



# City of Hamilton

## PLANNING COMMITTEE ADDENDUM

**Meeting #:** 22-015  
**Date:** September 20, 2022  
**Time:** 9:30 a.m.  
**Location:** Council Chambers  
Hamilton City Hall  
71 Main Street West

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

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**Ontario Land Tribunal**

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September 2, 2022

TO: All recipients of the Ontario Land Tribunal Decision and Order issued on August 24, 2022

**RE: OLT CASE NO.: OLT-21-001127 DECISION ISSUED AUGUST 24, 2022**

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On August 24, 2022, the Ontario Land Tribunal issued its Decision (“Decision”) on the above noted case.

Rule 24.04 of the Local Planning Appeal Tribunal’s *Rules of Practice and Procedure* states that the Tribunal may at any time correct a technical or typographical error made in a decision or order.

The Tribunal has corrected the Decision under the authority of this Rule by:

- (a) Correcting Attachment 1 to the Tribunal’s Order by adding the content of the Official Plan Amendment (three (3) pages) which should have preceded the Appendix A Map to the instrument, but was inadvertently omitted; and
- (b) Correcting Attachment 2 to the Tribunal’s Order by adding the content of the Zoning By-Law Amendment (four (4) pages) which should have preceded the Schedules A and B Mapping to the instrument, but was also inadvertently omitted.

A corrected version of the Decision issued on August 24, 2022, is enclosed with this communication. This enclosed Decision replaces the Decision issued on August 24, 2022.

Thank you.

*“Euken Lui”*

EUKEN LUI  
ACTING REGISTRAR

Encl.

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** August 24, 2022

**CASE NO(S):**

OLT-21-001127

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

**Applicant and Appellant:** King West Crossing Limited & DV Trillium Group Inc.

**Subject:** Request to amend the Official Plan - Failure of City of Hamilton to adopt the requested amendment

**Existing Designation:** '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

**Proposed Designated:** Urban Site-Specific Area in the UHOP

**Description:** To permit an additional 19 storeys atop the multiple dwelling building and an additional 2 storeys atop the hotel

**Property Address:** 354 King Street West, Hamilton

**Municipality:** City of Hamilton

**Municipality Reference No.:** UHOPA-20-003

**OLT Lead Case No.:** OLT-21-001127

**OLT Case No.:** OLT-21-001127

**OLT Case Name:** King West Crossing Limited & DV Trillium Group Inc. v. Hamilton (City)

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

**Applicant and Appellant:** King West Crossing Limited & DV Trillium Group Inc.

**Subject:** Application to amend Zoning By-law No. 05-200 - Neglect of the City of Hamilton to make a decision

**Existing Zoning:** Transit Oriented Corridor Mixed Use Medium Density (TOC1) with exception 295

**Proposed Zoning:** Site Specific Exemption

**Description:** To permit an additional 19 storeys atop the multiple dwelling building and an additional 2 storeys atop the hotel

Property Address: 354 King Street West, Hamilton  
 Municipality: City of Hamilton  
 Municipality Reference No.: ZAC-20-008  
 OLT Lead Case No.: OLT-21-001127  
 OLT Case No.: OLT-21-001128

**Heard:** June 20, 2022 by video hearing

**APPEARANCES:**

**Parties**

**Counsel**

King West Crossing Limited and  
 DV Trillium Group Inc.  
 (“King West” or “Applicants”)

D. Baker

City of Hamilton (“City”)

P. MacDonald

**MEMORANDUM OF ORAL DECISION DELIVERED BY WILLIAM R. MIDDLETON ON  
 JUNE 20, 2022 AND ORDER OF THE TRIBUNAL**

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**INTRODUCTION**

[1] This matter proceeded as a settlement hearing on Monday, June 20, 2022 by Video Hearing (“VH”) having been previously scheduled for a full merits hearing commencing on the same date.

[2] The City and King West resolved all disputes concerning the Applicants’ appeal related to a proposed development located at the address municipally known as 345 King Street West in the City (“Subject Lands”) comprising 19 storeys atop a multiple dwelling building and an additional two (2) storeys atop a hotel (“Development”).

[3] At the VH, with the consent of counsel for the City, King West called Brenda Khes to provide expert evidence. Ms. Khes is a Registered Professional Planner in Ontario with over 35 years of professional experience in land use and policy planning and was qualified by the Tribunal to provide opinion evidence on land use planning matters.

[4] Counsel for King West also tendered an Affidavit from Ms. Khes sworn June 14, 2022. In addition to this Affidavit, a Document Book comprising 1163 pages and a Photo Book comprising five (5) pages was before the Tribunal at the VH.

[5] In her Affidavit and *viva voce* evidence, Ms. Khes opined as follows:

- a) The Subject Lands are located in the lower City of Hamilton, at the northwest corner of King Street West and Queen Street North. The site is irregularly shaped with a frontage of  $\pm 70$  metres along King Street West, a flankage of  $\pm 74$  metres along Queen Street North and frontage along Market Street of  $\pm 70$  metres and has an overall area of 0.70 hectares (1.7 acres);
- b) She reviewed the Urban Hamilton Official Plan ("UHOP"), the Strathcona Secondary Plan ("SSP"), the Downtown Hamilton Secondary Plan ("Downtown SP"), the Hamilton Zoning by-law 6593 ("By-law 6593") and 05-200 ("By-law 05-200") and visited the Subject Lands and surrounding neighbourhood to examine the planning merits of the Development;
- c) On August 17, 2018, site plan application number DA-18-096 was conditionally approved by the City pursuant to the as-of-right zoning on the Subject Lands, for a ten (10) storey hotel with a two (2) storey podium, six (6) storey multiple dwelling building, and six (6), two (2) storey multiple dwelling units within the podium fronting Market Street, with at-grade parking off King Street West and two (2) levels of underground parking accessed from Queen Street North and Market Street;
- d) On October 4, 2019, the City granted final Site Plan approval to site plan application DA-18-096 for a six (6) storey multiple dwelling, 10 storey hotel and 8 multiple dwelling units fronting Market Street within the parking podium, all on the Subject Lands. Construction of the podium, hotel, six storey multiple dwelling and townhouse units fronting Market Street are currently ongoing;

