



Hamilton

AGENDA

HAMILTON MUNICIPAL HERITAGE COMMITTEE

12:00 p.m.

Thursday, December 15 2016

Room 264, 2nd Floor

Hamilton City Hall

71 Main Street West

Loren Kolar, Legislative Coordinator, 905-546-2424 x2604

1. CHANGES TO THE AGENDA

2. DECLARATIONS OF INTEREST

3. APPROVAL OF MINUTES OF PREVIOUS MEETING

3.1 November 17, 2016

4. DELEGATION REQUESTS

5. CONSENT ITEMS

5.1 Inventory and Research Working Group Meeting Notes – October 24, 2016

5.2 Heritage Permit Applications - Delegated Approvals

(a) Heritage Permit Application (Storage and Re-assembly of the Front Facade), 46-52 James Street North, Hamilton, William Thomas Building, By-law No. 08-215

(b) Heritage Permit Application HP2016-036, Waterproofing and structural repair of front porch, 69 Mill Street North, Flamborough, Mill Street Heritage Conservation District

(c) Heritage Permit Application HP2016-032, Replacement in-kind of existing covered porch, 60 Sydenham Street, Dundas, Cross-Melville Heritage Conservation District. By-Law 90-3899 (Ward 13)

(d) Heritage Permit Application HP2016-034, Replacement of sidewalk and weeping tile installation, 233 St. Clair Boulevard, Hamilton, St. Clair Boulevard Heritage Conservation District By-Law 92-140 (Ward 3)

- (e) Heritage Permit Application HP2016-033, Repointing and installation of awning, 154 James Street South, Hamilton, James Street South Stone Terrace, By-Law 85-177 (Ward 2)
- (f) Heritage Permit Application HP2016-044, Restoration of shared garage, 280 - 286 Park Street South, Hamilton, Durand-Markland Heritage Conservation District (Ward 2)
- (g) Heritage Permit Application HP2016-043, Repair and repointing of stone façade, 5 Brock Street North, Dundas, Workers Cottage, By-Law No. 06-270 (Ward 13)

6. PUBLIC HEARINGS / DELEGATIONS

7. PRESENTATIONS

8. DISCUSSION ITEMS

- 8.1 Heritage Permit Application HP2016-028, under Part IV of the Ontario Heritage Act, for the Demolition of the Buildings at 24 and 28 King Street East, Hamilton (PED16193(a)) (Ward 2) (to be distributed)
- 8.2 Heritage Permit Application HP2016-027, Under Part IV of the Ontario Heritage Act, for Façade Retention and Penthouse Addition of 18 - 22 King Street East, Hamilton (PED16194(a)) (Ward 2) (to be distributed)

9. MOTIONS

10. NOTICES OF MOTION

11. GENERAL INFORMATION/OTHER BUSINESS

11.1 Buildings and Landscapes (Item 11.1)

- (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) – A. Johnson
 - (ii) Book House, 167 Book Road East, Ancaster (R) – M. McGaw
 - (iii) Andrew Sloss House, 372 Butter Road West, Ancaster (D) – M. McGaw
 - (iv) Century Manor, 100 West 5th Street, Hamilton (D) – K. Garay

- (v) Beach Canal Lighthouse (D) – J. Partridge
 - (vi) 18-22 King Street East, Hamilton (R)(NOI) – K. Stacey
 - (vii) 24-28 King Street East, Hamilton (R)(NOI) – K. Stacey
 - (viii) 1 St. James Place, Hamilton (D) – K. Stacey
 - (ix) 43-51 King Street East, Hamilton (Kresge Property) (R) – K. Stacey
 - (x) St. Thomas Anglican Church Parsonage, 18 West Avenue South, Hamilton – T. Ritchie
- (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) James Street Baptist Church, 96 James Street South, Hamilton (D) – A. Denham-Robinson
 - (iii) Centenary Church, 24 Main Street West (R) – D. Beland
 - (iv) Pearson Home, 493 Dundas Street East, Waterdown (D) – J. Partridge / W. Arndt
 - (v) Charlton Hall, 52-56 Charlton Avenue West (D) – M. Pearson
 - (vi) St. Giles United Church, 85 Holton Avenue South (L) – D. Beland
 - (vii) 33 Bowen Street, Hamilton (R) - T. Ritchie
 - (viii) 2251 Rymal Road East, Stoney Creek (R) – C. Dmitry
- (c) Heritage Properties Update (green):
(Green = Properties whose status is stable)
- (i) The Royal Connaught Hotel, 112 King Street East, Hamilton (R) – T. Ritchie
 - (ii) (Thomas Building) 46 - 52 James Street North, Hamilton (D) – R. Sinclair

- (iii) Desjardins Canal, Dundas, Hamilton (R) – K. Stacey
 - (iv) St. Marks, 120 Bay Street South, Hamilton (D) – A. Denham-Robinson
 - (v) Auchmar, 88 Fennell Avenue West, Hamilton (D) – K. Garay
 - (vi) Westdale Theatre, 1014 King Street West, Hamilton (R) – A. Johnson / K. Stacey
 - (vii) Federal Building, 150 Main Street West (L) – R. Sinclair
 - (viii) Jimmy Thompson Pool, 1099 King Street E., Hamilton (R) – T. Ritchie
 - (ix) Abrey-Zimmerman House, Courtcliffe Park, Flamborough (D) – J. Partridge
 - (x) Treble Hall, 4-12 John Street North, Hamilton (R) – T. Ritchie
- (d) Heritage Properties Update (black):
(Black = Properties that HMHC have no control over and may be demolished)
- (i) Auchmar Gate House, Claremont Lodge 71 Claremont Drive (R) – K. Garay

12. ADJOURNMENT



Hamilton

HAMILTON MUNICIPAL HERITAGE COMMITTEE

MINUTES 16-009

9:30 a.m.

Thursday, November 17, 2016

Room 264, 2nd Floor

Hamilton City Hall

71 Main Street West

Present: Councillors M. Pearson Councillor and J. Partridge
A. Denham-Robinson (Chair), W. Arndt, D. Beland,
C. Dmitry, K. Garay, M. McGaw, T. Ritchie, K. Stacey, and T. Wallis

**Absent with
Regrets:** Councillor A. Johnson - Personal

THE FOLLOWING ITEMS WERE REFERRED TO THE PLANNING COMMITTEE FOR CONSIDERATION:

1. **Heritage Permit Application HP2016-035, Under Part V of the Ontario Heritage Act, for Demolition of the Existing Detached Garage and Erection of a New Detached Garage at 93 Mill Street North, Flamborough (PED16240) (Ward 15) (Item 8.1)**

(Partridge/Beland)

That Heritage Permit Application HP2016-035 be **approved** for the demolition of an existing detached garage and erection of a new detached garage at 93 Mill Street North, Flamborough subject to the following conditions:

- (a) 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,
- (b) That the proposed construction, in accordance with this approval, shall be completed no later than December 31, 2018. If the construction is not completed by December 31, 2018, then this approval expires as of that date and no construction shall be undertaken without a new approval issued by the City of Hamilton.

CARRIED

2. **Heritage Permit Application HP2016-041, Under Part IV of the Ontario Heritage Act, for Demolition of the 1908 Lobby of 108-112 James Street North, Hamilton (PED16239) (Ward 2) (Item 8.3)**

That Heritage Permit Application HP2016-041, for demolition of the 1908 lobby of 108-112 James Street North, be **approved**, subject to the following conditions:

(Pearson/Dmitry)

- (a) That the applicant provide final details of the hoarding and any structural reinforcement required to secure the opening of the auditorium, 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;
- (b) That the following conditions with respect to cost estimates and a Letter of Credit shall be satisfied prior to submission of an application for a Building Permit for the hoarding and any temporary structural reinforcement required to secure the opening of the auditorium:
 - (i) The applicant shall provide cost estimates for 100% of the total cost of securing, protecting and stabilizing the opening to the auditorium and the cost of monitoring and security for a period of three years. 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 for 100% of the total estimated cost as per (i) in a form satisfactory to the City's Finance Department (Development Officer, Budget, Taxation and Policy) to be held by the City as security for securing, protecting, stabilizing and monitoring the opening to the auditorium as required by this Heritage Permit.
 1. The Letter of Credit shall be kept in force, whether or not the ownership of 108-112 James Street North and / or 111-113 Hughson Street North changes at any time, until the completion of the required restoration of the auditorium (111-113 Hughson Street North) and the erection of a permanent structure to enclose the auditorium (111-113 Hughson Street North) and / or to otherwise attach the retained portions to a new building in conformity with an approved Site Plan Control Application.
 2. The Letter of Credit may be reduced in accordance with the City's Letter of Credit Policy.
 3. If the Letter of Credit is about to expire without renewal thereof and any part of securing, protecting, stabilizing or monitoring the opening to the auditorium has not been completed in conformity with their approved designs, the

City may draw all of the Letter of Credit funds and hold them as security to guarantee completion unless the City's Finance Department (Development Officer, Budget, Taxation and Policy) is provided with a renewal of the Letter of Credit forthwith.

4. In the event that the Owner fails to complete, to the satisfaction of the Director of Planning and Chief Planner, the required securing, protecting, stabilizing or monitoring of the opening to the auditorium and / or attach to a new building in conformity with an approved Site Plan Control Application 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 on 108-112 James Street North and 111-113 Hughson Street North to complete any one or more of these requirements. The cost of completion of securing, protection, stabilizing or monitoring of the auditorium opening shall be paid in full by the Owner from the Letter of Credit. In the event that there is a surplus, the City shall return any unrequired funds to the Owner upon completion of the requirement(s), less any administrative processing fees. 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.
- (c) That the applicant submit the final documentation and salvage details of any remaining Heritage Attributes in the lobby, including but not limited to the two decorative wall niches, the plaster wall medallions, and the coffered ceilings. The applicant should make explicit how the coffered ceilings will be appropriately salvaged and / or documented and incorporated into the design of the 22 storey mixed-use building addition, 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;
 - (d) 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; and,
 - (e) That should a Building Permit for the proposed demolition, in accordance with this approval, not be obtained and acted upon by December 31, 2020, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

CARRIED

FOR THE INFORMATION OF THE COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

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

1. ADDED GENERAL INFORMATION ITEM (Item 11)

- 11.1(a) Potential Acquisition of Former Hamilton Psychiatric Hospital Lands (approved at Council on November 9, 2016)

(Ritchie/Pearson)

That the Agenda for the November 17, 2016 Hamilton Municipal Heritage Committee be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

K. Stacey declared an interest respecting Item 8.3, Heritage Permit Application HP2016-041, Under Part IV of the Ontario Heritage Act, for Demolition of the 1908 Lobby of 108-112 James Street North, Hamilton (PED16239), as the architecture firm that she works for was involved in preliminary estimates on the project.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) September 22, 2016 (Item 3.1)

Partridge/Arndt)

That the Minutes of the September 22, 2016 meeting of the Hamilton Municipal Heritage Committee be approved, as presented.

CARRIED

(d) CONSENT ITEMS

(i) Inventory and Research Working Group Meeting Notes – August 22, 2016 (Item 5.1)

(Sinclair/Stacey)

That the August 22, 2016 Inventory and Research Working Group Meeting Notes, be received.

CARRIED

(ii) Heritage Permit Applications - Delegated Approvals

- (a) Heritage Permit Application HP2016-037, Removal of Ash tree, Boulevard Opposite 170 St. Clair Boulevard, Hamilton, St. Clair Boulevard Heritage Conservation District (Ward 3)

- (b) Heritage Permit Application HP2016-039, Construction of new stairs and installation of new front doors, 712 Main Street East, Hamilton, St. Clair Avenue Heritage Conservation District (Ward 3)
- (c) Heritage Permit Application HP2016-040, Tree removal, 1 Victoria Street & 56 Cross Street, Dundas, Cross-Melville Heritage Conservation District (Ward 13)
- (d) Heritage Permit Application HP2016-042, Plaque Mounting, 91 John Street South, Hamilton, Edwin Pass Watch Repair, By-Law 15-217 (Ward 2)

(Ritchie/Wallis)

That Items 5.1(a) to 5.1(d), Delegated Approvals for Heritage Permit Applications, be received.

CARRIED

(e) DISCUSSION ITEM (Item 8)

- (i) **Heritage Permit Application HP2016-035, Under Part V of the Ontario Heritage Act, for Demolition of the Existing Detached Garage and Erection of a New Detached Garage at 93 Mill Street North, Flamborough (PED16240) (Ward 15)**

Chelsey Tyers, Cultural Heritage Planner, addressed Committee with an overview respecting Heritage Permit Application HP2016-035, Under Part IV of the Ontario Heritage Act, for Demolition of the Existing Detached Garage and Erection of a New Detached Garage at 93 Mill Street North, Flamborough (PED16240), with the aid of a series of photographic images. Copies of the images have been included in the public record.

For disposition of this matter, refer to Item 1.

- (ii) **Heritage Permit Application HP2016-038, Under Part V of the Ontario Heritage Act, for the Erection of a Detached Garage at 24 Union Street, Flamborough (Waterdown) (PED16222) (Ward 15)**

Jeremy Parsons, Cultural Heritage Planner addressed Committee with an overview respecting Heritage Permit Application HP2016-038, Under Part V of the Ontario Heritage Act, for the Erection of a Detached Garage at 24 Union Street, Flamborough (Waterdown) (PED16222), with the aid of a series of photographic images. Copies of the images have been included in the public record.

(Partridge/Sinclair)

That Heritage Permit Application HP2016-038 be **approved** for the erection of a detached garage at 24 Union Street, Flamborough (Waterdown) within the Mill-John-Union-Griffin Heritage District (HCD), as

shown in Appendix "A" to Report PED16222, subject to the following Heritage Permit conditions:

- (a) 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,
- (b) That the proposed construction, in accordance with this approval, shall be completed no later than November 30, 2018. If the construction is not completed by November 30, 2018, then this approval expires as of that date and no construction shall be undertaken without a new approval issued by the City of Hamilton.

CARRIED

The Heritage Permit Application HP2016-038, Under Part V of the Ontario Heritage Act, for the Erection of a Detached Garage at 24 Union Street, Flamborough (Waterdown) (PED16222) was approved at the November 23, 2016 meeting of Council.

(iii) Heritage Permit Application HP2016-041, Under Part IV of the Ontario Heritage Act, for Demolition of the 1908 Lobby of 108-112 James Street North, Hamilton (PED16239) (Ward 2)

Christina Karney, McCallum Sather Architects addressed Committee respecting the Heritage Permit Application HP2016-041, Under Part IV of the Ontario Heritage Act, for Demolition of the 1908 Lobby of 108-112 James Street North, Hamilton (PED16239), with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record. Her comments included, but were not limited to the following:

- History of the subject property from 1875 to 2004
- Site location and local context
- Heritage attributes protected in the Designation By-law
- Analysis of the impact of the lobby removal
- Larger restoration project which includes the auditorium
- Summary of the work that has been done to date and will be done in the future as part of the current Heritage Permit application and further restoration work of the auditorium

Partridge/Sinclair)

That the presentation from Christina Karney, McCallum Sather Architects, respecting Heritage Permit Application HP2016-041, Under Part IV of the Ontario Heritage Act, for Demolition of the 1908 Lobby of 108-112 James Street North, Hamilton (PED16239), be received.

CARRIED

E. Garay and R. Sinclair requested to be marked as OPPOSED to the recommendations in the report.

For disposition of this matter, refer to Item 2

(f) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

**(i) Future Development of the Hamilton Psychiatric Hospital Lands
(Motion approved at Council on September 28, 2016) (Item 11.1)**

For the information of the Committee, Chelsey Tyers, Cultural Heritage Planner, provided an overview of a motion respecting Future Development of the Hamilton Psychiatric Hospital Lands, and 11.1(a) a motion respecting the Potential Acquisition of Former Hamilton Psychiatric Hospital Lands.

(Garay/Stacey)

That the information respecting the Future Development of the Hamilton Psychiatric Hospital Lands and the Potential Acquisition of Former Hamilton Psychiatric Hospital Lands, be received.

CARRIED

**(ii) Correspondence from Walter Furlan respecting his Resignation from
the Hamilton Municipal Heritage Committee (Item 11.2)**

(Beland/Arndt)

That Correspondence from Walter Furlan respecting his Resignation from the Hamilton Municipal Heritage Committee, be received.

CARRIED

(iii) Buildings and Landscapes (Item 11.3)

(Partridge/McGaw)

That the updates listed on the agenda as Item 11.3, be received, as presented.

**(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) – A. Johnson

No report.

