



City of Hamilton

HAMILTON MUNICIPAL HERITAGE COMMITTEE ADDENDUM

Meeting #: 22-010
Date: November 21, 2022
Time: 9:30 a.m.
Location: Council Chambers
Hamilton City Hall
71 Main Street West

Loren Kolar, Legislative Coordinator (905) 546-2424 ext. 2604

5. COMMUNICATIONS

- *5.1. Correspondence respecting the Recommendation to Designate 66-68 Charlton Avenue West, Hamilton

Recommendation: Be received and referred to Item 8.1 on this agenda, for consideration

*5.1.a. I. Langlais

*5.1.b. A. Regenstreif

*5.1.c. C. Redmond, President, Durand Neighbourhood Association

- *5.2. Correspondence from C. Redford President, Durand Neighbourhood Association, respecting Heritage Permit Application HP20-022-026, 163 Jackson Street West, Hamilton

Recommendation: Be received and referred to Item 8.2 on this agenda, for consideration

- *5.3. Notice of Passing of By-law No. 22-258 to Designate a Portion of Melville Street in Dundas as a Heritage Conservation District Study Area under Section 40.1 of the Ontario Heritage Act

Recommendation: Be Received

6. DELEGATION REQUESTS

*6.2. Matt Johnston, UrbanSolutions Planning & Development, respecting the Recommendation to Designate 66-68 Charlton Avenue West, Hamilton (for today's meeting)

From: clerk@hamilton.ca
To: [Kolar, Loren](#); [Carson, Katie](#)
Subject: Correspondence HMHC Izabel Langlais re 66-68 Charlton Avenue
Date: Friday, November 18, 2022 8:24:56 AM

From: IZABEL LANGLAIS [REDACTED]

Sent: November 18, 2022 2:05 AM

To: clerk@hamilton.ca

Cc: Janice Brown [REDACTED] Robin McKee [REDACTED]

Subject: HMHC meeting November 21 individual correspondence in lieu of speaking directly

Att: clerk City of Hamilton Individual Correspondence for the HMHC meeting November 21st, 2022 in lieu of speaking directly. Dear Hamilton Municipal Heritage Committee Chair, I am a resident of the Durand area of Hamilton for two years at this address in ward 2; i rent at the corner of Charlton and Bay a beautiful tiny studio in a Heritage House subdivided as a multiunits; i choose that location because of the Heritage preserved and maintained beautifully, by Heritage lover home owners, throughout the neighbourhood. I grew up in a century house, owned one in Markham with my ex-husband, and rented by choice, appartments in century houses multi-units many times. These Heritage houses are more then just given character to a neighbourhood and part of preserved accuity value for a city, but the core of a specific community of residents, connected in all locations, by their interest of architecture, history, arts, homestead, museum, author, photographers and artisans, as part of their Legacy from their lineage and ancestors passed on through generations or through sale to a community member that would be keeping the value for us; if it was to be acquire by sale or by death by a person that do not understand the value to preserves it for the entire community, then we count on the municipality it is located in to be preserving it for us. The municipality is entrusted to do all in it is power to preserve 66-68 Charlton st that they are trying to demolish and 57 Charlton st that had a fire on february this year; both are multi units. The city of Hamilton has to authorise the emergency Part 1V Designation recommended by the inventory & research working group and preserve them for our community ! I appologise not to be able to delegate in person, i thank you to address my letter of concerns and my position in favor of the emergency Part 1V Designation to prevent and stop demolition and to make sure it is preserve and/or restored as All other heritage buildings or sites etc Regards Without prejudices Ms Izabel LAnglais

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Regards
Ms Izabel LAnglais
Hamilton, Ontario
Discovery Toys Consultant

[REDACTED]

From: [Rhoda Regenstreif](#)
To: [Kolar, Loren](#)
Subject: Correspondence ADDED Regenstreif re 66-68 Charlton Ave original
Date: Friday, November 18, 2022 11:50:16 AM

I am writing because we are concerned about the property at 66-68 Charlton Ave and future plans for the property which is currently boarded up. Generally our concerns are about safety and security concerning current and future usage. We urge that the property be given emergency heritage designation as soon as possible

