



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Tourism and Culture Division

TO:	Chair and Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	May 18, 2017
SUBJECT/REPORT NO:	Durand Neighbourhood Built Heritage Inventory (PED17092) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Alissa Golden (905) 546-2424 Ext. 4654
SUBMITTED BY:	Anna M. Bradford Director, Tourism and Culture Division Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That staff be directed to include the properties identified in the Register of Property of Cultural Heritage Value or Interest as non-designated property attached as Appendix "A" to Report PED17092.
- (b) That staff be directed to add the Candidates for Designation under Part IV of the *Ontario Heritage Act* identified in Appendix "B" to Report PED17092 to the Work Plan for Designation under Part IV of the *Ontario Heritage Act* Priorities, attached as Appendix "C" to Report PED17092.
- (c) That staff be directed to prepare an annual Capital Budget Submission to address the work plan for designation under Part IV of the *Ontario Heritage Act* attached as Appendix "C" to Report PED17092, to be brought forward to the Capital Budget deliberations yearly.
- (d) That the recommendation to add 6, 12, 19 and 26 Ravenscliffe Avenue to staff's work plan for designation under Part IV of the *Ontario Heritage Act* attached as Appendix "C" to Report PED17092, be deferred until Heritage Resource Management staff have assessed the feasibility of conducting a heritage conservation district study of Ravenscliffe Avenue and report findings to the Planning Committee.

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.

- (e) That, pursuant to Subsection 27(5) of the *Ontario Heritage Act*, Council require that any notice of intention to demolish or remove any structure or building for a registered property on staff's work plan for Designation under Part IV of the *Ontario Heritage Act* attached as Appendix "C" to Report PED17092 and as amended by Council from time to time, include a Cultural Heritage Impact Assessment report prepared to the satisfaction and approval of the Director of Planning and Chief Planner.
- (f) That Heritage Resource Management staff be directed to prepare a framework and work plan for continuing the proactive built heritage inventory work in the City of Hamilton and report back to Planning Committee in Q4 2017.

EXECUTIVE SUMMARY

On March 26, 2014, Council directed staff to continue the process developed for the Downtown Built Heritage Inventory project to guide heritage inventory work conducted by the City of Hamilton (Reports PED14039 and PED08053).

The management and conservation of significant cultural heritage resources is paramount to maintaining and enhancing Hamilton's vibrancy. The proactive identification of significant cultural heritage resources facilitates informed decision-making and priority-based planning for staff and Council.

The Durand Neighbourhood Built Heritage Inventory (the "Durand Inventory") project is the second phase of the City's proactive inventory work. The Durand Inventory project involved evaluating and classifying the cultural heritage value or interest of each property in the neighbourhood based on provincial criteria for determining cultural heritage value or interest (*Ontario Regulation 9/06*), which was designed to identify:

- Properties that are historical, aesthetic or cultural landmarks of considerable heritage value (*Significant Built Resources*); and,
- Properties whose heritage value lies primarily in the contribution they make to their historic context (*Character-Defining Resources* and *Character-Supporting Resources*).

The project determined that 75% of all addresses (743 of 988) in the Durand Neighbourhood have cultural heritage value or interest sufficient to be added to the Register of Property of Cultural Heritage Value or Interest (the "Register"). Also, 59 addresses (6% of all addresses) have been identified as candidates for designation under the *Ontario Heritage Act*.

Staff recommend that the list of addresses contained in Appendix “A” to Report PED17092, be included in the Register as non-designated properties. Further, staff conclude that the list of addresses contained in Appendix “B” to Report PED17092 are of sufficient cultural heritage value or interest to warrant further cultural heritage assessment work and recommend that they be added staff’s work plan for designation, as amended by Appendix “C” to Report PED17092.

In addition to the Heritage Process Review currently underway by staff (Report PED14204), staff will report back to Council with an annual Capital Budget Submission to address the designation work plan in a timely and efficient manner.

Report PED17092 addresses feedback received by property owners on Ravenscliffe Avenue that recommended candidates for designation on the street be deferred until Heritage Resource Management staff has assessed the feasibility of conducting a heritage conservation district study of Ravenscliffe Avenue and reported back to Council for further direction.

Further, to ensure that all of the recognized heritage properties are adequately protected in the interim, staff recommend that Council require the submission of a Cultural Heritage Impact Assessment report to accompany any notice of intention to remove or demolish any building or structure on registered property included on staff’s work plan for designation, as per the provisions of the *Ontario Heritage Act*.

To be proactive with the built heritage inventory work in the City of Hamilton, Heritage Resource Management staff will develop a framework and work plan for conducting the next phases of the work.

Alternatives for Consideration - See Page 17

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: While there are no direct financial implications of the recommendations to Report PED17092, the addition of 51 properties to staff’s work plan for designation will approximately double the number of properties listed.

Currently, the City retains consultants to assess the cultural heritage value of properties on the designation work program. Between 2013 and 2016, the average quoted cost for a cultural heritage assessment was \$15,000 per property, funded out of the Heritage Designations Capital Account Number 55801, Project ID Number 8121255620. As such, Recommendation (b) to Report PED17092 and the addition of 51 properties to staff’s work plan is expected to result in future requests for

approximately \$765,000 in additional funding (plus contingency) over nine years from 2025 through to 2034.

