permits.

CONCURRENT SITE PLAN / BUILDING PERMIT REVIEW PROCESS

Site Plan Control Application by Losani Homes for Lands Located at 505 Highland Road West, Stoney Creek, (Ward 9) – Clearance for Application of Building Permit, Page 2 of 3

Condition		Clearance Date	Agency
Prior to the Issuance of any Building Permits			
3 (a)	Pre Grading		
3 (b)	Grading and Drainage Control		
3 (c)	Storm Water Management Design		
3 (d)	Road Widening		
3 (e)	Landscape Plan		
3 (f)	Fencing / Visual Barriers		
3 (g)	Boulevard Sodding		
3 (h)	Treatment of Future Development Areas		
3 (i)	Site Lighting Design		
3 (j)	Multiple Unit Identification Sign		
3 (k)	Site Servicing Plan		
3 (l)	On Site Servicing Approval		
3 (m)	Ministry of Transportation		
3 (n)	Cash-in-Lieu of Parkland	Collected at Building Permit Stage	
3 (o)	Development Charges		
3 (p)	Site Plan Drawing		
3 (q)	Taxes		
3 (r)	Tariff of Fees		
3 (s)	Wastewater Assessment		
3 (t)	Water Service Assessment		
3 (u)	Storm Drainage Area Plan		
3 (v)	Construction Management Plan		
3 (w)	Arterial Lane Closure		
Special Conditions			
#1			
#2			
#3			
#4			

If you have any questions please contact me at (365) 324-2732.

Yours truly,



Charlie Toman, MCIP, RPP
 Senior Project Manager
 Development Planning, Heritage and Design - Rural Team

CT:ab

CONCURRENT SITE PLAN / BUILDING PERMIT REVIEW PROCESS

Site Plan Control Application by Losani Homes for Lands Located at 505 Highland Road West, Stoney Creek, (Ward 9) – Clearance for Application of Building Permit, Page 3 of 3

Attachments

cc:

S. Robichaud, Director of Planning and Chief Planner	steve.robichaud@hamilton.ca;
A. Fabac, Manager of Development Planning, Heritage and Design	anita.fabac@hamilton.ca;
Z. Panovski, Senior Project Manager, Development Engineering - Site Plan	devengapprovals@hamilton.ca;
Attn: Steve Ryan	zivko.panovski@hamilton.ca
Hamilton Conservation Authority,	Steve.ryan@hamilton.ca;
Attn: Mike Stone	
A. Chan, Manager, Legislative Approvals	alvin.chan@hamilton.ca;
P. Toffoletti, Development Co-ordinator, Growth Planning	paul.toffoletti@hamilton.ca;
Hamilton Water Approvals, Water & Wastewater Systems Planning	hwapprovals@hamilton.ca;
Hamilton Water Approvals, Water & Wastewater Systems Planning	sarah.primmer@gmblueplan.ca;
Transportation Planning	tplanning@hamilton.ca;
Z. Panovski, Senior Project Manager, Development Engineering	zivko.panovski@hamilton.ca;
Z. Race, Building Engineering & Zoning	zeltite.race@hamilton.ca;
E. Coe, Supervisor of Zoning, Building Division	emily.coe@hamilton.ca;

Losani Homes (1998) Ltd
430 McNeilly Road, Suite 203
Stoney Creek, Ontario
L8E 5E3

Agent

;

APPENDIX

G

Archived: December 21, 2021 2:59:28 PM

From: eplans@hamilton.ca

Mail received time: Wed, 21 Jul 2021 20:19:14

Sent: Wed, 21 Jul 2021 20:19:02

To: [Sean Alexander](#)

Subject: 21 137706 000 00 R3- for 505 HIGHLAND RD W , STONEY CREEK ON - (2) 8-storey buildings with 121 suites in each building, with a 2 storey connecting Amenity Bridge and 1 level of Underground Parking - Applicant PreScreen Accepted Notification

Importance: Normal

Sensitivity: None



Applicant PreScreen Accepted Notification

Hello Sean:

The prescreen process for your Project: **21 137706 000 00 R3 - for 505 HIGHLAND RD W , STONEY CREEK ON - (2) 8-storey buildings with 121 suites in each building, with a 2 storey connecting Amenity Bridge and 1 level of Underground Parking** has been completed and all submitted documents have been accepted. Your application will be reviewed within the legislated time frame. Upon completion of the review by Building Division staff, you will receive notification by email if further information or corrections are required or if the permit has been issued.