Thank you for consideration of this concern

signed

Avrum and Rhoda Regenstreif



November 17, 2022

Hamilton Municipal Heritage Committee
c/o City of Hamilton
71 Main Street West
Hamilton, Ontario L8P 4Y5

Attention: Alissa Denham Robinson, HMHC Chair
Heritage Committee Members

RE: Recommendation to Designate 66-68 Charlton Avenue West
under Part IV of the Ontario Heritage Act. (PED22208) (Ward2)



The Durand Neighbourhood Association (DNA) would like to support Hamilton Heritage staff's recommendation to 'Designate' 66-68 Charlton Avenue West under Part IV of the Ontario Heritage Act.

The DNA was founded in 1972 out of concern expressed by our citizens about the rampant demolition and destruction of exquisite homes within the community that were being bulldozed under the auspices for a new urban density by the City. We are now 50 years on and history is repeating itself. As a neighbourhood, we are crushed at the prospect of losing more of our contextual heritage fabric of turn of the century fine brick dwellings. These buildings were built with superior craftsmanship and style. Although 66-68 Charlton is in effect one building proposed for demolition, the loss would really amount to two original Queen Anne Revival dwellings and the sympathetic centre addition that joined them. The loss is therefore significant.

We have yet to hear from the land owner as to why the demolition is being proposed and for what reasons. We assume it is simply speculation. This is so unfortunate. There are so many great heritage attributes with this building that afford protection. It is also a crucial part of a community of similarly brick built buildings that form a critical mass that remain in the Durand and are quintessential to the contextual fabric of the neighbourhood. The moulded bricks and cut stone masonry on this building were crafted and shaped with intricate design, skill, texture, and refinement. It is a well-built building by the affluent land owners of the period. The decoration and proportions were well thought out. The dentil encrusted cornices, and large wood brackets supporting cantilevered gable pediments over three sided bays, are to be treasured. The building still retains so much of its original trim details, including the wood trimmed tripartite windows and original gable frieze detail. There are the scalloped clay tile wall shingles and delicate half-moon transom over the front doors, and the original dormers are intact and beautiful.

There were some later additions at the rear that the DNA would support removal of, but we certainly believe the original Queen Anne Revival structure(s) is worthy of designation. The DNA asks that Council recognize the inherent beauty of the building, and its contextual heritage importance to the Durand community, and protect it accordingly.

Respectfully yours,

Chris Redmond, President, Durand Neighbourhood Association
Geoffrey Roche, Chair DNA Heritage Subcommittee

November 17, 2022

Hamilton Municipal Heritage Committee
c/o City of Hamilton
71 Main Street West
Hamilton, Ontario L8P 4Y5

Attention: Alissa Denham Robinson, HMHC Chair
Heritage Committee Members

RE: Heritage Permit Review for 163 Jackson Street West
under Part IV of the Ontario Heritage Act. HP 2022-026



The Durand Neighbourhood Association (DNA) has numerous concerns and questions in regards to the proposed demolition of the old CHCH building at 163 Jackson that is currently attached to the Heritage Designated Pinehurst Building of the same address.

The DNA has had this address on our radar for years and we have been following the proposals put forth by the developer for the multistory Television City high rise building that is to be built on the property. We were under the impression that the Site Plan conditions for the property would need to be met prior to any permits being issued, including a demolition permit. We are most concerned with how the demolition of the existing CHCH building may come to effect the Part IV designated Pinehurst building and in what perpetual state the property and the existing heritage building will be left after the demolition of the attached CHCH building. We do not understand the urgency to take down this building and subsequently moth ball the site until such a time as a new building is permitted for construction. We are wary that the site may be left in a similar state to the designated James Street Baptist church on James Street South where the property was left in disarray, fenced off for years, and subject to vandals, squatters and the environmental elements after the developer pulled out. It is the City's duty to take all efforts to ensure protection is afforded to the designated Pinehurst building!