(ii) Book House, 167 Book Road East, Ancaster (R) – M. McGaw

No report.

- (iii) Andrew Sloss House, 372 Butter Road West, Ancaster (D) – M. McGaw

No report.

- (iv) Century Manor, 100 West 5th Street, Hamilton (D) – K. Garay

No report.

- (v) Beach Canal Lighthouse (D) – J. Partridge

No report.

- (vi) 18-22 King Street East, Hamilton (R)(NOI) – K. Stacey

Staff advise that a report on this property will be coming to the December 2016 meeting.

- (vii) 24-28 King Street East, Hamilton (R)(NOI) – K. Stacey

Staff advise that a report on this property will be coming to the December 2016 meeting.

- (viii) 1 St. James Place, Hamilton (D) – K. Stacey

No report.

- (ix) 43-51 King Street East, Hamilton (Kresge Property) (R) – K. Stacey

No report.

- (x) St. Thomas Anglican Church Parsonage, 18 West Avenue South, Hamilton – T. Ritchie

No report.

**(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

No report.

- (ii) James Street Baptist Church, 96 James Street South, Hamilton (D) – A. Denham-Robinson

Sales are being pursued for this property.

- (iii) Centenary Church, 24 Main Street West (R) – D. Beland

No report.

- (iv) Pearson Home, 493 Dundas Street East, Waterdown (D) – J. Partridge / W. Arndt

No report.

- (v) Charlton Hall, 52-56 Charlton Avenue West (D) – M. Pearson

No report.

- (vi) St. Giles United Church, 85 Holton Avenue South (L) – D. Beland

No report.

- (vii) 33 Bowen Street, Hamilton (R) - T. Ritchie

No report.

- (viii) 2251 Rymal Road East, Stoney Creek (R) – C. Dmitry

No report.

**(c) Heritage Properties Update (green):
(Green = Properties whose status is stable)**

- (i) The Royal Connaught Hotel, 112 King Street East, Hamilton (R) – T. Ritchie

Signage reads that the owner is in the second stage of sales.

- (ii) (Thomas Building) 46 - 52 James Street North, Hamilton (D) – R. Sinclair

Staff advised that a site visit has been planned.

- (iii) Desjardins Canal, Dundas, Hamilton (R) – K. Stacey

No report.

- (iv) St. Marks, 120 Bay Street South, Hamilton (D) – A. Denham-Robinson

No report.

- (v) Auchmar, 88 Fennell Avenue West, Hamilton (D) – K. Garay

The Royal Hamilton Light Infantry (Rileys) are having an Open House on Friday, September 30th at the property.

- (vi) Westdale Theatre, 1014 King Street West, Hamilton (R) – A. Johnson / K. Stacey

No report.

- (vii) Federal Building, 150 Main Street West (L) – R. Sinclair

Hoarding has been removed, and the building is occupied.

- (viii) Jimmy Thompson Pool, 1099 King Street E., Hamilton (R) – T. Ritchie

No report.

- (ix) Abrey-Zimmerman House, Courtcliffe Park, Flamborough (D) – J. Partridge

No report.

- (x) Treble Hall, 4-12 John Street North, Hamilton (R) – T. Ritchie

T. Ritchie advised that it appears that work is being done on the property.

**(d) Heritage Properties Update (black):
(Black = Properties that HMHC have no control over and may be demolished)**

- (i) Auchmar Gate House, Claremont Lodge 71 Claremont Drive (R) – K. Garay

No report.

CARRIED

(g) ADJOURNMENT (Item 12)

(Arndt/Wallis)

That, there being no further business, the Hamilton Municipal Heritage Committee, be adjourned at 11:13 a.m.

CARRIED

Respectfully submitted,

Alissa Denham-Robinson, Chair
Hamilton Municipal Heritage Committee

Loren Kolar
Legislative Coordinator
Office of the City Clerk

MEETING NOTES
INVENTORY AND RESEARCH WORKING GROUP

Monday, October 24, 2016

6:00 pm

Hamilton City Hall, Room 171

Attendees: Wilf Arndt, Brian Kowalewicz, Alissa Denham Robinson, Pat Saunders, Ron Sinclair, Kathy Wakeman, Terri Wallis

Regrets: Ann Gillespie

Also Present: Alissa Golden, Chelsey Tyers

THE INVENTORY AND RESEARCH WORKING GROUP RECOMMENDS THE FOLLOWING TO THE HAMILTON MUNICIPAL HERITAGE COMMITTEE:

1. That the Hamilton Municipal Heritage Committee proceed with the designation of 262 MacNab Street North as recommended in the Cultural Heritage Assessment.
-

FOR THE INFORMATION OF THE COMMITTEE:

- (a) **CHANGES TO THE AGENDA** -- the Cultural Heritage Assessment for 262 MacNab Street North was added to the agenda
- (b) **DECLARATIONS OF INTEREST** -- none
- (c) **APPROVAL OF MEETING NOTES OF PREVIOUS MEETING**

August 22, 2016

Meeting Notes of the Inventory and Research Working Group were accepted with the following revision: the presentation by the HRLI regarding Auchmar will take place at a meeting of the HWHA.

(d) Following Alissa Golden's presentation of the draft recommendations pertaining to the Durand Neighbourhood Built Heritage Inventory (copy attached) and discussion, the Inventory/Research Working group passed unanimously the following motion:

MOTION: The Inventory Research Working Group supports the recommendations embodied in the draft report Durand Neighbourhood Built Heritage Inventory, specifically a) the recommendation for designation of properties identified in the report as Significant Built Resources and b) the recommendation to include properties identified as Character Defining Resources and Character Supporting Resources on the City Register of non-designated properties.

(e) Status Reports

Dundas Driving Park - nothing to report

(f) Given the hour, it was agreed to defer any remaining items to our next meeting.

(g) ADJOURNMENT

The Inventory and Research Working Group Meeting was adjourned at 8:40pm

Next meeting date: November, 28, 2016

Ron Sinclair

Co-Chair

5.2(a)



Hamilton

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Planning Division
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Phone: 905-546-2424, Ext. 4281 Fax: 905-540-5611

August 31, 2016

FILE: HP2016-023

LIUNA LOCAL 837 LISTER PROPERTY CORPORATION
c/o Megan Hobson
44 HUGHSON ST S
Hamilton, ON L8N 2A7

Sent by email: mhobson@bell.net

Dear Ms. Hobson,

**Re: Heritage Permit Application (Storage and Re-assembly of the Front Façade)
46-52 James Street North, Hamilton
William Thomas Building, By-law No. 08-215 (Ward 2)**

City Council approved Heritage Permit (HP2010-053) on August 12, 2010, for the disassembly, removal, storage, and re-assembly of the front façade of the William Thomas Building at 46-52 James Street North, Hamilton. The front façade of the building was disassembled and the components were removed off site in November 2010. Heritage Permit HP2010-053 was issued with conditions, including an expiry date of July 31, 2014.

A new Heritage Permit Approval was issued on August 11, 2014 (HP2014-036) to allow for the continued storage of the components of the front façade and reassembly of the front façade. Heritage Permit 2014-053 was issued with conditions, including an expiry date of August 31, 2016.

A new Heritage Permit Application is now required for the continued storage of the components of the front façade and re-assembly of the front façade.

Pursuant to By-law 05-364, as amended by By-law 07-322, which delegates the power to consent to alterations to designated property under the *Ontario Heritage Act* to the Director of Planning and Chief Planner, Heritage Permit HP2016-023 is approved to permit the storage and re-assembly of the front façade of 46 - 52 James Street North, Hamilton (William Thomas Building), subject to the following conditions:

- (a) That, if the heritage elements are to be moved to a new storage facility, the new location and municipal address shall be submitted by the applicant, to the satisfaction and approval of the Director of Planning, prior to the removal of the heritage elements to a new storage facility.

**Re: Heritage Permit Application
(Storage and Re-assembly of the Front Façade)
46-52 James Street North, Hamilton
William Thomas Building, By-law No. 08-215 (Ward 2)**

**August 31, 2016
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- (b) That regular inspections of all of the heritage elements in storage shall be undertaken and the reports submitted to City staff, and any unsatisfactory conditions within the storage area shall be remedied as soon as discovered.
- (c) That City staff be allowed reasonable access to inspect the heritage elements in storage, at any time.
- (d) That plans and elevations of the new structure and re-assembled front façade at 46 - 52 James Street North, Hamilton, shall be provided, to the satisfaction and approval of the Heritage Permit Review Sub-committee and the Director of Planning, prior to any new construction or the re-assembly of the heritage elements of the front façade.
- (e) That implementation of the alterations, in accordance with this approval, shall be completed no later than August 31, 2018. If the alterations are not completed by August 31, 2018, then, subject to Condition (f), this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.
- (f) That if the alterations are not completed by August 31, 2018:
 - (i) Conditions (a), (b), and (c) of this approval remain in force until such time as a new approval, with a new completion date, is issued by the City of Hamilton; and,
 - (ii) LIUNA Local 837 Lister Property Corporation, and/or authorized agent(s) of the Corporation, shall apply for a new approval no later than August 31, 2018, with a new completion date.

Please note that this property is designated under Part IV of the *Ontario Heritage Act*, and that this permit is only for the above-noted alterations. Any departure from the approved plans and specifications is prohibited, and could result in penalties, as provided for by the *Ontario Heritage Act*. The terms and conditions of this approval may be appealed to the Conservation Review Board within 30 days of your receipt of this permit.

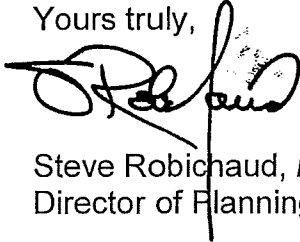
The issuance of this permit under the *Ontario Heritage Act* is not a waiver of any of the provisions of any By-law of the City of Hamilton, the requirements of the *Building Code Act*, the *Planning Act*, or any other applicable legislation.

**Re: Heritage Permit Application
(Storage and Re-assembly of the Front Façade)
46-52 James Street North, Hamilton
William Thomas Building, By-law No. 08-215 (Ward 2)**

**August 31, 2016
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We wish you success with your project, and if you have any further questions please feel free to contact Chelsey Tyers, Cultural Heritage Planner, at 905-546-2424, ext. 1202, or via email chelsey.tyers@hamilton.ca.

Yours truly,

A handwritten signature in black ink, appearing to read "Steve Robichaud". The signature is stylized and written over the printed name and title below it.

Steve Robichaud, *MCIP OPPI RPP*
Director of Planning

cc: Chelsey Tyers, Cultural Heritage Planner
Chanell Ross, Plan Examination Secretary
John Lane, Manager, Building Inspections
Loren Kolar, Legislative Coordinator
Erin Semande, Registrar, Ontario Heritage Trust
Councillor Jason Farr, Ward 2

HERITAGE PERMIT DELEGATED AUTHORITY REPORT – HP2016-023
ADDRESS: 46-52 James Street North, Hamilton (William Thomas Building)

Owner: LIUNA LOCAL 837 LISTER PROPE
Applicant/Agent: Megan Hobson

Description of proposed alterations:

- Disassembly, removal, storage, and re-assembly of the front façade of the William Thomas Building.

Documentation submitted with application:

None.

Staff assessment:

This Heritage Permit is to extend the approval of Heritage Permit HP2010-053 to disassemble, remove, store and reassemble the front façade of the William Thomas Building. Heritage Permit HP2010-053 was approved by Council on August 12, 2010 in consultation with the Hamilton Municipal Heritage Committee. This Heritage Permit expired on July 31, 2014. The front façade of the building was disassembled and the components were removed off site in November 2010 to the approved location.

Heritage Permit HP2014-036 was issued on August 11, 2014 to extend the approval to disassemble, remove, store and reassemble the front façade of the William Thomas Building, however, this Heritage Permit expires on August 31, 2016.

Staff have no concerns with issuing a new Heritage Permit to further extend the approval of these works in accordance with the approved Heritage Permit 2010-053, as the approved works remain appropriate for the subject property.

Key dates:

Meeting with Applicant: N/A

Site Visit: N/A

HMHC meeting date: July 22, 2010

Notice of Receipt (for the request to extend the Heritage Permit approval): August 1, 2016

Hamilton Municipal Heritage Committee (HMHC) advice:

The HMHC considered the application and passed the following motion on July 22, 2010:

(Adkins/Kirk)

The Hamilton Municipal Heritage Committee advises Council that approval be given to Heritage Permit Application (HP2010-053), by Anthony (Tony) DePasquale, of Copper Cliff Metals & Wrecking Corp., as Authorized Agent for LIUNA Local 837 Lister Property Corporation, to permit the disassembly, removal, storage, and re-assembly of the front façade of 46 - 52 James Street North (Hamilton) (William Thomas Building), as shown on Appendix "A", subject to the following conditions:

- (a) That the municipal address of the storage location for the removed heritage elements shall be LIUNA Station, 360 James Street North, Hamilton, and if such storage location is to be changed, the new location and address shall be submitted by the applicant, to the satisfaction and approval of staff, prior to the removal of the heritage elements off-site to a new storage facility;
- (b) That a schedule for regular inspections of all of the heritage elements in storage be submitted for staff approval, and that this inspection plan shall include provisions for monitoring the condition of the heritage elements, and for remedying any unsatisfactory conditions, such as high humidity, should they develop;
- (c) That City staff be allowed reasonable access to inspect the heritage elements in storage, at any time;
- (d) That plans and elevations of the new structure and re-assembled front façade at 46-52 James Street North, Hamilton, shall be provided, to the satisfaction and approval of the Heritage Permit Review Sub-committee and Planning staff, prior to any new construction or the re-assembly of the heritage elements of the front façade;
- (e) That implementation of the alterations, in accordance with this approval, shall be completed no later than July 31, 2014. If the alterations are not completed by July 31, 2014, then, subject to Condition (f), this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton;
- (f) That if the alterations are not completed by July 31, 2014:
 - (i) Conditions (a), (b), and (c) of this approval remain in force until such time as a new approval, with a new completion date, is issued by the City of Hamilton; and,

- (ii) LIUNA Local 837 Lister Property Corporation, and/or authorized agent(s) of the Corporation, shall apply for a new approval no later than August 31, 2014, with a new completion date.

CARRIED

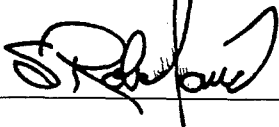
Final Recommendation:

That the applicant be advised that Heritage Permit Application HP2016-023 is approved in accordance with the submitted application, subject to the following conditions:

- (a) That the municipal address of the storage location for the removed heritage elements shall be LIUNA Station, 360 James Street North, Hamilton, and if such storage location is to be changed, the new location and address shall be submitted by the applicant, to the satisfaction and approval of staff, prior to the removal of the heritage elements off-site to a new storage facility;
- (b) That a schedule for regular inspections of all of the heritage elements in storage be submitted for staff approval, and that this inspection plan shall include provisions for monitoring the condition of the heritage elements, and for remedying any unsatisfactory conditions, such as high humidity, should they develop;
- (c) That City staff be allowed reasonable access to inspect the heritage elements in storage, at any time;
- (d) That plans and elevations of the new structure and re-assembled front façade at 46-52 James Street North, Hamilton, shall be provided, to the satisfaction and approval of the Heritage Permit Review Sub-committee and Planning staff, prior to any new construction or the re-assembly of the heritage elements of the front façade;
- (e) That implementation of the alterations, in accordance with this approval, shall be completed no later than August 31, 2018. If the alterations are not completed by August 31, 2018, then, subject to Condition (f), this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton;
- (f) That if the alterations are not completed by August 31, 2018:
 - (i) Conditions (a), (b), and (c) of this approval remain in force until such time as a new approval, with a new completion date, is issued by the City of Hamilton; and,
 - (ii) LIUNA Local 837 Lister Property Corporation, and/or authorized agent(s) of the Corporation, shall apply for a new approval no later than August 31, 2018, with a new completion date.

Approval:

Staff Approval:  
Chelsey Tyers
Cultural Heritage Planner
SPM/MGR Initials

Authorized: 
Steve Robichaud
Director of Planning and Chief Planner

Reasons for Designation/Excerpts from HCD Plan

Statement of Cultural Heritage Value

The four-storey building, built 1855-56, located at 46-52 James Street North possesses cultural heritage value due not only to its association with the growth and commercial prosperity of the City of Hamilton in the nineteenth century, but also due to its association with an important nineteenth-century architect, William Thomas. Thomas was considered a key figure in Canadian architecture, designing important buildings throughout Ontario as well as in other Provinces. Thomas designed a commercial building befitting the prosperity of Hamilton in the 1850s. In its original composition, design and materials, the building was a representative example of Renaissance Revival architecture dating to the pre-Confederation period.