At any time you can [Login to City of Hamilton - Planning and Economic Development Online Services](#) to review your current applications.

For more information related to general building permit and zoning related questions please visit hamilton.ca/building or call 905-546-2720.

Please do not reply to this email. If you have any technical issues please contact us at eplans@hamilton.ca or call 905-546-2720.

APPENDIX

H.1

Archived: December 21, 2021 2:59:36 PM

From: [Rizkalla, Sherif](#)

Mail received time: Thu, 9 Sep 2021 16:45:42

Sent: Thu, 9 Sep 2021 16:45:28

To: [Sean Alexander](#)

Cc: [DC Request](#) [Parkland Request](#)

Subject: RE: 505 HIGHLAND ROAD W , STONEY CREEK - B.P. Application # 21-137706

Importance: Normal

Sensitivity: None

Attachments:

[505 Highland Road West - DCs.pdf](#) 

Hi Sean,
Please find attached copy of the Development Charges (DCs) assessment as received from finance for the noted project. It has come to my attention that one of the buildings on the podium might be a rental units which likely make them eligible for the legislated payment deferral option (you may need to discuss further with finance if this is the case). Also, I have received confirmation from Growth Management that there is sufficient park credit to satisfy park dedication requirements for the Phase 1 units. No cash in-lieu (CIL) payment is required at this time.

Sherif Rizkalla

Building Engineer
Planning and Economic Development
Building, City of Hamilton
(905) 546-2424 Ext.1363



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Due to COVID-19, only the 1st and 2nd floors of City Hall are open to the public. Drop-off and pick-up of building permit applications and issued building permits are accepted without appointments, however, staff are NOT available to discuss or consult on Building Division-related matters. Although the Building Division offices remain closed to the public, the Building Division continues to operate as many of our services can still be accessed, including building permit inspections.

We continue to receive building permit applications and requests for Zoning Verifications (regular service only) by mail/courier delivery or online. Online building permit applications can be completed at www.hamilton.ca/eplans and Zoning Verifications at <https://zoningverification.hamilton.ca/>. In addition, there is a drop box outside of City Hall at the rear of the building where letters and small parcels can continue to be delivered.

Under these unprecedented service delivery constraints, we are doing our best to maintain timeframes for building permit applications, responding information, building inspections, Zoning Verifications, and other requests for information/compliance.

From: Sean Alexander <saalexander@chamberlainIPD.com>

Sent: Wednesday, September 8, 2021 7:42 AM

To: DC Request <dcrequest@hamilton.ca>; Parkland Request <Parklandrequest@hamilton.ca>

Cc: Rizkalla, Sherif <Sherif.Rizkalla@hamilton.ca>

Subject: 505 HIGHLAND ROAD W , STONEY CREEK - B.P. Application # 21-137706

Good morning

Last week, we received some permit comments from Sherif Rizkalla regarding the Permit submission for 505 Highland Road W, in Stoney Creek. A pair of the comments that Sherif provided were regarding payments for the Cash-in-lieu parkland dedication fee, and Development Charges. Our client is pressuring us to provide accurate numbers for them, to write the cheques for all of the fees. Would you be able to inform me how much each of the fees would be?

Your help is appreciated.