- e) On October 4, 2021, the City granted final approval to an addendum to approved site plan application DA-18-096 for a six (6) storey multiple dwelling and 12 storey hotel and 14 multiple dwelling units on the Subject Lands. The applications before the Tribunal for determination is for the Phase 2 OPA/ZBA applications only, being the amendments to the UHOP and Zoning By-law 05-200 to permit an additional 19 storeys atop the previously approved 6 storey building. The total height of the building is 25 storeys, however as noted above, the first 6 storeys are already approved;
- f) On June 9, 2022, the City and the Applicant entered into Minutes of Settlement to permit the 19 storeys atop the previously approved 6 storey building subject to some design changes, including the removal of the 2 additional ground-related residential units along the western property line to allow for greater landscaping treatment;
- g) The Phase 2 Application and the proposed implementing Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) as set out in the Minutes of Settlement are appropriate from a land use planning perspective. The requested increases in height and resulting density exceed what was permitted as of right, but are consistent with the Provincial Policy Statement 2020 (the “PPS”) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, (the “Growth Plan”);
- h) The OPA is in keeping with the policies of the UHOP related to: housing, urban design, cultural heritage, archaeology, health and public safety, climate change, noise and vibration, energy and environmental design, road network, complete streets, traffic management, and parking and loading. The proposed development is suitably located along the proposed Light Rail Transit (LRT) with access to existing local and regional public transit and active transportation options and will further support the financial viability and sustainability of these facilities. The requested height is compatible with the

- surrounding development, provides appropriate transition from low rise development to the north and west, and will provide additional dwelling units along a City-designated Primary Corridor;
- i) The Development applications, OPA and ZBA meet the intent of the policies within the SSP and the requested modifications to the TOC1 Zone of Zoning By-law 05-200 conform to the policies in the UHOP and SSP, except for the maximum building height for which an amendment is being sought;
  - j) The proposed settlement, as set out in the Minutes of Settlement, focuses on the following design matters:
    - a) the removal of the 2 additional ground-related residential units along the western property line;
    - b) enhanced landscaping;
    - c) a reduced building massing depth on the north side of the building to provide additional gradation to the adjacent low rise residential areas to the west;
    - d) a better-defined podium massing to create an appropriately scaled and robust urban edge condition along King Street West,
    - e) a greater building setback from King Street West to improve public open space, landscaping opportunities and site permeability - particularly at the southeast portion of the building, and
    - f) revising the building materiality to sensitively respond to the surrounding historic urban and neighbourhood fabric, (the "Settlement").

(k) The Settlement is therefore for a 19-storey residential building positioned above the previously approved 6-storey development for a total of 25 storeys served by 2 levels of underground parking. The total gross floor area of the Development is approximately 24,000 square metres and includes 315 residential units ranging from one to three bedrooms, 255 parking spaces with 38 at grade and 217 parking spaces below grade and 166 long term and 5 short term bicycle parking spaces to serve the residents and visitors. The Applicants have committed to providing 3-bedroom units for a minimum of 5% of the overall units approved for the site ( $\pm 17$  units);

(l) Overall, the Settlement will:

- a) Further intensify a site in the lower City abutting the Downtown Urban Growth Centre and adjacent to public and active transportation routes including Hamilton Street Railway (“HSR”) Bus routes (1a, 5+, 10 [B-Line], 34, and 51), the SoBi bicycle sharing service, and sidewalks along King Street West;
- b) Allow for a transit-supportive density adjacent to a proposed LRT stop which will facilitate additional residents to be located along the future transit corridor which will help improve the financial viability of the significant public investment the City and Province have dedicated;
- c) Add to the City’s housing rental housing stock including 3-bedroom family sized units;
- d) Increase and diversify the rental housing stock within the Strathcona neighbourhood, bringing additional residents and vitality into the broader community area; and



- e) Not exceed the height of the escarpment;
  
- (m) The proposed Settlement has had regard to the matters of provincial interest described in Section 2 of the *Planning Act*, R.S.O. 1990 c. P13 (“PA”);
  
- (n) Overall, the additional building height of the Development conforms with the applicable policies of the UHOP with the notable exception of the maximum height requirement. It is for this reason that the OPA is being sought;
  
- (o) The Development aligns with the key intentions of the SSP Urban Design Guidelines and aims to sensitively respect the historic neighbourhoods located within the area, while supporting the evolution of the Subject Lands within the broader urban context; and
  
- (p) For all of the reasons set out above, approval of the OPA and ZBA is recommended to permit the establishment of the Development, which constitutes good planning.

[6] The Tribunal accepted the unchallenged expert evidence of Ms. Khes as set out in paragraph [5] above and is satisfied that the OPA and ZBA meet the requirements of s. 2 of the PA, are consistent with the provisions of the PPS, conform with the Growth Plan and the UHOP, and represent good planning, and therefore finds that the Settlement is reasonable, fair and appropriate.

[7] At the VH, the Parties had submitted only the draft planning instruments and were seeking an Interim Order from the Tribunal. However, subsequent to the VH, the Parties submitted their request for a Final Order along with the final form of the OPA and ZBA, appended to this Decision as Attachment 1 and Attachment 2, respectively. This was on consent of both Parties.

**ORDER**

[8] **THE TRIBUNAL ORDERS THAT** the appeal is allowed in part and that the OPA and ZBA set out in Attachment 1 and Attachment 2 respectively to this Order, are hereby approved for issuance by the City.

*“William R. Middleton”*

WILLIAM R. MIDDLETON  
MEMBER

**Ontario Land Tribunal**

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The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

## Attachment 1

**Urban Hamilton Official Plan****Amendment No. [REDACTED]**

The following text, together with Map B.6.6-1 Strathcona Secondary Plan – Land Use Plan, attached hereto, constitutes Official Plan Amendment No. [REDACTED] to the Urban Hamilton Official Plan.

**1.0 Purpose and Effect:**

The purpose and effect of this Amendment is to add the lands to Area Specific Policy – Area C within the Strathcona Secondary Plan to permit a 25 storey mixed use building.

**2.0 Location:**

The lands affected by this Amendment are a portion of the lands known municipally as 354 King Street West within the former City of Hamilton.