Our questions and concerns come after a review of the November 21, 2022 Planning & Economic Development Subject Report, on the Heritage Application HP2022-026 and the recommended approval of the demolition of the CHCH building subject to conditions. We are also privy to the latest proposed amended conditions that were published in the September 13, 2022 minutes of the meeting of the Heritage Review Sub-Committee.

We now understand a phased approach is proposed, whereby there will be two heritage permits proposed for the Pinehurst building, the first relating to the proposed demolition of the attached CHCH building, and the second for the remedial work and complete restoration of the heritage building. This effectively allows for the demolition of the CHCH building and alteration to the site without meeting the Site Plan Conditions for the property. It conveniently postpones any remedial work to the heritage structure until some unspecified future time when a development for the property may proceed. This indefinite time line is unacceptable without strong conditions imposed on the land owner or any future land owners.

Our questions/concerns are as follows:

- 1) Expiry - in accordance with the approval, the completion of the alteration must be completed no later than September 30, 2024. After this the approval expires, no alterations shall be undertaken without a new approval. What happens if the alteration was started but not completed by this date, and

the site left in an unfinished state with an expired permit? Expired heritage permits are an ongoing concern as we well know.

2) Appropriate Performance Bond - the City needs to negotiate the financial instrument of protection now (before heritage approval) to ensure the protection and integrity of the heritage building. The amount should be commensurate with significant protection that must be afforded the building, recognizing that it is not in the best interest of the developer to have to work with a designated heritage structure. The property is of far more value without the heritage structure; in other words it is not in the best interest of the developer to see the building is properly protected. To this end the building should be fully insured for the complete replacement cost of a restored Pinehurst building. The property insurance should allow for the complete historical replica of the building should it be subject to arson or other critical impairment. The City should stipulate that the heritage building shall be rebuilt in whole or part no matter the damage.

3) Protective Enclosure & Security - What is proposed as the protective enclosure of the site for the years that it may be mothballed? Will the whole site be fenced? Will the site be regraded in the interim period? Will the site be afforded sod and public access or left as a demolition site complete with mud and construction debris? What solid masonry enclosure will be given to the opening left open after the removal of the CHCH building? Will it be vandal proof and afford maximum protection from those intent on breaking into an obviously vacant building? How will this opening look once it is closed in? Will it be given a protection from the elements, and made aesthetically acceptable for the community? What means of powered security will be given to the site? What lighting and alarms will be in place? Will there be active fire alarms and fire suppression on site?

4) The enclosed opening should require its own building permit drawings complete with structural engineer seal so that the structural integrity of the building is maintained.

5) Will the building remain connected to utilities, including hydro, sanitary, and water? The improved ventilation plan for the mothballing period should be detailed in full and accepted by the Heritage committee prior to the approval of the Phase 1 Heritage Permit.

6) Monthly reports - what incentives are proposed to ensure the land owner provides monthly reports to City staff on the condition of the heritage structure? Will the City take on the monthly reports and inspections or hire a third party and invoice the property owner should the owner stop providing appropriate reports.

7) Change of Ownership - How does the City intend to ensure all the same conditions are met if the property changes owners, and the new owner was not privy to any of the conditions negotiated in the original Heritage permit?

In a nutshell, the DNA has many concerns with the mothballing of a designated heritage structure. The normal approach by municipalities is to not grant demolition permits through Site Plan until building permits are also in place for the replacement building. This ensures that there is no site alteration made until full securities and plans for the replacement are done and the new build is ready to go. Most of these concerns would not be concerns if this was the case.

Respectfully yours,

Chris Redmond, President, Durand Neighbourhood Association
Geoffrey Roche, Chair DNA Heritage Subcommittee



Hamilton

Mailing Address:
71 Main Street West
Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

Planning and Economic Development Department
Planning Division
71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5
Phone: 905-546-2424, Ext. 1291
Fax: 905-540-5611

October 19, 2022

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

Dear Provincial Heritage Registrar:

Re: Notice of Passing of By-law No. 22-258 to Designate a Portion of Melville Street in Dundas as a Heritage Conservation District Study Area under Section 40.1 of the *Ontario Heritage Act*

Please take notice that on the 28th day of September, 2022, the Council of the City of Hamilton passed By-law No. 22-258 to designate a portion of Melville Street in Dundas, from Sydenham Street to Wellington Street North, as a Heritage Conservation District Study Area under Section 40.1 of the *Ontario Heritage Act*. Attached please find a copy of By-law No. 22-258. A Notice of Passing of the By-law was also published in the Hamilton Spectator on October 19, 2022.

