



**City of Hamilton
PLANNING COMMITTEE
AGENDA**

Meeting #: 21-016
Date: October 5, 2021
Time: 9:30 a.m.
Location: Due to the COVID-19 and the Closure of City Hall (CC)

All electronic meetings can be viewed at:

City's Website:
<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel:
<https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

Lisa Kelsey, Legislative Coordinator (905) 546-2424 ext. 4605

	Pages
1. CEREMONIAL ACTIVITIES	
2. APPROVAL OF AGENDA (Added Items, if applicable, will be noted with *)	
3. DECLARATIONS OF INTEREST	
4. APPROVAL OF MINUTES OF PREVIOUS MEETING	
4.1. September 21, 2021	4
5. COMMUNICATIONS	
6. DELEGATION REQUESTS	
6.1. Andriy Dusanowsky respecting 52 Albany Avenue (Item 7.3) (For today's meeting)	41

- 6.2. Robert Maton, Ancaster Village Heritage Community, respecting 398 Wilson St. E. (Item 7.5) (For today's meeting) 44

7. CONSENT ITEMS

- 7.1. Appeal of Phase 2 of Urban Hamilton Official Plan Amendment and Zoning By-law Amendment Applications to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 354 King Street West, Hamilton (PED21178) (Ward 1) 46

- 7.2. To Incorporate City Lands into Leavitt Boulevard by By-law (PED21033) (Ward 15) 103

- 7.3. Demolition Permit - 52 Albany Avenue, Hamilton (PED21172) (Ward 4) 109

- 7.4. To Incorporate City lands into Glanair Drive and Aeropark Boulevard by By-law (PED21165) (Ward 11) 114

- 7.5. Hamilton Municipal Heritage Committee Report 21-007 121
Note: an Appendix "A" is included:

Heritage Permit Application HP2021-033, under Part IV of the Ontario Heritage Act for the relocation of 398 Wilson Street East, Ancaster (PED21196) (Ward 12)

8. STAFF PRESENTATIONS

9. PUBLIC HEARINGS / DELEGATIONS

- 9.1. Eileen Quinn respecting the Renaming of Woodworth Drive East (Approved at the September 21, 2021 meeting)

- 9.2. Next Generation 9-1-1 Street Name Amendments (Bayview Avenue, Margaret Street, William Street, Union Street, and Portions of Woodworth Drive, and Sleepy Hollow Court – Flamborough, Ancaster, and Dundas) (Wards 12, 13 and 15) (PED20175(c)) 202

- 9.3. Application to Amend the Hamilton Zoning By-law No. 05-200 for Lands Located at 1411 and 1415 Upper Wellington Street, Hamilton (PED21187) (Ward 7) 227

10. DISCUSSION ITEMS

11. MOTIONS

- 11.1. Demolition Permit for 1347 Upper Wellington Street 275

12. NOTICES OF MOTION

13. GENERAL INFORMATION / OTHER BUSINESS

14. PRIVATE AND CONFIDENTIAL

14.1. Closed Minutes - September 21, 2021

Pursuant to Section 9.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021; and, Section 239(2), Sub-sections (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

14.2. Carluke Cemetery Parking Lot and Carluke Playground Equipment (PED21171) (Ward 12) (Outstanding Business List Item)

Pursuant to Section 9.1, Sub-section (k) of the City's Procedural By-law 21-021; and, Section 239(2), Sub-sections (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

15. ADJOURNMENT



PLANNING COMMITTEE MINUTES

21-014

September 21, 2021

9:30 a.m.

**Council Chambers, Hamilton City Hall
71 Main Street West**

Present: Councillors J.P. Danko (Chair)
B. Johnson (1st Vice Chair), J. Farr (2nd Vice Chair), M. Pearson,
L. Ferguson, M. Wilson and J. Partridge

Leave of Absence: Councillor C. Collins

Also in Attendance: Councillors A. VanderBeek and E. Pauls

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

- 1. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21164) (City Wide) (Item 7.1)**

(Ferguson/Farr)

That Report PED 21164 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

- 2. Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-20-026, Zoning By-law Amendment Application ZAC-20-041, and Draft Plan of Subdivision Application 25T-202008 for Lands Located at 870 Scenic Drive and 828 Sanatorium Road (Hamilton) (PED21162) (Ward 14) (Item 7.2)**

(Wilson/Pearson)

That Report PED21162 respecting Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-20-026, Zoning By-law Amendment Application ZAC-20-041, and Draft Plan of Subdivision Application 25T-202008 for Lands Located at 870 Scenic Drive and 828 Sanatorium Road (Hamilton), be received.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

- 3. Rental Housing Pilot Program and Transition Plan (PED21097(a)) (Wards 1, 8 and Parts of Ward 14) (Outstanding Business List Item) (Item 9.1)**

(Wilson/Danko)

- (a) That the draft By-Law "Rental Housing Units" (Schedule 31) of the City Licensing By-law 07-170, attached as Appendix "A" to Report PED2109(a), which has been prepared in a form satisfactory to the City Solicitor, be approved;
- (b) That subject to the approval of Recommendation (a) of Report PED21097(a), Council approve the Rental Housing Licensing Fee Schedule as outlined in this report for an annual licence, which achieves full cost recovery with no net levy impact for the two-year pilot in Wards 1, 8 and parts of Ward 14;
- (c) That subject to the approval of Recommendations (a) and (b) of Report PED21097(a), the City of Hamilton User Fees and Charges By-law 19-160 be amended to reflect the new Rental Housing Licensing Fee Schedule;
- (d) That Council endorse the Transition Plan, attached as Appendix "B" to Report PED21097(a), to develop, implement, administer and evaluate the licensing of rental units pilot project in Wards 1, 8 and parts of Ward 14;

- (e) That Item 21(a) respecting Regulation of Rental Housing be identified as complete and removed from the Planning Committee's Outstanding Business List;
- (f) That the two-year pilot project be deemed to be completed two years after the final compliance date for property owners to obtain a licence prior to enforcement; and,
- (g) *That the public submissions were received and considered by the Committee in approving the draft by-laws.***

Result: Main Motion, As Amended, CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 NOT PRESENT - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 CONFLICT - Ward 10 Councillor Maria Pearson

4. The Revitalizing Hamilton's Commercial Districts Community Improvement Plan, Community Improvement Project Area and Associated Financial Incentive Programs (PED21035(a)) (City Wide) (Item 9.2)

(Farr/Johnson)

- (a) That the Revitalizing Hamilton's Commercial Districts Community Improvement Plan, attached as Appendix "A" to Report PED21035(a), be approved;
- (b) That existing By-law No. 16-125 "To Designate The Downtown and Community Renewal Community Improvement Project Area" be repealed on such day that the By-law enacting the Revitalizing Hamilton's Commercial Districts Community Improvement Plan comes into effect in accordance with Subsection 28(4) of the *Planning Act*,
- (c) That existing By-law No. 16-126 "To Adopt The Downtown and Community Renewal Community Improvement Plan (2016)" be repealed on such day that the By-law enacting the Revitalizing Hamilton's Commercial Districts Community Improvement Plan comes into effect in accordance with Subsection 28(4) of the *Planning Act*,

- (d) That By-law 10-052, as amended, being a By-law to delegate authority to the General Manager of Planning and Economic Development for financial incentive programs, be repealed on such day that the By-law enacting the Revitalizing Hamilton's Commercial Districts Community Improvement Plan comes into effect in accordance with Subsection 28(4) of the *Planning Act*;
- (e) That the Revitalizing Hamilton's Commercial Districts Community Improvement Project Area draft by-law, prepared in a form satisfactory to the City Solicitor and attached as Appendix "B" to Report PED21035(a), be enacted;
- (f) That the Revitalizing Hamilton's Commercial Districts Community Improvement Plan draft by-law, prepared in a form satisfactory to the City Solicitor and attached as Appendix "C" to Report PED21035(a), be enacted;
- (g) That the following implementing Financial Incentive Program Descriptions be approved and appended to the Revitalizing Hamilton's Commercial Districts Community Improvement Plan:
 - (i) the Commercial District Housing Opportunities Program Description attached as Appendix "D" to Report PED21035(a);
 - (ii) the Downtown and Barton/Kenilworth Housing Opportunities Program Description attached as Appendix "E" to Report PED21035(a);
 - (iii) the Revitalizing Hamilton Tax Increment Grant Program Description attached as Appendix "F" to Report PED21035(a);
 - (iv) the Barton/Kenilworth Tax Increment Grant Program Description attached as Appendix "G" to Report PED21035(a);
 - (v) the Commercial District Revitalization Grant Program Description attached as Appendix "H" to Report PED21035(a);
 - (vi) the Barton/Kenilworth Revitalization Grant Program Description attached as Appendix "I" to Report PED21035(a);
 - (vii) the Gore Building Improvement Grant Program Description attached as Appendix "J" to Report PED21035(a);
 - (viii) the Start-up and Office Tenant Attraction Program Description attached as Appendix "K" to Report PED21035(a);

- (ix) the Commercial Vacancy Assistance Program Description attached as Appendix “L” to Report PED21035(a);
- (x) the Barton/Kenilworth Planning and Building Fees Rebate Program Description attached as Appendix “M” to Report PED21035(a).
- (h) That the Hamilton Heritage Property Grant Program Description, as a Program provided under Subsection 39(1) of the *Ontario Heritage Act* and attached as Appendix “N” to Report PED21035(a), be approved;
- (i) That the revised draft by-law to delegate authority to the General Manager of Planning and Economic Development for certain grant and loan programs, prepared in a form satisfactory to the City Solicitor and attached as Appendix “O” to Report PED21035(a), be enacted on such day that the By-law enacting the Revitalizing Hamilton’s Commercial Districts Community Improvement Plan comes into effect in accordance with Subsection 28(4) of the *Planning Act*.
- (j) ***That there were no public submissions received regarding the matter.***

Result: Main Motion, As Amended, CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 NOT PRESENT - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

5. Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan and Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 and the Zoning By-laws of the Town of Dundas, City of Stoney Creek, Town of Ancaster, City of Hamilton, Town of Flamborough and Township of Glanbrook (PED21167) (City Wide) (Outstanding Business List Item) (Item 9.3)

(Farr/Johnson)

- (a) That City Initiative CI-21-D – Housekeeping Amendments to the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan (RHOP), to amend policies, schedules and maps in Volume 1 – Parent Plan, Volume 2 – Secondary Plans and Rural Settlement Areas, and Volume 3 – Area and Site Specific Policies of the UHOP and RHOP, in order to correct and clarify policies and mapping, be APPROVED on the following basis:

- (i) That the Draft Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED21167, be adopted by Council;
 - (ii) That the Draft Rural Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED21167, be adopted by Council;
 - (iii) That the proposed Official Plan Amendments are consistent with the Provincial Policy Statement (PPS), 2020 and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended and the Greenbelt Plan, 2017.
- (b) That approval be given to City Initiative CI-21-E for modifications and updates to the City of Hamilton Zoning By-law No. 05-200 on the following basis:
- (i) That the Draft By-law, **as amended**, attached as Appendix “E” to Report PED21167, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

Special Exception for 9 – 11 Robert Street:

Within the lands zoned Downtown Prime Retail Streets (D2) Zone, identified on Map 911 of Schedule “A” – Zoning Maps and described as 9 – 11 Robert Street, the following special provisions shall apply:

- (a) ***Notwithstanding subsection 6.0b)i), a 3.0 metre setback shall not be required from the building base facade as shown in Schedule “F”***
- (b) ***Notwithstanding subsection 6.2.3a) a minimum front yard depth of 2.5 metres shall be permitted.***

Special Exception 737:

Within a portion of the lands zoned Rural (A2) Zone, identified on Maps 15 and 16 of Schedule “A22” – Zoning Maps and described as 1092 Gore Road, the following special provisions shall apply:

- (a) ***In addition to the uses permitted in Section 12.2.1, the following additional uses shall be permitted;***

motor vehicle collision and repair establishment, including the repair of Motor Vehicles - Commercial; and, motor vehicle service station, including the repair of Motor Vehicles - Commercial.

- (b) Section 12.6.3 b) to h), j) and k) shall apply to uses in a).**
- (c) Outdoor storage shall be permitted in association with the uses permitted in a) and shall be screened from view with a visual barrier in accordance with Section 4.19 of this By-law adjacent to the street.**
- (ii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan (UHOP) upon approval of the Draft Urban Hamilton Official Plan Amendment No. XX, attached as Appendix “A” to Report PED21167;
- (iii) That the proposed changes in zoning will be in conformity with the Rural Hamilton Official Plan (RHOP) upon approval of the Draft Rural Hamilton Official Plan Amendment No. XX, attached as Appendix “B” to Report PED21167;
- (iv) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended and the Greenbelt Plan, 2017.
- (c) That approval be given to City Initiative CI-21-E for modifications and updates to the Town of Dundas Zoning By-law No. 3581-86 on the following basis:

 - (i) That the Draft By-law, attached as Appendix “E1” to Report PED21167, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and the Rural Hamilton Official Plan (RHOP);
 - (iii) That the proposed Zoning By-law Amendment is consistent with Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 and the Greenbelt Plan, 2017.
- (d) That approval be given to City Initiative CI-21-E for modifications and updates to the City of Stoney Creek Zoning By-law No. 3692-92 on the following basis:

 - (i) That the Draft By-law, attached as Appendix “E2” to Report PED21167, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

- (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and the Rural Hamilton Official Plan (RHOP);
 - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended and the Greenbelt Plan, 2017.
- (e) That approval be given to City Initiative CI-21-E for modifications and updates to the Town of Ancaster Zoning By-law No. 87-57 on the following basis:
- (i) That the Draft By-law, attached as Appendix “E3” to Report PED21167, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and the Rural Hamilton Official Plan (RHOP);
 - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended and the Greenbelt Plan, 2017.
- (f) That approval be given to City Initiative CI-21-E for modifications and updates to the City of Hamilton Zoning by-law 6593 No. on the following basis:
- (i) That the Draft By-law, attached as Appendix “E4” to Report PED21167, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and the Rural Hamilton Official Plan (RHOP);
 - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended and the Greenbelt Plan, 2017.
- (g) That approval be given to City Initiative CI-21-E for modifications and updates to the Town of Flamborough Zoning By-law No. 90-145-Z on the following basis:

- (i) That the Draft By-law, attached as Appendix “E5” to Report PED21167, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and the Rural Hamilton Official Plan (RHOP);
 - (iii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended and the Greenbelt Plan, 2017.
- (h) That approval be given to City Initiative CI-21-E for modifications and updates to the Township of Glanbrook Zoning By-law No. 464 on the following basis:
- (i) That the Draft By-law, attached as Appendix “E6” to Report PED21167, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and the Rural Hamilton Official Plan (RHOP);
 - (iii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended and the Greenbelt Plan, 2017.
- (i) That the matter respecting Temporary Amendments to the Cash-In-Lieu of Parking Policy for the Downtown Secondary Plan Area, Item 21E, Sub-section (c) of the Planning Committee’s Outstanding Business List, be considered complete and removed from the Planning Committee’s Outstanding Business List.
- (j) ***That the public submissions were received and considered by the Committee in approving the Official Plan and Zoning By-law amendments.***

Result: Main Motion, As Amended, CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko

YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

6. Modifications and Updates to Existing Secondary Dwelling Unit Regulations (PED20093(b)) (City Wide) (Item 9.4)

(Farr/Pearson)

- (a) That City Initiative CI-20-E respecting amendments to Hamilton Zoning By-law No. 05-200 and the Zoning By-laws applicable to the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek, for modifications and updates to existing Secondary Dwelling Unit Regulations, be approved on the following basis:
- (i) That the Draft By-law to amend Zoning By-law No. 05-200, the Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, the Town of Flamborough Zoning By-law No. 90- 145-Z, the Township of Glanbrook Zoning By-law No. 464, City of Hamilton Zoning By-law No. 6593, and the City of Stoney Creek Zoning By-law No. 3692-92, attached as Appendix "A" to Report PED20093(b), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) and comply with the Rural and Urban Hamilton Official Plans.

(b) *That there were no public submissions received regarding this matter.*

Result: Main Motion, As Amended, CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

7. Family Friendly Housing (PED21107) (City Wide) (Outstanding Business List Item) (Item 10.1)

(Farr/Wilson)

- (a) That Report PED21107, including the discussion paper titled *Encouraging Family Friendly Housing in Hamilton*, attached as Appendix “A” to Report PED21107, be received;
- (b) That Planning Division and Housing Services Division staff be authorized to consult with the public on the Discussion Paper “*Encouraging the Development of Family Friendly Housing in Hamilton*”, attached to Report PED21107 as Appendix “A”, and report back to Planning Committee with recommended actions for encouraging and maintaining family friendly housing in the City of Hamilton;
- (c) That Item 17E be identified as complete and removed from the Planning Committee Outstanding Business List.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 NOT PRESENT - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

8. Update and Instructions Regarding Ontario Land Tribunal Appeals for an Urban Hamilton Official Plan Amendment and Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 157 Upper Centennial Parkway (PED17213(a)/LS21031) (Ward 9) (Item 14.1)

(Pearson/Johnson)

- (a) That closed session recommendations (a), (b), (c) and (d) to Report PED17213(a)/LS21031, and Appendices “A”, “B”, and “C” hereto, be approved and remain confidential until made public as the city’s position before the Ontario Land Tribunal;
- (b) That Report PED17213(a)/LS21031, Update and instructions regarding Ontario Land Tribunal appeals for an Urban Hamilton Official Plan Amendment and amendment to the Stoney Creek Zoning By-law No. 3692-92 for lands located at 157 Upper Centennial Parkway, Stoney Creek (Ward 9) remain confidential.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 NOT PRESENT - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

The Committee Clerk advised of the following changes to the agenda:

1. DELEGATION REQUESTS (Item 6)

- 6.1 Patrick Harrington respecting Development Application in Ward 4 – WITHDRAWN
- 6.3 Matt Johnston, Urban Solutions, Respecting Item 7.2, Appeals re: 870 Scenic Drive and 828 Sanatorium Road (For Today's meeting) (To be heard before Item 7.2)

2. PUBLIC HEARINGS / DELEGATIONS (Item 9)

- 9.1 Rental Housing Pilot Program and Transition Plan (PED21097(a)) (Wards 1, 8 and Parts of Ward 14)
 - (a) Added Virtual Delegations:
 - (iii) Val Per
 - (iv) Joe Hoffer, Cohen Highley
 - (v) Donna Bacher, Realtor's Association of Hamilton-Burlington
- 9.3 Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan and Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 and the Zoning By-laws
 - (a) Added Virtual Delegations:
 - (ii) Matt Johnston, Urban Solutions
 - (iii) James Webb, Webb Consulting

(b) Added Written Submissions:

(i) Sherry Hayes

3. NOTICES OF MOTION (Item 12)

12.1 Demolition Permit for 1347 Upper Wellington Street

(Pearson/Johnson)

That the agenda for the September 21, 2021 meeting be approved, as amended.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor Pearson declared a conflict with Item 9.1, Rental Housing Pilot Program and Transition Plan, as she is a rental property landlord.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) **September 7, 2021 (Item 4.1)**

(Johnson/Farr)

That the Minutes of the September 7, 2021 meeting be approved, as presented.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(d) DELEGATION REQUESTS (Item 6)

(i) Delegation Requests (Item 6.2 and Added Item 6.3)

(Partridge/Johnson)

That the following Delegation Requests be approved for the meetings requested:

- 6.2 Eileen Quinn respecting the Renaming of Woodworth Drive East (For the October 5th meeting)
- 6.3 Matt Johnston, Urban Solutions, Respecting Item 7.2, Appeals re: 870 Scenic Drive and 828 Sanatorium Road (For today's meeting)

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(e) PUBLIC HEARINGS / DELEGATIONS (Item 9)

(i) Matt Johnston, Urban Solutions, Respecting Item 7.2, Appeals re: 870 Scenic Drive and 828 Sanatorium Road (Added Item 6.3)

Matt Johnston addressed the Committee respecting Item 7.2, Appeals re: 870 Scenic Drive and 828 Sanatorium Road.

(Pearson/Partridge)

That the Delegation from Matt Johnston, Urban Solutions, respecting Item 7.2, Appeals re: 870 Scenic Drive and 828 Sanatorium Road, be received.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(f) CONSENT ITEMS (Item 7)

- (i) Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-20-026, Zoning By-law Amendment Application ZAC-20-041, and Draft Plan of Subdivision Application 25T-202008 for Lands Located at 870 Scenic Drive and 828 Sanatorium Road (Hamilton) (PED21162) (Ward 14) (Item 7.2)**

Tim Vrooman, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

(Pearson/Wilson)

That the staff presentation be received.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(g) PUBLIC HEARINGS / DELEGATIONS (Item 9 - CONTINUED)

In accordance with the *Planning Act*, Chair Danko advised those viewing the virtual meeting that the public had been advised of how to pre-register to be a virtual delegate at the Public Meetings on today's agenda.

In accordance with the provisions of the *Planning Act*, Chair Danko advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the City Initiatives and proposed Zoning By-law and Official Plan Amendments before the Committee today, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Land Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

- (i) **Rental Housing Pilot Program and Transition Plan (PED21097(a))
(Wards 1, 8 and Parts of Ward 14) (Outstanding Business List Item)
(Item 9.1)**

(Farr/Wilson)

That the staff presentation be waived.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 CONFLICT - Ward 10 Councillor Maria Pearson

Registered Delegations (Item 9.1(a)):

- (i) Paul Martindale, addressed the Committee in Opposition to the proposal.
 (ii) Anna Kusmider, Hamilton and District Apartment Association, addressed the Committee in Opposition to the proposal.
 (iii) Val Per, addressed the Committee in Opposition to the proposal.
 (iv) Joe Hoffer, Cohen Highley, addressed the Committee in Opposition to the proposal.
 (v) Donna Bacher, Realtors Association of Hamilton-Burlington, addressed the Committee in Support of the proposal, with Concerns.

(Wilson/Danko)

That the above delegations be received.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 NOT PRESENT - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 CONFLICT - Ward 10 Councillor Maria Pearson

(Wilson/Danko)

That the following written submission (Item 9.2(b)), be received:

- (i) Brogan Wilson, in Opposition to the proposal.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 NOT PRESENT - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 CONFLICT - Ward 10 Councillor Maria Pearson

(Wilson/Danko)

That the public meeting be closed.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 NOT PRESENT - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 CONFLICT - Ward 10 Councillor Maria Pearson

(Wilson/Danko)

- (a) That the draft By-Law "Rental Housing Units" (Schedule 31) of the City Licensing By-law 07-170, attached as Appendix "A" to Report PED2109(a), which has been prepared in a form satisfactory to the City Solicitor, be approved;
- (b) That subject to the approval of Recommendation (a) of Report PED21097(a), Council approve the Rental Housing Licensing Fee Schedule as outlined in this report for an annual licence, which achieves full cost recovery with no net levy impact for the two-year pilot in Wards 1, 8 and parts of Ward 14;
- (c) That subject to the approval of Recommendations (a) and (b) of Report PED21097(a), the City of Hamilton User Fees and Charges By-law 19-160 be amended to reflect the new Rental Housing Licensing Fee Schedule;

- (d) That Council endorse the Transition Plan, attached as Appendix “B” to Report PED21097(a), to develop, implement, administer and evaluate the licensing of rental units pilot project in Wards 1, 8 and parts of Ward 14;
- (e) That Item 21(a) respecting Regulation of Rental Housing be identified as complete and removed from the Planning Committee’s Outstanding Business List;
- (f) That the two-year pilot project be deemed to be completed two years after the final compliance date for property owners to obtain a licence prior to enforcement.

(Wilson/Danko)

That the recommendations in Report PED21097(a) be **amended** by adding the following sub-section (g):

- (g) ***That the public submissions regarding this matter were received and considered by the Committee in approving the application.***

Result: Amendment CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 NOT PRESENT - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 CONFLICT - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 3.

- (ii) **The Revitalizing Hamilton’s Commercial Districts Community Improvement Plan, Community Improvement Project Area and Associated Financial Incentive Programs (PED21035(a)) (City Wide) (Item 9.2)**

No members of the public were registered as Delegations.

(Farr/Pearson)

That the staff presentation be waived.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson

NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 NOT PRESENT - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Farr/Johnson)

That the public meeting be closed.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 NOT PRESENT - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Farr/Wilson)

- (a) That the Revitalizing Hamilton's Commercial Districts Community Improvement Plan, attached as Appendix "A" to Report PED21035(a), be approved;
- (b) That existing By-law No. 16-125 "To Designate The Downtown and Community Renewal Community Improvement Project Area" be repealed on such day that the By-law enacting the Revitalizing Hamilton's Commercial Districts Community Improvement Plan comes into effect in accordance with Subsection 28(4) of the *Planning Act*;
- (c) That existing By-law No. 16-126 "To Adopt The Downtown and Community Renewal Community Improvement Plan (2016)" be repealed on such day that the By-law enacting the Revitalizing Hamilton's Commercial Districts Community Improvement Plan comes into effect in accordance with Subsection 28(4) of the *Planning Act*;
- (d) That By-law 10-052, as amended, being a By-law to delegate authority to the General Manager of Planning and Economic Development for financial incentive programs, be repealed on such day that the By-law enacting the Revitalizing Hamilton's Commercial Districts Community Improvement Plan comes into effect in accordance with Subsection 28(4) of the *Planning Act*;

- (e) That the Revitalizing Hamilton's Commercial Districts Community Improvement Project Area draft by-law, prepared in a form satisfactory to the City Solicitor and attached as Appendix "B" to Report PED21035(a), be enacted;
- (f) That the Revitalizing Hamilton's Commercial Districts Community Improvement Plan draft by-law, prepared in a form satisfactory to the City Solicitor and attached as Appendix "C" to Report PED21035(a), be enacted;
- (g) That the following implementing Financial Incentive Program Descriptions be approved and appended to the Revitalizing Hamilton's Commercial Districts Community Improvement Plan:
 - (i) the Commercial District Housing Opportunities Program Description attached as Appendix "D" to Report PED21035(a);
 - (ii) the Downtown and Barton/Kenilworth Housing Opportunities Program Description attached as Appendix "E" to Report PED21035(a);
 - (iii) the Revitalizing Hamilton Tax Increment Grant Program Description attached as Appendix "F" to Report PED21035(a);
 - (iv) the Barton/Kenilworth Tax Increment Grant Program Description attached as Appendix "G" to Report PED21035(a);
 - (v) the Commercial District Revitalization Grant Program Description attached as Appendix "H" to Report PED21035(a);
 - (vi) the Barton/Kenilworth Revitalization Grant Program Description attached as Appendix "I" to Report PED21035(a);
 - (vii) the Gore Building Improvement Grant Program Description attached as Appendix "J" to Report PED21035(a);
 - (viii) the Start-up and Office Tenant Attraction Program Description attached as Appendix "K" to Report PED21035(a);
 - (ix) the Commercial Vacancy Assistance Program Description attached as Appendix "L" to Report PED21035(a);

- (x) the Barton/Kenilworth Planning and Building Fees Rebate Program Description attached as Appendix “M” to Report PED21035(a).
- (h) That the Hamilton Heritage Property Grant Program Description, as a Program provided under Subsection 39(1) of the *Ontario Heritage Act* and attached as Appendix “N” to Report PED21035(a), be approved;
- (i) That the revised draft by-law to delegate authority to the General Manager of Planning and Economic Development for certain grant and loan programs, prepared in a form satisfactory to the City Solicitor and attached as Appendix “O” to Report PED21035(a), be enacted on such day that the By-law enacting the Revitalizing Hamilton’s Commercial Districts Community Improvement Plan comes into effect in accordance with Subsection 28(4) of the *Planning Act*.

(Farr/Wilson)

That the recommendations in Report PED21035(a) be **amended** by adding the following sub-section (j):

- (j) ***That there were no public submissions received regarding this matter.***

Result: Amendment CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 NOT PRESENT - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 4.

- (iii) **Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan and Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 and the Zoning By-laws of the Town of Dundas, City of Stoney Creek, Town of Ancaster, City of Hamilton, Town of Flamborough and Township of Glanbrook (PED21167) (City Wide) (Outstanding Business List Item) (Item 9.3)**

Heather Travis, Senior Project Manager, addressed the Committee with the aid of a PowerPoint presentation.

(Johnson/Ferguson)

That the staff presentation be received.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

Registered Delegations (Item 9.3(a)):

- (i) James Seeley, addressed the Committee with a proposed amendment to the Official Plan.
 (ii) Matt Johnston, UrbanSolutions, addressed the Committee with a proposed amendment to the Official Plan.
 (iii) James Webb, Webb Consulting, addressed the Committee with a proposed amendment to the Official Plan.

(Pearson/Johnson)

That the delegations be received.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Pearson/Johnson)

That the following written submission (Item 9.3(b)), be received:

- (i) Sherry Hayes, in Opposition to the proposed amendments to the Official Plan.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Ferguson/Partridge)

That the public meeting be closed.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Pearson/Ferguson)

- (a) That City Initiative CI-21-D – Housekeeping Amendments to the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan (RHOP), to amend policies, schedules and maps in Volume 1 – Parent Plan, Volume 2 – Secondary Plans and Rural Settlement Areas, and Volume 3 – Area and Site Specific Policies of the UHOP and RHOP, in order to correct and clarify policies and mapping, be APPROVED on the following basis:

- (i) That the Draft Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED21167, be adopted by Council;
- (ii) That the Draft Rural Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED21167, be adopted by Council;

- (iii) That the proposed Official Plan Amendments are consistent with the Provincial Policy Statement (PPS), 2020 and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended and the Greenbelt Plan, 2017.
- (b) That approval be given to City Initiative CI-21-E for modifications and updates to the City of Hamilton Zoning By-law No. 05-200 on the following basis:
- (i) That the Draft By-law, attached as Appendix “E” to Report PED21167, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan (UHOP) upon approval of the Draft Urban Hamilton Official Plan Amendment No. XX, attached as Appendix “A” to Report PED21167;
 - (iii) That the proposed changes in zoning will be in conformity with the Rural Hamilton Official Plan (RHOP) upon approval of the Draft Rural Hamilton Official Plan Amendment No. XX, attached as Appendix “B” to Report PED21167;
 - (iv) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended and the Greenbelt Plan, 2017.
- (c) That approval be given to City Initiative CI-21-E for modifications and updates to the Town of Dundas Zoning By-law No. 3581-86 on the following basis:
- (i) That the Draft By-law, attached as Appendix “E1” to Report PED21167, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and the Rural Hamilton Official Plan (RHOP);
 - (iii) That the proposed Zoning By-law Amendment is consistent with Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 and the Greenbelt Plan, 2017.

- (d) That approval be given to City Initiative CI-21-E for modifications and updates to the City of Stoney Creek Zoning By-law No. 3692-92 on the following basis:
 - (i) That the Draft By-law, attached as Appendix “E2” to Report PED21167, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and the Rural Hamilton Official Plan (RHOP);
 - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended and the Greenbelt Plan, 2017.

- (e) That approval be given to City Initiative CI-21-E for modifications and updates to the Town of Ancaster Zoning By-law No. 87-57 on the following basis:
 - (i) That the Draft By-law, attached as Appendix “E3” to Report PED21167, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and the Rural Hamilton Official Plan (RHOP);
 - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended and the Greenbelt Plan, 2017.

- (f) That approval be given to City Initiative CI-21-E for modifications and updates to the City of Hamilton Zoning by-law 6593 No. on the following basis:
 - (i) That the Draft By-law, attached as Appendix “E4” to Report PED21167, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and the Rural Hamilton Official Plan (RHOP);

- (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended and the Greenbelt Plan, 2017.
- (g) That approval be given to City Initiative CI-21-E for modifications and updates to the Town of Flamborough Zoning By-law No. 90-145-Z on the following basis:
 - (i) That the Draft By-law, attached as Appendix “E5” to Report PED21167, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and the Rural Hamilton Official Pan (RHOP);
 - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended and the Greenbelt Plan, 2017.
- (h) That approval be given to City Initiative CI-21-E for modifications and updates to the Township of Glanbrook Zoning By-law No. 464 on the following basis:
 - (i) That the Draft By-law, attached as Appendix “E6” to Report PED21167, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and the Rural Hamilton Official Plan (RHOP);
 - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended and the Greenbelt Plan, 2017.
- (i) That the matter respecting Temporary Amendments to the Cash-In-Lieu of Parking Policy for the Downtown Secondary Plan Area, Item 21E, Sub-section (c) of the Planning Committee’s Outstanding

Business List, be considered complete and removed from the Planning Committee's Outstanding Business List.

(Pearson/Ferguson)

That the recommendations in Report PED21167 be **amended** by adding the following sub-section (j):

- (j) That the public submissions regarding this matter were received and considered by the Committee in approving the amendments to the Official Plans.**

Result: Amendment CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Farr/Ferguson)

That Zoning By-law 05-200 be **amended** to include a new Special Exception for 9 – 11 Robert Street, as follows:

Special Exception for 9 – 11 Robert Street:

Within the lands zoned Downtown Prime Retail Streets (D2) Zone, identified on Map 911 of Schedule "A" – Zoning Maps and described as 9 – 11 Robert Street, the following special provisions shall apply:

- (a) Notwithstanding subsection 6.0b)i), a 3.0 metre setback shall not be required from the building base facade as shown in Schedule "F"**
- (b) Notwithstanding subsection 6.2.3a) a minimum front yard depth of 2.5 metres shall be permitted.**

Result: Amendment CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson

YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Pearson/Johnson)

WHEREAS, the former Town of Flamborough Zoning By-law did not define the use of Commercial Motor Vehicle Repair;

WHEREAS, the lands at 1092 Gore Road were rezoned in 1996 to permit the uses of Automobile Repair Garage and Automobile Body Shop;

WHEREAS, staff have proposed to add Special Exception 737 to Zoning By-law 05-200 to recognize the uses on 1092 Gore Road that were previously permitted under the Town of Flamborough Zoning By-law;

THEREFORE BE IT RESOLVED:

That staff be directed to **amend** proposed Special Exception 737 to clarify that the repair of Motor Vehicles – Commercial will be permitted to the lands located at 1092 Gore Road, as follows:

Special Exception 737:

Within a portion of the lands zoned Rural (A2) Zone, identified on Maps 15 and 16 of Schedule “A22” – Zoning Maps and described as 1092 Gore Road, the following special provisions shall apply:

- (a) ***In addition to the uses permitted in Section 12.2.1, the following additional uses shall be permitted;***

motor vehicle collision and repair establishment, including the repair of Motor Vehicles - Commercial; and, motor vehicle service station, including the repair of Motor Vehicles - Commercial.
- (b) ***Section 12.6.3 b) to h), j) and k) shall apply to uses in a).***
- (c) ***Outdoor storage shall be permitted in association with the uses permitted in a) and shall be screened from view with a visual barrier in accordance with Section 4.19 of this By-law adjacent to the street.***

Result: Amendment CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 5 Councillor Chad Collins

YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 5.

(iv) Proposed Future Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan

(i) Wilson Street – District Commercial

(Ferguson/Farr)

That staff be directed to consider the re-designation and rezoning of lands located in the vicinity of Wilson Street West, between Mason Drive and Shaver Road, from Arterial Commercial to District Commercial through the next Urban Hamilton Official Plan and Zoning By-law 05-200 housekeeping amendments.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(ii) 389, 391 and 427 Limeridge Road East

(Danko/Johnson)

That staff be directed to consider the rezoning of the lands at 389, 391 427 Limeridge Road East through a future housekeeping amendment to Zoning By-law 05-200.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson

YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(iii) Upper James Street – Arterial Commercial

(Danko/Johnson)

That staff be directed to consider the re-designation and rezoning of lands designated Arterial Commercial on Upper James Street, as appropriate, through the next Urban Hamilton Official Plan and Zoning By-law 05-200 housekeeping amendments.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(v) Modifications and Updates to Existing Secondary Dwelling Unit Regulations (PED20093(b)) (City Wide) (Item 9.4)

No members of the public were registered as Delegations.

(Farr/Partridge)

That the staff presentation be waived.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Ferguson/Pearson)

That the public meeting be closed.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson

NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Farr/Partridge)

- (a) That City Initiative CI-20-E respecting amendments to Hamilton Zoning By-law No. 05-200 and the Zoning By-laws applicable to the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek, for modifications and updates to existing Secondary Dwelling Unit Regulations, be approved on the following basis:
- (i) That the Draft By-law to amend Zoning By-law No. 05-200, the Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, the Town of Flamborough Zoning By-law No. 90- 145-Z, the Township of Glanbrook Zoning By-law No. 464, City of Hamilton Zoning By-law No. 6593, and the City of Stoney Creek Zoning By-law No. 3692-92, attached as Appendix "A" to Report PED20093(b), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) and comply with the Rural and Urban Hamilton Official Plans.

(Farr/Partridge)

That the recommendations in Report PED20093(b) be **amended** by adding the following sub-section (b):

- (b) ***That there were no public submissions received regarding this matter.***

Result: Amendment CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson

YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 6.

(h) DISCUSSION ITEMS (Item 10)

(i) Family Friendly Housing (PED21107) (City Wide) (Item 10.1)

Melanie Pham, Manager of Community Planning and GIS, addressed the Committee with the aid of a PowerPoint presentation.

(Pearson/Farr)

That the staff presentation be received.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
NOT PRESENT - Ward 15 Councillor Judi Partridge
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 7.

(i) NOTICES OF MOTION (Item 12)

(i) Demolition Permit for 1347 Upper Wellington Street (Added Item 12.1)

Councillor Danko relinquished the Chair to Councillor Johnson to present the following Notice of Motion respecting Demolition Permit for 1347 Upper Wellington Street:

WHEREAS, the owner has boarded up the vacant property but continues to have untoward activity at the property that is uninhabitable; and,

WHEREAS, it is not appropriate to pursue repair or restoration of this building as prescribed by the Property Standards By-law or maintain the property on the Vacant Building Registry and demolition is appropriate;

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 1347 Upper Wellington St., Hamilton, in accordance with By-law 09-

208, as amended by By-law 13-185, pursuant to Section 33 of The Planning Act as amended, without having to comply with conditions 6(a).

Councillor Danko assumed the Chair.

(j) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

(i) Outstanding Business List (Item 13.1)

(Farr/Ferguson)

That the following changes to the Outstanding Business List, be approved:

(a) Items to be Removed:

12A - Regulation of Rental Housing
(Item 10.1 on the September 21, 2021 agenda)

17E - Family Friendly Housing Policy
(Item 10.2 on the September 21, 2021 agenda)

19G - Residential Care Facilities and Group Homes (Urban Area) -
Human Rights and the Zoning By-law Discussion Paper (CI-19-B)
(Item 7.2 on the June 15, 2021 agenda)

20E - Waterdown Bay - 392 Dundas Street East
(Item 14.3 on the August 10, 2021 agenda)

20K - Cash-in-Lieu Parking Policy - Temporary Period
(Item 10.3 on the April 6, 2021 agenda)

20N - Housekeeping Amendments to the Urban Hamilton Official Plan
and Rural Hamilton Official Plan
(Item 9.2 on the September 21, 2021 agenda)

21B - Advisory Committee for Persons with Disabilities Report 20-007
(c)
(Item 10.1 on the August 11, 2021 Public Works Committee agenda)

21C - Advisory Committee for Persons with Disabilities Report 20-007
(e)
(Item 10.1 on the August 11, 2021 Public Works Committee agenda)

21F - Draft Parking Master Plan
(Item 10.1 on the September 7, 2021 agenda)

21O - Extension of Support for Businesses Operating Outdoors
(Item 9.1 on the August 10, 2021 agenda)

21P - Request to Designate 323 Rymal Road East as a Class 4 Noise Area
(Item 7.5 on the August 7, 2021 agenda)

(b) Items Requiring New Due Dates:

12B - Request to Designate 437 Wilson Street East (Ancaster)
Current Due Date: June 15, 2021
Proposed New Due Date: December 7, 2021

14A - Adding 206, 208 and 210 King Street East to the Register of Property of Cultural Heritage Value or Interest
Current Due Date: May 18, 2021
Proposed New Due Date: December 7, 2021

18E - 2018 Development Fee Review
Current Due Date: May 18, 2021
Proposed New Due Date: March 22, 2022

18i - Designation of 378 Main Street East
Current Due Date: June 15, 2021
Proposed New Due Date: December 7, 2021

19CC - Feasibility of Glanbrook Sports Park Inclusion in Binbrook Village Urban Boundary
Current Due Date: August 10, 2021
Proposed New Due Date: December 7, 2021

19FF - Support of Private Member's Bill to Reverse Pit Bull Ban in Ontario
Current Due Date: June 15, 2021
Proposed New Due Date: October 5, 2021

20B - Review of Problems Associated with Increased Visitors to Waterfalls
Current Due Date: April 6, 2021
Proposed New Due Date: January 11, 2022

21D - Former St. Giles Church, located at 679 Main Street East, and 85 Holton Street South
Current Due Date: TBD
Proposed New Due Date: December 7, 2021

21E - Temporary Amendments to the Cash-In-Lieu of Parking Policy for the Downtown Secondary Plan Area, Recommendation
(b)

Current Due Date: TBD
Proposed New Due Date: November 2022

21E - Temporary Amendments to the Cash-In-Lieu of Parking Policy for the Downtown Secondary Plan Area, Recommendation (c)

Current Due Date: TBD
Proposed New Due Date: December 7, 2021

21H - John Ariens, IBI Group, respecting 125-129 Robert Street (UHOP-17- 033 and ZAC-17-073)

Current Due Date: TBD
Proposed New Due Date: December 7, 2021

21i - Five Year Review of the Downtown and Community Renewal Community Improvement Plan and Associated Finance Incentive Programs, Recommendation (a)

Current Due Date: TBD
Proposed New Due Date: October 5, 2021

21J - Five Year Review of the Downtown and Community Renewal Community Improvement Plan and Associated Finance Incentive Programs, Recommendation (b)

Current Due Date: TBD
Proposed New Due Date: October 5, 2021

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
NOT PRESENT - Ward 15 Councillor Judi Partridge
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(ii) General Manager's Update (Added Item 13.2)

Jason Thorne, General Manager of Planning and Economic Development informed the Committee that the GRIDS 2 Report has been made available to the public on the City website and is being considered by Council at the Special GIC meeting on October 25, 2021.

(Pearson/Ferguson)

That the General Manager's update be received.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 NOT PRESENT - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(k) PRIVATE AND CONFIDENTIAL (Item 14)

(Farr/Pearson)

That Committee move into Closed Session to discuss Items 14.1 pursuant to Section 9.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021; and, Section 239(2), Sub-sections (e), (f) and (k) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 NOT PRESENT - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(i) Update and Instructions Regarding Ontario Land Tribunal Appeals for an Urban Hamilton Official Plan Amendment and Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 157 Upper Centennial Parkway (PED17213(a)/LS21031) (Ward 9) (Item 14.1)

For disposition of this matter, refer to Item 8.

(I) **ADJOURNMENT (Item 15)**

(Pearson/Johnson)

That there being no further business, the Planning Committee be adjourned at 12:58 p.m.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
NOT PRESENT - Ward 15 Councillor Judi Partridge
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

Councillor J.P. Danko
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Building Division
 71 Main Street West – 3rd Floor
 Hamilton, Ontario, Canada, L8P 4Y5
 Phone: 905.546.2720 Fax: 905.546.2764
www.hamilton.ca

APPLICATION NO.: 21-113132-00 DP
 ATTENTION: Frank Peter
 TELEPHONE NO.: 905.546.2424 x2781

August 09, 2021

Andriy Dusanowsky
 Bcu Financial Group
 2280 BloorStreet.W
 Toronoto, ON
 M6S 1N9

RE: 52 Albany Ave., HAMILTON (Single Family Dwelling - Demolition Control)

This Division is in receipt of a demolition permit application for the above noted property which has been deemed to be a routine application under the provisions of the Demolition Control By-Law 09-208, as amended. Please be advised as the owner of the property and you are not in agreement with the standard rebuild conditions as set out in Section 6 of the Demolition Control By-law, the Chief Building Official is required to advise Council which retains all power with respect to issuing or refusing to issue the demolition permit in accordance with Section 7. (b) of said By-law. Therefore, as you are not in agreement with the conditions City Council approval is required. Please be advised of the following information pertaining to the demolition:

1. This demolition permit application will be heard virtually at the Planning Committee meeting on October 5, 2021. This will be one of several items considered that day. You are encouraged to attend virtually and address the Committee, with your request for the demolition without the rebuild conditions being imposed. In order to address the Committee, you are required to notify the Co-ordinator of the Planning Committee Advisory at 905-546-2424 ext. 2729 as soon as possible. This Division is recommending the rebuild conditions be imposed on the demolition and if you do not address the Committee, our recommendation may be carried. Your application is then scheduled to be heard at the City Council meeting of October 13, 2021.
2. Our Division is recommending imposing the conditions as this property is in an established neighbourhood. The conditions, if imposed, will be that, prior to the issuance of a demolition permit, a building permit is required to be issued in conjunction with this permit and that the new building to be erected must be substantially completed within 2 years of the date of the demolition or \$20,000 shall be added to the tax rolls. These conditions will be required to be properly registered on title.
3. There may be additional information required to be submitted as part of the issuance of the demolition permit including but not limited to the disconnection of services forms. For any information pertaining to the issuance of the demolition permit please contact Amanda Calcagni at 905-546-2424 extension 7348.

Yours very truly,

Frank Peter

Frank Peter
 Supervisor of Plan Examination
 c.c. Co-ordinator
 Committee Services/Planning & Advisory Committees
 Office of the City Clerk

ANDRIY DUSANOWSKY
BCU FINANCIAL GROUP
2280 BLOORSTREET.W
TORONOTO ON M6S 1N9

Comment to the Hamilton City Planning Committee

Tuesday, October 5, 2021

Regarding Relocation of 398 Wilson Street East

Dr. Bob Maton, President, Ancaster Village Heritage Community, Inc.

My submission today is respecting 398 Wilson Street East, Ancaster, referred to in these discussions as the 1840 Marr House, but referred to in other documentation - by the Ancaster Historical Society, for example - as the John Phillip House.

What is known historically as the Marr House, which was similarly built around 1840 by Adam Marr, is not the building that concerns us today, but stood close by it. Adam Marr was a skilled cabinet maker who conducted a furniture and undertaking business from his home. His workshop stood next door to the Phillip House, at 400 Wilson Street East, and it is now gone as is the Marr House itself. Even though it was in pristine condition and was an operating business until its demolition, the Marr House was not designated and was demolished by these developers with no warning or consultation with local residents.

Another building from the same era has been demolished on this property as well, though not by these developers. Close by the 1840 Marr House and workshop, at 406 Wilson, was the Egleston House, also built around 1840 by Alonzo Egleston. This dynamic and enterprising gentleman arrived from New York State in 1832, when tensions with the US were rising high once again. He became a prominent mill, factory, and foundry owner in Ancaster and Mineral Springs, and had a profound influence on the social and economic development of Ancaster. His house is gone too.

The building at 398 Wilson under discussion today, puzzlingly now called the Marr House, was built for James Phillip who arrived from England around 1840. His son John, who lived in the house for years, was a stonemason and village constable. It isn't clear why the name of this building has been changed. But to me it is another indication among many that the historical base of Ancaster, primarily in the Village Core, is being lost.

These buildings were main elements in the streetscape of the Ancaster Village Core on Wilson Street, and now they are gone, except for the Phillip House. And we are sure that the Phillip House itself would be gone too except for its heritage designation. What is left now is this wonderful stone building standing in isolation on a huge, rather unkempt vacant lot on the streetscape.

Further down Wilson Street, Brandon House, a pristine 1862 stone home, was demolished in the spring of 2020 because it had not been designated. That demolition, which shocked many in the town and beyond, has left another shabby vacant lot at the corner of Wilson and Rousseaux Streets, the historic gateway to Ancaster.

AVHC and town residents see the possible removal of the Marr-Phillip House from the streetscape on Wilson Street as one of the final events in the destruction of the Ancaster Village Core. We remind the Committee that the Village Core is designated as a Cultural Heritage

Landscape, and that it received special recognition as being in need of protection by the Ancaster Wilson Street Secondary Plan, the current bylaw which governs development along Wilson Street.

We recognize as well that if the building is moved from its current siting, under the legislation it will be deemed to have been demolished, and will lose its heritage designation and all its protections under the Ontario Heritage Act. It would be left completely at the mercy of the developers, whose record concerning preservation of heritage buildings is poor.

AVHC deeply appreciates acknowledgment by City staff of the importance of preserving Marr House in its current location, and accordingly urges this Committee to accept the recommendation of the staff report against relocating this heritage gem.

Thank you,

Dr. Bob Maton, President, Ancaster Village Heritage Community



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 5, 2021
SUBJECT/REPORT NO:	Appeal of Phase 2 of Urban Hamilton Official Plan Amendment and Zoning By-law Amendment Applications to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 354 King Street West, Hamilton (PED21178) (Ward 1)
WARD(S) AFFECTED:	Ward 1
PREPARED BY:	Shannon McKie (905) 546-2424 Ext. 1288
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

Council Direction:

In accordance with subsections 22(7) and subsection 34(11) of the *Planning Act*, an Official Plan Amendment Application and associated Zoning By-law Amendment Application may be appealed to the Ontario Land Tribunal (OLT) after 120 days if Council has not made a decision on the Application.

A motion to direct staff to advise the Planning Committee on matters relating to appeals regarding lack of decision by Council pursuant to the *Planning Act* was passed by City Council on May 18, 2010. This Information Report was prepared in accordance with Council's policy for staff to advise the Planning Committee and City Council of appeals for non-decision to the OLT.

The following information is provided to Planning Committee with regards to Phase 2 of Urban Hamilton Official Plan Amendment Application (UHOPA-20-003) and Zoning By-law Amendment Application (ZAR-20-008) for lands located at 354 King Street West which have been appealed to the OLT for lack of decision.

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Appeal of Phase 2 of Urban Hamilton Official Plan Amendment and Zoning By-law Amendment Applications to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 354 King Street West, Hamilton (PED21178) (Ward 1) - Page 2 of 5

Information:

The subject property is municipally known as 354 King Street West (see Appendix “A” to Report PED21178).

The subject property has a lot area of 0.7 ha (6,696.7 square metres) and is located along three frontages, being King Street West, Queen Street North and Market Street. The lands were previously occupied by an institutional use and is currently under construction for a hotel and multiple dwelling in accordance with Site Plan Control Application DA-18-096 and Minor Variance Applications HM/A-18:277 and HM/A-19:167.

Site Plan Control Application (DA-18-096)

The Owner received final approval of Site Plan Control Application DA-18-096 (see Appendix “B” to Report PED21178) on October 17, 2019 which permitted the development of a ten-storey hotel and a six-storey multiple dwelling with eight, two storey attached units having frontage on Market Street.

Minor Variance Applications (HM/A-18:277 and HM/A-19:167)

In 2018 the applicants were granted a Minor Variance to the Zoning By-law by the Committee of Adjustment to permit a maximum building height of 36.5 metres (10 storeys) for the hotel (HM/A-18:277).

In 2019, three additional variances were granted (HM/A-19:167) to permit the following:

- to recognize an interior side yard setback of 1.9 metres along the interior lot line measuring 18.7 metres;
- to permit an interior side yard setback of 0.8 metres along the interior lot line measuring 29.8 metres; and,
- to recognize minimum building height of 7.0 metres.

These Minor Variances are final and binding and will remain in effect on the lands as the Transit Oriented Corridor - Mixed Use Medium Density (TOC1, 295) Zone will remain in effect.

Urban Hamilton Official Plan Amendment Application (UHOPA-20-003) and Zoning By-law Amendment Application (ZAR-20-008)

Applications for an Urban Hamilton Official Plan Amendment (UHOPA-20-003) and Zoning By-law Amendment (ZAR-20-008) were submitted to allow for increases in

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SUBJECT: Appeal of Phase 2 of Urban Hamilton Official Plan Amendment and Zoning By-law Amendment Applications to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 354 King Street West, Hamilton (PED21178) (Ward 1) - Page 3 of 5

height to the already approved development (DA-18-096), specifically for a 12-storey hotel and 25-storey multiple dwelling on the subject lands. Applications UHOPA-20-003 and ZAR-20-008 were submitted on December 20, 2019 by GSP Group Inc. c/o Brenda Khes on behalf of King West Crossing Ltd. and deemed complete on January 17, 2020. The Applications were required to permit:

- a 25-storey multiple dwelling;
- a 12-storey hotel;
- reduced minimum rear yard;
- reduced minimum interior side yard,
- reduced parking requirements;
- the location of the principal entrance for the multiple dwelling; and,
- the location of the driveway access.

On December 18, 2020 the Applications were amended to be considered in phases (see Appendix “E” to Report PED21178). The purpose of the first phase of the Applications was to permit a 12-storey (42.0 metre) hotel and reduced parking requirements for a hotel. The first phase was approved by Council on May 9, 2021 (Official Plan Amendment No. 149 and By-law 21-081) and the Official Plan Amendment and Zoning By-law Amendment are now final and binding and in force and effect.

The purpose of Phase 2 of the Urban Hamilton Official Plan Amendment is to add a special policy area to both the UHOP and the Ainslie Wood Westdale Secondary Plan to permit a maximum height of 25 storeys for a multiple dwelling whereas the Mixed Use - Medium Density designation of the UHOP permits a maximum building height of six storeys with additional permissions for eight storeys where specific conditions are met (Policies E.4.6.7 and E.4.6.8). The Mixed Use – Medium Density designation in the Strathcona Secondary Plan allows for a maximum building height of six storeys (Policy B.6.6.6.1 b)) with additional permissions for ten storeys where specific conditions are met (Policy B.6.6.6.1 c)).

The purpose of Phase 2 of the Zoning By-law Amendment Application is to further modify the Transit Oriented Corridor – Mixed Use Medium Density (TOC1, 295) Zone to permit:

- a maximum building height of 78.0 metres; and,
- reduced parking requirements.

The appeal of Phase 2 of the applications to the OLT was received by the City Clerk’s Office on June 30, 2021, 192 days after the receipt of the initial application (see Appendix “C” to Report PED21178).

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SUBJECT: Appeal of Phase 2 of Urban Hamilton Official Plan Amendment and Zoning By-law Amendment Applications to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 354 King Street West, Hamilton (PED21178) (Ward 1) - Page 4 of 5

PROPOSED DEVELOPMENT

First Submission:

The original Applications (UHOPA-20-003/ZAR-20-008) included a 12-storey hotel and a 25-storey multiple dwelling located on the same lot (a copy of the concept plan is attached as Appendix “D” to Report PED21178). That Application was to increase the maximum building height of the hotel from ten storeys to 12 storeys and to increase the maximum building height of the multiple dwelling from six storeys to 25 storeys, along with other associated modifications to the Zoning By-law regarding parking and modifications to the minimum rear yard, interior side yard, principal entrance location, and driveway accesses.

The first proposal, as submitted, required revisions to address issues raised through the circulation of the Applications regarding the transition in scale to the Low Density Residential 3 designated lands, cultural heritage impacts, and traffic impacts.

Second Submission:

On December 18, 2020 the Applications were amended to be considered in phases (Appendix “E” to Report PED21178). The phased approach separated the consideration for the hotel from the multiple dwelling. The revised submission for Phase 1, being the hotel, included the request for a maximum building height of 12 storeys whereas ten storeys was permitted and for a reduction in parking requirements for a hotel use. Council approved Phase 1 of the Application on May 9, 2021 (OPA 149 and By-law 21-081).

The revised submission for Phase 2, being the multiple dwelling, included revised stepbacks at the first and seventh storey along King Street West, and at the seventh and thirteenth storey along the easterly property line. The overall height of the proposed building remained 25 storeys (78 metres).

Based on a review of the revised concept plan and related sun shadow study the applicant was advised that concerns regarding the height and massing of the 25-storey multiple dwelling and the resulting impact the Low Density Residential 3 designated lands north/west identified through the circulation of the original application remained.

Urban Hamilton Official Plan and Zoning By-law No. 05-200

The subject lands are identified as “Primary Corridor” and “Mixed Use - Medium Density” on Schedule “E” – Urban Structure and are designated “Mixed Use – Medium Density” on Schedule “E-1” – Urban Land Use Designations in Volume 1 of the UHOP.

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SUBJECT: Appeal of Phase 2 of Urban Hamilton Official Plan Amendment and Zoning By-law Amendment Applications to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 354 King Street West, Hamilton (PED21178) (Ward 1) - Page 5 of 5

The subject lands are also designated “Mixed Use – Medium Density”, Site Specific Policy Area “L” on Map B.6.6-1 Land Use Plan of the Strathcona Secondary Plan.

The subject lands are zoned as follows:

- Phase 1: Transit Oriented Corridor – Mixed Use Medium Density (TOC1, 297, 741, H120) Zone; and,
- Phase 2: Transit Oriented Corridor – Mixed Use Medium Density (TOC1, 297) Zone.

Public Consultation:

In accordance with Council’s Public Participation Policy, the proposal was circulated as part of the Notice of Complete Application to 335 property owners within 120 metres of the subject lands on January 31, 2020.

A total of 66 letters were received from members of the public. The common concerns from the public included:

- height, density and shadow impact;
- compatibility and transition to the surrounding neighbourhood;
- that the proposal is not in keeping with the neighbourhood and will cause increased traffic and noise;
- visual impact of the development;
- lack of parking being proposed;
- loss of greenspace being proposed combined with the loss of mature trees and the impact this development may have on the environment;
- impact on the existing infrastructure; and,
- the overall process and public consultation methods.

There were three letters that supported higher density development on King Street West.