While the building retains only a portion of its original architectural features, confined specifically to the three bays on the southern most section of the property, including the decorative stone window surrounds, its similarities to other extant Thomas buildings, such as Kerr's Block on King Street East, is a testament to the work of this architect and his contribution to the pre-Confederation architectural legacy of stone construction in the City.

The building is an important element in the James Street North streetscape, which is both architecturally and historically significant for downtown Hamilton. Lined with three to four storey commercial row buildings, the buildings on James Street North exemplify early architectural styles and often exhibit high levels of craftsmanship in both design and construction including such architectural details as cornices, decorative window trim and ornate masonry work. While at one time quite plentiful in Hamilton, this surviving example of a stone, commercial block building type at 46-52 James Street North is nowadays rare in the downtown core.

Description of Heritage Attributes

The heritage attributes of 46-52 James Street North include but are not limited to:

- The west elevation of the southern most section of the building (three bays wide) along with the flat roof; together with all original construction materials (stone and wood) and all component architectural features and detailing, including the fenestration pattern and the decorative window surrounds.
- The west elevation of the northern portion of the building along with the flat roof, including the surviving stone façade, remnant window and door openings and any other surviving architectural features or decorative elements.

5.2(b)



Hamilton

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

FILE: HP2016-036

September 29, 2016

Lynn Hoffman
69 Mill Street North
Waterdown, ON
L0R 2H0

Sent by email: rachel@dampbasements.com

**Re: Heritage Permit Application HP2016-036
Waterproofing and structural repair of front porch
69 Mill Street North, Flamborough
Mill Street Heritage Conservation District (Ward 15)**

Please be advised that pursuant to By-law 05-364, as amended by By-law 07-322, which delegates the power to consent to alterations to designated property under the *Ontario Heritage Act* to the Director of Planning and Chief Planner, Heritage Permit Application HP2016-036 is approved for the designated property at 69 Mill Street North, Flamborough, in accordance with the submitted Heritage Permit Application for the following alterations:

- Structural reinforcement of front porch; and,
- Temporary removal and reinstallation of brick along the south wall to allow the column to be raised and the structural supports to be installed.

Subject to the following conditions:

- a) That the final specifications of the mortar to be used shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to the commencement of any alterations;
- b) 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; and,

**Re: Heritage Permit Application HP2016-036
Waterproofing and structural repair of front porch
69 Mill Street North, Flamborough
Mill Street Heritage Conservation District (Ward 15)**

**September 29, 2016
Page 2 of 2**

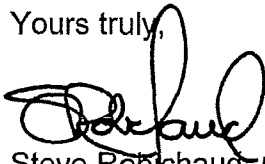
- c) That implementation / installation of the alterations, in accordance with this approval, shall be completed no later than September 30, 2018. If the alterations are not completed by September 30, 2018, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

Please note that this property is designated under Part V of the *Ontario Heritage Act*, and that this permit is only for the above-noted alterations. Any departure from the approved plans and specifications is prohibited, and could result in penalties, as provided for by the *Ontario Heritage Act*. The terms and conditions of this approval may be appealed to the Conservation Review Board within 30 days of your receipt of this permit.

The issuance of this permit under the *Ontario Heritage Act* is not a waiver of any of the provisions of any By-law of the City of Hamilton, the requirements of the *Building Code Act*, the *Planning Act*, or any other applicable legislation.

We wish you success with your project, and if you have any further questions please feel free to contact Chelsey Tyers, Cultural Heritage Planner, at 905-546-2424, ext. 1214, or via email Chelsey.Tyers@hamilton.ca.

Yours truly,



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

cc: Chelsey Tyers, Cultural Heritage Planner
Chanell Ross, Plan Examination Secretary
John Lane, Manager, Building Inspections
Loren Kolar, Legislative Coordinator
Erin Semande, Registrar, Ontario Heritage Trust
Councillor Judi Partridge, Ward 15

HERITAGE PERMIT DELEGATED AUTHORITY REPORT – HP2016-036
ADDRESS: 69 Mill Street North, Flamborough (Ward 15)

Owner: Lynn Hoffman
Applicant/Agent: Rachel Wheeler

Description of proposed alterations:

- Structural reinforcement of front porch; and,
- Temporary removal and reinstallation of brick along the south wall to allow the column to be raised and the structural supports to be installed.

Documentation submitted with application:

- Letters from Rob Posavad and Wet Basement Technologies detailing the work to be undertaken in a step-by-step format; and,
- Foundation plans.

Staff assessment:

Key factors in the evaluation of any change affecting a heritage building or its setting, are consideration of “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).

Displacement / Disruption: Staff are of the opinion that the proposed alterations will result in minimal displacement or disruption effects. The current porch is in significant need of repair. The application proposes to stabilize the porch through the installation of helical piers to prevent further sinking of the porch columns. This will involve temporary removal of a portion of the brick along the south wall and reinstallation and repointing upon completion. Staff are of the opinion that temporary removal of the brick is an appropriate approach to ensure the bricks are not damaged while the porch columns are raised and stabilized. The bricks will be removed with hand tools and repointed with an appropriate lime based mortar. As such, the design and materials of the proposed porch are in keeping with the character of the area and is consistent with the policies and objectives of the Mill Street Heritage Conservation District Plan.

Key dates:

Meeting with Applicant: N/A
Site Visit: September 19, 2016
Sub-committee meeting date: September 27, 2016
Notice of Receipt: September 28, 2016

Sub-committee comments and advice:

The Sub-committee considered the application and passed the following motion:

(McKee / Hogeterp)

That the Heritage Permit Review Sub-committee advises that Heritage Permit Application HP2016-036 be approved as submitted, subject to the following conditions:

- a) That the final specifications of the mortar to be used shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to the commencement of any alterations;
- b) 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 the commencement of any alterations; and,
- c) That implementation / installation of the alterations, in accordance with this approval, shall be completed no later than September 30, 2018. If the alterations are not completed by September 30, 2018, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

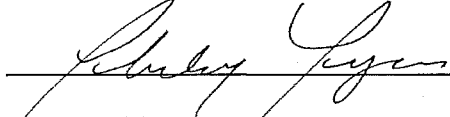
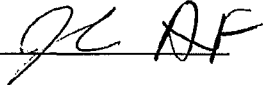
CARRIED


Final Recommendation:

That the applicant be advised that Heritage Permit Application HP2016-036 is approved in accordance with the submitted application, subject to the following conditions:

- a) That the final specifications of the mortar to be used shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner prior to the commencement of any alterations;
- b) 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 the commencement of any alterations; and,
- c) That implementation of the alterations, in accordance with this approval, shall be completed no later than September 30, 2018. If the alterations are not completed by September 30, 2018, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

Approval:

Staff Approval:  
Chelsey Tyers
Cultural Heritage Planner
SPM/MGR Initials

Authorized: 
Steve Robichaud
Director of Planning and Chief Planner

Excerpts from HCD Plan

4.2.5 Foundations and Walls

Protect original wall surfaces from cleaning methods that may permanently alter or damage the appearance of the surface or give a “falsely” new look to the building, for example, sandblasting, strong liquid chemical solutions and high pressure water cleaning. Avoid application of new surfaces or new coatings that alter the appearance of the original material, especially where they are substitutes for masonry repairs. This may include the application of waterproof and water repellent coatings, paint, aluminium or vinyl siding and stucco.

4.2.7 Entrances

Protect and maintain entrances and porches especially on principal elevations where they are often key elements in defining the character of the building. Retain the historic means of access.

Restoration of a missing porch should be based upon accurate research using both pictorial and physical evidence. Where documentation does not exist, the design and construction of a new entrance or porch compatible with the character of the building is preferred over a conjectural design of the original.

Appendix 1.2 Foundations and Basements

Repairs and Replacement: foundation repairs should be undertaken only after consultation with a professional engineer, building consultant and/or architect who has a knowledge of heritage buildings systems. Traditional building practices and methods should be used in making repairs wherever possible. Sound building science principles should also be applied such as not insulating interior basement walls to modern design standards in order to maintain the existing environment in a stable condition. Make sure proper exterior drainage is in place to direct all water away from the building. This may be accomplished simply by grading the ground slope away from the building. Drainage tiling can be installed, if necessary, to control excessive moisture. When excavating around a foundation, remember that there may be archaeological concerns. Excavate in short sections, repair and backfill.

5.2(c)



Hamilton

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

FILE: HP2016-032

September 30, 2016

Paul Valvasori
78 Surrey Drive
Ancaster, ON
L9K 1L9

**Re: Heritage Permit Application HP2016-032
Replacement in-kind of existing covered porch
60 Sydenham Street, Dundas
Cross-Melville Heritage Conservation District, By-Law 90-3899 (Ward 13)**

Please be advised that pursuant to By-law 05-364, as amended by By-law 07-322, which delegates the power to consent to alterations to designated property under the *Ontario Heritage Act* to the Director of Planning and Chief Planner, Heritage Permit Application HP2016-032 is approved for the designated property at 60 Sydenham Street, in accordance with the submitted Heritage Permit Application for the following alterations:

- Replacement in-kind of existing covered front porch, columns, railings, and stairs to match existing design.

Subject to the following conditions:

- a) That the original heritage fabric be salvaged and reused where feasible to the satisfaction and approval of the Director of Planning and Chief Planner, prior to commencement of any alterations;
- b) That the height of the replacement stair railing match the height of the existing railings in accordance with Part 11 of the Ontario Building Code;
- c) 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; and,

Re: Heritage Permit Application HP2016-032
Replacement in-kind of existing covered porch
60 Sydenham Street, Dundas
Cross-Melville Heritage Conservation District,
By-Law 90-3899 (Ward 13)

September 30, 2016
Page 2 of 2

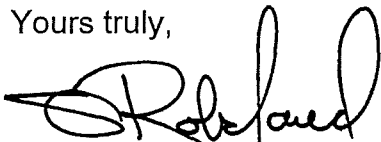
- d) That implementation of the alterations, in accordance with this approval, shall be completed no later than September 30, 2018. If the alterations are not completed by September 30, 2018, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

Please note that this property is designated under Part V of the *Ontario Heritage Act*, and that this permit is only for the above-noted alterations. Any departure from the approved plans and specifications is prohibited and could result in penalties, as provided for by the *Ontario Heritage Act*. The terms and conditions of this approval may be appealed to the Ontario Municipal Board within 30 days of your receipt of this permit.

The issuance of this permit under the *Ontario Heritage Act* is not a waiver of any of the provisions of any By-law of the City of Hamilton, the requirements of the *Building Code Act*, the *Planning Act*, or any other applicable legislation.

We wish you success with your project, and if you have any further questions please feel free to contact Chelsey Tyers, Cultural Heritage Planner, at 905-546-2424, ext. 1202, or via email Chelsey.Tyers@hamilton.ca.

Yours truly,



Steve Robichaud, MCIP RPP
Director of Planning and Chief Planner

cc: Chelsey Tyers, Cultural Heritage Planner
Chanell Ross, Plan Examination Secretary
John Lane, Manager, Building Inspections
Loren Kolar, Legislative Coordinator
Erin Semande, Registrar, Ontario Heritage Trust
Councillor Arlene VanderBeek, Ward 13

HERITAGE PERMIT DELEGATED AUTHORITY REPORT – HP2016-032
ADDRESS: 60 Sydenham Street, Dundas (Ward 13)

Owner: Paul Valvasori
Applicant/Agent: N/A

Description of proposed alterations:

- Replacement in-kind of existing covered front porch, columns, railings, and stairs to match existing design.

Documentation submitted with application:

- Elevations and plans.

Cross-Melville Heritage Conservation District Advisory Committee Recommendation :

The Cross-Melville Heritage Conservation District Advisory Committee reviewed the application at their meeting on September 1, 2016. The Committee was supportive of the Heritage Permit application, however, recommended that the approval be conditional upon salvage and reuse of elements of the existing porch as deemed feasible and that the height of the railing match the existing railings.

Staff assessment:

Key factors in the evaluation of any change affecting a heritage building or its setting, are consideration of “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).

Displacement / Disruption: In the consideration of any Heritage Permit application, staff must assess the impact of the displacement and disruption effects in conjunction with the relevant Heritage Conservation District Plan Guidelines.

Staff are of the opinion that the proposed alterations will result in minimal displacement and disruption. The current porch is in significant disrepair, to the extent where little of the original fabric is salvageable. The application proposes to replace the porch, including the columns, railing and stairs to match what is existing. As such, the design and materials of the proposed porch are in keeping with the character of the area and is consistent with the policies and objectives of the Cross-Melville Heritage Conservation District Plan. While the porch is in significant disrepair, there are some unique features, such as the capitals atop the columns that are particularly ornate and appear to be

salvageable, as such, staff recommend a condition that heritage fabric be salvaged and reused, where feasible, to the satisfaction of the Director of Planning and Chief Planner.

Key dates:

Meeting with Applicant: N/A
Site Visit: N/A
CMHCDAC meeting date: September 1, 2016
Sub-committee meeting date: August 23, 2016
Notice of Receipt: August 24, 2016

Sub-committee comments and advice:

The Sub-committee considered the application and passed the following motion:

(D. Beland / A. MacLaren)

That the Heritage Permit Review Sub-committee advises that Heritage Permit Application HP2016-032 be approved as submitted, subject to the following conditions:

- a) That the height of the replacement stair railing match the height of the existing railings in accordance with Part 11 of the Ontario Building Code;
- b) That the Heritage Permit application be reviewed by the Cross-Melville Heritage Conservation District Advisory Committee;
- c) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,
- d) That implementation of the alterations, in accordance with this approval, shall be completed no later than September 30, 2018. If the alterations are not completed by September 30, 2018, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

CARRIED

Note: The Heritage Permit application was reviewed by the Cross-Melville Heritage Conservation District Advisory Committee on September 1, 2016. The Cross-Melville Heritage Conservation District Advisory Committee was satisfied with the proposed scope of work and as such, the Heritage Permit Review Subcommittee's recommended condition c) has been satisfied.

Final Recommendation:

That the applicant be advised that Heritage Permit application HP2016-032 is approved in accordance with the submitted application, subject to the following conditions:

- a) That the original heritage fabric be salvaged and reused where feasible to the satisfaction and approval of the Director of Planning and Chief Planner, prior to commencement of any alterations;
- b) That the height of the replacement stair railing match the height of the existing railings in accordance with Part 11 of the Ontario Building Code;
- c) 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; and,
- d) That implementation of the alterations, in accordance with this approval, shall be completed no later than September 30, 2018. If the alterations are not completed by September 30, 2018, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

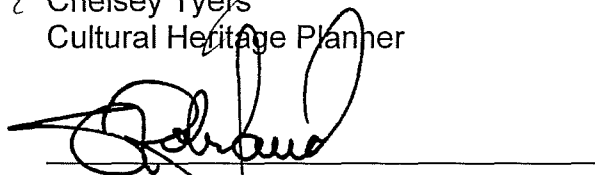
Approval:

Staff Approval:


Chelsey Tyers
Cultural Heritage Planner


SPM/MGR Initials

Authorized:


Steve Robichaud
Director of Planning and Chief Planner

Excerpts from Cross-Melville Heritage Conservation District Plan

6.2 ALTERATIONS TO EXISTING BUILDINGS AND SITES

Buildings are altered for a variety of reasons, often in response to changing needs of the individual property owner or sometimes simply to reflect prevailing fashions and trends. Whatever kind of alteration is complemented try to ensure that:

- Historical building materials and architectural features are protected; and,
- Character defining elevations, especially those that face the street, are not radically changed

5.2 BUILDING CONSERVATION

- Replacement of architectural features should match the material being replaced in composition, design, texture, colour, and size.
- Historical, physical, or pictorial and documentary evidence should guide the repair or replacement of missing architectural features of an individual heritage building. Guesswork or using architectural elements borrowed from other buildings should be avoided.

ENTRANCES

- Protect and maintain entrances and porches especially on principal façades where they are often key in defining the character of the building.