Explanation of Purpose and Effect of By-law

The Melville Street Heritage Conservation District Study Area By-law No. 22-258 prohibits alterations to, and the erection, demolition and removal of buildings or structures on, properties in the identified study area (see Schedule "A" of the attached By-law) for a period of one year. The purpose of the limitations on changes to properties in the study area is to allow time for the City to conduct a review of the cultural heritage value of the area and determine if it should be considered for heritage district designation under Part V of the *Ontario Heritage Act*, and to protect the potential heritage value of the area in the interim. The By-law does include exemptions and outlines the types of works that would be permitted while the By-law is in effect.

Any person who objects to the By-law may, within thirty days after date of publication of the Notice of Passing of the By-law in the Hamilton Spectator, appeal to the Ontario Land Tribunal by giving the clerk of the municipality a notice of appeal setting out the objection to the By-law and the reasons in support of the objection, accompanied by the fee charged by the Tribunal, in accordance with Section 40.1(4) of the *Ontario Heritage Act*.



Hamilton

If you have any questions regarding this Notice of Passing, please contact: Alissa Golden, Senior Project Manager, Heritage and Urban Design, Phone: (905) 546-2424 ext. 1202, Email: Alissa.Golden@hamilton.ca.

A handwritten signature in blue ink, appearing to read "Steve Robichaud".

Steve Robichaud, MCIP RPP
Director of Planning and Chief Planner

AG
Attach.

cc: Councillor Arlene VanderBeek, Ward 13
Patrick MacDonald, Solicitor
Alan Shaw, Director, Building Division
Loren Kolar, Legislative Coordinator



Authority: Item 7.5, Motion
CM: September 28, 2022
Ward: 13

Bill No. 258

CITY OF HAMILTON
BY-LAW NO. 22-258

To Designate a Portion of Melville Street in Dundas, from Sydenham Street to Wellington Street North, as a Heritage Conservation District Study Area

WHEREAS Melville Street is an historic streetscape in the community of Dundas, located in the City of Hamilton, consisting of a significant concentration of buildings of cultural heritage value or interest;

AND WHEREAS the eastern portion of Melville Street, from Sydenham Street to Cross Street, was designated as part of the Cross-Melville Heritage Conservation District in 1990 by former Town of Dundas By-law No. 3899-90;

AND WHEREAS the portion of Melville Street from Sydenham Street to Wellington Street North, identified in Schedule "A" attached to this By-law, consists of a collection of pre-1950 buildings of potential heritage value or interest, including three properties individually designated under Part IV of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, that may collectively be considered a cultural heritage landscape;

AND WHEREAS the purpose of a heritage conservation district study, as provided for under section 40 of the *Ontario Heritage Act*, is to examine the character and appearance of an area to determine if the area should be preserved as a heritage conservation district and to consider and make recommendations with regard to the establishment of a district plan to guide changes to properties located within the district;

AND WHEREAS section 40.1(1) of the *Ontario Heritage Act* provides that, if the council of a municipality undertakes a study of a heritage conservation district, the council may, by by-law, designate the area specified in the by-law as a heritage conservation study area for a period of up to one year;

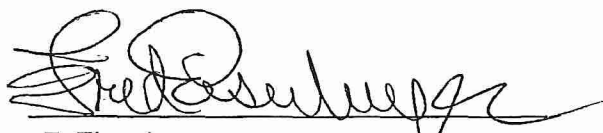
AND WHEREAS section 40.1(2) of the *Ontario Heritage Act* provides that a heritage conservation district study area by-law may prohibit or set limitations with respect to the alteration of property and the erection, demolition or removal of buildings or structures, or classes of buildings or structures within the heritage conservation district study area;

