




Hamilton

INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	June 1, 2016
SUBJECT/REPORT NO:	Process Respecting the Designation and Retention of 18 - 22 King Street East and the Redevelopment of 24 - 28 King Street East (PED16116) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Stephen Robichaud Director of Planning and Chief Planner
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

Council Direction:

At its meeting on April 6, 2016, General Issues Committee (GIC) approved Item f (vi) of the General Issues Committee Report 16-010, as revised at Council, which reads as follows:

“The presentation, provided by Tim Bullock, Legal Counsel, Simpson Wigle Law LLP; and, David Premi, Architect / Director of DPAI Architecture Inc., respecting the designation and retention of 18 - 22 King Street East, Hamilton and redevelopment of 24 - 28 King Street East, Hamilton (Gore Park Apartments), was referred to staff for review and a report back to the General Issues Committee on May 18, 2016 on a process for Committee’s consideration.”

The presentation given at the April 6, 2016 GIC meeting is attached as Appendix “A” to Report PED16116. The applicant is proposing to redevelop the subject lands to allow for the development of 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. The total height is five storeys. The applicant has indicated that they would be prepared to withdraw their objection to the Notices of Intent to Designate 18 - 22, 24 and 28 King Street East once they have obtained their Building Permits to support this concept. In order to implement Council’s direction, this report outlines a process wherein the applicant initiates an application immediately.

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The Process

Confirmation of the proposal (height, units, parking, etc.), the process to be followed, the obligations of both parties with respect to that process, and overall timing would need to be agreed upon by Council and the Applicant. Council may want to request that the Applicant provide written confirmation that it concurs that this process is appropriate, and that the Applicant will withdraw its objection to the Notice of intent to Designate once step 10 in the process is reached. Council may also request that staff seek, and the applicant support, the setting of a firm Hearing date before the Conservation Review Board, likely Q42017 or Q1 2018, so that if the objection is not ultimately withdrawn, there is certainty around the timing of the Hearing.

The Notices of Intent to Designate 18 - 22, 24 and 28 King Street East were objected to by the applicant and are currently before the Conservation Review Board. The Conservation Review Board Hearing on the objections can be scheduled for late 2017 or early 2018 to allow time for the developer to proceed through the heritage and planning processes outlined below. While the objections are in place it is as though the properties are designated and are afforded the same protection as a designated property with respect to the alteration and demolition sections of the *Ontario Heritage Act*. The process outlined below adopts this course of action.

1. Draft Cultural Heritage Impact Assessment submitted to staff for initial review	
2. Submission of Formal Consultation Application	
3. Submission of three "complete" Heritage Permit Applications for 18 - 22, 24 and 28 King Street East to implement the applicant's redevelopment proposal a. Peer Review of Documents b. Approval by Heritage Permit Sub-Committee c. Approval by Municipal Heritage Committee d. Approval by Planning Committee e. Approval by Council f. Heritage Permits with Conditions issued	A decision on the Heritage Permit applications must occur within 90 days or automatic approval of the application will occur in accordance with the <i>Ontario Heritage Act</i> . Conditions can be attached to the Heritage Permit such as posting securities to ensure redevelopment occurs after demolition
4. Submission of Site Plan Control Application	Should not occur until Heritage Permits with conditions issued
5. Attendance at Design Review Panel	
6. Attendance at Development Review Team meeting and issuance of Conditional Site Plan Approval	
7. Final Site Plan Approval issued	Can occur once conditions of the Heritage Permits have been finalized and any other applicable Site Plan conditions

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8. Demolition Permit Applications made and issued for 24 and 28 King Street East	
9. Building Permit Applications made and issued for the development proposal	
10. Applicant to Withdraw Conservation Review Board Objection of the Notice of Intent to Designate 18 - 22 and 24 - 28 King Street East	
11. Council revokes Notice of Intent to Designate for 24 and 28 King Street East and passes By-law to Designate 18 - 22 King Street East	