Hamilton

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

FILE: HP2016-034

September 30, 2016

Gloria Nusca
c/o Cam Nusca (Arctic Refrigeration)
233 St. Clair Boulevard
Hamilton, ON
L8M 2N9

**Re: Heritage Permit Application HP2016-034
Replacement of sidewalk and weeping tile installation
233 St. Clair Boulevard, Hamilton
St. Clair Boulevard Heritage Conservation District, By-Law 92-140 (Ward 3)**

Please be advised that pursuant to By-law 05-364, as amended by By-law 07-322, which delegates the power to consent to alterations to designated property under the *Ontario Heritage Act* to the Director of Planning and Chief Planner, Heritage Permit Application HP2016-034 is approved for the designated property at 233 St. Clair Boulevard, in accordance with the submitted Heritage Permit Application for the following alterations:

- Removal and replacement of sidewalk along north side of home to accommodate new weeping tile installation.

Subject to the following conditions:

- a) 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; and,
- b) That implementation of the alterations, in accordance with this approval, shall be completed no later than September 30, 2018. If the alterations are not completed by September 30, 2018, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

Re: Heritage Permit Application HP2016-034
Replacement of sidewalk and weeping tile installation
233 St. Clair Boulevard, Hamilton
St. Clair Boulevard Heritage Conservation District,
By-Law 92-140 (Ward 3)

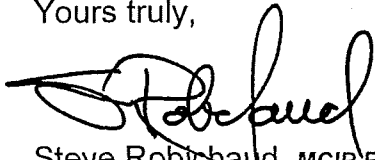
September 30, 2016
Page 2 of 2

Please note that this property is designated under Part V of the *Ontario Heritage Act*, and that this permit is only for the above-noted alterations. Any departure from the approved plans and specifications is prohibited, and could result in penalties, as provided for by the *Ontario Heritage Act*. The terms and conditions of this approval may be appealed to the Ontario Municipal Board within 30 days of your receipt of this permit.

The issuance of this permit under the *Ontario Heritage Act* is not a waiver of any of the provisions of any By-law of the City of Hamilton, the requirements of the *Building Code Act*, the *Planning Act*, or any other applicable legislation.

We wish you success with your project, and if you have any further questions please feel free to contact Chelsey Tyers, Cultural Heritage Planner, at 905-546-2424, ext. 1202, or via email chelsey.tyers@hamilton.ca.

Yours truly,



Steve Robichaud, MCIP/RPP
Director of Planning and Chief Planner

cc: Chelsey Tyers, Cultural Heritage Planner
Chanell Ross, Plan Examination Secretary
John Lane, Manager, Building Inspections
Loren Kolar, Legislative Coordinator
Erin Semande, Registrar, Ontario Heritage Trust
Councillor Mathew Green, Ward 3

HERITAGE PERMIT DELEGATED AUTHORITY REPORT – HP2016-034
ADDRESS: 233 St. Clair Boulevard, Hamilton (Ward 3)

Owner: Gloria Nusca
Applicant/Agent: N/A

Description of proposed alterations:

- Remove and replace concrete sidewalk along north side of home to accommodate new weeping tile installation.

Documentation submitted with application:

- None

Staff assessment:

Key factors in the evaluation of any change affecting a heritage building or its setting, are consideration of “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).

Displacement / Disruption: In the consideration of any heritage permit application, staff must assess the impact of the displacement and disruption effects in conjunction with the relevant Heritage Conservation District Plan Guidelines.

Staff are of the opinion that the proposed alterations will result in minimal displacement and disruption to the heritage conservation district. The soil disturbance will be temporary and the replacement of the concrete sidewalk will add no visual change to the character of the property and District. Staff are satisfied that the proposed alterations are consistent with the St. Clair Boulevard Heritage Conservation District Plan.

Key dates:

Meeting with Applicant: N/A
Site Visit: N/A
Sub-committee meeting date: August 23, 2016
Notice of Receipt: August 24, 2016

Sub-committee comments and advice:

The Sub-committee considered the application and passed the following motion:

(R. McKee / M. McGaw)

That the Heritage Permit Review Sub-committee advises that Heritage Permit Application HP2016-034 be approved as submitted, subject to the following conditions:

- a) 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; and,
- b) That implementation of the alterations, in accordance with this approval, shall be completed no later than September 30, 2018. If the alterations are not completed by September 30, 2018, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

CARRIED

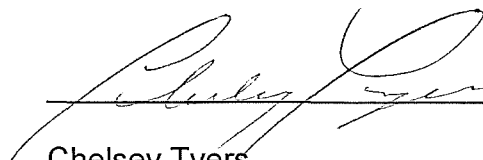
Final Recommendation:

That the applicant be advised that Heritage Permit Application HP2016-034 is approved in accordance with the submitted application, subject to the following conditions:

- a) 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; and,
- b) That implementation of the alterations, in accordance with this approval, shall be completed no later than September 30, 2018. If the alterations are not completed by September 30, 2018, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

Approval:

Staff Approval:



Chelsey Tyers
Cultural Heritage Planner



SPM/MGR Initials

Authorized:



Steve Robichaud
Director of Planning and Chief Planner

Excerpts from HCD Plan

In order to preserve the homogeneous, cohesive character of the existing urban streetscape of the St. Clair Boulevard HCD, the general setbacks, proportions, and scale of the existing houses should be retained.

7.4.4 The Floorscape

Maintain and enhance the floorscape and preserve its openness by:

- Maintaining private driveways and sidewalks in good condition; and if existing surfaces are to be replaced encouraging the use of sympathetic materials.

5.2(e)



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Planning and Economic Development Department
Planning Division
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Phone: 905-546-2424, Ext. 4281
Fax: 905-540-5611

FILE: HP2016-033

September 30, 2016

Bahram & Shamsi Sharifi
c/o Ronn Mattai
967 Slote Road
Dundas, ON
L9H 5E3

**Re: Heritage Permit Application HP2016-033
Repointing and installation of awning
154 James Street South, Hamilton
James Street South Stone Terrace, By-Law 85-177 (Ward 2)**

Please be advised that pursuant to By-law 05-364 as amended by By-law 07-322, which delegates the power to consent to alterations to designated property under the *Ontario Heritage Act* to the Director of Planning and Chief Planner, Heritage Permit Application HP2016-033 is approved for the designated property at 154 James Street South, in accordance with the submitted Heritage Permit Application for the following alterations:

- Removal of existing paint on stone with 'Peel Away' product;
- Repointing a few small areas with hand tools and Type N (limed based) mortar mix;
- Installation of an awning over the entranceway and windows on the first floor; and,
- Gooseneck lighting installations below sills on the second floor and beside the front door.

Subject to the following conditions:

- a) That the final details of the mortar material 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;
- b) That final details of lighting installation 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;

Re: Heritage Permit Application HP2016-033
Repointing and installation of awning
154 James Street South, Hamilton
James Street South Stone Terrace, By-Law 85-177
(Ward 2)

September 30, 2016
Page 2 of 2

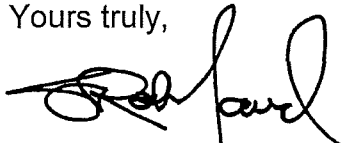
- c) That the final details of the attachment of the awning and lights to the facade shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations;
- d) 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; and,
- e) That implementation of the alterations, in accordance with this approval, shall be completed no later than September 30, 2018. If the alterations are not completed by September 30, 2018, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

Please note that this property is designated under Part IV of the *Ontario Heritage Act*, and that this permit is only for the above-noted alterations. Any departure from the approved plans and specifications is prohibited, and could result in penalties, as provided for by the *Ontario Heritage Act*. The terms and conditions of this approval may be appealed to the Conservation Review Board within 30 days of your receipt of this permit.

The issuance of this permit under the *Ontario Heritage Act* is not a waiver of any of the provisions of any By-law of the City of Hamilton, the requirements of the *Building Code Act*, the *Planning Act*, or any other applicable legislation.

We wish you success with your project, and if you have any further questions please feel free to contact Chelsey Tyers, Cultural Heritage Planner, at 905-546-2424, ext. 1202, or via email Chelsey.Tyers@hamilton.ca.

Yours truly,



Steve Robichaud, MCIP RPP
Director of Planning and Chief Planner

cc: Chelsey Tyers, Cultural Heritage Planner
Chanell Ross, Plan Examination Secretary
John Lane, Manager, Building Inspections
Loren Kolar, Legislative Coordinator
Erin Semande, Registrar, Ontario Heritage Trust
Councillor Jason Farr, Ward 2

HERITAGE PERMIT DELEGATED AUTHORITY REPORT – HP2016-033
ADDRESS: 154 James Street South, Hamilton (Ward 2)

Owner: Bahram & Shamsi Sharifi
Applicant/Agent: Ronn Mattai

Description of proposed alterations:

- Removal of existing paint on stone with 'Peel Away' product;
- Repointing a few small areas with hand tools and Type N (limed based) mortar mix;
- Installation of an awning over the entranceway and windows the first floor; and,
- Gooseneck lighting installations below sills on the second floor and beside the front door.

Documentation submitted with application:

- Image of sample awning.

Staff assessment:

Key factors in the evaluation of any change affecting a heritage building or its setting, are consideration of "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).

Displacement / Disruption: In the consideration of any Heritage Permit application, staff must assess the impact of the displacement and disruption effects in conjunction with the relevant Heritage Conservation District Plan Guidelines.

Staff are of the opinion that the proposed alterations will result in minimal displacement and disruption effects. Repointing with the appropriate mortar and tools constitutes appropriate maintenance to the stone building. The 'Peel Away' product for paint removal has been used with success on heritage buildings of similar vintage with no adverse impacts. Furthermore, no significant displacement or disruption effects are anticipated from the introduction of the proposed awning which will be attached to the façade through the mortar rather than the limestone.

Key dates:

Meeting with Applicant: N/A
Site Visit: June 29, 2016
CMHCDAC meeting date: N/A
Sub-committee meeting date: August 23, 2016

Notice of Receipt: August 24, 2016

Sub-committee comments and advice:

The Sub-committee considered the application and passed the following motion:

(Beland / McKee)

That the Heritage Permit Review Sub-committee advises that Heritage Permit Application HP2016-033 be approved as submitted, subject to the following conditions:

- a) That the final details of the mortar material 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;
- b) That final details of lighting installation 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;
- c) That the final details of the attachment of the awning and lights to the facade 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;
- d) 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; and,
- e) That implementation of the alterations, in accordance with this approval, shall be completed no later than September 30, 2018. If the alterations are not completed by September 30, 2018, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

CARRIED

Final Recommendation:

That the applicant be advised that Heritage Permit Application HP2016-033 is approved in accordance with the submitted application, subject to the following conditions:

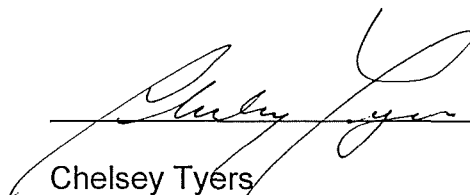
- a) That the final details of the mortar material shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission

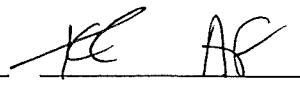
as part of any application for a Building Permit and / or the commencement of any alterations;

- b) That final details of lighting installation 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;
- c) That the final details of the attachment of the awning and lights to the facade 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;
- d) 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; and,
- e) That implementation of the alterations, in accordance with this approval, shall be completed no later than September 30, 2018. If the alterations are not completed by September 30, 2018, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.


Approval:

Staff Approval:


Chelsey Tyers
Cultural Heritage Planner


SPM/MGR Initials

Authorized:


Steve Robichaud
Director of Planning and Chief Planner

Reasons for Designation

ARCHITECTURE

The stone terrace on James Street South is one of few surviving pre-Confederation rowhouses in Hamilton. While the rowhouse was a common building type in the city, relatively few were built of stone; and of these early stone terraces dating from the 1850s and 60s, a number of fine examples have been lost (notably, Palmerston Terrace on Jackson Street West). In the area south of Main Street (known today as the Durand Neighbourhood) where the concentration of stone terraces was greatest, only four are still standing - Sandyford Place on Duke Street, Herkimer Terrace, 122-126 MacNab Street South, and the James South terrace.

The James South Stone Terrace is distinguished by its unrivalled length, the forceful simplicity of its design, and its finely crafted limestone ashlar facade. Erected by skilled immigrant masons using stone quarried locally from the escarpment, this terrace displays the high quality of design and workmanship that characterized Hamilton's early stone architecture. Although built in blocks for three different owners on a sloping site, the overall row possesses a homogeneous character achieved through the consistent use of limestone, uniform set-back and standard rowhouse format. Subtle distinctions were, however, created by varying the proportions and detailing of the three blocks. The two MacKenzie units feature two-storey pilasters and a horizontal string course between the first and second storey; the Murison Block is distinguished by its taller second-storey proportions and bracketed eaves; while the three Gordon units are narrower and, unlike the other ones, their entrances are located in the north bay.

On the whole, the James South stone terrace has survived remarkably well: the addition of dormers and one mansard roof (#158) as well as alterations to entrance doorways, stairways, and windows have not seriously undermined its original appearance. The only major change has been the replacement of the first storey stone façade at #156 by a projecting brick addition with a modern glazed storefront.

Designated Features

Important to the preservation of the James South Stone Terrace are the original features of the east (front) facades and north end wall, including: the limestone masonry walls and parapets; the cut stone sills, lintels, string courses, and pilasters; the original doorways and windows; and the bracketed eaves and other original details. Excluded are: the projecting store front added to #156; the various dormer additions; and the modern entrances porches, stairways, windows and doors.



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Planning and Economic Development Department
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Phone: 905-546-2424, Ext. 4281
Fax: 905-540-5611

FILE: HP2016-044

November 11, 2016

Catharine Paul and Susan Davey
286 Park Street South
Hamilton, ON
L8P 3G4

**Re: Heritage Permit Application HP2016-044
Restoration of shared garage
280 - 286 Park Street South, Hamilton
Durand-Markland Heritage Conservation District (Ward 2)**

Please be advised that pursuant to By-law 05-364, as amended by By-law 07-322, which delegates the power to consent to alterations to designated property under the *Ontario Heritage Act* to the Director of Planning and Chief Planner, Heritage Permit Application HP2016-044 is approved for the designated property at 280 – 286 Park Street South, Hamilton, in accordance with the submitted Heritage Permit Application for the following alterations:

- Restoration of shared garage including:
 - Replacement of deteriorated wood door with a new wood door to match the existing design; and,
 - Replacement of the garage's deteriorated wooden façade with new wood work replicating the existing design.

Subject to the following conditions:

- a) 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; and,
- b) That implementation / installation of the alterations, in accordance with this approval, shall be completed no later than November 30, 2018. If the alterations are not completed by November 30, 2018, then this approval expires as of that

**Re: Heritage Permit Application HP2016-044
Restoration of shared garage
280 - 286 Park Street South, Hamilton
Durand-Markland Heritage Conservation District
(Ward 2)**

**November 11, 2016
Page 2 of 2**

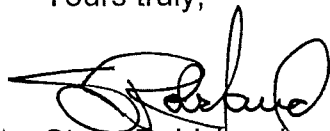
date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

Please note that this property is designated under Part V of the *Ontario Heritage Act*, and that this permit is only for the above-noted alterations. Any departure from the approved plans and specifications is prohibited, and could result in penalties, as provided for by the *Ontario Heritage Act*. The terms and conditions of this approval may be appealed to the Ontario Municipal Board within 30 days of your receipt of this permit.

The issuance of this permit under the *Ontario Heritage Act* is not a waiver of any of the provisions of any By-law of the City of Hamilton, the requirements of the *Building Code Act*, the *Planning Act*, or any other applicable legislation.

We wish you success with your project, and if you have any further questions please feel free to contact Jeremy Parsons, Cultural Heritage Planner, at 905-546-2424 Ext. 1214, or via email Jeremy.Parsons@hamilton.ca.

Yours truly,



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

cc: Jeremy Parsons, Cultural Heritage Planner
Chanell Ross, Plan Examination Secretary
John Lane, Manager, Building Inspections
Loren Kolar, Legislative Coordinator
Erin Semande, Registrar, Ontario Heritage Trust
Councillor Jason Farr, Ward 2

HERITAGE PERMIT DELEGATED AUTHORITY REPORT – HP2016-044
ADDRESS: 280 - 286 Park Street South, Hamilton (Ward 2)

Owner: Catherine Paul and Susan Davey
Applicant/Agent: Susan Davey

Description of proposed alterations:

- Restoration of shared garage including:
 - Replacement of deteriorated wood door with a new wood door to match the existing design; and,
 - Replacement of the garage's deteriorated wooden façade with new wood work replicating the existing design.

Documentation submitted with application:

- Six photographs of existing condition of garage.

Staff assessment:

Key factors in the evaluation of any change affecting a heritage building or its setting, are consideration of “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).