Thank you

Sean Alexander

Senior Architectural Technologist

CHAMBERLAIN ARCHITECT SERVICES LIMITED

shaping your world

✉: 4671 Palladium Way, Unit 1 . Burlington . Ontario . L7M 0W9 . Canada
☎: OFFICE - 905.631.7777 Ext. 245
☎: CELLPHONE - 647.522.1838
✉: salexander@chamberlainIPD.com
🌐: www.chamberlainIPD.com



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APPENDIX

H.2

DEVELOPMENT CHARGE CALCULATION

2019 DC By-law - Permits issued July 6, 2020 through July 5, 2021

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 42 43 44 45 46

THIS CALCULATION ASSUMES THE PERMIT WILL BE ISSUED ON OR BEFORE:

Form Completed By: Ailish Brooke

Date: Sep 01, 2021

Property

Name of Development: _____
 Address: 505 Highland Road West, Stoney Creek
 Location: Urban Area - Separated Sewer System
 Current use of Building: N/A

Building Height Eligible
 Dun/Wat Special Area Redevelopment
 Downtown CIPA Other CIPA/BIA
 Office Development Class A Office

Proposed Development (Development Charges)

Permit Number: 2021 137706 000 00 R3 Part 3 - Residential
 Application Date: 7/12/21 Issuance Date: _____
 Farm Bus. Reg. # (If Applicable): _____
 Development Type: Residential
 City of Hamilton: Board of Education: Local Board/CHH:

Historical Development (Demolition Credit / Redevelopment Credit)

Permit Number: _____
 Issuance Date: _____
 Demolition Date: _____
 Extended Date*: _____
**The extended date, if applicable*

Residential Unit Quantities

	NEW	DEMO
Number of Dwelling Units:		
Single-Detached & Semi-Detached	-	-
Apartments, Stacked Towns, Mobile, 2+ BR	124	-
Apartments, Stacked Towns, Mobile, Bachelor, 1 BR	118	-
Townhouses & Other Multiple Unit Dwellings	-	-
Number of Bedrooms:		
Residential Facility, Lodging House, Garden Suite	-	-
Education DC Exception:		
Square Footage For EDC's based on Non-Res	-	-

Industrial & Non-Industrial Areas (Sq. Ft.)

	NEW	DEMO
Industrial Development:		
Industrial - New	-	-
Industrial - Expansion	-	-
Industrial - Original Envelope (Sq. Ft.)	-	-
Non-Industrial Development:		
Non-Industrial - New	-	-
Non-Industrial - New Common Space	-	-
Non-Industrial - Expansion	-	-

Gross DC Calculation Summary

Calculated Development Charges	Quantity # Units/BRs	City DCs		Go Transit DC's		Public EDC's		Catholic EDC's		Dun/Wat SAC	
		Rate	Ext	Rate	Ext	Rate	Ext	Rate	Ext	Rate	Ext
Residential Units											
Single-Detached & Semi-Detached	-	-	-	-	-	-	-	-	-	-	-
Apartments, Stacked Towns, Mobile, 2+ BR	124	31,928	3,959,072	174	21,576	1,573	195,052	1,101	136,524	-	-
Apartments, Stacked Towns, Mobile, Bachelor, 1 BR	118	21,840	2,577,120	116	13,688	1,573	185,614	1,101	129,918	-	-
Townhouses & Other Multiple Unit Dwellings	-	-	-	-	-	-	-	-	-	-	-
Residential Facility, Lodging House, Garden Suite	-	-	-	-	-	-	-	-	-	-	-
Total	242		6,536,192		35,264		380,666		266,442	-	-
Grand Total For Development of: 242 Units/BRs			6,536,192		35,264		380,666		266,442	-	-

TOTAL PAYABLE BEFORE CREDITS

\$ 7,218,564

City DC	6,536,192
Go Transit	35,264
Public EDC	380,666
Catholic EDC	266,442

NET DEVELOPMENT CHARGES PAYABLE

\$ 7,218,564

USE CIPA INSTEAD OF EXEMPTIONS

NOTES:

****DC Estimate****

*This DC estimate is based on information provided to date and subject to Building and Finance further review.