**3.0 Basis:**

The basis for permitting this Amendment is :

- The requested height increase is consistent with the Provincial Policy Statement 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020;
- The proposed development is compatible with the City-wide Corridor Planning Principles and Design Guidelines by minimizing sun/shadow and wind impacts, and by providing an appropriate transition from the Primary Corridor to the adjacent low rise residential neighbourhood;
- The proposed development is suitably located near the proposed Light Rail Transit (LRT) Queen Station with access to existing local and regional public transit and active transportation options and will further support the financial viability and sustainability of these facilities;

- The proposed development satisfies all characteristics and requirements of the Strathcona Secondary Plan Mixed Use – Medium Density policies, save and except the prescribed building height.

#### 4.0 **Actual Changes:**

##### 4.1 **Volume 2 – Secondary Plans**

##### **Text**

##### 4.1.1 **Chapter B.6.0 - Hamilton Secondary Plans – Section B.6.6 – Strathcona Secondary Plan:**

- replacing the text “C-5” between the words “to” and “on” with “C-6”, so the Policy reads as follows:

“B.6.6.15.3 Notwithstanding the maximum building height identified in Policy 6.6.5.5 b) – High Density Residential Designation and 6.6.6.1 b) – Mixed use – Medium Density designation of this Plan, shown as Areas C-1 to C-6 on Map B.6.6-1 Strathcona Secondary Plan: Land Use Plan, the following shall apply:” ; and,

- adding a new paragraph f), as follows:

“f) For the lands known municipally as 354 King Street West, designated Mixed-Use – Medium Density, shown as Area Specific Policy – Area L, C-6 on Map B.6.6-1 Strathcona Secondary Plan: Land Use Plan, the maximum building height shall be 25 storeys.”

##### **Maps and Appendices**

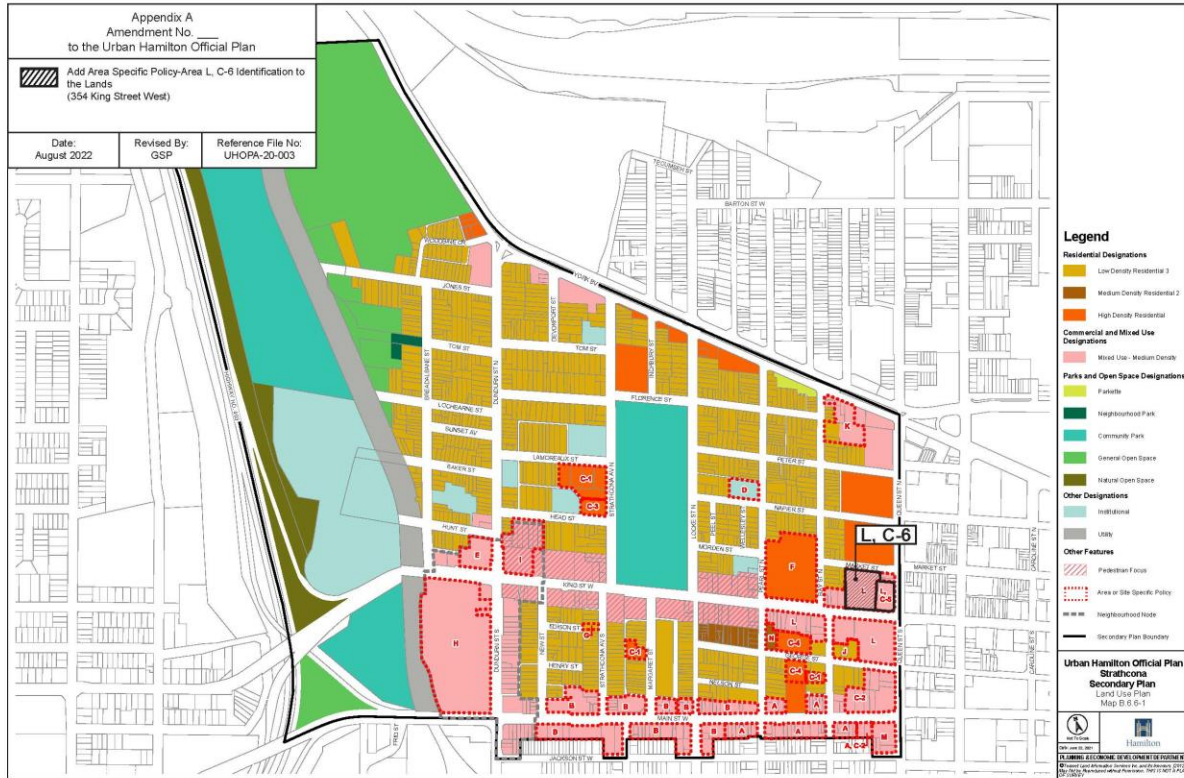
##### 4.2 **Map**

- That Volume 2: Map B.6.6-1 – Strathcona Secondary Plan – Land Use Plan be amended by adding Area Specific Policy – Area C-6 identification to the subject lands, as shown on Appendix “A”, attached to this Amendment.

**5.0 Implementation:**

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

This Official Plan Amendment is Schedule "1" to By-law No. \_\_\_\_\_ passed on the \_\_\_\_\_ day of August , 2022.



Attachment 2

**CITY OF HAMILTON**

**BY-LAW NO. 22-**

**To Amend Zoning By-law No. 05-200 (Hamilton),  
Respecting Lands Located at 354 King Street West (Hamilton)**

**WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No.     .

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

1. That Maps 909 and 951 of Schedule “A” – Zoning Maps, of Zoning By-law No. 05-200, be amended by modifying the zoning from the Transit Orientated Corridor Mixed Use - Medium Density (TOC1, 295) Zone to the Transit Orientated Corridor Mixed Use - Medium Density (TOC1, 295, 821) Zone, for the lands municipally known as 354 King Street West, Hamilton, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” to this By-law.