Displacement / Disruption: Staff are of the opinion that the proposed works will not have any displacement or disruption effects. The existing garage door is believed to have been installed in the 1960s, and as such its replacement will not displace any original heritage fabric on either of the adjacent dwellings. Unfortunately, there is no photographic evidence to confirm the original door style. As such, staff are of the opinion that the proposed door is appropriate as it matches the existing design. Staff are also of the opinion that the new wood door will not result in any disruption effects to the designated property.

Key dates:

Site Visit: October 18, 2016
Sub-committee meeting date: October 18, 2016
Notice of Receipt: October 24, 2016

Sub-committee comments and advice:

The Sub-committee considered the application and made the following comments in addition to passing the motion below: the proposed garage door re-construction should include the re-routing of the eavestrough downspout at 286 Park Street South in order to prevent any future water damage and deterioration caused by the current direction of rainwater flow.

Concurrent with the recommendation that the homeowner at 286 Park Street South re-route the eavestrough downspout away from the garage area, the Sub-committee passed the following motion:

(McGaw/Dent)

That the Heritage Permit Review Sub-committee advises that Heritage Permit Application HP2016-044 be approved as submitted, subject to the following conditions:

- a) 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; and,
- b) That implementation / installation of the alterations, in accordance with this approval, shall be completed no later than November 30, 2018. If the alterations are not completed by November 30, 2018, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

CARRIED

Final Recommendation:

That the applicant be advised that Heritage Permit Application HP2016-044 is approved in accordance with the submitted application, subject to the following conditions:

- a) 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; and,
- b) That implementation / installation of the alterations, in accordance with this approval, shall be completed no later than November 30, 2018. If the alterations are not completed by November 30, 2018, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

Approval:

Staff Approval: Jeremy Parsons JP AC
Jeremy Parsons
Planner II, Cultural Heritage
SPM/MGR Initials

Authorized: Steve Robichaud
Steve Robichaud
Director of Planning and Chief Planner

Durand-Markland HCD Excerpts

3.3 Durand-Markland Heritage Conservation District Principles

- All heritage conservation work should be based upon and preceded by sufficient historical research, site analysis and documentation to identify and safeguard fully the heritage values to be conserved.
- There should be a presumption in favour of retaining the distinguishing characteristics of a heritage property. The destruction, alteration or removal of historical fabric or distinguishing architectural features and landscaping should be considered as the least desirable course of action.
- Historical, physical or pictorial and documentary evidence should guide the repair or replacement of missing architectural features of an individual heritage building. Guesswork or use of architectural elements borrowed from other buildings should be avoided.
- Stylistic and architectural features or examples of fine craftwork that distinguish a particular building, whether of vernacular construction or more formal architecture, should be treated with sensitivity and where deteriorated should be repaired rather than replaced.
- Replacement of architectural features should match the material being replaced in composition, design, texture, colour, size and level of craftwork.

5.2(g)



Hamilton

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Planning Division
71 Main Street West, 6th Floor, Hamilton, Ontario, L8P 4Y5
Phone: 905-546-2424, Ext. 4281
Fax: 905-540-5611

FILE: HP2016-043

November 11, 2016

Val and Lou Nagy
5 Brock Street North
Dundas, ON
L9H 3A5

**Re: Heritage Permit Application HP2016-043
Repair and repointing of stone façade
5 Brock Street North, Dundas
Workers' Cottage, By-Law No. 06-270 (Ward 13)**

Please be advised that pursuant to By-law 05-364, as amended by By-law 07-322, which delegates the power to consent to alterations to designated property under the *Ontario Heritage Act* to the Director of Planning and Chief Planner, Heritage Permit Application HP2016-043 is approved for the designated property at 5 Brock Street North, Dundas, in accordance with the submitted Heritage Permit Application for the following alterations:

- Remove dislodged quoin stone(s) on southwest corner and reinstall in original position with appropriate mortar;
- Remove existing cementitious mortar and repoint with an appropriate mortar, matching the raised mortar joints on façade and west wall; and,
- Replacement of approximately 20 deteriorated stones.

Subject to the following conditions:

- a) 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; and,
- b) That implementation / installation of the alterations, in accordance with this approval, shall be completed no later than November 30, 2018. If the alterations are not completed by November 30, 2018, then this approval expires as of that

**Re: Heritage Permit Application HP2016-043
Repair and repointing of stone façade
5 Brock Street North, Dundas
Workers' Cottage, By-Law No. 06-270 (Ward 13)**

**November 11, 2016
Page 2 of 2**

date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

Please note that this property is designated under Part IV of the *Ontario Heritage Act*, and that this permit is only for the above-noted alterations. Any departure from the approved plans and specifications is prohibited, and could result in penalties, as provided for by the *Ontario Heritage Act*. The terms and conditions of this approval may be appealed to the Conservation Review Board within 30 days of your receipt of this permit.

The issuance of this permit under the *Ontario Heritage Act* is not a waiver of any of the provisions of any By-law of the City of Hamilton, the requirements of the *Building Code Act*, the *Planning Act*, or any other applicable legislation.

We wish you success with your project, and if you have any further questions please feel free to contact Jeremy Parsons, Cultural Heritage Planner, at 905-546-2424 Ext. 1214, or via email Jeremy.Parsons@hamilton.ca.

Yours truly,



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

cc: Jeremy Parsons, Cultural Heritage Planner
Chanell Ross, Plan Examination Secretary
John Lane, Manager, Building Inspections
Loren Kolar, Legislative Coordinator
Erin Semande, Registrar, Ontario Heritage Trust
Councillor Arlene VanderBeek, Ward 13

HERITAGE PERMIT DELEGATED AUTHORITY REPORT – HP2016-043
ADDRESS: 5 Brock Street North, Dundas (Ward 13)

Owner: Val and Lou Nagy
Applicant/Agent: N/A

Description of proposed alterations:

- Remove dislodged quoin stone(s) on southwest corner and reinstall in original position with appropriate mortar;
- Remove existing cementitious mortar and repoint with an appropriate mortar, matching the raised mortar joints on façade and west wall; and,
- Replacement of approximately 20 deteriorated stones.

Documentation submitted with application:

- Three quotes from contractors regarding proposed alterations.

Staff assessment:

Key factors in the evaluation of any change affecting a heritage building or its setting, are consideration of “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).

Displacement / Disruption: Staff are of the opinion that the proposed alterations, including the replacement of deteriorated stones as well as the proposed repointing will not displace or disrupt the stone fabric of the dwelling. The proposed methods and type of mortar are consistent with best practices for repointing historic masonry, and as such no displacement or disruption effects are anticipated.

Key dates:

Site Visit: October 18, 2016
Sub-committee meeting date: October 18, 2016
Notice of Receipt: October 24, 2016

Sub-committee comments and advice:

The Sub-committee considered the application and passed the following motion:

(Trimble/Hogeterp)

That the Heritage Permit Review Sub-committee advises that Heritage Permit Application HP2016-043 be approved as submitted, subject to the following conditions:

- a) 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; and,
- b) That implementation / installation of the alterations, in accordance with this approval, shall be completed no later than November 30, 2018. If the alterations are not completed by November 30, 2018, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

CARRIED


Final Recommendation:

That the applicant be advised that Heritage Permit Application HP2016-043 is approved in accordance with the submitted application, subject to the following conditions:

- a) 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; and,
- b) That implementation / installation of the alterations, in accordance with this approval, shall be completed no later than November 30, 2018. If the alterations are not completed by November 30, 2018, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

Approval:

Staff Approval:  
Jeremy Parsons
Planner II, Cultural Heritage
SPM/MGR Initials

Authorized: 
Steve Robichaud
Director of Planning and Chief Planner

Reasons for Designation (By-law No. 06-270)

Statement of Cultural Heritage Value

The 1847 stone cottage located at 5 Brock Street North, Dundas, possesses cultural heritage value due to its association with the economic and industrial development of Dundas. This workers' cottage is representative of the housing stock built in the town for the burgeoning working class in the mid-nineteenth century. The vernacular late-Georgian style, stone residence is a well-designed example of a one and one-half storey cottage and is also a good example of local stone workmanship. The building retains its residential character and contributes to the historic quality of the streetscape.

Description of Heritage Attributes

All four elevations and the gable roof of the main building together with all construction materials and all component features and detailing.

All three elevations and the gable roof of the one-storey kitchen wing attached to the east / rear of the building, and all building component features and detailing thereon.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Committee Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	December 15, 2016
SUBJECT/REPORT NO:	Heritage Permit Application HP2016-028, under Part IV of the <i>Ontario Heritage Act</i> , for the Demolition of the Buildings at 24 and 28 King Street East, Hamilton (PED16193(a)) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Anita Fabac Manager of Development, Heritage and Design (905) 546 - 2424 Ext.1258 Steve Robichaud Director of Planning and Chief Planner
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That Heritage Permit Application HP2016-028, for the demolition of buildings at 24 and 28 King Street East, Hamilton, be **approved** subject to the following conditions:

- (a) That a Documentation and Salvage Report in accordance with the City's Official Plan Policy B.3.4.5.5 be submitted to the satisfaction of the Director of Planning and Chief Planner, prior to the issuance of a Building Permit for demolition;
- (b) That any recommendations from the Documentation and Salvage Report 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 any Occupancy Permit;
- (c) That the applicant apply for and receive final Site Plan Approval for the redevelopment of the subject lands, and that the applicant post any required securities to ensure that redevelopment of the subject lands occurs prior to any demolition, all to the satisfaction of the Director of Planning and Chief Planner.

- (d) That should a Building Permit for the proposed demolition, in accordance with this approval, not be obtained and acted upon by January 31, 2020, then this approval expires as of that date and no demolition shall be undertaken without a new approval issued by the City of Hamilton;
- (e) That the proposed demolition, in accordance with this approval, shall be completed no later than January 31, 2021. If the demolition is not completed by January 31, 2021, then this approval expires as of that date and no demolition shall be undertaken without a new approval issued by the City of Hamilton; and,
- (f) 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.

EXECUTIVE SUMMARY

The subject properties at 24 and 28 King Street East, Hamilton (see Appendix “A” to Report PED16193(a)) are subject to a Notice of Intention to Designate published on December 11, 2013 under Part IV of the *Ontario Heritage Act* (see Notice of Intention to Designate, attached as Appendix “B” to Report PED16193(a)).

Heritage Permit Application HP2016-028 proposes demolition of 24 and 28 King Street East, two cultural heritage resources constructed in the 1870s facing Gore Park in Downtown Hamilton. A new five storey building is proposed to replace these buildings along with the vacant lot located at 30 King Street East, which was comprised of another 1870s structure until it was demolished in 2011.

A Heritage Permit Application (HP2016-027) for alterations to 18-22 King Street East has been received and is being considered concurrently with the subject Heritage Permit Application (HP2016-028).

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, unless the applicant and Council agree to extend the timeframe. In this case the applicant submitted a request to extend the timeframe to January 26, 2017 and this was approved by Council on October 26, 2016. If no decision is reached by January 26, 2017, Council shall be deemed to consent to the application.

The Heritage Permit Review Subcommittee (HPRS) of the Hamilton Municipal Heritage Committee (HMHC) reviewed the subject application on July 26, 2016, and recommended denial.

SUBJECT: Heritage Permit Application HP2016-028, under Part IV of the *Ontario Heritage Act*, for the Demolition of the Buildings at 24 and 28 King Street East, Hamilton (PED16193(a)) (Ward 2) - Page 3 of 10

Also, of note the design was reviewed by the Design Review Panel (DRP) through the Site Plan Application at their meeting on September 8, 2016. The DRP provided several recommendations for the restoration of the 18-22 King Street East and the redevelopment of 24 and 28 King Street East.

At the September 22, 2016 HMHC, the applicant requested that the City consent to an extension of the 90-day timeline as noted above to revise the design to address the HPRS and DRP's comments with respect to the subject Heritage Permit Application (HP2016-028) as well as the Heritage Permit Application for 18-22 King Street East (HP2016-027).

The applicant has submitted revised elevations for the Heritage Permit Application which include slight modifications to the storefronts on the proposed new building located at 24-30 King Street East. The subject application remains consistent with Council's direction for redevelopment of the subject properties.

Additionally, staff recommend that the Heritage Permit approval be conditional upon the applicant obtaining a building permit within three years of the approval and that the work be completed within four years of the approval (see conditions (g) and (h)). Should the applicant submit a request prior to the expiration dates noted in conditions (g) and (h), staff recommend that the Director of Planning and Chief Planner be authorized to extend the approval expiry dates if progress is demonstrated.

Alternatives for Consideration – See Page 10

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: This Heritage Permit application has been processed and considered within the context of the applicable legislation.

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 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 (2) of the *Ontario Heritage Act* states that: "Within 90-days after the notice of receipt is served on the applicant under Subsection (1), 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;
 - (ii) Consent to the application, subject to such terms and conditions as may be specified by the Council; or,
 - (iii) 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.”

With respect to the delegation of Council’s approval authority, Section 33 (15) of the *Ontario Heritage Act* states that:

“The power to consent to alterations to property under this Section may be delegated by By-law by the Council of a municipality to an employee or official of the municipality if the Council has established a Municipal Heritage Committee, and has consulted with the Committee prior to delegating the power.”

The *Ontario Heritage Act* does not allow for the delegation of Council’s authority to consent to demolition or removal of a building or structure.

HISTORICAL BACKGROUND

24 King Street East was constructed in 1875-1876 for James A. Skinner. Skinner was a crockery merchant who opened his “China Palace” at another location around 1850 and the current building was built as an expansion. James A. Skinner and Co. was recognized as “the largest importer of crockery, glassware, etc. and largest shippers to Manitoba, British Columbia and the Northwest”. Later, Minden’s Ladies Wear operated in this location between 1924 and 1951.

The building at 24 King Street East was originally designed and constructed in the Victorian Style of architecture with vertical brick coursing, stone window sills, metal hood mouldings and a metal cornice. Several alterations have been undertaken to the

building and only the brick façade (painted), three window openings on the fourth level and the cornice and brackets remain.

28 King Street East was constructed in 1874 for William H. Glassco & Sons to house their furrier business, established in 1843 and first located in a building further to the east along King Street East. The building housed a large cold storage vault that was considered to be advanced at the time. G.F. Glassco & Co. operated in this location until 1931 and a succession of other furrier businesses subsequently operated out of the building.

The composition, design and materials of the building at 28 King Street East provide a representative example of Victorian architecture. At the time of its construction, the building was less elaborate than the buildings on either side; however, the building has retained most of its original architectural features on the upper levels of its front façade.

The buildings face Gore Park and are integral components of the King Street East streetscape and the character of the 'Gore' area. Gore Park is surrounded by largely intact groupings of three to four storey commercial row buildings, many displaying early architectural styles and high levels of craftsmanship in both design and construction (see photos attached as Appendix "C" to Report PED16193(a)).

The City of Hamilton issued a Notice of Intention to Designate 24-28 King Street East as well as a Notice of Intention to Designate 18-22 King Street East, under Part IV of the *Ontario Heritage Act* on December 13, 2013. The Notices of Intention to Designate had the effect of voiding the Demolition Permit that had been issued for 18-22, 24 and 28 King Street East on January 25, 2013. The property owner jointly appealed the Notices of Intention to Designate to the Conservation Review Board and these appeals have not been resolved.

On April 6, 2016, a presentation was made to the General Issues Committee (GIC) by the applicant for information purposes demonstrating a draft of the current development proposal. A similar presentation was also made to the Hamilton Municipal Heritage Committee (HMHC) on April 21, 2016 for information purposes. At the GIC meeting on April 6, 2016, staff were directed to report back to identify a process for the Committee's consideration to implement the proposed development which included the retention of the buildings at 18-22 King Street East and the demolition of the buildings at 24 and 28 King Street East. In accordance with Council's direction, an Information Report (PED16116) identifying a process to follow was considered by GIC on June 1, 2016. This process identified the requirement for the proposed development to go through the Heritage Permit Application process and a Site Plan Control application process. In response to the Information Report (PED16116) the following motion was passed at the GIC meeting on June 1, 2016:

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: Heritage Permit Application HP2016-028, under Part IV of the *Ontario Heritage Act*, for the Demolition of the Buildings at 24 and 28 King Street East, Hamilton (PED16193(a)) (Ward 2) - Page 6 of 10

“WHEREAS, at its meeting on April 13, 2016, Council passed a motion directing staff to report back to the General Issues Committee on a process for Committee's consideration respecting the designation and retention of 18-22 King Street East, Hamilton and redevelopment of 24-28 King Street East, Hamilton (Gore Park Apartments);

WHEREAS, the proposal is to redevelop 18-22 King Street East and 24-28 King Street East as a five storey, multiple dwelling to replace the properties at 24-28 King Street East as well as a penthouse to be constructed above the properties at 18-22 King Street East; and,

WHEREAS, staff has proposed a process to address the direction outlined for the consideration of General Issues Committee through Report PED16116;

THEREFORE BE IT RESOLVED:

That staff be directed to request the owners of 18-22 and 24-28 King Street East to provide written confirmation to the City that they concur that this process is appropriate and that they will withdraw their objection to the Notice of Intent to Designate after Building Permits have been issued for the development proposal in order to give effect to the process outlined in Report PED16116.”