APPENDICIES AND SCHEDULES ATTACHED

Appendix “A” to Report PED21178 – Location Map

Appendix “B” to Report PED21178 – Final Site Plan

Appendix “C” to Report PED21178 – Letter of Appeal from Applicant’s Solicitor

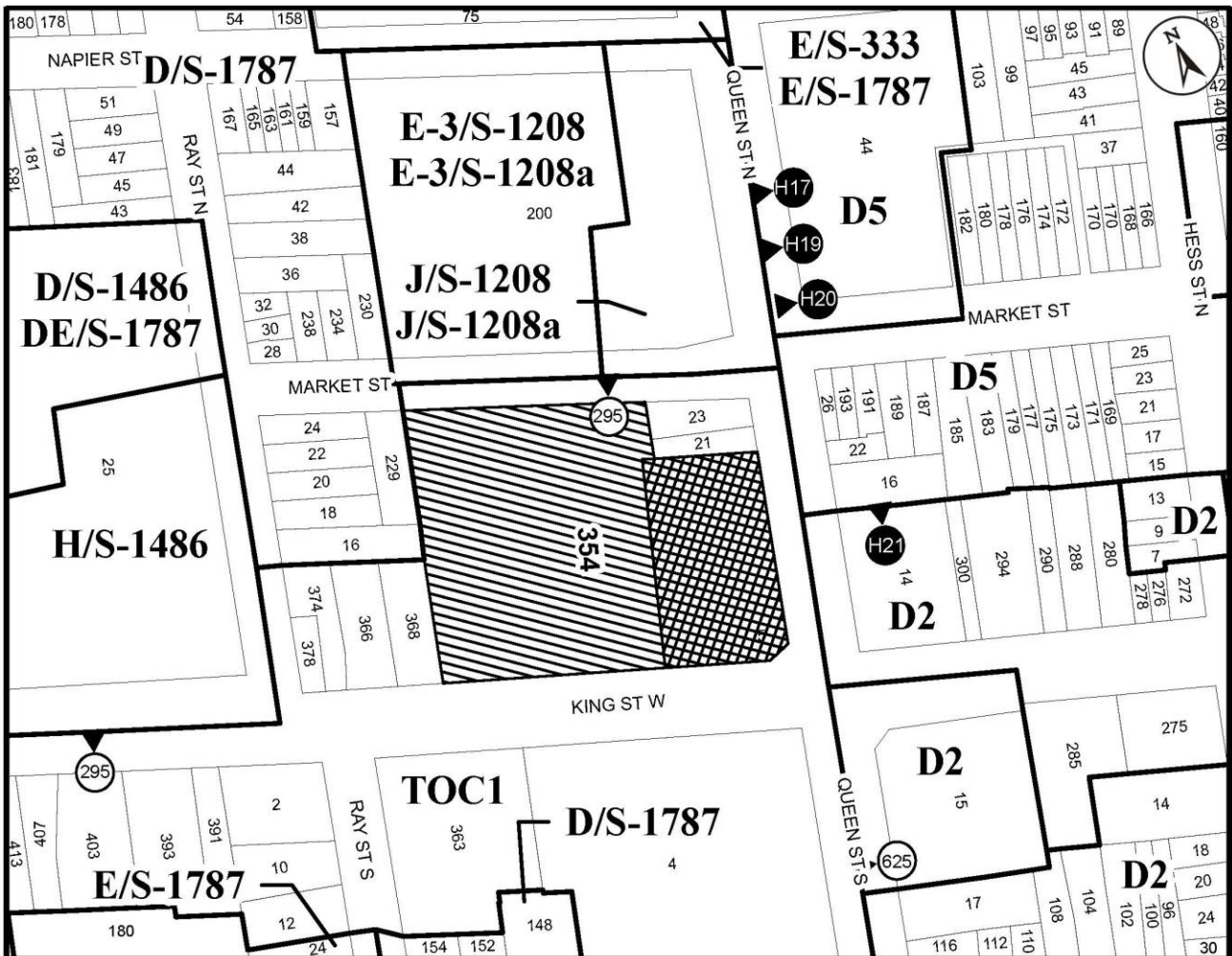
Appendix “D” to Report PED21178 – Original Concept Plan

Appendix “E” to Report PED21178 – Revised Concept Plan

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● Site Location



Key Map - Ward 1

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-20-008/UHOPA-20-003

Date:
March 25, 2021

Appendix "A"

Scale:
N.T.S

Planner/Technician:
AD/NB

Subject Property

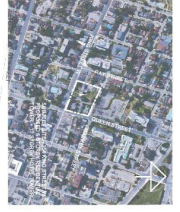
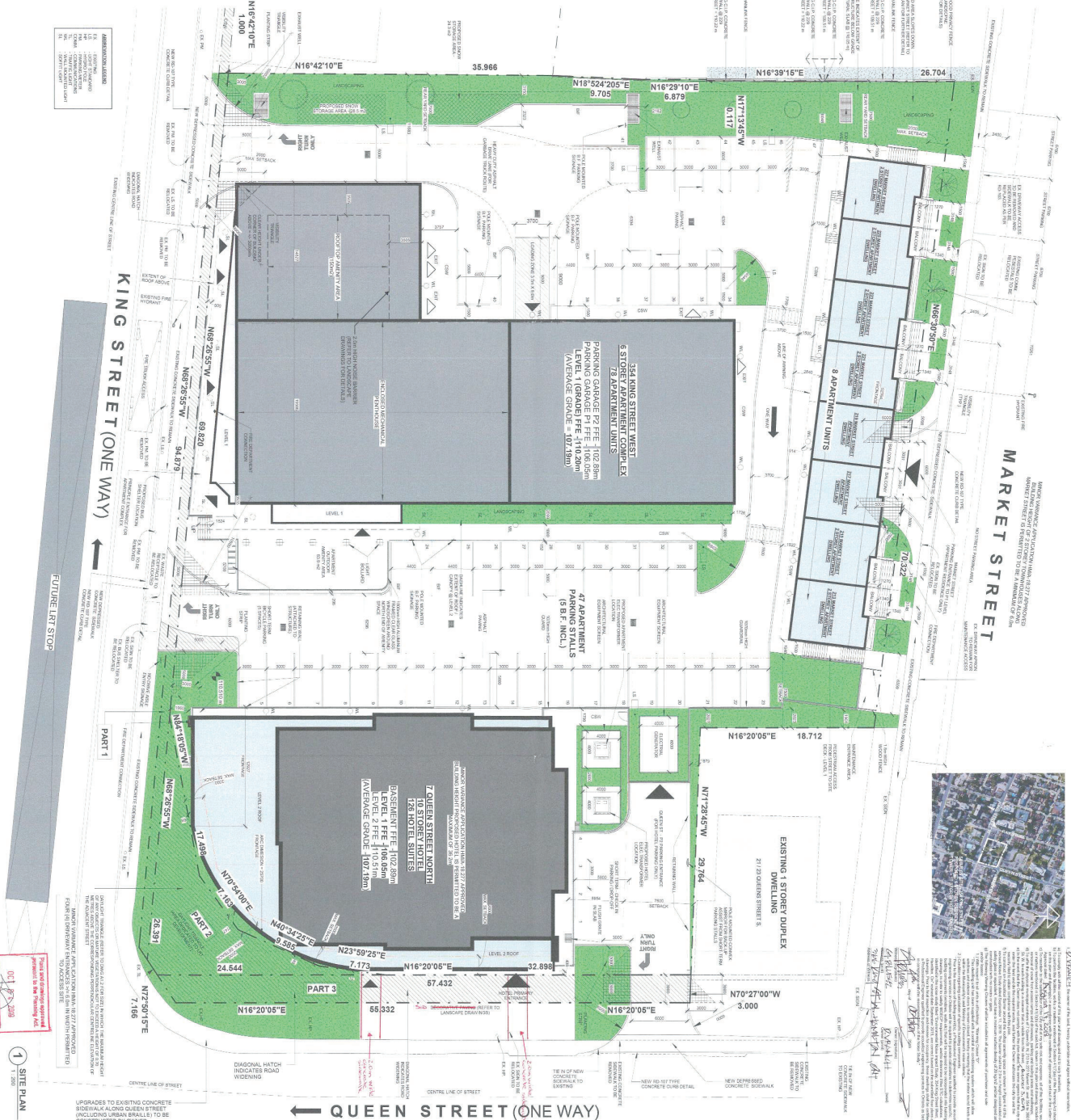
354 King Street West, Hamilton

Phase 1 lands

Phase 2 lands



1/04/2019/Shared/Folders/Project/18025 - 354 King St. Hamilton, ON (Vancouver/DRAWINGS/Issued/Issued for RPA/2019-09-05 - Re-Issued/18025 - 354 King St. Hamilton - V10-0_Rolback.rvt



GENERAL NOTES

1. ALL DIMENSIONS ARE SHOWN UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF HAMILTON ZONING BY-LAW AND ALL APPLICABLE REGULATIONS.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF HAMILTON.
5. ALL UTILITIES SHALL BE SHOWN AS NOTED ON THE SITE PLAN.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL UTILITIES AND EXISTING STRUCTURES.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF HAMILTON.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF HAMILTON.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF HAMILTON.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF HAMILTON.

NO.	DATE	REVISION
1	2019/07/12	ISSUED FOR PERMIT
2	2019/07/12	ISSUED FOR PERMIT
3	2019/07/12	ISSUED FOR PERMIT
4	2019/07/12	ISSUED FOR PERMIT
5	2019/07/12	ISSUED FOR PERMIT
6	2019/07/12	ISSUED FOR PERMIT
7	2019/07/12	ISSUED FOR PERMIT
8	2019/07/12	ISSUED FOR PERMIT
9	2019/07/12	ISSUED FOR PERMIT
10	2019/07/12	ISSUED FOR PERMIT

6 STRY APARTMENT & 10 STRY HOTEL
354 KING STREET WEST
DA-18-096

SITE PLAN

ARCHITECTS INC.

354 KING STREET WEST
DA-18-096

GENERAL NOTES

1. ALL DIMENSIONS ARE SHOWN UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF HAMILTON ZONING BY-LAW AND ALL APPLICABLE REGULATIONS.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF HAMILTON.
5. ALL UTILITIES SHALL BE SHOWN AS NOTED ON THE SITE PLAN.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL UTILITIES AND EXISTING STRUCTURES.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF HAMILTON.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF HAMILTON.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF HAMILTON.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF HAMILTON.

June 29, 2021

Denise Baker
Partner
t. 416-947-5090
dbaker@weirfoulds.com

VIA EMAIL AND COURIER

File No. 21870.00001

Andrea Holland, City Clerk
City of Hamilton
City Hall
71 Main St. W., 1st Floor
Hamilton, Ontario
L8P 4Y5

Dear Ms. Holland:

Re: Notice of Appeal - 354 King Street West, Hamilton, ON
OPA File No: UHOPA-20-003
Zoning By-law File No: ZAC-20-008

We are legal counsel to King West Crossing Limited and DV Trillium Group Inc., (collectively, the "Client") with respect to the redevelopment of the property municipally known as 354 King Street West, Hamilton, (the "Property"). The Property is approximately 1.74 acres in area and is located on the northwest corner of King Street West and Queen Street North, abutting the western boundary of Downtown Hamilton.

Proposal Summary

On December 20, 2019, applications were filed with the City of Hamilton (the "City") for amendments to the City's Official Plan and Zoning By-law (the "Applications") and the Applications were deemed complete on January 17, 2020.

The Applications sought to permit additional storeys atop the previously site plan approved six (6) storey multiple dwelling and ten (10) storey hotel to be constructed on the Property. Specifically, the Applications sought approval for an additional 19 storeys atop the multiple dwelling building and an additional two (2) storeys atop the hotel, bringing the total heights to 25 (77.2 m) and 12 storeys (41.78 m), respectively, along with other modifications to the Zoning By-law regarding parking and modifications to the minimum rear yard, interior side yard, principal entrance location, and driveway accesses. The additional storeys would facilitate the development of 236 more residential units and 28 additional hotel suites.

On December 18, 2020, the Applications were amended to allow them to be considered in phases. The first phase dealt with the additional 2 storeys on the hotel portion of the Property ("Phase 1"). The effect of the approval of Phase 1 of the Application would be to add a site-specific policy for a portion of the Property to permit the maximum 12 storey building height for the hotel and to modify the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 295) zone to deem the lot as one lot for zoning purposes, to permit a height of 42.0 metres (12 storeys) and to reduce the required parking for a hotel use.

The second phase of the Application deals with the additional 19 storeys atop the multiple dwelling to permit a total of 25 storeys and an additional 236 residential units ("Phase 2").

On May 4, 2021, a recommendation report went forward to Hamilton's Planning and Development Committee which recommended the approval of the Phase 1 portion of the Applications, and the associated planning instruments. This recommendation was approved by Council on May 12, 2021 and the appeal period has since expired without any appeals having been filed. Therefore, the amendments to the City's Official Plan and Zoning By-law for the Phase 1 portion of the Property are now in force and effect.

However, the Phase 2 Applications for the portion of the Property where the multiple dwelling building would be located, are still being evaluated by staff and there has been no indication as to when the Phase 2 Applications will be considered by Council. As such, because the City has failed to make a decision on the Phase 2 Applications within the time periods contemplated in the *Planning Act*, R.S.O. 1990, c.P.13, the Client is filing these appeals to the Ontario Land Tribunal ("Tribunal").

Background

The Property is designated 'Urban Corridor' on Schedule E – Urban Structure of the City of Hamilton Urban Official Plan ("UHOP") and 'Mixed Use – Medium Density' on Schedule E1 – Urban Land Use Designations. The Official Plan Amendment ("OPA") is required to establish an Urban Site-Specific Area in the UHOP to permit the total height of 25-storeys for the multiple dwelling building.

The Property is currently zoned 'Transit Oriented Corridor Mixed Use Medium Density (TOC1)' with exception 295 under City of Hamilton Zoning By-law No. 05-200, as amended. The Zoning By-law Amendment ("ZBA") is required to create a site-specific exception for the Property, which will amend the minimum required interior side yard setback, the minimum and maximum building heights, the minimum number of permitted vehicle accesses, a regulation related to the orientation of a principal building entrance, and parking requirement for the multiple dwelling.

Reasons for Appeal

The primary reason for the appeals is that a decision has not been made on the Applications within the statutory time period as set out in the *Planning Act*. However, in addition, it is our submission that:

1. The Applications are consistent with the Provincial Policy Statement (2020) and are in conformity with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019). The Applications propose additional units and intensification along an existing transit route, planned higher order transit corridor, and within a major transit station area. Applications promote an efficient form of development and environmental sustainability by permitting additional height and units atop an approved development;
2. The Applications further intensify a site which directly abuts Downtown Hamilton and is adjacent to public and active transportation routes including Hamilton Street Railway bus routes, the SoBi bicycle sharing service, and sidewalks along King Street West;
3. The Applications allow for a transit-supportive density adjacent to a proposed Light Rail Transit station which will facilitate additional residents and visitors to be located along the future transit corridor which will help improve the financial viability of the significant public investment made by the City and the Province;
4. The Applications will increase and diversify the housing stock within the Strathcona neighbourhood, bringing additional residents and vitality into the neighbourhood;
5. The Applications meet the intent of the UHOP land use designation policies for development within the Mixed Use – Medium Density designation by proposing additional

units and building height atop an approved development, resulting in a more compact urban form and contributing to increased pedestrian activity surrounding the site, which will support the planned higher order transit;

6. The Applications, including the additional requested height, meet the intent of the policies within the Strathcona Secondary Plan ("SSP") by ensuring compatibility of the additional height with adjacent land uses by adverse impacts associated with shadowing, noise, grading, traffic, and wind. Impacts to the adjacent land uses will be minimized through landscape buffers, distance separation, fencing, dark-sky friendly lighting and wind barriers;
7. The required amendment to the Strathcona Neighbourhood Plan to redesignate the Property from "civil and institutional" to "commercial and apartments" better implements the UHOP's urban structure and land use designations on the Property;
8. The Property is currently zoned 'Transit Oriented Corridor Mixed Use Medium Density (TOC1)' with exception 295 under the City's By-law No. 05-200, as amended. The TOC1 – 295 zone permits a wide variety of uses including multiple dwellings. The amendment to the Zoning By-law is required to create a site-specific exception for the Property with modified regulations, which conform to the policies of the UHOP and SSP;
9. The various supporting technical reports and studies submitted with the Applications conclude that the proposed development is appropriate and supportable from various technical perspectives and that there are no outstanding technical issues;
10. The proximity of the proposed development to community amenities such as parks, community centres, schools, shopping, entertainment as well as bus routes, rapid transit networks and active transportation options contributes to the reduction in reliance on automobile use and encourages active transportation and transit usage which ultimately facilitates the development of complete communities;
11. The Proposal represents good planning. The additional height provides for increased efficiency of the use of land and existing municipal infrastructure.

Filing Requirements

In satisfaction of the Tribunal's filing requirements, enclosed please find the following:

1. One completed OLT Appellant Form (A1) in respect of the two appeals; and
2. Two firm cheques, each in the amount of \$1,100.00, made payable to the Minister of Finance.

Please acknowledge the receipt of this letter and confirm that the Record has been forwarded to the Tribunal in accordance with the requirements of the *Planning Act*.

Yours truly,

WeirFoulds LLP



Per: Denise Baker
Partner

DB/mw

Encls.

Cc Client

16365053.1



Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5
 Tel: 416-212-6349 | 1-866-448-2248
 Web Site: olt.gov.on.ca

Appeal Form (A1)

<p>Date Stamp</p>	<p>(OLT Office Use Only)</p>	<p>Date Stamp – Appeal Received by OLT</p>
	<p>OLT Case Number (OLT Office Use Only)</p>	

Please complete this Appeal Form by following the instructions in the companion document titled “Appeal Form Instructions”. Please read **both** documents carefully to ensure you submit the correct information and complete this form correctly.

There are guides available for review on the Tribunal’s [website](#) for different appeal types to assist you in filing an appeal.

Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal) prior to completing this Appeal Form. Relevant portions of the applicable legislation should also be reviewed before submitting this form. Your appeal must be filed with the appropriate authority within the appeal period as set out in the notice of the decision and applicable legislation.

Section 1 – Contact Information (Mandatory)

Applicant/Appellant/Objector/Claimant Information				
Last Name:		First Name:		
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation): King West Crossing Limited and DV Trillium Group Inc.				
Email Address: gbluesz@bellacordesign.com				
Daytime Telephone Number:		Alternative Telephone Number:		
905-921-4419	ext.			
Mailing Address				
Unit Number:	Street Number:	Street Name:	P.O. Box:	
	366	King Street West		
City/Town:	Province:	Country:	Postal Code:	
Hamilton	ON	Canada	L8P 1B3	

<input type="checkbox"/>	Appeal of <i>Development Charges, Education Act, Aggregate Resources Act, Municipal Act</i> matters	3A
<input type="checkbox"/>	Appeal of or objection to <i>Ontario Heritage Act</i> matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41	3A
<input type="checkbox"/>	Appeal of <i>Planning Act</i> (subsections 33(4), 33(10), 33(15), 36(3)), <i>Municipal Act</i> (subsection 223(4)), <i>City of Toronto Act</i> (subsection 129(4)) and <i>Ontario Heritage Act</i> (subsections 34.1(1), 42(6)) matters	3A & 3B
<input type="checkbox"/>	Appeal of <i>Clean Water Act, Environmental Protection Act, Nutrient Management Act, Ontario Water Resources Act, Pesticides Act, Resource Recovery and Circular Economy Act, Safe Drinking Water Act, Toxics Reduction Act, and Waste Diversion Transition Act</i> matters	4A
<input type="checkbox"/>	Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i>	4B
<input type="checkbox"/>	Appeal under the <i>Niagara Escarpment Planning and Development Act (NEPDA)</i>	5A
<input type="checkbox"/>	Application to amend the <i>Niagara Escarpment Plan</i>	5B
<input type="checkbox"/>	Appeal of <i>Conservation Authorities Act, Mining Act, Lakes and Rivers Improvement Act, Assessment Act, and Oil, Gas and Salt Resources Act</i> matters	6
<input type="checkbox"/>	Legislation not listed above	Contact OLT before filing your appeal

Section 3A – Planning Matters

Appeal Reasons and Specific Information

Number of new residential units proposed:
 236 additional units for a total of 322
 Municipal Reference Number(s): UHOPA-20-03 and ZAC-20-008

List the reasons for your appeal:

See attached Appeal letter

Has a public meeting been held by the municipality? Yes No

For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you will rely on one or more of the following grounds:

- A: A decision of a Council or Approval Authority is:
- Inconsistent with the Provincial Policy Statement issued under subsection 3(1) of the *Planning Act*
 - Fails to conform with or conflicts with a provincial plan
 - Fails to conform with an applicable Official Plan

And
 B: For a non-decision or decision to refuse by council:

Consistency with the provincial policy statement, issued under subsection 3(1) of the *Planning Act*

- X Conformity with a provincial plan
- X Conformity with the upper-tier municipality's Official Plan or an applicable Official Plan

If it is your intention to argue one or more of the above grounds, please explain your reasons:

See attached Appeal letter

Oral/Written submissions to council

Did you make your opinions regarding this matter known to council?

- Oral submissions at a public meeting of council
- Written submissions to council
- X Not applicable

Related Matters

Are there other appeals not yet filed with the Municipality?

- Yes X No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application).

- Yes X No

If yes, please provide the Ontario Land Tribunal Case Number(s) and/or Municipal File Number(s) for the related matters:

Section 3B – Other Planning Matters

Appeal Specific Information (Continued)

Date application submitted to municipality if known (yyyy/mm/dd):

Date municipality deemed the application complete if known (yyyy/mm/dd):

Please briefly explain the proposal and describe the lands under appeal:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 3B Checklist\(s\)](#) located [here](#) and submit all documents listed.

Section 4A – Appeals under Environmental Legislation

Appeal Specific Information

Outline the grounds for the appeal and the relief requested:

Reference Number of the decision under appeal:
Portions of the decision in dispute:
Date of receipt of Decision or Director's Order (yyyy/mm/dd):
Applying for Stay? <input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, outline the reasons for requesting a stay: (Tribunal's Guide to Stays can be viewed here)
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 4A Checklist(s) located here and submit all documents listed on the checklist.

Section 4B – Environmental Application for Leave to Appeal

Are you filing an Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i> ? <input type="checkbox"/> Yes <input type="checkbox"/> No
Identify the portions of the instrument you are seeking to appeal:
Identify the grounds you are relying on for leave to appeal. Your grounds should include reasons why there is good reason to believe that no reasonable person, having regard to the relevant law and to any government policies developed to guide decisions of that kind could have made the decision; and why the decision could result in significant harm to the environment:
Outline the relief requested:
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 4B Checklist(s) located here and submit all documents listed on the checklist.

Section 5A – Appeal regarding Development Permit Application under the *Niagara Escarpment Planning and Development Act*

Appeal Specific Information	
Development Permit Application File No:	
Name of Applicant for Development Permit:	
Reasons for Appeal: Outline the nature and reasons for your appeal. Specific planning, environmental and/or other reasons are required. (The Niagara Escarpment Plan is available on the Niagara Escarpment Commission's website (www.escarpment.org))	

Section 5B – Application to amend the *Niagara Escarpment Plan*

Owner			
Last Name:		First Name:	
Email Address:			
Daytime Telephone Number:		Alternative Telephone Number:	
Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:
City/Town:	Province:	Country:	Postal Code:

Property Location & Information			
Municipality:		Street Number:	Street Name:
Lot:	Concession:	And/or	Lot: Plan:
Assessment Roll Number or PIN:		Lot Size:	

Property Servicing			
Existing Road Frontage:	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private	Proposed Road Frontage: <input type="checkbox"/> Municipal <input type="checkbox"/> Private
Existing Water Supply:	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private	Proposed Water Supply: <input type="checkbox"/> Municipal <input type="checkbox"/> Private
Existing Sewage Disposal:	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private	Proposed Sewage Disposal: <input type="checkbox"/> Municipal <input type="checkbox"/> Private

Is the Proposal the Subject of a Current Application? Please identify:	
<input type="checkbox"/>	Development Permit under <i>Niagara Escarpment Planning and Development Act</i>
<input type="checkbox"/>	The <i>Planning Act</i> (Official Plan or Zoning By-law Amendment)
<input type="checkbox"/>	The <i>Aggregate Resources Act</i> (License)
<input type="checkbox"/>	Committee of Adjustment (Minor Variance)
<input type="checkbox"/>	Land Division Committee (Severance)
<input type="checkbox"/>	Other:

Description of the Property
Describe the current use of the property including any existing buildings or structures:

Category of the Proposed Amendment
<input type="checkbox"/> Change in Designation <input type="checkbox"/> Change to Policy <input type="checkbox"/> Request for Urban Servicing <input type="checkbox"/> Change to Plan Boundary <input type="checkbox"/> Other:

Detailed Description of Proposed Amendment
Provide a detailed description of the proposed amendment:

Justification and Rationale (Including Reasons, Argument and Evidence in Support of the Amendment) (See Niagara Escarpment Plan Amendment Guidelines)

The justification submitted with the application should address the following:

1. Analysis of how the proposed amendment is consistent with the *Niagara Escarpment Planning and Development Act*, the Niagara Escarpment Plan, and shall be consistent with other relevant Provincial plans.
2. A justification which includes the rationale for the amendment, as well as reasons, arguments or evidence in support of the change to the Plan proposed through the amendment.

The following studies and reports may be necessary to be submitted in support of justification of the proposed amendment (The applicability of the following will depend on the nature of the application):

- Agricultural Land Use Impacts
- Air Quality Impact Assessment
- Engineering Reports
- Environmental Impact Study
- Geological Studies
- Grading Plans – Existing and proposed and Slope Stabilization Plans and Typical Cross Sections
- Historical/Cultural/Archeological Impact Assessment
- Hydrogeological Impact Assessment
- Landscape/Visual Impact Analysis
- Noise Impact Assessment
- Setback from the Brow of the Escarpment
- Suitable for Septic Systems
- Traffic Impact Assessment
- Tree Removal/Planting including Berming and Landscaping
- Other:

Site Plan

Please attach an accurate Site Plan drawn to scale. The Site Plan may be drawn on a blank sheet; on an attached Survey, or by using mapping software (Ontario Make a Map etc.). The Site Plan must show existing features, such as, buildings and structures, streams, changes in grades, rock outcrops, driveways, forested areas and proposed uses to changes to the property or the features.

NOTE: For amendments regarding Mineral Resource Extraction Areas, please provide copies of the Site Plan as required by Regulation under the *Aggregates Resources Act*.

Section 6 – Mining Claim and Conservation Matters

Appeal Specific Information

List the subject Mining Claim Number(s) (for unpatented mining claims) and accompanying Townships, Areas and Mining Division(s) where mining claims are situated. List all "Filed Only" Mining Claims, if appropriate: (This is to be completed for *Mining Act* appeals only.)

--

List the Parcel and the Property Identifier Numbers (PIN), if rents or taxes apply to mining lands, if appropriate (mining claims only):

--

Provide the date of the Decision of the Conservation Authority or the Provincial Mining Recorder, as appropriate:

--

Provide a brief outline of the reasons for your application/appeal/review. If other lands/owners are affected, please include that information in the outline being provided below:

--

Respondent Information

Conservation Authority:

--

Contact Person:

--

Email Address:

--

Daytime Telephone Number:	ext.	Alternative Telephone Number:

Mailing Address or statement of last known address/general area they were living and name of local newspaper if address is not available

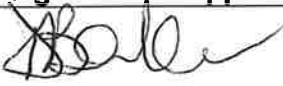
Unit Number:	Street Number:	Street Name:	P.O. Box:
City/Town:	Province:	Country:	Postal Code:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 6 Checklist(s) located here and submit all documents listed on the checklist.

Section 7 – Filing Fee

Required Fee						
Please see the attached link to view the OLT Fee Chart.						
Total Fee Submitted: \$2,200.00						
Payment Method	<input type="checkbox"/>	Certified Cheque	<input type="checkbox"/>	Money Order	X	Lawyer's general or trust account cheques
	<input type="checkbox"/>	Credit Card				
If you wish to pay the appeal fee(s) by credit card, please check the box above and OLT staff will contact you by telephone to complete the payment process upon receipt of the appeal form.						
If a request for a fee reduction is being requested, please pay the minimum filing fee for each appeal and complete/submit the Fee Reduction request form .						
<input type="checkbox"/> Request for Fee Reduction form is attached (if applicable – see Appeal Form Guide for more information)						

Section 8 – Declaration (Mandatory)

Declaration		
I solemnly declare that all the statements and the information provided, as well as any supporting documents, are true, correct and complete.		
By signing this appeal form below, I consent to the collection of my personal information.		
Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Denise Baker		2021/06/29
Personal information or documentation requested on this form is collected under the authority of the <i>Ontario Land Tribunal Act</i> and the legislation under which the proceeding is commenced. All information collected is included in the Ontario Land Tribunal (OLT) case file and the public record in this proceeding. In accordance with the <i>Freedom of Information and Protection of Privacy Act</i> and section 9 of the <i>Statutory Powers Procedure Act</i> , all information collected is available to the public subject to limited exceptions.		
We are committed to providing services as set out in the <i>Accessibility for Ontarians with Disabilities Act, 2005</i> . If you have any accessibility needs, please contact our Accessibility Coordinator at OLT.Coordinator@ontario.ca or toll free at 1-866-448-2248 as soon as possible.		

Section 9 – Filing Checklists (Mandatory)

Filing/Submitting your form and documentation			
You must file your Appeal Form with the appropriate authority(s) by the filing deadline.			
If the completed Section is:	Refer to the relevant checklist and submit all documents listed on the checklist when filing your Appeal Form.		
Section 3B	Review the Section 3B Checklist(s) and attach all listed documents.		
Section 4A	Review the Section 4A Checklist(s) and attach all listed documents.		
Section 4B	Review the Section 4B Checklist(s) and attach all listed documents.		
If the completed Section is:	You must file with the following:		
Section 3A	Municipality or the Approval Authority/School Board *If you are filing under the <i>Ontario Heritage Act</i> , including under s. 34.1(1) , please carefully review the specific section of that legislation to determine if your appeal needs to be filed with the Tribunal in addition to the Municipality or Approval Authority.		
Section 3A & 3B or Section 4A or Section 4B or Section 6	Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, ON M5G 1E5 Phone: 416-212-6349 1-866-448-2248 Website: www.olt.gov.on.ca		
Section 5A or 5B	<table border="0"> <tr> <td style="vertical-align: top;"> For the Areas of: Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara </td> <td style="vertical-align: top;"> For the Areas of: Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon) </td> </tr> </table>	For the Areas of: Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara	For the Areas of: Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon)
For the Areas of: Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara	For the Areas of: Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon)		

	<p>City of Hamilton</p> <p>File with:</p> <p>NIAGARA ESCARPMENT COMMISSION 232 Guelph Street, 3rd Floor Georgetown, ON L7G 4B1</p> <p>Phone: 905-877-5191 Fax: 905-873-7452 Website: www.escarpment.org Email: necgeorgetown@ontario.ca</p>	<p>File with:</p> <p>NIAGARA ESCARPMENT COMMISSION 1450 7th Avenue Owen Sound, ON N4K 2Z1</p> <p>Phone: 519-371-1001 Fax: 519-371-1009 Website: www.escarpment.org Email: necowensound@ontario.ca</p>
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NOTE: Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal).

NOTE: Relevant portions of the applicable legislation should be reviewed before submitting this form. Please ensure that a copy of this Appeal Form is served in accordance with the requirements of the applicable legislation.

HEAT SENSITIVE IMAGE TEMPORARILY DISAPPEARS WITH HEAT

WeirFouldsLLP
BARRISTERS & SOLICITORS

4100 - 66 Wellington Street West
PO Box 35, Toronto-Dominion Centre
Toronto, ON M5K 1B7

Bank of Montreal
1 First Canadian Place
100 King Street West
Toronto, ON M5K 1A3

44840

MM DD YYYY

April 29, 2021

\$ **1,100.00**

pay

One Thousand One Hundred and 00/100 Dollar(s)***

pay to the
order of

Minister of Finance

GENERAL ACCOUNT

WeirFouldsLLP

PER *Billy*
PER *Hayne Eg*



⑈44840⑈ ⑆00022⑆00⑆⑆

⑆987⑆⑆799⑆⑆

HEAT SENSITIVE IMAGE TEMPORARILY DISAPPEARS WITH HEAT

WeirFouldsLLP
BARRISTERS & SOLICITORS

4100 - 66 Wellington Street West
PO Box 35, Toronto-Dominion Centre
Toronto, ON M5K 1B7

Bank of Montreal
1 First Canadian Place
100 King Street West
Toronto, ON M5K 1A3

44841

MM DD YYYY

April 29, 2021

\$ **1,100.00**

pay

One Thousand One Hundred and 00/100 Dollar(s)***

pay to the
order of

Minister of Finance

GENERAL ACCOUNT

WeirFouldsLLP

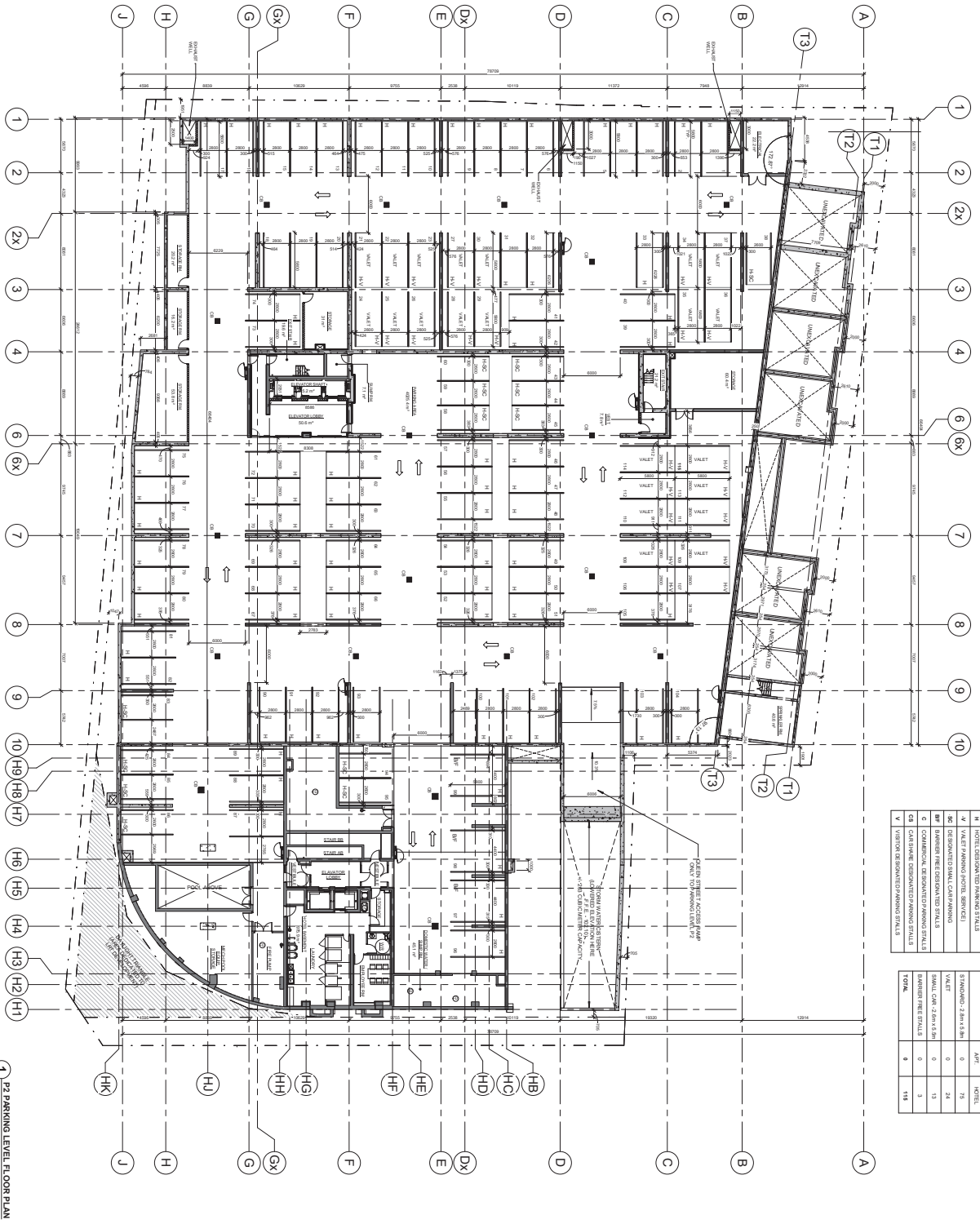
PER *Billy*
PER *Hayne Eg*



⑈44841⑈ ⑆00022⑆00⑆⑆

⑆987⑆⑆799⑆⑆

Do not scale drawings. Contractors must check and verify all dimensions and report any discrepancies to the Architect before proceeding with the work. All documents remain the property of the Architect. Unauthorised use, modification, or reproduction of these documents is prohibited without written consent. The Consultant Documents were prepared by the Consultant for the account of the Client. The material contained herein reflects the Consultant's best judgment in light of the information available to him at the time of preparation. Any use which is not intended by the Consultant, or any addition or deletion to be made based on them are the responsibility of such third parties. The Consultant accepts no responsibility for designs, if any, submitted by any third party as a result of decisions made or actions based on the Consultant Documents.
 C:\Users\white\Desktop\Locals18025 - 354 King St. Hamilton - V10.0_white66EDL.rvt



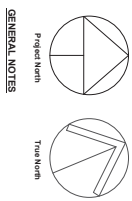
ABBREVIATIONS

H	HOTEL DESIGNATED PARKING STALLS
N	VALET DESIGNATED PARKING STALLS
SE	DESIGNATED SMALL CAR PARKING
BP	DESIGNATED BARRIER PARKING STALLS
C	DESIGNATED COMMERCIAL PARKING STALLS
V	VALET DESIGNATED PARKING STALLS

PARKING SCHEDULE - LEVEL L2

STALL TYPE	AREA	HOTEL
DESIGNATED 2.5M x 3.5M	0	75
VALET	0	24
DESIGNATED 2.5M x 3.5M	0	13
BARRIER STALLS	0	3
TOTAL	0	115

TOTAL FLOOR AREA 1988.41 m²



- GENERAL NOTES**
1. REFER TO ALL DRAWINGS FOR DIMENSIONS AND NOTES.
 2. ALL WORK SHALL COMPLY WITH THE 2018 ONTARIO BUILDING CODE AND AMENDMENTS.
 3. DIMENSIONS AND SPECIFICATIONS MAY BE SUBJECT TO CHANGE WITHOUT NOTICE AND WITHOUT ANY RESPONSIBILITY ON THE PART OF THE ARCHITECT.
 4. ALL CONTRACTORS AND SUB CONTRACTORS SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCEMENT OF WORK.
 5. ALL CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCEMENT OF WORK.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCEMENT OF WORK.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCEMENT OF WORK.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCEMENT OF WORK.
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCEMENT OF WORK.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCEMENT OF WORK.

354 KING STREET WEST
P2 PARKING LEVEL FLOOR PLAN

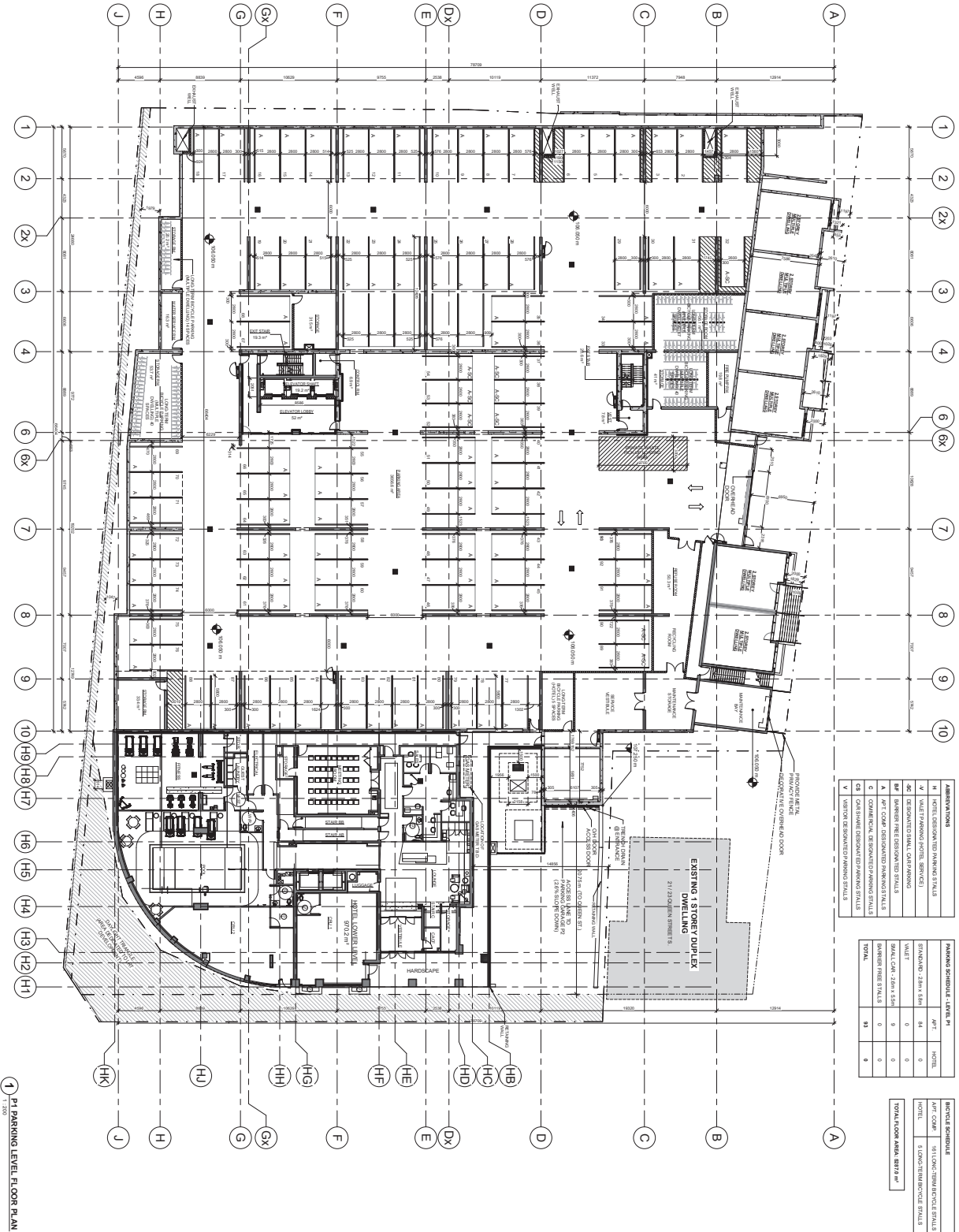
DATE: 2019.10.18
 DRAWING NO.: 1-200

srmm
 ARCHITECTS INC.

PROJECT NO.: 18025
 DRAWING NO.: 2019.10.18
 CLIENT: J&D
 ARCHITECT: J&D
 DATE: 2019.11.27 12:40 PM

ASSOCIATION OF ARCHITECTS OF ONTARIO
 REGISTERED ARCHITECT
 ISSUED FOR CONSTRUCTION
A2.1

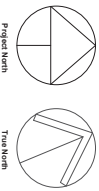
Do not scale drawings. Contractors must check and verify all dimensions and report any discrepancies to the Architect before proceeding with the work. All documents remain the property of the Architect. Unauthorised use, modification, and/or reproduction of these documents is prohibited without written consent. The Consultant Documents were prepared by the Consultant for the account of the Owner. The material contained herein reflects the Consultant's best judgment in light of the information available to him at the time of preparation. Any use which is not expressly made of the Consultant Documents, or any addition or deletion to be made based on them are the responsibility of such third parties. The Consultant accepts no responsibility for design, if any, reflected by any third party as a result of decisions made or actions based on the Consultant Documents.
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MARKING SCHEDULE - LEVEL P1	
N	POSTAL DESIGNATED PARKING STALLS
V	VALET PARKING (NOTES: SERVICES)
SC	DESIGNATED SMALL CAR PARKING
BP	BARRIER FREE DESIGNATED PARKING STALLS
A	APFT COOP DESIGNATED PARKING STALLS
C	COMMERCIAL DESIGNATED PARKING STALLS
CS	CAR SHARE DESIGNATED PARKING STALLS
V	VALET DESIGNATED PARKING STALLS

MARKING SCHEDULE - LEVEL P1	
STANDARD - 2.4m x 5.6m	47
SMALL CAR - 2.4m x 5.6m	64
SMALL CAR - 2.4m x 5.6m	0
BARRIER FREE STALLS	0
BARRIER FREE STALLS	0
TOTAL	111

MARKING SCHEDULE	
APFT COOP	DESIGNATED PARKING STALLS
HOTEL	DESIGNATED PARKING STALLS



- GENERAL NOTES**
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 2. ALL WORK SHALL COMPLY WITH THE 2018 ONTARIO BUILDING CODE AND ALL APPLICABLE REGULATIONS.
 3. EXISTING AND PROPOSED WORK SHALL BE IDENTIFIED AND RECORDED ON THE PLAN AND RECORDED AS SHOWN.
 4. ALL EXISTING AND PROPOSED WORK SHALL BE IDENTIFIED AND RECORDED ON THE PLAN AND RECORDED AS SHOWN.
 5. ALL EXISTING AND PROPOSED WORK SHALL BE IDENTIFIED AND RECORDED ON THE PLAN AND RECORDED AS SHOWN.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AUTHORITIES.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AUTHORITIES.
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 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AUTHORITIES.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AUTHORITIES.

354 KING STREET WEST

P1 PARKING LEVEL FLOOR PLAN

DATE: 2019.10.18
 DRAWN BY: JMD
 CHECKED BY: MNV
 2019.11.27 12:45 PM

srmm
 ARCHITECTS INC.

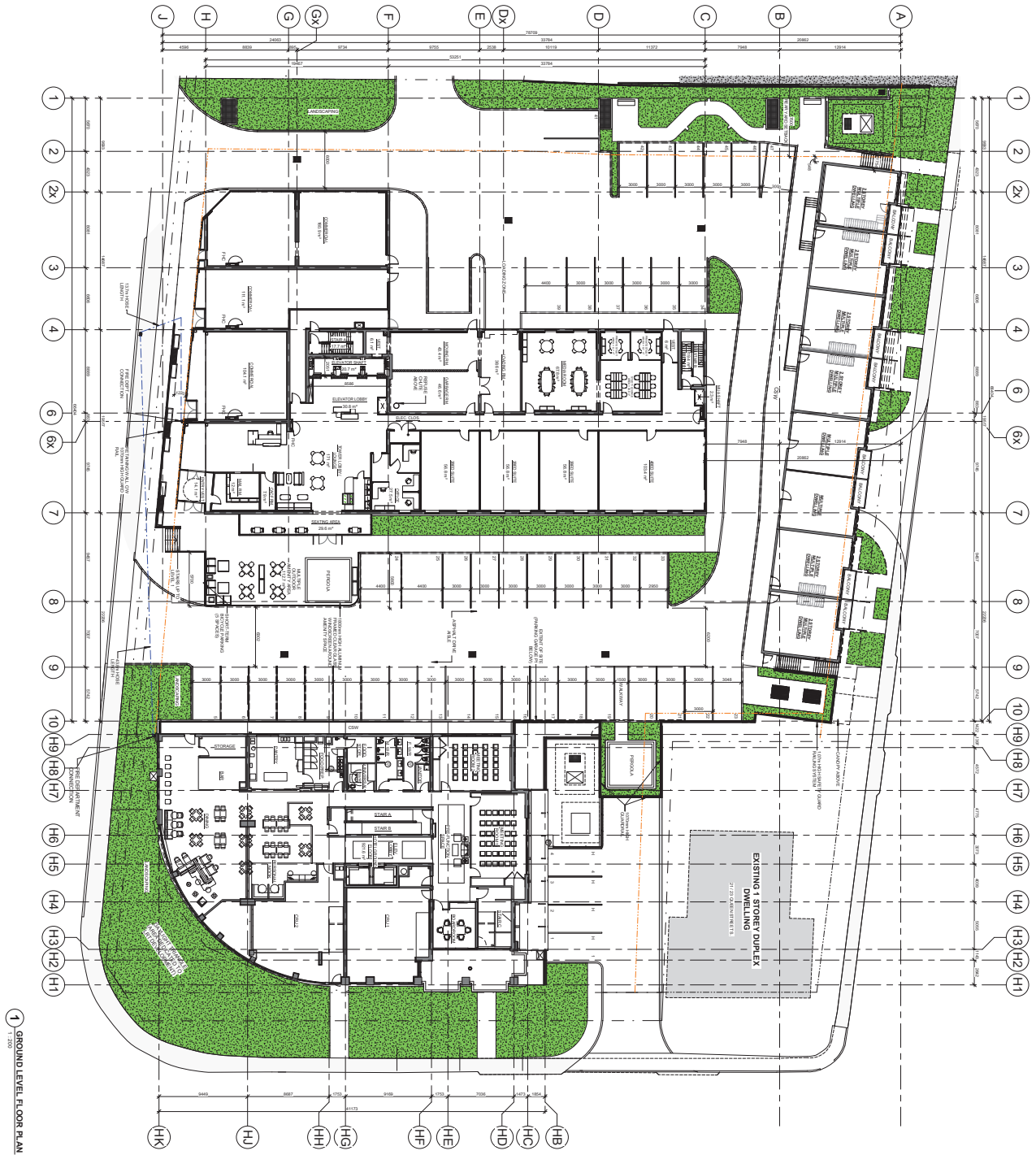
NO. 1 DMS
 RAYMOND

1:200

ONTARIO ASSOCIATION OF ARCHITECTS
 REGISTERED ARCHITECT
 1000
 2019.10.18
 JMD
 MNV
 2019.11.27 12:45 PM

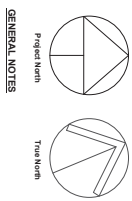
1:200

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1 GROUND LEVEL FLOOR PLAN

AREA: 1316.24 (EXISTING) + 1141.74 (NEW SWELLING)
 TOTAL AREA: 2457.98 SQ. FT.
 TOTAL AREA: 226.98 SQ. FT.



- GENERAL NOTES**
1. ALL DIMENSIONS SHALL COMPLY WITH THE 2018 ONTARIO BUILDING CODE AND ALL APPLICABLE REGULATIONS.
 2. ALL WORK SHALL COMPLY WITH THE 2018 ONTARIO BUILDING CODE AND ALL APPLICABLE REGULATIONS.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AUTHORITIES.
 4. ALL EXISTING WORK SHALL BE PROTECTED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 5. ALL EXISTING WORK SHALL BE REPAIRED OR REPLACED TO ORIGINAL CONDITION OR BETTER.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AUTHORITIES.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AUTHORITIES.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AUTHORITIES.
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 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AUTHORITIES.

NO. 1	DATE	REVISION
1	2019.10.18	ISSUED FOR PERMIT
2	2019.10.18	ISSUED FOR PERMIT
3	2019.10.18	ISSUED FOR PERMIT
4	2019.10.18	ISSUED FOR PERMIT
5	2019.10.18	ISSUED FOR PERMIT
6	2019.10.18	ISSUED FOR PERMIT
7	2019.10.18	ISSUED FOR PERMIT
8	2019.10.18	ISSUED FOR PERMIT
9	2019.10.18	ISSUED FOR PERMIT
10	2019.10.18	ISSUED FOR PERMIT

354 KING STREET WEST

GROUND LEVEL FLOOR PLAN

DATE: 2019.10.18
 SCALE: 1:200

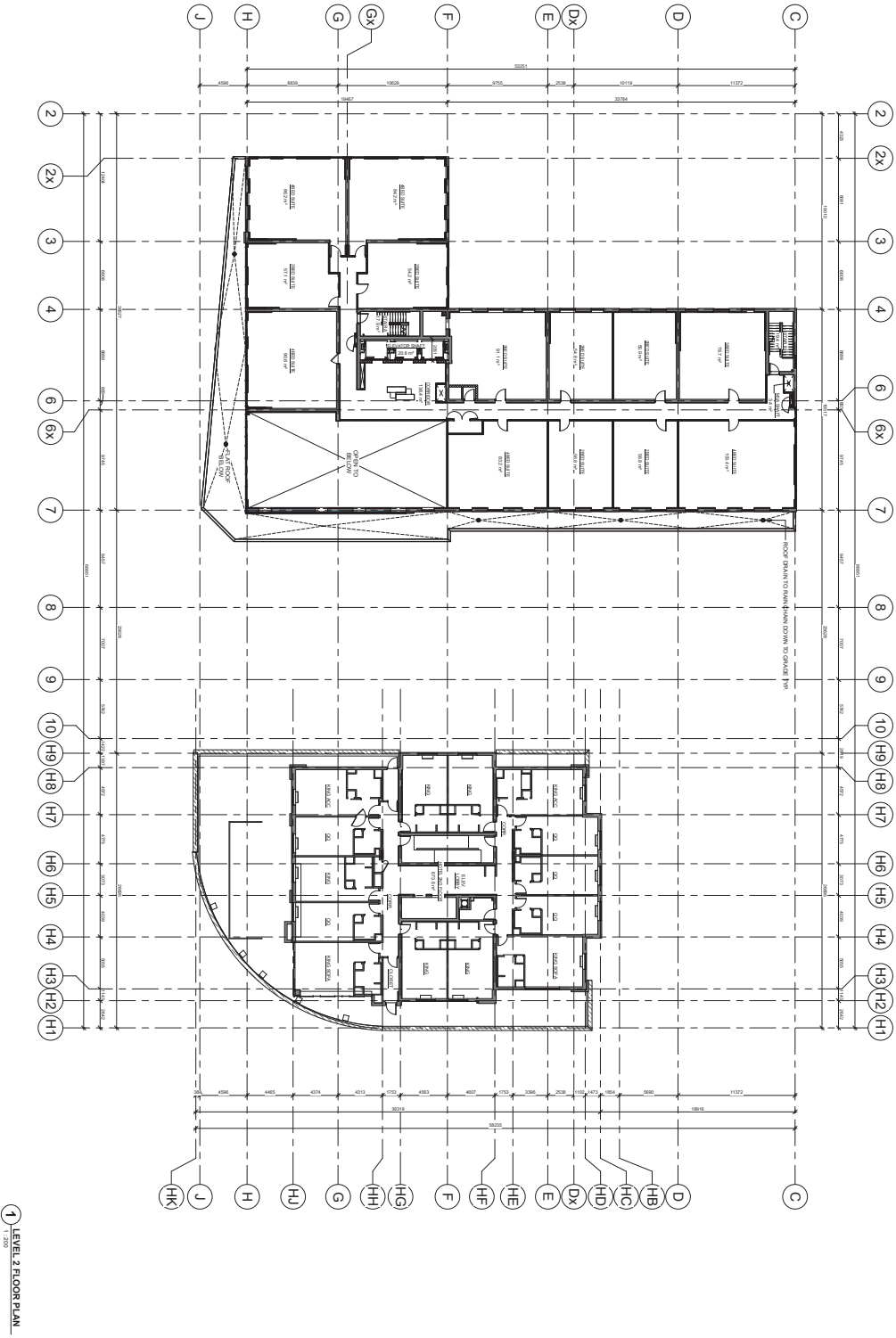
srmm
 ARCHITECTS INC.

2019-11-27 12:50 PM

ONTARIO ASSOCIATION OF ARCHITECTS
 REGISTERED ARCHITECT
 2019-11-27 12:50 PM

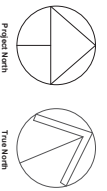
A2.3

Do not scale drawings. Contractors must check and verify all dimensions and report any discrepancies to the Architect before proceeding with the work. All documents remain the property of the Architect. Unauthorised use, modification, or reproduction of these documents is prohibited without written permission. The Contract Documents were prepared by the Consultant for the account of the Client. The material contained herein reflects the Consultant's best judgment in light of the information available to him at the time of preparation. Any use which is not intended by the Consultant, or any reliance on or decisions to be made based on them are the responsibility of such third parties. The Consultant accepts no responsibility for damage, if any, suffered by any third party as a result of decisions made or actions based on the Contract Documents.
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1 LEVEL 2 FLOOR PLAN
 1:200

AREA: 1152.00 SQ METERS (291,140 SQ FT)
 TOTAL AREA: 1726.00 SQ METERS (369,140 SQ FT)



GENERAL NOTES

1. ALL WORK SHALL COMPLY WITH THE 2018 ONTARIO BUILDING CODE AND ALL APPLICABLE REGULATIONS.
2. ALL WORK SHALL COMPLY WITH THE 2018 ONTARIO BUILDING CODE AND ALL APPLICABLE REGULATIONS.
3. DIMENSIONS AND SPECIFICATIONS ARE GIVEN IN METERS AND MILLIMETERS UNLESS OTHERWISE SPECIFIED.
4. ALL CONSTRUCTION AND FINISHES SHALL BE AS SHOWN ON THE DRAWINGS UNLESS OTHERWISE SPECIFIED.
5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2018 ONTARIO BUILDING CODE AND ALL APPLICABLE REGULATIONS.
6. THE MATERIALS AND METHODS OF CONSTRUCTION SHALL BE AS SHOWN ON THE DRAWINGS UNLESS OTHERWISE SPECIFIED.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AUTHORITIES.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AUTHORITIES.
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10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AUTHORITIES.

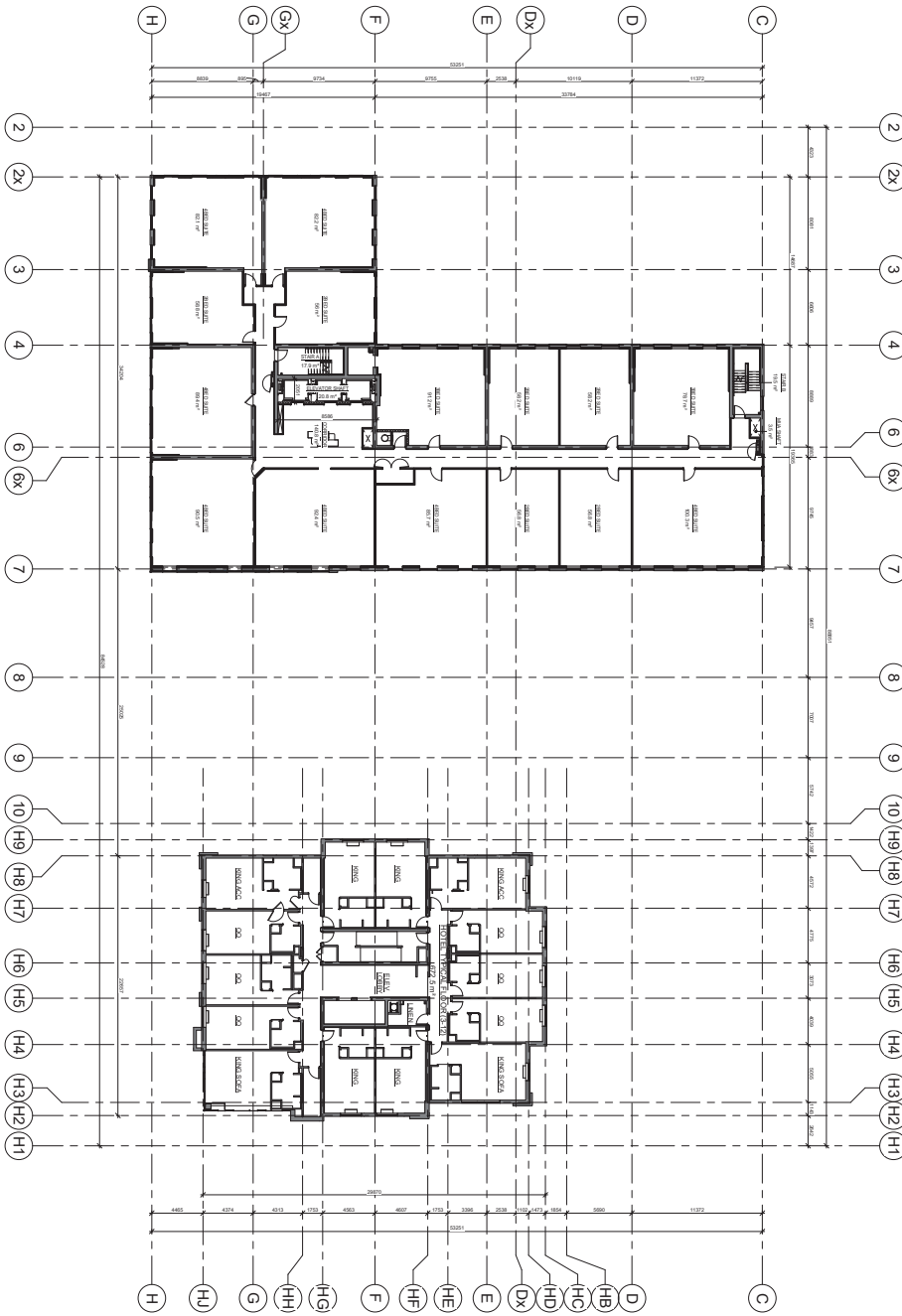
ONTARIO ASSOCIATION OF ARCHITECTS
 100 KING STREET WEST
 TORONTO, ONTARIO M5X 1C4
 TEL: 416-967-8888
 FAX: 416-967-8889
 WWW.OAARCHITECTS.COM

NO. 1001 REGISTERED CONSULTING ENGINEER
 NAME: RAMSAY
 PROJECT NO.: 1002
 PROJECT NAME: 2019-01-18
 DRAWING NO.: JMD
 CHECKED BY: JMD
 DATE: 2019-11-27 12:57 PM

354 KING STREET WEST
 LEVEL 2 FLOOR PLAN

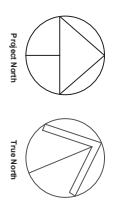
A2.4

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1 LEVELS 3-13 (TYPICAL) - FLOOR PLAN

AREA: 1078.20 SQ. METERS (24,111.00 SQ. FT.)
 TOTAL AREA: 1078.20 SQ. METERS (24,111.00 SQ. FT.)



