



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
Planning Division

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	November 17, 2020
<b>SUBJECT/REPORT NO:</b>	Reconfirmation of Recommendation to Designate the Property Located at 828 Sanatorium Road, Hamilton (Long and Bisby Building) Under Part IV of the <i>Ontario Heritage Act</i> (PED18214(a)) (Ward 8)
<b>WARD(S) AFFECTED:</b>	Ward 8
<b>PREPARED BY:</b>	Miranda Brunton (905) 546-2424 Ext. 1202
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION(S)**

- (a) That the designation of 828 Sanatorium Road, Hamilton, attached as Appendix “A” to Report PED18214(a) as a property of cultural heritage value pursuant to the provisions of Part IV of the *Ontario Heritage Act*, be approved;
- (b) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix “B” to PED18214(a), be approved;
- (c) That the City Clerk be directed to take appropriate action to designate 828 Sanatorium Road, Hamilton under Part IV of the *Ontario Heritage Act*, in accordance with the Notice of Intention to Designate, attached as Appendix “C” to Report PED18214(a); and,
- (d) That the matter respecting Designation of the Property Located at 828 Sanatorium Road, Hamilton (Long and Bisby Building), be considered complete and removed from the Planning Committee’s Outstanding Business List.

## **EXECUTIVE SUMMARY**

The subject property, municipally known as 828 Sanatorium Road, Hamilton, includes the northern portion of the former Mountain Sanatorium, known as the Brow Campus (refer to Appendix 'A' to Report PED18214(a)). The subject property is privately owned by Valery (Chedoke Browlands) Developments Inc. (Valery Homes) and is currently included on the City of Hamilton's Register of Property of Cultural Heritage Value or Interest (the 'Register'). The initial recommendation to designate the property under Part IV of the *Ontario Heritage Act* (Report PED18214) was considered by the Hamilton Municipal Heritage Committee (HMHC) during their meeting on September 13, 2018. The identified heritage attributes of the subject property include the Long and Bisby Building and multiple landscape and natural features, including the Cross of Lorraine. Report PED18214 provides additional details and the full evaluation of the identified heritage attributes.

The HMHC supported the recommendation for designation of the subject property and forwarded the recommendation to Planning Committee for consideration. As part of its recommendation, the HMHC asked for clarification about the location and ownership of the Cross of Lorraine. Staff brought forward Report PED20141 to the HMHC meeting on August 20, 2020 on this matter. The report confirmed that the Cross of Lorraine is on private property as it is located within the boundaries of the subject property.

During Planning Committee's review of the HMHC's recommendation to designate the subject property on September 18, 2018, Ted Valeri, of Valery Homes, submitted a letter (attached as Appendix "D" to Report PED18214(a)) to defer this matter until such time as applications under the *Planning Act* have been submitted. The application was targeted for submission in November, 2018. City staff received and reviewed a revised proposed concept plan in July, 2020, which included the retention of the Long and Bisby Building. A Minor Site Plan application for the adaptive reuse of the Long and Bisby Building was received, deemed completed and circulated for comment on October 23, 2020. The comments are due on November 13, 2020. Attached as Appendix "J to Report PED18124(a) are the building elevation plans submitted as part of the minor site plan application. Additionally, an application for an Official Plan Amendment, Zoning By-law Amendment and Revised Draft Plan of Subdivision for this property have been received and was reviewed on October 26, 2020 and at the time of preparation of this report, the applications were being reviewed for completeness in accordance with the applicable City policies and requirements.

Following a fire on May 25, 2020, that significantly damaged a wooden addition on the rear of the Long and Bisby Building as well as general concerns for the safety of the building, the HMHC put forward a second request to designate the subject property

**SUBJECT: Reconfirmation of Recommendation to Designate of the Property Located at 828 Sanatorium Road, Hamilton (Long and Bisby Building) Under Part IV of the *Ontario Heritage Act* (PED18214(a)) (Ward 8) - Page 3 of 9**

---

during their meeting of July 3, 2020. After review by Planning Committee and Council, Council referred the matter to Planning Committee for consideration.

As outlined in Report PED18214, Staff continue to support the recommendation to designate 828 Sanatorium Road, Hamilton, as a property of cultural heritage value pursuant to the provisions of Part IV of the *Ontario Heritage Act*.