This Heritage Permit application was received on July 18, 2016 and included the submission of an architectural package with floor plans and elevations and a Cultural Heritage Impact Assessment prepared by GBCA architects. A Notice of Receipt was issued on August 2, 2016.

The Heritage Permit Review Subcommittee reviewed the Heritage Permit application at their meeting on July 26, 2016 (see relevant consultation section). The elevations were also reviewed by the Design Review Panel on September 8, 2016 as pre-consultation for a future Site Plan Control application.

At the September 22, 2016 HMHC meeting, the applicant requested that the City consent to an extension of the 90-day timeline required to consider Heritage Permits under s.33 of the *Ontario Heritage Act* to allow for revisions to the proposed elevations to address some of the concerns from HPRS and DRP. On October 26, 2016 Council approved the request to extend consideration of the Heritage Permit application to January 26, 2017.

On November 17, 2016, the applicant submitted revised elevations for the Heritage Permit application (see Appendix “D” to Report PED16193(a)). The only change made to the elevations for 24-30 King Street East is reconfiguration of the storefront level, breaking it into three windowed sections rather than one large windowed section.

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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

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:

- “B.3.4.2.1(a) Protect and conserve the tangible cultural heritage resources of the City, including archaeological resources, built heritage resources, and cultural heritage landscapes for present and future generations.
- B.3.4.2.1 (i) Use all relevant provincial legislation, particularly the provisions of the Ontario Heritage Act, the Planning Act ...and all related plans and strategies in order to appropriately manage, conserve and protect Hamilton's cultural heritage resources.
- B. 3.4.5.2 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 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.
- B. 3.4.5.5 Where a significant built heritage resource is to be unavoidably lost or demolished, the City shall ensure the proponent undertakes one or more of the following mitigation measures, in addition to a thorough inventory and documentation of the features that will be lost:
- a. preserving and displaying of fragments of the former buildings' features and landscaping;
 - b. marking the traces of former locations, shapes, and circulation lines;
 - c. displaying graphic and textual descriptions of the site's history and former use, buildings, and structures; and,
 - d. generally reflect the former architecture and use in the design of the new development, where appropriate and in accordance with Section B.3.3 - Urban Design Policies.”

Downtown Hamilton Secondary Plan

Volume 2, Section 6.1- Downtown Hamilton Secondary Plan of the Urban Hamilton Official Plan (UHOP) states that:

- “B 6.1.7.6 The City / Council may require that as part of the *development* or *redevelopment* of land in the downtown that heritage properties are

retained on-site and incorporated, used or *adaptively re-used* as appropriate to the proposed *development* and land use. Retention of a heritage feature on lands subject to *development* may be a requirement as a condition of *development* approval. Specifically, heritage easements under subsection 37(1) of the *Ontario Heritage Act*, may be required and negotiated, as well as development agreements, respecting the care and conservation of the affected heritage property.

- B.6.1.7.8 Where alterations are proposed to the heritage buildings, the following principles shall be followed:
- a. Maintain the basic relations to the horizontal divisions of the building;
 - b. Maintain original façade components and materials wherever possible;
 - c. Replicate the original parts and materials where possible or substitute with similar materials and colours; and,
 - d. Remove elements that are not part of the original design and / or hide the original design, for example signage, siding or root treatments.”

RELEVANT CONSULTATION

Heritage Permit Review Subcommittee

Pursuant to Sub-sections 28 (1) of the *Ontario Heritage Act* and the Council approved Heritage Permit Process (PED05096), the HMHC advises and assists Council on matters relating to Part IV and V of the *Ontario Heritage Act*.

The Heritage Permit Review Subcommittee of the HMHC reviewed the subject application at their scheduled meeting on July 26, 2016. After a presentation and question and answer period with the applicant’s agent and consultant, the Subcommittee passed a motion to recommend denial of the application as submitted. The advice of the subcommittee did not include any reasons for their recommendation to deny the application.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The application proposes to demolish two four-storey buildings constructed in the 1870s located at 24 and 28 King Street East, Hamilton.

A Cultural Heritage Impact Assessment (CHIA), prepared by GBCA and dated June 16, 2016, was submitted with the Heritage Permit application in support of the application. This report was considered by staff and the Heritage Permit Review Subcommittee in the review of the subject Heritage Permit application.

SUBJECT: Heritage Permit Application HP2016-028, under Part IV of the *Ontario Heritage Act*, for the Demolition of the Buildings at 24 and 28 King Street East, Hamilton (PED16193(a)) (Ward 2) - Page 9 of 10

Additionally, the following relevant documents were not submitted with the Heritage Permit application but as part of the appeal of the Notice of Intention to Designation to the Conservation Review Board. These reports were considered by staff and the Heritage Permit Review Subcommittee in the review of the subject Heritage Permit application:

1. Heritage Attribute Confirmation and Condition Assessment for the Facades of #18 to #28 King Street East, dated October 9, 2013 prepared by Steven Burgess Architects (SBA).

In deliberation of designating the subject properties under the *Ontario Heritage Act*, SBA was retained by the City of Hamilton in 2013, to prepare this report to confirm the cultural heritage attributes identified by staff and to assess their as-is condition.

2. Building Condition Assessment 18 to 28 King Street East, Hamilton Ontario, dated April 2, 2015 prepared by GBCA Architects and Ojdrovic Engineers.

This Assessment was submitted in April 2015 as part of ongoing discussions with respect to the appeals of the Notices of Intention to Designate to the Conservation Review Board.

3. Peer Review of GBCA Building Condition Assessment Report #18 to #28 King Street East, Hamilton ON, dated June 10, 2015 prepared by Steven Burgess Architects Ltd. (SBA) and Tacoma Engineers.

SBA was retained by the City of Hamilton in 2015 to complete a Peer Review of the Building Condition Assessment completed by GBCA Architects.

4. Structural Assessment, dated July 14, 2015 prepared by Tacoma Engineers. Tacoma Engineers was retained for the City of Hamilton by SBA to conduct a structural assessment of 24 and 28 King Street East in 2015.

Note: Due to the size and bulk of the documentation relevant to the subject application, it has not been attached to this Report. The documentation listed above is available for viewing in the Development Planning, Heritage and Design Section of the Planning Division, Hamilton City Hall, 71 Main Street West, 5th Floor.

The proposed demolition of 24 and 28 King Street East will result in the removal of two buildings that possess cultural heritage value for their historical association and longstanding contextual relationship with Gore Park and the King Street East streetscape.

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Notwithstanding that the properties are of cultural heritage value in accordance with the Notice of Intention to Designate (Appendix B of Report PED16193(a)), Council has provided direction to implement the proposed redevelopment of 24 and 29 King Street East which will include demolition of the two existing buildings. The revised elevations include a slight change to the storefront configuration on the ground floor, however, this remains consistent with Council's direction. The recommendations of this report are consistent with the Direction of Council.

ALTERNATIVES FOR CONSIDERATION

1. Refuse the Heritage Permit Application.

Council may deny this application. This alternative is contrary to Council's direction to implement the proposed redevelopment.

2. Approve the Heritage Permit Application with Additional or Amended Conditions

Council may approve this application with additional or amended conditions. This is not being recommended.

3. Approve the Heritage Permit Application with no conditions.

Council may approve this application with no conditions. This alternative would not allow for complete documentation and salvage of any significant features of the buildings prior to demolition and is contrary to Council's direction to implement the proposed redevelopment of 24 and 28 King Street East.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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": Notice of Intention to Designate 24-28 King Street East, Hamilton
- Appendix "C": Photos of 24-28 King Street East, Hamilton
- Appendix "D": Revised Elevations



● Site Location



Key Map - Ward 2

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
HP2016-028

Date:
August 18, 2016

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
CT/VS

Subject Property



24 & 28 King Street East

CITY OF HAMILTON**NOTICE OF INTENTION TO DESIGNATE****24-28 King Street East, Hamilton**

IN THE MATTER OF THE ONTARIO HERITAGE ACT and the property in the City of Hamilton known municipally as 24-28 King Street East, Hamilton.

NOTICE IS HEREBY GIVEN that the City of Hamilton intends to designate this property as being a property of cultural heritage value.

Statement of Cultural Heritage Value or Interest

The four storey buildings located at 24-28 King Street East, Hamilton possess cultural heritage value due to their historical associations with the growth and commercial prosperity of the City of Hamilton in the nineteenth century and contextual associations with Gore Park and the King Street East streetscape. 28 King Street East also has physical design value as an example of the Victorian Style of architecture.

24 King Street East was constructed in 1875-6 for James A. Skinner. Skinner was a crockery merchant who opened his "China Palace" at another location around 1850 and the current building was built as an expansion. James A. Skinner and Co. was recognized as "the largest importer of crockery, glassware, etc. and largest shippers to Manitoba, British Columbia and the Northwest". Later, Minden's Ladies Wear operated in this location between 1924 and 1951.

The building at 24 King Street East was originally designed and constructed in the Victorian Style of architecture with vertical brick coursing, stone window sills, metal hood mouldings and a metal cornice. Several alterations have been undertaken to the building and only the brick façade (painted), three window openings on the fourth level and the cornice and brackets remain.

28 King Street East was constructed in 1874 for William H. Glassco & Sons to house their furrier business, established in 1843 and first located in a building further to the east along King Street East. The building housed a large cold storage vault that was considered to be advanced at time. G.F. Glassco & Co. operated in this location until 1931 and a succession of other furrier businesses subsequently operated out of the building.

The composition, design and materials of the building at 28 King Street East provide a representative example of Victorian architecture. At the time of its construction, the building was less elaborate than the buildings on either side; however, the building has retained most of its original architectural features on the upper levels of its front façade.

The buildings face Gore Park and are integral components of the King Street East streetscape and the character of the 'Gore' area. Gore Park is surrounded by largely

intact groupings of three to four storey commercial row buildings, many displaying early architectural styles and high levels of craftsmanship in both design and construction.

Description of Heritage Attributes

24 King Street East:

The heritage attributes of the four storey building are derived from its historical and contextual value. The heritage attributes include the upper levels of the front façade of 24 King Street East, including, but not limited to:

- The brick façade of the third and fourth levels of the front façade;
- The window openings and stone sills on the third and fourth levels of the front façade;
- The cornice, stone end brackets and metal flashings;
- All surviving original brick and stone materials and features remaining under the existing storefront cladding and signage on the ground and second levels; and,
- The parapet walls.

Notwithstanding the above list of heritage attributes any alterations to the existing storefronts, entrances and signage on the ground and second levels and any structural changes to the building that are likely to affect the heritage attributes shall be regulated through the City's Heritage Permit process.

28 King Street East:

The heritage attributes of the four storey building are derived from its built heritage value as an example of the Victorian Style of architecture. The heritage attributes include the upper levels of the front façades of 28 King Street East, including, but not limited to:

- All stone masonry walls and pilasters on the second, third and fourth levels of the front façade;
- All window openings and sills on the second, third and fourth levels of the front façade;
- The original two-over-two wood window sashes and frames in the third and fourth level window openings;
- The wood framed picture windows and leaded-glass transoms in the second level window openings;

- The projecting horizontal mouldings between the second and third levels and the third and fourth levels;
- The cornice and parapet walls;
- A stone pilaster at the northeast corner of the ground level; and,
- All surviving original stone materials and features remaining under the existing storefront cladding and signage on the ground level.

Notwithstanding the above list of heritage attributes any alterations to the existing storefronts, entrances and signage on the ground level and any structural changes to the building that are likely to affect the heritage attributes shall be regulated through the City's Heritage Permit process.

Any person may, within 30 days after the date of publication of the Notice, serve written notice of his or her objection to the proposed designation, together with a statement for the objection and all relevant facts.

Dated at Hamilton, this 11th day of December, 2013

R. Caterini
City Clerk
Hamilton, Ontario



Photographed July 2015



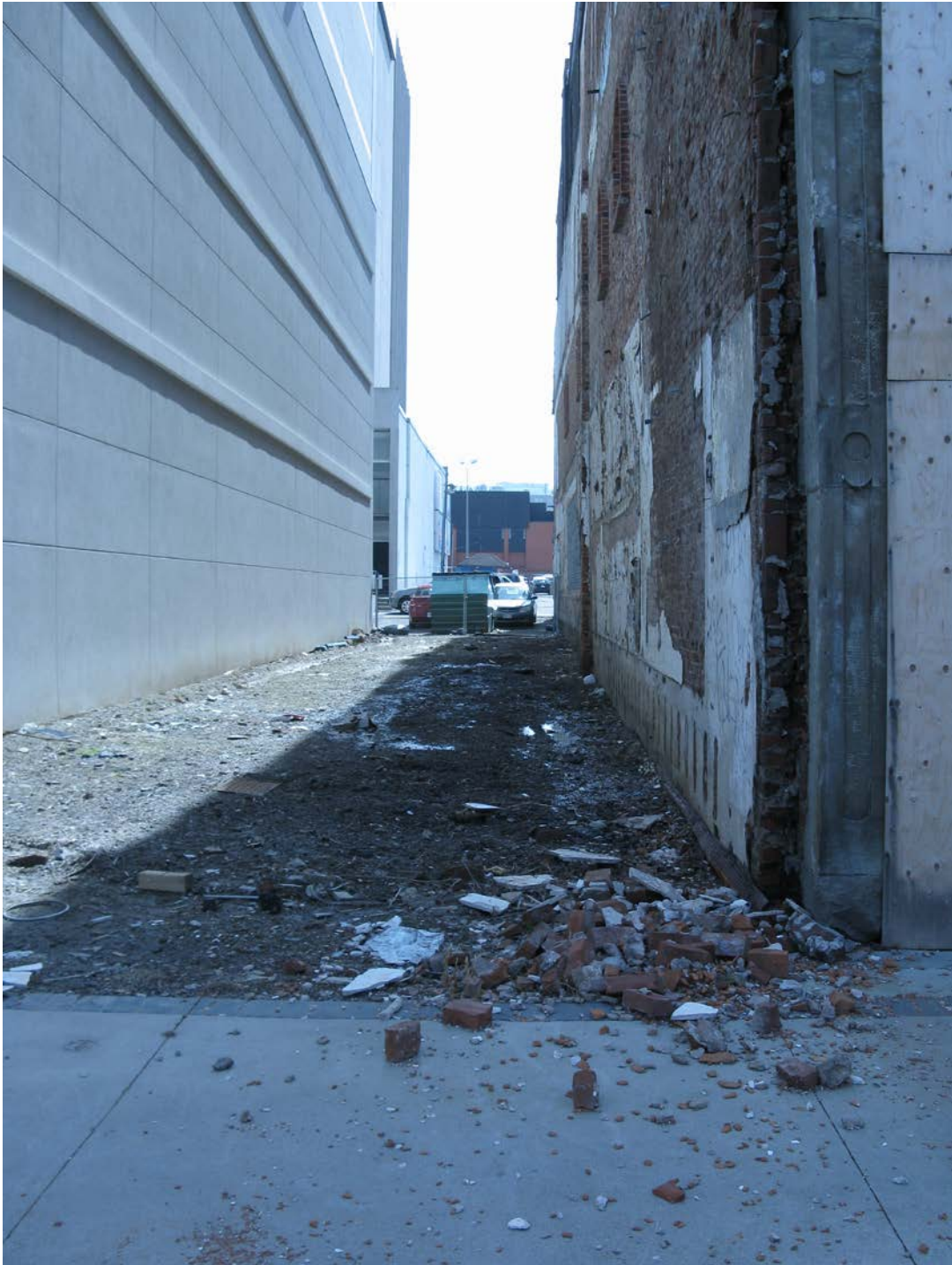
Photographed July 2015



Photographed April, 2015



Photographed April, 2015



Photographed April, 2015



Photographed in December 2012



Photographed in December 2012



Photographed in December 2012



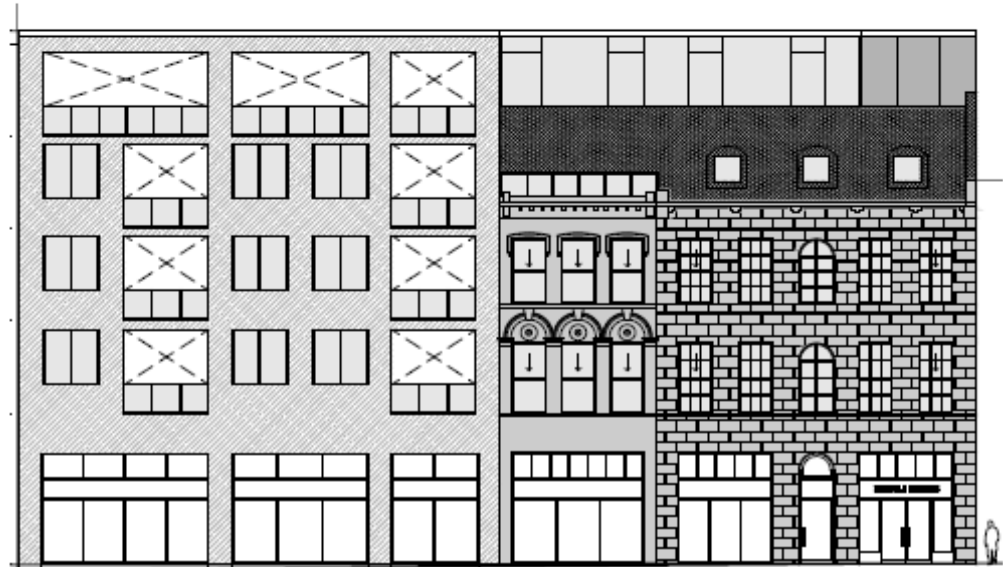
Photographed in December 2012

**Design Submitted
with Heritage
Permit Application
on July 18, 2016**



24 & 28 King Street East

**Revised Design
Submitted on
November 17, 2016**



24 & 28 King Street East



Rendering of Revised Design

NORTH ELEVATION



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	December 15, 2016
SUBJECT/REPORT NO:	Heritage Permit Application HP2016-027, Under Part IV of the Ontario Heritage Act, for Façade Retention and Penthouse Addition of 18 - 22 King Street East, Hamilton (PED16194(a)) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Chelsey Tyers 905-546-2424 Ext. 1202 Steve Robichaud Director of Planning and Chief Planner
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

