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Planning and Economic Development Department  
Planning Division  
71 Main Street West, 6<sup>th</sup> Floor  
Hamilton, Ontario L8P 4Y5  
Phone: 905-546-2424, Ext. 4281 Fax: 905-540-5611

January 26, 2017

Ontario Heritage Trust  
Attn: Erin Semande, Registrar  
10 Adelaide Street East  
Toronto ON M5C 1J3

ONTARIO HERITAGE TRUST

FEB 02 2017

**Re: Notice of Decision for Heritage Permit Application HP2016-027 for 18-22 King Street East, Hamilton (Ward 2)**

Please be advised that Council, at its meeting of January 25, 2017, resolved to approve Heritage Permit Application HP2016-028 for façade retention and penthouse addition to 18-22 King Street East, Hamilton, subject to conditions the following conditions:

- (a) That a Conservation Plan in accordance with Appendix "F" to Report PED16194(a) be submitted as part of a complete Site Plan Control application and for review and advice from the Hamilton Municipal Heritage Committee, to the satisfaction and approval of the Director of Planning and Chief Planner prior to the issuance of any Building Permit for demolition or new construction;
- (b) That the recommendations from the Conservation Plan submitted to the satisfaction of the Director of Planning and Chief Planner, be implemented to the satisfaction of the Director of Planning and Chief Planner, prior to the issuance of an Occupancy Permit;
- (c) That an addendum to the Cultural Heritage Impact Assessment completed by the applicant's heritage consultants, be submitted to identify what remains of the original storefronts and provide recommendations for the final storefront designs for review and advice from the Hamilton Municipal Heritage Committee and to the satisfaction and approval of the Director of Planning and Chief Planner prior to the issuance of any Building Permit for demolition or new construction;
- (d) That the recommendations from the report on the storefronts be implemented to the satisfaction and approval of the Director of Planning and Chief Planner prior to the issuance of any Building Permit for demolition or the new construction;



City Hall, 71 Main Street West  
Hamilton, Ontario,  
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# Hamilton

**4. (c) Heritage Permit Application HP2016-027, under Part IV of the Ontario Heritage Act, for Façade Retention and Penthouse Addition of 18 - 22 King Street East, Hamilton (PED16194(a)) (Ward 2) (Item 8.2)**

That Heritage Permit application HP2016-027, for façade retention and penthouse addition to 18-22 King Street East, be approved subject to the following conditions:

- (a) That a Conservation Plan in accordance with Appendix “F” to Report PED16194(a) be submitted as part of a complete Site Plan Control application and for review and advice from the Hamilton Municipal Heritage Committee, to the satisfaction and approval of the Director of Planning and Chief Planner prior to the issuance of any Building Permit for demolition or new construction;
- (b) That the recommendations from the Conservation Plan submitted to the satisfaction of the Director of Planning and Chief Planner, be implemented to the satisfaction of the Director of Planning and Chief Planner, prior to the issuance of an Occupancy Permit;
- (c) That an addendum to the Cultural Heritage Impact Assessment completed by the applicant’s heritage consultants, be submitted to identify what remains of the original storefronts and provide recommendations for the final storefront designs for review and advice from the Hamilton Municipal Heritage Committee and to the satisfaction and approval of the Director of Planning and Chief Planner prior to the issuance of any Building Permit for demolition or new construction;
- (d) That the recommendations from the report on the storefronts be implemented to the satisfaction and approval of the Director of Planning and Chief Planner prior to the issuance of any Building Permit for demolition or the new construction;
- (e) That the following conditions with respect to cost estimates and a Letter of Credit shall be satisfied prior to submission of an application for a Building Permit for removal of portions of the building:

(i) The applicant shall provide cost estimates for 100% of the total cost of securing, protecting and stabilizing the retained portions, the cost of monitoring and security for a period of three years and the total cost of restoration and protective enclosure of the retained Designated portions. Such cost estimates shall be in a form satisfactory to the Director of Planning and Chief Planner.

(ii) The applicant shall provide a Letter of Credit to the Director of Planning and Chief Planner for 100% of the total estimated cost as per (i) in a form satisfactory to the City's Finance Department (Development Officer, Budget, Taxation and Policy) to be held by the City as security for securing, protecting, stabilizing, monitoring and restoring the retained portions as required by this Heritage Permit:

1. The Letter of Credit shall be kept in force, whether or not the ownership of 18-22 King Street East changes at any time, until the completion of the required restoration of the retained portions and the erection of a permanent structure to enclose the rear of the retained portions and / or to otherwise attach the retained portions to a new building in conformity with the approved design and requirements.
2. The Letter of Credit may be reduced in accordance with the City's Letter of Credit Policy.
3. If the Letter of Credit is about to expire without renewal thereof and any part of securing, protecting, stabilizing, monitoring or restoring the retained portions has not been completed in conformity with their approved designs, the City may draw all of the Letter of Credit funds and hold them as security to guarantee completion unless the City's Finance Department (Development Officer, Budget, Taxation and Policy) is provided with a renewal of the Letter of Credit forthwith.
4. In the event that the Owner fails to complete, to the satisfaction of the Director of Planning and

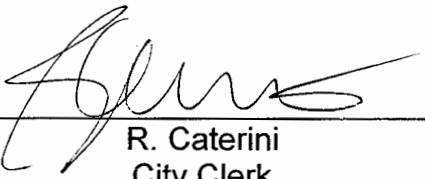
Chief Planner, the required securing, protecting, stabilizing, monitoring or restoring of the retained portions and the erection of a permanent structure to enclose the rear of the retained portions and / or attach to a new building in conformity with its approved design within the time required, then the City, in addition to any other remedies that the City may have, may exercise its authority under section 446 of the Municipal Act to have its employees, agents or contractors enter 18-22 King Street East to complete any one or more of these requirements. The cost of completion of securing, protecting, stabilizing, monitoring or restoring the retained portions shall be paid in full by the Owner from the Letter of Credit. In the event that there is a surplus, the City shall pay the surplus to the Owner upon completion of the requirement(s). In the event that there is a deficit, the City may further exercise its authority under section 446 of the Municipal Act including but not limited to adding the deficit to the tax roll and collecting it in the same manner as property taxes.