*Final DC payable is confirmed at time of the building permit issuance.

APPENDIX

I

From: Toman, Charlie <Charlie.Toman@hamilton.ca>
Sent: November 23, 2021 10:52 AM
To: Marib Pirzada <MPirzada@losanihomes.com>
Cc: smirtitsch@mhbcplan.com; Baldassarra, Alaina <Alaina.Baldassarra@hamilton.ca>; Fabac, Anita <Anita.Fabac@hamilton.ca>
Subject: RE: [External] RE: Soho - DA-19-125

Good morning Marib,

I've looked into what is outstanding with this file and found that the Conditional Site Plan Approval actually lapsed almost a year ago (November 25, 2020), so an updated Conditional Approval will have to be issued before we can issue a final approval to the Building Department. Similar with how we handled the Midtown application, we will carry forward the exact same conditions and all clearances that have already been issued. However, unlike Midtown, we are unable to charge a straight Site Plan Extension fee under the attached motion passed by Council as more than 90 days has passed since it expired. Instead, we are required to charge a Site Plan Amendment fee of \$14,180. Let me know if you intend of dropping of a cheque at City Hall in this amount or if you would like to pay by credit card.

Outside of this, there is very little outstanding before we can issue final site plan approval. I need to review and sign the updated lighting plan and will do that this week. Alaina believes she has all of the other clearances required and is going to update the final site plan approval letter later today to make sure nothing else is outstanding.

Kind regards,

Charlie

From: Marib Pirzada <MPirzada@losanihomes.com>

Sent: Monday, November 22, 2021 3:46 PM
To: Toman, Charlie <Charlie.Toman@hamilton.ca>
Cc: smirtitsch@mhbcplan.com
Subject: RE: [External] RE: Soho - DA-19-125

Hi Charlie,

Thank you – just as an FYI, our building permit issuance is now just hinging on this final SPA letter.

Regards,

Marib Pirzada
Project Manager



D: +1 (905) 643-3823
E: MPirzada@losanihomes.com | W: www.losanihomes.com

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T: +1 (905) 297-5530
F: +1 (905) 643-9308

Losani Homes has been a winner of Canada's Best Managed Companies Program for 15 straight years (2007-2021) and held Platinum status since 2013.

Losani Homes has been a winner of the Consumer Choice Award for 11 straight years (2012-2022).

The information contained in this communication is confidential and intended only for the use of those to whom it is addressed. If you have received this communication in error, please notify me by return email, or telephone and delete any copies of it. Thank you. Archived.

From: Toman, Charlie <Charlie.Toman@hamilton.ca>
Sent: November 22, 2021 3:36 PM
To: Marib Pirzada <MPirzada@losanihomes.com>
Subject: [External] RE: Soho - DA-19-125

Caution: This email originated from outside the organization.

Good afternoon Marib,

I will look into this application and get back to you with what is still outstanding for final Site Plan Approval. I'll strive to get back to you before the end of the week at the latest.

Thanks,

Charlie

From: Marib Pirzada <MPirzada@losanihomes.com>
Sent: Monday, November 22, 2021 10:04 AM

To: Toman, Charlie <Charlie.Toman@hamilton.ca>

Subject: Soho - DA-19-125

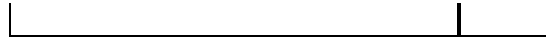
Good morning Charlie,

Hope you had a great weekend! I understand through our consultant team that all submissions for final SPA on the above-noted file have been completed for some time now and that we've received all our clearances. Would you be able to advise on what is outstanding to issue the final SPA letter?