2. That Schedule “C” – Special Exceptions, of By-law No. 05-200, is hereby amended by adding the following sub-section:

“821 Within the lands zoned Transit Orientated Corridor Mixed Use - Medium Density (TOC1) Zone, identified on Map 909 and 951 of Schedule “A” to By-law No. 05-200 and described as 354 King Street West, the following special provisions shall apply:

- a) The lands zoned Transit Orientated Corridor Mixed Use – Medium Density (TOC1, 295, 821) Zone and the lands zoned Transit Orientated Corridor Mixed Use – Medium Density (TOC1, 295, 741) Zone shall be deemed to be one lot for the purposes of applying the provisions of the By-law. Zoning provisions shall apply only to the external lot lines of the overall lands, not to internal lot lines resulting from any future severance.
- b) Notwithstanding Section 5.6.c) Parking Schedule for all Zones except Downtown Zones, the following specific parking ratio shall apply to all multiple dwellings:

	<b>Column 1</b>	<b>Column 2</b>
a)	Multiple Dwelling	Minimum

	i)	Dwelling units less than 50.0 square metres in gross floor area	
		Units 1-12	0 per unit
		Units 13+	0.3 per unit
	ii)	Units greater than 50.0 square metres in gross floor area	
		Units 1-12	0 per unit
		Units 13-50	0.5 per unit
		Units 51+	0.7 per unit
	iii)	Units with 3 or more bedrooms	
		Units 1-12	0 per unit
		Units 13+	0.3 per unit
	b)	Commercial	
	i)	Financial Establishment	1 for each 50 square metres of gross floor area in excess of 450 square metres, which accommodates such use
	ii)	Medical clinic	1 for each 50 square metres of gross floor area in excess of 450 square metres, which accommodates such use
	iii)	Office	1 for each 50 square metres of gross floor area in excess of 450 square metres, which accommodates such use
	iv)	Retail	0
	v)	Personal Service	0

- c) In addition to the Section 11.1.1, a minimum of 5% of the permitted dwelling units shall be comprised of 3-bedroom units.



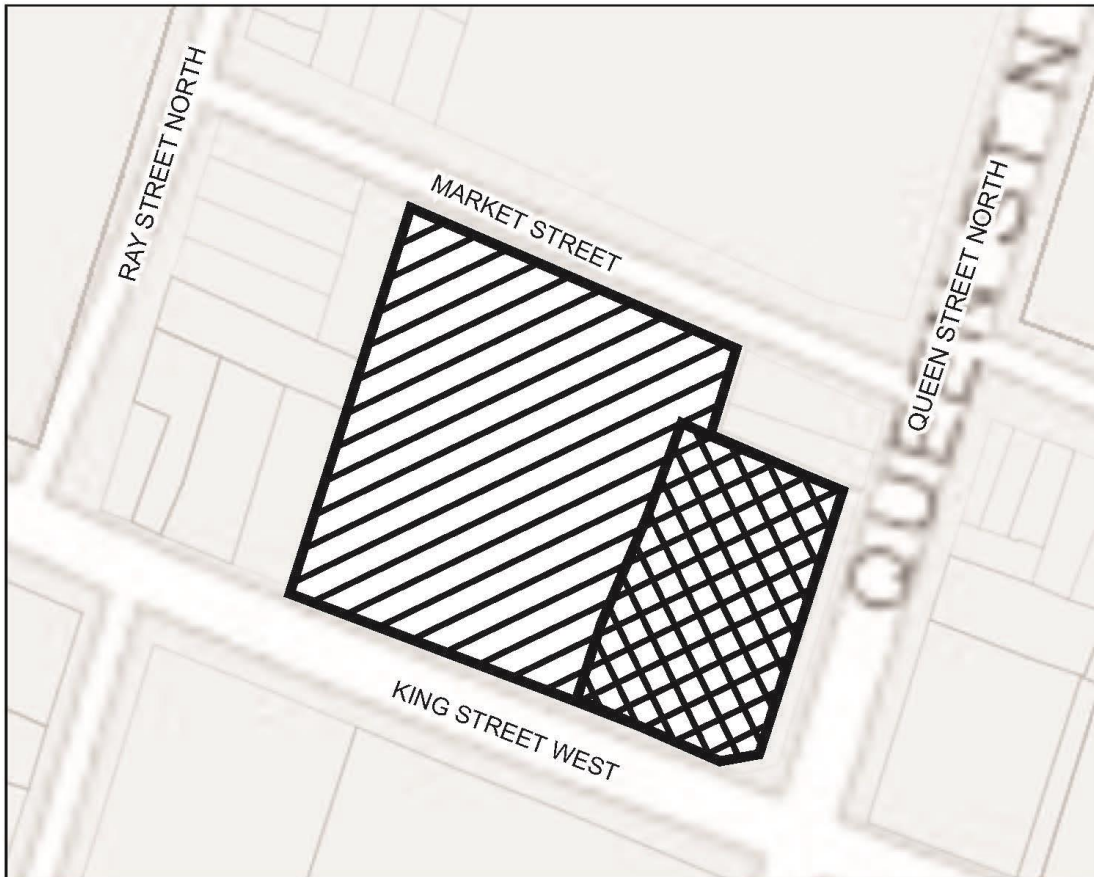
- d) In addition to Section 11.1 and notwithstanding Section 11.1.3 b), 11.1.3 c) i) 11.1.3.d) i), ii) and iii), 11.1.3 g) v), and 11.1.3.g) vii) the following special provisions shall apply:



a)	Minimum Rear Yard	i)	7.5 metres;
		ii)	Notwithstanding a) i) above, a minimum rear yard of 1.1 metres shall apply to a parking structure.
b)	Minimum Interior Side Yard	i)	0.8 metres abutting the lot line measuring 29.764 metres; and,
		ii)	1.9 metres abutting the lot line measuring 18.712 metres.
c)	Building Height	i)	Minimum 6.65 metres for structures fronting onto Market Street;
		ii)	Maximum building height shall be 24.0 metres unless otherwise indicated on Figure 26 of Schedule F – Special Figures
		iii)	In addition to c) ii) above, any portion of the building above 42 metres shall be stepped back a minimum of 17

			metres from the north edge of the building.
d)	Driveway	i)	A maximum of four driveways shall be permitted.
		ii)	In addition to d) i) above, a maximum driveway width of 6.0 metres shall be permitted for ingress and egress.
e)	Principal Entrance		The principal entrance to the mixed use building shall face eastward with direct access from the public sidewalk.