- GENERAL NOTES**
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 ONTARIO BUILDING CODE AND ALL APPLICABLE REGULATIONS.
 2. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE 2018 ONTARIO BUILDING CODE AND ALL APPLICABLE REGULATIONS.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AUTHORITIES.
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 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AUTHORITIES.

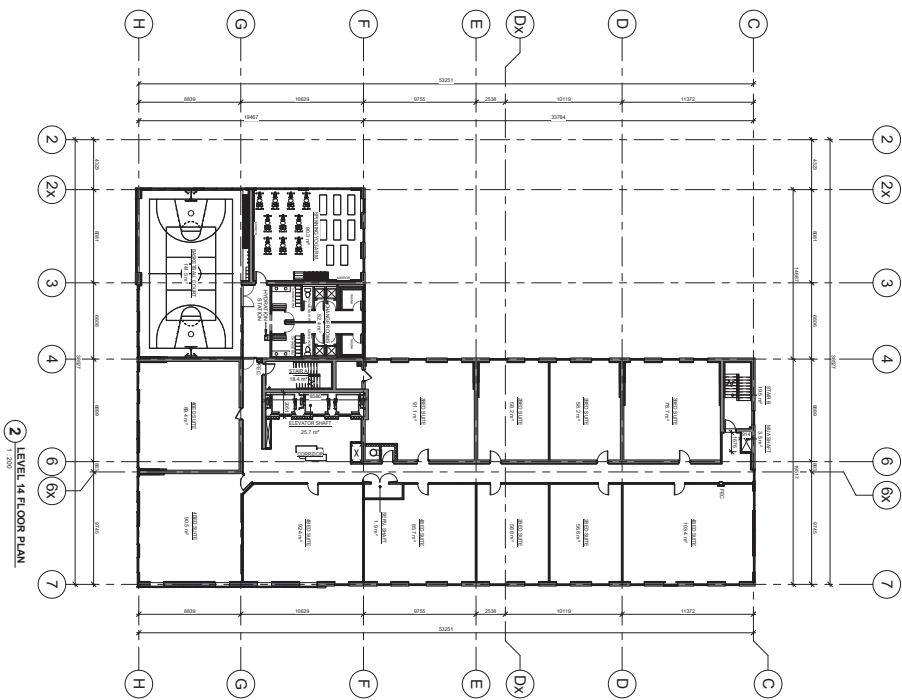
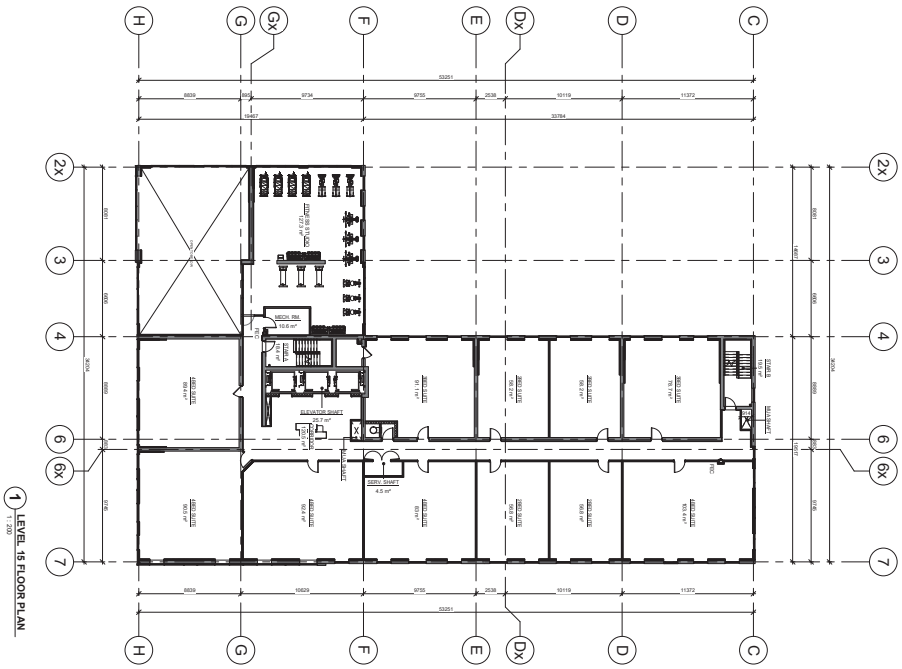
ONTARIO ASSOCIATION OF ARCHITECTS
 INSPECTOR GENERAL
 A2.5

354 KING STREET WEST
 LEVELS 3 - 13 (TYPICAL)

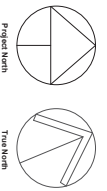
ARCHITECTS INC.

NO. 1001
 2019-10-18
 T.M.
 2019-11-27 12:30 PM

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 C:\Users\mwhite\Desktop\Locals1\8025 - 354 King St. Hamilton - V10.0_mwhite6EED.rvt



AREA: 2015.34 (15TH FLOOR)
 2015.34 (14TH FLOOR)



- GENERAL NOTES**
1. REFER TO ALL DRAWINGS FOR DIMENSIONS.
 2. ALL WORK SHALL COMPLY WITH THE 2018 ONTARIO BUILDING CODE AND AMENDMENTS.
 3. DIMENSIONS AND SPECIFICATIONS ARE BINDING AND TAKE PRECEDENCE OVER ANY OTHER DOCUMENTS.
 4. ALL CONTRACTORS AND SUB-CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AUTHORITIES.
 5. ALL CONTRACTORS SHALL BE RESPONSIBLE FOR THE PROTECTION OF EXISTING UTILITIES AND STRUCTURES.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES AND UTILITIES.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.

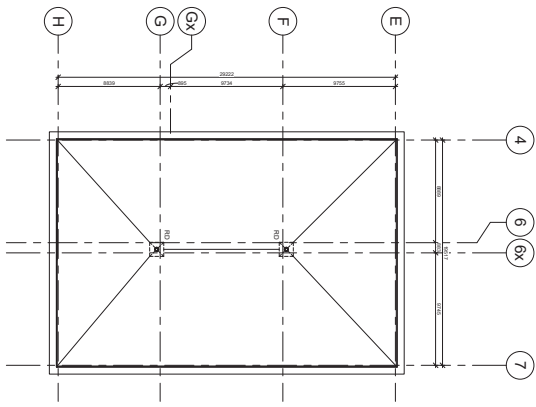
ONTARIO ASSOCIATION OF ARCHITECTS
 INSPECTOR GENERAL
 A2.6

354 KING STREET WEST
 LEVELS 14 + 15

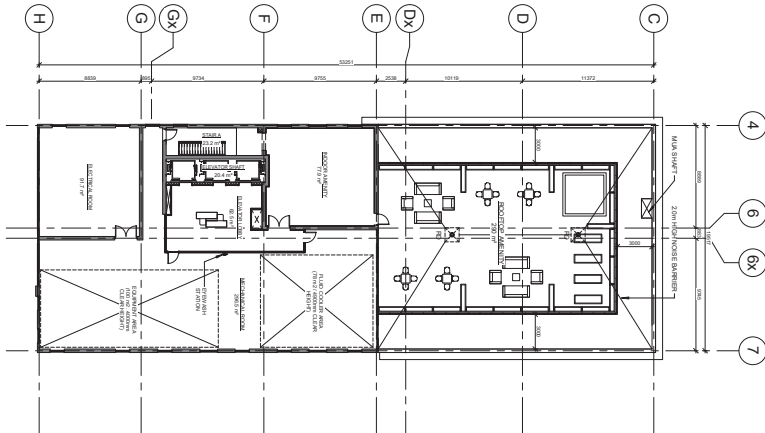
srmm ARCHITECTS INC.
 PROJECT NO: 2019-01-18
 DATE: 2019-01-18
 DRAWN BY: T.M.
 CHECKED BY: M.V.
 2019-11-27 12:59 PM

NO. 100
 NAME: RAMBOLL
 PROJECT NO: 1000
 PROJECT NAME: 2019-01-18
 DATE: 2019-01-18
 DRAWN BY: T.M.
 CHECKED BY: M.V.
 2019-11-27 12:59 PM

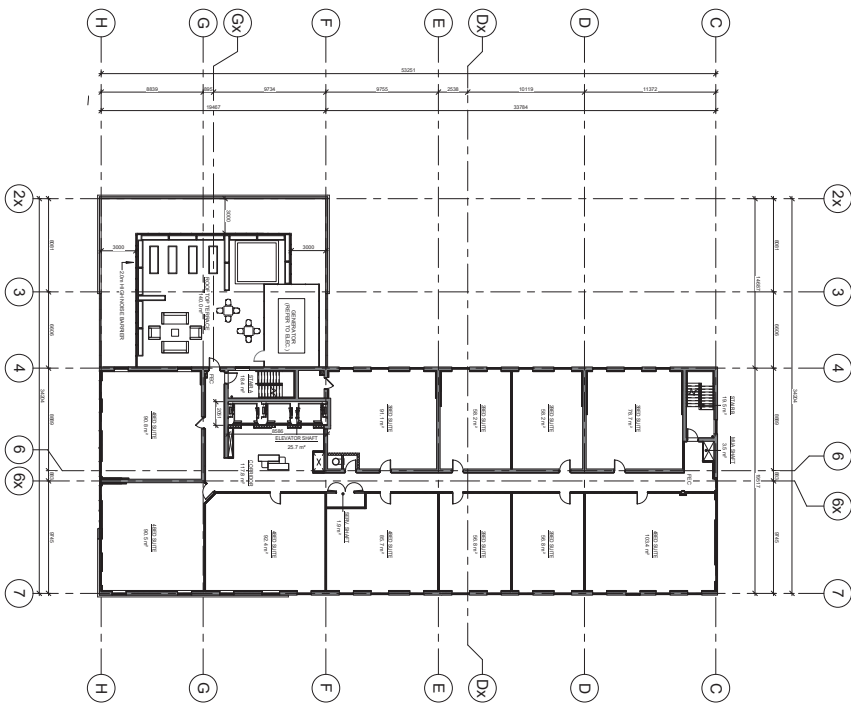
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3. PENTHOUSE ROOF PLAN
 1:200

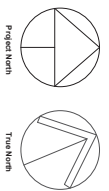


2. MECHANICAL PENTHOUSE FLOOR PLAN
 1:200



1. LEVEL 16-25 FLOOR PLAN TYPICAL
 1:200

AREA, ROOM, UNIT OR FINISH COVERS
 30% MIN. AREA (REINFORCEMENT)



Panel Num
 Truss Num

- GENERAL NOTES**
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 ONTARIO BUILDING CODE AND AMENDMENTS.
 2. ALL WORK SHALL COMPLY WITH THE 2018 ONTARIO BUILDING CODE AND AMENDMENTS.
 3. DIMENSIONS AND SPECIFICATIONS ARE SUBJECT TO ANY PROCESSING WITH THE WORK.
 4. ALL ELECTRICAL AND/OR MECHANICAL WORK SHALL BE INSTALLED IN ACCORDANCE WITH THE 2018 ONTARIO BUILDING CODE AND AMENDMENTS.
 5. ALL WORK SHALL BE INSTALLED IN ACCORDANCE WITH THE 2018 ONTARIO BUILDING CODE AND AMENDMENTS.
 6. THE MATERIALS CONTRACTOR IS RESPONSIBLE FOR THE PROVISION OF MATERIALS TO THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROVISION OF MATERIALS TO THE WORK.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROVISION OF MATERIALS TO THE WORK.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROVISION OF MATERIALS TO THE WORK.
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROVISION OF MATERIALS TO THE WORK.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROVISION OF MATERIALS TO THE WORK.

NO. 100	DATE	REVISION
1001	2019-10-18	ISSUED FOR PERMIT
1002	2019-11-27	ISSUED FOR CONSTRUCTION

sr
 ARCHITECTS INC.

2019-11-27 12:28:39 AM

354 KING STREET WEST

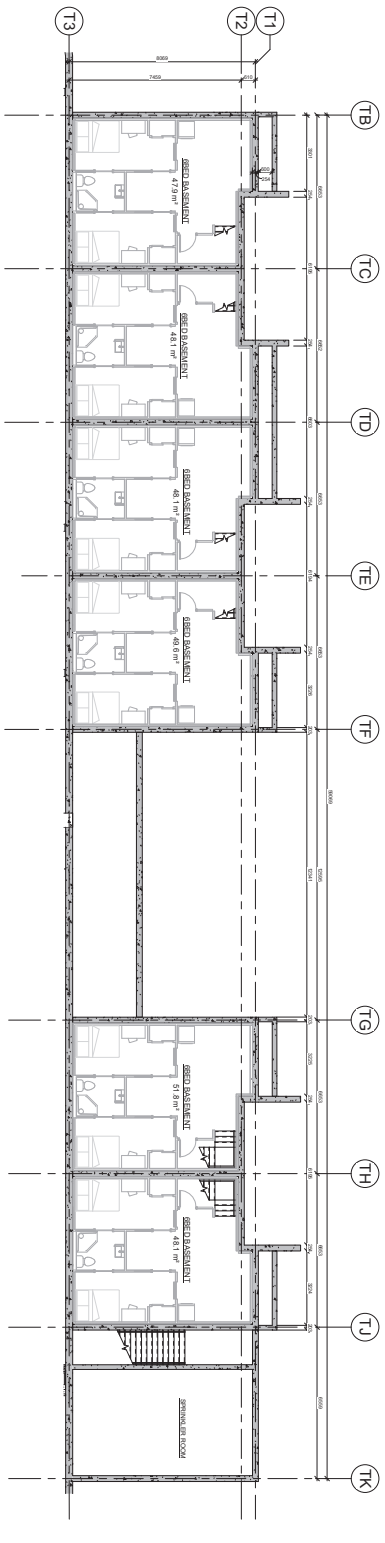
LEVEL 16-25, MECHANICAL
 PENTHOUSE & ROOF PLANS

ASSOCIATION OF
 ARCHITECTS
 INSPECTOR GENERAL

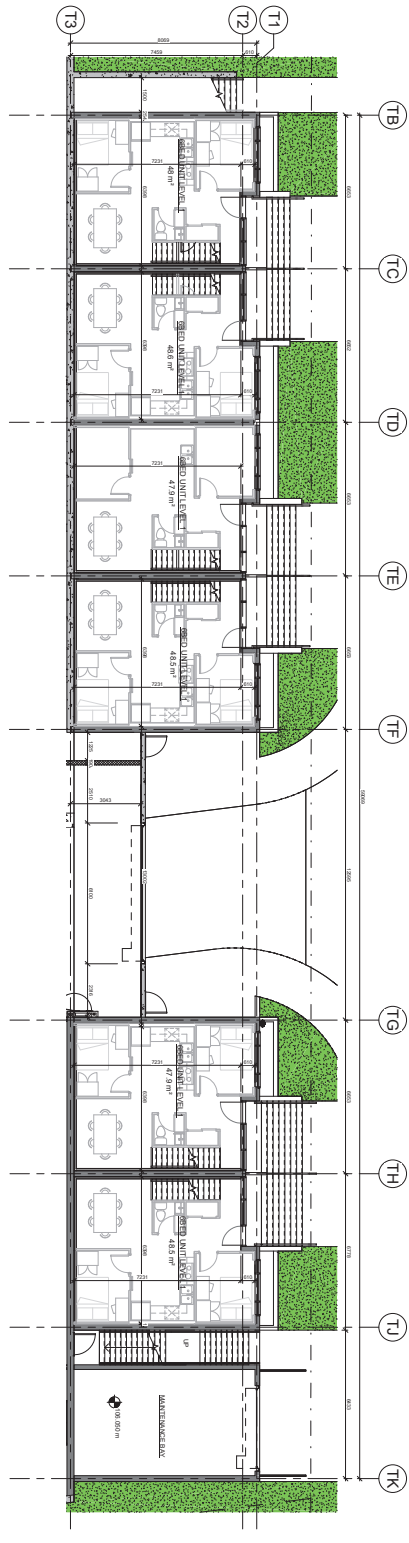
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A2.7

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1 MULTIPLE DWELLING BASEMENT
 1:500



2 MULTIPLE DWELLING - STREET LEVEL
 1:500

AREA: 7072 SF (65,800 SQ. FT.)
 TOTAL: 270,000 SQ. FT.

GENERAL NOTES

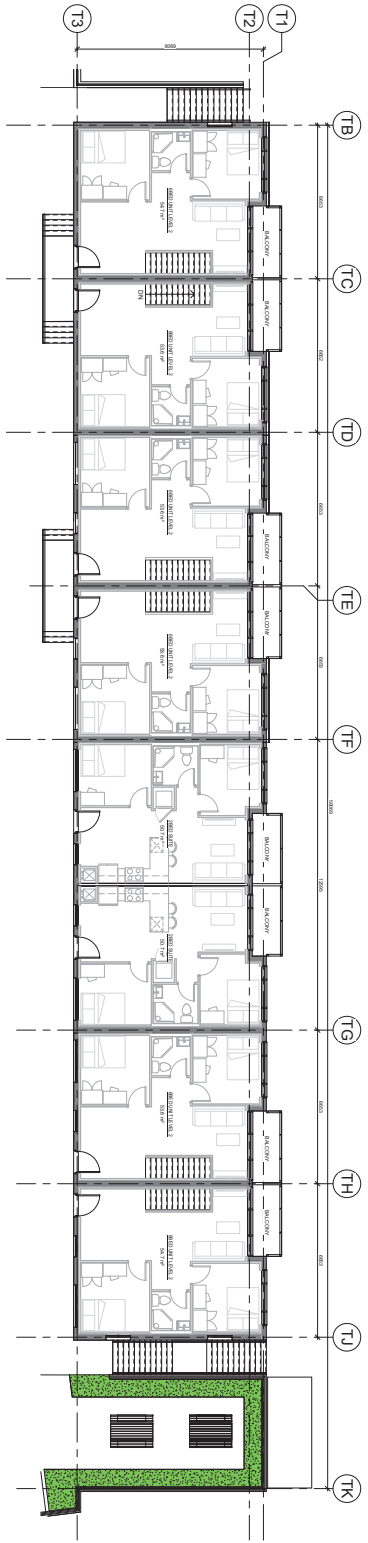
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE ONTARIO BUILDING CODE AND ALL APPLICABLE REGULATIONS.
2. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE ONTARIO BUILDING CODE AND ALL APPLICABLE REGULATIONS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AUTHORITIES.
4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE ONTARIO BUILDING CODE AND ALL APPLICABLE REGULATIONS.
5. ALL CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH THE ONTARIO BUILDING CODE AND ALL APPLICABLE REGULATIONS.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AUTHORITIES.
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ONTARIO ASSOCIATION OF ARCHITECTS
 REGISTERED ARCHITECT
 ISSUED FOR CANADA
 A2.8

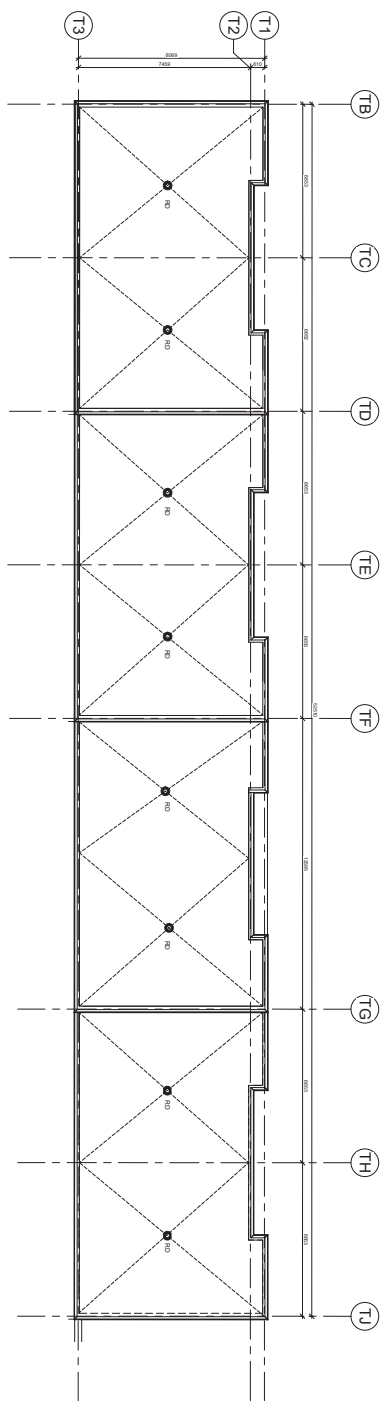
354 KING STREET WEST
 MARKET STREET UNIT
 FLOOR PLANS
 1:500

srmm ARCHITECTS INC.
 PROJECT NO: 18025
 DATE: 2019-10-18
 DRAWING NO: T.M.
 CLIENT: M.V.
 PROJECT: 2019-11-27 12:27 PM

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1 MULTIPLE DWELLING - 2ND LEVEL
 1/100



2 MULTIPLE DWELLING - ROOF PLAN
 1/100

AREA: 3711 SF (RESIDENTIAL)

GENERAL NOTES

1. REFER TO ALL DRAWINGS AND SPECIFICATIONS FOR ALL DIMENSIONS AND NOTES.
2. ALL WORK SHALL COMPLY WITH THE 2018 ONTARIO BUILDING CODE AND AMENDMENTS.
3. DIMENSIONS AND SPECIFICATIONS AND BEFORE ANY PROCEEDING WITH THE WORK.
4. ALL CONTRACTORS AND SUBCONTRACTORS SHALL OBTAIN NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AUTHORITIES.
5. ALL CONTRACTORS SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.

ONTARIO ASSOCIATION OF ARCHITECTS
 2019-10-18
 ISSUED FOR PERMIT
 A2.9

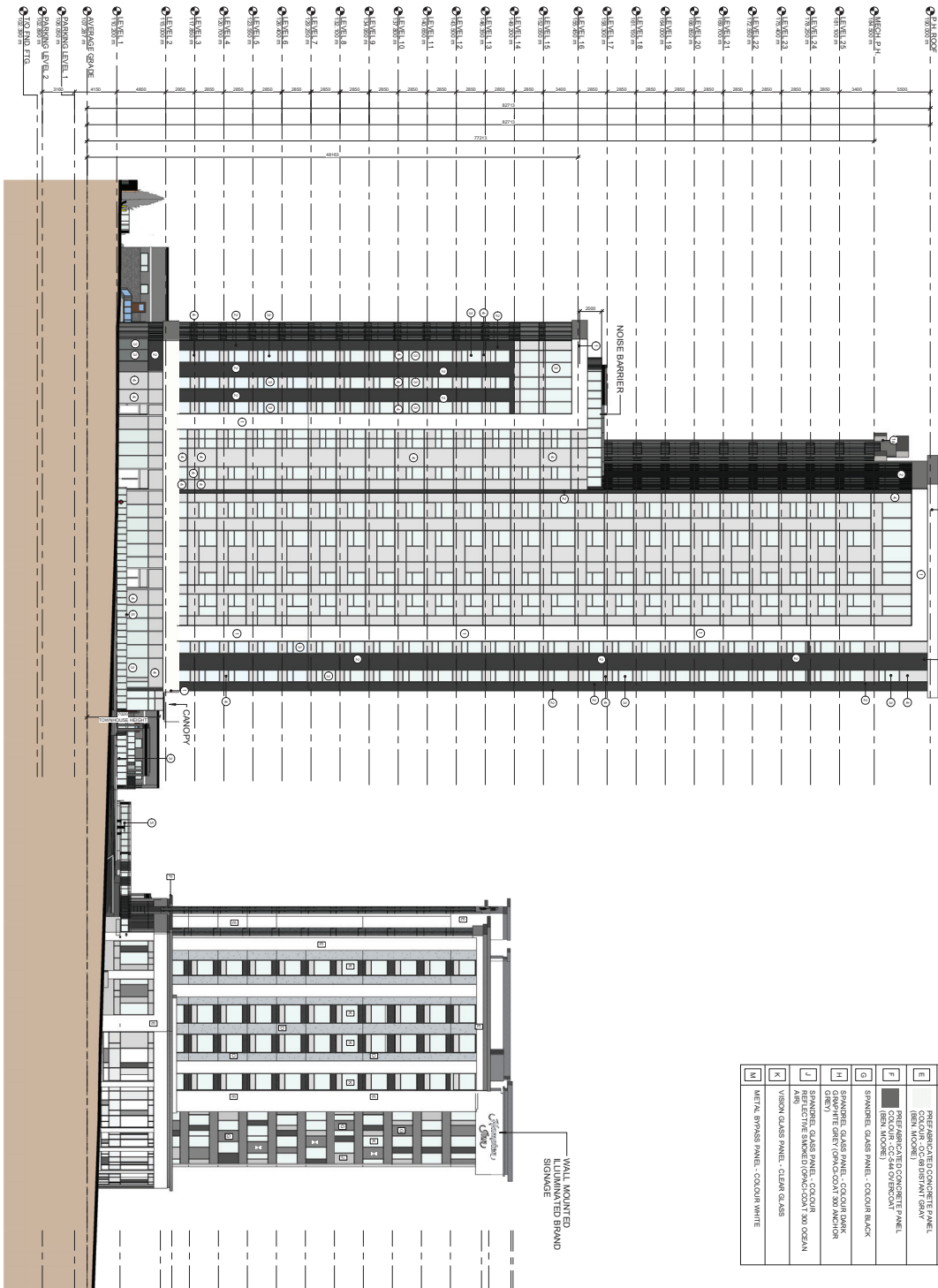
354 KING STREET WEST
 MARKET STREET UNIT
 FLOOR PLANS

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NO.	DATE	DESCRIPTION
1	2019-10-18	ISSUED FOR PERMIT
2	2019-10-18	ISSUED FOR PERMIT
3	2019-10-18	ISSUED FOR PERMIT
4	2019-10-18	ISSUED FOR PERMIT
5	2019-10-18	ISSUED FOR PERMIT
6	2019-10-18	ISSUED FOR PERMIT
7	2019-10-18	ISSUED FOR PERMIT
8	2019-10-18	ISSUED FOR PERMIT
9	2019-10-18	ISSUED FOR PERMIT
10	2019-10-18	ISSUED FOR PERMIT

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MATERIAL LEGEND - HOTEL

A	RESERVED
B	PRECAST CONCRETE PANEL COLOR: 7105 10 BLACK (BEN MOORE)
C	PRECAST CONCRETE PANEL COLOR: 1008 GRAY (BEN MOORE)
D	PRECAST CONCRETE PANEL COLOR: 2128 09 GRAY (BEN MOORE)
E	PRECAST CONCRETE PANEL COLOR: 00-00-00 (BEN MOORE)
F	PRECAST CONCRETE PANEL COLOR: 00-00-00 (BEN MOORE)
G	SPANDREL GLASS PANEL - COLOR: BLACK
H	SPANDREL GLASS PANEL - COLOR: BLACK
I	SPANDREL GLASS PANEL - COLOR: BLACK
J	SPANDREL GLASS PANEL - COLOR: BLACK
K	VISION GLASS PANEL - CLEAR GLASS
L	METAL BYPASS PANEL - COLOR: WHITE

MATERIAL LEGEND - MULTIPLE DWELLING

1	METAL PANEL - WHITE
1A	PANED ALUMINUM TINTED PRECAST CONCRETE PANEL - LIGHT GRAY
2	PRECAST CONCRETE WALL PANEL - LIGHT GRAY
3	PRECAST CONCRETE WALL PANEL - LIGHT GRAY
4	PRECAST CONCRETE WALL PANEL - LIGHT GRAY
5	ALUMINUM FINISHED TINTED SAFETY GLASS PANEL - 50% TRANSPARENT
6	ALUMINUM FINISHED TINTED SAFETY GLASS PANEL - 50% TRANSPARENT
7	ALUMINUM FINISHED TINTED SAFETY GLASS PANEL - 50% TRANSPARENT
8	ALUMINUM FINISHED TINTED SAFETY GLASS PANEL - 50% TRANSPARENT
9	ALUMINUM FINISHED TINTED SAFETY GLASS PANEL - 50% TRANSPARENT
10	ALUMINUM FINISHED TINTED SAFETY GLASS PANEL - 50% TRANSPARENT
11	ALUMINUM FINISHED TINTED SAFETY GLASS PANEL - 50% TRANSPARENT
12	ALUMINUM FINISHED TINTED SAFETY GLASS PANEL - 50% TRANSPARENT
13	ALUMINUM FINISHED TINTED SAFETY GLASS PANEL - 50% TRANSPARENT
14	ALUMINUM FINISHED TINTED SAFETY GLASS PANEL - 50% TRANSPARENT
15	ALUMINUM FINISHED TINTED SAFETY GLASS PANEL - 50% TRANSPARENT

1 SOUTH ELEVATION - KING ST. WEST
1:200

GENERAL NOTES

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 ONTARIO BUILDING CODE AND ALL APPLICABLE REGULATIONS.
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 ONTARIO ELECTRICAL CODE AND ALL APPLICABLE REGULATIONS.
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 ONTARIO MECHANICAL CODE AND ALL APPLICABLE REGULATIONS.
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 ONTARIO PLUMBING AND HEATING CODE AND ALL APPLICABLE REGULATIONS.
6. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 ONTARIO FIRE CODE AND ALL APPLICABLE REGULATIONS.
7. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 ONTARIO SAFETY CODE AND ALL APPLICABLE REGULATIONS.
8. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 ONTARIO ENVIRONMENTAL PROTECTION ACT AND ALL APPLICABLE REGULATIONS.
9. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 ONTARIO ACCESSIBILITY ACT AND ALL APPLICABLE REGULATIONS.
10. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 ONTARIO OCCUPATIONAL HEALTH AND SAFETY ACT AND ALL APPLICABLE REGULATIONS.
11. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 ONTARIO LABOR RELATIONS ACT AND ALL APPLICABLE REGULATIONS.
12. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 ONTARIO CONSUMER PROTECTION ACT AND ALL APPLICABLE REGULATIONS.
13. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 ONTARIO TRADE MARKS ACT AND ALL APPLICABLE REGULATIONS.
14. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 ONTARIO PATENT ACT AND ALL APPLICABLE REGULATIONS.
15. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 ONTARIO COPYRIGHT ACT AND ALL APPLICABLE REGULATIONS.

sr
ARCHITECTS INC.

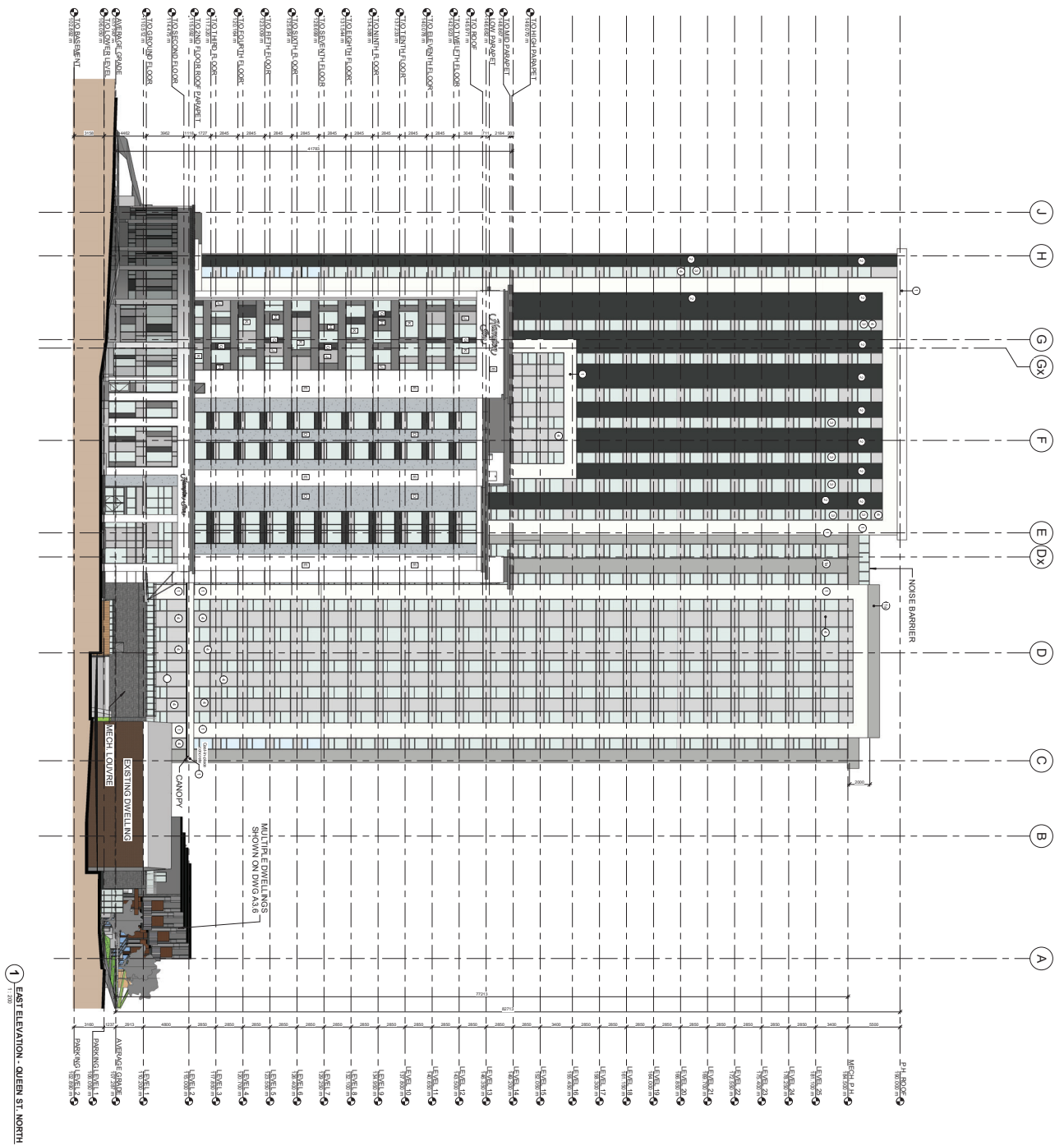
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ASSOCIATION OF ARCHITECTS OF ONTARIO
REGISTERED ARCHITECTS
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WEST

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1 EAST ELEVATION - QUEEN ST. NORTH

MATERIAL LEGEND - MULTIPLE DWELLING

1	METAL PANEL - WHITE
2	PAINTED SMOOTH EXTERIOR PRECAST CONCRETE PANEL - LIGHT GRAY
3	EXPOSED 1/2" FORM AND 2" AIR SPACER PRECAST CONCRETE WALL PANEL - COLOR: DARK GREY
4	GLAZED DOUBLE GLAZED INSULATED GLASS UNIT - 50% TRANSPARENT - COLOR: NEUTRAL GREY
5	SPANDREL GLASS PANEL
6	ALUMINUM FRAME THERMO SAFETY GLASS PANEL - FRAME COLOR: BLACK
7	PAINTED STEEL CHANNEL PARSONS
8	METAL PANEL - WOOD GRAIN FINISH (HICKORY)
9	OVERHEAD WALKING GARAGE BAY DOOR
10	PAINTED DOUBLE GLAZED INSULATED GLASS UNIT - 50% TRANSPARENT - COLOR: NEUTRAL GREY
11	EXPOSED 1/2" FORM AND 2" AIR SPACER PRECAST CONCRETE WALL PANEL - COLOR: GELT SMOOTH AND ETCHED
12	SPAN RIBBED ALUMINUM FLASHING - COLOR: BLACK
13	GLAZED DOUBLE GLAZED INSULATED GLASS UNIT - 50% TRANSPARENT - COLOR: NEUTRAL GREY
14	SAFETY ENTRY DOOR - FLAT PANEL WITH WOOD GRAIN FINISH
15	METAL PANEL - MATTE BLACK

MATERIAL LEGEND - HOTEL

A	RESERVED
B	MANUFACTURED CONCRETE PANEL - COX. ORN. - 2132 (8" X 48" X 16" MOORE)
C	PRE-FABRICATED CONCRETE PANEL - COX. ORN. - 1889 (8" X 48" X 16" PASTRIFE)
D	PRE-FABRICATED CONCRETE PANEL - COX. ORN. - 2126 (8" X 48" X 16" WOLF)
E	PRE-FABRICATED CONCRETE PANEL - COX. ORN. - COX. ORN. (8" X 48" X 16" MOORE)
F	PRE-FABRICATED CONCRETE PANEL - COX. ORN. - COX. ORN. (8" X 48" X 16" MOORE)
G	SPAN RIBBED GLASS PANEL - COX. ORN. BLACK
H	SPAN RIBBED GLASS PANEL - COX. ORN. DARK GREY
I	SPAN RIBBED GLASS PANEL - COX. ORN. ARI
J	VISION GLASS PANEL - CLEAR GLASS
K	VISION GLASS PANEL - CLEAR GLASS
M	METAL BRUSHES PANEL - COX. ORN. WHITE

GENERAL NOTES

1. VERIFY ALL DIMENSIONS AND MATERIALS WITH THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
2. ALL WORK SHALL COMPLY WITH THE 2018 ONTARIO BUILDING CODE AND AMENDMENTS.
3. DIMENSIONS AND MATERIALS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
4. ALL EXTERIOR WALLS AND FOUNDATION SHALL BE CONFORMANT WITH THE 2018 ONTARIO BUILDING CODE AND AMENDMENTS.
5. ALL EXTERIOR WALLS SHALL BE CONFORMANT WITH THE 2018 ONTARIO BUILDING CODE AND AMENDMENTS.
6. THE MATERIALS SHOWN ARE SUBJECT TO THE ARCHITECT'S APPROVAL AND SHALL BE SUBJECT TO THE ARCHITECT'S APPROVAL AND SHALL BE SUBJECT TO THE ARCHITECT'S APPROVAL.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.

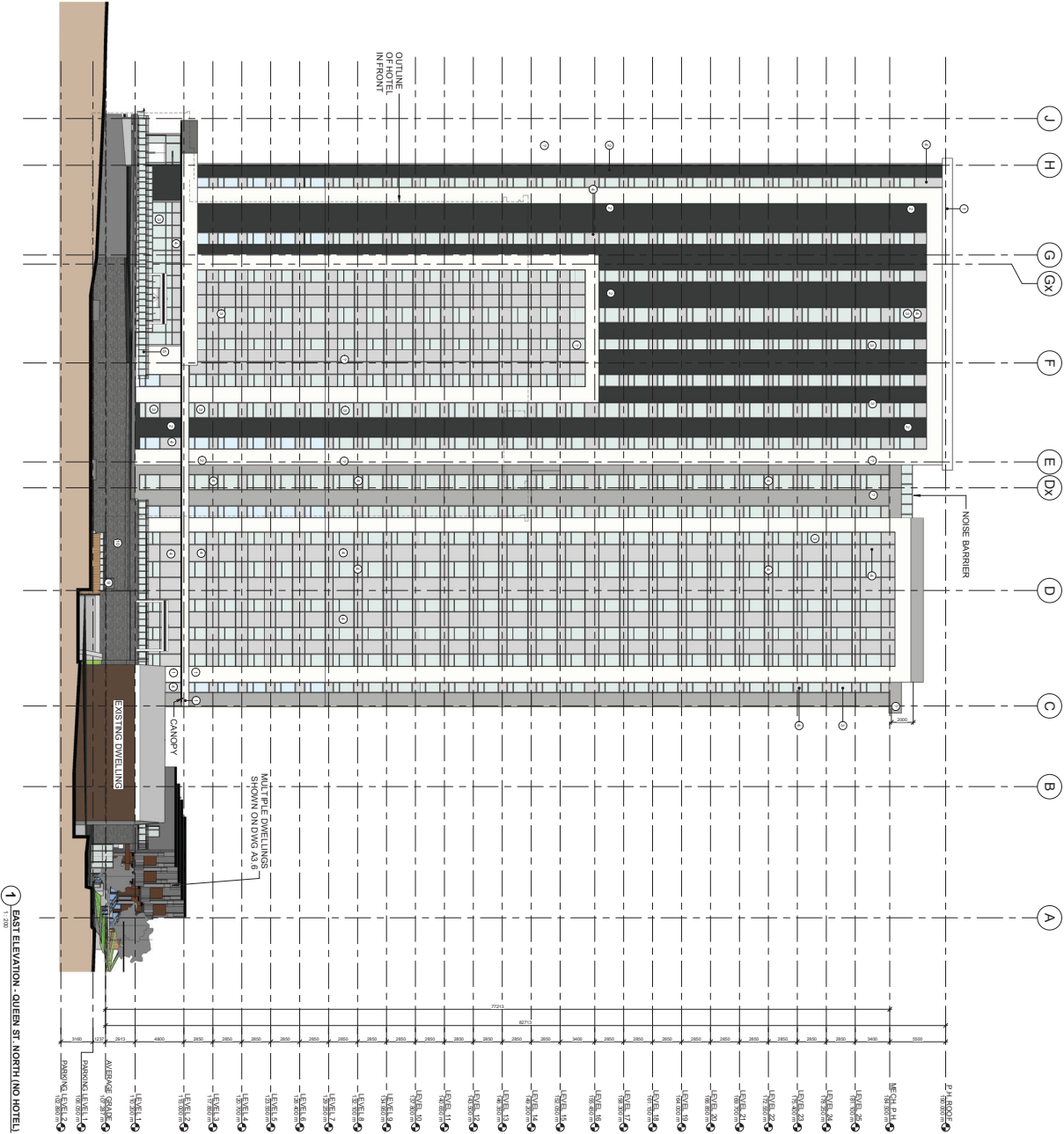
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 ARCHITECTS INC.

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354 KING STREET WEST
 EAST ELEVATION - QUEEN ST. N.

ONTARIO ASSOCIATION OF ARCHITECTS
 ISSUED FOR COMBINATION
 A3.2

Do not scale drawings. Contractors must check and verify all dimensions and report any discrepancies to the Architect before proceeding with the work. All documents remain the property of the Architect. Unauthorised use, modification, and/or reproduction of these documents is prohibited without written permission. The Contract Documents were prepared by the Consultant for the account of the Client. The material contained herein reflects the Consultant's best judgment as of the date of preparation. Any use which a third party makes of the Contract Documents, or any reliance on or decisions to be made based on them are the responsibility of such third party. The Consultant accepts no responsibility for damage, if any, suffered by any third party as a result of decisions made or actions based on the Contract Documents.
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MATERIAL LEGEND - MULTIPLE DWELLING	
1	METAL PANEL - WHITE
1a	PAINTED SMOOTH TEXTURED PRECAST CONCRETE PANEL - LIGHT GRAY
2	EXPOSED, 1.5" THICK INSULATED PRECAST CONCRETE WALL PANEL - COLOUR: DARK GREY
3	SEALED POLYMER GLAZED INSULATED GLASS UNIT - 20" X 20" X 1/2" - COLOUR: CLEAR
4	SPANDREL GLAZING PANEL - COLOUR: MEDIUM GREY
5	ALUMINUM FINISHED THERMALLY BREADED SAFETY GLASS - 1/2" - COLOUR: BLACK
6	PAINTED STEEL CHANNEL FASCIA
7	METAL PANEL - WOOD GRAIN FINISH (HICKORY)
8	OVERHEAD ROLLING GARAGE BAY DOOR
9	PAINTED HOLLOW METAL EXTERIOR EXIT DOOR
10	EXPOSED, 1.5" THICK INSULATED PRECAST CONCRETE WALL PANEL - COLOUR: GREY SMOOTH AND ETCHED
11	SPANDREL GLAZING PANEL - COLOUR: BLACK
12	SEALED POLYMER GLAZED INSULATED GLASS UNIT - 20" X 20" X 1/2" - COLOUR: CLEAR
13	SEALED POLYMER GLAZED INSULATED GLASS UNIT - 20" X 20" X 1/2" - COLOUR: CLEAR
14	SUITE ENTRY DOOR - FLAT PANEL - COLOUR: GREY SMOOTH AND ETCHED
15	METAL LOUVER - WHITE BLACK

- GENERAL NOTES**
1. VERIFY ALL DIMENSIONS AND MATERIALS WITH THE SUPPLIER BEFORE ORDERING.
 2. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
 4. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE CANADIAN NATIONAL BUILDING CODE (CNBC) AND ALL APPLICABLE REGULATIONS.
 5. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE CANADIAN NATIONAL BUILDING CODE (CNBC) AND ALL APPLICABLE REGULATIONS.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
 11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
 12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
 13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
 14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
 15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
 16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

354 KING STREET WEST
 EAST ELEVATION - QUEEN ST. N. (NO HOTEL)

DATE: 2019-10-18
 DRAWN BY: JMD
 CHECKED BY: MIV
 PROJECT NO: 01780219 354-27-PA

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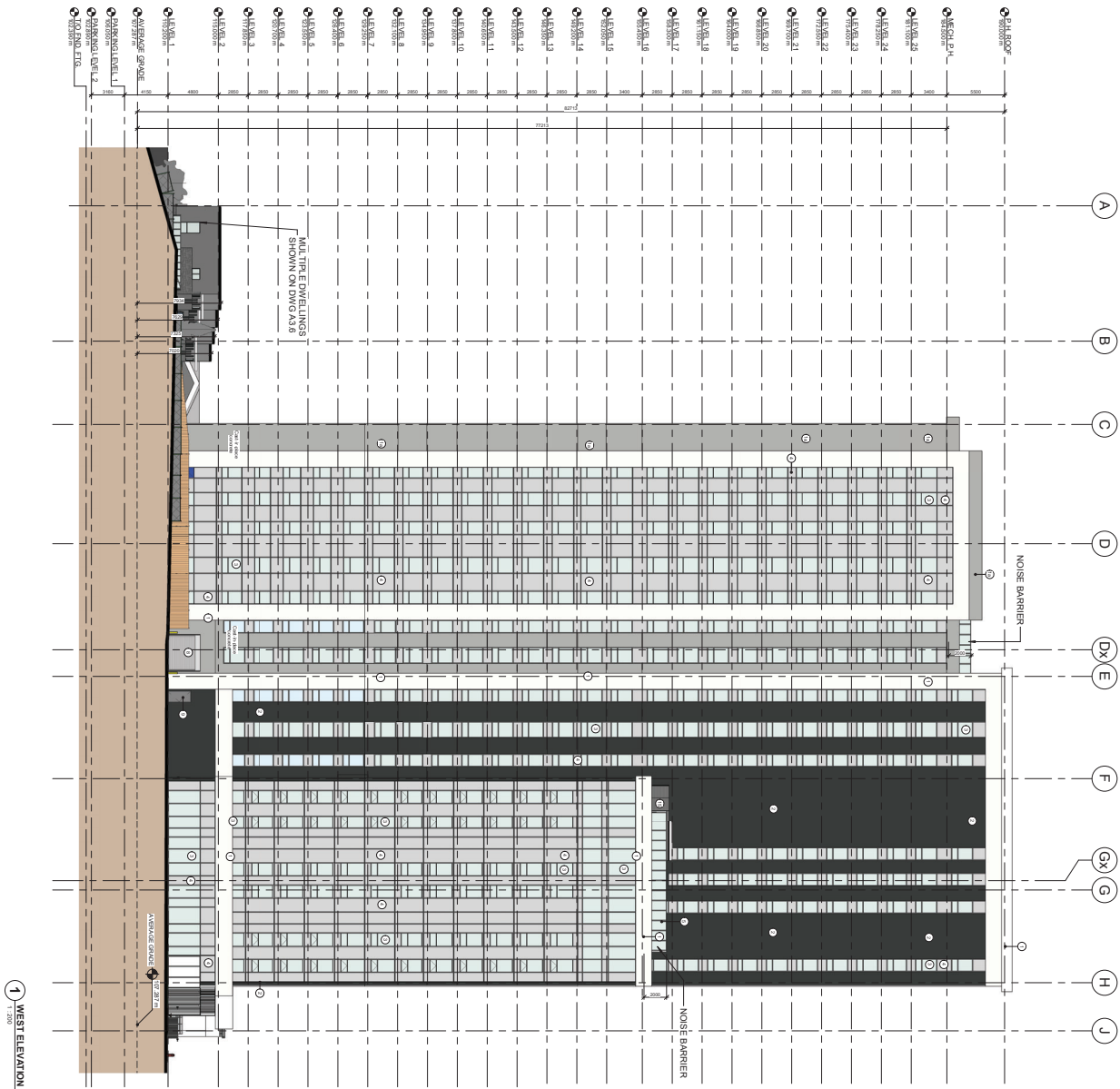
NO. 0401 REGISTERED PROFESSIONAL ENGINEER

DATE: 2019-10-18
 DRAWN BY: JMD
 CHECKED BY: MIV
 PROJECT NO: 01780219 354-27-PA

ASSOCIATION OF ARCHITECTS OF ONTARIO
 REGISTERED ARCHITECT
 ISSUED FOR COMMERCIAL USE
 A3.3

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MATERIAL LEGEND - MULTIPLE DWELLINGS

1	METAL PANEL - WHITE
2	PAINTED SMOOTH TEXTURED PRECAST CONCRETE PANEL - LIGHT GRAY
3	EXPOSED AGGREGATED PRECAST CONCRETE WALL PANEL - COLOUR DARK GREY
4	SMALL TILE CLADDING PANEL
5	ALUMINUM BRANDED TEMPERED SAFETY GLASS UNIT - 5/8" CLEAR GLASS - COLOUR BLACK
6	PAINTED STEEL CHANNEL FINISH
7	METAL PANEL - WOOD GRAIN FINISH (HICKORY)
8	COARSE AGGREGATED PRECAST CONCRETE WALL PANEL - COLOUR BLACK
9	PAINTED STEEL CHANNEL FINISH
10	EXPOSED AGGREGATED PRECAST CONCRETE WALL PANEL - COLOUR GREY SMOOTH AGGREGATED
11	PRECAST CONCRETE WALL PANEL - COLOUR GREY SMOOTH AGGREGATED
12	SMALL TILE CLADDING PANEL - COLOUR BLACK
13	SMALL TILE CLADDING PANEL - COLOUR BLACK
14	SMALL TILE CLADDING PANEL - COLOUR BLACK
15	SMALL TILE CLADDING PANEL - COLOUR BLACK
16	METAL LOUVER - MATTE BLACK

MATERIAL LEGEND - HOTEL

A	RESERVED
B	PRE-FABRICATED CONCRETE PANEL - COLOUR 2118 BLACK (BEN MOON)
C	PRE-FABRICATED CONCRETE PANEL - COLOUR 2118 BLACK (BEN MOON)
D	PRE-FABRICATED CONCRETE PANEL - COLOUR 2118 BLACK (BEN MOON)
E	PRE-FABRICATED CONCRETE PANEL - COLOUR 2118 BLACK (BEN MOON)
F	PRE-FABRICATED CONCRETE PANEL - COLOUR 2118 BLACK (BEN MOON)
G	SPANDREL GLASS PANEL - COLOUR BLACK
H	SPANDREL GLASS PANEL - COLOUR BLACK
I	SPANDREL GLASS PANEL - COLOUR BLACK
J	REFLECTIVE SMOKE COAT 300 OCEAN
K	VISION GLASS PANEL - CLEAR GLASS
L	METAL SPANDREL PANEL - COLOUR WHITE
M	METAL SPANDREL PANEL - COLOUR WHITE

GENERAL NOTES

1. ALL MATERIALS AND FINISHES SHALL BE AS SHOWN ON THE DRAWINGS UNLESS OTHERWISE NOTED.
2. ALL WORK SHALL COMPLY WITH THE 2018 ONTARIO BUILDING CODE AND ALL APPLICABLE REGULATIONS.
3. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE 2018 ONTARIO BUILDING CODE AND ALL APPLICABLE REGULATIONS.
4. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE 2018 ONTARIO BUILDING CODE AND ALL APPLICABLE REGULATIONS.
5. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE 2018 ONTARIO BUILDING CODE AND ALL APPLICABLE REGULATIONS.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.
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10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.
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15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.
16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.

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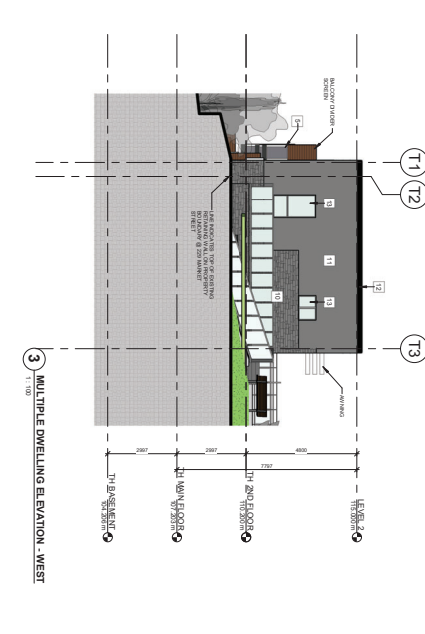
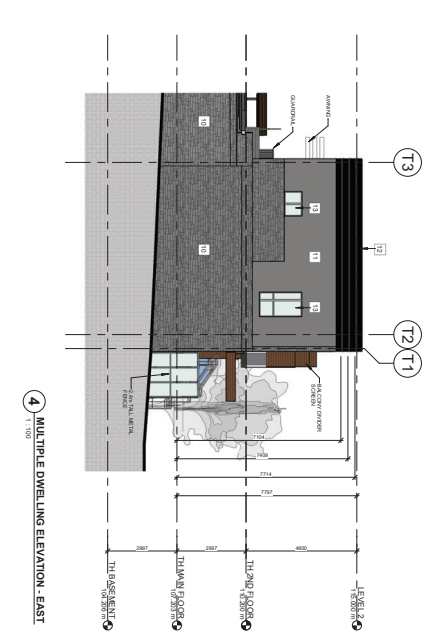
WEST ELEVATION

ASSOCIATION OF ARCHITECTS OF ONTARIO

ISSUED FOR COMMEMORATION

A3.4

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MATERIAL LEGEND - MULTIPLE DWELLING	
1	METAL PANEL - WHITE
2	EXPOSED, 1/2" FORM AREA 2/28 INK, COLOUR DARK GREY
3	SEALED DOUBLE GLAZED INSULATED GLASS UNITS - SOLAR BLUE TINT
4	SPANDELI GLAZING PANEL COLOUR MEDIUM GREY
5	ALUMINUM FINISHED THERMOFLEX SAFETY GLASS GLAZING FRAME
6	COLOUR DARK
7	PAINTED STEEL CHANNEL - IN SOA
8	METAL PANEL - WOOD GRAIN FINISH (FRECKLY)
9	PAINTED YELLOW METAL EXTENSION
10	EXPOSED - 1/2" FORM AREA 2/28 INK, COLOUR DARK GREY
11	BRASS FINISHED ALUMINUM FLASHING - COLOUR BRASS
12	SEALED DOUBLE GLAZED INSULATED GLASS UNITS - SOLAR BLUE TINT
13	SITE ENTRY DOOR - FLAT PANEL WITH WOOD GRAIN FINISH
14	COLOUR DARK
15	METAL CORNER - MATTE BLACK

GENERAL NOTES

1. ALL WORK SHALL COMPLY WITH THE 2018 ONTARIO BUILDING CODE AND ALL APPLICABLE REGULATIONS.
2. ALL WORK SHALL COMPLY WITH THE 2018 ONTARIO BUILDING CODE AND ALL APPLICABLE REGULATIONS.
3. ALL WORK SHALL COMPLY WITH THE 2018 ONTARIO BUILDING CODE AND ALL APPLICABLE REGULATIONS.
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13. ALL WORK SHALL COMPLY WITH THE 2018 ONTARIO BUILDING CODE AND ALL APPLICABLE REGULATIONS.
14. ALL WORK SHALL COMPLY WITH THE 2018 ONTARIO BUILDING CODE AND ALL APPLICABLE REGULATIONS.
15. ALL WORK SHALL COMPLY WITH THE 2018 ONTARIO BUILDING CODE AND ALL APPLICABLE REGULATIONS.

354 KING STREET WEST
 MARKET STREET UNIT
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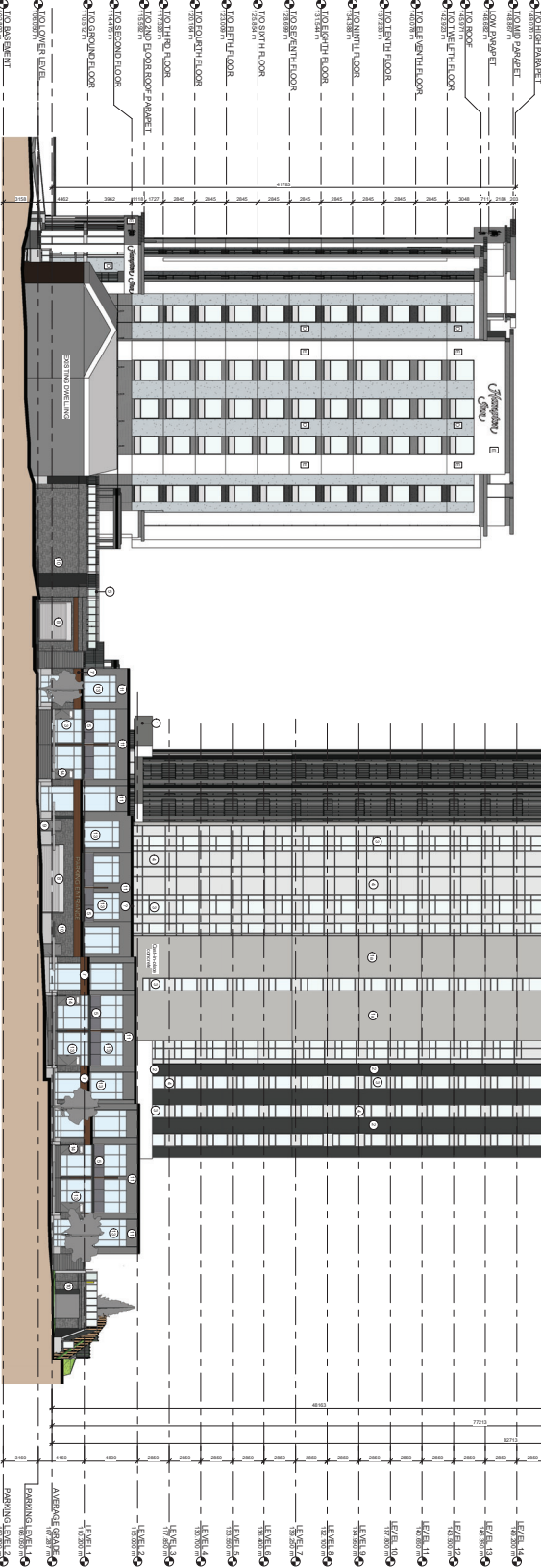
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 CHECKED BY: M.V.
 PROJECT NO: 2019-11-28 (END OF A.I.)