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

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

SUBJECT: Heritage Permit Application HP2016-027, Under Part IV of the Ontario Heritage Act, for Façade Retention and Penthouse Addition of 18 - 22 King Street East, Hamilton (PED16194(a)) (Ward 2) - Page 2 of 15

review and advice from the Hamilton Municipal Heritage Committee and to the satisfaction and approval of the Director of Planning and Chief Planner prior to the issuance of any Building Permit for demolition or new construction;

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

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4. In the event that the Owner fails to complete, to the satisfaction of the Director of Planning and Chief Planner, the required securing, protecting, stabilizing, monitoring or restoring of the retained portions and the erection of a permanent structure to enclose the rear of the retained portions and / or attach to a new building in conformity with its approved design within the time required, then the City, in addition to any other remedies that the City may have, may exercise its authority under section 446 of the Municipal Act to have its employees, agents or contractors enter 18-22 King Street East to complete any one or more of these requirements. The cost of completion of securing, protecting, stabilizing, monitoring or restoring the retained portions shall be paid in full by the Owner from the Letter of Credit. In the event that there is a surplus, the City shall pay the surplus to the Owner upon completion of the requirement(s). In the event that there is a deficit, the City may further exercise its authority under section 446 of the Municipal Act including but not limited to adding the deficit to the tax roll and collecting it in the same manner as property taxes.
- (f) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to any application for a Building Permit and / or the commencement of any alterations;
- (g) That should a Building Permit for the proposed alterations, in accordance with this approval, not be obtained and acted upon by January 31, 2020, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;
- (h) That the proposed alterations, in accordance with this approval, shall be completed no later than January 31, 2021. If the alterations are not completed by January 31, 2021, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton; and,
- (i) That the Director of Planning and Chief Planner be authorized to approve a request to extend the dates noted in conditions (g) and (h) of this approval, if that request is submitted prior to the expiry and if progress is being made.

EXECUTIVE SUMMARY

The subject properties at 18-22 King Street East (see Appendix "A" to Report PED16194(a)) are subject to a Notice of Intention to Designate published in December 2013 under Part IV of the *Ontario Heritage Act* (see Statement of Cultural Heritage Value or Interest, attached as Appendix "B" to Report PED16194(a)).

SUBJECT: Heritage Permit Application HP2016-027, Under Part IV of the Ontario Heritage Act, for Façade Retention and Penthouse Addition of 18 - 22 King Street East, Hamilton (PED16194(a)) (Ward 2) - Page 4 of 15

This Heritage Permit application was received on July 18, 2016 and the Notice of Receipt was issued on August 2, 2016. The application includes retention of the limestone façades, restoration of the dormers, replication of a third dormer, installation of new storefronts and a rooftop addition.

A Heritage Permit application (HP2016-028) for demolition of 24 and 28 King Street East has also been received and is being considered concurrently with the subject Heritage Permit application (HP2016-027).

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, unless the applicant and Council agree to extend the timeframe. In this case the applicant submitted a request to extend the timeframe to January 26, 2017 and this was approved by Council on October 26, 2016. If no decision is reached by January 26, 2017, Council shall be deemed to consent to the application.

The Heritage Permit Review Subcommittee (HPRS) of the Hamilton Municipal Heritage Committee (HMHC) reviewed the subject application on July 26, 2016, and recommended denial. When Staff and the Heritage Permit Review Subcommittee are of differing opinions on a Heritage Permit application, the application is subject to Council decision.

Also of note, the design was reviewed by the Design Review Panel (DRP) through the Site Plan Control application process at their meeting on September 8, 2016. The DRP provided several recommendations for the restoration of the 18-22 King Street East and the redevelopment of 24 & 28 King Street East.

At the September 22, 2016 HMHC, the applicant requested that the City consent to an extension of the 90 day timeline as noted above to revise the design to address the HPRS and DRP's comments with respect to the subject Heritage Permit application (HP2016-027) as well as the Heritage Permit application for 24 & 28 King Street East (HP2016-028).

The applicant has submitted revised elevations which have removed the glass balcony railings and modified the storefront design for the Heritage Permit application (HP2016-028) (see Appendix "C" to Report PED16194(a)). Staff are of the opinion that the proposed scope of work as revised will ensure the conservation of a significant cultural heritage resource. As such staff recommend approval of the Heritage Permit application, subject to the recommended conditions to ensure that additional concerns, such as the stabilization of the retained portions and the storefront designs, will be addressed through a comprehensive conservation plan and further investigation to determine the remaining original heritage fabric of the storefronts.

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Additionally, staff recommend that the Heritage Permit approval be conditional upon the applicant obtaining a building permit within three years of the approval and that the work be completed within four years of the approval (see conditions (g) and (h)). Should the applicant submit a request prior to the expiration dates noted in conditions (g) and (h), staff recommend that the Director of Planning and Chief Planner be authorized to extend the approval expiry dates if progress is demonstrated.

Alternatives for Consideration – See Page 15

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: This Heritage Permit application has been processed and considered within the context of the applicable legislation.

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 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 (2) of the *Ontario Heritage Act* states that: “Within 90-days after the notice of receipt is served on the applicant under Subsection (1), 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;
 - (ii) Consent to the application, subject to such terms and conditions as may be specified by the Council; or,
 - (iii) 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.”

With respect to the delegation of Council’s approval authority, Section 33 (15) of the *Ontario Heritage Act* states that:

“The power to consent to alterations to property under this Section may be delegated by By-law by the Council of a municipality to an employee or official of the municipality if the Council has established a Municipal Heritage Committee, and has consulted with the Committee prior to delegating the power.”

HISTORICAL BACKGROUND

18-20 King Street East was constructed circa 1840 and early occupants were Archibald and Thomas C. Kerr, who established their successful wholesale dry goods business there as early as 1848. 22 King Street East was constructed circa 1840 for H. E. Smith. By the 1850s, both buildings were under single ownership.

The architect of the buildings, William Thomas, was considered a key figure in Canadian architecture, designing important buildings throughout Ontario as well as in other Provinces. The building’s composition, design and materials provide a representative example of Renaissance Revival architecture dating to the pre-Confederation period and display a high-degree of craftsmanship. The buildings retain their original architectural features on the upper levels of their front façades and are among very few pre-Confederation stone commercial buildings remaining in Hamilton.

The buildings face Gore Park and are integral components to the King Street East streetscape and the character of the ‘Gore’ area. Gore Park is surrounded by largely intact groupings of three to four storey commercial row buildings, many displaying early architectural styles and high levels of craftsmanship in both design and construction (see photos attached as Appendix “D” to Report PED16194(a)).

The City of Hamilton issued a Notice of Intention to Designate 18-22 King Street East, as well as a Notice of Intention to Designate 24-28 King Street East, under Part IV of the *Ontario Heritage Act* on December 13, 2013. The Notices of Intention to Designate had the effect of voiding the Demolition Permit that had been issued on January 25, 2013. The property owners appealed the Notice of Intention to Designate to the Conservation Review Board and these appeals have not yet been resolved.

On April 6, 2016, a presentation was made to the General Issues Committee (GIC) by the applicant for information purposes demonstrating a draft of the current development proposal. A similar presentation was also made to the Hamilton Municipal Heritage

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Committee (HMHC) on April 21, 2016 for information purposes. At the GIC meeting on April 6, 2016, staff were directed to report back to identify a process for the Committee's consideration to implement the proposed development which included the retention of the buildings at 18-22 King Street East and the demolition of the buildings at 24 and 28 King Street East. In accordance with Council's direction, an Information Report (PED16116) identifying a process to follow was considered by GIC on June 1, 2016. This process identified the requirement for the proposed development to go through the Heritage Permit application process and a Site Plan Control application process. In response to the Information Report (PED16116) the following motion was passed at the GIC meeting on June 1, 2016:

"WHEREAS, at its meeting on April 13, 2016, Council passed a motion directing staff to report back to the General Issues Committee on a process for Committee's consideration respecting the designation and retention of 18-22 King Street East, Hamilton and redevelopment of 24-28 King Street East, Hamilton (Gore Park Apartments);

WHEREAS, the proposal is to redevelop 18-22 King Street East and 24-28 King Street East as a five storey, multiple dwelling to replace the properties at 24-28 King Street East as well as a penthouse to be constructed above the properties at 18-22 King Street East; and,

WHEREAS, staff has proposed a process to address the direction outlined for the consideration of General Issues Committee through Report PED16116;

THEREFORE BE IT RESOLVED:

That staff be directed to request the owners of 18-22 and 24-28 King Street East to provide written confirmation to the City that they concur that this process is appropriate and that they will withdraw their objection to the Notice of Intent to Designate after Building Permits have been issued for the development proposal in order to give effect to the process outlined in Report PED16116."

The Heritage Permit application was received on July 18, 2016 and included the submission of an architectural package with floor plans and elevations and a Cultural Heritage Impact Assessment prepared by GBCA architects. A Notice of Receipt was issued on August 2, 2016.

The Heritage Permit Review Subcommittee reviewed the Heritage Permit application at their meeting on July 26, 2016 (see relevant consultation section). The elevations were also reviewed by the Design Review Panel on September 8, 2016 as pre-consultation for a future Site Plan Control application.

At the September 22, 2016 HMHC meeting, the applicant requested that the City consent to an extension of the 90-day timeline required to consider Heritage Permits under S.33 of the *Ontario Heritage Act* to allow for revisions to the proposed elevations to address some of the concerns from the HPRS and DRP. On October 26, 2016 Council approved the request to extend consideration of the Heritage Permit application to January 26, 2017.

On November 17, 2016 the applicant submitted revised elevations for the Heritage Permit application (see Appendix "C" to Report PED16194(a)). The revised elevations include replacement of the glass balcony railings with windows that reflect historic window patterns and reconfiguration of the storefronts to reflect the historic storefront arrangement.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

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:

- "B.3.4.2.1(a) Protect and conserve the tangible cultural heritage resources of the City, including archaeological resources, built heritage resources, and cultural heritage landscapes for present and future generations.
- B.3.4.2.1 (i) Use all relevant provincial legislation, particularly the provisions of the Ontario Heritage Act, the Planning Act ...and all related plans and strategies in order to appropriately manage, conserve and protect Hamilton's cultural heritage resources.
- B. 3.4.5.2 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 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.
- B. 3.4.5.5 Where a significant built heritage resource is to be unavoidably lost or demolished, the City shall ensure the proponent undertakes one or more of the following mitigation measures, in addition to a thorough inventory and documentation of the features that will be lost:
 - a. preserving and displaying of fragments of the former buildings' features and landscaping;
 - b. marking the traces of former locations, shapes, and circulation lines;

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- c. displaying graphic and textual descriptions of the site's history and former use, buildings, and structures; and,
- d. generally reflect the former architecture and use in the design of the new development, where appropriate and in accordance with Section B.3.3 - Urban Design Policies.”

These policies from the UHOP demonstrate Council's commitment to the identification, protection, and conservation of cultural heritage resources, and the recommendations of this Report meet the intent of these policies.

Downtown Hamilton Secondary Plan

Volume 2, Section 6.1- Downtown Hamilton Secondary Plan of the Urban Hamilton Official Plan (UHOP) states that:

“B 6.1.7.6 The City / Council may require that as part of the *development* or *redevelopment* of land in the downtown that heritage properties are retained on-site and incorporated, used or *adaptively re-used* as appropriate to the proposed *development* and land use. Retention of a heritage feature on lands subject to *development* may be a requirement as a condition of *development* approval. Specifically, heritage easements under subsection 37(1) of the *Ontario Heritage Act*, may be required and negotiated, as well as development agreements, respecting the care and conservation of the affected heritage property.

B.6.1.7.8 Where alterations are proposed to the heritage buildings, the following principles shall be followed:

- a. Maintain the basic relations to the horizontal divisions of the building;
- b. Maintain original façade components and materials wherever possible;
- c. Replicate the original parts and materials where possible or substitute with similar materials and colours; and,
- d. Remove elements that are not part of the original design and / or hide the original design, for example signage, siding or roof treatments.”

These policies from the Downtown Secondary Plan demonstrate Council's commitment to the protection and conservation of cultural heritage resources, as they relate to the Downtown Hamilton area, and the recommendations of this Report meet the intent of these policies.

RELEVANT CONSULTATION

Heritage Permit Review Subcommittee

Pursuant to Sub-sections 28 (1) of the *Ontario Heritage Act* and the Council approved Heritage Permit Process (PED05096), the HMHC advises and assists Council on matters relating to Part IV and V of the *Ontario Heritage Act*.

The Heritage Permit Review Subcommittee of the HMHC reviewed the subject application at their scheduled meeting on July 26, 2016. After a presentation and question and answer period with the applicant's agent and consultant, the Subcommittee passed a motion to recommend denial of the application as submitted. While the Subcommittee expressed support for the retention of the façades at 18-22 King Street East, the Subcommittee expressed concern with the level of conservation, including the placement of the addition on the roof, the balcony railings to accommodate recessed balconies and the uniform modern treatment of the storefronts.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The Heritage Permit application, as revised, proposes the following alterations:

- Retention and restoration of the front façades including the limestone, cornice, etc.;
- Removal of the building behind the front façades;
- Rebuild roof, but salvage existing dormers;
- Restoration of existing dormers and replication of third dormer;
- One-storey penthouse addition; and,
- Installation of modern store fronts including signage bands.

A Cultural Heritage Impact Assessment (CHIA), prepared by GBCA and dated June 16, 2016, was submitted with the Heritage Permit application in support of the retention of the façade for 18-22 King Street East. This Report was considered by staff and the Heritage Permit Review Subcommittee in the review of the subject Heritage Permit application.

Additionally, the following relevant documents were not submitted with the Heritage Permit application but as part of the appeal of the Notice of Intention to Designation to the Conservation Review Board. These reports were considered by staff and the Heritage Permit Review Subcommittee in the review of the subject Heritage Permit application:

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1. Heritage Attribute Confirmation and Condition Assessment for the Façades of #18 to #28 King Street East, dated October 9, 2013 prepared by Steven Burgess Architects (SBA).

In deliberation of designating the subject properties under the *Ontario Heritage Act*, SBA was retained by the City of Hamilton in 2013, to prepare this report to confirm the cultural heritage attributes identified by staff and to assess their as-is condition.