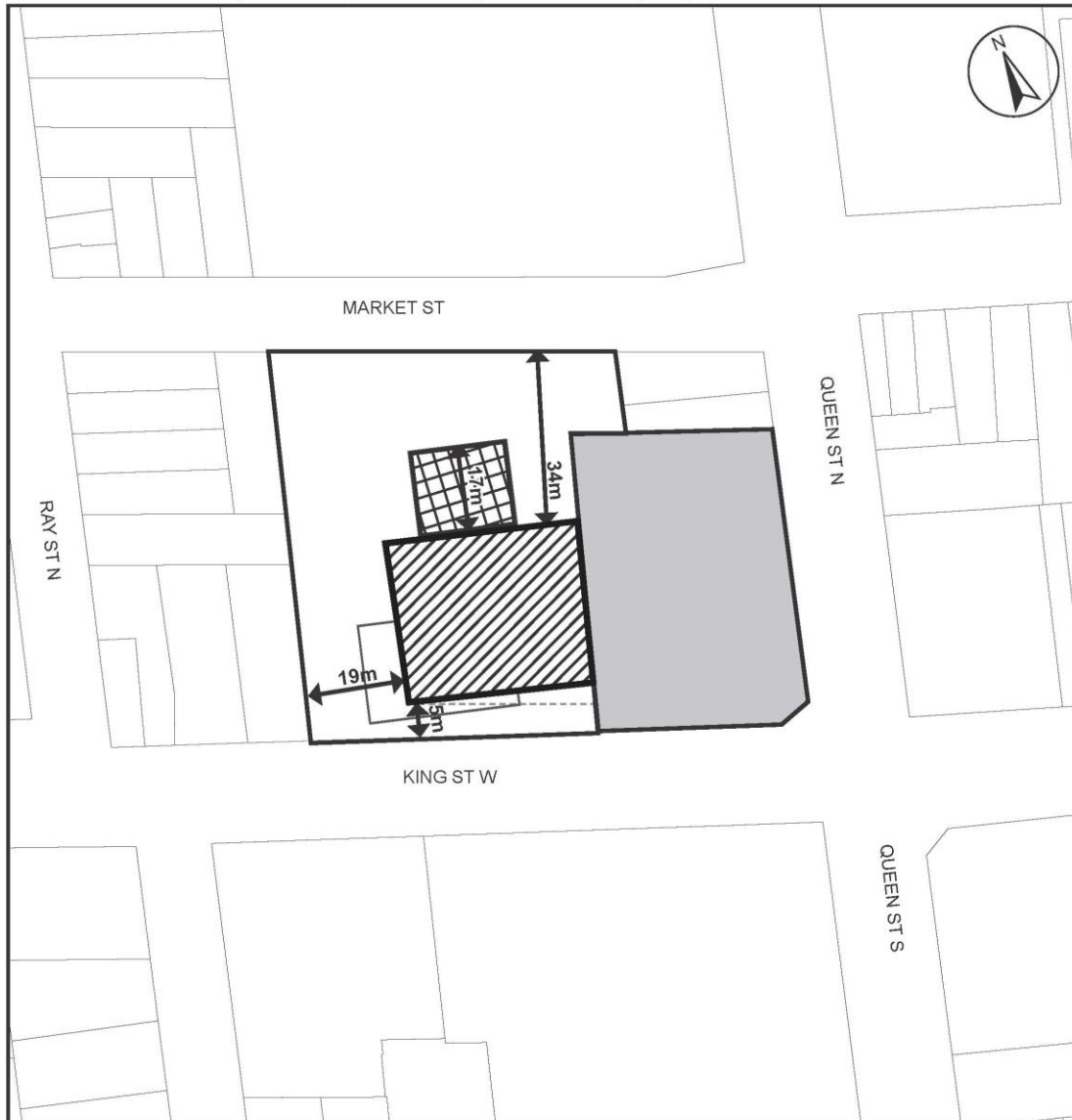
3. That Schedule "F" – Special Figures be amended by deleting Special Figure 26: Maximum Building Height for 354 King Street West and replacing it with Special Figure 26: Maximum Building Height for 354 King Street West attached as Schedule "B" to this By-law.
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.
5. That this By-law No. 22-\_\_\_\_ shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the *Planning Act*, either upon the date of passage of this by-law or as otherwise provided by the said Sub-section.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.





<p>This is Schedule "A" to By-Law No. 22-</p> <p>Passed the ___ day of _____ 2022</p>		<p>_____</p> <p>Mayor</p> <p>_____</p> <p>Clerk</p>
<p align="center"><b>Schedule "A"</b></p> <p align="center">Map Forming Part of By-law No. 22-___</p> <p align="center">to Amend By-law No. 05-200 Maps 909 &amp; 951</p>		<p><b>Subject Property</b> 354 King Street West</p> <p> Change in Zoning from the Transit Orientated Corridor Mixed Use Medium Density (TOC1, 295) Zone to the Transit Orientated Corridor Mixed Use Medium Density (TOC1, 295, 821) Zone</p> <p> Additional lands not Subject to rezoning</p>
<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-20-008/UHOP-20-003</p>	
<p>Date: August 2022</p>	<p>Prepared By: GSP Group</p>	

Schedule 'B' Map Forming Part of By-law No. 22-\_\_\_\_\_



**Special Figure 26: Maximum Building Height for 354 King St W**

Date:  
August 4, 2022

-  Maximum Building Height of 42.0m
-  Maximum Building Height 84.0m
-  Maximum Building Height of 42.0m



Schedule F By-law 05-200

Decision	By-law Number
<p>Decision Issue Date: August 24, 2022</p> <p>OLT Lead Case No. OLT-21-001127</p> <p><a href="#">Link to By-law Nos. 22-241-OLT and 22-242-OLT</a></p>	<p><b>22-241-OLT Attachment 1</b> To Adopt Official Plan Amendment No. 177 to the Urban Hamilton Official Plan</p> <p><b>22-242-OLT Attachment 2</b> To Amend Zoning By-law No. 05-200 (Hamilton), Respecting Lands Located at 354 King Street West (Hamilton)</p> <p>The Tribunal Orders that the appeal is allowed in part and that the OPA and ZBA set out in Attachment 1 and Attachment 2 respectively to this Order, are hereby approved for issuance by the City</p> <p>OLT Lead Case No. OLT-22-002235 OLT Case No. OLT-22-002235</p>