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 A3.4a

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MATERIAL LEGEND - MULTIFAMILY DWELLING	
1	METAL PANEL - WHITE
2	PAINTED SMOOTH TEXTURED PRECAST CONCRETE PANEL - LIGHT GRAY (HICKORY)
3	PRECAST CONCRETE WALL PANEL - COLOUR: DARK GRAY
4	SEALED POLYMER EXTERIOR INSULATED FINISH SYSTEM - POLYMER FINISH
5	ALUMINUM PANELLED THERMOPAN SAFETY GLASS PANEL - COLOUR: BLACK
6	PAINTED STEEL CHANNEL - PINKA
7	METAL PANEL - WOOD GRAIN FINISH (HICKORY)
8	OVERHEAD ROLLING SHUTTER - IRON DOOR
9	PAINTED INCLINED METAL EXTERIOR EXIT DOOR
10	EMBOSSSED - US FORMALINE T114 MASONRY PRECAST CONCRETE WALL PANEL - COLOUR: GREY SMOOTH ADDED TO BE COLOUR: BLACK
11	PRECAST CONCRETE WALL PANEL - COLOUR: GREY SMOOTH ADDED TO BE COLOUR: BLACK
12	SEALANT - POLYURETHANE
13	SEALED POLYMER EXTERIOR INSULATED FINISH SYSTEM - POLYMER FINISH
14	SUITE ENTRY DOOR - FLAT PANEL WITH WOOD GRAIN FINISH
15	METAL LOUVER - WHITE BLACK

MATERIAL LEGEND - HOTEL	
A	RESERVED
B	PRECAST CONCRETE PANEL - COLOUR: 7128-10 BLACK (BEN MOORE)
C	PRECAST CONCRETE PANEL - COLOUR: 1288 GRAY (BEN MOORE)
D	PRECAST CONCRETE PANEL - COLOUR: 1288 GRAY (BEN MOORE)
E	PRECAST CONCRETE PANEL - COLOUR: 1288 GRAY (BEN MOORE)
F	PRECAST CONCRETE PANEL - COLOUR: 1288 GRAY (BEN MOORE)
G	SPANNING GLASS PANEL - COLOUR: BLACK
H	SPANNING GLASS PANEL - COLOUR: GREY
I	SPANNING GLASS PANEL - COLOUR: GREY
J	SPANNING GLASS PANEL - COLOUR: GREY
K	VIBRON GLASS PANEL - CLEAR GLASS
M	METAL BYPASS PANEL - COLOUR: WHITE



1 NORTH ELEVATION - MARKET STREET

- GENERAL NOTES**
1. REFER TO ALL DRAWINGS FOR DIMENSIONS AND MATERIALS.
 2. ALL WORK SHALL COMPLY WITH THE 2018 ONTARIO BUILDING CODE AND AMENDMENTS.
 3. DIMENSIONS AND SPECIFICATIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 4. ALL EXTERIOR AND INTERIOR FINISHES SHALL BE TO FACE UNLESS OTHERWISE NOTED.
 5. ALL WORK SHALL BE SUBJECT TO THE APPROVAL OF THE LOCAL BUILDING DEPARTMENT AND ALL NECESSARY PERMITS SHALL BE OBTAINED PRIOR TO COMMENCEMENT OF WORK.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT AND ALL NECESSARY PERMITS SHALL BE OBTAINED PRIOR TO COMMENCEMENT OF WORK.
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 15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT AND ALL NECESSARY PERMITS SHALL BE OBTAINED PRIOR TO COMMENCEMENT OF WORK.

NO. 18025 - 354 KING STREET, MARKET STREET
 HAMILTON, ONTARIO
 PROJECT NO. 18025
 DATE: 2019-03-18
 DRAWN BY: JMD
 CHECKED BY: JMD
 PROJECT NO. 18025 - 354 KING STREET, MARKET STREET
 HAMILTON, ONTARIO

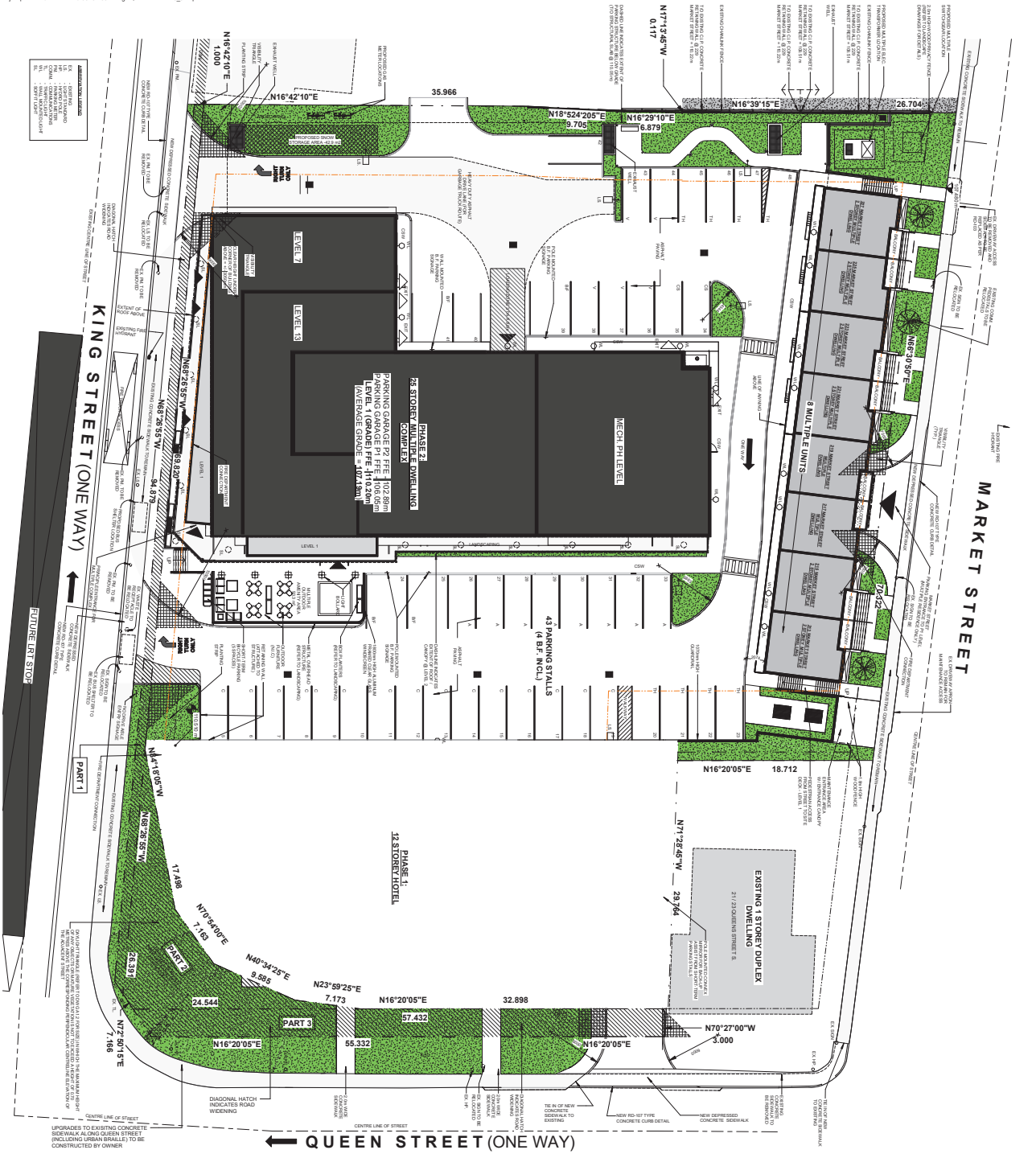
354 KING STREET WEST
NORTH ELEVATION - MARKET ST.

ASSOCIATION OF ARCHITECTS OF ONTARIO
 ARCHITECTS
 100 KING STREET WEST
 TORONTO, ONTARIO M5X 1C4
 TEL: 416-967-8888
 FAX: 416-967-8889
 WWW.AAON.OA.AAON.CA

ISSUED FOR
 COMMERCIAL
 PROJECT NO. 18025 - 354 KING STREET, MARKET STREET
A3.6

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1 SITE PLAN - PHASE 1



ITEM NO.	DESCRIPTION	QUANTITY	UNIT	REMARKS
1	CONCRETE CURB	100	M	100 M CONCRETE CURB
2	CONCRETE SIDEWALK	200	M	200 M CONCRETE SIDEWALK
3	ASPHALT DRIVEWAY	100	M	100 M ASPHALT DRIVEWAY
4	ASPHALT DRIVEWAY	100	M	100 M ASPHALT DRIVEWAY
5	ASPHALT DRIVEWAY	100	M	100 M ASPHALT DRIVEWAY
6	ASPHALT DRIVEWAY	100	M	100 M ASPHALT DRIVEWAY
7	ASPHALT DRIVEWAY	100	M	100 M ASPHALT DRIVEWAY
8	ASPHALT DRIVEWAY	100	M	100 M ASPHALT DRIVEWAY
9	ASPHALT DRIVEWAY	100	M	100 M ASPHALT DRIVEWAY
10	ASPHALT DRIVEWAY	100	M	100 M ASPHALT DRIVEWAY
11	ASPHALT DRIVEWAY	100	M	100 M ASPHALT DRIVEWAY
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100	ASPHALT DRIVEWAY	100	M	100 M ASPHALT DRIVEWAY

GENERAL NOTES

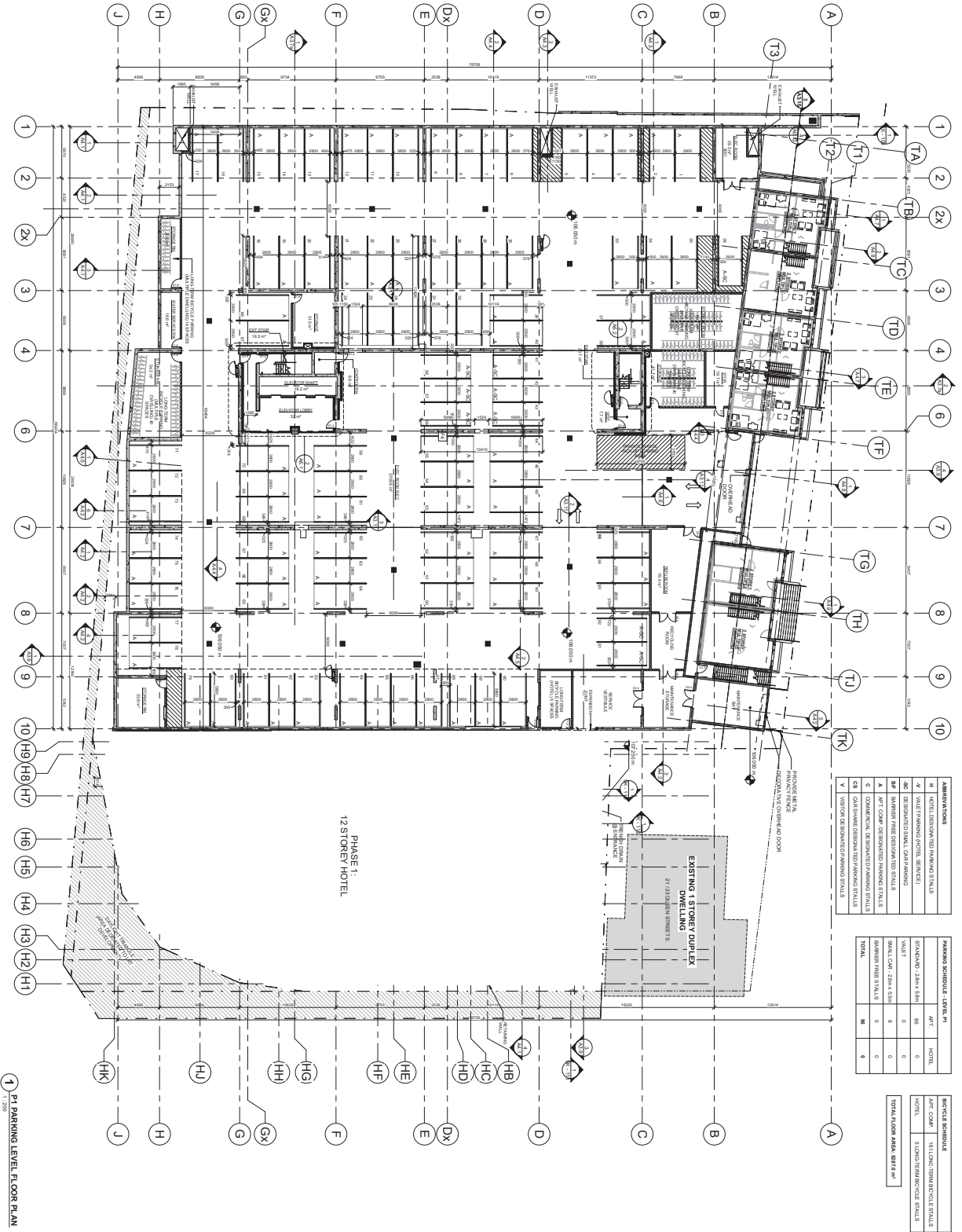
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
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5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ACCESS TO ALL ADJACENT PROPERTIES.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING TREES AND LANDSCAPE.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING FOUNDATIONS.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING STRUCTURES.

ARCHITECTS INC.
 354 KING STREET WEST
 TORONTO, ONTARIO M5H 1K5
 TEL: 416-593-4141
 WWW.A11P2.COM

DATE: 2020-12-04
SCALE: AS SHOWN
PROJECT: 354 KING STREET WEST
CLIENT: [REDACTED]
DESIGNER: [REDACTED]
CHECKER: [REDACTED]
DATE: 2020-12-04

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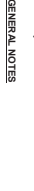
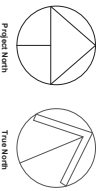
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MARKING SYMBOL	DESCRIPTION
N	HOTEL DESIGNATED PARKING STALLS
V	VALET PARKING (NOTES: SERVICES)
SE	DESIGNATED SMALL CAR PARKING
SP	SMALL CAR DESIGNATED PARKING STALLS
A	APR COOP DESIGNATED PARKING STALLS
C	CONVENTION DESIGNATED PARKING STALLS
GA	CONVENTION DESIGNATED PARKING STALLS
V	VALET DESIGNATED PARKING STALLS

PARKING SCHEDULE - LEVEL P1	APR	HOTEL
STANDARD - 24hr x 5hr	66	0
VALET	0	0
SMALL CAR - 24hr x 5hr	9	0
SMALL CAR DESIGNATED STALLS	0	0
SMALL CAR VALET STALLS	0	0
TOTAL	75	0

MARKING SYMBOL	DESCRIPTION
APR COOP	APRIL COOPERATIVE DESIGNATED STALLS
HOTEL	HOTEL DESIGNATED STALLS



Panel Mark



Trim Mark

- GENERAL NOTES**
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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 3. EXISTING AND NEW WORK SHALL BE IDENTIFIED AND PROTECTED THROUGHOUT THE CONSTRUCTION PROCESS.
 4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2018 ONTARIO BUILDING CODE AND ALL APPLICABLE REGULATIONS.
 5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2018 ONTARIO BUILDING CODE AND ALL APPLICABLE REGULATIONS.
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354 KING STREET WEST

P1 PARKING LEVEL FLOOR PLAN

1:200

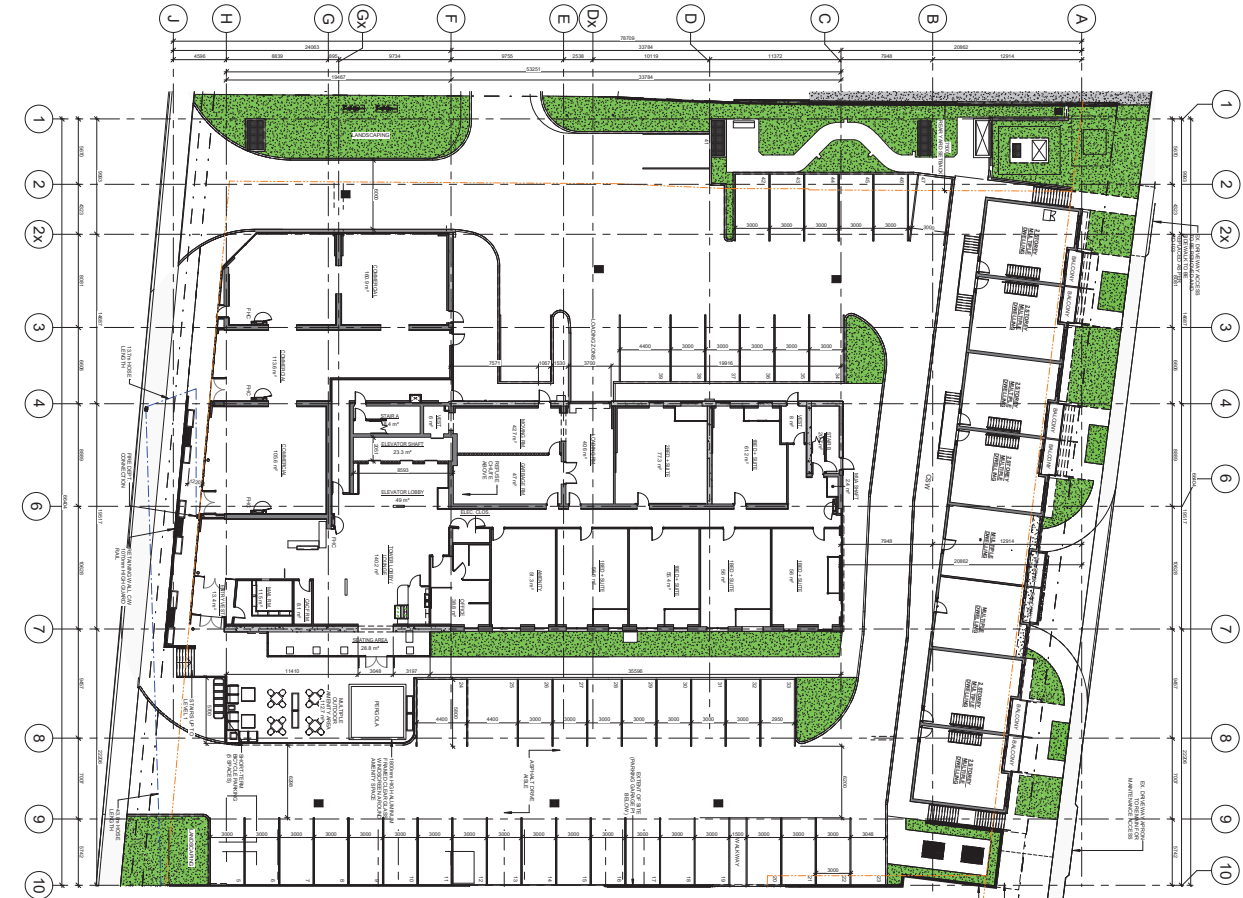
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ARCHITECTS INC.

2020-09-15 12:00 PM

GENERAL NOTES

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1 GROUND LEVEL FLOOR PLAN

Area Schedule - SUITE COUNTS	
Unit - # Bedrooms	Count
1	254
2	61
SUITE COUNT - BUILDING TOTAL	315

Level	SUITE COUNT - BUILDING TOTAL	Count
LEVEL 1	15	15
LEVEL 2	15	15
LEVEL 3	15	15
LEVEL 4	18	18
LEVEL 5	18	18
LEVEL 6	18	18
LEVEL 7	15	15
LEVEL 8	15	15
LEVEL 9	15	15
LEVEL 10	15	15
LEVEL 11	15	15
LEVEL 12	10	10
LEVEL 13	10	10
LEVEL 14	10	10
LEVEL 15	10	10
LEVEL 16	10	10
LEVEL 17	10	10
LEVEL 18	10	10
LEVEL 19	10	10
LEVEL 20	10	10
LEVEL 21	10	10
LEVEL 22	10	10
LEVEL 23	10	10
LEVEL 24	10	10
LEVEL 25	10	10
Grand Total:	315	315


Level	SUITES LESS THAN 50m2	Unit - # Bedrooms
1	0	0
Grand Total:	0	0


Level	SUITES EQUAL TO 50m2	Unit - # Bedrooms
1	0	0
2	0	0
Grand Total:	0	0

Level	SUITES GREATER THAN 50m2	Unit - # Bedrooms
1	0	0
2	0	0
Grand Total:	0	0

GENERAL NOTES

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL WORK SHALL COMPLY WITH THE 2018 ONTARIO BUILDING CODE AND AMENDMENTS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS AND FOR THE PROTECTION OF ALL EXISTING UTILITIES.
4. ALL EXISTING UTILITIES AND OBSTRUCTIONS SHALL BE IDENTIFIED AND PROTECTED PRIOR TO THE START OF WORK.
5. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND OBSTRUCTIONS.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND OBSTRUCTIONS.
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Project Name 

Trade Name 

354 KING STREET WEST

GROUND LEVEL FLOOR PLAN

Scale: 1:200

DATE: 2020-09-14

DESIGNED BY: JMD

CHECKED BY: JMD

PROJECT NO: 2020-09-14

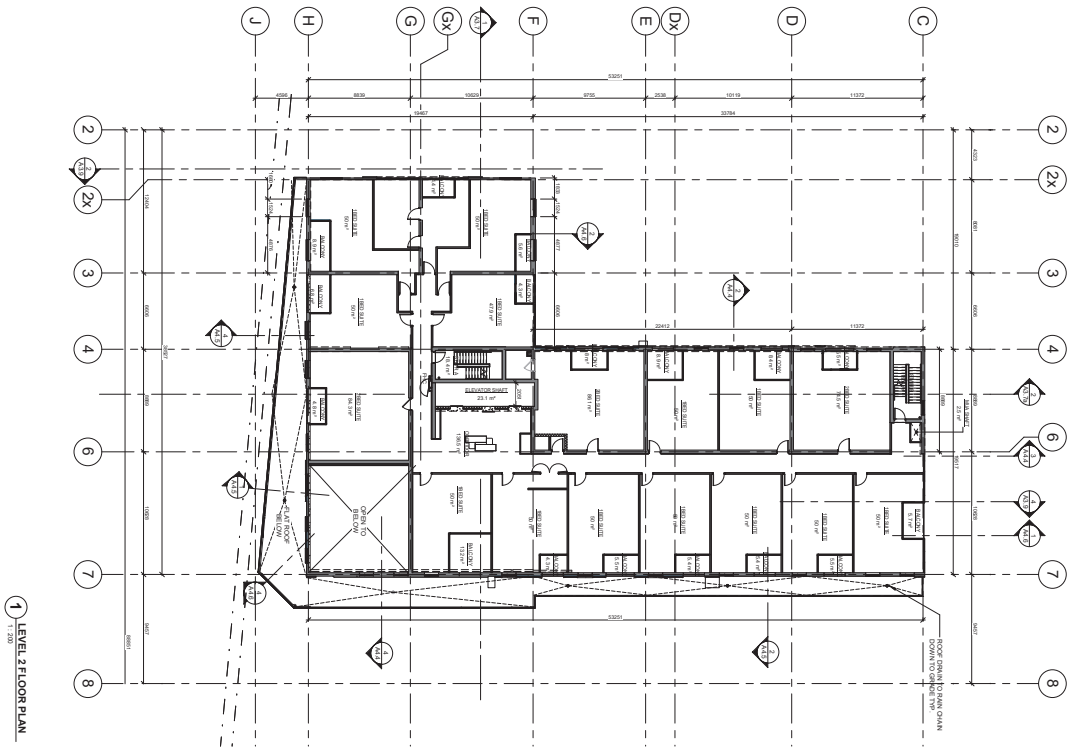
PROJECT NAME: 354 KING STREET WEST

srmm ARCHITECTS INC.

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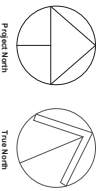
ONTARIO ASSOCIATION OF ARCHITECTS
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 A2.3 (P.2)

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1 LEVEL 2 FLOOR PLAN
 1:200

AREA: 3544 SQ. METERS (9611 SQ. FT.)
 TOTAL AREA: 3544 SQ. METERS (9611 SQ. FT.)



Project North
 True North

GENERAL NOTES

1. ALL WORK SHALL COMPLY WITH THE 2018 ONTARIO BUILDING CODE AND ALL APPLICABLE REGULATIONS.
2. ALL WORK SHALL COMPLY WITH THE 2018 ONTARIO BUILDING CODE AND ALL APPLICABLE REGULATIONS.
3. DIMENSIONS AND SPECIFICATIONS AND BEFORE ANY COMMENCEMENT OF WORK.
4. ALL CONTRACTORS AND SUBCONTRACTORS SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AUTHORITIES.
5. ALL CONTRACTORS SHALL BE RESPONSIBLE FOR THE PROTECTION OF EXISTING UTILITIES AND STRUCTURES TO REMAIN ON THE SITE.
6. THE MATERIALS, WORKMANSHIP AND FINISHES SHALL BE AS SPECIFIED IN THE CONTRACT DOCUMENTS.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF EXISTING UTILITIES AND STRUCTURES TO REMAIN ON THE SITE.
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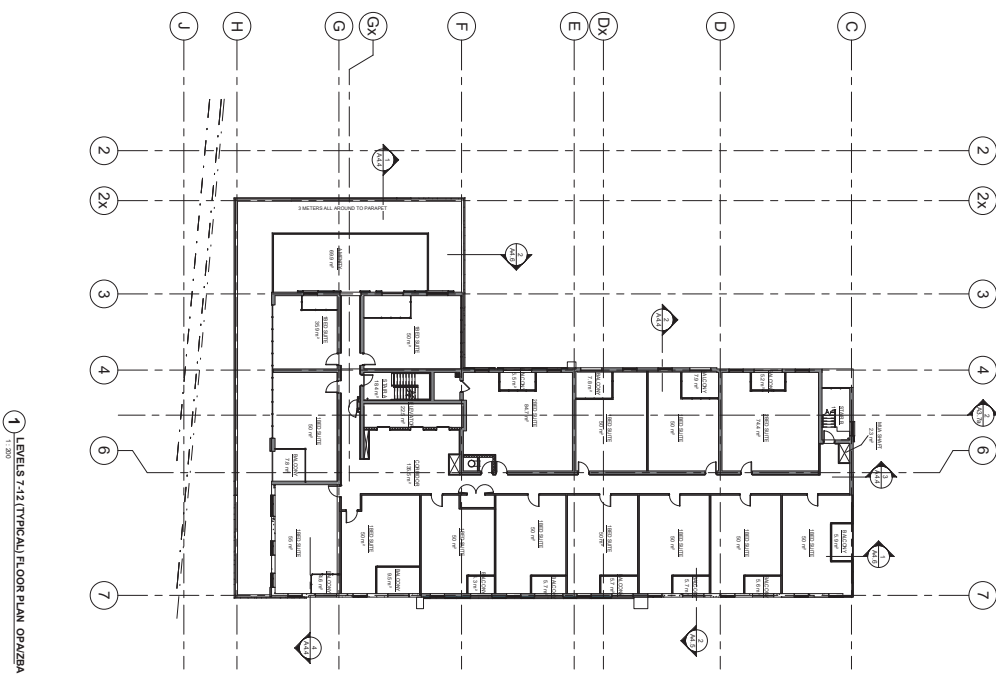
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 REG. NO. 12345
 A2.4 (P.2)

srm
 ARCHITECTS INC.

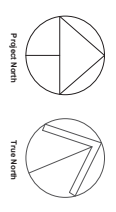
Project Name: 18025
 Project No.: 2020-09-14
 Date: 2020-09-14
 Designer: JMD
 Checker: MW
 Project File: 2020-09-15_18025.rvt

354 KING STREET WEST
 LEVEL 2 FLOOR PLAN
 OP/ALBA

Do not scale drawings. Contractors must check and verify all dimensions and report any discrepancies to the Architect before proceeding with the work. All documents remain the property of the Architect. Unauthorised use, modification, or reproduction of these documents is prohibited without written permission. The Contract Documents were prepared by the Consultant for the account of the Owner. The material contained herein reflects the Consultant's best judgment in light of the information available to him at the time of preparation. Any use which is a third party makes of the Contract Documents, or any reliance on or decisions to be made based on them are the responsibility of such third parties. The Consultant accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on the Contract Documents.
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1 LEVELS 7-12 TYPICAL FLOOR PLAN OPAZBA
 1/1200



GENERAL NOTES

1. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE CANADIAN NATIONAL BUILDING CODE AND ALL APPLICABLE REGULATIONS.
2. ALL WORK SHALL COMPLY WITH THE 2010 NATIONAL BUILDING CODE AND ALL APPLICABLE REGULATIONS.
3. DIMENSIONS AND SPECIFICATIONS ARE SHOWN ANY DIMENSIONS NOT SHOWN SHALL BE AS SHOWN.
4. ALL ELECTRICAL AND/OR COMMUNICATIONS SHALL BE INSTALLED IN ACCORDANCE WITH THE CANADIAN NATIONAL ELECTRICAL CODE AND ALL APPLICABLE REGULATIONS.
5. ALL OCCUPANT REQUIREMENTS SHALL BE PROVIDED FOR THE PROJECT AND SHALL BE PROVIDED BY THE OWNER. THE CONSULTANT SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF SUCH REQUIREMENTS.
6. THE MATERIALS COMPANY BEING USED SHALL BE APPROVED BY THE ARCHITECT AND SHALL BE PROVIDED BY THE OWNER. THE CONSULTANT SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF SUCH REQUIREMENTS.
7. THE CONSULTANT SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF SUCH REQUIREMENTS.
8. THE CONSULTANT SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF SUCH REQUIREMENTS.

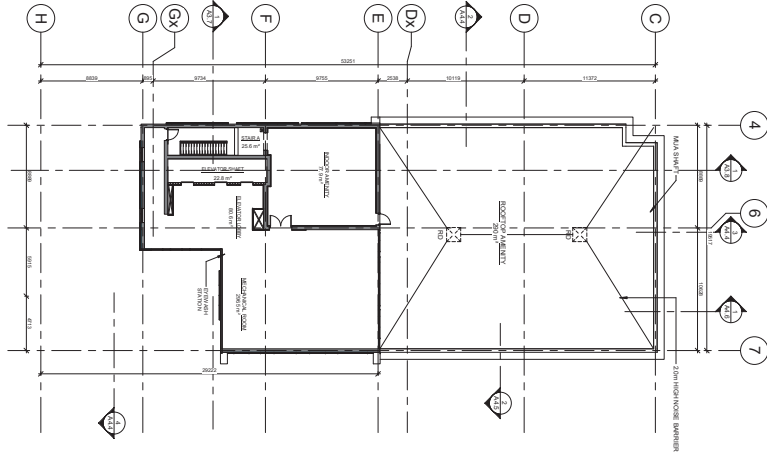
Project Name: 18025 Project No: 2008-09-14 Drawing: A2.6 (P.2) Date: 2008-09-15 15:59:54	Project Name: 18025 Project No: 2008-09-14 Drawing: A2.6 (P.2) Date: 2008-09-15 15:59:54

354 KING STREET WEST
 OPAZBA - LEVELS
 7-12 (TYPICAL) OPAZBA

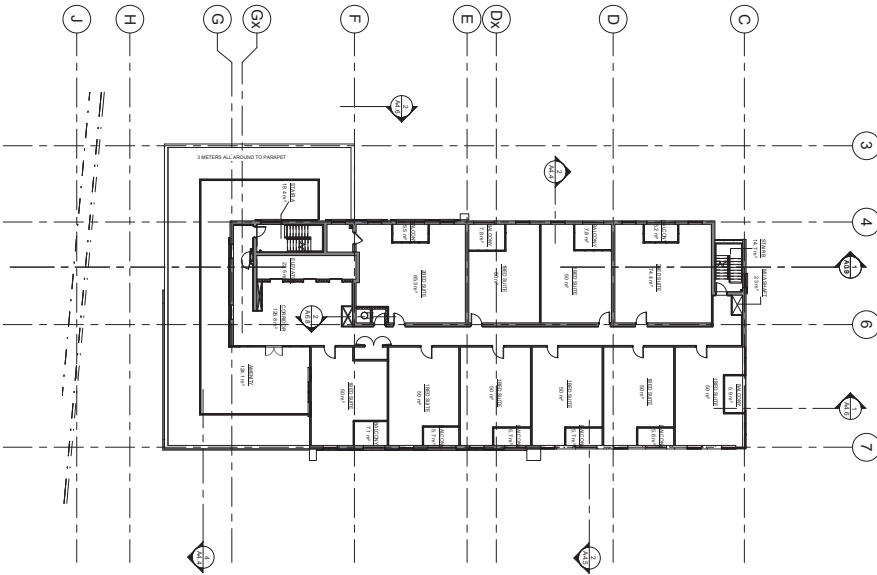
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ONTARIO ASSOCIATION OF ARCHITECTS
 REG. NO. 10000
 A2.6 (P.2)

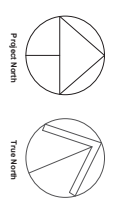
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2 MECHANICAL PENTHOUSE FLOOR PLAN
 1:200



1 LEVELS 13-25 (TYPICAL) FLOOR PLAN - OPAZBA
 1:200



GENERAL NOTES

1. ALL WORK SHALL COMPLY WITH THE 2018 ONTARIO BUILDING CODE AND ZONING BY-LAW.
2. ALL WORK SHALL COMPLY WITH THE 2018 ONTARIO BUILDING CODE AND ZONING BY-LAW.
3. DIMENSIONS AND SPECIFICATIONS ARE SHOWN ON ANY PROCEEDINGS WITH THE WORK.
4. ALL CONTRACTORS AND SUB-CONTRACTORS SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCEMENT OF WORK.
5. ALL CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CONSULTANT FOR THE ACCOUNT OF THE OWNER.
6. THE MATERIALS COMPANY SHALL BE RESPONSIBLE FOR THE ACQUISITION AND DELIVERY OF ALL MATERIALS TO THE PROJECT SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE STORAGE AND PROTECTION OF SUCH MATERIALS.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN. A COMPLETE LIST OF EXISTING UTILITIES AND STRUCTURES TO REMAIN IS PROVIDED ON THE ATTACHED DRAWINGS.

NO. 1	DATE	REVISION
1	2020-09-14	ISSUED FOR PERMIT
2	2020-09-14	ISSUED FOR PERMIT
3	2020-09-14	ISSUED FOR PERMIT

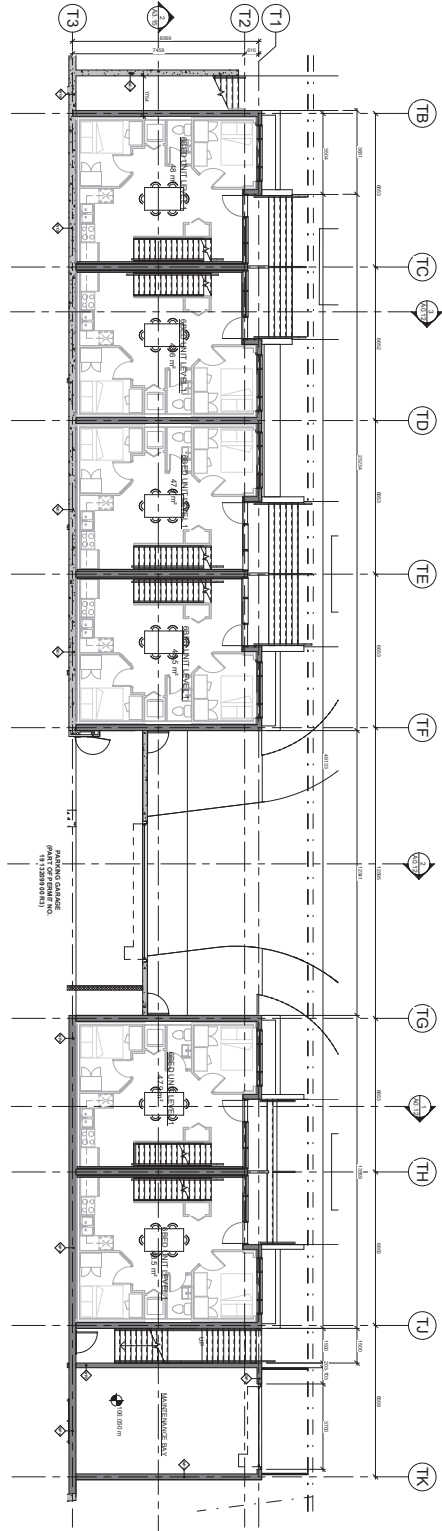
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 ARCHITECTS INC.

Project Name: 18025
 Drawing No.: 2020-09-14
 Drawing Title: MECHANICAL PENTHOUSE FLOOR PLAN
 Designer: AMY
 Checker: CHUCK
 Date: 2020-09-14 15:28:57

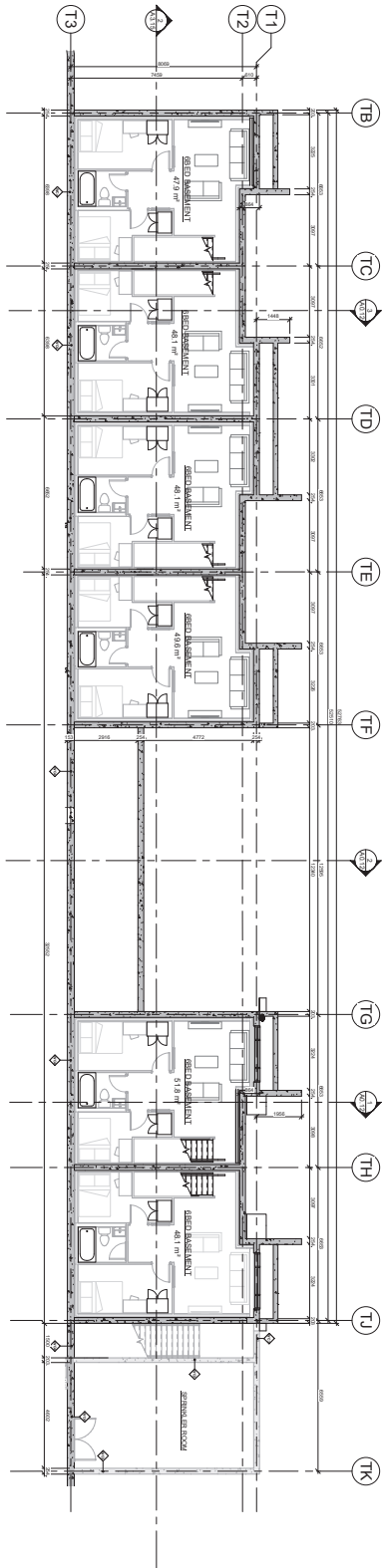
354 KING STREET WEST
 OPAZBA - LEVELS
 13-25 (TYPICAL) OPAZBA

ONTARIO ASSOCIATION OF ARCHITECTS
 REG. NO. 11111
 A2.7 (P.2)

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1 MULTIPLE DWELLING - STREET LEVEL OPAZBA



2 MULTIPLE DWELLING BASEMENT OPAZBA

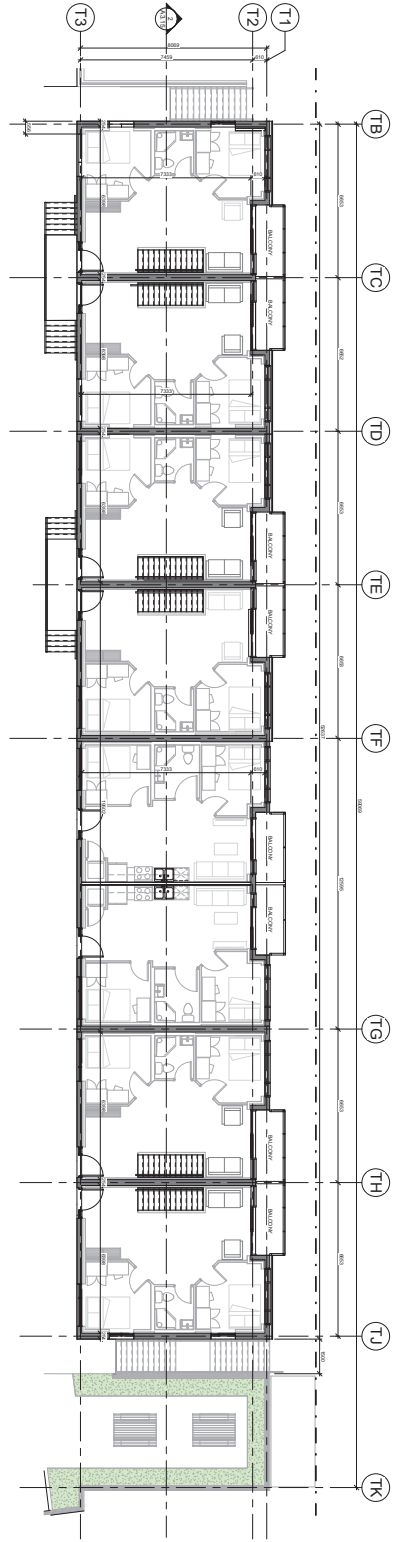
- GENERAL NOTES**
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 ONTARIO BUILDING CODE AND AMENDMENTS.
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 ONTARIO BUILDING CODE AND AMENDMENTS.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AUTHORITIES.
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 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AUTHORITIES.

<p>NO. 1000 2000-09-14 T.M. M.V.</p>	<p>18005 2020-09-14 T.M. M.V.</p>
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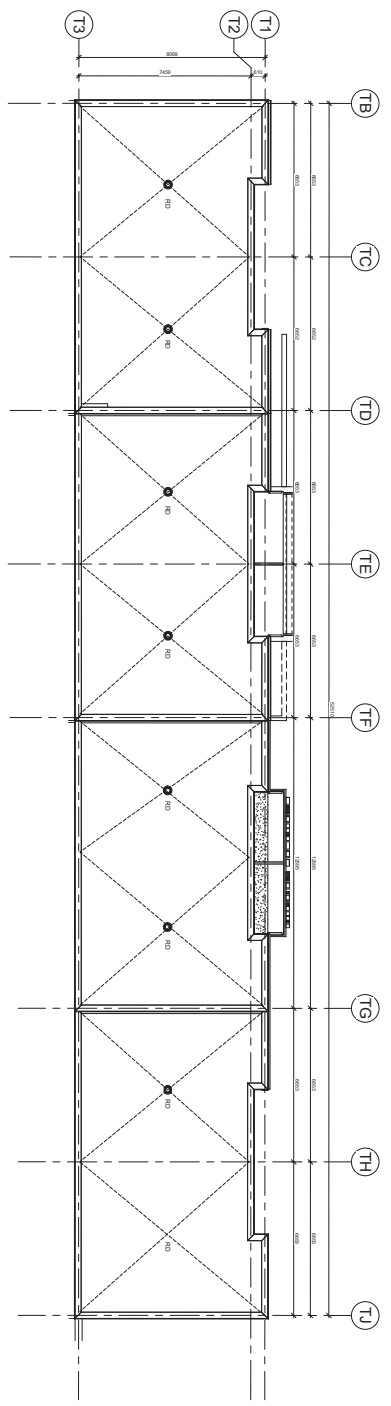
354 KING STREET WEST
 MARKET STREET UNIT
 FLOOR PLANS OPAZBA

ONTARIO ASSOCIATION OF ARCHITECTS
 REGULAR FOR OPAZBA
 A2.8 (P.2)

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1 MULTIPLE DWELLING - 2ND LEVEL OP4ZBA
 1:100



2 MULTIPLE DWELLING - ROOF PLAN OP4ZBA
 1:100

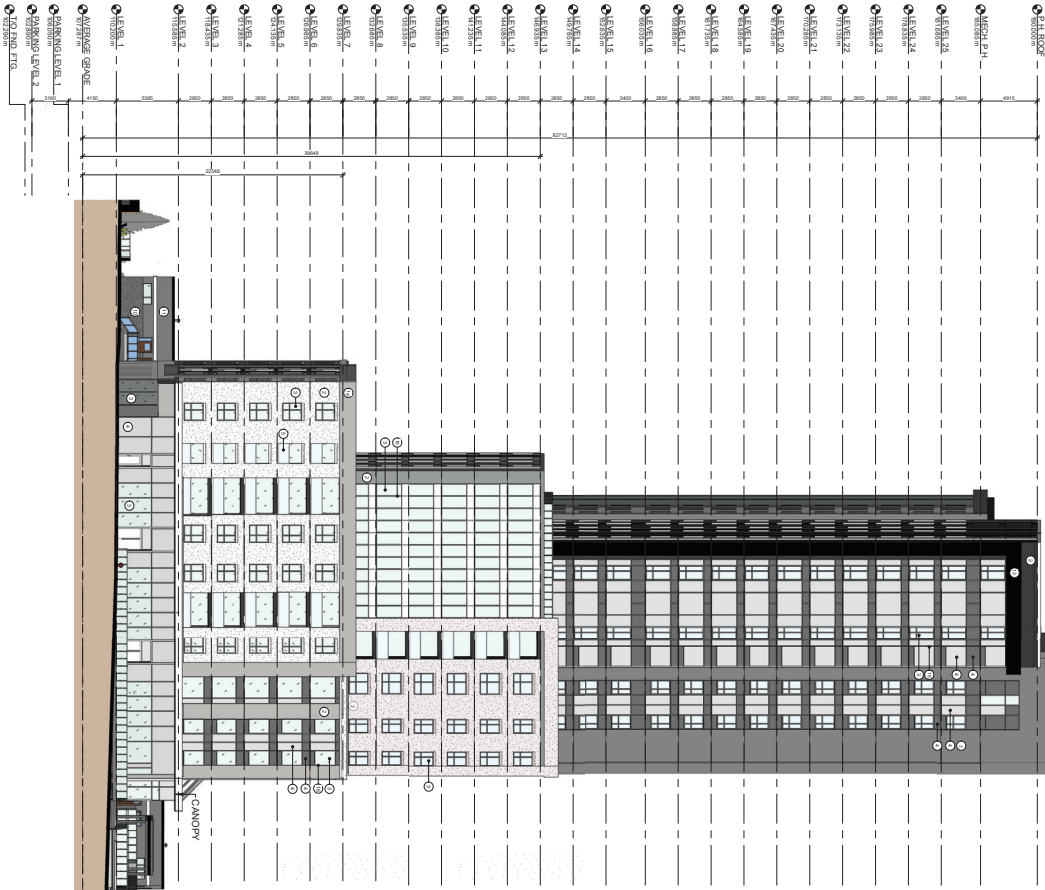
- GENERAL NOTES**
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 2. ALL WORK SHALL COMPLY WITH THE 2018 ONTARIO BUILDING CODE AND ALL APPLICABLE REGULATIONS.
 3. DIMENSIONS AND SPECIFICATIONS ARE SHOWN AND ANY DISCREPANCIES SHALL BE RESOLVED BY THE ARCHITECT.
 4. ALL CONTRACTORS AND SUBCONTRACTORS SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCEMENT OF WORK.
 5. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING DEPARTMENT.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

Project Name: 18025 Project No: 2020-09-14 Date: 14/09/2020 City: TNA Country: CAN Project No: 2020-09-14 Project No: 159-80794	Project Name: 18025 Project No: 2020-09-14 Date: 14/09/2020 City: TNA Country: CAN Project No: 2020-09-14 Project No: 159-80794

354 KING STREET WEST
 MARKET STREET UNIT
 FLOOR PLANS OP4ZBA

Ontario Association of Architects
 REGISTRATION NO. 1100
 A2.9 (P.2)

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1 SOUTH ELEVATION - KING ST. WEST

MATERIAL LEGEND - MULTIPLE DWELLING	
1	METAL PANEL - WHITE
1A	PAINTED CANOPY WITH PRECAST CONCRETE PANEL
2	PRECAST CONCRETE
3	SEALING DOUBLE GLAZED INSULATED CURTAIN WALL
4	SPANGRUBER GLAZING PANEL, COCA-COLA
5	ALUMINIUM FRAMED THERMOPLASTIC SAFETY GLAZING PANEL - FRAME
6	PAINTED STEEL CHANNEL FASCIA
7	METAL PANEL - WOOD GRAIN FINISH (HICKORY)
8	OVERHEAD ROLLING GARAGE LIFT DOOR
9	PAINTED HOLLOW METAL EXTERIOR DOOR
10	EMBOSSSED - 1/8\"/>
11	PRECAST CONCRETE WALL PANEL COCA-COLA GREY SMOOTH ARCH ETCHED COCA-COLA BRICK
12	STONE CORNER ALUMINIUM GLAZING - COCA-COLA BRICK
13	ALUMINIUM CLADDING
14	SUITE ENTRY DOOR - FLAT PANEL, WHITEWOOD GRAY FINISH
15	METAL LOUVER - MATTE BRACK
16	ALUMINIUM MILLION
17	LIGHT PRECAST CONCRETE

- GENERAL NOTES**
1. REFER TO ALL DRAWINGS AND SPECIFICATIONS FOR MATERIALS AND METHODS OF CONSTRUCTION.
 2. ALL WORK SHALL COMPLY WITH THE 2018 ONTARIO BUILDING CODE AND AMENDMENTS.
 3. EXISTING AND PROPOSED CONDITIONS AND BEFORE ANY PROCEEDING WITH THE WORK.
 4. ALL EXISTING AND PROPOSED CONDITIONS SHALL BE VERIFIED BY THE ARCHITECT BEFORE ANY WORK BEGINS.
 5. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS AND THE CONSULTANT'S INSTRUCTIONS.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.

ONTARIO ASSOCIATION OF ARCHITECTS
 45 KING STREET WEST
 TORONTO, ONTARIO M5X 1C5
 TEL: 416-967-8888
 FAX: 416-967-8889
 WWW.OAARCHITECTS.COM

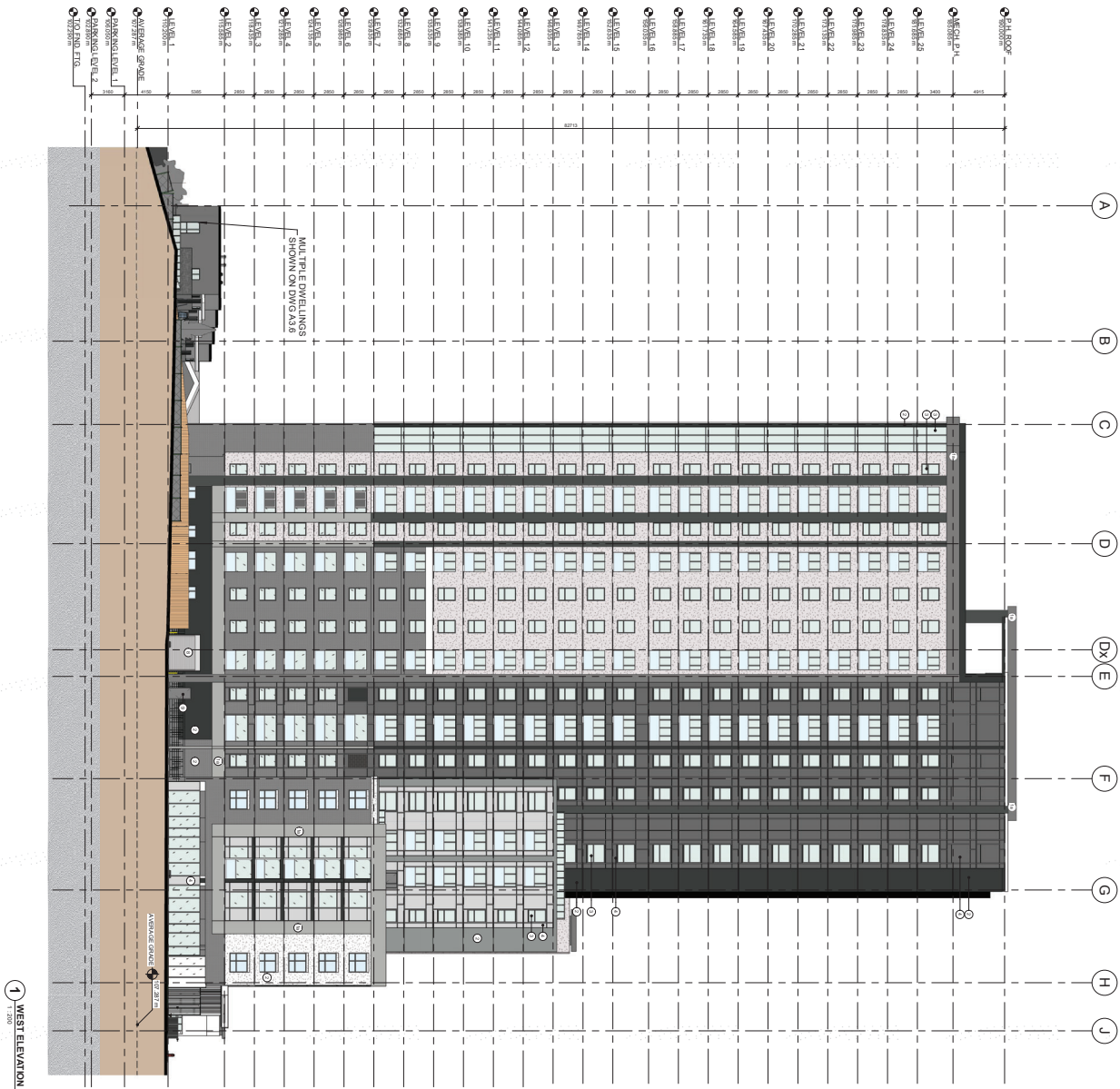
Drawn by: **At Individual**
 Checked by: **RESERVED FOR OWNER**
A3.1 (P.2)

354 KING STREET WEST
SOUTH ELEVATION - KING ST. WEST

srmm
 ARCHITECTS INC.

Project Name: 18025
 Project Date: 2020-09-14
 Drawing: JMD
 Discipline: M/V
 Project File: 2020-09-15_18025.rvt

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MATERIAL LEGEND - MULTIPLE DWELLINGS	
1	METAL PANEL - WHITE
2	PAINTED SMOOTH TEXTURED PRECAST CONCRETE PANEL
3	PRECAST CONCRETE
4	SEAL-TIGHT POLYURETHANE GLAZED INSULATED GLASS UNITS
5	SPANDREL GLAZING PANEL
6	ALUMINUM BRANDED TEMBERED SAFETY GLASS UNITS
7	PAINTED STEEL CHANNEL PAROLA
8	METAL PANEL - WOOD GRAIN FINISH (HICKORY)
9	CONCRETE POLYURETHANE GLAZED INSULATED GLASS UNITS
10	PAINTED STEEL CHANNEL PAROLA
11	EMPOSSSED LIGHT GRAY METAL PANEL
12	PRECAST CONCRETE WALL PANEL COLOR: GREY SMOOTH/ASH ETCHED
13	BRUSH FINISH ALUMINUM CLADDING
14	ALUMINUM CLADDING
15	SLEET ENTRY DOOR - FLAT PANEL WITH WOOD GRAIN FINISH
16	METAL DOOR - MANTLE BLACK
17	ALUMINUM VENTILATION
18	LIGHT PRECAST CONCRETE

- GENERAL NOTES**
1. REFER TO ALL DRAWINGS FOR DIMENSIONS AND MATERIALS.
 2. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE 2018 ONTARIO BUILDING CODE AND ALL APPLICABLE REGULATIONS.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AUTHORITIES.
 4. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE 2018 ONTARIO BUILDING CODE AND ALL APPLICABLE REGULATIONS.
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 18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AUTHORITIES.

354 KING STREET WEST

WEST ELEVATION

Scale: 1/200

DATE: 2020-09-14

PROJECT: 2020-09-14

ARCHITECT: JMD

CLIENT: MIV

DATE: 2020-09-14 12:58:12 PM

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CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Growth Management Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 5, 2021
SUBJECT/REPORT NO:	To Incorporate City Lands into Leavitt Boulevard by By-law (PED21033) (Ward 15)
WARD(S) AFFECTED:	Ward 15
PREPARED BY:	Binu Korah (905) 546-2424 Ext. 1322
SUBMITTED BY:	Tony Sergi Senior Director, Growth Management Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the following City Lands designated as Parts 3, 6, 9, 10, 12, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 38, 39, 40 and 41, on Plan 62R-21643 be established as a public highway to form part of Leavitt Boulevard Right-of-Way;
- (b) That the following City Lands designated as Parts 15, 16 and 19 on Plan 62R-21643 be established as a public highway to form part of the existing Dundas Street East Right-of-Way;
- (c) That the By-law to incorporate the City lands to form part of Leavitt Boulevard and Dundas Street East be prepared to the satisfaction of the City Solicitor and be enacted by Council;
- (d) That the By-law will be held in abeyance until the Leavitt Boulevard road construction is completed to the satisfaction of the Senior Director Growth Management;
- (e) That the General Manager of Public Works be authorized and directed to register the By-law;

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: To Incorporate City Lands into Leavitt Boulevard by By-law
(PED21033) (Ward 15) - Page 2 of 4**

- (f) That the Senior Director of Growth Management be delegated the Authority to make the necessary arrangements including land transfer(s) and establishment of easement(s) as required;
- (g) That Parts 33 and 42 on Plan 62R-21643 be transferred to the developer for nominal consideration, subject to reserving an easement in favour of the City of Hamilton for the purpose of protecting existing storm sewer and overland flow drainage infrastructure within this parcel.

EXECUTIVE SUMMARY

Ministry of Transportation (MTO) is planning to close the Mountain Brow Road access from Highway 6, pursuant to the MTO's Transportation Environmental Study Report (TESR) as part of the Highway 5 & 6 interchange construction. At that time, MTO will need to extend Leavitt Boulevard from its current terminus to Mountain Brow Road. To facilitate these works, Part 32, Plan 62R-21643, recently dedicated to the City, is required for a temporary cul-de-sac. Upon completion of these road works to the satisfaction of the Manager of Development Approvals, this parcel will be dedicated as public highway, to form part of Leavitt Boulevard. Once MTO extends the Leavitt Boulevard to Mountain Brow Road in accordance with the Transportation Environmental Study Report (TESR), Part 32 will no longer required and therefore should be returned to Hamilton Sensor Nominee Limited, at nominal consideration.

Parts 33 and 42 on Plan 62R-21643, also dedicated to the City but no longer required for road construction, will be transferred to the developer at nominal consideration, subject to reserving an easement in favour of the City for the purpose of protecting existing storm sewer and overland flow drainage infrastructure within Parts 33 and 42 on Plan 62R-21643.

The developer is currently undertaking the construction of the Leavitt Boulevard in accordance with the approved engineering drawing. As such, the By-law will be held in abeyance until the road construction is completed to the satisfaction of the Senior Director Growth Management. Upon passing of the By-law to establish Leavitt Boulevard as a public highway the road will be opened to traffic.

Alternatives for Consideration – See Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no financial implications arising from this Report.

Staffing: There are no associated staffing implications.

**SUBJECT: To Incorporate City Lands into Leavitt Boulevard by By-law
(PED21033) (Ward 15) - Page 3 of 4**

Legal: The City of Hamilton is complying with the relevant legislation by enacting this By-law.