**Alternatives for Consideration – See Page 8**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: Designation under Part IV of the *Ontario Heritage Act* allows municipalities to recognize a property’s cultural heritage value or interest, and to conserve and manage the property through the Heritage Permit process enabled under Sections 33 (alterations) and 34 (demolition or removal) of the Act. Section 30 of the Act affirms that if a notice of intention to designate (NOID) a property is issued by Council then the Demolition Permit in review would be voided as of the day the NOID is given.

The designation process will follow the requirements of the *Ontario Heritage Act*, and provide for adequate notice of Council’s intention to designate the property. Formal objections may be made under the *Ontario Heritage Act*, and heard before the Conservation Review Board, prior to further consideration by Council of the designation By-law.

**HISTORICAL BACKGROUND**

A summary of events leading up to and following the original Recommendation to Designate the Property Located at 828 Sanatorium Road, Hamilton (Long and Bisby Building) Under Part IV of the *Ontario Heritage Act* (refer to Report PED18214) is provided below:

<b>Date</b>	<b>Committee</b>	<b>Summary of Events</b>
January 2018	-	Formal Consultation Application (FC-18-004) was submitted to the City. Proposal did not include the retention or integration of the Long and Bisby Building within the site layout.

**SUBJECT: Reconfirmation of Recommendation to Designate of the Property Located at 828 Sanatorium Road, Hamilton (Long and Bisby Building) Under Part IV of the *Ontario Heritage Act* (PED18214(a)) (Ward 8) - Page 4 of 9**

June 21, 2018	Hamilton Municipal Heritage Committee (HMHC)	Staff Report (PED18142) recommending the subject property be added to the City of Hamilton's Register of Property of Cultural Heritage Value or Interest (the 'Register') presented to HMHC. HMHC supported staff recommendation.
July 10, 2018	Planning Committee (PC)	Planning Committee approved HMHC's recommendation to add the subject property to the Register.
July 13, 2018	Council	City Council approved the recommendation to add the subject property to the Register.
August 7, 2018	-	A Notice of Intention to Demolish the Long and Bisby Building was submitted to the Building Division, initiating a legislated 60-day hold on the issuance of the Building Permit in order to allow staff and Council an opportunity to review the property's heritage value.
September 13, 2018	HMHC	In response to the Notice of Intention to Demolish, staff report to designate the property (refer to Report PED18214) presented to HMHC. HMHC reviewed and supported the staff recommendation, forwarding the recommendation to Planning Committee.  HMHC requested that staff provide additional information regarding the location of the Cross of the Lorraine (attached as Appendix "E" to Report PED18214(a)).
September 18, 2018	PC	Planning Committee approved HMHC's recommendation to designate the subject property but referred to Council to allow the Ward Councillor the opportunity to discuss the proposed designation with staff (attached as Appendix "F" to Report PED18214(a)).  Mr. Ted Valery submitted a letter, attached as Appendix "D" to Report PED18214(a), to Planning Committee respecting HMHC's request to designate. The letter stated that "the necessary supporting documents for a complete application is targeted for submission in November 2018."
September 26, 2018	Council	Council reviewed the request to designate and referred the HMHC report recommending the designation of the subject property and the letter from Ted Valery to a future Planning

**SUBJECT: Reconfirmation of Recommendation to Designate of the Property Located at 828 Sanatorium Road, Hamilton (Long and Bisby Building) Under Part IV of the *Ontario Heritage Act* (PED18214(a)) (Ward 8) - Page 5 of 9**

		<p>Committee meeting, allowing the developer to work with staff to prepare an updated Statement of Cultural Heritage Value or Interest. Property owner provided correspondence advising that they had withdrawn the demolition permit for the Long and Bisby Building (refer to Appendix “G” to Report PED18214(a)).</p> <p>The request to designate the subject property (as outlined in Report PED18214) added to Planning Committee’s Outstanding Business List.</p>
July 3, 2020	HMHC	<p>Following a fire on May 25, 2020, that severely damaged a wooden addition at the rear to the Long and Bisby Building as well as the overall concern for the safety of the building, the HMHC put forward a follow-up recommendation to Planning Committee to request the designation of the subject property (attached as Appendix “H” to PED18214(a)).</p>
July 7, 2020	PC	<p>Planning Committee reviewed the HMHC recommendation and put forward a recommendation that the item be referred back to the Hamilton Municipal Heritage Committee for consideration.</p> <p>Paul Valeri, Valery Homes, submitted a request to Planning Committee requesting deferral of the decision to designate the subject property.</p>
July 17, 2020	Council	<p>Council reviewed the Planning Committee’s request to refer the designation of 828 Sanatorium back to HMHC. Council revised the recommendation, referring the designation request back to Planning Committee (attached as Appendix “I” to PED18214(a)). Additionally, Council approved a security plan as an interim protection measure prior to the future redevelopment of the Long and Bisby Building.</p>