**From:** Lakewood Beach Community Council

**Sent:** Monday, September 19, 2022 10:28 AM

**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

**Cc:** Pearson, Maria <Maria.Pearson@hamilton.ca>; Wilson, Maureen <Maureen.Wilson@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Danko, John-Paul <John-Paul.Danko@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>

**Subject:** Planning Committee Meeting - tomorrow, Sept 20th - Liuna Gardens Development

**Importance:** High

*Lisa, please add this to the Agenda.*

Dear Chair & Planning Committee Members,

We have just been made aware that the above very contentions development is on the agenda tomorrow under items 7.4 and 14.1

Time only permits us to make 2 quick comments via this written submission as follows:

1. Item 7.4 - As you can read within the Information Report, the applicant is seeking a Medium Density designation with a site specific High Density infill at 425 units per hectare.
2. We have noticed over the years that approvals of this nature have been given. We ask that you consider that there is a Secondary Plan for that area that does NOT provide for high density residential. The 'get-around' is medium density with site specific amendments. In our opinion, as a city we need to start defending & consistently looking at our Secondary Plans within our Official Plans; especially secondary plans that Council just re-approved during the Municipal Comprehensive Review.
3. Item 14.1 - It is unclear to us what might be contained in that In-Camera reports from Planning Staff and Legal Staff however we are assuming that Council direction might be required.
4. (a) We are wondering if this Lame Duck Council\* is the appropriate body to provide direction/discuss this item in camera.
5. Is there a potential to be discussing matters that are incurring a future liability in excess of \$50,000 (ie land acquisition re Lake Ontario shoreline & future shoreline restoration/maintenance costs)
6. (b) Is there a pressing need? and is there any part of those 2 in-camera reports that could be made transparent?
7. We do also see just today that a Case Management Conference has been called for October 28<sup>th</sup> which the public presently is in the dark about (presumably Notices will be sent out on September 28<sup>th</sup> to meet the 30 day timeline). Hence, any direction/discussions held tomorrow won't include any public input on the actual appeal before the OLT. The public at this point in time is awaiting details & has many questions.

Thank you for your consideration of our input.

Respectfully,

Lakewood Beach Community Council

- The purpose of these restrictions is to ensure sound decisions continue to be made by persons who remain accountable to the community, and that councils that are dominated by people not seeking re-election don't make rash decisions to hobble their successors

PS - Please ensure we receive further notifications regarding this appeal & development. For the record, we wish to be recorded as being opposed to the Official Plan Amendment and Zoning By-law Amendment at this time.



# Hamilton

## HAMILTON MUNICIPAL HERITAGE COMMITTEE

### REPORT 22-009

9:30 a.m.

Thursday, September 15, 2022

Room 264, 2<sup>nd</sup> Floor, City Hall

**Present:** A. Denham-Robinson (Chair), J. Brown, K. Burke, G. Carroll, C. Dimitry (Vice-Chair), L. Lunsted, R. McKee, and W. Rosart

**Absent with  
Regrets:** Councillor M. Pearson – City Business  
T. Ritchie

### THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 22-009 AND RESPECTFULLY RECOMMENDS:

#### 1. **Inventory and Research Working Group Minutes - May 30, 2022 (Item 10.1)**

That the property located at 111 Inksetter Road, Flamborough be added to the Municipal Heritage Register, as a Non-Designated property

#### 2. **Register Listing Objections in Beasley Neighbourhood (PED22135(a))(Ward 2) (Item 10.2)**

(a) That Council receive the notices of objection, attached hereto as Appendix “A”, from the owners of 188 Mary Street and 43 Robert Street, Hamilton, objecting to the notices of Council’s decision to list the non-designated properties on the Municipal Heritage Register (Register) under Section 27 of the Ontario Heritage Act;

(b) That Council continue to include 188 Mary Street and 43 Robert Street, Hamilton, on the Municipal Heritage Register as non-designated properties that Council believes to be of cultural heritage value or interest, pursuant to Section 27(8) of the Ontario Heritage Act.

#### 3. **Inventory & Research Working Group Meeting Notes – April 22, 2022 (Added Item 10.3)**

(i) 175 Lawrence Road, Hamilton (The Hamilton Pressed Brick Co.) (Item 1)

(a) That 175 Lawrence Road, Hamilton, be added to the Municipal Heritage Register as a non-Designated Cultural Heritage Landscape; and

(b) That staff be directed to investigate enhanced interpretation opportunities for 175 Lawrence Road, Hamilton.



- (ii) 206 Main Street W., Hamilton (Arlo House) (Item 2)

That 206 Main Street W., Hamilton, be added to Staff's Designation Work Plan as a low priority.

- (iii) 3 Main St., Dundas (Dundas Valley Masonic Temple) (Item 3)

- (a) That 3 Main St., Dundas, be added to the Municipal Heritage Register as a non-Designated Property,

- (b) That 3 Main St., Dundas, be added to Staff's Designation Work Plan as a low priority; and

- (c) That 3 Main St., Dundas, be considered as a priority for review under the Downtown Dundas Built Heritage Inventory Project.

#### **4. Television City, 163 Jackson Street West (Item 13.1(a)(xvi))**

- (a) That Delegated Authority be removed from the property located at 163 Jackson Street, known as Television City, to allow the Hamilton Municipal Heritage Committee to take carriage of the file; and

- (b) That when staff report back to the Hamilton Municipal Heritage Committee on the property located at 163 Jackson Street, the report include additional options for the stabilization of the resource.

### **FOR INFORMATION:**

#### **(a) CHANGES TO THE AGENDA (Item 2)**

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

#### **5. COMMUNICATIONS**

5.1 Correspondence from the City of Hamilton, Planning Division, respecting 66-68 Charlton Avenue West, Hamilton and Requirements for Giving Notice of Intention to Demolish under the Ontario Heritage Act

Recommendation: Be received.