HISTORICAL BACKGROUND

The previous owner of the lands known municipally as 36-42 Dundas Street East, Flamborough, made an application through the Committee of Adjustment via Consent Application No: FL/B-18:98 and Submission No B-98/18, to sever the subject property. As part of that application, the owner entered into a Consent Agreement with the City in which it dedicated and committed to acquire or dedicate additional lands required for a future municipal highway running from Dundas Street East to Mountain Brow Road in accordance with the TESR.

At the time of the severance application, alignment of the proposed road through the severed portion of the property (now 50 Leavitt Boulevard) had not been finalized, and the applicant requested to complete an addendum to the TESR to identify an alternative alignment. However, during the site plan process this pursuit was abandoned, and the final alignment was determined in accordance with the TESR, the Site Plan Application for development of 50 Leavitt Boulevard, and completion of the MTO's Design Construction Report (DCR). The developer also entered into an External Works Agreement with the City and posted financial security to ensure the construction of Leavitt Boulevard.

Through the Consent Agreement, and the subsequent Site Plan Application, along with land previously dedicated for development of the Trinity Power Centre, all land requirements for the proposed Leavitt Boulevard Right-of-Way, have been dedicated to the City.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The recommendations do not bind the Corporation to any policy matter.

RELEVANT CONSULTATION

- Geomatics and Corridor Management, Public Works Department
- Legal Services Division, Corporate Services Department
- Real Estate Section, Economic Development Division

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Current Provincial legislation requires a Municipal By-law passed by Council to incorporate lands into the Municipal public highway system. This Report follows the requirements of that legislation.

**SUBJECT: To Incorporate City Lands into Leavitt Boulevard by By-law
(PED21033) (Ward 15) - Page 4 of 4**

ALTERNATIVES FOR CONSIDERATION

Not incorporating the lands into a public highway to form part of Leavitt Boulevard would bar legal access to the benefit of all the adjoining parcels.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

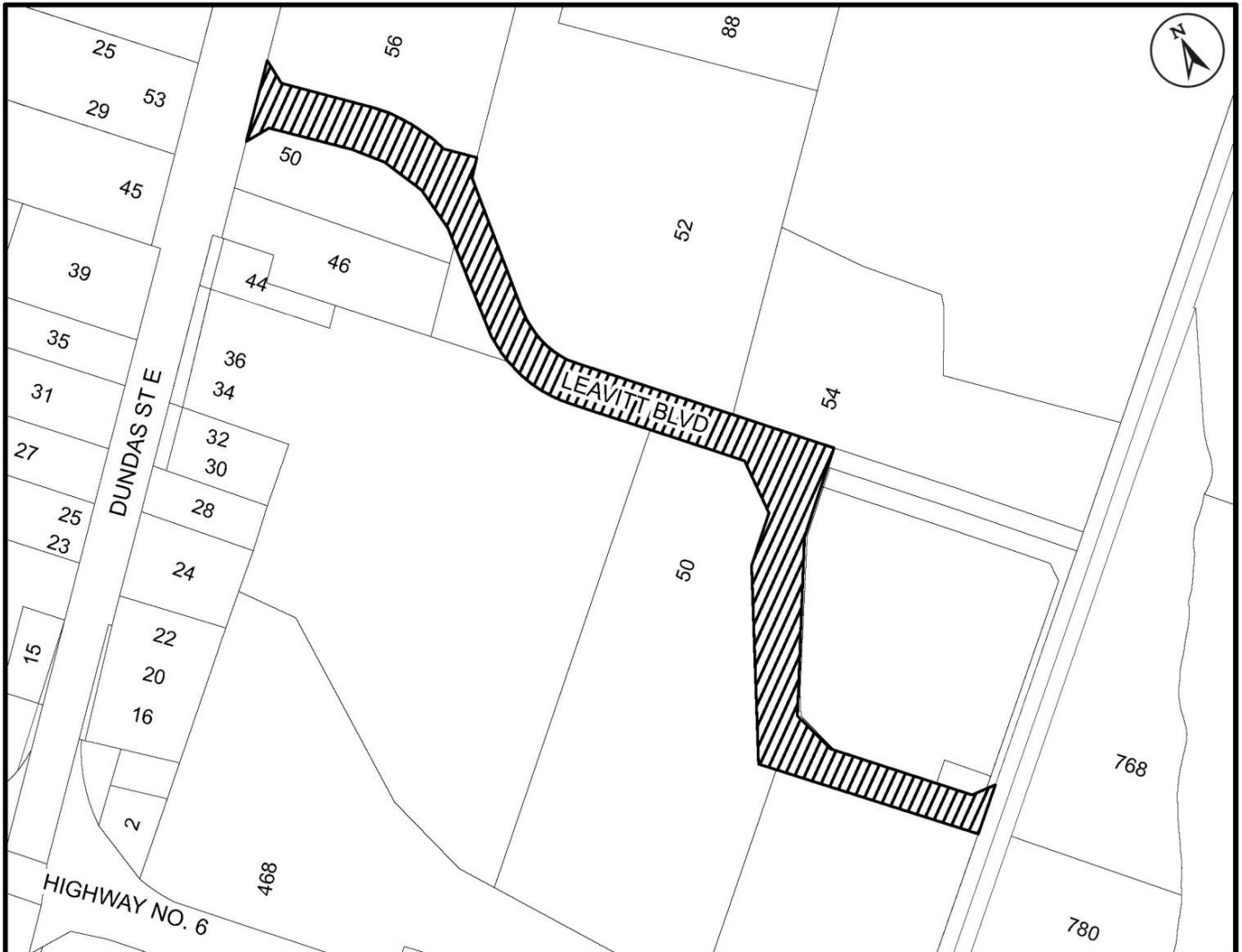
Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

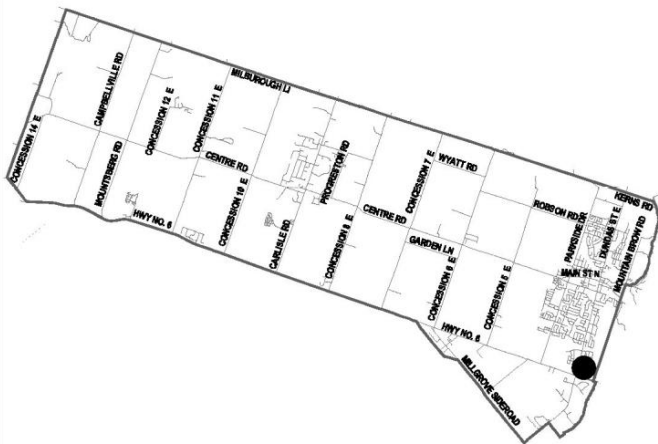
APPENDICES AND SCHEDULES ATTACHED

- Appendix “A” to Report PED21033 – Key Location Map
- Appendix “B” to Report PED21033 – By-law No. XX – To incorporate City lands designated as Parts 3, 6, 9, 10, 12, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 38, 39, 40 and 41, on Plan 62R-21643 be established as a public highway to form part of Leavitt Boulevard Right-of-Way.

BK:sf



● Site Location



Key Map - Ward 15

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
Leavitt Blvd

Date:
September 8, 2021

Appendix "A"

Scale:
N.T.S

Planner/Technician:
BKVS

Subject Property

 Leavitt Boulevard

To incorporate City lands designated as Parts 3, 6, 9, 10, 12, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 38, 39, 40 and 41, on Plan 62R-21643 be established as a public highway to form part of Leavitt Boulevard Right of Way

Bill No.

CITY OF HAMILTON

BY-LAW NO. 21-

To Establish City of Hamilton Land

Described as Parts 3, 6, 9, 10, 12, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 38, 39, 40 and 41, Parts on Plan 62R-21643 as Part of Leavitt Boulevard.

To Establish City of Hamilton Land

Described as Parts 15, 16 and 19 on Plan 62R-21643 as part of the existing Dundas Street East

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The land, owned by and located in the City of Hamilton, as described as Parts 3, 6, 9, 10, 12, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 38, 39, 40 and 41, on Plan 62R-21643 be established as a public highway to form part of Leavitt Boulevard Right of Way.
2. The land, owned by and located in the City of Hamilton, as described as Parts 15, 16 and 19 on Plan 62R-21643 be established as a public highway to form part of the existing Dundas Street East Right of Way
3. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.
4. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).


PASSED this day of , 2021.

Fred Eisenberger
Mayor

Andrea Holland
City Clerk



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Building Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 5, 2021
SUBJECT/REPORT NO:	Demolition Permit - 52 Albany Avenue, Hamilton (PED21172) (Ward 4)
WARD(S) AFFECTED:	Ward 4
PREPARED BY:	Frank Peter (905) 546-2424 Ext. 2781
SUBMITTED BY:	Ed VanderWindt Director, Building and Chief Building Official Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the Chief Building Official be authorized to issue a demolition permit for 52 Albany Avenue in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of *The Planning Act*, subject to the following conditions:

- (a) That the applicant has applied for and received a building permit for a replacement building on this property;
- (b) That the said building permit specifies that if the replacement building is not erected within two years of the demolition of the existing building on the property, the City be paid the sum of \$20,000 which sum:
 - (i) the City Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes;
 - (ii) is a lien or charge on the property until paid;
- (c) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions in a form satisfactory to the Chief Building Official and the City Solicitor.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Demolition Permit - 52 Albany Avenue - Hamilton (PED21172) (Ward 4)
- Page 2 of 4

EXECUTIVE SUMMARY

The owner of the property is proposing to demolish the existing single family dwelling and leave the lands vacant at this time. This dwelling is located in a Mixed Use Medium Density – Pedestrian Focus C5a Zone. The C5a Zone does not permit a replacement single family dwelling however does permit other residential uses such as commercial on the ground floor with dwelling units(s) above. The uses permitted would be subject to an approved Site Plan Application in the normal manner. The owners have indicated that they do not agree to the rebuild conditions and have no plans to replace the dwelling at this time.

Under Section 4 of the Demolition Control By-law 09-208 the Chief Building Official has the delegated authority to issue a demolition permit for residential properties that are considered to be “routine applications”. This application has been deemed a “routine application” as this property is located in the middle of an established neighbourhood and current zoning permits residential uses, subject to an approved Site Plan Application in the normal manner. Therefore, the standard conditions required to be registered on title that would require a building permit to be issued in conjunction with the demolition permit and the replacement building to be substantially completed within two years of the date of the demolition would apply in accordance with the By-law.

However, where the owner of the property does not agree with the conditions being imposed, Section 7 of the By-law requires the Chief Building Official to advise Council. Council then retains all power to: issue, including imposing the standard rebuild condition; issue without conditions or refuse to issue the demolition permit.

This Report is presented to Council as the owners are not in agreement with the recommended conditions as set out in the Demolition Control By-law.

Alternatives for Consideration – See Page 3

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Not Applicable

Staffing: Not Applicable

Legal: Not Applicable

HISTORICAL BACKGROUND

PRESENT ZONING: Mixed Use Medium Density – Pedestrian Focus C5a Zone
 (Zoning By-law 05-200).

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SUBJECT: Demolition Permit - 52 Albany Avenue - Hamilton (PED21172) (Ward 4)
- Page 3 of 4

PRESENT USE: Single Family Dwelling.

PROPOSED USE: Vacant Land.

BRIEF DESCRIPTION: This is a two storey single family dwelling that is structurally sound and appears to be in fair condition. This property is not on the City's Heritage inventory list.

This land is located in Ward 4. Please see Appendix "A" to this Report for a location map.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Not Applicable.

RELEVANT CONSULTATION

Not Applicable.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Not Applicable.

ALTERNATIVES FOR CONSIDERATION

Should the Committee wish to approve the demolition without imposing the conditions for a replacement dwelling, then the following recommendation may be appropriate:

That the Chief Building Official be authorized to issue a demolition permit for 52 Albany Avenue, Hamilton, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of *The Planning Act* as amended, without having to comply with conditions 6(a), (b), and (c) of the Demolition Control By-law 09-208.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

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SUBJECT: Demolition Permit - 52 Albany Avenue - Hamilton (PED21172) (Ward 4)
- Page 4 of 4

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map

:FP



● Site Location



Key Map - Ward 4

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
52 Albany Avenue – Hamilton (Ward 4)

Date:
August 19, 2021

Appendix "A"

Scale:
N.T.S


Planner/Technician:
FP/VS

Subject Property

 52 Albany Avenue, Hamilton (Ward 4)



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Growth Management Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 5, 2021
SUBJECT/REPORT NO:	To Incorporate City lands into Glanair Drive and Aeropark Boulevard by By-law (PED21165) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Sally Yong-Lee (905) 546-2424 Ext. 1428
SUBMITTED BY:	Tony Sergi Senior Director, Growth Management Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the following City lands designated as Parts 3, 10, and 11 on Plan 62R-12459 be established as a public highway to form part of Glanair Drive;
- (b) That the following City lands designated as Part 6 on Plan 62R-15449 and Parts 1, 2, 3, and 4 on Plan 62R-21611, save and except Parts 10, and 11 on Plan 62R-12459, Part 5 on Plan 62R-21611, Part 1 on Plan 62R-21136, and Parts 1 and 2 on Plan 62R-18932, be established as a public highway to form part of Aeropark Boulevard;
- (c) That the By-law to incorporate the City lands to form part of Glanair Drive, be prepared to the satisfaction of the City Solicitor and be enacted by Council;
- (d) That the By-law to incorporate the City lands to form part of Aeropark Boulevard, be prepared to the satisfaction of the City Solicitor and be enacted by Council;
- (e) That the General Manager of Public Works be authorized and directed to register the By-laws.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: To Incorporate City lands into Glanair Drive and Aeropark Boulevard
by By-law (PED21165) (Ward 11) - Page 2 of 4**

EXECUTIVE SUMMARY

The subject lands located at the south-west quadrant of Dickenson Road and Upper James Street, now known as the Orlick Aeropark (25T200525), was initially owned and serviced by the former Regional Municipality of Hamilton-Wentworth. The development lands exclusive of the proposed roads (Aeropark Boulevard and Glanair Drive) were sold and transferred to Orlick Industries Limited by Instrument LT606654 on June 23, 2000.

With the proposed development in the business park, it necessitated the need to re-configure the Aeropark Boulevard right-of-way (ie. Cul-de-sac shortened and re-aligned). The Corporate Real Estate Office has been involved in several transactions involving the closure and disposition of portions of Aeropark Boulevard right-of-way to re-align the cul-de-sac to accommodate the large warehouse facility.

The municipal roads, Aeropark Boulevard and Glanair Drive, have been constructed by the developer under Subdivision Agreement 25T200525 with the City.

Alternatives for Consideration – See Page 3

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no financial implications arising from this Report.

Staffing: There are no associated staffing implications.

Legal: The City of Hamilton is complying with the relevant legislation by enacting this By-law.

HISTORICAL BACKGROUND

The subject lands located at the south-west quadrant of Dickenson Road and Upper James Street, now known as the Orlick Aeropark (25T200525), were initially owned and serviced by the former Regional Municipality of Hamilton-Wentworth. The development lands exclusive of the proposed roads (Aeropark Boulevard and Glanair Drive) were sold and transferred to Orlick Industries Limited by Instrument LT606654 on June 23, 2000.

The Corporate Real Estate Office has been involved in several transactions involving the closure and disposition of portions of Aeropark Boulevard right-of-way to re-align the cul-de-sac to suit the proposed large warehouse development in the Business Park. The final road alignment for Aeropark Boulevard is shown in Appendix “A” to Report PED21165.

**SUBJECT: To Incorporate City lands into Glanair Drive and Aeropark Boulevard
by By-law (PED21165) (Ward 11) - Page 3 of 4**

Glanair Drive and Aeropark Boulevard have been constructed by the developer under Subdivision Agreement 25T200525 with the City.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The recommendations do not bind the organization to any policy matter.

RELEVANT CONSULTATION

Geomatics and Corridor Management of the Public Works Department and Legal Services of the City Manager's Office have been consulted.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Current Provincial legislation requires a Municipal By-law passed by Council to incorporate lands into the Municipal public highway system. This Report follows the requirements of that legislation.

ALTERNATIVES FOR CONSIDERATION

Not incorporating the lands into a public highway to form part of Glanair Drive and Aeropark Boulevard, would bar legal access for the proposed industrial developments.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

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Built Environment and Infrastructure

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**SUBJECT: To Incorporate City lands into Glanair Drive and Aeropark Boulevard
by By-law (PED21165) (Ward 11) - Page 4 of 4**

APPENDICES AND SCHEDULES ATTACHED

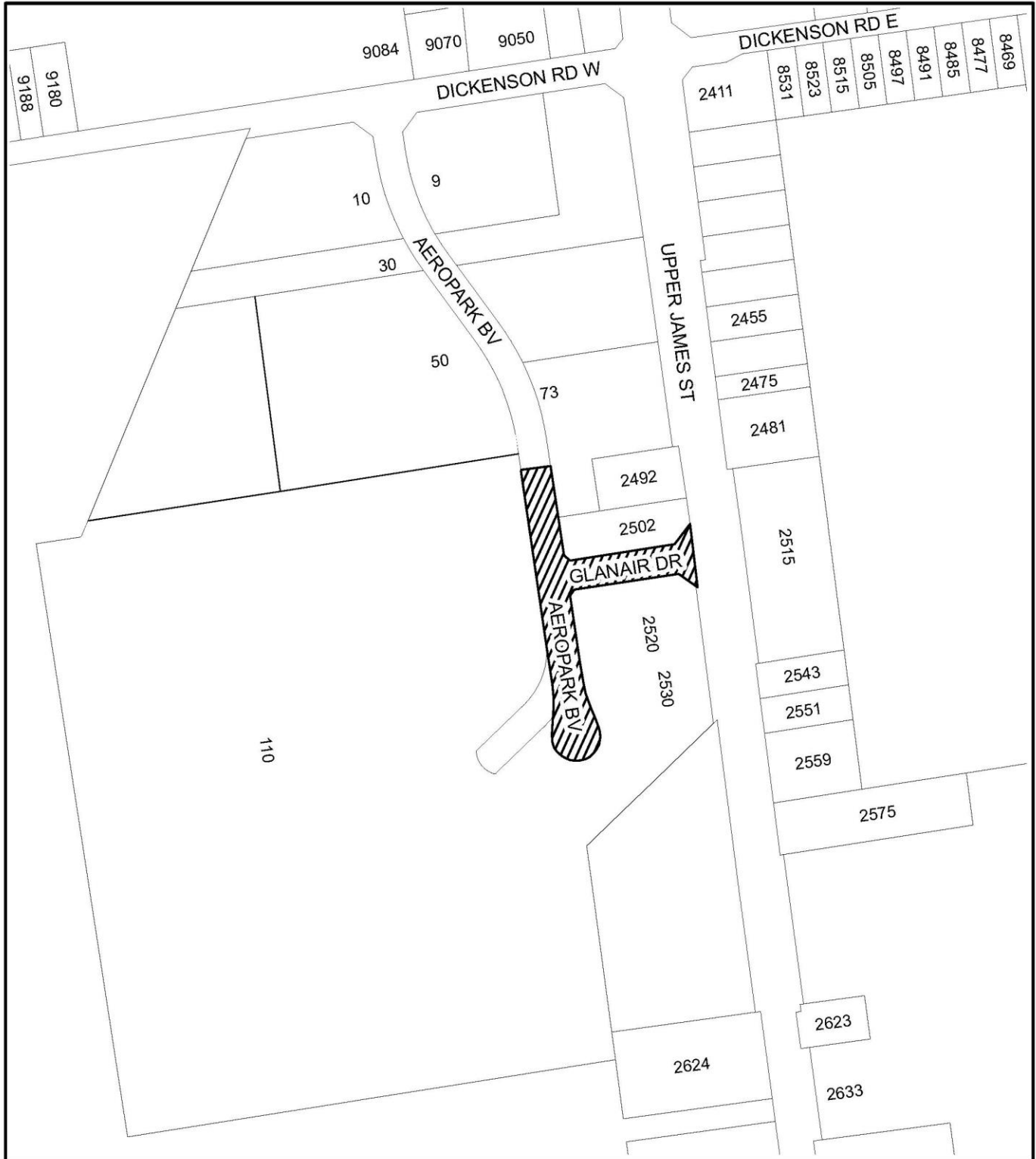
Appendix "A" to Report PED21165 – Key Location Map

Appendix "B" to Report PED21165 – By-law No. XX – That the following City lands designated as Parts 3, 10, and 11 on Plan 62R-12459 be established as a public highway to form part of Glanair Drive

Appendix "C" to Report PED21165 – By-law No. XX - That the following City lands designated as Part 6 on Plan 62R-15449 and Parts 1, 2, 3, and 4 on Plan 62R-21611, save and except Parts 10, and 11 on Plan 62R-12459, Part 5 on Plan 62R-21611, Part 1 on Plan 62R-21136, and Parts 1 and 2 on Plan 62R-18932 be established as a public highway to form part of Aeropark Boulevard

SYL:sf

Appendix "A" to Report PED21165
Page 1 of 1



Legend



Lands to be opened by By-law

**Orlick
Subdivision**

Date:
August 27, 2021



Not To Scale



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

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**Appendix "B" to Report PED21165
Page 1 of 1**

Bill No.

CITY OF HAMILTON

BY-LAW NO. 21-

**To Establish City of Hamilton Land
Described as Parts 3, 10, and 11 on Plan 62R-12459
as Part of Glanair Drive**

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The land, owned by and located in the City of Hamilton, described as Parts 3, 10, and 11 on Plan 62R-12459, is established as a public highway, forming part of Glanair Drive.
2. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of , 2021.

Fred Eisenberger
Mayor

Andrea Holland
City Clerk

Appendix "C" to Report PED21165
Page 1 of 1

Bill No.

CITY OF HAMILTON

BY-LAW NO. 21-

**To Establish City of Hamilton Land
Described as Part 6 on Plan 62R-15449 and Parts 1, 2, 3, and 4 on Plan 62R-21611,
save and except Parts 10, and 11 on Plan 62R-12459, Part 5 on Plan 62R-21611,
Part 1 on Plan 62R-21136, and Parts 1 and 2 on Plan 62R-18932 as part of
Aeropark Boulevard**

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The land, owned by and located in the City of Hamilton, described as Part 6 on Plan 62R-15449 and Parts 1, 2, 3, and 4 on Plan 62R-21611, save and except Parts 10, and 11 on Plan 62R-12459, Part 5 on Plan 62R-21611, Part 1 on Plan 62R-21136, and Parts 1 and 2 on Plan 62R-18932, is established as a public highway, forming part of Aeropark Boulevard.
2. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of , 2021.

Fred Eisenberger
Mayor

Andrea Holland
City Clerk



Hamilton

**HAMILTON MUNICIPAL HERITAGE COMMITTEE
REPORT 21-007**

12:30 p.m.

Friday, September 24, 2021

Due to COVID-19 and the closure of City Hall, this meeting was held virtually

Present: Councillor M. Pearson
A. Denham-Robinson (Chair), D. Beland, J. Brown, K. Burke, G. Carroll, C. Dimitry (Vice-Chair), L. Lunsted, R. McKee, T. Ritchie and W. Rosart

**THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 21-007
AND RESPECTFULLY RECOMMENDS:**

1. Heritage Permit Application HP2021-037, Under Part IV of the Ontario Heritage Act, for Façade Integration into Redevelopment of 18 - 28 King Street East, Hamilton (PED21195) (Ward 2) (Item 8.1)

That Heritage Permit application HP2021-037, for redevelopment of the properties including integrating the designated heritage façades into a new six storey mixed use building, for the lands located at 18-28 King Street East, be approved, subject to the following conditions:

- (a) That a Conservation Plan in accordance with the City's Guidelines for Conservation Plans be prepared and submitted by the applicant 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 Conservation Plan completed by the applicant's heritage consultants address the following 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:
 - (i) Structural drawings for the facade retention frame;
 - (ii) Demolition and dismantling plan that provides the methodology for labelling, dismantling, re-locating and storing heritage elements;
 - (iii) Inventory of items to be dismantled and stored;
 - (iv) Masonry key plan that shows the original location and condition of individual stones for 28 King Street East;
 - (v) Monitoring plan for regular monitoring of stored elements and structural retention frames;

- (vi) Repair methodologies and materials for heritage fabric including masonry specifications for suitable repair mortars and replacement stone;
 - (vii) Structural and architectural drawings for integration of the heritage facades into the new structure;
 - (viii) Window specifications for replacement windows to be installed in the heritage facades;
 - (ix) Construction management plan that includes protection and monitoring of the façade retention frame and sequencing and co-ordination of conservation work, demolition work and new construction;
 - (x) Project schedule and cost estimates for the proposed conservation work; and,
 - (xi) Identify what remains of the original storefronts and provide recommendations for the final storefront designs;
- (c) 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;
- (d) That the following conditions with respect to cost estimates to implement the Conservation Plan 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) above 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 18-28 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 for site plan applications;
 - (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; and,
 - (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 18-28 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;
- (e) That prior to the issuance of any Building Permit for demolition or new construction, the applicant enters into and registers on title a Heritage Easement Agreement and covenant with the City pursuant to the Ontario Heritage Act for the purposes of maintaining the heritage attributes consistent with the conditionally approved permit to the satisfaction and approval of the Director of Planning and Chief Planner, and that the Mayor and Clerk, or delegate, as the case may be, are hereby authorized to execute any such agreement;

- (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 October 31, 2023 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 October 31, 2024. If the alterations are not completed by October 31, 2024, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;
- (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.

2. Heritage Permit Application HP2021-033, under Part IV of the *Ontario Heritage Act* for the relocation of 398 Wilson Street East, Ancaster (PED21196) (Ward 12)

- (a) That Heritage Permit application HP2021-033, for the relocation of the Part IV designated heritage building at 398 Wilson Street East, Ancaster, attached hereto as Appendix "A" under section 34 of the Ontario Heritage Act, be deemed to be premature and therefore **be denied**;
- (b) That appropriate notice of the Council decision be served on the owner of 398 Wilson Street East, Ancaster, and the Ontario Heritage Trust, as required under Section 34 of the Ontario Heritage Act.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

The Clerk advised the Committee of the following changes:

5. COMMUNICATIONS

- 5.1. Correspondence respecting Heritage Permit Application HP2021-033, under Part IV of the Ontario Heritage Act for the relocation of 398 Wilson Street East, Ancaster (PED21196) (Ward 12)

Recommendation: Be received, and referred to Item 8.2, Heritage Permit Application HP2021-033, under Part IV of the Ontario Heritage Act for the relocation of 398 Wilson Street East, Ancaster (PED21196) (Ward 12), for consideration

- 5.1.a Myfanwy Armes
- 5.1.b R.H. Baker
- 5.1.c Ben Burke
- 5.1.d David Starr
- 5.1.e Margaret and Myles D'Arcey
- 5.1.f S. Robin Larin
- 5.1.g Bob Maton, President, Ancaster Village Heritage Community, Inc.
- 5.1.h Gail Moffatt
- 5.1.i Liz Scheid
- 5.1.j Rhonda Scott
- 5.1.k Sandra Starr
- 5.1.l Wendi Van Exan
- 5.1.m Ben Burke (additional information)
- 5.1.n Sandy Price

6. DELEGATION REQUESTS

- 6.1 Delegation Request from Megan Hobson, Heritage Consultant, respecting HP2021-037 - Facade Integration into Redevelopment of 18-28 King Street East (for today's meeting)
- 6.2 Delegation Request, Paula Kilburn, Advisory Committee for Persons with Disabilities respecting the Integration of Accessibility in Heritage Properties (for a future meeting)
- 6.3 Delegation Request from Brenda Khes, Applicant, respecting Heritage Permit Application HP2021-033, under Part IV of the Ontario Heritage Act for the relocation of 398 Wilson Street East, Ancaster (PED21196) (Ward 12) (for today's meeting)
- 6.4 Delegation Request from Bob Maton, Ancaster Village Heritage Community, respecting Heritage Permit Application HP2021-033, under Part IV of the Ontario Heritage Act for the relocation of 398 Wilson Street East, Ancaster (PED21196) (Ward 12)

8. STAFF PRESENTATIONS

- 8.2 Heritage Permit Application HP2021-033, under Part IV of the Ontario Heritage Act for the relocation of 398 Wilson Street East, Ancaster (PED21196) (Ward 12)

The Agenda for the September 24, 2021 Hamilton Municipal Heritage Committee be approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

No declarations of interest were made.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) August 5 (Item 4.1)

The Minutes of the August 5, 2021 meeting of the Hamilton Municipal Heritage Committee were approved, as presented.

(d) COMMUNICATIONS (Item 5)

(i) Correspondence respecting Heritage Permit Application HP2021-033, under Part IV of the Ontario Heritage Act for the relocation of 398 Wilson Street East, Ancaster (PED21196) (Ward 12)

- 5.1(a) Myfanwy Armes
- 5.1(b) R.H. Baker
- 5.1(c) Ben Burke
- 5.1(d) David Starr
- 5.1(e) Margaret and Myles D'Arcey
- 5.1(f) S. Robin Larin
- 5.1(g) Bob Maton, President, Ancaster Village Heritage Community, Inc.
- 5.1(h) Gail Moffatt
- 5.1(i) Liz Scheid
- 5.1(j) Rhonda Scott
- 5.1(k) Sandra Starr
- 5.1(l) Wendi Van Exan
- 5.1(m) Ben Burke (additional information)
- 5.1(n) Sandy Price

Correspondence respecting Heritage Permit Application HP2021-033, under Part IV of the Ontario Heritage Act for the relocation of 398 Wilson Street East, Ancaster (PED21196) (Ward 12) was received, and referred to Item 8.2, for consideration.

(e) DELEGATION REQUEST (Item 6)

The following Delegation Requests were approved, as presented:

- (i) Delegation Request from Megan Hobson, Heritage Consultant, respecting HP2021-037 - Facade Integration into Redevelopment of 18-28 King Street East (for today's meeting) (Added Item 6.1)

- (ii) Delegation Request, Paula Kilburn, Advisory Committee for Persons with Disabilities respecting the Integration of Accessibility in Heritage Properties (for a future meeting) (Added Item 6.2)
- (iii) Delegation Request from Brenda Khes, Applicant, respecting Heritage Permit Application HP2021-033, under Part IV of the Ontario Heritage Act for the relocation of 398 Wilson Street East, Ancaster (PED21196) (Ward 12) (for today's meeting) (Added Item 6.3)
- (iv) Delegation Request from Bob Maton, Ancaster Village Heritage Community, respecting Heritage Permit Application HP2021-033, under Part IV of the Ontario Heritage Act for the relocation of 398 Wilson Street East, Ancaster (PED21196) (Ward 12) (Added Item 6.4)

(f) CONSENT ITEMS (Item 7)

(i) Policy & Design Working Group Meeting Notes (Item 7.1)

The following items were received:

- (a) December 7, 2020 (Item 7.1(a))
- (b) January 25, 2021 (Item 7.1(b))
- (c) March 15, 2021 (Item 7.1(c))
- (d) April 19, 2021 (Item 7.1(d))
- (e) May 17, 2021 (Item 7.1(e))
- (f) June 21, 2021 (Item 7.1(f))

(ii) Heritage Permit Review Sub-Committee Minutes (Item 7.2)

The following items were received:

- (a) July 20, 2021 (Item 7.2(a))
- (b) July 27, 2021 (Item 7.2(b))
- (c) August 17, 2021 (Item 7.2(c))

**(iii) Inventory & Research Working Group Meeting Notes June 21, 2021
(Item 7.3)**

The Inventory & Research Working Group Meeting Notes of June 21, 2021, were received.

(iv) Heritage Permit Applications- Delegated Approvals (Item 7.4)

The following items were received:

- (a) Heritage Permit Application HP2021-032: Proposed construction of a rear addition sunroom to 140 Hatt Street, Dundas (Ward 13) (By-law 04-064) (Item 7.4(a))
- (b) Heritage Permit Application HP2021-035: Proposed installation of security signs to 114-116 MacNab Street South, Hamilton (MacNab Street Presbyterian Church) (Ward 2) (MacNab-Charles HCD) (Item 7.4(b))
- (c) Heritage Permit Application HP2021-036: Proposed installation of interior waterproofing, weeping tile and window well drains, 29 Mill Street North, Flamborough (Ward 15) (Mill Street HCD) (Item 7.4(c))
- (d) Heritage Permit Application HP2021-039: Replacement of the eavestroughs, soffits, fascia, and dormer cladding at 220 St. Clair Boulevard, Hamilton (Ward 3) (By-law No.92-140) (St. Clair Boulevard HCD) (Item 7.4(d))
- (e) Heritage Permit Application HP2021-040: Proposed alteration of investigative parking openings and brick removal at 35-43 Duke Street, Hamilton (Ward 2) (By-law No. 75-237) (Item 7.4(e))
- (f) Heritage Permit Application HP2021-042: Proposed Alteration of the Storefronts and Windows at 255-265 James Street North, Hamilton (Ward 2) (By-law No. 87-176) (Item 7.4(f))
- (g) Heritage Permit Application DP2021-026: Proposed replacement of existing windows at 220 St. Clair Boulevard, Hamilton (Ward 3) (St. Clair Boulevard HCD) (By-law No.92-140) (Item 7.4(g))
- (h) Heritage Permit Application HP2021-034: Proposed refurbishment of existing windows of the sanctuary to 21 Stone Church Road West (Barton Stone - Mount Hope United Church) (Ward 8) (By-law No. 17-119) (Item 7.4(h))

(g) STAFF PRESENTATIONS (Item 8)

(i) Heritage Permit Application HP2021-037, Under Part IV of the Ontario Heritage Act, for Façade Integration into Redevelopment of 18 - 28 King Street East, Hamilton (PED21195) (Ward 2) (Item 8.1)

Amber Knowles, Cultural Heritage Planner, addressed Committee with an overview of Heritage Permit Application HP2021-037, Under Part IV of the Ontario Heritage Act, for Façade Integration into Redevelopment of 18 - 28 King Street East, Hamilton (PED21195), with the aid of a PowerPoint presentation.

The Presentation respecting Heritage Permit Application HP2021-037, Under Part IV of the Ontario Heritage Act, for Façade Integration into Redevelopment of 18 - 28 King Street East, Hamilton (PED21195), was received.

For further disposition of this matter, refer to Item 1 and (h)(i)

(ii) Heritage Permit Application HP2021-033, under Part IV of the Ontario Heritage Act for the relocation of 398 Wilson Street East, Ancaster (PED21196) (Ward 12) (Added Item 8.2)

Stacey Kursikowski, Cultural Heritage Planner, addressed Committee with an overview of Heritage Permit Application HP2021-033, under Part IV of the Ontario Heritage Act for the relocation of 398 Wilson Street East, Ancaster (PED21196), with the aid of a PowerPoint presentation.

The Presentation respecting Heritage Permit Application HP2021-033, under Part IV of the Ontario Heritage Act for the relocation of 398 Wilson Street East, Ancaster (PED21196), was received.

For further disposition of this matter, refer to Item 2 and (h)(ii) and (h)(iii)

(h) DELEGATIONS (Item 9)

(i) Megan Hobson, Heritage Consultant, respecting HP2021-037 - Facade Integration into Redevelopment of 18-28 King Street East (Added Item 9.1)

Megan Hobson, Heritage Consultant, addressed the Committee with an overview of HP2021-037 - Facade Integration into Redevelopment of 18-28 King Street East, with the aid of a PowerPoint presentation.

The Delegation from Megan Hobson, Heritage Consultant, respecting HP2021-037 - Facade Integration into Redevelopment of 18-28 King Street East, was received.

For further disposition of this matter, refer to Item 1 and (g)(i)

(ii) Brenda Khes, Applicant, respecting Heritage Permit Application HP2021-033, under Part IV of the Ontario Heritage Act for the relocation of 398 Wilson Street East, Ancaster (PED21196) (Ward 12) (Added Item 9.2)

Brenda Khes and Sergio Manchia addressed the Committee respecting Heritage Permit Application HP2021-033, under Part IV of the Ontario Heritage Act for the relocation of 398 Wilson Street East, Ancaster (PED21196). They are not in support of the recommendations in the report.

The Delegation from Brenda Khes and Sergio Manchia, respecting Heritage Permit Application HP2021-033, under Part IV of the Ontario Heritage Act for the relocation of 398 Wilson Street East, Ancaster (PED21196), was received.

For further disposition of this matter, refer to Item 2 and (h)(ii) and (h)(iii)

(iii) Bob Maton, Ancaster Village Heritage Community, respecting Heritage Permit Application HP2021-033, under Part IV of the Ontario Heritage Act for the relocation of 398 Wilson Street East, Ancaster (PED21196) (Ward 12)

Bob Maton, Ancaster Village Heritage Community, addressed the Committee in support of Heritage Permit Application HP2021-033, under Part IV of the Ontario Heritage Act for the relocation of 398 Wilson Street East, Ancaster (PED21196).

The Delegation from Bob Maton, Ancaster Village Heritage Community, respecting Heritage Permit Application HP2021-033, under Part IV of the Ontario Heritage Act for the relocation of 398 Wilson Street East, Ancaster (PED21196), was received.

For further disposition of this matter, refer to Item 2 and (h)(ii) and (h)(iii)

(i) **GENERAL INFORMATION / OTHER BUSINESS (Item 13)**

(i) **Buildings and Landscapes (Item 13.1)**

The following updates were received:

(a) **Endangered Buildings and Landscapes (RED):**

(Red = Properties where there is a perceived immediate threat to heritage resources through: demolition; neglect; vacancy; alterations, and/or, redevelopment)

- (i) Tivoli, 108 James Street North, Hamilton (D) – T. Ritchie
- (ii) Andrew Sloss House, 372 Butter Road West, Ancaster (D) – C. Dimitry
- (iii) Century Manor, 100 West 5th Street, Hamilton (D) – G. Carroll
- (iv) 18-22 King Street East, Hamilton (D) – W. Rosart
- (v) 24-28 King Street East, Hamilton (D) – W. Rosart
- (vi) 2 Hatt Street, Dundas (R) – K. Burke

Signs have been posted on the property.

- (vii) James Street Baptist Church, 98 James Street South, Hamilton (D) – J. Brown
- (viii) Long and Bisby Building, 828 Sanatorium Road (D) – G. Carroll
- (ix) 120 Park Street, North, Hamilton (R) – R. McKee
- (x) 398 Wilson Street East, Ancaster (D) – C. Dimitry
- (xi) Lampman House, 1021 Garner Road East, Ancaster (D) – C. Dimitry
- (xii) Cathedral Boys School, 378 Main Street East, Hamilton (R) – T. Ritchie
- (xiii) Firth Brothers Building, 127 Hughson Street North, Hamilton (NOID) – T. Ritchie
- (xiv) Auchmar Gate House, Claremont Lodge 71 Claremont Drive (R) – R. McKee
- (xv) Former Hanrahan Hotel (former) 80 to 92 Barton Street East (I)– T. Ritchie
- (xvi) Television City, 163 Jackson Street West (D) – J. Brown

Alley ways in the area have been cleaned up by various community groups.

- (xvii) 1932 Wing of the Former Mount Hamilton Hospital, 711 Concession Street (R) – G. Carroll
- (xviii) 215 King Street West, Dundas (I) – K. Burke
- (xix) 679 Main Street East, and 85 Holton Street South, Hamilton (Former St. Giles Church) – D. Beland
- (xx) 219 King Street West, Dundas – K. Burke
- (xxi) 216 Hatt Street, Dundas – K. Burke

(b) Buildings and Landscapes of Interest (YELLOW):
(Yellow = Properties that are undergoing some type of change, such as a change in ownership or use, but are not perceived as being immediately threatened)

- (i) Delta High School, 1284 Main Street East, Hamilton (D) – D. Beland
- (ii) 2251 Rymal Road East, Stoney Creek (R) – C. Dimitry
- (iii) Former Valley City Manufacturing, 64 Hatt Street, Dundas (R) – K. Burke
- (iv) St. Joseph's Motherhouse, 574 Northcliffe Avenue, Dundas (ND) – W. Rosart
- (v) Copley Building, 104 King Street West; 56 York Blvd., and 63-76 MacNab Street North (NOI) – G. Carroll
- (vi) Dunnington-Grubb Gardens, 1000 Main Street East (within Gage Park) (R) – D. Beland
- (vii) St. Clair Blvd. Conservation District (D) – D. Beland
- (viii) 52 Charlton Avenue West, Hamilton (D) – J. Brown
- (ix) 292 Dundas Street East, Waterdown (R) – L. Lunsted
- (x) Chedoke Estate (Balfour House), 1 Balfour Drive, Hamilton (R) – T. Ritchie
- (xi) Binkley property, 50-54 Sanders Blvd., Hamilton (R) - J. Brown
- (xii) 62 6th Concession East, Flamborough (I) - L. Lunsted
- (xiii) Beach Canal Lighthouse and Cottage (D) – R. McKee
- (xiv) Cannon Knitting Mill, 134 Cannon Street East, Hamilton (R) – T. Ritchie
- (xv) 1 Main Street West, Hamilton (D) – W. Rosart
- (xvi) 54 - 56 Hess Street South, Hamilton (R) – J. Brown

(c) Heritage Properties Update (GREEN):

(Green = Properties whose status is stable)

- (i) Royal Connaught Hotel, 112 King Street East, Hamilton (NOID) – T. Ritchie
- (ii) Auchmar, 88 Fennell Avenue West, Hamilton (D) – R. McKee
- (iii) Treble Hall, 4-12 John Street North, Hamilton (D) – T. Ritchie
- (iv) Former Post Office, 104 King Street West, Dundas (R) – K. Burke
- (v) Rastrick House, 46 Forest Avenue, Hamilton – G. Carroll

The property appears to be up for sale.

- (vi) 125 King Street East, Hamilton (R) – T. Ritchie

(d) Heritage Properties Update (black):

(Black = Properties that HMHC have no control over and may be demolished)

No properties.

(ii) Staff Work Plan as of September 14, 2021 (Item 13.2)

The Staff Work Plan as of September 14, 2021, was received.

(j) ADJOURNMENT (Item 15)

(Burke/Brown)

That there being no further business, the Hamilton Municipal Heritage Committee, adjourned at 2:15 p.m.

Respectfully submitted,

Alissa Denham-Robinson, Chair
Hamilton Municipal Heritage Committee

Loren Kolar
Legislative Coordinator
Office of the City Clerk



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	September 24, 2021
SUBJECT/REPORT NO:	Heritage Permit Application HP2021-033, under Part IV of the <i>Ontario Heritage Act</i> for the relocation of 398 Wilson Street East, Ancaster (PED21196) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Stacey Kursikowski 905-546-2424 Ext. 1202
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That Heritage Permit application HP2021-033, for the relocation of the Part IV designated heritage building at 398 Wilson Street East, Ancaster, under section 34 of the *Ontario Heritage Act*, be deemed to be premature and therefore be **denied**;
- (b) That appropriate notice of the Council decision be served on the owner of 398 Wilson Street East, Ancaster, and the Ontario Heritage Trust, as required under Section 34 of the *Ontario Heritage Act*.

EXECUTIVE SUMMARY

The subject property is located at 398 Wilson Street East on the east side of Wilson Street East, north of Academy Street in the Ancaster Village Core (see Appendix "A" attached to Report PED21196). The property was designated in 1978 under Part IV of the *Ontario Heritage Act* by By-law No. 78-87 (see Appendix "B" to attached Report PED21196). The property is located within the Ancaster Village Core Cultural Heritage Landscape Inventory and is part of an amalgamated parcel of land which is comprised of 392, 398, 400, 406 and 412 Wilson Street East and 15 Lorne Avenue.

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SUBJECT: Heritage Permit Application HP2021-033, under Part IV of the *Ontario Heritage Act* for the relocation of the building at 398 Wilson Street East, Ancaster (PED21196) (Ward 12) - Page 2 of 14

The agent representing the owner of 398 Wilson Street East submitted a Heritage Permit application to relocate the two-storey stone building (hereinafter referred to as the 'Marr House'), from the subject property to an alternate location at the rear of the amalgamated parcel of land (see Appendix "C" attached to Report PED21196).

Staff have reviewed the documentation submitted with the application and have concluded that the proposal as submitted is premature as there is insufficient evidence and/or missing information to support the relocation of the building. The Heritage Permit Review Subcommittee of the Hamilton Municipal Heritage Committee (HMHC) were consulted and advised that the application as submitted consider the application to be premature and there be refused.

According to the application and submitted documentation, the requirement for the proposed relocation is to address groundwater and subsurface soil contamination around and below the Marr House as a result of a former gas station that existed adjacent to the site. No additional information or details pertaining to the future use of the site were included with the submission and no *Planning Act* applications have been submitted to date.

Staff concur with the advice of the Heritage Permit Review Subcommittee and recommend that Heritage Permit application HP2021-033 to relocate 398 Wilson Street East, Ancaster be denied.

Alternatives for Consideration – See Page 12

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: None.

Staffing: None.

Legal: Given the properties designation under Part IV of the *Ontario Heritage Act*, this Heritage Permit application has been processed and considered within the context of the applicable legislation, as per the date in which the application was submitted to the City of Hamilton (June 4, 2021). Given the proposal seeks to remove the building and its heritage attributes from the limitations of the designated parcel of land, the proposal would be classified and interpreted as a demolition.

Section 34 (1) of the *Ontario Heritage Act* states that:

"No owner of property designated under section 29 shall demolish or remove a building or structure on the property or permit the demolition or removal of

SUBJECT: Heritage Permit Application HP2021-033, under Part IV of the *Ontario Heritage Act* for the relocation of the building at 398 Wilson Street East, Ancaster (PED21196) (Ward 12) - Page 3 of 14

a building or structure on the property unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the demolition or removal”.

Section 34 (1.2) of the *Ontario Heritage Act* states that “The council, on receipt of an application under subsection (1) together with any information it may require under subsection (1.1), shall serve a notice of receipt on the applicant”.

Section 34 (2) of the *Ontario Heritage Act* states that: “Within 90 days after the notice of receipt is served on the applicant under subsection (1.2) or within such longer period as is agreed upon by the owner and the council, the council, after consultation with its municipal heritage committee, if one is established,

- (a) may,
 - (i) consent to the application,
 - (i.1) consent to the application, subject to such terms and conditions as may be specified by the council, or
 - (ii) refuse the application;
- (b) shall give notice of its decision to the owner and to the Trust; and,
- (c) shall publish its decision in a newspaper having general circulation in the municipality.”

The *Ontario Heritage Act*, in addition to the Council approved Heritage Permit Process (Report PED05096), does not allow for the delegation of Council’s authority to consent to demolition or removal of a building or structure, nor Council’s authority to deny an application.

The Heritage Permit application was received on June 4, 2021 and the Notice of Receipt was issued on August 6, 2021 following a meeting between City staff and the applicant’s project team. The *Ontario Heritage Act* requires that Council make a decision on a Heritage Permit application within 90 days of the issuance of a Notice of Receipt. If no decision is reached within the 90-day timeframe, Council shall be deemed to consent to the application. The subject application’s 90-day timeframe will be reached on November 4, 2021.

SUBJECT: Heritage Permit Application HP2021-033, under Part IV of the *Ontario Heritage Act* for the relocation of the building at 398 Wilson Street East, Ancaster (PED21196) (Ward 12) - Page 4 of 14

HISTORICAL BACKGROUND

The Marr House is a three-bay, two-storey random rubble stone house with a gabled-roof running north and south (see Appendix “D” attached to Report PED21196). The exterior composition and architecture of the building is significant to the historical value of the property, as is its location on Wilson Street. Schedule “B” – Reasons for Designation as attached to By-law No. 78-87 states that the structure is a:

“well-preserved and charming Georgian stone house dating from circa 1850, although some stylistic details suggest an earlier date. The use of stone as a construction material relates the building to several other important buildings on Wilson Street. For these reasons the building is of great importance to the Wilson Street streetscape”.

An overview of the exterior of the structure as it exists today is summarized below:

- The west façade facing Wilson Street East is symmetrical with a central door recessed into the wall with a five-pane top light/transom. There is a window to either side of the door on the ground floor, while the upper-storey has three windows, slightly smaller than those on the ground floor. Each of the windows on this elevation consist of twelve panes and sit below a stone flat arch, which is also visible over the central door;
- The north façade consists of three windows, each with twelve panes below stone flat arches. In the upper east side of the façade, a remnant fourth window opening is visible however, it was blocked prior to the designation of the building;
- The south façade is blank with no openings; and,
- The east façade originally resembled the west façade however a one-storey tail addition with an east-west gable roof was constructed at some point following designation. Three upper-storey twelve pane windows and one one-over-one window are visible on the rear façade, below stone flat arches. The later addition, clad in board and batten, conceals a minimum of two original openings and extends outwards towards the rear of the property. The addition is not included in the designation by-law or cultural heritage value or significance of the structure.

According to the Cultural Heritage Assessment prepared in support of the 1978 Part IV designation, the building was originally constructed as a residence for Adam Marr, a local cabinet-maker. Following that, John Phillip, a stone-mason, proprietor and village constable resided on the property. Over time, the use of the building has changed to commercial uses which have continued to the present day.

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SUBJECT: Heritage Permit Application HP2021-033, under Part IV of the *Ontario Heritage Act* for the relocation of the building at 398 Wilson Street East, Ancaster (PED21196) (Ward 12) - Page 5 of 14

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020)

Section 2.6 of the Provincial Policy Statement (PPS) pertains to Cultural Heritage and Archaeology. Subsection 2.6.1 states that “significant built heritage resources and significant cultural heritage landscapes shall be conserved”.

The subject property has been recognized as a significant built heritage resource that has been designated under Part IV of the Ontario Heritage Act. The conservation of built heritage resources, as defined in the PPS, relates to their identification, protection, management and use in a manner that ensures their cultural heritage value or interest is retained under the *Ontario Heritage Act*.

Subsection 2.6.2 states that “development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved”.

In response to a 2019 Formal Consultation application, Cultural Heritage staff advised that the subject property met six of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential and required that an Archaeological Assessment be completed for the entirety of the site and submitted with any future application. To date, staff have not received an Archaeological Assessment or confirmation from the Ministry. As such, Municipal interest in the archaeological potential of this site has not been satisfied.

Urban Hamilton Official Plan

Volume 1, Section 3.4 - Cultural Heritage Resources Policies of the Urban Hamilton Official Plan (UHOP) states that the City shall “protect and conserve the tangible cultural heritage resources of the City, including archaeological resources, built heritage resources, and cultural heritage landscapes” (Policy B.3.4.2.1(a)). While establishing a list of goals to ensure the care, protection and management of heritage resources within the City including Policy B.3.4.1.3 that states “all new development, site alterations, building alterations and additions are contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources”.

The Official Plan recognizes the importance that location plays on the value of heritage and the many unique districts, communities and neighbourhoods, including historic downtown areas such as Ancaster throughout the City and states that:

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SUBJECT: Heritage Permit Application HP2021-033, under Part IV of the *Ontario Heritage Act* for the relocation of the building at 398 Wilson Street East, Ancaster (PED21196) (Ward 12) - Page 6 of 14

- The City shall “conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and cultural heritage landscapes, by encouraging those land uses, development and site alteration activities that protect, maintain and enhance these areas within the City” (Policy B.3.4.2.1(h));
- The City shall “recognize and consider these differences when evaluating development proposals to maintain the heritage character of individual areas” (Policy B.3.4.2.2);
- “Within these downtown areas, the City shall conserve individual cultural heritage properties and areas of heritage value, including streetscape features, traditional circulation patterns, and important views, and ensure that new development respects and reflects the design of surrounding heritage buildings” (Policy B.3.4.3.2); and,
- The City shall “encourage the retention and conservation of significant built heritage resources in their original locations. In considering planning applications under the *Planning Act*, R.S.O., 1990 c. P.13 and heritage permit applications under the *Ontario Heritage Act*, there shall be a presumption in favour of retaining the built heritage resource in its original location” (Policy B.3.4.5.2).

Ancaster Wilson Street Secondary Plan (OPA 24)

The subject property is located within the Village Core area of the Ancaster Wilson Street Secondary Plan (Volume 2, Section 2.8) within the Urban Hamilton Official Plan (UHOP) which outlines a vision for the picturesque and historic community, one of the oldest in Ontario, rich in history, manifesting itself in a wealth of cultural and natural heritage features and its unique character. The Secondary Plan seeks to create a complete community while continuing to respect the history and character that creates its unique sense of place, while enhancing and protecting heritage and cultural resources. The Secondary Plan encompasses the historic downtown area of Ancaster and recognizes the importance in maintaining and enhancing the overall character of the area, which includes preserving older buildings, varied street fronts, and a distinct look and feel, while ensuring that future development or redevelopment is in keeping with the direction of current planning policy.

These policies demonstrate Council’s commitment to the identification, protection, and conservation of the cultural heritage resources.

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SUBJECT: Heritage Permit Application HP2021-033, under Part IV of the *Ontario Heritage Act* for the relocation of the building at 398 Wilson Street East, Ancaster (PED21196) (Ward 12) - Page 7 of 14

RELEVANT CONSULTATION

Previous Applications

In 2019, a Formal Consultation application (FC-19-019) was submitted for the subject property (392-412 Wilson Street East and 15 Lorne Avenue). The applicant proposed to redevelop the lands to include a six-storey, mixed-use building with 122 residential units and 1,256.2 square metres of commercial floor space at grade. A total of 223 parking spaces were proposed, of which, 175 were proposed to be in a single level of below grade parking. All existing buildings on the site were proposed to be demolished, with the exception of the Marr House, which was proposed to be relocated to 15 Lorne Avenue to be used as private amenity space for the redevelopment.

As part of that process, internal staff and external agencies advised the applicants of the requirements and provided initial comments pertaining to the proposed redevelopment. It was noted that several *Planning Act* applications and studies were required in order to assess the proposal (Official Plan Amendment, Rezoning Application and Site Plan Application). To date, no *Planning Act* applications have been submitted for the proposed redevelopment of the entirety of the site, nor has a Site Plan Control application been submitted for the proposed relocation of the Marr House as is required for a commercial building.

Heritage Permit Review Subcommittee

Pursuant to section 34 of the *Ontario Heritage Act* and the Council approved Heritage Permit Process (Report PED05096), the Hamilton Municipal Heritage Committee advises and assists Council on matters relating to Part IV and V of the *Ontario Heritage Act*. The Heritage Permit Review Subcommittee (HPRS) of the Hamilton Municipal Heritage Committee reviewed the subject application at a special meeting held on August 31, 2021.

The HPRS posed a number of questions during the meeting regarding the proposed location, the future intent of the site, the technical components associated with a relocation and contamination and potential risks associated with the proposed relocation given the age and construction of the building. The following is a summary of key questions and/or comments provided by the HPRS:

- The significance of the building's location on Wilson Street as it relates to its cultural heritage value. As a result, the building should not be moved away from Wilson Street;
- The proposed location is a hiding spot away from the streetscape and public view;
- How long is the building safe in its current position/location/state;

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SUBJECT: Heritage Permit Application HP2021-033, under Part IV of the *Ontario Heritage Act* for the relocation of the building at 398 Wilson Street East, Ancaster (PED21196) (Ward 12) - Page 8 of 14

- What are the risks associated with relocating the building and impacts it could have on the building;
- Why can the building not be lifted, soil remediated, new foundation built and then set back down? Is there no example in the world where a site has been remediated without relocating or demolishing a building;
- What are alternative options and locations for relocating – further north along Wilson Street or south to the corner of Wilson and Academy;
- What is the scope and timing of the remediation process;
- How was the level of contamination determined;
- Does all the contaminated soil have to be removed? This is not the first time there is contamination below a building;
- Official Plan and Secondary Plan policies as it relates to keeping historic buildings in their original location;
- What is really driving the relocation; and,
- What are the intended future plans for the site and streetscape.

Following a discussion with the applicant and their consultants, the advice of HPRS is that the application, as submitted, be refused.

Staff have provided the applicant with a summary of the questions and comments provided by HPRS, as well as additional questions from staff, as outlined in the Analysis and Rationale for Recommendation Section of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

(1) Heritage Permit Application

The application is seeking approval to relocate the two-storey stone building and remove the rear wing addition. In support of the application, the following documents were submitted (see Appendix “E” attached to Report PED21196):

- Covering letter prepared by GSP Group, dated June 4, 2021;
- Heritage Building Sketch;
- Remediation Measures and Building Structure Location Letter, prepared by Landtek Limited Consulting Engineers, prepared on April 30, 2021 (the “environmental letter”);
- Preliminary Landscape Sketch, prepared by Whitehouse Urban Design Landscape Architects & Urban Designers, dated February 19, 2021; and,
- Cultural Heritage Impact Assessment, prepared by GBCA Architects Inc., dated June 4, 2021 (the “CHIA”).

SUBJECT: Heritage Permit Application HP2021-033, under Part IV of the *Ontario Heritage Act* for the relocation of the building at 398 Wilson Street East, Ancaster (PED21196) (Ward 12) - Page 9 of 14

The applicant indicated they are requesting to relocate the building to:

- Permit the remediation of the site; and,
- Provide for the comprehensive redevelopment of the site, while providing for the long-term conservation of the building.

Key factors that are considered in the evaluation of any change affecting a heritage resource are:

- **Displacement effects:** those adverse actions that result in the damage, loss, or removal of valued heritage features; and,
- **Disruption effects:** those actions that result in detrimental changes to the setting or character of the heritage feature.

The subject property is designated by By-law No. 78-87, which recognizes the building as a well-preserved and charming Georgian stone house dating from circa 1850, although some stylistic details suggest an earlier date. That along with the use of stone as a construction material relates it to several other important buildings on Wilson Street, making it of great importance to the Wilson Street streetscape.

Additionally, according to By-law No. 78-87 the following features of the premises should be preserved:

- The four façades of the building, including the exposed stonework construction;
- The roof and chimneys (since removed) and return eaves; and,
- The five-pane top light over the front door; the surviving northeast ground-floor window in the east façade with its 12-over-12 sash should be preserved for reference in case the owner should desire to return the present two-over-two sashes to their original organization (since covered by addition).

The subject application would result in the displacement of the entire structure and all features from its designated location. Due to the complexities associated with relocating a random rubble stone structure of this vintage, the potential risk of adverse reactions that could result in damage to the structure is high and could be irreversible. The relocation would result in changes to the setting of the historic building, away from the Wilson Street streetscape which is a defining feature. As such, based on the contents of the designating By-law No. 78-87 and the information submitted, it is in staff's opinion that the cultural heritage value of this significant built heritage resource would not be conserved as a result of the proposal.

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SUBJECT: Heritage Permit Application HP2021-033, under Part IV of the *Ontario Heritage Act* for the relocation of the building at 398 Wilson Street East, Ancaster (PED21196) (Ward 12) - Page 10 of 14

(2) Staff Assessment:

The applicant has proposed to relocate the Marr House to 15 Lorne Avenue, the northeast corner of an amalgamated parcel of land. Given the building's Part IV designation under the *Ontario Heritage Act*, a Heritage Permit is required for the proposed works.

(a) Cultural Heritage Impact Assessment (CHIA)

A Cultural Heritage Impact Assessment (CHIA), prepared by GBCA Architects Inc. (GBCA), was submitted with the subject application. GBCA was retained by the owners to evaluate the impacts on a heritage property from the relocation of a designated heritage property on a newly assembled lot. The CHIA notes that GBCA visited the site in April of 2021 to conduct a high-level visual review of the building's exterior, noting they obtained only limited access to all exterior parts of the building facades. Assessment was limited from the ground level only as no boom lift was utilized for higher areas such as the gables, second floor windows, soffit and roof.