- (f) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to any application for a Building Permit and / or the commencement of any alterations;
- (g) That should a Building Permit for the proposed alterations, in accordance with this approval, not be obtained and acted upon by January 31, 2020, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;
- (h) That the proposed alterations, in accordance with this approval, shall be completed no later than January 31, 2021. If the alterations are not completed by January 31, 2021, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton; and,

- (i) That the Director of Planning and Chief Planner be authorized to approve a request to extend the dates noted in conditions (g) and (h) of this approval, if that request is submitted prior to the expiry and if progress is being made.

I hereby certify the foregoing to be a true copy of Item 4(c) of Planning Committee Report 17-001, as approved by City of Hamilton Council on January 25, 2017.

Dated at the City of Hamilton on this 26<sup>th</sup> day of January, 2017.

  
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R. Caterini  
City Clerk

- (e) That the following conditions with respect to cost estimates and a Letter of Credit shall be satisfied prior to submission of an application for a Building Permit for removal of portions of the building:
- (i) The applicant shall provide cost estimates for 100% of the total cost of securing, protecting and stabilizing the retained portions, the cost of monitoring and security for a period of three years and the total cost of restoration and protective enclosure of the retained Designated portions. Such cost estimates shall be in a form satisfactory to the Director of Planning and Chief Planner.
  - (ii) The applicant shall provide a Letter of Credit to the Director of Planning and Chief Planner for 100% of the total estimated cost as per (i) in a form satisfactory to the City's Finance Department (Development Officer, Budget, Taxation and Policy) to be held by the City as security for securing, protecting, stabilizing, monitoring and restoring the retained portions as required by this Heritage Permit:
    - 1. The Letter of Credit shall be kept in force, whether or not the ownership of 18-22 King Street East changes at any time, until the completion of the required restoration of the retained portions and the erection of a permanent structure to enclose the rear of the retained portions and / or to otherwise attach the retained portions to a new building in conformity with the approved design and requirements.
    - 2. The Letter of Credit may be reduced in accordance with the City's Letter of Credit Policy.
    - 3. If the Letter of Credit is about to expire without renewal thereof and any part of securing, protecting, stabilizing, monitoring or restoring the retained portions has not been completed in conformity with their approved designs, the City may draw all of the Letter of Credit funds and hold them as security to guarantee completion unless the City's Finance Department (Development Officer, Budget, Taxation and Policy) is provided with a renewal of the Letter of Credit forthwith.
    - 4. In the event that the Owner fails to complete, to the satisfaction of the Director of Planning and Chief Planner, the required securing, protecting, stabilizing, monitoring or restoring of the retained portions and the erection of a permanent structure to enclose the rear of the retained portions and /

or attach to a new building in conformity with its approved design within the time required, then the City, in addition to any other remedies that the City may have, may exercise its authority under section 446 of the Municipal Act to have its employees, agents or contractors enter 18-22 King Street East to complete any one or more of these requirements. The cost of completion of securing, protecting, stabilizing, monitoring or restoring the retained portions shall be paid in full by the Owner from the Letter of Credit. In the event that there is a surplus, the City shall pay the surplus to the Owner upon completion of the requirement(s). In the event that there is a deficit, the City may further exercise its authority under section 446 of the Municipal Act including but not limited to adding the deficit to the tax roll and collecting it in the same manner as property taxes.

- (f) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to any application for a Building Permit and / or the commencement of any alterations;
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- (i) That the Director of Planning and Chief Planner be authorized to approve a request to extend the dates noted in conditions (g) and (h) of this approval, if that request is submitted prior to the expiry and if progress is being made.

Please note that, under Section 33 of the *Ontario Heritage Act*, the owner of the subject property may appeal the Council decision to the Conservation Review Board. A notice of appeal shall be given to the Conservation Review Board and to the Clerk of the municipality within 30 days of the day the owner received notice of Council's decision, as per Section 33(7) of the *Ontario Heritage Act*.

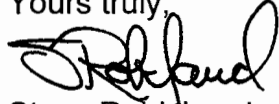


Re: **Notice of Decision for Heritage Permit Application HP2016-027 for 18-22 King Street East, Hamilton (Ward 2)**

January 26, 2017  
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If you have any questions please contact Chelsey Tyers, Cultural Heritage Planner at 905-546-2424, Ext. 1202, or via e-mail [Chelsey.tyers@hamilton.ca](mailto:Chelsey.tyers@hamilton.ca).

Yours truly,



Steve Robichaud, *MCIP OPPI RPP*  
Director of Planning and Chief Planner

Attach. (1)

cc: Councillor Jason Farr, Ward 2  
Ed VanderWindt, Director, Building Services  
Rose Caterini, City Clerk  
Anita Fabac, Manager of Development Planning, Heritage and Design  
Chelsey Tyers, Cultural Heritage Planner