Thank you,

Marib Pirzada

Project Manager



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Hamilton

Mailing Address:
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Planning and Economic Development Department
Development Planning, Heritage and Design
71 Main Street West, 5th Floor, Hamilton ON L8P 4Y5
Phone: 905-546-2424 Fax: 905-546-4202

November 25, 2019

File: DA-19-125

MHBC Planning Ltd.
c/o Stephanie Mirtitsch
540 Bingham Centre Drive, Suite 200
Kitchener, Ontario
N2B 3X9

Dear Sir / Madam:

**Re: Concurrent Site Plan / Building Permit Review Process
Site Plan Control Application by MHBC Planning Ltd. c/o Stephanie Mirtitsch for Lands Located at 505, 509, 513 and 517 Highland Road West, Stoney Creek (Ward 9)**

The above noted Site Plan Application has been considered by the Development Review Team. Your application to construct four, eight-storey multiple dwellings with 672 units, a one storey amenity building and two accesses on Highland Road West which includes 1008 parking spaces (840 residential parking spaces and 168 visitor parking spaces) was conditionally approved by the Manager of Development Planning, Heritage and Design on November 25, 2019, 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 October 18, 2019 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.

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

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 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 Development Planning, Heritage and Design.

Approval Limitation

1. (c) That, in the event a building permit for the proposed development has not been issued within one (1) year from the date of site plan approval, the approval shall lapse. Prior to the approval lapsing, a request for an extension for a period up to, but not exceeding a one (1) year period, may be made directly to the Manager of Development Planning, Heritage and Design, with written justification and the required fee. The Manager of Development Planning, Heritage and Design will consider the request in light of current requirements and:
 - i) May deny the request;
 - ii) May grant the request; or
 - iii) May grant the request with revisions or additional conditions.

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 Building Services, 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 APPLICATION FOR ANY BUILDING PERMITS

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 Engineering Approvals and Hamilton Conservation Authority 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 Approvals until the site has been fully developed as determined by the City's Manager of Development Planning, Heritage and Design.

Fill Permits

2. (c) To obtain a permit from the Hamilton Conservation Authority, pursuant to the Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation under Ontario Regulation 97/04.

Building Elevations

2. (d) To submit six (6) copies of final building elevations and one (1) reduced 11" x 17" copy to the satisfaction of the Manager of Development Planning, Heritage and Design. Minor changes to the Building Elevations or condition(s) shall be permitted only upon written approval from the City's Manager of Development Planning, Heritage and Design.

Interior Garbage Storage/Outdoor Garbage Containers

2. (f) To show the following on the required Landscape 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 Development Planning, Heritage and 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 Development Planning, Heritage and 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 to the satisfaction of the City's Manager of Development Planning, Heritage and Design.
- iii) To provide an irrevocable Letter of Credit to the City's Manager of Development Planning, Heritage and 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 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. If the Letter of Credit 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 forthwith.

- v) In the event that the Owner fails to complete, to the satisfaction of the City's Manager of Development Planning, Heritage and 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 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. The cost of completion of such works shall be deducted from the monies obtained from the Letter of Credit. 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 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, including infiltration of rooftop runoff where soil conditions and by-law conditions permit, (a Storm Water Management Report prepared by a qualified engineer must be submitted to support the design), showing drainage details for 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, and all detailed erosion and siltation control features; all to the satisfaction of the City's Manager of Engineering Approvals and the Hamilton Conservation Authority
- 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 Approvals.

Storm Water Management Design

- 3. (c) To submit to the satisfaction of the City's Manager of Engineering Approvals and the Hamilton Conservation Authority 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 Approvals.

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 Development Planning, Heritage and Design.

Fencing/Visual Barriers

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 Development Planning, Heritage and 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.

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.

Site Servicing Plan

3. (k)
 - i) To submit to the City's Manager of Development Engineering Approvals 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.

Cash-in-Lieu of Parkland

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, to the satisfaction of the City's Director of Building Services.

Site Plan Drawing

3. (p) To submit six (6) copies of the final site plan drawing and one (1) reduced 11" x 17" copy to the satisfaction of the Manager of Development Planning, Heritage and 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 Manager of Development Planning, Heritage and 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 - \$828.00/unit for the first 10 units and \$498.00/unit for units 11 to a maximum of 50 units to the satisfaction of the Manager of Development Planning, Heritage and Design.