The CHIA:

- Assesses the proposal based on the understanding that the land is contaminated as per the Environmental Letter and the understanding of the desired location in the northeast corner of the property at 15 Lorne Avenue;
- Advises that the building overall remains fairly intact and no major losses of material are visible given the building's robust construction;
- Notes that areas of the south elevation have settled and deteriorated and will continue to do so unless action is taken to resolve the issues;
- Assesses the potential impacts on the heritage resource against resources such as the Ontario Heritage Toolkit, Standards and Guidelines for the Conservation of Historic Places in Canada, and the International Standards for Heritage Conservation;
- Provides a list of anticipated actions required to the exterior for conservation and stabilization following relocation;
- Provides a list of interior features recommended for preservation; and,
- Advises that additional professionals including structural engineers and building mover with experience in heritage structures are required to be consulted to provide specifications and scope of work for the proposed relocation.

The CHIA concluded that the relocation proposal will result in a number of changes to the existing property and its heritage attributes but is considered a necessary intervention for the remediation of the site and for the long-term conservation of the heritage resource, while reducing the impacts from multiple moves.

SUBJECT: Heritage Permit Application HP2021-033, under Part IV of the *Ontario Heritage Act* for the relocation of the building at 398 Wilson Street East, Ancaster (PED21196) (Ward 12) - Page 11 of 14

The CHIA acknowledges that while relocating a heritage structure is not the desired option, this proposal would balance demands for intensification with those of heritage preservation, thereby allowing for the proposed redevelopment of the site.

Based on staff's review, the CHIA is deficient as follows:

- Assessing the building's foundation from the interior or providing interior photographs;
- Assessing the property against the policies of the City of Hamilton's Urban Hamilton Official Plan and Ancaster Wilson Street Secondary Plan;
- Assessing the proposal against criteria from Ontario Regulation 9/06, as set out by the Province or the City of Hamilton Framework for Cultural Heritage Evaluation;
- Assessing other alternatives or mitigation strategies in detail;
- Assessing the overall impact of the future development of the site; and,
- Providing a draft Statement of Cultural Heritage Value or Interest for the proposal.

(b) Environmental Letter

The Environmental Letter submitted with the application indicates that based on environmental investigations that have been completed to date, there are subsurface soil and groundwater impacts on the subject property, including beneath the Marr House at depths of approximately six to eight metres.

The letter does not provide options to address the contamination or alternative methods for remediation. No Environmental Site Assessment (ESA) was submitted for the property. A City of Hamilton ERASE Grant was previously approved to conduct a Phase II ESA of the subject lands.

The proposal to relocate the Marr House is primarily based on the need to remediate the site due to contamination. However, the submitted documentation does not provide sufficient evidence or justification that would allow staff to make an informed decision or provide alternatives to addressing the contamination or remediation.

(3) Conclusions:

Based on the above review, and the information provided to date, Staff are not supportive of the request to relocate the Marr House to 15 Lorne Avenue as requested through the Heritage Permit. The proposal is not in keeping with the intent of the designation By-law. The submitted documentation does not adequately assess the impact or potential impacts of the relocation on the heritage resource against the required criteria set out by the Province of Ontario and the City of Hamilton. Given the significance of the building's presence on the Wilson Street streetscape and the

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SUBJECT: Heritage Permit Application HP2021-033, under Part IV of the *Ontario Heritage Act* for the relocation of the building at 398 Wilson Street East, Ancaster (PED21196) (Ward 12) - Page 12 of 14

applicable Official Plan and Secondary Plan policies, staff are unable to adequately assess the proposal without a wholesome understanding of the implications it may have on the cultural heritage value of the building, or on the surrounding community, the streetscape and the future of the entirety of the site that would normally be done as part of an application for Official Plan Amendment and rezoning.

From a technical perspective, the proposal to relocate a 180-year old random rubble stone structure is complex. Staff are of the opinion that the supporting documentation submitted does not adequately assess the proposal nor provide sufficient justification that the relocation is feasible and/or the most appropriate option. A report assessing the building's current structural stability or technical details on the process to stabilize, lift and relocate the building by qualified personnel (structural engineer and building moving company) was not submitted. Only a high-level overview of the level of contamination was provided. As a result of the limited time frames associated with a Heritage Permit application, peer reviews on the submitted documentation were not conducted to confirm the accuracy or explore alternative options. The proposed relocation could result in impacts to the integrity of the heritage resource, and as such, more extensive supporting documentation should be provided and assessed by qualified experts.

A proposal of this nature requires review, consultation and consideration from other internal departments and external agencies in various fields of expertise. Given the complexities with this proposal, as well as other concerns and requirements previously provided by various departments and agencies during the initial Formal Consultation application in 2019, an application of this magnitude should be reviewed in its entirety through formal *Planning Act* applications in conjunction with the Heritage Permit application.

Staff have reviewed the documentation submitted with the application and have concluded there is insufficient evidence to support the relocation of the building as proposed. Staff recommend that Council deem the application to be premature and deny the application pursuant to subsection 34(2)(a)(ii) of the *Ontario Heritage Act*.

ALTERNATIVES FOR CONSIDERATION

(1) Approve the Heritage Permit with no conditions.

Council may approve the Heritage Permit as submitted with no conditions. This alternative decision would not be consistent with the advice of staff, the HPRS or the HMHC.

SUBJECT: Heritage Permit Application HP2021-033, under Part IV of the *Ontario Heritage Act* for the relocation of the building at 398 Wilson Street East, Ancaster (PED21196) (Ward 12) - Page 13 of 14

(2) Approve the Heritage Permit with conditions.

Council may approve the Heritage Permit as submitted with additional conditions. This alternative decision would not be consistent with the advice of staff, the HPRS or the HMHC. Should Council seek to approve the Heritage Permit as submitted, staff would recommend the following conditions:

- 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 submission as part of any application for a Building Permit and / or the commencement of any alterations;
- Installation of the alterations, in accordance with this approval, shall be completed no later than July 31, 2023. If the alterations are not completed by July 31, 2023, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;
- That an Archaeological Assessment for the entirety of the site be submitted to the satisfaction of the Director of Planning and Chief Planner;
- That a full Building Condition Assessment by a qualified professional Structural Engineer with experience in heritage buildings be prepared to the satisfaction of the Director of Planning and Chief Planner;
- That a signed letter from a Professional Engineer with experience in historic stone structures confirming the feasibility of relocation on the site be submitted to the satisfaction of the Director of Planning and Chief Planner;
- That a signed letter from an experienced building moving company with experience in relocating historic stone buildings be submitted to the satisfaction of the Director of Planning and Chief Planner;
- That a full Phase II ESA for the entirety of the site be submitted to the satisfaction of the Director of Planning and Chief Planner;
- That a revised Cultural Heritage Impact Assessment, assessing the proposal against required criteria and a new Statement of Cultural Heritage Value and Interest be submitted to the satisfaction and approval of the Director of Planning and Chief Planner;
- That the designating By-law No. 78-87 be repealed in accordance with the requirements of the *Ontario Heritage Act* at the expense of the owner;
- That a new designation By-law be prepared in accordance with the requirements of the *Ontario Heritage Act* for the building's new location at the expense of the owner;
- That a new Survey be prepared to accompany a new designation By-law indicating the boundaries to which the designation applies;

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SUBJECT: Heritage Permit Application HP2021-033, under Part IV of the *Ontario Heritage Act* for the relocation of the building at 398 Wilson Street East, Ancaster (PED21196) (Ward 12) - Page 14 of 14

- That a Conservation Plan in accordance with the City's Guidelines for Conservation Plans be submitted to the satisfaction and approval of the Director of Planning and Chief Planner;
- That the applicant enters into a Heritage Easement Agreement with the City 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, and that this agreement is registered on title;
- That a Letter of Credit be provided to be held by the City based on the cost estimates for 100% of the total cost of securing, protecting, stabilizing, relocating, monitoring for a period of three years and the total cost of restoration. Such cost estimates shall be in a form satisfactory to the Director of Planning and Chief Planner;
- That a Site Plan application, and any other relevant *Planning Act* applications for the proposed relocation be submitted and approved for the relocation; and,
- That any technical studies may be subject to Peer Review at the expense of the owner where deemed necessary.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" attached to Report PED21196 - Location Map

Appendix "B" attached to Report PED21196 - By-law No. 78-87

Appendix "C" attached to Report PED21196 - Relocation Plan

Appendix "D" attached to Report PED21196 - Site Photographs from GBCA Architects Inc. CHIA

Appendix "E" attached to Report PED21196 - Heritage Permit Submission Documents

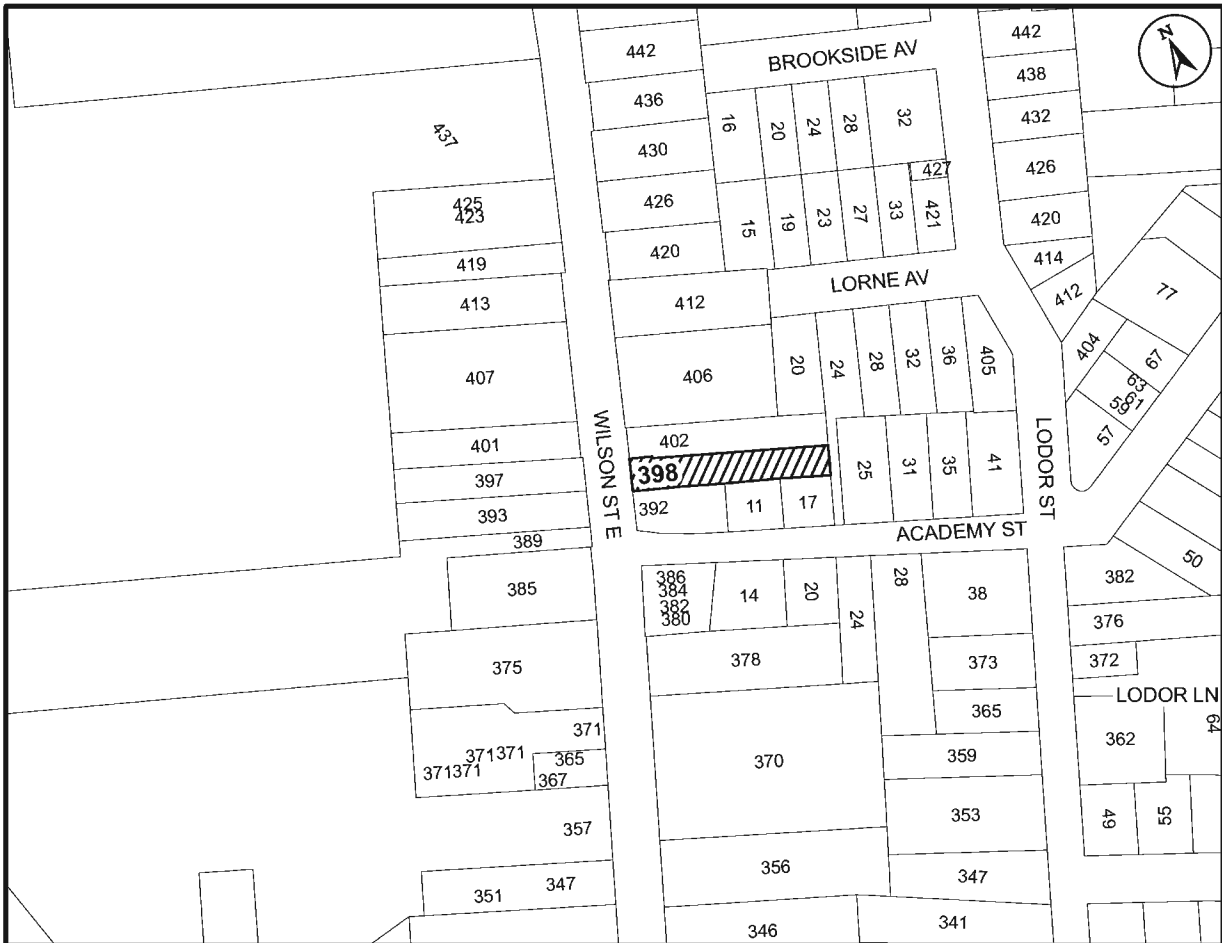
SK:sd

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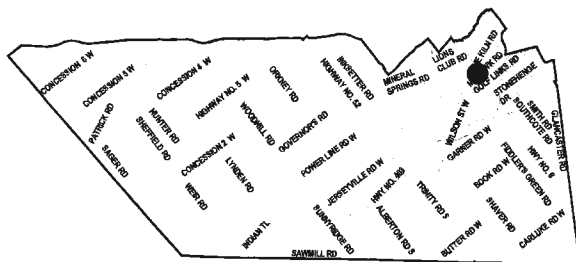
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Appendix "A" to Report PED21196



● Site Location



Key Map - Ward 12

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
HP2021-033

Date:
August 31, 2021

Appendix "A"

Scale:
N.T.S

Planner/Technician:
SK/NB

Subject Property



398 Wilson Street East, Ancaster
(Ward 12)

THE CORPORATION OF THE TOWN OF ANCASTER

BY-LAW NO. 78-87

To Designate the Lands and Building Municipally known as 398 Wilson Street East, in the Town of Ancaster, as Lands and Building of Historic Value, Architectural Value and Interest

WHEREAS this Council is empowered under sub-section (6) of Section 29 of The Ontario Heritage Act to enact By-laws to designate real property, including buildings and structures thereon, as described in Schedule "A" attached hereto to be of historic or architectural value or interest, and

WHEREAS this Council has caused to be served upon the owner of the lands and premises known municipally as 398 Wilson Street East, in the Town of Ancaster, and upon the Ontario Heritage Foundation notice of intention to so designate the described property and has caused such notice of intention to be published in a newspaper having a general circulation in this Municipality once for each of three consecutive weeks, and

WHEREAS no notice of objection to the proposed designation of the described property has been served on the Clerk of this Municipality within the time prescribed by the said Statute, and

WHEREAS this Council's reasons for the proposed designation are as set forth in Schedule "B" attached hereto.

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF ANCASTER ENACTS AS FOLLOWS:

1. In this By-law the word "property" means real property and includes all buildings and structures thereon.
2. There is hereby designated as being of historic value, architectural value and interest the property known municipally as 398 Wilson Street East, in the Town of Ancaster, and more particularly described in Schedule "A" attached hereto.
3. YATES and YATES are hereby authorized and directed to cause a copy of this By-law to be registered against the property described in Schedule "A" attached hereto in the Land Registry Office for the Registry Division of Wentworth.
4. The Clerk is hereby authorized and directed to cause a copy of this By-law to be served upon the owner of the property and upon the Ontario Heritage Foundation and to cause notice of this By-law to be published in a newspaper having general circulation in the Town of Ancaster.

ENACTED AND PASSED THIS 11th DAY OF DECEMBER 1978.

Alan S. Clark

Mayor

J. B. Keenan

Clerk

THIS AGREEMENT made, in duplicate, the 13th day of April
1981.

B E T W E E N:

THE CORPORATION OF THE TOWN OF ANCASTER
(hereinafter called the "Town")

OF THE FIRST PART,

- and -

MARY ELIZABETH McKEON
(hereinafter called the "Owner")

OF THE SECOND PART.

WHEREAS The Corporation of the Town of Ancaster is the Owner of a
6 inch x 6 inch plaque, reading "DESIGNATED PROPERTY, ONTARIO
HERITAGE ACT", with the Crest of the Town of Ancaster thereon, and

WHEREAS Mary Elizabeth McKeon is the registered Owner of the lands
and premises municipally known as 398 Wilson Street East, in the
Town of Ancaster, more particularly described as part of Lot Number
45, Concession 2, in Schedule "A" attached hereto, and

WHEREAS pursuant to By-law No. 78-87 of The Corporation of the Town
of Ancaster and pursuant to the provisions of The Ontario Heritage
Act, S.O. 1974, Chapter 122, the lands and premises municipally known
as 398 Wilson Street East, in the Town of Ancaster, were designated
as a building or structure of historical or architectural value or
interest, and

WHEREAS by Section 37(1) of The Ontario Heritage Act, the Town is
entitled to enter into agreements, covenants and easements with
Owners of real property or interest therein, for the conservation,
protection and preservation of the heritage of Ontario, and

WHEREAS by Section 37(3) of The Ontario Heritage Act, such covenants
and easements entered into by the Town when registered in the proper
Land Registry Office against the real property affected by them,
shall run with the real property and may, whether positive or nega-
tive in nature, be enforced by the Town or its assignee against the
Owner(s) or any subsequent Owner(s) of the real property, even where
the Town owns no other land which would be accommodated or benefited
by such covenants and easements, and

WHEREAS the Owner and the Town desire to conserve the present historical, architectural, aesthetic and scenic character and condition of the building on premises municipally known as 398 Wilson Street East, in the Town of Ancaster.

NOW WITNESSETH this Agreement that in consideration of the sum of TWO (\$2.00) DOLLARS now paid by the Town to the Owner, (the receipt of which is hereby acknowledged) and for other valuable consideration, and in further consideration of the granting of the covenants herein and in further consideration of the mutual covenants and restrictions hereinafter set forth, the Owner and the Town agree to abide and be bound by the following covenants, easements and agreements.

1. Duties of Owner

- (a) The Owner shall and doth hereby allow the Town as Owner of the plaque to attach the said plaque to premises described in Schedule "A" hereto and grant to the Town the privilege of maintaining the said plaque on the premises.
- (b) The Owner does hereby permit the Town servants and agents to enter with material and equipment necessary for the installation, maintenance and inspection of the said plaque and its mountings.
- (c) The Owner shall not, without the prior written approval of the Town, remove the plaque from the premises.

2. Duties of Town

- (a) The Town agrees to install and mount and to maintain a plaque at its own expense on premises municipally known as 398 Wilson Street East, in the Town of Ancaster.
- (b) The Town agrees that, upon the removal of the designation of the premises pursuant to The Ontario Heritage Act, it will remove the plaque from the premises and as far as practicable restore the premises to their same condition as prior to the installation of the plaque.

3. The Owner and the Town agree that at all times the plaque is and remains the property of the Town.

- 4. Nothing contained herein in this Agreement requires the Owner of the premises to open the premises to public viewing.
- 5. This Agreement shall enure to the benefit of and be binding upon the parties hereto, their successors, administrators and assigns.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their seals under the hands of their officers duly appointed in that behalf.

Signed, sealed, and delivered)
in the presence of:)

THE CORPORATION OF THE TOWN OF
ANCASTER

Ann Clark

Mayor

B. H. H. H.

Clerk

MARY ELIZABETH MCKEON

Mary Elizabeth McKeon

Registered Owner

Anna Peterson

SCHEDULE "B"

Reasons for Designation of 398 Wilson
Street East, in the Town of Ancaster

The Marr House/Heritage Bookstore, known municipally as 398 Wilson Street East, in the Town of Ancaster, being of historic and architectural value and interest, is a well-preserved and charming Georgian stone house dating from circa 1850 although some stylistic details suggest an earlier date. The use of stone as a construction material relates the building to several other important buildings on Wilson Street. For these reasons the building is of great importance to the Wilson Street streetscape. Without restricting the generality of the foregoing the reasons for this Council designating the described premises include the intention that the following features of the described premises should be preserved, that is,

- (a) the four facades of the building, including the exposed stonework construction, and
- (b) the roof and chimneys and return eaves, and
- (c) the 5-pane toplight over the front door; the surviving northeast ground-floor window in the east facade with its 12-over-12 sash should be preserved for reference in case the owner should desire to return the present 2-over-2 sashes to their original organization, but

this Council has no intention that any alteration, maintenance, repair, replacement or improvement of elements of the premises requires the prior written consent of this Council unless such affect the reasons for the designation of the premises as described in paragraphs (a) to (c) herein.



392-412 WILSON STREET EAST
& 15 LORNE AVENUE, ANCASTER
(SUBJECT LANDS)

Appendix "D" to Report PED21196
Page 1 of 1

GBCA Project No. 21006 - 392- 412 Wilson Street East and 15 Lorne Avenue Ancaster

4 June 2021



Marr House, 2021 (GBCA). North Elevation. Top left window opening closed in.



Marr House, 2021 (GBCA). South Elevation. Blank wall with tail extending to the east. Foundation issues notable from a distance.



Marr House, 2021 (GBCA). East Elevation. Rear tail covers to ground level openings.

GBCA Architects



Marr House, 2021 (GBCA). West Elevation 2.4 meters from Wilson Street East. Although the designation by-law notes that chimneys are a contributing heritage attribute, in its current state these are no longer present.



SHAPING GREAT COMMUNITIES

June 4, 2021

File No. 20139

Planning and Economic Development Division
Hamilton City Hall
71 Main Street West - 5th Floor
Hamilton ON L8P 4Y5

Attn: Anita Fabac
Manager, Development Planning, Heritage Planning and Design, Planning Division

**Re: Heritage Permit Application
392, 398, 406, 412 Wilson Street East and 15 Lorne Avenue, Ancaster
Request to Relocate 398 Wilson Street East, Ancaster**

Dear Ms Fabac

The owners of the above noted lands (the "Site"), Wilson Street Ancaster Inc., request approval to relocate a designated heritage property to a newly assembled lot as illustrated on the attached Heritage Building Sketch (Appendix A). The subject building, known as the "Phillip Marr House" is currently located at 398 Wilson Street on the east side of Wilson Street East, north of Academy Street in Ancaster. With the exception of the Phillip Marr House, the Site contains no other buildings or structures.

In April 2021, Landtek Limited completed an environmental investigation related to a former gas station located immediately south of and adjacent to 398 Wilson Street on the Site. The investigation identified subsurface soils and groundwater contamination on the Site (refer to Appendix B Landtek Remediation Correspondence) and recommended the relocation of the Phillip Marr House to permit the remediation of the Site. The Phillip Marr House is proposed to be relocated 100 metres to the north where it will be incorporated within a landscaped garden as an amenity space (as illustrated in Appendix C) for a future redevelopment on the Site. The relocation of the Marr House as proposed will provide for the comprehensive redevelopment of the Site, while providing for the long-term conservation of the heritage dwelling.

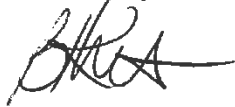
In order to assess the impacts on the heritage attributes of the relocation of the Marr House, Goldsmith Borgal & Company Ltd. Architects (GBCA) were retained to complete a Cultural Heritage Impact Assessment (CHIA) to evaluate the impacts on the heritage property arising from the relocation of the house. Appendix D includes the CHIA report for your review and consideration.

PLANNING | URBAN DESIGN | LANDSCAPE ARCHITECTURE

72 Victoria St. S., Suite 201, Kitchener, ON, N2G 4Y9
162 Locke St. S., Suite 200, Hamilton, ON, L8P 4A9
gspgroup.ca

On the basis of the information provided, the owners respectfully request the City's approval of the relocation of the Marr House. Should additional information or clarification be required with regard to the information provided, please do not hesitate to contact the undersigned by email at bkhes@gspgroup.ca or by phone 289-778-1428.

Sincerely,
GSP Group Inc.

A handwritten signature in black ink, appearing to read 'BKhes', written over a horizontal line.

Brenda Khes, MCIP, RPP
Associate – Senior Planner



Attachment No. 2 of 2

**LANDTEK LIMITED**

Consulting Engineers

205 Nebo Road, Unit 3
Hamilton, Ontario
Canada
L8W 2E1Phone: 905-383-3733
Fax: 905-383-8433
engineering@landteklimited.com
www.landteklimited.com

April 30, 2021

File: 17476

To Whom it may Concern,

**Re: Remediation Measures and Building Structure Location
(Existing Heritage Structure)
392 - 406 Wilson Street East, Hamilton (Ancaster), Ontario**

Based on the environmental investigations completed to date at the above site which previously included the location of a gas station, subsurface soil and groundwater impacts due to historical operations have been identified/confirmed. Impact plumes have migrated throughout several areas of the site and include areas beneath existing structures. Contamination has been found to depths of up to approximately 6 m to 8 m in some areas.

Remediation Measures

The redevelopment remedial option is expected to be a 'dig and dump' methodology which will focus on the removal/disposal of the impacted materials. For this remediation, it is essential that safe physical access for excavation activities can be maintained. Additionally, given the significant depths and lateral extents of impact in some areas, it is Landtek's opinion that the structural integrity of on-site structures will be jeopardized.

With regards to the above conditions, it is our recommendation that demolition/removal or relocation of the building structures be completed to allow for safe and effective environmental remediation to proceed in accordance with the Ministry of the Environment, Conservation and Parks (MECP) regulation for filing/acceptance of a Record of Site Condition (RSC).

If you have any questions, please do not hesitate to contact our office.

Yours truly,

LANDTEK LIMITED

Paul Blunt., P.Eng., QP_{ESA}
Senior Environmental Engineer

■ FOUNDATION INVESTIGATIONS ■ ENVIRONMENTAL SITE ASSESSMENTS AND CLEANUP ■ GROUNDWATER STUDIES ■ SLOPE STABILITY STUDIES
■ ASPHALT TECHNOLOGY ■ ASPHALT MIX DESIGNS ■ PAVEMENT PERFORMANCE ANALYSIS ■ CONSTRUCTION MATERIALS TESTING & INSPECTION
■ ANALYSIS OF SOIL CORROSION POTENTIAL ■ PAVEMENT REHABILITATION & TENDER SPECIFICATIONS ■ CONCRETE QUALITY ASSURANCE TESTING
■ ROOF INSPECTIONS ■ INFRASTRUCTURE NEEDS STUDIES ■ FAILURE ANALYSIS AND EXPERT WITNESS SERVICES ■ AGGREGATE EVALUATION



Estimated extent of on-site groundwater contamination

Estimated groundwater flow direction

Estimated extent of on-site soil contamination



Wilson and Academy Preliminary Sketch
Optional Building location



CULTURAL HERITAGE IMPACT ASSESSMENT (CHIA)

for

392, 398, 406, 412 Wilson Street East and 15 Lorne Avenue
Ancaster, Ontario

GBCA Project No: 21006

prepared for:

Wilson Street Ancaster Inc.
1 James Street South, 8th Floor
Hamilton, ON. L8P 4R5

prepared by:

Goldsmith Borgal & Company Ltd. Architects
362 Davenport Road, suite 100
Toronto, ON, M5R 1K6

Date of issue: Friday, June 4, 2021

GOLDSMITH BORGAL & COMPANY LTD. ARCHITECTS
Suite 100 | 362 Davenport Road, Toronto M5R 1K6



TABLE OF CONTENTS

EXECUTIVE SUMMARY	2
1. INTRODUCTION	3
1.1 Description of the property	3
1.2 Present Owner and Contact Information	3
1.3 Location Plan	3
1.4 Survey	4
1.5. Site Photographs	5
2. BACKGROUND RESEARCH	8
3. HERITAGE STATUS	13
3.1 Adjacencies	13
4. CONDITION REVIEW	14
4.1 Exterior Walls	14
4.2 Foundation Masonry at Grade	15
4.3 Windows and Doors	17
4.4. Summary	18
5. ASSESSMENT OF PROPOSED REDEVELOPMENT	19
5.1 Description of Proposed Redevelopment	19
5.2 Impacts on Heritage Resources	23
7.	

CONSERVATION STRATEGIES	25
7.1 Building conservation and stabilisation:	25
8. CONCLUSION	26
9. CLOSURE	26

APPENDICES

APPENDIX I -	Standards and Guidelines for the Conservation of Historic Places in Canada
APPENDIX II -	Designation By-Law 78-87
APPENDIX III-	Remediation Measures and Building Structure Location - Memo by Landtek Limited.

EXECUTIVE SUMMARY

Goldsmith Borgal & Company Ltd. Architects (GBCA) was retained by Wilson St. Ancaster Inc. to prepare a Cultural Heritage Impact Assessment (CHIA) to evaluate impacts on a heritage property arising from the relocation of a Designated heritage property to a newly assembled lot.

The subject site is located on the east side of Wilson Street East, which runs through the former township of Ancaster. This main street is characterised by a mix of early 19th century stone buildings, adaptively reused historic structures, some newer commercial infill and vacant lots used for parking. The development site totals 1.9 acres and will comprise (6) six smaller lots (392, 398, 406, 412 Wilson Street East and 15 Lorne Avenue) bound irregularly by Lorne Avenue to the north-west and Academy Street to the south. The site includes 398 Wilson Street East, a two-story neo-classical style residence, built c.1840, and known as the Phillip Marr House (herein the "Marr House"). The property is designated under Part IV of the Ontario Heritage Act, under by-law 78-87.

With the exception of the Marr House, all former buildings have been cleared from the site. The southern-most corner of the site has a surface level parking lot over a property that was previously used as a Petrofina gas station. To the east of this is a residential street (Academy Street) that contains a number of early-20th century homes, and a prominent corner heritage property at 380 Wilson Street, the Old Ancaster Hotel (1847).

In April 2021, an environmental investigation identified subsurface soil and groundwater contamination on the site. As a result, the report recommended relocation of the Marr House to permit the undertaking of remediation in compliance with the Ministry of the Environment, Conservation and Parks regulation for filing of a Record of Site Condition. This will require excavation of site soils, and as a consequence, the necessary relocation of the Marr House to a new location on the development site. As such, the subject property, with a current lot frontage of approx. 2.4 metres from Wilson Street East, is proposed to be permanently relocated to a residential lot 100 meters north, and 50 to the east of Wilson Street East (to current day 15-Lorne Avenue). Here, the Marr

House is proposed to be incorporated within a landscaped garden as an amenity space for a future development on the lands to the south.

The proposed relocation will have impacts on the heritage attributes of the Marr House. Although relocation is not typically favoured, in this case, relocation can be seen as a mitigation strategy for the building's long-term preservation. These elements along with mitigation strategies are discussed in more detail throughout the report.

This HIA has been prepared in accordance with CHIA Guidelines (April 2018) as required by the City of Hamilton and evaluates the impact of the proposed development on existing heritage resources.

1. INTRODUCTION

1.1 Description of the property

The property at 392 - 406 Wilson Street East is located on the east side of Wilson Street East, and comprises (6) six smaller lots bound irregularly by Lorne Avenue to the north-west and Academy Street to the south. The new 1.9 acre site is located north-east of the core of the Village of Ancaster within an area that is characterised by low-rise single-detached residences adapted for commercial use with small, street facing lots. Many buildings along this Main Street are fine-grained commercial, retail, adaptively reused historic buildings, with some newer commercial buildings. Several listed heritage buildings are in the immediate vicinity.

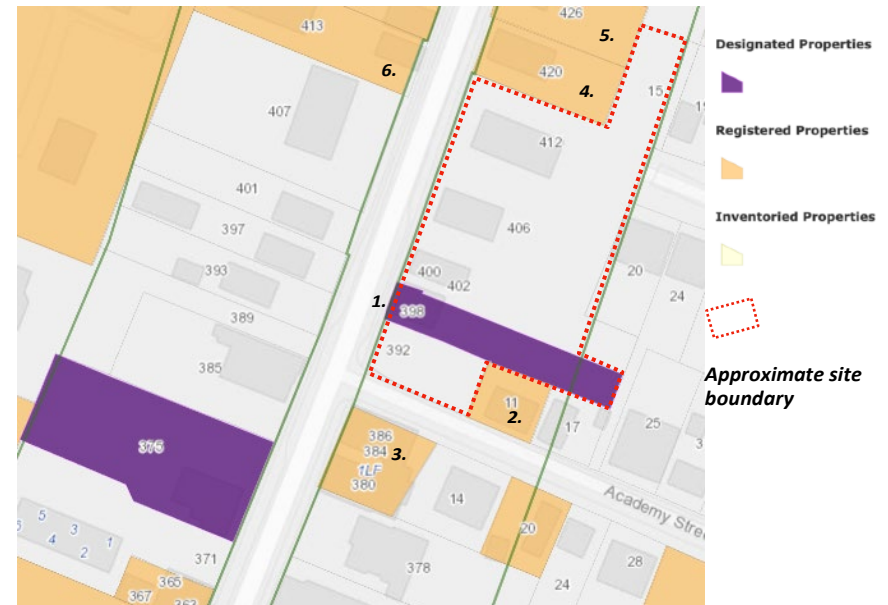
The site includes a two-story neo-classical style residence, built c.1840, and known as the Phillip Marr House. The property is designated under Part IV of the Ontario Heritage Act, under by-law 78-87. More detail on this designation is provided under Section 3 of this CHIA, and in Appendix II.

1.2 Present Owner and Contact Information

Owner: Wilson Street Ancaster Inc.
 1 James Street South, 8th Floor
 Hamilton, ON. L8P 4R5

Contact: Giovanni Fiscaletti
 giovanni@spallaccigroup.com

1.3 Location Plan



Heritage Register Map of Wilson Street in the Township of Ancaster, with the development site highlighted in red.

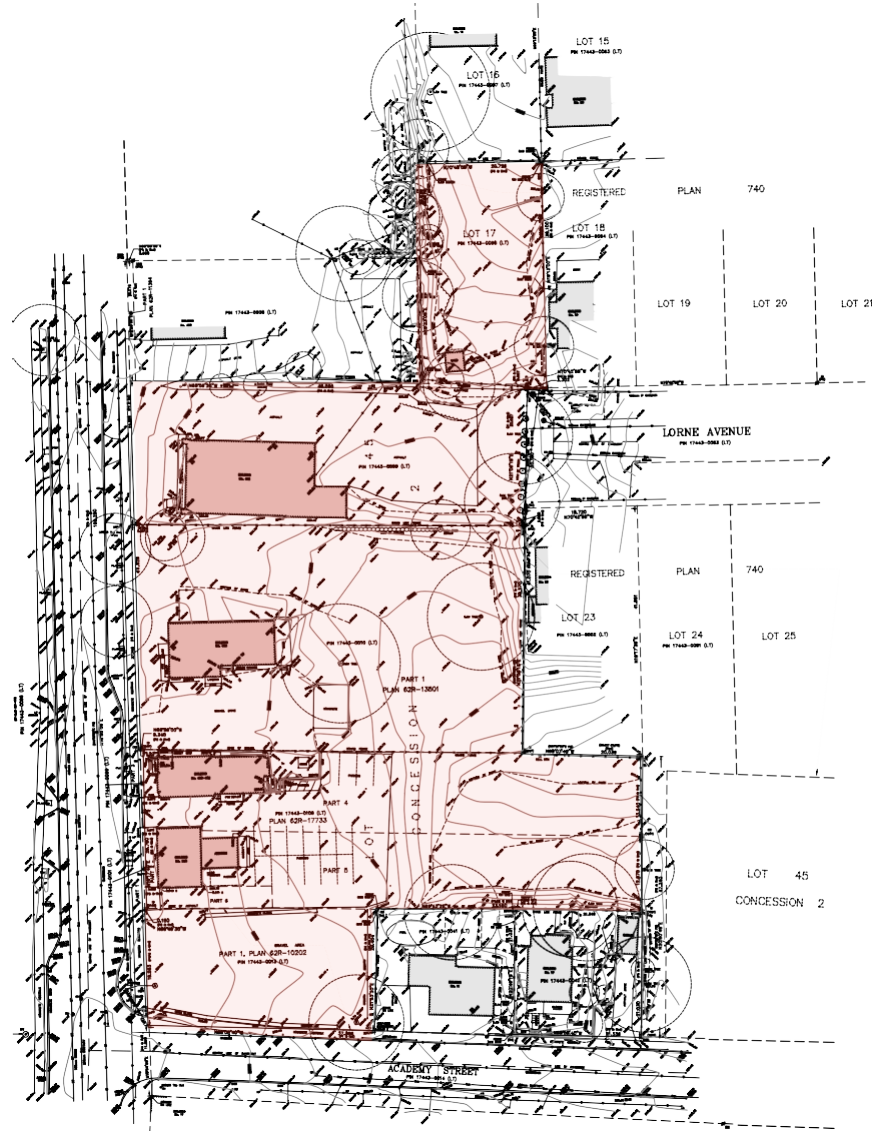
Heritage properties on the development site include:

1. 389 Wilson Street East- Phillip Marr House (1840). (the "Marr House"). Designated under Part IV of the Ontario Heritage Act, under by-law 78-87.

Adjacent Heritage resources:

2. 11 Academy Street (1907) - Residence. Listed on City's Heritage Register in 2021
3. 380 Wilson Street (1847) - Old Ancaster Hotel. Listed on City's Heritage Register in 2020
4. 420 Wilson Street East (1823) - The Needle Emporium. Listed on City's Heritage Register in 2020.
5. 426 Wilson Street East (1921) - Residence. Listed on City's Heritage Register in 2020
6. 413 Wilson Street East (1867) - Commercial building. Listed on City's Heritage Register in 2020

1.4 Property Survey



Topographic Survey- Part of Lot 45 Concession 2, Township of Ancaster and Lot 17 Registered Plan 740 in the City of Hamilton. (A.T McLaren)

1.5 Site Photographs



A view from the west side of Wilson Street East looking towards the property at 392 - 406 Wilson Street East looking south. The Marr House is visible here, and is adjacent to a surface level parking lot to the south. This is the location of the former gas station.



A view from the west side of Wilson Street East looking towards Academy Street and 380 Wilson Street (1847) - Old Ancaster Hotel, list on the Municipal Heritage Register.



Looking south from the corner of the subject site towards 385 Wilson St. East, a professional/commercial building with pre-cast moulded concrete blocks that appears to be a scaled version of a Italianate style house. To the south of this is 375 Wilson Street East - the Rousseau house (1848).



View looking north along Wilson Street East directly in front of the subject site to the east. The opposing properties have residences constructed in various styles with contemporary additions, and on smaller lots. In the distance 420 Wilson Street East (1823) - The Needle Emporium, listed on City's Heritage Register in 2020, is visible at the north edge of the subject site.



View from the southern corner of the subject site, looking west across Wilson Street East.



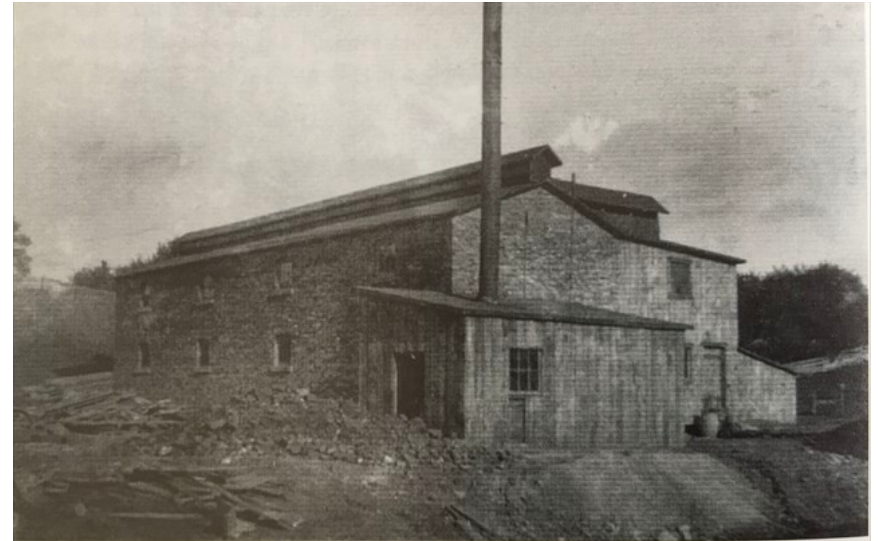
View from the subject site directly north across Wilson Street East.

2. BACKGROUND RESEARCH

The subject property is located on what is historically known as Part of Lot 45, Concession 2 within the former Township of Ancaster, Wentworth County, Ontario. It is now part of the City of Hamilton and is located on the east side of Wilson Street East, on the northeast corner of Wilson Street East and Academy Street. Currently the site contains one structure – the two-storey stone house dating circa 1840 - 1850.

The land constituting the Township of Ancaster (part of the Niagara Peninsula) was acquired by the British Crown from the Mississauga Nation in 1784. There is evidence of Euro-Canadian settlement in the Ancaster area as early as 1789 when land clearance was undertaken by several families squatting on the land. The first township survey was undertaken in 1793 by Augustus Jones and the first legal settlers came to occupy their land holdings within two years of the survey being completed. The township is said to have been named by Lieutenant Governor John Graves Simcoe after a town in Lincolnshire, England – the name Ancaster was used from about 1800 onward.

Ancaster was initially settled by disbanded soldiers, mainly Butler's Rangers, and other United Empire Loyalists following the end of the American Revolutionary War. James Wilson is probably the most important historically because he built the first mills in the township, and gave Ancaster Village its first name, "Wilson's Mills." In 1800, James Wilson was granted the Crown Patent for Lot 45, Concession 2, which included most of today's Village of Ancaster. Wilson's name appears in the 1808 Ancaster voter's list, and on the 1816 Ancaster Assessment Roll. Wilson built his grist mill in 1791 and his saw mill in 1792 on the small creek just east of Rousseau Street. This location was a strategic one because it was only a few yards from the junction of three "roads" or trails of the Indigenous peoples. Eventually the town grew at the convergence of several roadways - near where Sulphur Springs Road, the Old Dundas Road, the Mohawk Road and Wilson/Main Street came together.



The Ancaster Evaporator, (circa 1899) stood where Wilson's original gristmill was located at the north-east corner of Wilson and Rousseau St. (190-, Hamilton Public Library)



A view from just out on the street (Old Dundas Rd). The water is the old mill pond. The building in the foreground is a the old tollhouse at the corner of Wilson St and Old Dundas Rd. A white fence runs along the side of Wilson St. East. The long dark building at the left edge of the picture is the Ancaster Evaporator pictured above. (190-, Hamilton Public Library)

Wilson’s Mills were the first mills west of Grimsby, and the only ones for many years. These mills were later sold to Jean Baptiste Rousseau in 1794, a Montreal-born fur trader, interpreter, businessman, militia officer and office holder. Jean Baptiste Rousseau had a home and general store on Wilson Street. His Ancaster general store was involved in frequent trading with Joseph Brant's Mohawks and other Iroquois people from the Six Nations confederacy located at the Grand River. For a time after this, the area was briefly known as “Rousseau’s Mills.” (The mills were eventually sold to the Union Mill Company.)

In 1797, Rousseau built a hotel on Wilson Street, beginning a trend towards building on the meandering route that became Wilson Street. When the village’s first school was built on Wilson Street in 1799, the trend was firmly established.

Rousseau would become a leading citizen of the village, owning a general store and hotel, building a brewery and distillery, and holding bureaucratic positions such as magistrate, tax collector and school teacher.

Wilson built not only the mills but also an inn, and a blacksmith shop and at the turn of the century, the modest collection of buildings in “Wilson’s Mills” included a general store, blacksmith shop, distillery and tavern. The first citizens of the village were Wilson’s employees – his miller, sawyer, innkeeper and blacksmith, plus three or four assistants, all of whom would live in houses which Wilson built for them.

In 1805, D’Arcy Boulton noted that this township contained land that was, in part, excellent and by the 1840s, the township was well-known for its fine farms. The area had natural advantages including fertile soil, abundant fast flowing streams ideal for mills and a strategic position at a break in the Niagara Escarpment where a well-known and used aboriginal trail (eventually known as the “Mohawk Road”) existed. By 1823, due largely to its easily accessible hydro power located at the juncture of already existing historical trading routes, Ancaster had become Upper Canada's largest industrial and commercial centre. Additionally, Ancaster had at that time attracted the 2nd largest populace (1,681) in Upper Canada trailing only Kingston (population 2,500), but surpassing the populations of nearby Toronto (1,376) and Hamilton (1,000).



Rousseau House, 1995 (Ancaster - A Pictorial History)

By the 1830s, Ancaster was the commercial centre for the area, but soon suffered several setbacks. In 1832, the opening of the Desjardin Canal in the neighbouring town of Dundas had a negative economic impact on Ancaster. Similarly, the town was bypassed by the railway, which went to Hamilton. While its role as a commercial hub was over, local agriculture ensured Ancaster remained a vibrant community.

The 200-acre Lot 45, Concession 2 was subdivided and sold off in quarter-to-half-acre lots early in the nineteenth century. It is not known when Wilson Street was first subdivided into building lots, but it was probably about 1815 if one were to judge from the land sales registered in the Registry Office.

Many of the early structures in Ancaster were built of stone from the nearby Niagara Escarpment. Overall there were more stone buildings in the greater Hamilton area than in most other parts of Ontario (with an exception of Cambridge/Waterloo region). In 1851 there were 16 domestic stone houses in Ancaster Township and by 1891 there were 61.

One of the houses in the village at that time was the subject building at 398 Wilson Street East. Most historical accounts report that the house was built for cabinet-maker Adam Marr (1809-1894). Marr conducted a furniture making and undertaking business in Ancaster from 1840 (or maybe as early as 1834) with his brother David, and later with his son, Thomas Ward Marr. Later the building served as the home of John Phillip (1838-1912), a stone-mason (later stage proprietor) and village constable until the turn of the century. John Phillip's brother or son, Charles Phillip was one of the proprietors of the neighbouring Ancaster/Union Hotel. The stone hotel building at the corner of Wilson and Academy streets was originally built by the Rousseau family and was leased to Phillip in 1865.

Throughout the decades, the building at 398 Wilson Street East has served a number of commercial purposes. For example, in 1965 the building housed Albert Boers and his barber shop.

In 1974, Ancaster was incorporated as a town in the Regional Municipality of Hamilton-Wentworth. In 2001, it was merged into the new city of Hamilton.



Marr House, c.1900 (Ancaster Archives)



Marr House, 1995 (Ancaster - A Pictorial History)

GBCA Project No. 21006 - 392- 412 Wilson Street East and 15 Lorne Avenue Ancaster



Marr House, 2021 (GBCA). North Elevation. Top left window opening closed in.



Marr House, 2021 (GBCA). South Elevation. Blank wall with tail extending to the east. Foundation issues notable from a distance.



Marr House, 2021 (GBCA). East Elevation. Rear tail covers to ground level openings.

GBCA Architects



Marr House, 2021 (GBCA). West Elevation 2.4 meters from Wilson Street East. Although the designation by-law notes that chimneys are a contributing heritage attribute, in its current state these are no longer present.

3. HERITAGE STATUS

The subject property is currently designated under Part IV, Section 29 of the Ontario Heritage Act, through By-law 78-87.

The By-law is provided under Appendix II and includes the full Statement of Significance.

In summary, the following have been noted as heritage attributes:

The Marr House/Heritage Bookstore, known municipally as 398 Wilson Street East, in the Town of Ancaster, being of historic and architectural value and interest, is a well-preserved and charming Georgian stone house dating from c. 1850 although some stylistic details suggest an earlier date. The use of stone as a construction material relates the building to several other important buildings on Wilson Street. Without restricting the generality of foregoing the reason for this Council designation the described premises include the interning that the following features of the described premises should be preserved, that is:

- *The four facades of the building, including the exposed stonework construction*
- *The roof and chimneys* and return eaves, and;*
- *The 5-pane toplight over the front door; the surviving northeast ground-floor window in the east facade with its 12-over-12 sash should be preserved for reference in case the owner should desire to return the present 2-over-2 sashes to their original organization*

* Although the designation by-law notes that chimneys are a contributing heritage attribute, in its current state, these are no longer present.

3.1 Adjacencies

'Adjacency' in this context refers to lands that are directly across from and near to a property on the Heritage register.

The subject site assembly is currently occupied by vacant lots, and a surface level parking lot to the south, and is also considered adjacent to/ across the street from numerous low-rise buildings, including five listed heritage properties. These include:

Adjacent:

- 11 Academy Street (1907) - Residence. Listed on City's Heritage Register in 2021.
- 380 Wilson Street (1847) - Old Ancaster Hotel. Listed on City's Heritage Register in 2020.
- 420 Wilson Street East (1823) - The Needle Emporium. Listed on City's Heritage Register in 2020.
- 426 Wilson Street East (1921) - Residence. Listed on City's Heritage Register in 2020.
- 413 Wilson Street East (1867) - Commercial building. Listed on City's Heritage Register in 2020.

Notable stone buildings in surrounding area, not included above:

- 375 Wilson Street East (1848) - village house built by George Brock Rousseau.
- 343 Wilson Street East (1860) - Richardson-Ashworth Italianate style House
- 419 Wilson E. (1820) - Seymour Lodge

4. CONDITION REVIEW

GBCA visited the site in April 2021 to conduct a high level visual review of the building’s exterior. This visual review is based on the condition of the building on that date. Any alterations, damage or improvements occurring after the date of assessment have not been updated as part of this report.

GBCA obtained only limited access to all exterior parts of the building facades (north, east, south and west elevations). Assessment was limited from the ground level only as no boom lift was utilised for higher areas such as the gable, 2nd floor windows, soffit and roof.

4.1 Exterior Walls

The rubble stone is considered a key heritage attribute of this property and is entirely exposed to the public realm.

The elevations are built of random coursed rubble stone from the nearby Niagara Escarpment. Even the quoins, which have squared tails at the side elevations, are irregular at the rear. The pointing is coarse and cementitious with wide joints in a similar in colour to the masonry. The front elevations feature voussoirs built in coursed squared rubble.

The masonry is in fair repair, with several areas of open joints and evidence of movement. Given the uneven nature of the face mortar and applied cementitious parging there may be voids in the cavity and deep re-pointing or micro-fine grouting may be required. Test pits should be dug below the low-level course to examine the below-grade mortar conditions.

On all elevations there are signs of water infiltration, evidence of improper mortar repairs and patches, staining of stone – including efflorescence, unsympathetic parging, atmospheric staining, rust from metal fasteners, etc.



West elevation: ground level showing cementitious parging applied at the northern edge of the building.



South elevation: ground level showing open joints, and repair work.

4.2 Foundation Masonry at Grade

Of particular concern is the masonry immediately at grade where the stone units and mortar joints are highly susceptible to deterioration. Eroded mortar joints further promote water entry and accelerate deterioration and mould growth. Numerous instances of stepped, horizontal and vertical cracking were noted in the visible foundation walls. In addition to this, efflorescence was noted sporadically on all elevations.

The lower areas of walls at grade level are mostly in fair condition given their proximity to ground water, snow, ice and de-icing salts; all of these contribute to extensive masonry and mortar deterioration. Localised damage was noted with large openings on the southern elevation.

Stepped cracking was observed at the corners of the windows. Minor cracking near window corners is a common occurrence since the windows act as a weak area in the masonry wall. Recent repair and pointing work, parging and entire sections of stone removed suggest possible impact as a result of vertical settlement.

Settlement cracking and movement lines are present at the midpoints of the north and south facades consistent with the rotation of the rear part of the building. Other cracking and displacement is found on the east end of the north and south walls and the base of the east wall which is consistent with the slow-motion rotation of half of the house.



South elevation: ground level failed and open joints with previous repair work also visible.



North elevation: failed and open joints, oxidization and metal anchors near foundation.



South elevation: failed and open joints at foundation. Movement lines are present at the midsection of this elevation.



West elevation: Recent repair and pointing work, parging and entire sections of stone removed below the 2nd storey window.

4.3 Windows and Doors

4.3.1 Windows

The front elevation contains five, symmetrically placed, rectangular window apertures, with a central door. The rear elevation has the same configuration, although a later tail-extension has been constructed and two openings have been removed. The south elevation is blank, while the north elevation features two pairs of symmetrically spaced windows, the top left having been closed in.

Condition of the current wood frames appears to be good although better access via lift or scaffold would be required for a more thorough assessment, especially at the upper level. The wood frames show some paint checking and minimal, intermittent areas of rot and/or damage. The lower portions of stone sill components are more deteriorated than the upper portions due to water/ice exposure that has settled on the sills requiring repair.

Generally, the window perimeter sealants and glazing seals were observed to be in fair condition. Failed seals will allow water ingress and cause more damage to the surrounding area. Loose window seals exist in most of the windows. Loose or missing seals allow air movement through the windows, reducing efficiency and allow for deterioration inside the walls due to condensation.



West elevation: window frames on 2nd storey appear to be in good repair upon visual review..



North elevation: eastern-most window opening on 2nd storey has been closed in.

4.3.2 Doors

The central door and five-pane transom window is set within a deep recess lined by wooden panels with modest mouldings. The current door with 12-over-12 sash appears to be in good condition although of much later design than the date of the building. As is typical with most entry doors, they are repetitively used and will have incurred wear and tear from normal use.

Seals and weatherstripping may be worn and/or missing, allowing air infiltration/exfiltration, with normal signs of wear and tear due to usage, particularly at the door frames.

4.4 Summary

The visual review of the building reveals that there have been various progressions of deterioration in certain areas of the building. The overall building remains fairly intact and there has been no major loss of material (ie. collapsed walls, roofs etc.) given that the building is of very robust construction. However, the areas at the south elevation of the building that have settled and deteriorated will continue to do so unless action is taken to resolve the issues. Side wall cracks corresponding to the "bending " or rotation of the structure due to soil conditions, compounded by settlement cracking due to the deformation of the structure, will continue to progress without intervention.



West elevation: Central door with with 12-over-12 sash and five-pane toplight is in good repair.



East elevation: Openings at rear elevation have been obscured by the later addition of a one-storey tail.

5. ASSESSMENT OF PROPOSED RELOCATION

5.1 Description of Proposed Strategy

The proposed relocation strategy is primarily in response to subsurface soil conditions adjacent to, and below, the Marr House. An environmental investigation undertaken by Landtek Limited (Appendix III) identified subsurface soil and groundwater contamination from historical gas station operations on the adjacent site.

Due to the heritage building's proximity to the pre-existing contamination plume, relocation is necessary in order to permit excavation works. The proposed relocation strategy consists of moving the Marr house approximately 100 meters north, and 50 meters to the east of Wilson Street East (to current day 15-Lorne Avenue). This permanent relocation is driven by a need to excavate the site for soil remediation, and limit any unnecessary impacts on the building's fabric arising the excavation work, and from multiple moves.

While there is no direct correlation with the soil contamination, the building's long-term stability is also in question. Portions of the south elevation have begun to show evidence of failure, which may be a result of settlement. Excavating nearby can generate vibrations that may highly compromise the structural and heritage integrity of the small structure. Although it is acknowledged that relocation is not typically favoured, in this particular case, relocation can be seen as a mitigation strategy for the building's long-term preservation. Relocation to a properly designed foundation will ensure the conservation of the building.

The relocation is proposed to occur in a single stage. The site receiving the Marr House will have to be partially excavated and new foundations provided. Once this new site is prepared with its new foundations, the House will be partly excavated so to install necessary moving supports and wheeled bogies. The building will require substantial stabilisation before such a move. Restoration work on the heritage building would be carried out after it is moved to its final location.



The (6) six lots comprising 392, 398, 406, 412 Wilson Street East and 15 Lorne Avenue will be assembled for a future development. With the exception of 398 Wilson Street East, the site is vacant.

5.1.2 General Procedures for Relocation:

While every building is different and each project must be assessed on a case-by-case basis, there are general procedures that are followed in the moving process. The engineer working for the moving company will factor into the calculations the building dimensions, weights and materials (and their characteristics).

The area around the structure would be excavated and a crib, consisting of lengthwise and cross beams, would be designed and installed in the basement of the house. Then, the area at grade will be cut through to separate the house from its foundation. Extensions to the carrying frame will be inserted below the walls and secured to the exterior. Windows will be framed with solid panels to prevent "racking". Additional cross bracing may be installed in the interiors to reduce potential for structural deformation. The engineer would factor in the building's dimensions, weight, and materials. The frame carrying the Marr House would then be raised by hydraulic lifts or jacks and lowered onto hydraulically self-levelling wheels or "bogies".

While the above work is under way, the new foundation will be created for the house then filled to allow the house to roll over it into position. The steel support/crib would be used as the base of the building during the move until the perimeter of the house is supported on the foundation, then removed with the bogies. The house is then lowered into position onto the foundation and restoration work will then commence.

The best route to the new location – in this case roughly 150 meters north-east of its present site – would be determined by the building mover who would be responsible for analysing telephone cables, wires, utility poles and topography. The proper authorities would be consulted in relation to permits for the removals or reinforcement of any elements.

5.1.3 Technical Issues of Marr House Relocation

Moving heritage buildings, if not well considered, could result in physical endangerment of the resource. In any project that proposes relocation of heritage buildings, a detailed feasibility study should be undertaken and approved by a structural engineer and the best method for moving be determined. The engineer would be employed by a qualified moving contractor.

GBCA is able to provide examples of successful relocations of heritage buildings. In 2008, GBCA worked with Tridel Developments for the relocation of the Cooper Mansion, a 950 ton, three-storey Second Empire brick building. Laurie McCulloch undertook this move. In 2009, GBCA worked with Pinnacle Developments for the relocation of a two-storey Georgian brick building, undertaken by Danco. Both of these relocations took place in urban environments, in downtown Toronto.



Richard West House relocation in downtown Toronto (2009)



James Cooper Mansion relocation in Toronto (2008)



Plan showing the proposed relocation area for the Marr House, at present day 15 Lorne Avenue. A patio, lawn and garden area have been designed around the heritage building, which will be repurposed as an amenity space for a future development on the lands to the south. The new site is located directly to the east 420 Wilson Street East (1823) - The Needle Emporium, and a residence at 426 Wilson Street East (1921) both of which were added to the City's Heritage Register in 2020. For reference, the lotting pattern of the adjacent residences on Lorne Avenue are shown with a red line. The proposed relocation has nearly double to lot frontage as the adjacent properties. The proposed relocation site for the Marr House is oriented in the same direction as its original location, but 50-meters east of Wilson Street East.

5.2 Impacts on Heritage Resources

The proposed building relocation will result in the following impacts on the property:

- New lot pattern;
- Relocation of building to north-east part of site;
- Removal of rear tail of building;

An assessment of possible effects of the proposed development on the property is presented opposite. The table lists possible effects based on the Ontario Heritage Tool Kit - Heritage Resources in the Land Use Process.

While there is no means of reducing the impact from moving the house in order to remediate the grounds beneath it, the preservation of the Marr House and the conservation of the majority of the heritage attributes is important to acknowledge this existing heritage resource on this site. The sequencing of events will be discussed in more detail through a Conservation Plan.

The building will require substantial stabilization before relocation, which is also an opportunity to provide necessary intervention and provide long-term conservation of the heritage resource. Restoration work on the heritage building would be carried out after it is moved to its final site.