NOW THEREFORE THE COUNCIL OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

1. The area identified in Schedule "A" attached hereto (the Melville Street Heritage Conservation District Study Area) is designated as a heritage conservation district study area for a period of one year from the date of enactment of this By-law.
2. The City shall undertake a heritage conservation district study of the Melville Street Heritage Conservation District Study Area in accordance with the requirements of section 40(2) of the *Ontario Heritage Act*, for the purpose of examining the character and appearance of the area to determine if the area, or any part of the area should be preserved as a heritage conservation district and to make recommendations with respect to the content of a heritage conservation district plan.

3. The alteration of property and the erection, demolition or removal of buildings or structures within the heritage conservation study area is prohibited with the exception of the following permitted actions:
 - (a) an expansion of such legally existing buildings or structures, to a maximum of 25% of the existing gross floor area;
 - (b) a change to the interior of such legally existing buildings or structures;
 - (c) a change to the façade of such legally existing buildings or structures where that façade does not address a public street or highway;
 - (d) *the reconstruction or replacement of such legally existing buildings or structures which are totally or partially destroyed by fire, accident or natural disaster, provided the building or structure is reconstructed on its original site and the floor area and dimensions are not increased; and*
 - (e) the erection of a new accessory building or structure.
4. This By-law shall be in effect for a period of one year from the date of passage of this By-law.
5. The alteration of property and the erection, demolition or removal of buildings or structures as permitted under building permits issued before the passage of this By-law and located within the study area at 56 Melville Street, 136 Melville Street, 138 Melville Street, 172 Melville Street, 183 Melville Street and 188 Melville Street shall be exempt from this By-law.
6. The City Clerk is hereby authorized and directed:
 - (a) to cause a copy of this By-law to be served upon the owners of all of the properties within the Melville Street Heritage Conservation District Study Area and upon the Ontario Heritage Trust within 30 days of the passage of this By-law, by a method permitted by the *Ontario Heritage Act*; and
 - (b) to publish a notice of passing of this By-law in a newspaper having general circulation in the City of Hamilton.

PASSED this 28th day of September, 2022.


F. Eisenberger
Mayor


A. Holland
City Clerk



Schedule "A"
To
By-law No. 22-258

Melville Street Heritage Conservation District Study Area



This is Schedule "A" to By-law No. 22-258

Passed the 28 day of September, 2022


[Signature]
 Mayor
[Signature]
 Clerk

Schedule "A"

**Map forming Part of
 By-law No. 22-258**

Subject Property

 Melville Street Heritage Conservation District Study Area (Dundas)

Scale: N.T.S	File Name/Number: Dundas HCD Study	 Hamilton
Date: September 23, 2022	Planner/Technician: AG/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

From: clerk@hamilton.ca
To: [Kolar, Loren](#); [Vernem, Christine](#)
Subject: FW: Webform submission from: Request to Speak to a Committee of Council
Date: Friday, November 18, 2022 11:11:50 AM

From: City of Hamilton <hello@hamilton.ca>
Sent: November 18, 2022 11:07 AM
To: clerk@hamilton.ca
Subject: Webform submission from: Request to Speak to a Committee of Council

Submitted on Fri, 11/18/2022 - 11:06

Submitted by: Anonymous

Submitted values are:

Committee Requested

Committee
Hamilton Heritage Committee

Will you be delegating in-person or virtually?
Virtually

Will you be delegating via a pre-recorded video?
No

Requestor Information

Requestor Information
Matt Johnston
UrbanSolutions Planning & Development
Consultants Inc. 3 Studebaker Place, Unit 1
Hamilton, Ontario. L8L 0C8
mjohnston@urbansolutions.info
[905-546-1087](tel:905-546-1087)

Reason(s) for delegation request
To Address Committee on November 21, 2022 regarding 66-68 Charlton Avenue West as discussed in Staff Report No. PED22208.

Will you be submitting a formal presentation?
NO
Will you be requesting funds from the City? NO