Water and Wastewater Usage

3. (s) To submit a water usage and wastewater generation rate assessment calculation to the satisfaction of the Manager of engineering design and construction.

Water Service Assessment

3. (t) To submit a water service assessment to the satisfaction of the City Public Works Department which tabularizes the expected occupancy and provides a water demand estimation, and needed fire flow calculation based on the "Water Supply for Public Protection, Fire Underwriters Survey, 1999".

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

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

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 Building Services.

Site Servicing

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

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.

Tree Management

5. (c) To complete the tree management requirements for the lands in accordance with the approved Tree Preservation/Enhancement 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

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 Building Services, 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 ISSUANCE OF ANY BUILDING PERMITS

1. That the owner / applicant shall apply for a temporary Sewer Discharge Permit with Hamilton Water Environmental Monitoring and Enforcement Group for their dewatering discharges to the satisfaction of the Director of Hamilton Water.

Note: The Dewatering discharge must comply with City of Hamilton Sewer Bylaw standards. It is recommended that the applicant/Owner consult with the superintendent of Environmental Monitoring and Enforcement Group within Hamilton Water as early as possible in the approval process, given that additional review may be required by Hamilton Water to verify the wastewater system could accept the quantity and/or quality of the discharge.

2. That the owner / applicant provides a detailed Foundation Support & Construction Plan(s) that demonstrate the location of existing underground infrastructure and the proposed method of foundation construction. The plans must be submitted to the satisfaction of the Manager of Development Engineering Approvals.
3. That the owner / applicant submit a detailed and comprehensive Construction Management Plan (CMP) which complies to the new City of Hamilton Construction Management Plan Guidelines. The CMP shall contain a comprehensive report addressing the following three (3) main elements of the CMP that are described in the Guidelines:
 - a. Construction Management (including but not limited to: geotechnical/hydrogeological reports, noise and vibration studies, storage and loading areas, hoarding, scaffolding, fencing, encroachments, dust control, etc.);

- b. Traffic Management (including but not limited to: Traffic Management Site Plan (TMSP), crane location and aerial rights, construction parking management, pre/post condition records of truck routes, etc.); and,
- c. Public Communication (including but not limited to the following: notification to area residents, emergency contacts, project website, etc.)

to the satisfaction of the Manager of Development Engineering Approvals and Director of Engineering Services, Public Works.

- 4. That the Owner / applicant provide a security for potential damages to existing municipal infrastructure during construction including any/all relocates of existing utilities and infrastructure to the satisfaction of the Manager of Development Engineering Approvals. This security shall be kept in force until the completion of the required site development works. This amount is to be established through an approved cost estimate to be prepared by the applicant/Owner's engineer.
- 5. That all applicable conditions of Draft Approval for the Central Park Subdivision will also apply to the subject lands to the satisfaction of the Manager of Development Engineering Approvals.
- 6. That all grading and servicing related works for this development shall be designed in accordance with the approved central park phase 1 engineering drawings and reports to the satisfaction of the Manager of Development Engineering Approvals.
- 7. That no municipal sewer or water services will be constructed within the limits of the subject lands to the satisfaction of the Manager of Development Engineering Approvals.
- 8. That the owner / applicant submit a list to the Growth Planning Section, indicating the mailing address unit number of each residential unit on each floor, to the satisfaction of the Senior Director of Growth Management.
- 9. That the applicant / owner shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment and Climate Change (MOECC) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner / applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner.
- 10. That the applicant / owner submit and receive approval of a Transportation Demand Management Report to the satisfaction of the Manager of Transportation Planning.