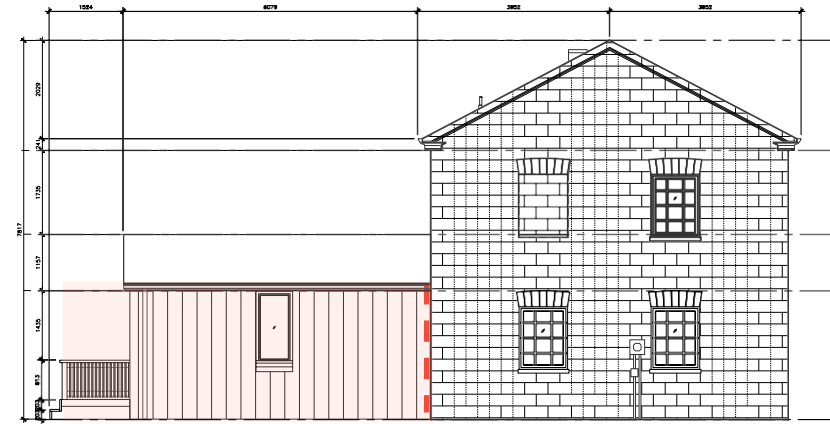
Possible Effect - (from Ontario Heritage Tool Kit-Heritage Resources in the Land Use Process) Assessment (Considered Alternative Development and Mitigation Measures)
Destruction of any, or part of any, significant heritage attributes or features <i>Character-defining elements (heritage attributes) identified for the property include the ‘the four facades of the building, including the exposed stonework construction; the roof and chimneys (now missing) and return eaves; the 5-pane toplight over the front door; the surviving northeast ground-floor window in the east facade with its 12-over-12 sash should be preserved for reference. The Standards and Guidelines asks to not “substantially alter its intact or repairable character-defining elements”.</i>
Alteration not sympathetic, or incompatible, with the historic fabric and appearance <i>The land assembly proposes the creation of additional parcel on the property, build a permanent foundation, relocated the extant Marr House, excavate the former site and prepare lands for a new development. The house will lose its original quality and contextual fit with Wilson Street East as a result of being moved to a new location.</i>
Shadows created that alter the appearance of a heritage attribute or change the viability of an associated natural feature or plantings, such as a garden <i>Shadow studies are not relevant to the proposed building relocation strategy.</i>
Isolation of a heritage attribute from its surrounding environment, context or a significant relationship <i>The building relocation will isolate the Marr House from its former context. It has been proposed to be moved to a lot with similarly scaled housing. However, the visual setting of Wilson Street East is considered a character attribute, and relates to the cultural significance of the Marr House. Mitigation strategies are listed in Section 5.2 of this report.</i>
Direct or indirect obstruction of significant views or vistas within, from, or of built and natural features. <i>The building relocation will not impact any identified views or vistas.</i>
A change in land use (such as rezoning a church to a multi-unit residence) where the change in use negates the property’s cultural heritage value <i>The land assembly will change through merging six properties into one lot. Additionally, the property will be rezoned to multi-unit residence. Although originally a residence, the Marr House has since been adaptively reused for commercial use.</i>
Land disturbances such as a change in grade that alters soils, and drainage patterns that adversely affect a cultural heritage resource, including archaeological resources <i>Land disturbances as a result of this development will have impacts on local cultural heritage resources. However, the proposed redevelopment will address subsurface soil contamination so is considered beneficial in this case.</i>

5.2.1 Removal of the rear tail of the building:

This removal will not impact the original scale of the house and will not alter the original appearance of the rear elevation.

Mitigation strategies/Recommendations:

- The removal of the tail from the main residence will require repair, infill of new stone, reinstatement of original openings, refinishing and repainting upon removal of the extension. Restoration and conservation of the former Marr House will involve rehabilitating the rear facade based on archival material, in keeping with the original design intent which would be further explored in a forthcoming Conservation Plan.



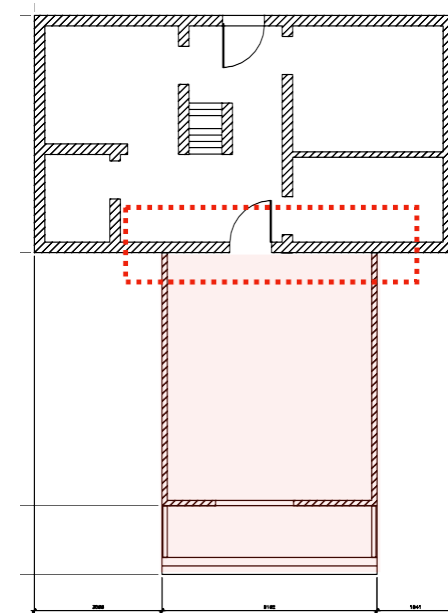
5.2.2 Physical relocation from Wilson Street East location:

The current location of the Marr House was based largely on the early settlement patterns of the village Main Street provided by Wilson Street East. It visually connects with the character of several local stone buildings of the same vintage. The contribution of the building's front elevation and character-defining attributes will no longer be maintained by relocating the building away from Wilson Street East.

It is acknowledged that relocation is not typically favoured. However in this case, permanent relocation can be seen as a mitigation strategy for the building's long-term preservation, and for the remediation of the site. While every building is different and each project must be assessed on a case-by-case basis, there are general procedures to be followed in the moving process. Details of the relocation will be provided under a separate Conservation Plan.

Mitigation strategies/Alternate Strategies:

- Leaving the stone building for a long period of time during construction poses risks to the stability of a fragile structure such as the Marr House. A permanent move is seen as the best course of action. This is driven by a need to excavate the site for soil remediation, and limit any unnecessary impacts on the building's fabric arising the excavation work or from multiple moves to sites without a solid foundation.



The above plan and elevation illustrate the proposed tail to be removed from the Marr House. Areas with a dashed line will require infilling of new stone and reinstatement of original openings upon removal of the extension.

5.2.1 New lot pattern and location

Currently, the Marr House is located at 398 Wilson Street East. The proposed assembly of properties will see a change in the lot pattern and the proposed relocation of the existing building footprint to the north of its present location. The proposed lot does not front a street, and the relocated house is set-back approximately double the lot frontage compared to adjacent properties fronting Lorne Avenue. While the Marr House today fits in with the scale of the historic properties on Wilson Street East, moving it behind any new development and on a lot that is not fronted by a street will diminish its presence.

The *Standards and Guidelines for the Conservation of Historic Places in Canada*, heritage conservation requires the retention of an appropriate visual setting and other relationships that contribute to the cultural significance of the place. New construction, demolition, intrusions or other changes that would affect the setting or relationships are not encouraged.

The proposed relocation site is characterised by the modest scale of its environs, with post-war bungalows that have window and door openings facing the public realm. In the proposed relocation scenario, the south elevation of the Marr House (a blank wall) will be oriented to the public realm. This will have an impact on the ability to view the character defining attributes of this Designated heritage property from the public realm although the benefits of its relocation and conservation are clear.

In addition, the recipient site at current day 15 Lorne Avenue is directly adjacent to 420 Wilson Street East (1823) - The Needle Emporium, and a residence at 426 Wilson Street East (1921) both of which were listed on City's Heritage Register in 2020. The front entrance of the Marr House will face the rear yards of these properties and not be visible from Wilson Street East.

Mitigation strategies/Alternate Strategies:

- The visual setting of Wilson Street East is considered a character attribute, and relates to the cultural significance of the Marr House. Moving the house to another property along Wilson Street East and within the Village Core of Ancaster could be considered.
- Given the site circumstances, if Lorne Avenue remains the most viable site for permanent relocation, how the Marr House relates to its new setting and interacts with any proposed development to the south will be important. Allowing its character attributes (primary facade) to be viewed from the street, and borrowing compatible lotting patterns from adjacent properties (ie, locating the house using the same lot orientation, and same setback as adjacent houses) are two considerations to bear in mind.

7. CONSERVATION STRATEGIES

A variety of options are typically available for the redevelopment of sites with buildings of heritage value due to proposed developments, and options must be weighed with other decisive factors, the most common are time and costs. In the case of 389 Wilson Street East (The Marr House) a number of options have been considered and are discussed.

In this instance, the Marr House, which is of heritage value, is at risk if left in its current location on the property and will prevent the development of vacant sites the north and south. The house will be preserved, rehabilitated, and restored. Details regarding repair, stabilisation, preservation and long term conservation will be explored in a detailed Conservation Plan at a later date.

Preservation involves the protection, maintenance and stabilisation of the existing form, material and integrity of a historic place or of an individual component, while its heritage value is protected.

Rehabilitation is the sensitive adaptation of an historic place or of an individual component for a continuing or compatible contemporary use, while protecting its heritage value. In this instance, the heritage building will be rehabilitated and with a new use related to the proposed development.

Restoration is the revealing, recovering or representing the state of a historic place or of an individual component as it appeared at a particular period in its history, as accurately as possible, while its heritage value is protected. In this instance, the Marr House will have reinstated its original exterior finishes by removing any non-original cladding, restoring masonry, and reinstating original window designs and details.

7.1 International Standards for Heritage Conservation

Beginning in 1931, various heritage charters have been drafted and subsequently recognized internationally as part of a consistent and objective approach to issues being faced by all countries in addressing heritage conservation.

The concept of setting was addressed in the 1960s in the Venice Charter, the seminal text that underpinned the foundation of ICOMOS (the International Council of Monuments and Sites). Many national charters, including Canada's Appleton Charter (1983), further developed the importance of setting.

The **Venice Charter** is the first of the modern charters (1964) to tackle heritage conservation, codifying acceptable universal principles and practices for the conservation of historic monuments. Of particular relevance for this assessment are the following Articles:

ARTICLE 1: *The concept of a historic resource embraces not only the single architectural work, but also the urban or rural setting in which is found the evidence of a particular history.*

ARTICLE 6: *The conservation of a monument implies preserving a setting which is not out of scale. Wherever the traditional setting exists, it must be kept. No new construction, demolition or modification which would alter the relations of mass and colour must be allowed.*

ARTICLE 13: *Additions cannot be allowed except in so far as they do not detract from the interesting parts of the building, its traditional setting, the balance of its composition and its relation with its surroundings.*

The **Appleton Charter** was established in Ottawa in 1983 and adapted the principles of the Venice Charter to a Canadian context. This charter recognizes that the sound management of the built environment is an important cultural activity.

C. Principles (Protection): *Any element of the built environment is inseparable from the history to which it bears witness, and from the setting in which it occurs. Consequently, all interventions must deal with the whole as well as with the parts.*

7.2 Exterior conservation and stabilisation

The building would require substantial reconstruction and stabilisation before it is relocated. Anticipated actions once the to the Marr House reaches its final location are as follows:

- Repair, replacement and painting of windows, and sills where required;
- Repair and replacement of awnings;
- Reinstate blocked in window openings;
- Repairs to exterior stone masonry;
- Repairs to exterior woodwork – fascia, soffits, etc.;
- Removal of unsympathetic cladding;
- Repairs or replacement to - metal railing, eaves and troughs;
- Replacement of visible roof area with new high quality shingles.

As excavation work is proposed on the site, which will be adjacent to existing heritage buildings, a structural engineer with proven knowledge and experience in heritage conservation, will need to be consulted. Prior to the execution of the work, the engineer will need to verify if adjacent properties will not be impacted by the excavation work.

As the Marr House is proposed to be relocated, specifications and scope of work for moving the building should be prepared by a qualified building mover in conjunction with a structural engineer. Refer to the International Association of Structural Movers and Ontario Structural Movers Association for qualified companies. Since the practice of professional engineering is regulated by provincial laws, qualified engineering advice must be obtained from a licensed professional engineer.

7.3 Interior conservation

The mitigative options for the interior spaces and features will need to be worked out in conjunction with the project architect as the plans are developed in more detail.

At this time, it is possible to assert that the proposed reuse of the Marr House will be associated with a future development to the south which will be sympathetically inserted within the existing heritage building. Attention will need to be paid to the required program needs, with the plans being adjusted according to existing building, if need be. Consideration of new use should begin with respect for existing and traditional patterns of the layout.

The following interior features should be preserved:

- Original hard wood flooring
- The central plan layout with stairs at centre
- The wood window frames
- All original wood doors (along with any original hardware)
- Original wood trim and baseboards

8. CONCLUSION

The proposed land assembly, excavation, relocation and site preparation for a future development will result in a number of changes to the existing property and its heritage attributes.

Due to existing site conditions, the proposed building relocation is considered a necessary intervention for the remediation of the site, and for the long-term conservation of the heritage resource. This permanent relocation will limit any unnecessary impacts from multiple moves.

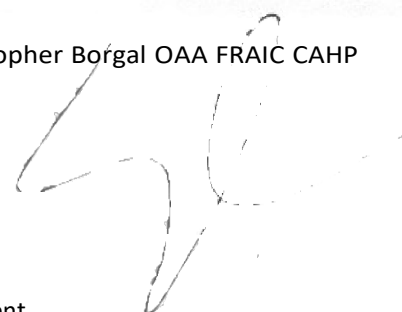
By considering the recommendations contained in this report, the proposed development at 392-412 Wilson Street East can be accomplished in accordance with accepted conservation principles.

In our view, and in light of mitigating strategies to reduce impacts to heritage properties, this proposal balances demands for *intensification* with those of *heritage preservation* in a manner that allows both objectives to be appreciated as a part of a complex and changing urban environment.

9. CLOSURE

The information and data contained herein represents GBCA's best professional judgment in light of the knowledge and information available to GBCA at the time of preparation. GBCA denies any liability whatsoever to other parties who may obtain access to this report for any injury, loss or damage suffered by such parties arising from their use of, or reliance upon, this report or any of its contents without the express written consent of GBCA and the client.

Christopher Borgal OAA FRAIC CAHP



President
Goldsmith Borgal & Company Ltd. Architects

APPENDIX I

Standards and Guidelines for the Conservation of Historic Places in Canada

THE STANDARDS

The Standards are not presented in a hierarchical order. All standards for any given type of treatment must be considered, and applied where appropriate, to any conservation project.

General Standards for Preservation, Rehabilitation and Restoration

1. Conserve the *heritage value* of an *historic place*. Do not remove, replace or substantially alter its intact or repairable *character-defining elements*. Do not move a part of an historic place if its current location is a character-defining element.
2. Conserve changes to an *historic place* that, over time, have become *character-defining elements* in their own right.
3. Conserve *heritage value* by adopting an approach calling for *minimal intervention*.
4. Recognize each *historic place* as a physical record of its time, place and use. Do not create a false sense of historical development by adding elements from other historic places or other properties, or by combining features of the same property that never coexisted.
5. Find a use for an *historic place* that requires minimal or no change to its *character-defining elements*.
6. Protect and, if necessary, stabilize an *historic place* until any subsequent *intervention* is undertaken. Protect and preserve archaeological resources in place. Where there is potential for disturbing archaeological resources, take mitigation measures to limit damage and loss of information.
7. Evaluate the existing condition of *character-defining elements* to determine the appropriate *intervention* needed. Use the gentlest means possible for any intervention. Respect *heritage value* when undertaking an intervention.
8. Maintain *character-defining elements* on an ongoing basis. Repair character-defining elements by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of character-defining elements, where there are surviving *prototypes*.
9. Make any *intervention* needed to preserve *character-defining elements* physically and visually compatible with the *historic place* and identifiable on close inspection. Document any intervention for future reference.

Additional Standards Relating to Rehabilitation

10. Repair rather than replace *character-defining elements*. Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements. Where there is insufficient physical evidence, make the form, material and detailing of the new elements compatible with the character of the *historic place*.
11. Conserve the *heritage value* and *character-defining elements* when creating any new additions to an *historic place* or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.
12. Create any new additions or related new construction so that the essential form and integrity of an *historic place* will not be impaired if the new work is removed in the future.

Additional Standards Relating to Restoration

13. Repair rather than replace *character-defining elements* from the *restoration* period. Where character-defining elements are too severely deteriorated to repair and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements.
14. Replace missing features from the *restoration* period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence.

APPENDIX II
Designation By-Law 78-87

THE CORPORATION OF THE TOWN OF ANCASTER

BY-LAW NO. 78-87

To Designate the Lands and Building Municipally known as 398 Wilson Street East, in the Town of Ancaster, as Lands and Building of Historic Value, Architectural Value and Interest

WHEREAS this Council is empowered under sub-section (6) of Section 29 of The Ontario Heritage Act to enact By-laws to designate real property, including buildings and structures thereon, as described in Schedule "A" attached hereto to be of historic or architectural value or interest, and

WHEREAS this Council has caused to be served upon the owner of the lands and premises known municipally as 398 Wilson Street East, in the Town of Ancaster, and upon the Ontario Heritage Foundation notice of intention to so designate the described property and has caused such notice of intention to be published in a newspaper having a general circulation in this Municipality once for each of three consecutive weeks, and

WHEREAS no notice of objection to the proposed designation of the described property has been served on the Clerk of this Municipality within the time prescribed by the said Statute, and

WHEREAS this Council's reasons for the proposed designation are as set forth in Schedule "B" attached hereto.

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF ANCASTER ENACTS AS FOLLOWS:

1. In this By-law the word "property" means real property and includes all buildings and structures thereon.
2. There is hereby designated as being of historic value, architectural value and interest the property known municipally as 398 Wilson Street East, in the Town of Ancaster, and more particularly described in Schedule "A" attached hereto.
3. YATES and YATES are hereby authorized and directed to cause a copy of this By-law to be registered against the property described in Schedule "A" attached hereto in the Land Registry Office for the Registry Division of Westworth.
4. The Clerk is hereby authorized and directed to cause a copy of this By-law to be served upon the owner of the property and upon the Ontario Heritage Foundation and to cause notice of this By-law to be published in a newspaper having general circulation in the Town of Ancaster.

ENACTED AND PASSED THIS 11th DAY OF DECEMBER 1978.

Alan Stewart

 Mayor

J. B. Kepley

 Clerk

THIS AGREEMENT made, in duplicate, the 13th day of April
1981.

B E T W E E N:

THE CORPORATION OF THE TOWN OF ANCASTER
(hereinafter called the "Town")

OF THE FIRST PART,

- and -

MARY ELIZABETH McKEON
(hereinafter called the "Owner")

OF THE SECOND PART

WHEREAS The Corporation of the Town of Ancaster is the Owner of a
6 inch x 6 inch plaque, reading "DESIGNATED PROPERTY, ONTARIO
HERITAGE ACT", with the Crest of the Town of Ancaster thereon, and

WHEREAS Mary Elizabeth McKeon is the registered Owner of the lands
and premises municipally known as 398 Wilson Street East, in the
Town of Ancaster, more particularly described as part of Lot Number
45, Concession 2, in Schedule "A" attached hereto, and

WHEREAS pursuant to By-law No. 78-87 of The Corporation of the Town
of Ancaster and pursuant to the provisions of The Ontario Heritage
Act, S.O. 1974, Chapter 122, the lands and premises municipally known
as 398 Wilson Street East, in the Town of Ancaster, were designated
as a building or structure of historical or architectural value or
interest, and

WHEREAS by Section 37(1) of The Ontario Heritage Act, the Town is
entitled to enter into agreements, covenants and easements with
Owners of real property or interest therein, for the conservation,
protection and preservation of the heritage of Ontario, and

WHEREAS by Section 37(3) of The Ontario Heritage Act, such covenants
and easements entered into by the Town when registered in the proper
Land Registry Office against the real property affected by them,
shall run with the real property and may, whether positive or nega-
tive in nature, be enforced by the Town or its assignee against the
Owner(s) or any subsequent Owner(s) of the real property, even where
the Town owns no other land which would be accommodated or benefited
by such covenants and easements, and

WHEREAS the Owner and the Town desire to conserve the present historical, architectural, aesthetic and scenic character and condition of the building on premises municipally known as 398 Wilson Street East, in the Town of Ancaster.

NOW WITNESSETH this Agreement that in consideration of the sum of TWO (\$2.00) DOLLARS now paid by the Town to the Owner, (the receipt of which is hereby acknowledged) and for other valuable consideration, and in further consideration of the granting of the covenants herein and in further consideration of the mutual covenants and restrictions hereinafter set forth, the Owner and the Town agree to abide and be bound by the following covenants, easements and agreements.

1. Duties of Owner

- (a) The Owner shall and doth hereby allow the Town as Owner of the plaque to attach the said plaque to premises described in Schedule "A" hereto and grant to the Town the privilege of maintaining the said plaque on the premises.
- (b) The Owner does hereby permit the Town servants and agents to enter with material and equipment necessary for the installation, maintenance and inspection of the said plaque and its mountings.
- (c) The Owner shall not, without the prior written approval of the Town, remove the plaque from the premises.

2. Duties of Town

- (a) The Town agrees to install and mount and to maintain a plaque at its own expense on premises municipally known as 398 Wilson Street East, in the Town of Ancaster.
- (b) The Town agrees that, upon the removal of the designation of the premises pursuant to The Ontario Heritage Act, it will remove the plaque from the premises and as far as practicable restore the premises to their same condition as prior to the installation of the plaque.

- 3. The Owner and the Town agree that at all times the plaque is and remains the property of the Town.

- 3 -

- 4. Nothing contained herein in this Agreement requires the Owner of the premises to open the premises to public viewing.
- 5. This Agreement shall enure to the benefit of and be binding upon the parties hereto, their successors, administrators and assigns.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their seals under the hands of their officers duly appointed in that behalf.

Signed, sealed, and delivered)
in the presence of:)

THE CORPORATION OF THE TOWN OF ANCASTER

Wm. Stark

Mayor

J. H. ...

Clerk

MARY ELIZABETH McKEON

Mary Elizabeth McKeon
Registered Owner

Milda Peterson

SCHEDULE "B"

Reasons for Designation of 398 Wilson
Street East, in the Town of Ancaster

The Marr House/Heritage Bookstore, known municipally as 398 Wilson Street East, in the Town of Ancaster, being of historic and architectural value and interest, is a well-preserved and charming Georgian stone house dating from circa 1850 although some stylistic details suggest an earlier date. The use of stone as a construction material relates the building to several other important buildings on Wilson Street. For these reasons the building is of great importance to the Wilson Street streetscape. Without restricting the generality of the foregoing the reasons for this Council designating the described premises include the intention that the following features of the described premises should be preserved, that is,

- (a) the four facades of the building, including the exposed stonework construction, and
- (b) the roof and chimneys and return eaves, and
- (c) the 5-pane toplight over the front door; the surviving northeast ground-floor window in the east facade with its 12-over-12 sash should be preserved for reference in case the owner should desire to return the present 2-over-2 sashes to their original organization, but

this Council has no intention that any alteration, maintenance, repair, replacement or improvement of elements of the premises requires the prior written consent of this Council unless such affect the reasons for the designation of the premises as described in paragraphs (a) to (c) herein.

APPENDIX III
Remediation Memo
as prepared by Landtek Limited



LANDTEK LIMITED

Consulting Engineers

205 Nebo Road, Unit 3
Hamilton, Ontario
Canada
L8W 2E1

Phone: 905-383-3733
Fax: 905-383-8433
engineering@landteklimited.com
www.landteklimited.com

April 30, 2021
File: 17476

To Whom it may Concern,

**Re: Remediation Measures and Building Structure Location
(Existing Heritage Structure)
392 - 406 Wilson Street East, Hamilton (Ancaster), Ontario**

Based on the environmental investigations completed to date at the above site which previously included the location of a gas station, subsurface soil and groundwater impacts due to historical operations have been identified/confirmed. Impact plumes have migrated throughout several areas of the site and include areas beneath existing structures. Contamination has been found to depths of up to approximately 6 m to 8 m in some areas.

Remediation Measures

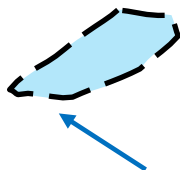
The redevelopment remedial option is expected to be a 'dig and dump' methodology which will focus on the removal/disposal of the impacted materials. For this remediation, it is essential that safe physical access for excavation activities can be maintained. Additionally, given the significant depths and lateral extents of impact in some areas, it is Landtek's opinion that the structural integrity of on-site structures will be jeopardized.

With regards to the above conditions, it is our recommendation that demolition/removal or relocation of the building structures be completed to allow for safe and effective environmental remediation to proceed in accordance with the Ministry of the Environment, Conservation and Parks (MECP) regulation for filing/acceptance of a Record of Site Condition (RSC).

If you have any questions, please do not hesitate to contact our office.

Yours truly,
LANDTEK LIMITED

Paul Blunt., P.Eng., QP_{ESA}
Senior Environmental Engineer




Estimated extent of on-Site groundwater contamination
Estimated groundwater flow direction



Estimated extent of on-Site soil contamination



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Growth Management Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 5, 2021
SUBJECT/REPORT NO:	Next Generation 9-1-1 Street Name Amendments (Bayview Avenue, Margaret Street, William Street, Union Street, and Portions of Woodworth Drive, and Sleepy Hollow Court – Flamborough, Ancaster, and Dundas) (Wards 12, 13 and 15) (PED20175(c))
WARD(S) AFFECTED:	Wards 12, 13 and 15
PREPARED BY:	David Tsai (905) 546-2424 Ext. 4883
SUBMITTED BY:	Tony Sergi Senior Director, Growth Management Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That Bayview Avenue, in the former Town of Flamborough, Greensville, Ward 13, be renamed “Bayview Court North” as identified on Appendix “A” to Report PED20175(c), and that the draft By-law, attached as Appendix “B” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That Margaret Street, in the former Town of Flamborough, Lynden, Ward 12, be renamed “Cheryl Lynn Lane” as identified on Appendix “C” to Report PED20175(c), and that the draft By-law, attached as Appendix “D” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (c) That William Street, in the former Town of Flamborough, Waterdown, Ward 15, be renamed “Vinegar Hill” as identified on Appendix “E” to Report PED20175(c), and that the draft By-law, attached as Appendix “F” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Next Generation 9-1-1 Street Name Amendments (Bayview Avenue, Margaret Street, William Street, Union Street, and Portions of Woodworth Drive, and Sleepy Hollow Court – Flamborough, Ancaster, and Dundas) (Wards 12, 13 and 15) (PED20175(c)) - Page 2 of 9

- (d) That William Street, in the former Town of Flamborough, Freelon, Ward 13, be renamed “William Terrace North” as identified on Appendix “G” to Report PED20175(c), and that the draft By-law, attached as Appendix “H” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (e) That Union Street, in the former Town of Flamborough, Lynden, Ward 12, be renamed “Pine Terrace Lane” as identified on Appendix “I” to Report PED20175(c), and that the draft By-law, attached as Appendix “J” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (f) That a portion of Woodworth Drive, in the former Town of Ancaster, Ward 12, east of Elgin Place, be renamed “Woodworth Drive East” as identified on Appendix “K” to Report PED20175(c), and that the draft By-law, attached as Appendix “L” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (g) That a portion of Woodworth Drive, in the former Town of Ancaster, Ward 12, west of Elgin Place, be renamed “Woodworth Drive West” as identified on Appendix “M” to Report PED20175(c), and that the draft By-law, attached as Appendix “N” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (h) That a portion of Sleepy Hollow Court, in the former Town of Dundas, Ward 13, be renamed “Sleepy Hollow Court North” as identified on Appendix “O” to Report PED20175(c), and that the draft By-law, attached as Appendix “P” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

EXECUTIVE SUMMARY

Per Hamilton City Council’s adoption of Reports PED20175; PED20175(a); and, PED20175(b), staff was directed to resolve any municipal addressing and street naming issues, in order to facilitate the City’s Public Emergency Response Service (PERS) agreement and the transition to the Next Generation 9-1-1 system.

In particular, the Reports identified seven streets that are to be renamed for compliance. Accordingly, By-laws are to be passed in accordance with recommendations (a) through (h) above, in order to rename these respective streets.

SUBJECT: Next Generation 9-1-1 Street Name Amendments (Bayview Avenue, Margaret Street, William Street, Union Street, and Portions of Woodworth Drive, and Sleepy Hollow Court – Flamborough, Ancaster, and Dundas) (Wards 12, 13 and 15) (PED20175(c)) - Page 3 of 9

Lastly, any remaining issues were resolved through the application of Information Technology resolutions or respective Municipal Changes of Addresses.

Alternatives for Consideration – See Page 7

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Per Report PED20175(b), the costs of administering the recommended compensation program, including staff time, mailing cost to notify residents, and related costs for the insertion of newspaper notices, as well as costs to fabricate and install the new street name signage at an estimated sum of \$960.50, would be absorbed within the next Growth Management Division Operating Budget.

As approved in Report PED20175(b), costs for any compensation to impacted landowners would be funded by the Tax Fee Stabilization Reserve, Account No. 110046, to a maximum of \$40,000.

Lastly, it is noted that Report PED20175(c) and, the previous reports identified within, are related to the information presented under Information Report FCS20082 / HSC2004 – Page 4, “City Addressing Issues”.

Staffing: There are no associated staffing implications, as the project will be managed by the existing staff complement.

Legal: The *Municipal Act* does not require any public notification for a municipal street name change. However, notice of the proposed street name change has been given in accordance with The City of Hamilton Local Street Naming Policies, Guidelines and Procedures.

Legal staff have also reviewed the attached draft By-laws to ensure they have been prepared in a form satisfactory to the City Solicitor.

HISTORICAL BACKGROUND

As per Report PED20175, on June 1, 2017, the CRTC directed all telephone companies to update their networks in order to be ready to provide next-generation voice and text messaging services in the near future, as part of NG 9-1-1.

SUBJECT: Next Generation 9-1-1 Street Name Amendments (Bayview Avenue, Margaret Street, William Street, Union Street, and Portions of Woodworth Drive, and Sleepy Hollow Court – Flamborough, Ancaster, and Dundas) (Wards 12, 13 and 15) (PED20175(c)) - Page 4 of 9

The City of Hamilton's provider is Bell Canada, in accordance with the Public Emergency Response Service (PERS) Agreement, which obligates the City to provide Bell Canada with accurate addressing information.

As part of the reviews by Bell Canada, a number of duplicate street names were identified. Based on Bell Canada's input, staff concluded that seven streets will be subject to renaming along with the recommended street names are summarized in Table 1 below in the Analysis and Rationale for Recommendation Section of this Report PED20175(c).

The recommended street names were chosen based on staff recommendations in consultation and in review of public consultation submissions.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Policy B.3.5 of Volume 1 of the Urban and Rural Hamilton Official Plan identifies emergency medical services, fire services, and police services as a community facility/service.

Accordingly, "The City recognizes that the planning and provision of community facilities/services requires partnership, consultation, coordination, and cooperation among all levels of government, public agencies, the non-profit service delivery and voluntary sector, and citizens. It is the role of the City to facilitate and support a process of integrated planning and cooperation."

As such, per the existing agreement between Bell Canada and the former Region, the City (as successor) has an obligation to provide Bell Canada with accurate addressing information if Bell is to provide the City with reliable response and effectiveness of the NG 9-1-1 system.

It should be noted that the required upgrades to the Bell Network are a direct result of the CRTC and the NG 9-1-1 program. Not resolving the identified issues would result in Bell Canada refusing to re-execute the PERS Agreement with the City of Hamilton; and, would therefore, leave the City without a Public Emergency Response Service which would impact all Emergency Services across the City.

RELEVANT CONSULTATION

- Finance and Administration, Corporate Services Department;
- NG 9-1-1 Steering Committee;

SUBJECT: Next Generation 9-1-1 Street Name Amendments (Bayview Avenue, Margaret Street, William Street, Union Street, and Portions of Woodworth Drive, and Sleepy Hollow Court – Flamborough, Ancaster, and Dundas) (Wards 12, 13 and 15) (PED20175(c)) - Page 5 of 9

- Transportation Operations and Maintenance Division, of the Public Works Department; and,
- Legal Services, Corporate Services Department.

PUBLIC CONSULTATION

In accordance with Council's Public Participation Policy, notices of the upcoming street name changes and public engagement program were sent to 80 affected property owners on April 19, 2021, requesting comments and name submissions for the proposed streets renaming via Engage Hamilton.

Public consultation launched on Engage Hamilton on May 1, 2021, and concluded on May 31, 2021. A total of 26 public submissions were received.

A follow up letter was sent to affected residents to notify them of staff's recommendations. A total of 18 confirmations and other public comments in response to the second letter were received.

In review of responses received, staff maintain the recommendation to divide Woodworth Drive into East and West. Of note, several residents proposed renaming the cul-de-sac portion of Woodworth Drive as "Woodworth Court". This proposal is feasible but not recommended by staff in consultation with Bell Canada, as well as due to inconsistency with the City's Street Naming Guideline item two "new names must not be identical or similar sounding to any existing street name within the City of Hamilton".

Based on submissions made by the public, staff recommend renaming Margaret Street with Cheryl Lynn Lane, and Union Street with Pine Terrace Lane, which are supported by the residents.

In review of responses received, concerns were raised by the only household on William Street, who suggests that William Street be merged as a continuation of the adjacent Peter Street. A change of address will be required for the affected household as well as the neighbouring Peter Street property to implement this proposal.

Staff maintain our original recommendation that William Street be renamed as a standalone street, considering the additional Peter Street household was not advised of the need for a change of address nor was it part of the public consultation process. Based on submissions made by the public, staff recommend Bayview Avenue be renamed Bayview Court North, and a portion of Sleepy Hollow Court be renamed Sleepy Hollow Court North, which are supported by the residents.

SUBJECT: Next Generation 9-1-1 Street Name Amendments (Bayview Avenue, Margaret Street, William Street, Union Street, and Portions of Woodworth Drive, and Sleepy Hollow Court – Flamborough, Ancaster, and Dundas) (Wards 12, 13 and 15) (PED20175(c)) - Page 6 of 9

In review of responses received, staff recommend William Street be renamed Vinegar Hill based on public submissions. Of note, while several street name alternatives were considered, Vinegar Hill was chosen based on feedback received.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

As approved under Reports PED20175, PED20175(a), and PED20175(b), the streets recommended for renaming were based on the least number of properties affected, in order to minimize impacts as summarized below, including the proposed street names.

Table 1: Proposed Street Name Changes and Affected Municipal Addresses

Existing Street Name	Proposed Street Name	Address Range	Ward	# of Affected Properties
Woodworth Drive	Woodworth Drive East	293 – 395; and, 296 – 394;	12	29
	Woodworth Drive West	302 – 382; and, 303 – 393		20
Margaret Street	Cheryl Lynn Lane	7; and, 8 – 30	12	9
Union Street	Pine Terrace Lane	6 – 24; and, 7 – 23	12	7
Bayview Avenue	Bayview Court North	3 – 11; and, 12	13	6
William Street	William Terrace North	8	13	1
Sleepy Hollow Court	Sleepy Hollow Court North	17 – 21	13	3
William Street	Vinegar Hill	20 – 24; and, 21 – 25	15	5
TOTAL:				80

As discussed in the Public Consultation Section above, residents are supportive of the proposed street name changes, per recommendations (a), (b), (c), (e), and (h) to this Report PED20175(c):

- Bayview Avenue to Bayview Court North (Recommendation (a));
- Margaret Street to Cheryl Lynn Lane (Recommendation (b));
- William Street to Vinegar Hill (Recommendation (c));
- Union Street to Pine Terrance Lane (Recommendation (e)); and,

SUBJECT: Next Generation 9-1-1 Street Name Amendments (Bayview Avenue, Margaret Street, William Street, Union Street, and Portions of Woodworth Drive, and Sleepy Hollow Court – Flamborough, Ancaster, and Dundas) (Wards 12, 13 and 15) (PED20175(c)) - Page 7 of 9

- Portion of Sleepy Hollow Court to Sleepy Hollow Court North (Recommendation (h)).

Of note, the two remaining streets were reviewed by staff and in consideration of public responses.

The first being that the Woodworth Drive cul-de-sac be renamed Woodworth Court instead of staff's original recommendation of Woodworth Drive East and West. Staff note that although feasible, it is not recommended in consultation with Bell Canada, nor is it consistent with the City's Street Naming Guidelines. Based on the forgoing, staff maintain recommendations (f) and (g) to this Report PED20175(c).

The second matter was with respect to William Street in Ward 13. The single affected household suggested that William Street be merged with Peter Street as a continuation. In order to do so, a change of municipal number for the existing William Street household will be required to keep the address range in sequence and accommodate future developments.

In addition, the neighbouring Peter Street property will also be required to undergo an address change to facilitate this suggestion. Although feasible, this alternative is not recommended by staff, considering the additional Peter Street household was not advised of the need for a change of address, nor was it part of the public consultation process. Based on the forgoing, staff maintain recommendation (d) to this Report PED20175(c).

ALTERNATIVES FOR CONSIDERATION

It should be noted that the required upgrades to the Bell Network are a direct result of the CRTC and the NG 9-1-1 program. Not resolving the identified issues would result in Bell Canada refusing to re-execute the PERS Agreement with the City of Hamilton; and, would therefore leave the City without a Public Emergency Response Service which would impact all Emergency Services across the City.

Accordingly, dealing with the street name issues is seen as being in the long-term interest of public safety and is legislated through the CRTC's NG 9-1-1 program. In the future, valuable time may be lost and a real threat to public safety may be at risk if there is confusion in locating the caller's location.

SUBJECT: Next Generation 9-1-1 Street Name Amendments (Bayview Avenue, Margaret Street, William Street, Union Street, and Portions of Woodworth Drive, and Sleepy Hollow Court – Flamborough, Ancaster, and Dundas) (Wards 12, 13 and 15) (PED20175(c)) - Page 8 of 9

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED20175(c) – Location Map of Bayview Court North

Appendix “B” to Report PED20175(c) – Draft By-law for Bayview Court North Street Renaming

Appendix “C” to Report PED20175(c) – Location Map of Cheryl Lynn Lane

Appendix “D” to Report PED20175(c) – Draft By-law for Cheryl Lynn Lane Street Renaming

Appendix “E” to Report PED20175(c) – Location Map of Vinegar Hill

Appendix “F” to Report PED20175(c) – Draft By-law for Vinegar Hill Street Renaming

Appendix “G” to Report PED20175(c) – Location Map of William Terrace North

Appendix “H” to Report PED20175(c) – Draft By-law for William Terrace North Street Renaming

Appendix “I” to Report PED20175(c) – Location Map of Pine Terrace Lane

Appendix “J” to Report PED20175(c) – Draft By-law for Pine Terrace Lane Street Renaming

Appendix “K” to Report PED20175(c) – Location Map of Woodworth Drive East

SUBJECT: Next Generation 9-1-1 Street Name Amendments (Bayview Avenue, Margaret Street, William Street, Union Street, and Portions of Woodworth Drive, and Sleepy Hollow Court – Flamborough, Ancaster, and Dundas) (Wards 12, 13 and 15) (PED20175(c)) - Page 9 of 9

Appendix “L” to Report PED20175(c) – Draft By-law for Woodworth Drive East Street Renaming

Appendix “M” to Report PED20175(c) – Location Map of Woodworth Drive West

Appendix “N” to Report PED20175(c) – Draft By-law for Woodworth Drive West Street Renaming

Appendix “O” to Report PED20175(c) – Location Map of Sleepy Hollow Court North

Appendix “P” to Report PED20175(c) – Draft By-law for Sleepy Hollow Court North Street Renaming

Appendix "A" to Report PED20175(c)



● Site Location



Key Map - Ward 13

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
Bayview Ct N - Greenville

Date:
August 23, 2021

Appendix "A"

Scale:
N.T.S

Planner/Technician:
DT/VS

Subject Property



Change Bayview Avenue to Bayview Court North
Ward 13 (Greenville)



Bayview Court North Properties (6)

Appendix "B" to Report PED20175(c)

Page 1 of 1

Authority: Item ,
Report
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO.

**To Rename Bayview Avenue to Bayview Court North, in Greensville, in the
Former Town of Flamborough**

WHEREAS notice of the proposal to pass this By-law was published in the Hamilton Community News prior to the passing of this By-law;

AND WHEREAS the Council of the City of Hamilton, through the Planning Committee, has heard all persons who applied to be heard no matter whether in objection to or in support of this By-law;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The name of the street known as Bayview Avenue, being the entirety of PIN 17489-0254 (LT) in Greensville, in the former Town of Flamborough;

is hereby changed to Bayview Court North.

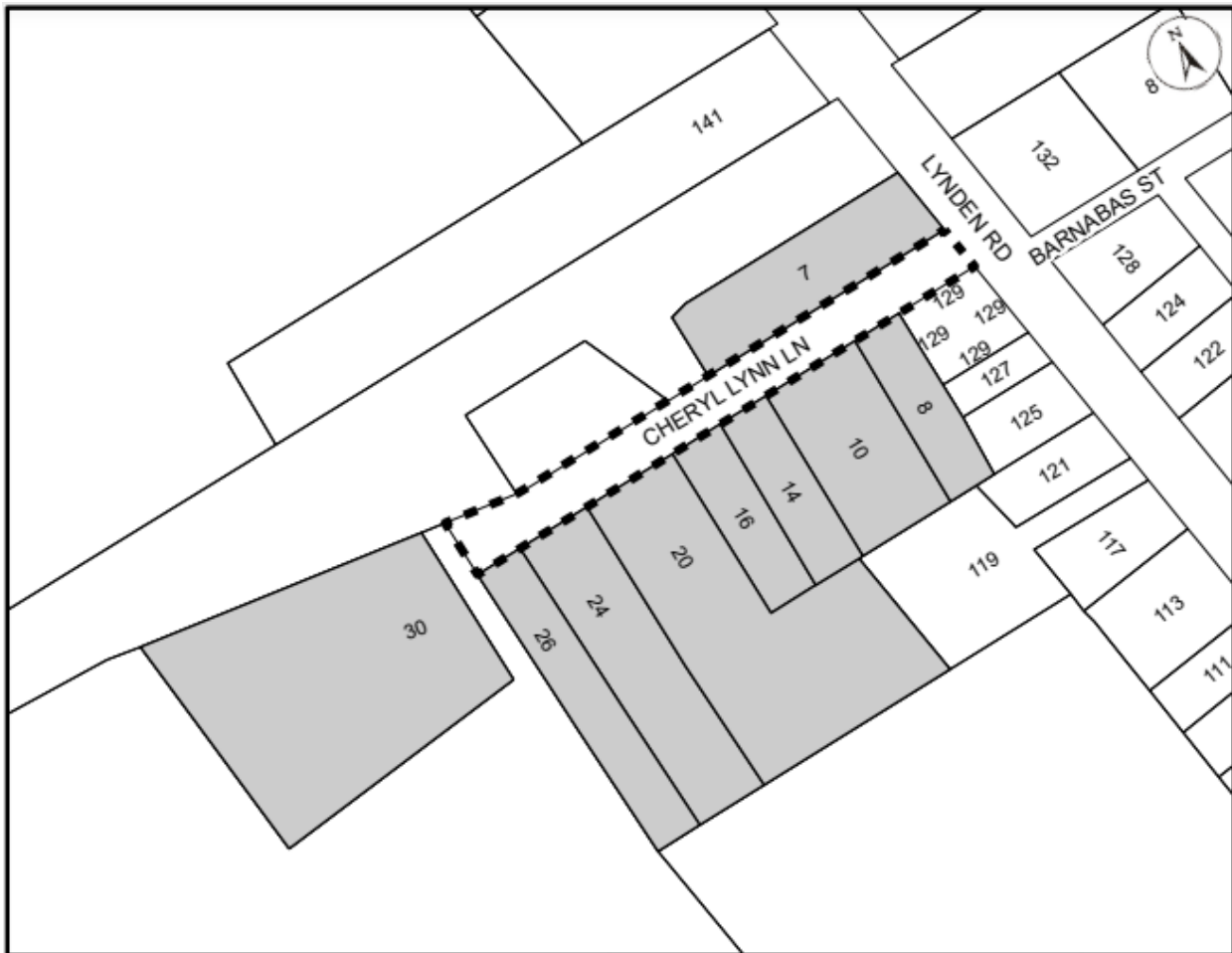
2. This By-law comes into force and takes effect on the date of its registration in the Hamilton Land Registry Office for the Land Titles Division of Wentworth 62.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

Appendix "C" to Report PED20175(c)



● Site Location



Key Map - Ward 12

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
Cheryl Lynn Ln - Lynden

Date:
August 23, 2021

Appendix "C"

Scale:
N.T.S

Planner/Technician:
DT/VS

Subject Property



Change Margaret Street to Cheryl Lynn Lane
Ward 12 (Lynden)



Cheryl Lynn Lane Properties (9)

Appendix "D" to Report PED20175(c)
Page 1 of 1

Authority: Item ,
Report
CM:

Bill No.

CITY OF HAMILTON
BY-LAW NO.

To Rename Margaret Street to Cheryl Lynn Lane, in Lynden, in the Former Town of Flamborough

WHEREAS notice of the proposal to pass this By-law was published in the Hamilton Community News prior to the passing of this By-law;

AND WHEREAS the Council of the City of Hamilton, through the Planning Committee, has heard all persons who applied to be heard no matter whether in objection to or in support of this By-law.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The name of the street known as Margaret Street, being the entirety of PIN 17557-0138 (LT) in Lynden, in the former Town of Flamborough;

is hereby changed to Cheryl Lynn Lane.

2. This By-law comes into force and takes effect on the date of its registration in the Hamilton Land Registry Office for the Land Titles Division of Wentworth 62.

PASSED and ENACTED this [redacted] day of [redacted], 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk



● Site Location



Key Map - Ward 15

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
Vinegar Hill - Waterdown

Date:
August 23, 2021

Appendix "E"

Scale:
N.T.S

Planner/Technician:
DT/VS

Subject Property



Change William Steet to Vinegar Hill
Ward 15 (Waterdown)



Vinegar Hill Properties (5)

Appendix "F" to Report PED20175(c)

Page 1 of 1

Authority: Item ,
Report
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO.

**To Rename William Street to Vinegar Hill, in Waterdown, in the Former Town of
Flamborough**

WHEREAS notice of the proposal to pass this By-law was published in the Hamilton Community News prior to the passing of this By-law;

AND WHEREAS the Council of the City of Hamilton, through the Planning Committee, has heard all persons who applied to be heard no matter whether in objection to or in support of this By-law;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The name of the street known as William Street, being the entirety of PIN 17506-0303 (LT) in Waterdown, in the former Town of Flamborough;

is hereby changed to Vinegar Hill.

2. This By-law comes into force and takes effect on the date of its registration in the Hamilton Land Registry Office for the Land Titles Division of Wentworth 62.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk



● Site Location



Key Map - Ward 13

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
William Terrace N - Freelon



Date:
August 23, 2021

Appendix "G"

Scale:
N.T.S

Planner/Technician:
DT/VS

Subject Property

-  Change William Street to William Terrace North Ward 13 (Freelon)
-  William Terrace North Properties (1)

Appendix "H" to Report PED20175(c)

Page 1 of 1

Authority: Item ,
Report
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO.

**To Rename William Street to William Terrace North, in Freelon, in the Former
Town of Flamborough**

WHEREAS notice of the proposal to pass this By-law was published in the Hamilton Community News prior to the passing of this By-law;

AND WHEREAS the Council of the City of Hamilton, through the Planning Committee, has heard all persons who applied to be heard no matter whether in objection to or in support of this By-law.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The name of the street known as William Street, being the entirety of PIN 17532-0088 (LT) in Freelon, in the former Town of Flamborough;

is hereby changed to William Terrace North.

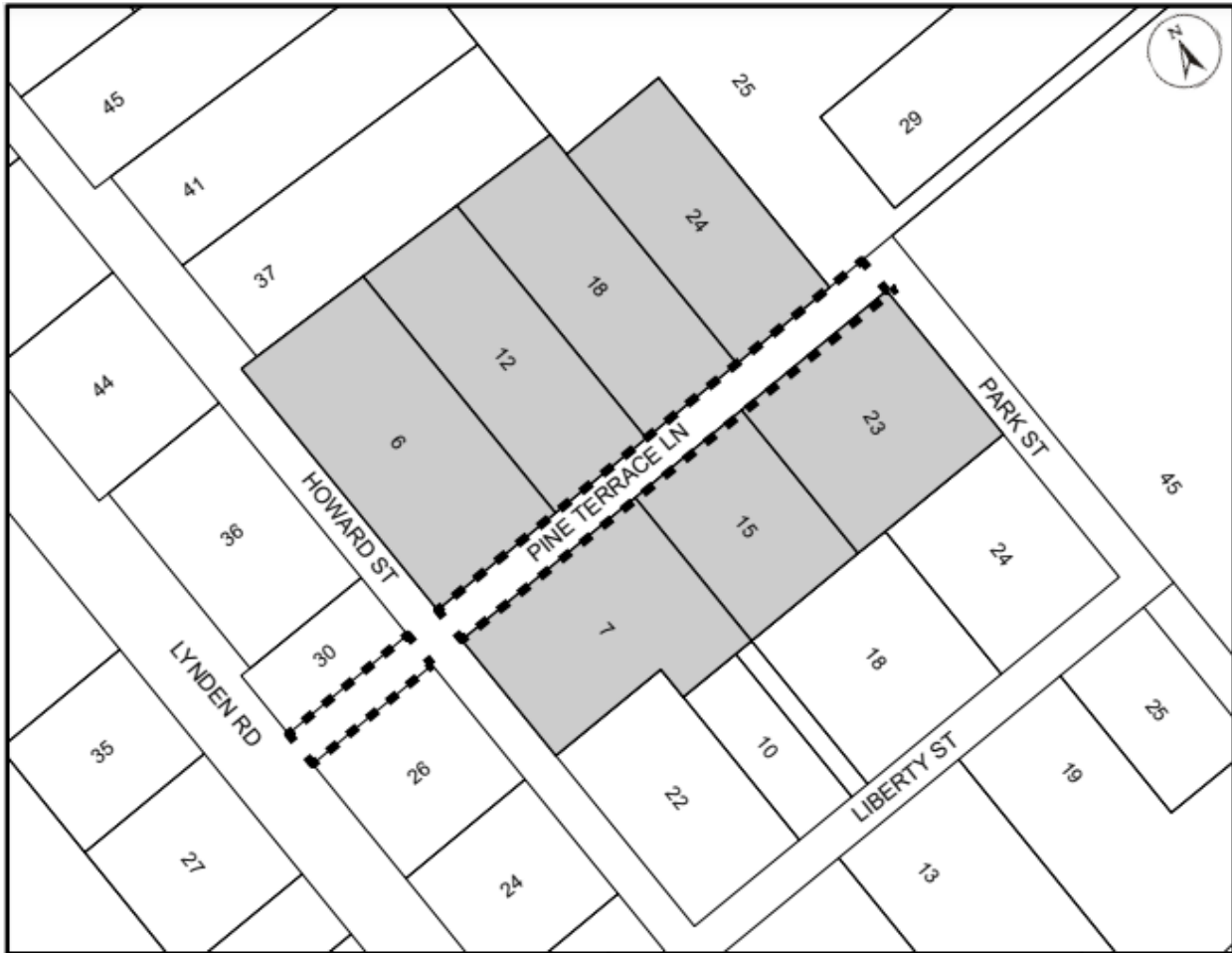
2. This By-law comes into force and takes effect on the date of its registration in the Hamilton Land Registry Office for the Land Titles Division of Wentworth 62.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

Appendix "I" to Report PED20175(c)



● Site Location



Key Map - Ward 12

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
Pine Terrace Ln - Lynden

Date:
August 23, 2021

Appendix "I"

Scale:
N.T.S

Planner/Technician:
DT/VS

Subject Property



Change Union Street to Pine Terrace Lane
Ward 12 (Lynden)



Pine Terrace Lane Properties (7)

Authority: Item ,
Report
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Rename Union Street to Pine Terrace Lane, in Lynden, in the Former Town of Flamborough

WHEREAS notice of the proposal to pass this By-law was published in the Hamilton Community News prior to the passing of this By-law;

AND WHEREAS the Council of the City of Hamilton, through the Planning Committee, has heard all persons who applied to be heard no matter whether in objection to or in support of this By-law;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The name of the street known as Union Street, being the entirety of PIN 17554-0111 (LT) and PIN 17554-0083 (LT) in Lynden, in the former Town of Flamborough;

is hereby changed to Pine Terrace Lane.

2. This By-law comes into force and takes effect on the date of its registration in the Hamilton Land Registry Office for the Land Titles Division of Wentworth 62.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk



● Site Location



Key Map - Ward 12

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
Woodworth Dr E - Ancaster

Date:
August 24, 2021

Appendix "K"

Scale:
N.T.S

Planner/Technician:
DT/VS

Subject Property

Changing portion of Woodworth Drive to Woodworth Drive East, Ward 12 (Ancaster)

Woodworth Drive East Properties (29)

Appendix "L" to Report PED20175(c)

Page 1 of 1

Authority: Item ,
Report
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO.

**To Rename a Portion of Woodworth Drive, from East of Elgin Place Onward, to
Woodworth Drive East, in the Former Town of Ancaster**

WHEREAS notice of the proposal to pass this By-law was published in the Hamilton Community News prior to the passing of this By-law;

AND WHEREAS the Council of the City of Hamilton, through the Planning Committee, has heard all persons who applied to be heard no matter whether in objection to or in support of this By-law.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The name of part of the street known as Woodworth Drive, being the portion from east of Elgin Place onward, and being part of PIN 17436-0430 (LT) and the entirety of PIN 17436-0153 (LT) in the former Town of Ancaster;

is hereby changed to Woodworth Drive East.

2. This By-law comes into force and takes effect on the date of its registration in the Hamilton Land Registry Office for the Land Titles Division of Wentworth 62.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

Appendix "M" to Report PED20175(c)



● Site Location



Key Map - Ward 12

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
Woodworth Dr W - Ancaster

Date:
August 24, 2021

Appendix "M"

Scale:
N.T.S

Planner/Technician:
DT/VS

Subject Property



Changing portion of Woodworth Drive to Woodworth Drive West, Ward 12 (Ancaster)



Woodworth Drive West Properties (20)

Appendix "N" to Report PED20175(c)

Page 1 of 1

Authority: Item ,
Report
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Rename a Portion of Woodworth Drive, from West of Elgin Place to Calvin Street, and Calvin Street to Hatton Drive, to Woodworth Drive West, in the Former Town of Ancaster

WHEREAS notice of the proposal to pass this By-law was published in the Hamilton Community News prior to the passing of this By-law;

AND WHEREAS the Council of the City of Hamilton, through the Planning Committee, has heard all persons who applied to be heard no matter whether in objection to or in support of this By-law.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The name of part of the street known as Woodworth Drive, being the portion from west of Elgin Place to Calvin Street, and Calvin Street to Hatton Drive, and being part of PIN 17436-0430 (LT) and the entirety of PIN 17436-0154 (LT) in the former Town of Ancaster;

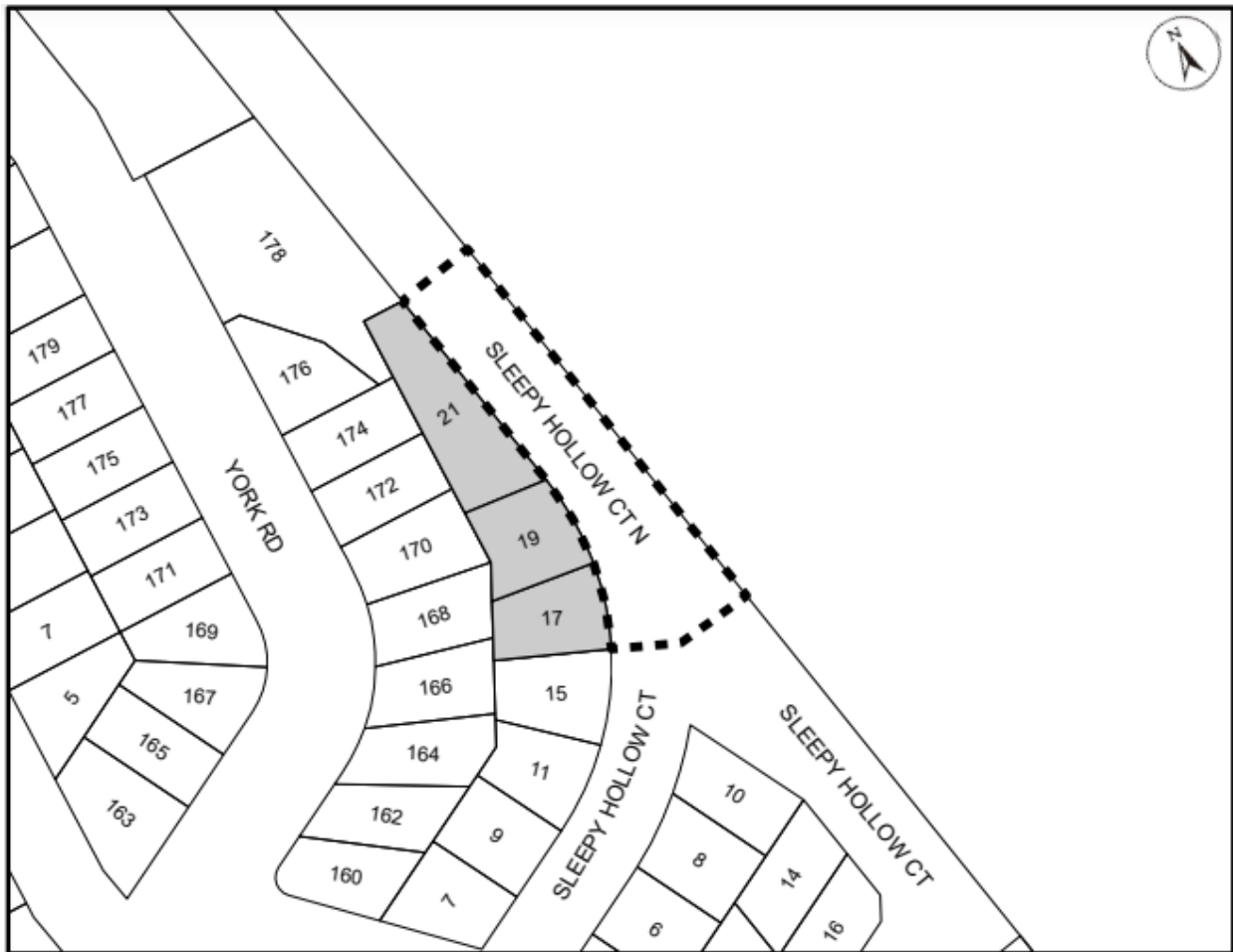
is hereby changed to Woodworth Drive West.

2. This By-law comes into force and takes effect on the date of its registration in the Hamilton Land Registry Office for the Land Titles Division of Wentworth 62.