#### **6. DELEGATION REQUESTS**

6.1. Idan Erez, respecting Item 5.1, Correspondence from City to Property Owner re 66 68 Charlton Avenue West (for today's meeting)

## 7. CONSENT ITEMS

### 7.1. Delegated Approval: Heritage Permit Applications

7.1.h Heritage Permit Application HP2022-022: Proposed alteration of new air conditioning units at 16 West Avenue South (Ward 3) (By-law No. 92-239)

7.1.i Heritage Permit Application HP2022-024: Proposed alteration of an existing door and installation of a new railing to the front-facing, second-level door of the accessory building (garage) at 154 Mill Street North, Flamborough (Ward 15), Part V Designated (By-law No.96-34-H)

7.1.j Heritage Permit Application HP2022-025: Proposed addition of a wrought iron fence along the south and west property lines at 94 Mill Street North (Ward 15), Part V Designated (By-law No. 9634-H)

### 7.3 Policy and Design Working Group Meeting Notes - August 22, 2022

## 10. DISCUSSION ITEMS

### 10.3 Inventory and Research Working Group Meeting Notes - August 22, 2022

The agenda for September 15, 2022, was 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 11, 2022 (Item 4.1)

The Minutes of the August 11, 2022, meeting of the Hamilton Municipal Heritage Committee were approved, as presented.

### (d) COMMUNICATIONS (Item 5)

#### (i) Correspondence from the City of Hamilton, Planning Division, respecting 66-68 Charlton Avenue West, Hamilton and Requirements for Giving Notice of Intention to Demolish under the Ontario Heritage Act (Added Item 5.1)

The Correspondence from the City of Hamilton, Planning Division, respecting 66-68 Charlton Avenue West, Hamilton and Requirements for Giving Notice of Intention to Demolish under the Ontario Heritage Act, was received.

**(e) DELEGATION REQUESTS (Item 6)**

**(i) Idan Erez, respecting Item 5.1, Correspondence from City to Property Owner respecting 66-68 Charlton Avenue West (for today's meeting) (Added Item 6.1)**

The Delegation Request from Idan Erez, respecting Item 5.1, Correspondence from City to Property Owner respecting 66-68 Charlton Avenue West, was approved, for today's meeting.

**(f) CONSENT ITEMS (Item 7)**

The following items were received:

- (i) Delegated Approval: Heritage Permit Applications (Item 7.1)
  - (a) Heritage Permit Application HP2022-015: Proposed alteration of signage installation at 150 James Street South, Hamilton (Ward 2), Part IV Designation (By-law No. 95-116) (Item 7.1(a))
  - (b) Heritage Permit Application HP2022-016: Proposed alteration of signage installation at 120 King Street East, Hamilton (Ward 2), Part IV Designated (By-law No. 22-130) (Item 7.1(b))
  - (c) Heritage Permit Application HP2022-017: Proposed alteration of windows at 131 St. Clair Avenue, Hamilton (Ward 3), Part V Designated (By-law No. 86- 125) (Item 7.2(c))
  - (d) Heritage Permit Application HP2022-018: Proposed alteration of cladding at 29 Union Street, Flamborough (Ward 15), Part V Designated (By-law No. 96-34-H) (Item 7.1(d))
  - (e) Heritage Permit Application HP2022-019: Proposed alteration of ventilation and doors at 1280 Main Street West, Hamilton (Ward 1), Part IV Designated (By-law No. 08-002) (Item 7.1(e))
  - (f) Heritage Permit Application HP2022-020: Proposed alteration of cladding at 28 - 44 James Street North / 5-21 King William Street, Hamilton (Ward 2), Part IV Designated (By-law No. 96-175) (Item 7.1(f))
  - (g) Heritage Permit Application HP2022-021: Proposed alteration of exhaust relocation at 71 Main Street West, Hamilton (Ward 2), Part IV Designated (By-law No. 06-011) (Item 7.1(g))
  - (h) Heritage Permit Application HP2022-022: Proposed alteration of new air conditioning units at 16 West Avenue South (Ward 3) (By-law No. 92-239) (Added Item 7.1(h))

- (i) Heritage Permit Application HP2022-024: Proposed alteration of an existing door and installation of a new railing to the front-facing, second-level door of the accessory building (garage) at 154 Mill Street North, Flamborough (Ward 15), Part V Designated (By-law No.96-34-H) (Added Item 7.1(i))
- (j) Heritage Permit Application HP2022-025: Proposed addition of a wrought iron fence along the south and west property lines at 94 Mill Street North (Ward 15), Part V Designated (By-law No. 9634-H) (Added Item 7.1(j))
- (ii) Heritage Permit Review Sub-Committee Minutes - July 19, 2022 (Item 7.2)
- (iii) Policy and Design Working Group Meeting Notes - August 22, 2022 (Added Item 7.3)

**(e) DELEGATIONS (Item 9)**

- (i) Dr. S. Sheehan, respecting an Introduction to the Landsdale Neighbourhood Inventory Project (Approved at the July 7, 2022 meeting) (Item 9.1)**

Dr. Sheehan addressed Committee with an Introduction to the Landsdale Neighbourhood Inventory Project.

The Delegation from Dr. S. Sheehan, respecting an Introduction to the Landsdale Neighbourhood Inventory Project, was received.

- (ii) Idan Erez, respecting Item 5.1, Correspondence from City to Property Owner respecting 66-68 Charlton Avenue West (Added Item 9.2)**

Idan Erez, addressed Committee with concerns regarding the Correspondence from City to Property Owner, and the property at 66-68 Charlton Avenue West. He is the owner of the property adjacent to 66-68 Charlton Avenue West.

The Delegation from Idan Erez, respecting Item 5.1, Correspondence from City to Property Owner respecting 66-68 Charlton Avenue West, was received.

Staff were directed to communicate with the property owner adjacent to 66-68 Charlton Avenue West, regarding the status of 66-68 Charlton Avenue West, Hamilton.

The Inventory and Research Working Group will monitor the property located at 66-68 Charlton Avenue West, Hamilton.

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

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

Updates to properties can be viewed in the meeting recording.