**Identified Heritage Attributes of the 828 Sanatorium Road**

The subject property is approximately 12 hectares in size and is bounded by the Niagara Escarpment to the north and Scenic Drive curving to the south, forming a semi-circular layout. As the former Mountain Sanatorium Brow Campus (later Chedoke Browlands), the property contains multiple built and natural elements that were integral to the design and function of the campus as a Tuberculosis treatment hospital. In review of the property for designation, it has been determined that the Long and Bisby Building and multiple landscape features and natural heritage features contributed to the overall

**SUBJECT: Reconfirmation of Recommendation to Designate of the Property Located at 828 Sanatorium Road, Hamilton (Long and Bisby Building) Under Part IV of the *Ontario Heritage Act* (PED18214(a)) (Ward 8) - Page 6 of 9**

---

cultural heritage landscape and cultural heritage value of the property. For a full description of the attributes, please refer to Report PED18214. The heritage attributes of the property at 828 Sanatorium Road, Hamilton that display its cultural heritage value are listed in the Statement of Cultural Heritage Value or Interest, attached as Appendix “B” to PED18214(a).

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Refer to PED18214 for the detailed policy analysis.

## **SEPCIFIC EVENTS REVIEW**

### **2018 Correspondence from Valery Homes/Prosperities**

Ted Valery of Valery Homes/Properties (Valery Homes), owner of the 828 Sanatorium Road lands, sent a letter (attached as Appendix “D” to Report PED18214(a)) to Planning Committee respecting the HMHC’s initial request to designate the subject property in 2018. The letter references Cultural Heritage Staff’s requirement for a Cultural Heritage Assessment and states that “Since this formal consultation meeting, Valery Homes has retained the necessary project team to complete the necessary supporting documents for a complete application that is targeted for submission in November, 2018”. To date, staff have not received any Cultural Heritage Assessments and no development applications pertaining to this site have been submitted.

In July, 2020, staff received an updated proposal for the lands located at 828 Sanatorium Road and conducted a follow-up evaluation of the updated proposal. As part of the updated proposal, the applicant is now proposing to retain the Long and Bisby Building as part of the future development. Although supportive of the proposed retention of the Long and Bisby Building, Cultural Heritage Staff still require a Cultural Heritage Impact Assessment be submitted with a future formal application.

In addition to the development plans on the subject lands, Valery Homes has indicated their interest in adaptively reusing the Long and Bisby Building for their own office space.

### **Adaptive Reuse of the Long and Bisby Building – Minor Site Plan Application**

The City has received a Minor Site Plan Application (MDA-20-106) for the proposed adaptive reuse of the Long and Bisby Building. The applicant proposes to convert the Long and Bisby Building into office space, to be used by Valery Homes. The Minor Site Plan Application was deemed complete and put into circulation for comments on

**SUBJECT: Reconfirmation of Recommendation to Designate of the Property Located at 828 Sanatorium Road, Hamilton (Long and Bisby Building) Under Part IV of the *Ontario Heritage Act* (PED18214(a)) (Ward 8) - Page 7 of 9**

---

October 23, 2020. Comments are due on November 13, 2020. The proposed redevelopment is intended to be within “The Browlands” Subdivision and is proposed to be integrated with the future subdivision through concurrent applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plans of Subdivision and Condominium, and Site Plan Control.

To facilitate the adaptive reuse of the building, the applicant has proposed internal and external alterations. The preliminary scope of the exterior alterations includes the replacement of all doors and windows, restoration of the front portico, a new glass enclosure on the rear of the building replacing the fire damaged wooden addition, and new access doors from the second level to the new terrace on top of the glass enclosure (refer to elevations attached as Appendix “J” to Report PED18214(a)). Specific details regarding the full scope of the interior and exterior work be provided as part of the ongoing review of this application.