PASSED and ENACTED this [redacted] day of [redacted], 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk



● Site Location



Key Map - Ward 13

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
Sleepy Hollow Ct N - Dundas

Date:
August 23, 2021

Appendix "O"

Scale:
N.T.S

Planner/Technician:
DT/VS

Subject Property



Change a portion of Sleepy Hollow Court to Sleepy Hollow Court North Ward 13 (Dundas)



Sleepy Hollow Court North Properties (3)

Appendix "P" to Report PED20175(c)

Page 1 of 1

Authority: Item ,
Report
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Rename a Portion of Sleepy Hollow Court, from the Existing Road Median to the Northerly End, to Sleepy Hollow Court North, in the Former Town of Dundas

WHEREAS notice of the proposal to pass this By-law was published in the Hamilton Community News prior to the passing of this By-law;

AND WHEREAS the Council of the City of Hamilton, through the Planning Committee, has heard all persons who applied to be heard no matter whether in objection to or in support of this By-law;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The name of part of the street known as Sleepy Hollow Court, being the portion from the existing road median to the northerly end, and being part of PIN 17473-0210 (LT) in the former Town of Dundas;

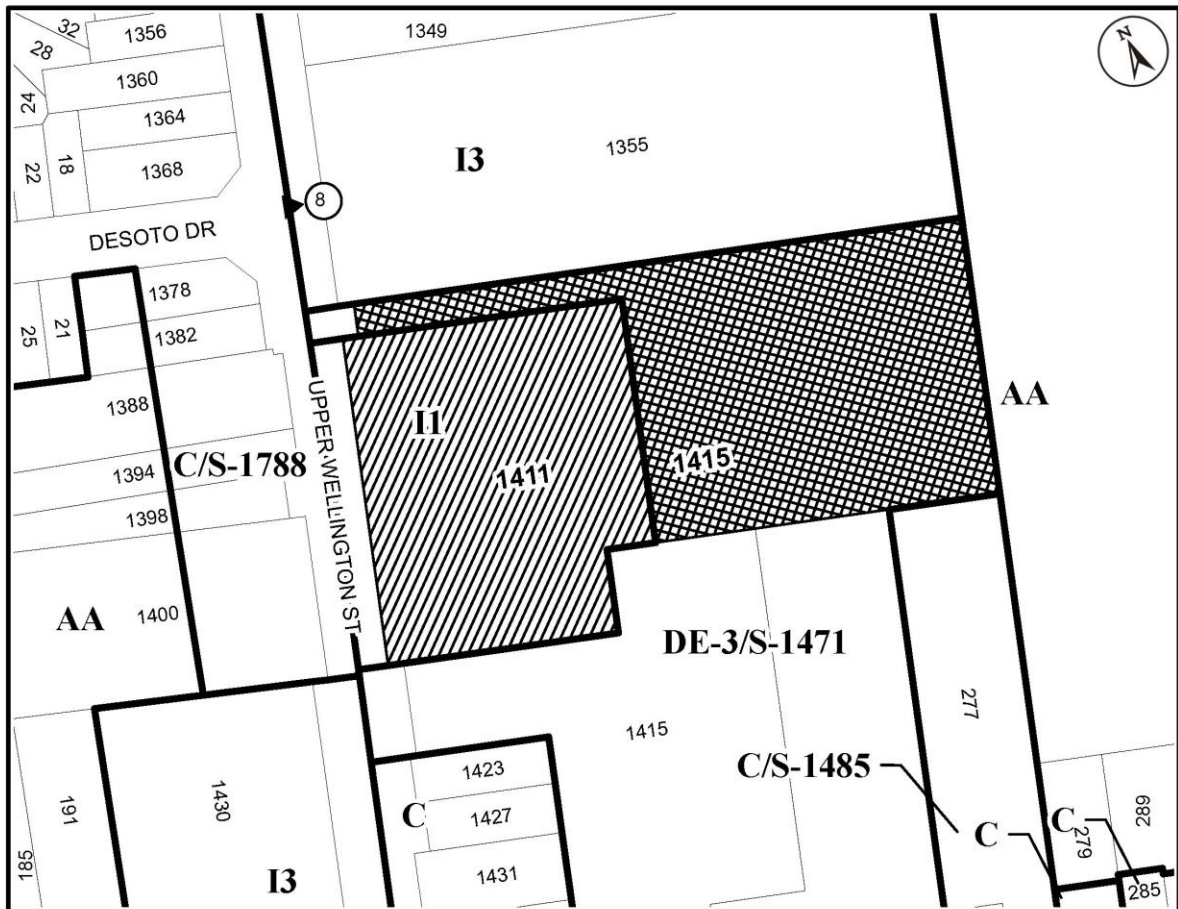
is hereby changed to Sleepy Hollow Court North.

2. This By-law comes into force and takes effect on the date of its registration in the Hamilton Land Registry Office for the Land Titles Division of Wentworth 62.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk



Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-20-033

Date:
August 27, 2021

Appendix "A"	Scale: N.T.S	Planner/Technician: MS/AL
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Subject Property

1411 & 1415 Upper Wellington Street

- Block 1 - Change in zoning from the Neighbourhood Institutional (I1) Zone to the Major Institutional (I3, 745, H39) Zone.
- Block 2 - Lands to be added to Zoning By-law No. 05-200 as Major Institutional (I3, 745, H39) Zone.

Site Specific Modifications to the Major Institutional (I3) Zone

Regulation	Required	Modification	Analysis
Permitted Uses 8.3.1	Community Garden Day Nursery Educational Establishment Emergency Shelter Hospital Lodging House Long Term Care Facility Medical Clinic Multiple Dwelling Place of Worship Recreation Residential Care Facility Retirement Home Social Services Establishment Street Townhouse Dwelling Urban Farm Urban Farmers Market	Prohibit Street Townhouse Dwellings	<p>The proposed modifications seeks to align the permitted uses and policies of the Institutional Designation with the proposed Major Institutional (I3) Zone. Policy E.6.2.6 of the Urban Hamilton Official Plan only permits low density residential uses, such as street townhouse dwellings, when an institutional use ceases to operate on the subject lands. Since 1415 Upper Wellington Street is currently vacant, there is no institutional use to cease operation. Staff have amended the application to remove the use to ensure it complies with the policies of the UHOP.</p>

Permitted Uses 8.3.1	n/a	To permit accessory retail and restaurant uses for a long term care facility.	<p>The proposed modification seeks to permit retail and restaurant uses only as accessory uses to a long term care facility. The accessory uses provide additional services to the employees, visitors, and residents of the proposed development. These uses may be accessible to the public but will be accessory in scale to ensure that they are not a main destination or focal point for the subject lands. The additional uses will not alter the institutional function of the site.</p> <p>Based on the foregoing, the modification is reasonable and supported by staff.</p>
Minimum Side and Rear Yard for a long term care facility 8.3.2.1b)	7.0 metres	7.0 metres except 0.0m and 4.0m as shown on Figure 2 of Schedule C – Special Figures	<p>The proposed modification is technical in nature that will allow for the connection of the proposed building with the existing retirement home to the south, which will remain under separate ownerships. The building connection will allow for a more comprehensive, campus style development, supports a continuum of care model for the residents, and supports movement of residents between facilities entirely indoors.</p> <p>Based on the foregoing, the modification is reasonable and supported by staff.</p>
Maximum height for a multiple dwelling 8.3.2.1 c)	18.0 metres	30.0 metres	<p>The proposed modification acknowledges the proposed development which has demonstrated, through an Urban Design Report and Shadow Impact Study, that the massing has been located away from surrounding sensitive land uses to avoid negative shadow impacts given the height of the proposed building.</p> <p>Based on the foregoing, the modification is reasonable and supported by staff.</p>
Visual Barrier 5.2a)	Where a parking lot is situated on a	Shall not apply along the southerly lot line	The proposed modification seeks to allow uninterrupted visual connectivity to the existing retirement home to the south. As the two sites will function as one, a visual barrier is not necessary to provide

	<p>lot which abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown D5 or Downtown D6 Zone, a visual barrier shall be provided and maintained along that portion of the lot line that abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown D5 Zone or Downtown D6 Zone in accordance with Section 4.19 of this By-law;</p>	<p>abutting a Residential Zone.</p>	<p>a buffer from the proposed parking area and abutting residential zone.</p> <p>Based on the foregoing, the modification is reasonable and supported by staff.</p>
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Authority: Item ,
Report (PED21XXX)
CM:
Ward: 7

Bill No.

**CITY OF HAMILTON
BY-LAW NO.**

To amend Zoning By-law No. 05-200 with respect to lands located at 1411 and 1415 Upper Wellington Street, Hamilton

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at its meeting held on MONTH DAY, 201X;

AND WHEREAS THIS By-law conforms to the Urban Hamilton Official Plan;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map Nos. 1375 and 1376 of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200 are amended as follows:
 - (a) Changing the zoning from Neighbourhood Institutional (I1) Zone to Major Institutional (I3, 745, H39) Zone; and,
 - (b) Lands to be added to Zoning By-law No. 05-200 as Major Institutional (I3, 745, H39) Zone.
2. That Schedule "C" – Special Exceptions is amended by adding the following new Special Exception:

"745. Within the lands zoned Major Institutional (I3, 745) Zone, identified on Maps 1375 and 1376 of Schedule "A" – Zoning Maps and described as 1411 and 1415 Upper Wellington Street, the following special provisions:

 - a) Notwithstanding Section 5.2a), a visual barrier shall not apply along the southerly lot line abutting a Residential Zone.
 - b) Notwithstanding uses permitted in Section 8.3.1, the following use is prohibited:
 - i) Street Townhouse Dwelling

- c) In addition to uses permitted in Section 8.3.1, the following are permitted only as accessory uses to a Long Term Care Facility:
- i) Retail
 - ii) Restaurant
- d) Notwithstanding Sections 8.3.2.1 b) and c) the following regulations shall apply to a Long Term Care Facility and Retirement Home:
- i) Minimum Side Yard 7.0 metres except as shown in Figure 2 of Schedule "B" – Property Details.
 - ii) Minimum Rear Yard 7.0 metres
 - iii) Maximum Building Height 30.0 metres
3. That Schedule "D" – Holding Provisions be amended by adding the additional Holding Provision as follows:
- "39. Notwithstanding Section 8.3 of this By-law, within lands zoned Major Institutional (I3, 745) Zone, identified on Maps 1375 and 1376 of Schedule "A" – Zoning Maps and described as 1411 and 1415 Upper Wellington Street, no development or demolition shall be permitted until such time as:
- i) The Owner / Applicant provides a signed agreement with the property owner to the north and east to allow for drainage to outlet to private lands, to the satisfaction of the Manager of Development Engineering Approvals.
 - ii) The Owner / Applicant provides a signed agreement with the property owner to the south allowing for reception of stormwater flows through their site via connection to a private storm sewer system and outlet of emergency overland flow route, to the satisfaction of the Manager of Development Engineering Approvals.
 - iii) That the Owner / Applicant implement the Documentation and Salvage Report by submitting confirmation that materials have been appropriately salvaged from the building on-site, to the satisfaction of the Director of Planning and Chief Planner."

4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law in accordance with the *Planning Act*.

PASSED this _____ , _____

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAC-20-033





This is Schedule "A" to By-law No. 21-
Passed the day of, 2021

Mayor

Clerk

Schedule "A"
Map forming Part of
By-law No. 21-_____
to Amend By-law No. 05-200
Maps 1375 & 1376

Subject Property
1411 & 1415 Upper Wellington Street

-  Block 1 - Change in zoning from the Neighbourhood Institutional (I1) Zone to the Major Institutional (I3, 745, H39) Zone.
-  Block 2 - Lands to be added to Zoning By-law No. 05-200 as Major Institutional (I3, 745, H39) Zone.

Scale:
N.T.S.
Date:
July 19, 2021

File Name/Number:
ZAC-20-033
Planner/Technician:
MS/AL



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



Figure 2, Schedule "B":1411 & 1415 Upper Wellington Street, Hamilton

Date:
August 4, 2021

Legend

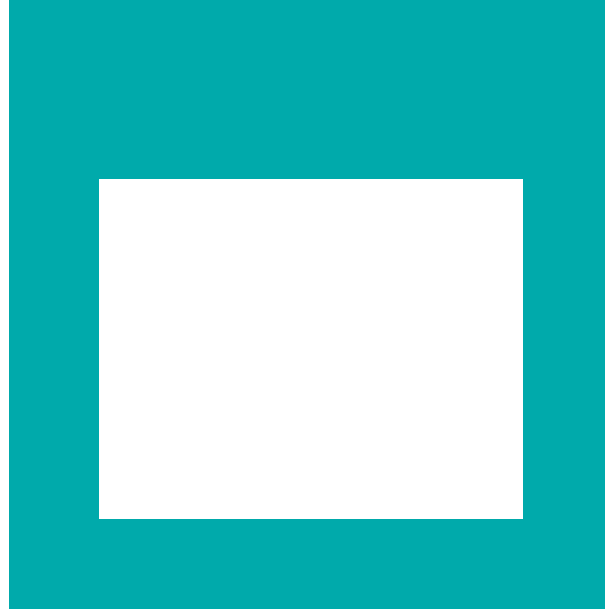


Minimum side yard setback in the Major Institutional (I3, 745) Zone



Hamilton

PLANNING AND ECONOMIC
DEVELOPMENT DEPARTMENT



WELCOME TO THE CITY OF HAMILTON

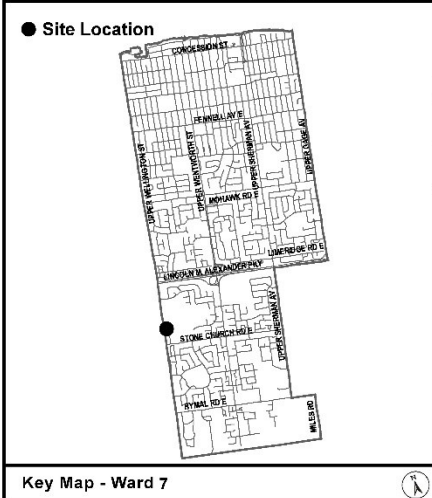
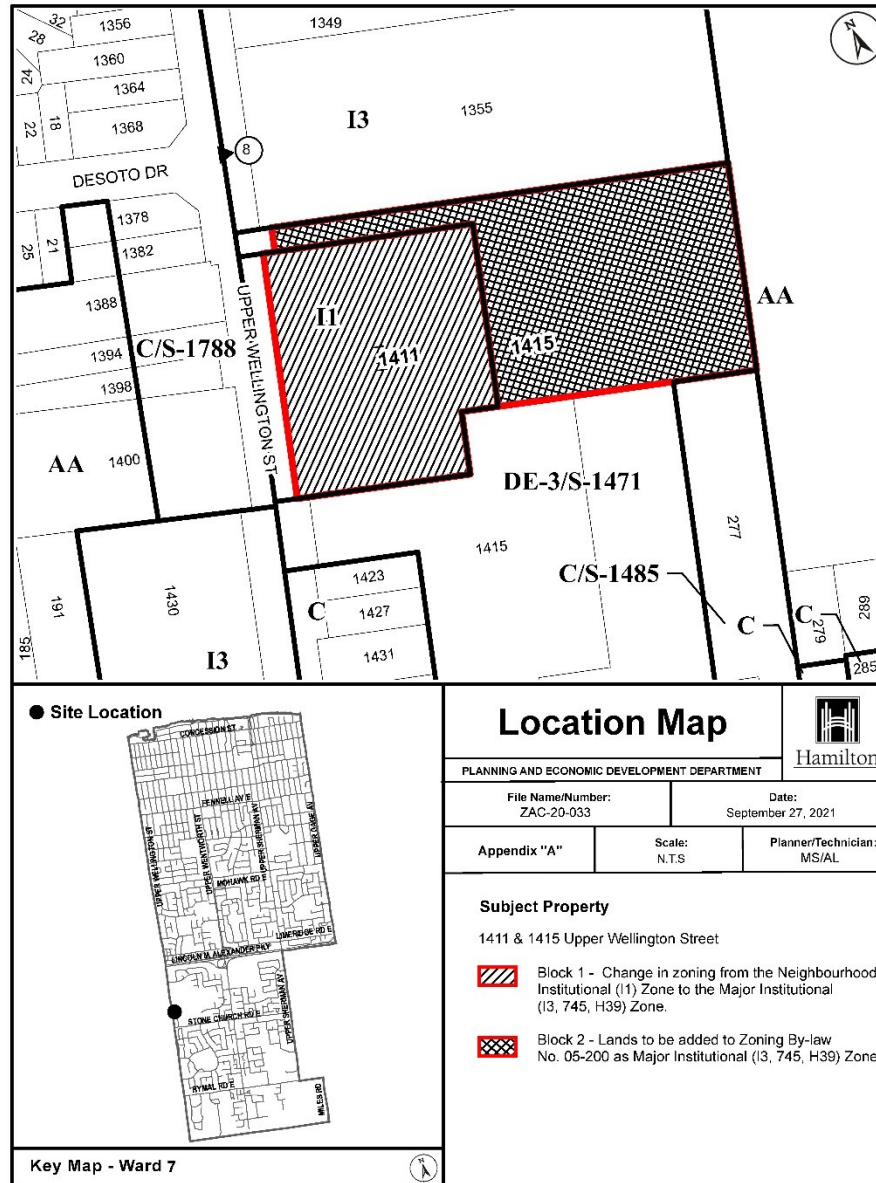
PLANNING COMMITTEE

October 5, 2021

PED21187 – (ZAC-20-033)

Application for Amend the Hamilton Zoning By-law No. 05-200 for
Lands Location at 1411 and 1415 Upper Wellington Street, Hamilton.

Presented by: Melanie Schneider



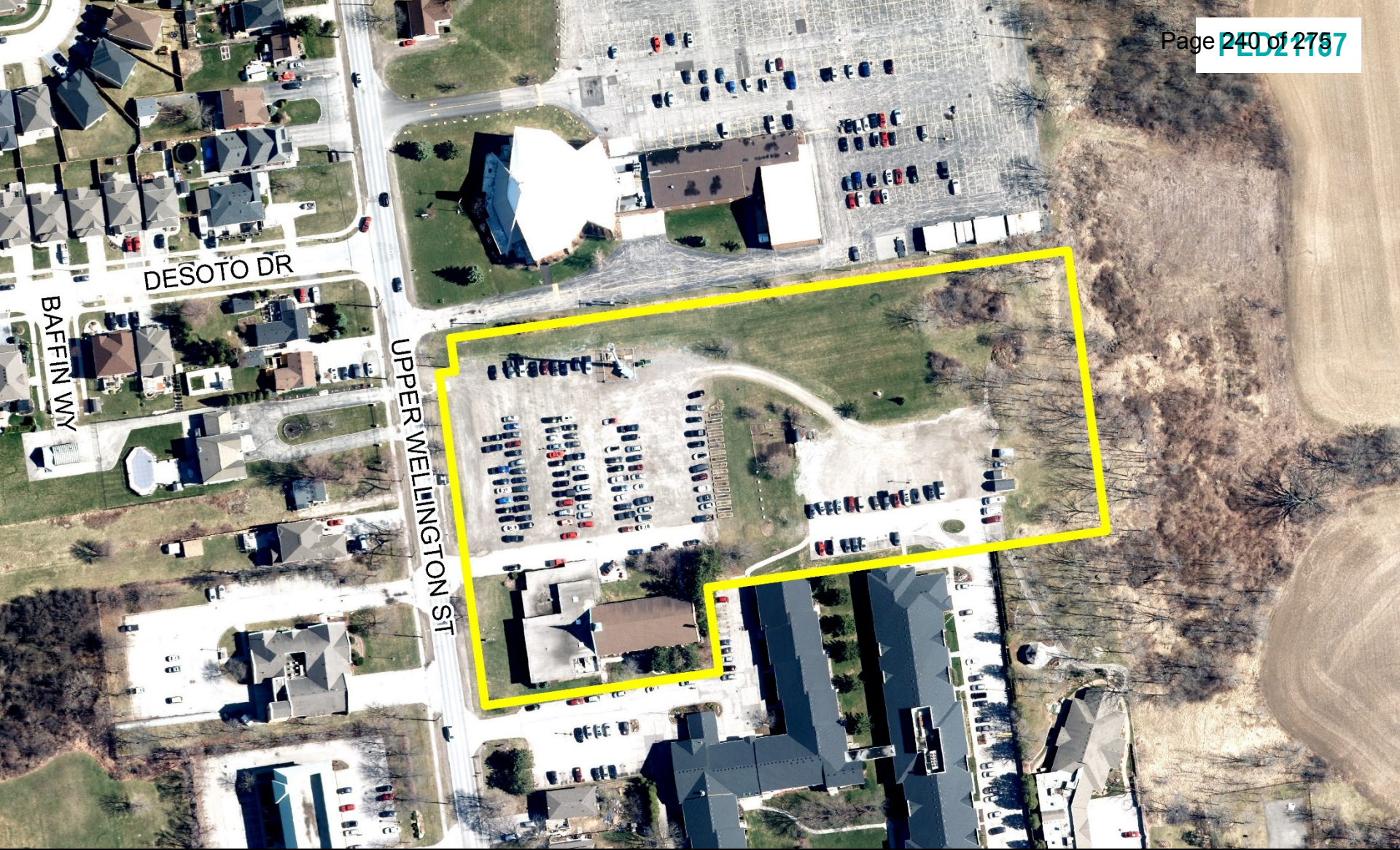
Location Map


PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

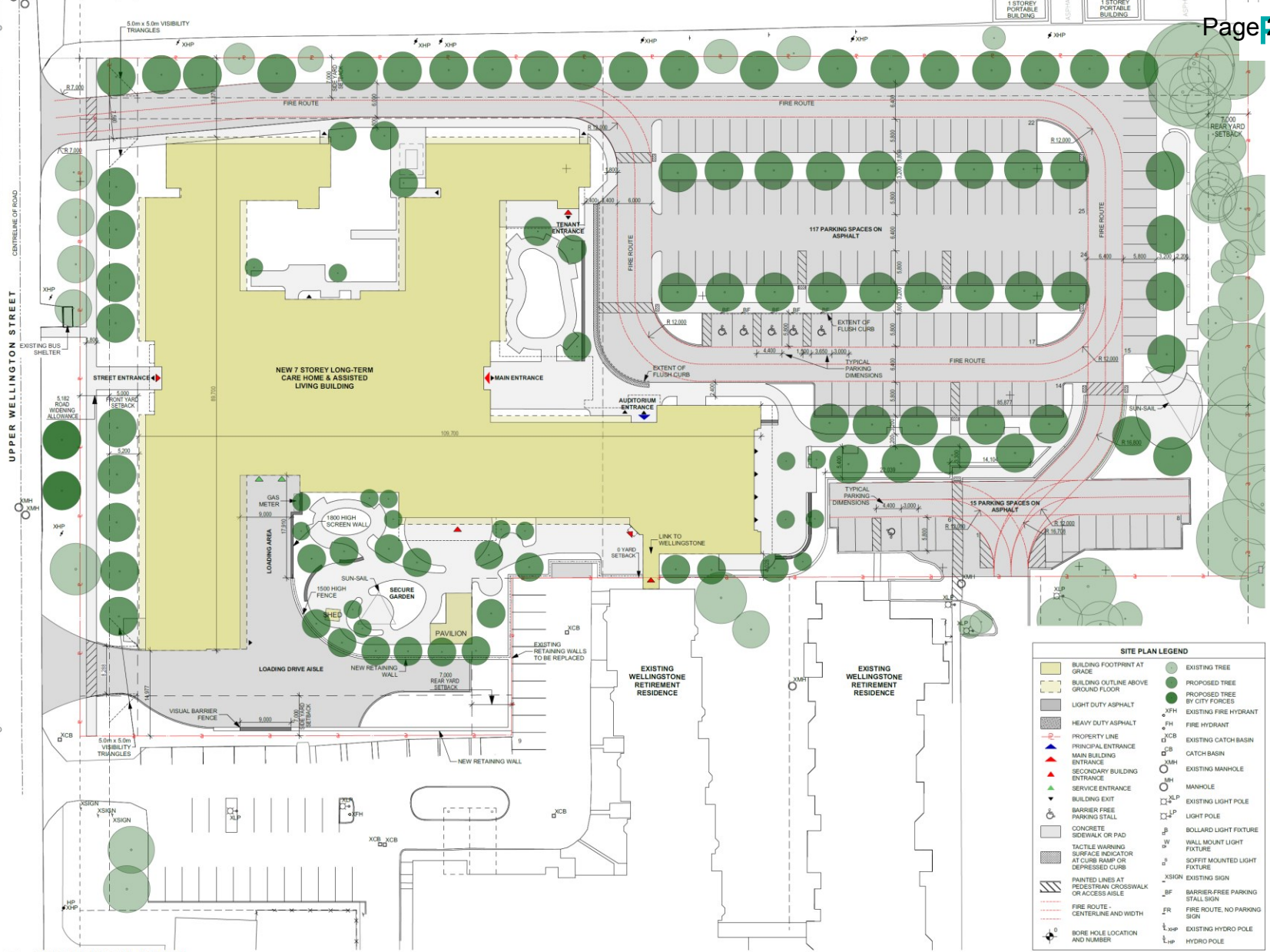
File Name/Number: ZAC-20-033	Date: September 27, 2021
Appendix "A"	Scale: N.T.S.
Planner/Technician: MS/AL	

Subject Property
 1411 & 1415 Upper Wellington Street

- Block 1 - Change in zoning from the Neighbourhood Institutional (I1) Zone to the Major Institutional (I3, 745, H39) Zone.
- Block 2 - Lands to be added to Zoning By-law No. 05-200 as Major Institutional (I3, 745, H39) Zone.



SUBJECT PROPERTY  1411 and 1411 Upper Wellington Street, Hamilton



Prints issued to

Particulars	No.	Date	By
ISSUED FOR CLASS D ESTIMATE	2	20/09/04	CB
ISSUED FOR REZONING	3	21/02/04	CB
ISSUED FOR REZONING	4	21/07/05	CB

Revisions to drawing

Particulars	No.	Date	By
All previous issues of this drawing are superseded.			

MMC ARCHITECTS

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17 Bond Ave., Hamilton
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PRELIMINARY ONLY
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Project title
SHALOM MANOR HAMILTON CAMPUS OF CARE
1411 AND 1415 UPPER WELLINGTON STREET

Hamilton Ontario

Project number
2001

Date issued
2021-07-05

Scale
A102

SITE PLAN LEGEND

[Yellow fill]	BUILDING FOOTPRINT AT GRADE	[Green circle]	EXISTING TREE
[Light yellow fill]	BUILDING OUTLINE ABOVE GROUND FLOOR	[Green circle]	PROPOSED TREE
[Grey fill]	LIGHT DUTY ASPHALT	[Green circle]	PROPOSED TREE BY CITY FORCES
[Dark grey fill]	HEAVY DUTY ASPHALT	[Red dot]	EXISTING FIRE HYDRANT
[Red dashed line]	PROPERTY LINE	[Red dot]	FIRE HYDRANT
[Blue triangle]	PRINCIPAL ENTRANCE	[Blue square]	EXISTING CATCH-BASIN
[Red triangle]	MAIN BUILDING ENTRANCE	[Blue square]	CATCH BASIN
[Green triangle]	SECONDARY BUILDING ENTRANCE	[Blue circle]	EXISTING MANHOLE
[Red triangle]	SERVICE ENTRANCE	[Blue circle]	MANHOLE
[Green triangle]	BUILDING EXIT	[Blue circle]	EXISTING LIGHT POLE
[Blue triangle]	BARRIER FREE PARKING STALL	[Blue circle]	LIGHT POLE
[Blue triangle]	CONCRETE SIDEWALK OR PAD	[Blue circle]	BOLLARD LIGHT FIXTURE
[Blue triangle]	TACTILE WARNING SURFACE INDICATOR AT CURB RAMP OR DEPRESSIONED CURB	[Blue circle]	WALL MOUNT LIGHT FIXTURE
[Blue triangle]	PAINTED LINES AT PEDESTRIAN CROSSWALK OR ACCESS AISLE	[Blue circle]	SOFFIT MOUNTED LIGHT FIXTURE
[Blue triangle]	FIRE ROUTE, CENTERLINE AND WIDTH	[Blue circle]	EXISTING SIGN
[Blue triangle]	BORER HOLE LOCATION AND NUMBER	[Blue circle]	BF BARRIER-FREE PARKING STALL SIGN
		[Blue circle]	ER FIRE ROUTE, NO PARKING SIGN
		[Blue circle]	EH EXISTING HYDRO POLE
		[Blue circle]	HP HYDRO POLE

1 SITE PLAN ENLARGED
SCALE: 1:300



1 EAST ELEVATION
SCALE: 1/200



2 SOUTH ELEVATION
SCALE: 1/200

Prints issued to

Publication	No.	Date	By
ISSUED FOR CLASS D ESIMATE	2	2020/04	CB
ISSUED FOR REGIONAL C	3	21/03/04	CB

Revisions to drawing

No.	Date	By
All previous editions of this drawing are superseded.		

MMMC ARCHITECTS

117 Dundas Street East
Toronto, ON, M5G 1G5
416.763.2211 / 416.763.8522
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Project No:

**SHALOM MANOR HAMILTON
CAMPUS OF CARE**

1411 AND 1415 UPPER WELLINGTON STREET
Hamilton Ontario

Project number	Date Issued	Scale
2001	Drawn by CB/VP	Date 2021-03-08

Sheet is
BUILDING ELEVATIONS

A301



Subject Lands showing lands to the east



Undeveloped portion of Subject Lands



Existing place of worship and Upper Wellington Street



Existing retirement home to be connected to development



Place of worship on site to be demolished



Fire Station to the west



Existing single detached dwellings to the west



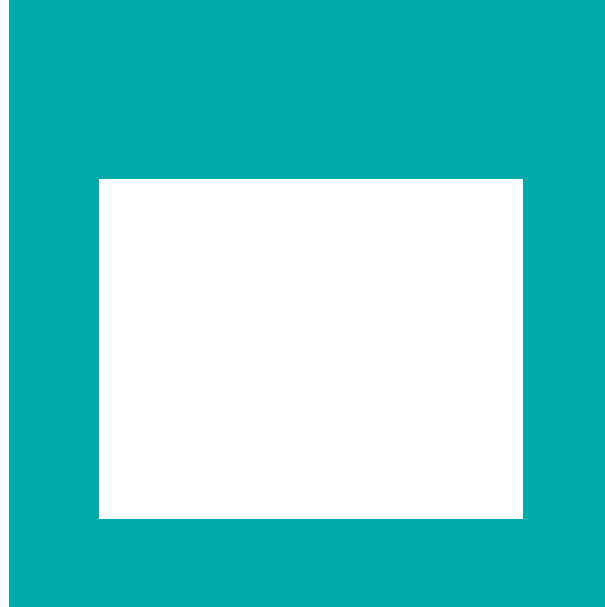
Streetscape of Upper Wellington Street



Northerly extent of lands and Place of Worship to north



Sign Posting



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 5, 2021
SUBJECT/REPORT NO:	Application to Amend the Hamilton Zoning By-law No. 05-200 for Lands Located at 1411 and 1415 Upper Wellington Street, Hamilton (PED21187) (Ward 7)
WARD(S) AFFECTED:	Ward 7
PREPARED BY:	Melanie Schneider (905) 546-2424 Ext. 1224
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That amended **Zoning By-law Amendment Application ZAC-20-033, by T. Johns Consulting Group Inc. (c/o Diana Morris) on behalf of Shalom Manor and Gardens (Owner)** for a change in zoning from the Neighbourhood Institutional (I1) Zone to the Major Institutional (I3, 745, H39) Zone and from the “DE-3/1471” (Multiple Dwellings) District, Modified to the Major Institutional (I3, 745, H39) Zone to permit the development of a seven-storey long term care facility containing 128 beds and 132 retirement suites, for the lands located at 1411 and 1415 Upper Wellington Street, as shown on Appendix “A” to Report PED21187, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED21187, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That Schedule “D” – Holding Provisions of Zoning By-law No. 05-200 be amended by adding an additional Holding Provision as follows:
 - “39. For the lands zoned Major Institutional (I3, 745, H39) Zone on Maps 1375 and 1376 of Schedule “A” – Zoning Maps and described as 1411 and 1415 Upper Wellington Street, the development shall not proceed until:

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Application to Amend the Hamilton Zoning By-law No. 05-200 for Lands Located at 1411 and 1415 Upper Wellington Street, Hamilton (Ward 7) (PED21187) (Ward 7) - Page 2 of 20

- i) The Owner provides a signed agreement with the property owner to the north and east to allow for drainage to outlet to private lands, to the satisfaction of the Manager of Engineering Approvals.
 - ii) The Owner provides a signed agreement with the property owner to the south allowing for reception of stormwater flows through their site via connection to a private storm sewer system and outlet of emergency overland flow route, to the satisfaction of the Manager of Engineering Approvals.”
- (c) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and comply with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The purpose of the Zoning By-law Amendment is to change the zoning on the subject lands from the Neighbourhood Institutional (I1) Zone to the Major Institutional (I3, 745, H39) Zone and to remove lands from the “DE-3/S-1471” (Multiple Dwellings) District, Modified in the Hamilton Zoning By-law No. 6593 to be added into Zoning By-law No. 05-200 as the Major Institutional (I3, 745, H39) Zone, as shown on Appendix “A” to Report PED21187. The proposed zoning will facilitate the development of a seven-storey building, containing a 128 bed long term care facility and retirement home with 132 retirement suites. Accessory retail and restaurant uses are also proposed within the building to support visitors, residents, and employees of the facility. Staff have amended the Application to prohibit street townhouse dwellings (which are a permitted use in the parent I3 Zone) to align the proposed change in zoning with the policies of the Urban Hamilton Official Plan.

The proposed building will have a building connection and outdoor pedestrian access to the existing retirement home to the south, which will operate together. As a result, the building is considered an addition to the existing retirement home. A total of 120 parking spaces, which would be located at grade to the rear of the site, are proposed in support of the development. The applicant will be required through the Site Plan Control stage to secure necessary agreements between the existing and planned facilities for any proposed shared facilities, such as parking and water services.

The draft By-law (attached as Appendix “B” to Report PED21187) includes a Holding Provision restricting any development of the project until the proponent secures the necessary permissions that will allow stormwater drainage onto adjacent private lands

SUBJECT: Application to Amend the Hamilton Zoning By-law No. 05-200 for Lands Located at 1411 and 1415 Upper Wellington Street, Hamilton (Ward 7) (PED21187) (Ward 7) - Page 3 of 20

and ensures heritage features of the place of worship at 1411 Upper Wellington Street have been salvaged.

The Application has merit and can be supported as it is consistent with the Provincial Policy Statement (2020) (PPS), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (as amended), complies with the Urban Hamilton Official Plan and the Crerar Neighbourhood Plan, and compatible with the existing land uses. The proposal, which is comprised of a range of uses, will contribute to new housing forms that will allow residents to age in place.

Alternatives for Consideration – See Page 19

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one public meeting to consider an application for an amendment to the Zoning By-law.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Applicant/Owner:	Shalom Manor and Gardens c/o Jonathan Zwier
Agent:	T. Johns Consulting Group Ltd. c/o Diana Morris
File Number:	ZAC-20-033
Type of Application:	Zoning By-law Amendment
Proposal:	Development of a seven-storey long term care facility and retirement home containing 128 long term care beds and 132 retirement suites. The building will be connected to the existing retirement home to the south with all facilities operating together. A total of 120 surface parking spaces is proposed.

SUBJECT: Application to Amend the Hamilton Zoning By-law No. 05-200 for Lands Located at 1411 and 1415 Upper Wellington Street, Hamilton (Ward 7) (PED21187) (Ward 7) - Page 4 of 20

Property Details	
Municipal Address:	1411 and 1415 Upper Wellington Street
Lot Area:	2.08 hectares
Servicing:	Full municipal services.
Existing Use	Place of worship to be demolished and vacant parcel.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow (2019, as amended).
Official Plan Existing:	“Neighbourhoods” on Schedule E – Urban Structure and “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	No changes proposed.
Zoning Existing:	Neighbourhood Institutional (I1) Zone and “DE-3/S-1471” (Multiple Dwellings) District, Modified.
Zoning Proposed:	Major Institutional (I3, 745, H39) Zone.
Modifications Proposed:	<p>Major Institutional (I3, 745, H39) Zone:</p> <ul style="list-style-type: none"> • To permit retail and restaurants as accessory uses within a long term care facility; • To permit a maximum height of 30.0 metres instead of maximum height of 18.0 metres; • To permit a minimum side yard setback of 0.0 metres and 4.0 metres to the southerly lot line instead of a minimum 7.0 metre side and rear yard setback; and, • To not require a visual barrier to the south whereas a visual barrier around a parking area is required abutting a residential use or zone.

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SUBJECT: Application to Amend the Hamilton Zoning By-law No. 05-200 for Lands Located at 1411 and 1415 Upper Wellington Street, Hamilton (Ward 7) (PED21187) (Ward 7) - Page 5 of 20

Processing Details	
Received:	August 5, 2020
Deemed Complete:	September 2, 2020
Notice of Complete Application:	Sent to 43 property owners within 120m of the subject property on September 21, 2020.
Public Notice Sign:	Posted on September 29, 2020 and updated on September 8, 2021.
Notice of Public Meeting:	Sent to 43 property owners within 120m of the subject lands on September 17, 2021.
Public Consultation:	On September 24, 2020, the applicants sent an information letter through regular mail to all properties within 120 metres of the subject lands explaining the proposal and provided contact information for both City staff and the agent.
Public Comments:	None received.
Processing Time:	426 days.

Background

On August 14, 2002, Council approved By-law No. 02-245 which placed lands located at 1415 Upper Wellington in the “DE-3/S-1471” (Multiple Dwellings) District, Modified to facilitate the development of a three-storey, 120 bed long term care facility. The long term care facility was never constructed. The applicants now propose to build a larger care facility, including a retirement home, using additional lands secured since the previous approval.

Existing Land Use and Zoning:

Subject Lands:	Existing Land Use Place of worship and vacant	Existing Zoning Neighbourhood Institutional (I1) Zone and “DE-3/S-1471” (Multiple Dwellings) District, Modified
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SUBJECT: Application to Amend the Hamilton Zoning By-law No. 05-200 for Lands Located at 1411 and 1415 Upper Wellington Street, Hamilton (Ward 7) (PED21187) (Ward 7) - Page 6 of 20

Surrounding Land Uses:

North	Place of worship	Major Institutional (I3, 8) Zone
East	Vacant, woodlot	“AA” (Agricultural) District
South	Retirement home and long term care facility	“DE-3/S-1471” (Multiple Dwellings) District, Modified and “C/S-1485” (Urban Protected Residential, etc.) District, Modified
West	Single detached dwellings and fire station	“C/S-1788” (Urban Protected Residential, etc.) District, Modified

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Framework

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of Provincial interest (i.e. efficiency of land use) are reviewed and discussed in the Official Plan analysis that follows.

Noise

“1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential

SUBJECT: Application to Amend the Hamilton Zoning By-law No. 05-200 for Lands Located at 1411 and 1415 Upper Wellington Street, Hamilton (Ward 7) (PED21187) (Ward 7) - Page 7 of 20

adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards, and procedures.”

The applicants have submitted a Noise Impact Study prepared by Valcoustics Canada Ltd., dated July 17, 2020. Overall, the Study has demonstrated that noise impacts can be mitigated on the subject lands. An updated Study will be required at the Site Plan Control stage to ensure that the recommendations for mitigation measures are implemented.

The UHOP has not been updated with respect to cultural heritage policies of the PPS (2020). Therefore, the following policies, amongst others, apply to the proposal.

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

The subject property meets three of the ten criteria used by the City of Hamilton and the Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) In the vicinity of distinctive or unusual landforms; and,
- 3) Along historic transportation routes.

These criteria define the subject property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the Provincial Policy Statement apply to this Application.

An acknowledgement note on the drawings will be required at the Site Plan Control stage advising the applicant of the City of Hamilton and Ministry of Heritage, Sport, Tourism and Cultural Industries requirements related to the discovery of deeply buried archaeological materials or human remains during construction / development activities.

The property located at 1411 Upper Wellington Street is included on the Inventory of Buildings of Architectural and/or Historical Interest and is the existing place of worship

SUBJECT: Application to Amend the Hamilton Zoning By-law No. 05-200 for Lands Located at 1411 and 1415 Upper Wellington Street, Hamilton (Ward 7) (PED21187) (Ward 7) - Page 8 of 20

on site. A Documentation and Salvage Report has been prepared by the applicant and was approved on November 3, 2020. Prior to the issuance of a Demolition Permit, the applicant is required to demonstrate that the following items have been salvaged from the structure to be given to the congregation of the place of worship for their new location:

- date stone;
- coloured tinted glass windows;
- sanctuary light fixtures;
- wood pews;
- organ pipes and other components of the organ; and,
- glue-laminated wooden columns/beams.

Based on staff's review, the Application is:

- consistent with Section 3 of the *Planning Act*;
- consistent with the Provincial Policy Statement (2020); and,
- conforms to A Place to Grow Plan: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

Urban Hamilton Official Plan

The subject lands are identified and designated as "Neighbourhoods" on Schedules "E" – Urban Structure and "E-1" – Urban Land Use Designations respectively. The following policies, amongst others, apply to the proposal.

"E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:

c) *local community facilities/services*;

E.3.10.1 *Community facilities/services* uses include public and private uses serving the cultural, religious, health, welfare, and educational needs of a neighbourhood. Community facilities/services may include community and recreation centres, arenas, parks, healthcare and social service facilities, long term care facilities, day care centres, seniors' centres, emergency medical services, fire services, police services, cultural facilities, places of worship, museums, schools, universities and colleges, and libraries.

E.3.2.5 Individual supporting uses in the Neighbourhoods designation shall be no greater than 4 hectares in size.

SUBJECT: Application to Amend the Hamilton Zoning By-law No. 05-200 for Lands Located at 1411 and 1415 Upper Wellington Street, Hamilton (Ward 7) (PED21187) (Ward 7) - Page 9 of 20

- E.3.2.6 Supporting uses such as local commercial, *community facilities/services*, and open space and parks, should be clustered to create a focal point for the neighbourhood and to facilitate access by all forms of transportation.
- E.3.2.7 The City shall require quality urban and architectural design. Development of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:
- b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
 - c) Adequate and direct pedestrian access and linkages to community facilities/services and local commercial uses shall be provided.
 - d) Development shall improve existing landscape features and overall landscape character of the surrounding area.
 - e) Development shall comply with Section B.3.3 – Urban Design Policies and all other applicable policies.”

The proposed long term care facility and retirement home is considered a community facility and will be located on lands 2.08 ha in size. The proposed uses are permitted within the Neighbourhoods Designation. The lands are located directly adjacent to other existing community facilities and services, such as the fire station to the west, place of worship to the north, and an existing retirement home and long term care facility to the south to support the vision of a focal point per Policy E.3.2.6. The proposed design also place the building towards the street which ensures that parking areas are located away from the street, and with clear, direct pedestrian connections throughout the site and to the lands to the south. The proposed design will allow for an improvement to existing landscape features by providing new planting strips and coordinated landscape treatment that currently does not exist.

- “E.3.2.8 Proposals for supporting uses, except local commercial uses, within the Neighbourhoods designation shall be evaluated on the following criteria:
- a) compatibility with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking, and landscaping;
 - b) access to a collector or major or minor arterial road shall be preferred;

SUBJECT: Application to Amend the Hamilton Zoning By-law No. 05-200 for Lands Located at 1411 and 1415 Upper Wellington Street, Hamilton (Ward 7) (PED21187) (Ward 7) - Page 10 of 20

- c) provision of adequate off-street parking with appropriate buffering and landscaping from residential uses;”

The proposal will provide direct access from Upper Wellington Street which is identified as a minor arterial road on Schedule “C” – Functional Road Classification of the UHOP. The proposed building has been designed to provide transitions in the height by articulating the building façade and roofline to maintain compatible scale and massing with the surrounding land uses. Moreover, the applicant has carried out a sun shadow study to demonstrate that the proposed seven storey development will have no negative impacts on the single detached dwellings located on the west side of Upper Wellington Street. The landscaping and parking have been designed to ensure that appropriate buffering is provided from nearby residential uses and conforms to the Zoning By-law.

Institutional

“E.6.2.2 The following uses shall be permitted on lands designated Institutional on Schedule E-1 – Urban Land Use Designations:

- a) educational facilities, except commercial schools;
- b) religious facilities;
- c) cultural facilities;
- d) health care facilities;
- e) long term care facilities;
- f) day care facilities;
- g) accessory uses; and,
- h) ancillary uses, in accordance with Policy E.6.2.3, E.6.2.4, and E.6.2.5.

E.6.2.4 Residential uses ancillary to an institutional use, such as student residences, convents, and continuing care projects may be permitted provided the following conditions are met:

- b) Residential uses shall be developed in accordance with Section E.3.4 – Low Density Residential or Section E.3.5 – Medium Density Residential. The appropriate density shall be determined on a site by site basis

SUBJECT: Application to Amend the Hamilton Zoning By-law No. 05-200 for Lands Located at 1411 and 1415 Upper Wellington Street, Hamilton (Ward 7) (PED21187) (Ward 7) - Page 11 of 20

provided it meets the applicable policies of Sections E.3.3 – Low Density Residential and E.3.5 – Medium Density residential, inclusive.

- E.6.2.6 Notwithstanding Policy E.6.2.2, where institutional uses cease on lands designated Institutional, low density residential uses, parks and open space uses, or community facilities/services uses may be permitted without an amendment to this Plan, provided the uses are compatible with the surrounding area and are in keeping with the policies of this Plan.”

The proposal seeks to use a Major Institutional (I3) Zone which permits all uses noted above, in addition to street townhouses which are not restricted in the zone. The Zoning By-law permits multiple dwellings only in conjunction with an institutional use per Policy E.6.2.4. Since there is no existing institutional use on a portion of the lands to cease and allow the transition to low density residential uses, staff have amended the application to remove street townhouses as a permitted use per Policy E.6.2.6.

Urban Design

“B.3.3.2.4 Quality spaces physically and visually connect the public and private realms. Public and private development and redevelopment should create quality spaces by:

- a) organizing space in a logical manner through the design, placement, and construction of new buildings, streets, structures, and landscaping;
- b) recognizing that every new building or structure is part of a greater whole that contributes to the overall appearance and visual cohesiveness of the urban fabric;
- e) creating a continuous animated street edge in urban environments;

B.3.3.2.5 Places that are safe, accessible, connected and easy to navigate shall be created by using the following design applications, where appropriate:

- a) connecting buildings and spaces through an efficient, intuitive, and safe network of streets, roads, alleys, lanes, sidewalks, and pathways;
- b) providing connections and access to all buildings and places for all users, regardless of age and physical ability;
- c) ensuring building entrances are visible from the street and promoting shelter at entrance ways;

SUBJECT: Application to Amend the Hamilton Zoning By-law No. 05-200 for Lands Located at 1411 and 1415 Upper Wellington Street, Hamilton (Ward 7) (PED21187) (Ward 7) - Page 12 of 20

f) providing pedestrian-scale lighting;

B.3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development and redevelopment should enhance the character of the existing environment by:

- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
- e) encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.”

The Urban Design Brief prepared by MMC Architects, dated July 28, 2020 demonstrates that the massing of the building, including articulation, respects the existing character and evolving built form of the neighbourhood to address Policies B.3.3.2.4b), B.3.3.2.6a) and d). In addition, Upper Wellington Street provides transition between the proposed building and the existing single detached dwellings on the west side of the street to ensure the proposed seven-storey building will be compatible with the surrounding land uses. A sun shadow study prepared as part of the Urban Design Brief by MMC Architects, dated July 28, 2020 has demonstrated that there will be no negative shadow impacts on adjacent lands.

The proposed location of the building and the pedestrian connections to the existing retirement home to the south ensures that people of all abilities can navigate the site safely and allows for parking to be located at the rear of the site to foster a strong street presence. Building entrances are visible from the street in accordance with the Urban Design policies. On site lighting will be further assessed at the Site Plan Control stage.

Community Facilities

“B.3.5.2.1 All new public buildings which are publicly or privately owned and/or operated community facilities:

- b) shall be easily accessible by walking, cycling, and public transit where provided;

SUBJECT: Application to Amend the Hamilton Zoning By-law No. 05-200 for Lands Located at 1411 and 1415 Upper Wellington Street, Hamilton (Ward 7) (PED21187) (Ward 7) - Page 13 of 20

- c) shall be located and designed to be barrier free and to comply with all accessibility legislation, standards, and guidelines;
- d) where proposed adjacent to residential uses, shall be designed and operated to limit noise, traffic, and privacy impacts on neighbouring residents; and,
- e) should meet all of the following design criteria where possible:
 - i) main entrances shall front onto a public road;
 - ii) parking shall be provided to the side or rear of the main building and be screened and landscaped;
 - iii) pedestrian walkways shall link parking facilities and public sidewalks to entrances;
 - v) the design of landscaping and lighting shall be of high quality and appropriate to the site; and,
 - vi) lighting should highlight the design of buildings.”

The lands are located along HSR Route #26 with a bus stop on Upper Wellington Street in front of the subject lands. Detailed noise impacts, landscaping and lighting requirements will be further assessed at the Site Plan Control stage. The concept plan, attached as Appendix “D” to Report PED21187, shows that the parking will be located at the rear of the site, screened from view by either visual barriers or the proposed building itself.

Natural Heritage

“C.2.11.1 The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

The applicants have submitted a Tree Protection Plan prepared by GSP Group, dated July 14, 2020 in support of the application. Refinements are required to the Plan to ensure that appropriate protection and mitigation are provided as part of the development proposal. A total of 134 trees have been surveyed on the subject lands, including six municipal trees. The applicant currently proposes to remove 62 trees, 40 of which are noted to be in good condition, and to provide a compensation ratio 1:1 for every tree removed. This will be further reviewed and implemented at the Site Plan

SUBJECT: Application to Amend the Hamilton Zoning By-law No. 05-200 for Lands Located at 1411 and 1415 Upper Wellington Street, Hamilton (Ward 7) (PED21187) (Ward 7) - Page 14 of 20

Control stage to explore opportunities to retain additional trees that are in good condition and not in conflict with the limits of development.

Transportation Network

“C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way widths:

- d) Minor arterial roads, subject to the following policies:
 - i) The primary function of a minor arterial road shall be to carry moderate volumes of intra-municipal and inter-regional traffic through the City in association with other types of roads.
 - ii) Land accesses shall be permitted with some controls.
 - iii) The basic maximum right-of-way widths for minor arterial roads shall be 36.576 metres unless otherwise specifically described in Schedule C-2 – Future Right-of-Way Dedications.”

Upper Wellington Street is identified as a minor arterial road on Schedule “C” – Functional Road Classification. Schedule “C-2” – Future Right of Way Dedications of the UHOP further identifies this portion of Upper Wellington Street to have an ultimate width of 30.48 metres. The road currently has a right of way width of approximately 20 metres. Accordingly, at the Site Plan Control stage, a right of way dedication of approximately 5.17 metres will be required.

Since the lands will be accessed from the minor arterial road, additional traffic control measures may be required to be installed in the right of way to mitigate potential conflicts between passing traffic and those accessing the site. The requirements for additional traffic control measures will be determined at the Site Plan Control stage.

Based on the foregoing, the proposal complies with the Urban Hamilton Official Plan.

Crerar Neighbourhood Plan

The subject lands are designated “Institutional and Special Housing” in the Crerar Neighbourhood Plan. The proposed uses are permitted within this designation.

Hamilton Zoning By-law No. 6593

The lands located at 1415 Upper Wellington Street are currently zoned “DE-3/S-1471” (Multiple Dwellings) District, Modified in the Hamilton Zoning By-law No. 6593 which

SUBJECT: Application to Amend the Hamilton Zoning By-law No. 05-200 for Lands Located at 1411 and 1415 Upper Wellington Street, Hamilton (Ward 7) (PED21187) (Ward 7) - Page 15 of 20

permits the development of either a 120 bed long term care facility or a three-storey, 42 unit multiple dwelling for seniors. The applicant is seeking to remove the lands from the Hamilton Zoning By-law No. 6593 and add this portion of the site to Zoning By-law No. 05-200. The change in zoning is further discussed in the Analysis and Rationale for Recommendation Section of Report PED21187.

Hamilton Zoning By-law No. 05-200

The lands located at 1411 Upper Wellington Street are zoned Neighbourhood Institutional (I1) Zone in the Hamilton Zoning By-law No. 05-200 which permits a place of worship and retirement home up to 15 residents. The applicant proposes to zone all lands subject to this application as the Major Institutional (I3, 745, H39) Zone which would add a long term care facility as a permitted use and expand the scale of the permitted retirement home. Modifications are proposed to permit accessory restaurant and retail uses, to recognize the proposed building height, to not require a visual barrier to the south, and the connection of the building to the lands to the south. The modifications are further discussed in Appendix “C” to Report PED21187.

RELEVANT CONSULTATION

Departments and Agencies		
<ul style="list-style-type: none"> Commercial Districts and Small Business Office, Planning and Economic Development Department; Canada Post Corporation; and, Landscape Architectural Services, Public Works Department. 		No Comment
Agency	Comment	Staff Response
Alectra Utilities Ltd.	<ul style="list-style-type: none"> Standard design requirements apply to the development including appropriate separation from utilities. The developer is required to contact Alectra prior to construction activity. 	<ul style="list-style-type: none"> This information has been forwarded to the applicant.
Development Engineering Approvals, Planning and	<ul style="list-style-type: none"> A Right of way width dedication of approximately 5.17 metres 	<ul style="list-style-type: none"> Staff have recommended that a Holding Provision be included on the lands to ensure that appropriate

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SUBJECT: Application to Amend the Hamilton Zoning By-law No. 05-200 for Lands Located at 1411 and 1415 Upper Wellington Street, Hamilton (Ward 7) (PED21187) (Ward 7) - Page 16 of 20

Economic Development Department	<p>needs to be given to the City.</p> <ul style="list-style-type: none"> • Construction of a municipal sidewalk will be at the cost of the applicant. • A detailed Construction Management Plan is required. • The current design of the stormwater management scheme proposes storm water to discharge onto adjacent private lands. The Owner is required to obtain written permission from the adjacent land owners. A Joint Service Agreement may be required to facilitate this arrangement. • Karst bedrock has been observed in the area and requires the submission of a Geotechnical Report to ensure concerns are addressed. 	<p>agreements with adjacent lands are secured for the proposed stormwater management scheme.</p> <ul style="list-style-type: none"> • Staff have confirmed that all the remaining comments will be addressed at the Site Plan Control stage.
Forestry and Horticulture, Public Works Department	<ul style="list-style-type: none"> • A Tree Management Plan has been reviewed and requires revisions to ensure appropriate protection for street trees that would be impacted by development activity. • A Landscape Plan is required to be submitted to detail the location of any new street trees. 	<ul style="list-style-type: none"> • A revised Tree Management Plan and Landscape Plan will be required at the Site Plan Control stage.
Hamilton Conservation Authority (HCA)	<ul style="list-style-type: none"> • The Geotechnical Report is best submitted through the Site Plan Control stage to 	<ul style="list-style-type: none"> • Per direction from HCA, the updated Geotechnical Report, revised Functional

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SUBJECT: Application to Amend the Hamilton Zoning By-law No. 05-200 for Lands Located at 1411 and 1415 Upper Wellington Street, Hamilton (Ward 7) (PED21187) (Ward 7) - Page 17 of 20

	<p>ensure any karst findings and recommendations factor in the location of the proposed building foundation.</p> <ul style="list-style-type: none"> • A Permit from the HCA may be required if Karst features are confirmed on site. • The Functional Servicing Report and Stormwater Management Report requires revisions per HCA standard requirements. 	<p>Servicing Report and revised Stormwater Management Report will be required at the Site Plan Control stage.</p>
Legislative Approvals, Planning and Economic Development Department	<ul style="list-style-type: none"> • Municipal addressing will be confirmed at the Site Plan Control stage. 	<ul style="list-style-type: none"> • Staff confirm that municipal addressing will be addressed at the Site Plan Control stage.
Recycling and Waste Collection, Public Works Department	<ul style="list-style-type: none"> • The proposal is not eligible for municipal waste collection. A private waste hauler must be arranged for the removal of all waste materials. 	<ul style="list-style-type: none"> • This information has been provided to the applicant.
Transportation Planning, Planning and Economic Development Department	<ul style="list-style-type: none"> • Upper Wellington Street between Limeridge Road and Stone Church Road East is tentatively scheduled for reconstruction and urbanization in 2025. An Environmental Assessment is currently in the works which will address potential road widenings, additional vehicular lanes, and new sidewalks. 	<ul style="list-style-type: none"> • The Environmental Assessment will be facilitated by the required right of way dedication identified by Development Engineering staff. • The required traffic control device will be confirmed at the Site Plan Control stage.

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SUBJECT: Application to Amend the Hamilton Zoning By-law No. 05-200 for Lands Located at 1411 and 1415 Upper Wellington Street, Hamilton (Ward 7) (PED21187) (Ward 7) - Page 18 of 20

	<ul style="list-style-type: none"> • A traffic control device needs to be installed on Upper Wellington Street to support the development. 	
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Public Consultation

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 43 property owners within 120 metres of the subject property on September 21, 2020.

A Public Notice Sign was posted on the property on September 29, 2020 and updated on September 8, 2021 with the Public Meeting date. Finally, Notice of Public Meeting was given on September 17, 2021 in accordance with the requirements of the *Planning Act*.

No comments were received from property owners as a result of these circulations.

Public Consultation Strategy

The applicant's Public Consultation consisted of a letter mail to all residents and property owners within 120 metres of the subject lands by the applicant, explaining the proposed development and the effect of the application. Contact information was provided for both City staff and the applicant should the public have any questions, or should they like to provide comments on the proposal. To date, no submissions were received either by the City or the applicant.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan (2019, as amended);
 - (ii) It complies with the Urban Hamilton Official Plan and Crerar Neighbourhood Plan;
 - (iii) The proposed development will provide additional housing opportunities for residents to age in place; and,

SUBJECT: Application to Amend the Hamilton Zoning By-law No. 05-200 for Lands Located at 1411 and 1415 Upper Wellington Street, Hamilton (Ward 7) (PED21187) (Ward 7) - Page 19 of 20

- (iv) The proposed development represents good planning by, among other things, enhancing the cluster of community facilities in the area, providing alternative housing forms, and providing a long term care facility as a supporting use for the neighbourhood.
2. The proposed Zoning By-law Amendment seeks to apply a modified Major Institutional (I3) Zone to provide for more up to date zoning requirements in line with current development standards, while maintaining the intent of the original Zoning By-law Amendment from 2002. Since that time, the applicants have obtained additional land which allows for a larger facility that will provide greater street presence and overall site functionality. The proposed facility is located within a cluster of existing community facilities and ensures that the urban structure of the Urban Hamilton Official Plan is implemented. Since the general intended land use will remain unchanged, the proposed change in zoning from the “DE-3/S-1471” District, Modified is merely technical in nature whereas the change from the Neighbourhood Institutional (I1) Zone to expand permitted institutional uses is in keeping with the Urban Hamilton Official Plan. Modifications to permit a building connection to the lands to the south and to permit an increased building height are required to implement the proposal which is further discussed in Appendix “C” to Report PED21187.

The proposed one-storey, enclosed hallway connection to the southerly retirement home deems the development to be an addition, though the proposal will be located on a separate lot. The applicant has been advised that agreements will be required to allow the arrangement, which will be secured at the Site Plan Control stage.

Staff have recommended that a Holding Provision be applied to the lands to ensure heritage features have been salvaged from the existing place of worship prior to demolition and to secure appropriate stormwater management controls before development activity occurs. Details of the stormwater management design will be finalized at the Site Plan Control stage.

Based on the foregoing, the Zoning By-law Amendment Application to permit proposed development consisting of a long term care facility and retirement home represent good planning and is supported by staff.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the lands would remain in the “DE-3/S-1471” (Multiple Dwellings) District Modified and the Neighbourhood Institutional (I1) Zone which permits

SUBJECT: Application to Amend the Hamilton Zoning By-law No. 05-200 for Lands Located at 1411 and 1415 Upper Wellington Street, Hamilton (Ward 7) (PED21187) (Ward 7) - Page 20 of 20

a long term care facility on a portion of the subject lands and a retirement home at a limited scale.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Built Environment and Infrastructure

Hamilton is supported by state-of-the-art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED21187 – Location Map

Appendix “B” to Report PED21187 – Draft By-law

Appendix “C” to Report PED21187 – Zone Modification Chart

Appendix “D” to Report PED21187 – Concept Plan

CITY OF HAMILTON MOTION

Planning Committee: October 5, 2021

MOVED BY COUNCILLOR J.P DANKO.....

SECONDED BY COUNCILLOR

Demolition Permit for 1347 Upper Wellington St.

WHEREAS, the owner has boarded up the vacant property but continues to have untoward activity at the property that is uninhabitable; and,

WHEREAS, it is not appropriate to pursue repair or restoration of this building as prescribed by the Property Standards By-law or maintain the property on the Vacant Building Registry and demolition is appropriate;

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 1347 Upper Wellington St., Hamilton, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of The Planning Act as amended, without having to comply with conditions 6(a), (b), and (c) of the Demolition Control By-law 09-208.