2. Building Condition Assessment 18 to 28 King Street East, Hamilton Ontario, dated April 2, 2015 prepared by GBCA Architects and Ojdrovic Engineers.

This Assessment was submitted in April 2015 as part of ongoing discussions with respect to the appeals of the Notices of Intention to Designate to the Conservation Review Board.

3. Peer Review of GBCA Building Condition Assessment Report #18 to #28 King Street East, Hamilton ON, dated June 10, 2015 prepared by Steven Burgess Architects Ltd. (SBA) and Tacoma Engineers.

SBA was retained by the City of Hamilton in 2015 to complete a Peer Review of the Building Condition Assessment completed by GBCA Architects.

Note: Due to the size and bulk of the documentation relevant to the subject application, it has not been attached to this Report. The documentation noted above is available for viewing in the Development Planning, Heritage and Design Section of the Planning Division, Hamilton City Hall, 71 Main Street West, 5th Floor.

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

- **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.

Retention and Restoration of the Limestone Façade, Rebuilding of the Roof, Retention and Replication of dormers

Staff are of the opinion that there will be minimal displacement and disruption effects on the heritage attributes of 18-22 King Street East identified in the Notice of Intention to Designate (see Appendix "B" to Report PED16194(a)) for the proposed retention and

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restoration of the façade, rebuilding of the roof, and restoration and replication of the dormers.

The proposal includes retention of the façade, with the intention of demolishing and rebuilding the structure behind it. Staff do note that retention of a façade only is not considered a best practice in accordance with the Standards and Guidelines for Historic Places in Canada, a National set of conservation principles and widely accepted best practices for conservation of heritage resources. Notwithstanding, the Notice of Intention to Designate does not identify the entire building as it is only the heritage attributes on the façade, the roof profile and height that are identified. As such, while retention of only the façade is not a recommended practice, staff are of the opinion that retention of essentially only the façade in this case is consistent with the cultural heritage attributes identified in the Notice of Intention to Designate (see Appendix “B” to Report PED16194(a)).

The proposal also includes rebuilding of the roof in the same gable profile, with the exception of above 22 King Street East which will be modified to accommodate an outdoor balcony space. This will however include removal of most of the parapet walls that extend from the roofline, between the buildings and on the gable ends of the buildings, with the exception of the decorative stone portions attached to decorative brackets on the front façade that are visible from King Street East. Retention of the front stones of the parapet walls attached to large decorative brackets on the front façade will aid to minimize the visual displacement effect from the loss of the majority of the parapet walls.

In addition to rebuilding of the roof, the proposal includes retention and restoration of the existing dormers along 18-20 King Street East and replication of the third dormer that once existed. Staff are of the opinion that restoration of the existing dormers and replication of the third will enhance and reinstate symmetry to the roofline.

There are some additional concerns and considerations which include how the limestone façade will be retained and restored, and the restoration methods and storage details for the dormers. To address these concerns, staff recommend that the approval of this Heritage Permit application be conditional upon completion and implementation of a Conservation Plan in accordance with the Guide to Preparing a Conservation Plan in Appendix “F” to Report PED16194(a). Redevelopment and / or restoration of any heritage building requires foresight, planning and a thorough knowledge of heritage conservation best practices. Conservation Plans are comprehensive documents completed by qualified heritage professionals that satisfy the need for foresight and appropriately plan for the short, medium and long term conservation work. They identify the cultural heritage value, the policies to be applied to protect the resource and an implementation strategy to put these policies into action for the immediate through long-terms. The short to medium term conservation work will include, but not be limited to:

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how the façade will be protected and stabilized during demolition of the rest of the structure, how the facade will be tied into a new structure, how the limestone will be cleaned, repaired and repointed, and how the dormers will be dismantled, stored during demolition, restored and reinstalled. Long term conservation work will identify the appropriate measures for ongoing maintenance of the buildings, such as repointing. Staff recommend that the Conservation Plan be reviewed by the Hamilton Municipal Heritage Committee and submitted to the satisfaction and approval of the Director of Planning and Chief Planner.

Installation of Modern Storefronts

Based on comments from the HPRS and the DRP, the applicant revised the storefront design of 18-20 King Street East to reflect a symmetrical design reminiscent of the original first floor configuration (see historic photograph in Appendix “D” to Report PED16194(a)).

The Notice of Intention to Designate the subject properties, includes any remaining original storefront features. Notwithstanding the revised storefront design, the CHIA completed by GBCA Architects notes that a detailed site review and investigation of the storefronts will be required to assess potential original features that may be hidden behind the modern storefront interventions. Staff concur with this assessment and recommendation and as such, recommend that approval of this Heritage Permit be subject to detailed site investigation of the storefronts and that the final details of the storefront designs be provided for review and advice from the Hamilton Municipal Heritage Committee and to the satisfaction and approval of the Director of Planning and Chief Planner.

Installation of Glass Balcony Railings

The original proposal included creating interior balconies on 18-20 King Street East and the installation of glass balcony railings in the place of the existing windows to accommodate these balconies. As per the comments from staff, the HPRS and DRP, the glass balcony railings have been replaced with windows that reflect the fenestration pattern as of a 1892 photograph (see Appendix “D” to Report PED16194(a)).

Staff note that while some of the existing windows on the second floor of 18-20 King Street East are wood and appear to be, if not original, of a significant vintage, based on a historic photograph taken in 1892, these windows are not included in the Notice of Intention to Designate. The window openings, however, are included in the Notice of Intention to Designate, and as such, the City has an interest in ensuring that these window openings are not negatively affected.

SUBJECT: Heritage Permit Application HP2016-027, Under Part IV of the Ontario Heritage Act, for Façade Retention and Penthouse Addition of 18 - 22 King Street East, Hamilton (PED16194(a)) (Ward 2) - Page 14 of 15

Staff are satisfied with the revised proposal for the windows, as the windows will reflect historically accurate fenestration patterns.

Penthouse Addition

A penthouse addition is proposed at the peak of the gable roof along 18-22 King Street East with the intention of being connected to the adjacent proposed building (subject to Heritage Permit HP2016-028, see Report PED16194(a)). Staff are of the opinion that the addition has been designed in a way that is consistent with the Standards and Guidelines that recommend that additions be "...physically and visually compatible with, subordinate to and distinguishable from the historic place" and that new additions will be created "...so that the essential form and integrity of an *historic place* will not be impaired if the new work is removed in the future" (see excerpts from the Standards and Guidelines in Appendix "E" to Report PED16194(a)).

While the penthouse addition has not been revised since the subject Heritage Permit application submission, initial designs presented to GIC and HMHC in April 2016 consisted of a similar addition with a dark, thicker cornice and thicker window divisions that were visually heavy and distracted from the details of the restored and replicated dormers above 18-20 King Street East. The current design has softened and lightened the visual impact of the addition by having a thin cornice and thin window surrounds. The result being a simple design that, while modern, competes significantly less with the façade of the historic building for attention.

Conclusions:

Staff are of the opinion that this Heritage Permit application as revised can be supported.

Additional concerns such as the restoration methods and how the façade will be retained during demolition and construction of a new building can be addressed in a comprehensive Conservation Plan. Concerns with respect to the storefront designs can be addressed by adding a condition that a comprehensive investigation of the storefronts be conducted and final storefront designs be submitted for review and advice from the Hamilton Municipal Heritage Committee and to the satisfaction of the Director of Planning and Chief Planner. As such, staff recommend that the Heritage Permit application be conditionally approved.

ALTERNATIVES FOR CONSIDERATION

1. Refuse the Heritage Permit Application.

HMHC may advise Council to refuse this application. This is not being recommended.

2. Approve the Heritage Permit with Additional or Amended Conditions.

HMHC may advise Council to approve this application with additional or amended conditions of approval. This is not being recommended.

3. Approve the Heritage Permit with No Conditions.

HMHC may advise Council to approve this application with no conditions. This alternative is not recommended, as it would not be consistent with municipal and provincial policy that state that the cultural heritage resources shall be preserved. Furthermore, it would prevent staff review of additional details to ensure that the Heritage Permit approval will result in high-quality conservation and the implementation of the appropriate conservation methods.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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”: Notice of Intention to Designate
- Appendix “C”: Revised Elevations
- Appendix “D”: Photos of 18-22 King Street East, Hamilton
- Appendix “E”: Excerpt from Chapter 2 of the Standards and Guidelines for the Conservation of Historic Places in Canada
- Appendix “F”: Guide to Preparing a Conservation Plan

:CT/mo



● Site Location



Key Map - Ward 2

N.T.S. 

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
HP2016-027

Date:
August 18, 2016

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
CT/VS

Subject Property



18-22 King Street East

CITY OF HAMILTON

NOTICE OF INTENTION TO DESIGNATE

18-22 King Street East, Hamilton

IN THE MATTER OF THE ONTARIO HERITAGE ACT and the property in the City of Hamilton known municipally as 18-22 King Street East, Hamilton.

NOTICE IS HEREBY GIVEN that the City of Hamilton intends to designate this property as being a property of cultural heritage value.

Statement of Cultural Heritage Value or Interest

The three storey buildings located at 18-22 King Street East, Hamilton possess cultural heritage value due to their historical associations with the growth and commercial prosperity of the City of Hamilton in the nineteenth century, their physical design associations with the architect William Thomas and the Renaissance Revival Style of architecture, and contextual associations with Gore Park and the King Street East streetscape.

18-20 King Street East was constructed circa 1840 and early occupants were Archibald and Thomas C. Kerr, who established their successful wholesale dry goods business there as early as 1848. 22 King Street East was constructed circa 1840 for H. E. Smith. By the 1850s, both buildings were under single ownership.

Architect William Thomas was considered a key figure in Canadian architecture, designing important buildings throughout Ontario as well as in other Provinces. The building's composition, design and materials provide a representative example of Renaissance Revival architecture dating to the pre-Confederation period and display a high-degree of craftsmanship. The buildings retain their original architectural features on the upper levels of their front façades and are among very few pre-Confederation stone commercial buildings remaining in Hamilton.

The buildings face Gore Park and integral components to the King Street East streetscape and the character of the 'Gore' area. Gore Park is surrounded by largely intact groupings of three to four storey commercial row buildings, many displaying early architectural styles and high levels of craftsmanship in both design and construction.

Description of Heritage Attributes

The heritage attributes of the three storey buildings are derived from their built heritage value as examples of the Renaissance Revival Style of architecture as designed by William Thomas, architect. The heritage attributes include the upper levels of the front façades of 18-20 King Street East and 22 King Street East, including, but not limited to:

- All stone blocks, coursing, quoins and voussoirs on the second and third levels of the front façades;

- All window surrounds, sills and hood mouldings on the second and third levels of the front façades;
- The cornices, parapet walls and metal flashings of both buildings;
- All surviving original stone materials and features remaining under the existing storefront cladding and signage on the ground level; and,
- The gable roof and dormers of 18-20 King Street East.

Notwithstanding the above list of heritage attributes any alterations to the existing storefronts, entrances and signage on the ground level and any structural changes to the building that are likely to affect the heritage attributes shall be regulated through the City's Heritage Permit process.

Any person may, within 30 days after the date of publication of the Notice, serve written notice of his or her objection to the proposed designation, together with a statement for the objection and all relevant facts.

Dated at Hamilton, this 11th day of December, 2013

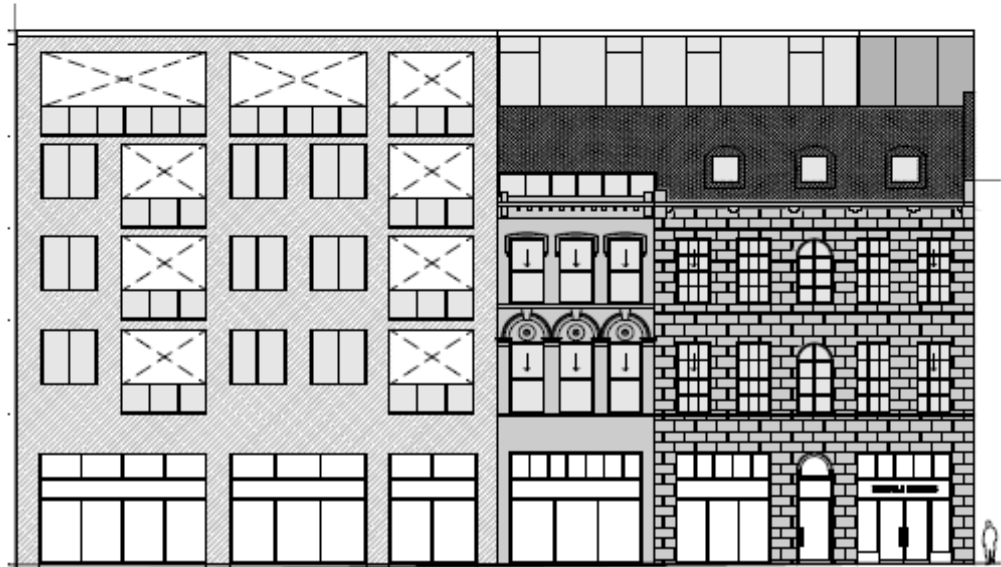
R. Caterini
City Clerk
Hamilton, Ontario

**Design Submitted
with Heritage
Permit Application
on July 18, 2016**



18-22 King Street East

**Revised Design
Submitted on
November 17, 2016**



18-22 King Street East



Rendering of Revised Design

NORTH ELEVATION



18-20, 22 King Street East Photograph from 1892



Photographed July 2015



Photographed July 2015



Photographed April, 2014

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.

Guide to Preparing a Conservation Plan

Purpose:

The purpose of a Conservation Plan is to:

- Identify the conservation principles appropriate for the type of cultural heritage resource/attributes being conserved;
- Provide detailed documentation of the resource and its heritage attributes;
- Assess the current conditions and deficiencies; and,
- Recommend conservation measures and interventions in the short, medium and long term to ensure preservation of the property's cultural heritage significance.

Conservation Plan Requirements:

A Conservation Plan shall include, but not be limited to, the following:

- 1) Present owner contact information for property proposed for development and/or alteration.
- 2) Identification of all cultural heritage resource(s) and a clear statement of their cultural heritage value and interest, including a bullet point list of their heritage attributes.
- 3) An assessment of the current condition of the cultural heritage resources and their heritage attributes. The Plan shall identify the physical condition and integrity of the cultural heritage resources and their heritage attributes, with a view toward making recommendations regarding appropriate repair and maintenance, in keeping with good conservation practice.
- 4) Identification of the short, medium and long term vision for the conservation of the heritage resources, and of the specific conservation measures to be undertaken in the short, medium, and long-term. Such measures shall describe the documentation, stabilization, repair, monitoring and maintenance strategies required to be undertaken for each phase, and shall reference the qualifications for anyone responsible for undertaking such work.

This section may include, but is not be limited to, the following:

Short -Term Conservation Work

- Documentation (through detailed description and photographs) of heritage attributes proposed to be demolished, removed, salvaged or otherwise irreversibly damaged.

- Description and specifications for work required to be undertaken to conserve heritage attributes in need of immediate repair and stabilization to prevent further deterioration, damage and the potential loss of such attributes.
- Monitoring strategy to protect the property from vandalism or fire (e.g. methodology for monitoring; frequency of monitoring; and process to address issues that arise through monitoring).

Medium -Term Conservation Work

- Description and specifications for work required to be undertaken to heritage attributes as part of the proposed development and/or rehabilitation (to include demolition, removal and salvage of heritage attributes; the stabilization, repair and cleaning of heritage attributes; and the reconstruction or replacement of heritage attributes). Such work may be divided into phases.

Long -Term Conservation Work

- Identification of a monitoring program addressing appropriate measures for the ongoing maintenance of the heritage resources and attributes, post development/rehabilitation.
- Provide a recommended schedule for conservation work, inspections, monitoring, maintenances and phases (short, medium, and long-term).

- 5) The qualifications and background of the person(s) completing the Conservation Plan shall be included in the report. The author(s) must demonstrate a level of professional understanding and competence in the field of heritage conservation. The report will also include a reference for any literature cited, and a list of people contacted during the study and referenced in the report.

Approval Process:

A hard copy of the draft Conservation Plan and one electronic pdf format shall be provided to Cultural Heritage Planning staff for review. The Conservation Plan may accompany a Heritage Permit application and be reviewed by the Heritage Permit Review Subcommittee, and / or be reviewed by the Policy and Design Subcommittee as part of a *Planning Act* application.

The Conservation Plan will be finalized to the satisfaction and approval of the Director of Planning and Chief Planner.