### **Security Plan for Long and Bisby Building**

As a result of multiple break-ins, incidents of vandalism, and fires at the Long and Bisby Building, Valery Homes worked with City staff to create a Security Plan. The Security Plan was approved by Council on July 17, 2020, (refer to Appendix “I” in Report PED18214(a)) and includes increased security parameters, such as: 8 foot security fencing, sensor lighting and an alarm system, securing the building by covering all openings and increased surveillance of the property. As part of the efforts to protect and secure the building from unauthorized entry, the rear wooden, significantly fire damaged addition was removed and all newly exposed openings to the building were secured with plywood coverings. A demolition permit for the removal of the wooden, fire damaged addition was issued by the City on September 30, 2020, and the demolition was completed on Thursday October 8, 2020. The demolition was periodically reviewed by Building Inspection staff and Planning staff. Prior to the demolition, the HMHC was provided with a verbal update of the plan to remove the wooden, fired damaged rear addition at their August 20, 2020 meeting.

Planning Division staff were aware of and supported the removal wooden, fired damaged rear addition, but required that any window and door openings that may be exposed as part of the removal of the fire damaged rear addition be covered in accordance with the City of Hamilton’s Property Standards By-law #10-221. Specifically, subsection 6(3)(a) states: “doors, windows, hatches and other openings through which entry may be obtained are to be secured and maintained to prevent unauthorized entry by closing and securely fastening the opening with: (a) wood sheathing of at least 12.7 mm plywood which is weather resistant, completely covers the opening, is securely fastened to the building, and is painted in a manner conforming with paragraphs 7(3)(b),

(c) or (d).”

The removal of this wooden addition does not impact, nor require revisions of the Statement of Cultural Heritage Value or Interest or the identified heritage attributes (refer to Appendix B attached to Report PED18214(a)).

## **Conclusion**

Staff support the reasons and rationale for the proposed designation of the subject property as outlined in Report PED18214. Additionally, Staff continue to support the recommendation to designate the subject property as the identified heritage attributes of the property (refer to Appendix B of Report PED18214(a)), which include the Long and Bisby Building, landscape and natural features, have not been irreparably changed since the initial recommendation Report PED18214, nor has any documentation been presented that demonstrates that the subject property either does not or no longer meets any of the criteria outlined in Ontario Regulation 9/06.

## **ALTERNATIVES FOR CONSIDERATION**

Under Part IV of the *Ontario Heritage Act*, the designation of property is a discretionary activity on the part of Council. Council, as advised by its Municipal Heritage Committee, may consider two alternatives: agree to designate or decline to designate the property.

### **Decline to Designate:**

By declining to designate, the municipality would be unable to ensure long-term, legal protection to this cultural heritage resource (designation provides protection against inappropriate alterations, new construction and demolition). As outlined in Report PED18214, if Council declines to designate, the City of Hamilton would not be acting in congruence with recommendations made in the Ontario Municipal Board decision for PL100691 (now known as the LPAT) , the Chedoke Hospital Cultural Heritage Assessment, or the Chedoke Browlands Sub-Neighbourhood Urban Design Guidelines.

Without designation, the property would not be eligible for the City’s heritage grant and loan programs. Designation does not restrict the use of property, prohibit alterations and additions, nor does it restrict the sale of a property, or affect its resale value. Rather, designation provides a tool for Council to manage the heritage resource and ensure that any alterations to the building respect the heritage attributes of the building through the heritage permit process.



## **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.

### **Built Environment and Infrastructure**

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

### **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"	Location Map
Appendix "B"	Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes
Appendix "C"	Notice of Intention to Designate
Appendix "D"	Mr. Ted Valery's (owner) letter to Planning Committee regarding the Recommendation to Designate lands located at 828 Sanatorium Road, Hamilton
Appendix "E"	Excerpts from HMHC 18-009
Appendix "F"	Excerpt from Planning Committee Report 18-014
Appendix "G"	Excerpt from Council Minutes 18-018
Appendix "H"	Excerpt from Hamilton Municipal Heritage Committee Report 20-003
Appendix "I"	Excerpt from Planning Committee Report 20-005, as amended by Council on July 17, 2020
Appendix "J"	Long & Bisby Building Renovations – Proposed Building Elevations