66-68 Charlton Avenue West was added to the Endangered Buildings and Landscapes (RED); and J. Brown will monitor the property at 66-68 Charlton Avenue West for the Hamilton Municipal Heritage Committee.

206 Main Street W., Hamilton (Arlo House) be added to the Heritage Properties Update (GREEN); and J. Brown will monitor the property for the Hamilton Municipal Heritage Committee.

That the following updates, be 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 5<sup>th</sup> 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
- (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

C. Dimitry was recorded as OPPOSED to the motion respecting Television City, 163 Jackson Street West

For further disposition, refer to Item 4

- (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) – G. Carroll
- (xx) 219 King Street West, Dundas – K. Burke
- (xxi) 216 Hatt Street, Dundas – K. Burke
- (xxii) 537 King Street East, Hamilton – G. Carroll
- (xxiii) Beach Canal Lighthouse and Cottage (D) – R. McKee
- (xxiv) 2235 Upper James Street, Hamilton – G. Carroll
- (xxv) 66-68 Charlton Avenue West – J. Brown

**(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) – G. Carroll
- (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) – G. Carroll
- (vii) St. Clair Blvd. Conservation District (D) – G. Carroll
- (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 6<sup>th</sup> Concession East, Flamborough (I) – L. Lunsted
- (xiii) Cannon Knitting Mill, 134 Cannon Street East, Hamilton (R) – T. Ritchie
- (xiv) 1 Main Street West, Hamilton (D) – W. Rosart
- (xv) 54 – 56 Hess Street South, Hamilton (R) – J. Brown
- (xvi) 384 Barton Street East, Hamilton – T. Ritchie
- (xvii) 311 Rymal Road East, Hamilton – C. Dimitry
- (xviii) 42 Dartnell Road, Hamilton (Rymal Road Stations Silos) – G. Carroll
- (xix) Knox Presbyterian Church, 23 Melville Street, Dundas – K. Burke
- (xx) 84 York Blvd. (Philpott Church), Hamilton – G. Carroll

- (xxi) 283 Brock Road, Greensville (West Township Hall) – L. Lunsted
- (xxii) Masonic Lodge, Dundas – K. Burke
- (xxiii) Battlefield National House – R. McKee
- (xxiv) 175 Lawrence Avenue (Brickworks) – G. Carroll

**(c) Heritage Properties Update (GREEN):**

**(Green = Properties whose status is stable)**

- (i) Auchmar, 88 Fennell Avenue West, Hamilton (D) – R. McKee
- (ii) Former Post Office, 104 King Street West, Dundas (R) – K. Burke
- (iii) Rastrick House, 46 Forest Avenue, Hamilton – G. Carroll
- (iv) 125 King Street East, Hamilton (R) – T. Ritchie
- (v) 206 Main Street W., Hamilton (Arlo House) – J. Brown

**(d) Heritage Properties Update (black):**

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

- (i) 442, 450 and 452 Wilson Street East, Ancaster – C. Dimitry

**(g) ADJOURNMENT (Item 15)**

There being no further business, the Hamilton Municipal Heritage Committee adjourned at 10:52 a.m.

Respectfully submitted,

Alissa Denham-Robinson, Chair  
Hamilton Municipal Heritage Committee

Loren Kolar  
Legislative Coordinator  
Office of the City Clerk



Notices of Objection

TONI + RITA PRIMARANO  
188 MARY ST.  
HAMILTON, ONT.  
L8L 4V8

DEAR SIR OR MADAM:

A FEW WEEKS AGO I RECEIVED A LETTER DATED JULY 8, 2022, ENTITLED "BEASLEY NEIGHBOURHOOD INVENTORY PROJECT" - NOTICE OF LISTING ON THE MUNICIPAL HERITAGE REGISTER. THE LETTER STATED THAT ON JUNE 22, HAMILTON CITY COUNCIL VOTED TO LIST OUR HOME, 188 MARY ST. AS A NON-DESIGNATED PROPERTY.

I CALLED MS. ALISSA GOLDEN ABOUT THE LETTER I RECEIVED, AND I WOULD LIKE TO THANK HER VERY MUCH FOR HER TIME AND PATIENCE IN EXPLAINING WHAT BEING ON THE REGISTER MEANT. SHE ALSO INFORMED ME THAT MONTHS PRIOR, LETTERS HAD BEEN SENT OUT TO INFORM THE HOMEOWNERS THAT THEIR PROPERTY WAS UNDER CONSIDERATION TO BE INCLUDED IN THIS REGISTER. WE DID NOT RECEIVE ANY SUCH LETTER. THIS BEING THE FIRST THAT WE'VE HEARD ABOUT THIS REGISTER, WE HAVE DECIDED THAT WE DO NOT WISH FOR OUR PROPERTY TO BE INCLUDED. WE WISH TO BE GRANTED THE SAME RIGHT TO OPT OUT AS THOSE WHO HAD RECEIVED PRIOR NOTIFICATION.

AS OWNERS AND TAXPAYERS OF THIS

PROPERTY, MY SISTER AND I DO NOT WISH  
FOR INFORMATION ABOUT OUR PROPERTY  
TO BE MADE ACCESSIBLE TO THE PUBLIC.  
WE ARE PRIVATE PEOPLE AND WOULD  
GREATLY APPRECIATE IT IF OUR REQUEST  
WOULD BE GRANTED, THANK YOU VERY MUCH.

SINCERELY,

TENI/4 RITH PRIMARANO

**Golden, Alissa**

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**From:** veltel veltel [redacted]  
**Sent:** July 27, 2022 9:44 AM  
**To:** Golden, Alissa  
**Subject:** Re: Beasley Inventory - Objection to Listing of 43 Robert Street

ATTENTION: ALISSA GOLDEN

Giuseppina Vella  
43 Robert street  
Hamilton, Ontario  
L8L-2N9

2022/07/15

It was nice speaking to you. Miss Golden during our conversation you stated that I was sent two separate letters, and I only received one letter which came on 2022/07/14 which was yesterday.  
Please respect our wishes and remove 43 Robert Street Hamilton, Ontario L8L2N9 from the Municipal Heritage Register list.

Thank you,  
John Vella  
Luigina Vella