Re: Concurrent Site Plan / Building Permit Review Process
Site Plan Control Application by MHBC Planning Ltd. c/o
Stephanie Mirtitsch for Lands Located at 505, 509, 513 and
517 Highland Road West, Stoney Creek (Ward 9)

Page 11 of 13

11. That the applicant / owner submit and receive approval of a Dust Mitigation Plan to the satisfaction of the Health Protection Division, Public Health Service Department.
12. That the applicant / owner pay the required street tree fee for the trees within the road allowance to the satisfaction of the Manager of Forestry and Horticulture.
13. That the applicant / owner submit and receive approval of a Pest Control Plan to the satisfaction of the Health Protection Division, Public Health Service Department.
14. That the applicant / owner pay the applicable sanitary sewer Summit Park 1 Mainline fee and connection fee to the satisfaction of the Corporate Services Department.
15. That detailed Pavement Markings, Traffic Signs, and/or Traffic Signal Plans be submitted and approved to the satisfaction of the Manager of Transportation Operations, Public Works.

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**. Please note that by signing, you are also acknowledging that in the event a building permit for the proposed development has not been issued within one (1) year from the date of site plan approval, the approval shall lapse.

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 immediately.

Owner's Signature

Date

Once the applicable conditions have been satisfied, a Building permit may be issued. Also attached for your information are the submission requirements for the Grading and Drainage Plan, the Landscape Plan, Site Lighting Guidelines, Road Widening Procedural Guideline, a copy of the Sewer and Water Permit Process and an Access Permit application.

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**

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Page 12 of 13

Land Use topic. New Commercial, and Residential 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 July 5, 2019.

Yours truly,



Anita Fabac, MCIP, RPP

Manager of Development Planning, Heritage and Design
Planning Division

AF:ab

Attachments

cc: S. Robichaud, Director of Planning and Chief Planner, Planning Division (letter only)
June Christy, Senior Project Manager, Development Planning, Heritage and
Design,
Attn: Alaina Baldassarra
G. Wong, Manager of Building Engineering & Zoning
Attn: Robyn Reid
Z. Panovski, Senior Project Manager, Engineering Design and Construction,
Attn: Steve Ryan
J. Wice, Solicitors, Legal Services
S. Blackley, Development Financial Officer, Budgets & Finance (letter only)
Hamilton Conservation Authority, Attn: Mike Stone
Councillor Brad Clark, Ward 9
Hamilton Water Approvals, Water & Wastewater Systems Planning (Digital)
Transportation Planning and Parking (Digital)
GIS Planning & Analysis (Digital: dlgisplanninganalysis@hamilton.ca)

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Page 13 of 13

Losani Homes (1998) Ltd.
430 McNeilly Road, Suite 203
Stoney Creek, Ontario
L8E 5E3

APPENDIX

J

CITY OF HAMILTON

NOTICE OF MOTION

Planning Committee Date: November 3, 2020

MOVED BY COUNCILLOR B. JOHNSON.....

SECONDED BY.....

Site Plan Fees for Lapsed Applications

WHEREAS, the current Tariff of Fees for Planning and Engineering Development Applications provides for a Site Plan application fee for new applications, and application extensions, but does not provide for situations in which a Site Plan has lapsed;

THEREFORE BE IT RESOLVED:

- (a) That staff be directed to review the Tariff of Fees for Planning and Engineering Development Applications with respect to Site Plan applications, to introduce a new fee for the renewal of lapsed Site Plans, and report back to Planning Committee; and,
- (b) That until such time as staff has reported back and Council has provided direction with respect to a fee for renewal of lapsed Site Plans, that staff apply the Site Plan Extension fee of \$1,605.00 to any application that lapsed on or after May 1, 2020, based on the following:
 - (i) that the Site Plan lapsed for no more than 90 days and the Director of Planning and Chief Planner, or their designate, has determined that the applicant has been actively working towards obtaining Site Plan approval;
 - (ii) that where re-submissions of any supporting studies are required, these be charged the existing re-submission fee where applicable; and,
 - (iii) that for administrative purposes, a new Site Plan file be opened for the purpose of calculating Development Charges