Important Considerations

- Decisions on the Heritage Permit will be made by the Heritage Permit Sub-Committee, Municipal Heritage Committee, Planning Committee and Council. Undelegated approval is determined by Municipal Heritage Committee because based on the proposed sequencing of events the demolition of 24 - 28 King Street East must be approved by Council, as per the Delegated Approval By-law for Heritage Permits.
- This report only identifies a process to be followed. Any conditions of approval / studies required to submit applications and permits will be identified at the appropriate stage.
- As 24 - 28 King Street East would ultimately not be designated under the process described above, it is important to note that nothing could then prevent demolition of 24 - 28 King Street East under the Ontario Building Code. There are a few items for consideration:
 - If the buildings were to remain designated, demolition would require a Section 34 Heritage Demolition Consent (under the *Ontario Heritage Act*) which provides Council interim protection from demolition and would require Council to consent to the application for demolition;
 - If the buildings were to remain on the Register of Property of Cultural Heritage Value or Interest, it would provide Council interim protection from demolition and a 60-day notice of intent to demolish or remove a building or structure on property that is included on the Municipal Register; and,
 - A heritage easement could be used to ensure demolition does not occur until municipal consent has been given through Site Plan Approval.
- Should steps 1 – 8 outlined above occur, there is no guarantee that Building Permits would be applied for, or that the Building Permits would be acted upon.

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- Final building design and details may change as a result of the Heritage Permits, advice from the Design Review Panel and Site Plan approval.

Legal Implications

The objections to the Notices of Intention to Designate are currently before the Conservation Review Board who, after a Hearing, would issue a written report that Council must consider before deciding whether to designate the properties. Unless the objections are withdrawn, a Hearing will be scheduled for the Conservation Review Board to hear evidence based on the issued Notices of Intention to Designate. Once the objections have been withdrawn or the Conservation Review Board issues its report, Council would be at liberty to determine whether to designate the properties.

The *Ontario Heritage Act* permits Council to consent to the demolition of a designated property. As such, designating all of the properties would still allow a redevelopment of the properties involving the demolition of the 24 - 28 King Street East, with less risk of the undesignated properties being demolished with no redevelopment taking place. Even with the issuance of Heritage Permits and subsequent Building Permits, there is no 100% guarantee that a new building will be constructed.

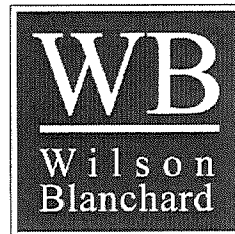
Applications Submitted

The applicant has submitted a Formal Consultation Application which will be reviewed by the Development Review Team at its meeting on June 8, 2016.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A": Presentation from April 13, 2016 GIC Meeting

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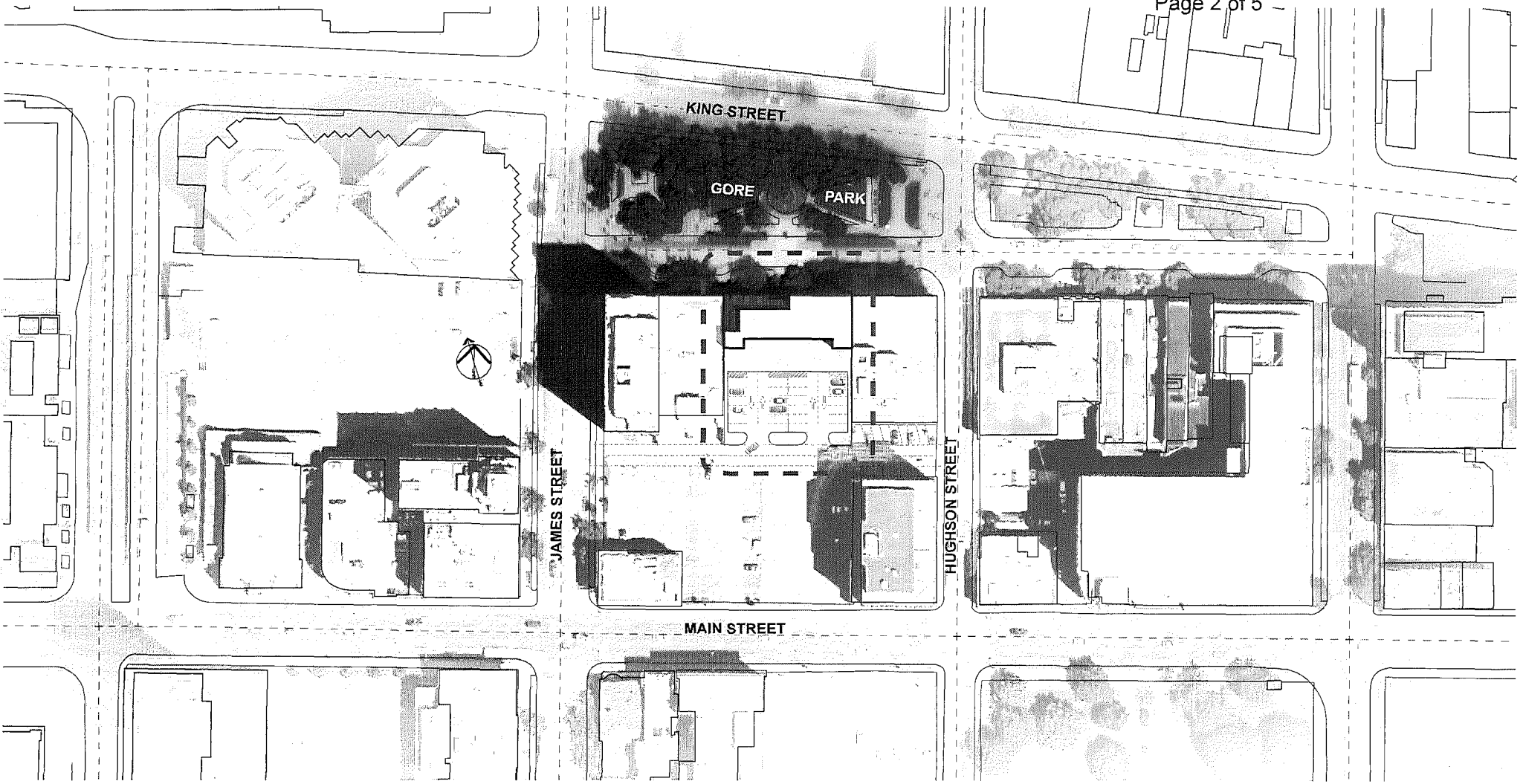


GORE PARK APARTMENTS

**CITY OF HAMILTON
GIC PRESENTATION**

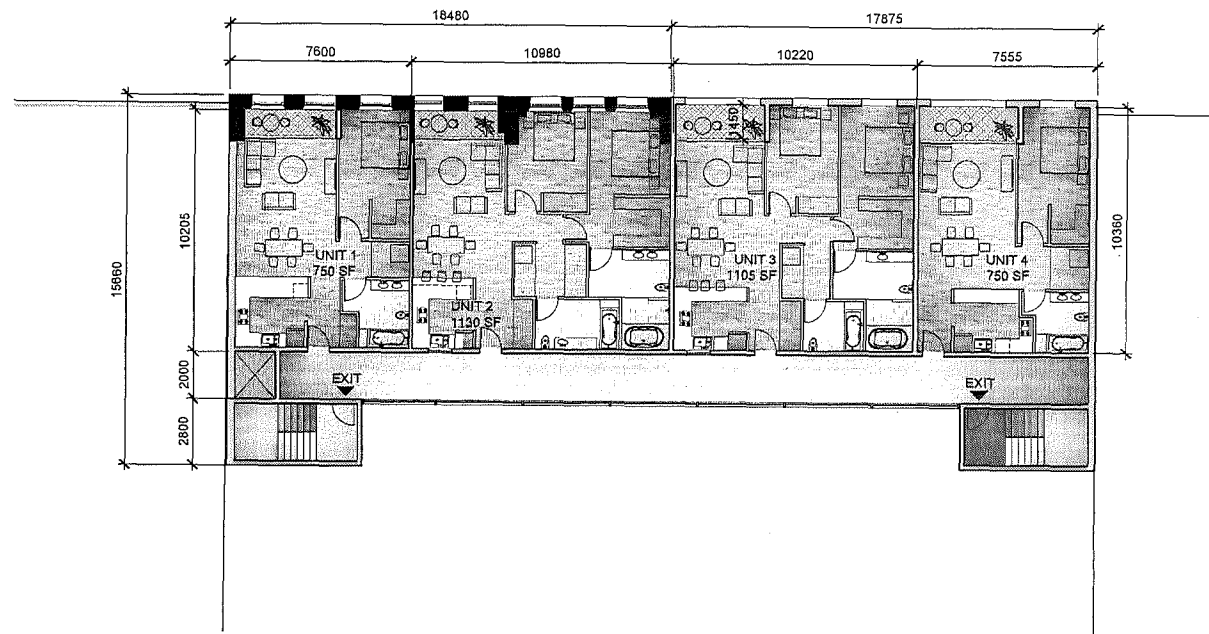
06 APRIL 2016

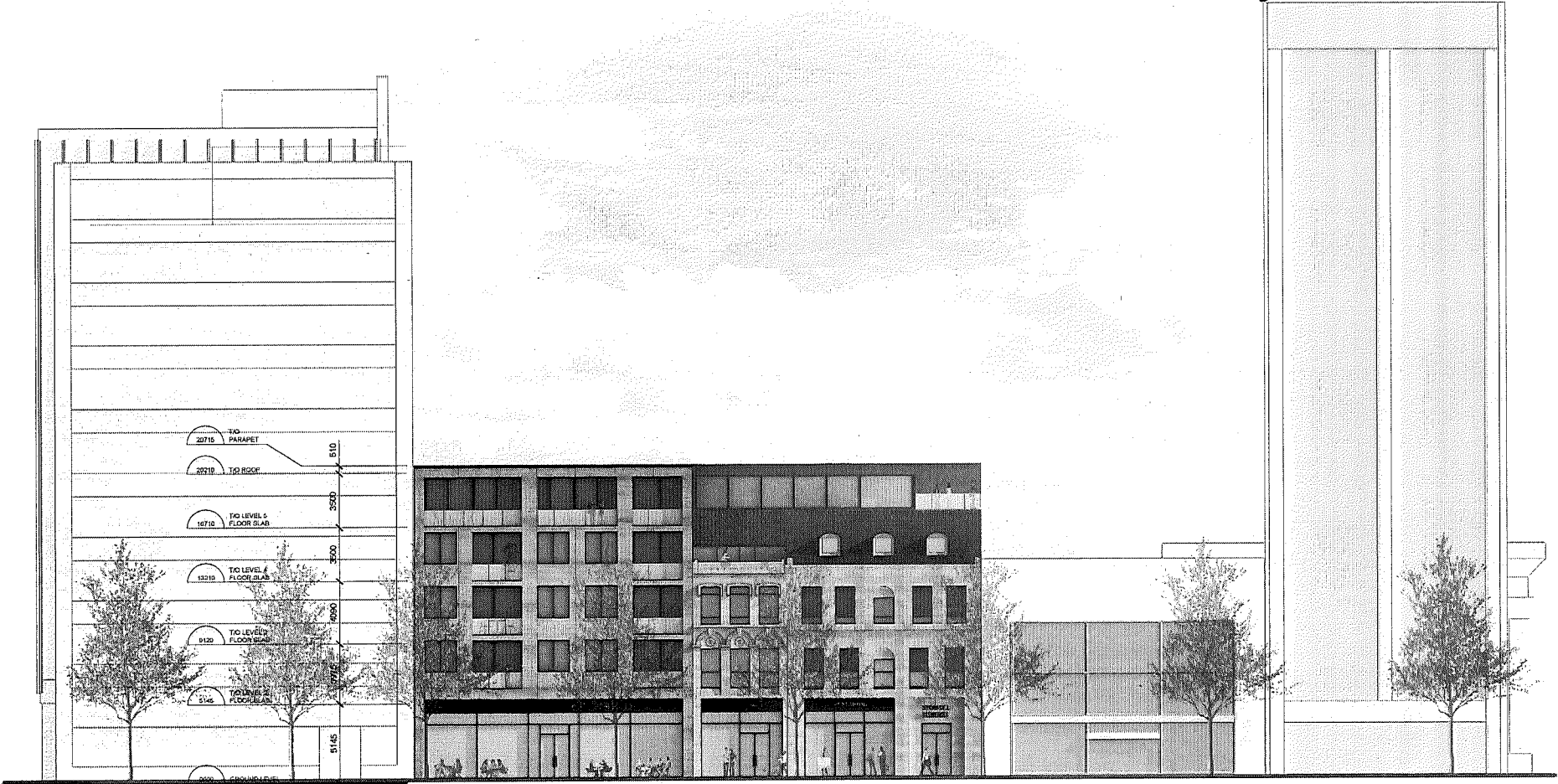




2 GORE BLOCK APARTMENTS
SITE PLAN
SCALE: 1:1000
2016-04-06

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4 GORE BLOCK APARTMENTS
 NORTH ELEVATION
 SCALE: 1:200
 2016-04-06

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GORE BLOCK APARTMENTS
CONTEXT RENDERING

2016-04-06

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