In addition to any process improvements identified through the Heritage Process Review currently underway by staff (Report PED14204), it is recommended that Planning staff be directed to prepare annual Capital Budget Submission to continue to address the work plan for designation in a reasonable and efficient manner.

Staffing: There are no direct staffing implications of the recommendations to Report PED17092. However, the addition of 743 listings to the Register will approximately double its length and will have an impact on the staff time required to address notices of intention to demolish under the *Ontario Heritage Act*. Staff are currently undertaking a Heritage Process Review which will identify improvements for the administration of heritage policy, including a Procedural By-law for Heritage. Also, Recommendation (e) Report PED17092 would direct staff to require a Cultural Heritage Impact Assessment to accompany any notice of intention to demolish or remove a building or structure on registered property listed on staff's designation work program. The requirement for a Cultural Heritage Impact Assessment would ensure that staff have sufficient information to provide an informed recommendation to HMHC and Council within the 60-day period under Section 27 of the *Ontario Heritage Act*. This action would assist in reducing the potential staff impact to Report PED17092.

Legal: Staff recommend that the list of addresses contained in Appendix "A" to Report PED17092 be included in the Register. Inclusion in the City of Hamilton's Register under Sub-Section 27 (1.2) of the *Ontario Heritage Act* requires that Council be given 60 days' notice in writing of the intention to demolish or remove any building or structure on the property, as per Sub-Section 27 (3) of the Act. Council may require that the notice of intention be accompanied by such plans and information as they deem necessary, as provided by Sub-Section 27 (5) of the Act.

Staff recommend that the list of addresses contained in Appendix "B" to Report PED17092 be added to staff's work plan for designation, as amended by Appendix "C" to Report PED17092. The City's Legal Counsel was consulted in the preparation of the original staff report regarding the formal Designation Process (Report PED08211), the recommendations of which are summarized as follows:

As per the Council-approved Designation Process, the recommendation on this report provides staff with direction to complete further research and

evaluation of the subject properties for a later decision by Council. If staff is directed to proceed, Council will make a decision on designation at a subsequent stage in the designation process. Staff will develop a report which includes a Cultural Heritage Assessment, a draft designation By-law, advice from the Hamilton Municipal Heritage Committee, and the positions of the property owner and other interested parties.

HISTORICAL BACKGROUND

The City of Hamilton is proactively updating the existing Inventory of Buildings of Architectural and/or Historical Interest, known as the “Inventory.” An inventory tells us what exists and where it is located. There are over 8,000 addresses listed on the Inventory city-wide. The existing Inventory has informed funding programs, provided context for designations and educated the public. An updated inventory will help improve transparency and access to information on the City’s heritage resources for property owners, citizens, and staff.

The Durand Inventory is the second phase of the City’s proactive inventory work. The Durand Inventory study area bounded by Queen, Main and James Streets and the Niagara Escarpment in Downtown Hamilton, is comprised of 988 addresses, of which:

- 74% (737 addresses) are currently listed on the Inventory;
- 9% (92 addresses) are designated under the *Ontario Heritage Act*, either individually under Part IV of the Act or in one of the two heritage conservation districts – MacNab-Charles and Durand-Markland - in the Durand designated under Part V of the Act; and,
- Less than 1% (two addresses) are registered non-designated properties.

The significant number and concentration of Inventory listings in the Durand Neighbourhood, along with its proximity to the Downtown and attraction for growth, made it a logical next step in the City’s inventory work. In 2015, the City retained ERA Architects Ltd. to conduct the Durand Inventory project, and over the course of the last year and a half, the project team has:

- Conducted historic research on the neighbourhood;
- Completed updated heritage property surveys;
- Held an open house and facilitated public meeting;

- Prepared a Historic Context Statement for the neighbourhood and its four identified sub-areas (South Durand, Central Durand, North Durand and the James Street Corridor);
- Conducted preliminary evaluations of the heritage value of each property based on its contribution to the historic character and classified each structure as one of the following:
 - *Significant Built Resource (SBR)* – the property is of considerable historic, aesthetic and / or contextual value; it is likely well known to local, regional or national communities;
 - *Character-Defining Resource (CDR)* – the property that strongly reinforces its historic context, clearly reflecting a characteristic pattern of development or activity, property type or attribute of the area;
 - *Character-Supporting Resource (CSR)* – the property maintains or supports its historic context, and can be related to a characteristic pattern of development or activity, property type or attribute of the area; or,
 - *Inventoried Property (IP)* – the property is not currently considered to contribute to its historic context but could acquire value in the future, or the property has been heavily modified to the point that its heritage value may have been lost. Cultural heritage value may be identified through further research or detailed field investigation;
- Developed recommendations based on the classifications mentioned above, as follows:
 - All properties identified as *Significant Built Resources*, *Character-Defining Resources* and *Character-Supporting Resources* that are not already registered or designated under the *Ontario Heritage Act* are recommended for inclusion in the Register (743 addresses / 673 properties, see Recommendation (a) and Appendix “A” to Report PED17092);
 - All properties identified as *Significant Built Resources* that are not already designated are candidates for potential designation under the *Ontario Heritage Act* (59 addresses / 51 properties, see Recommendation (b) and Appendix “B” to Report PED17092); and,
- Prepared the Durand Neighbourhood Built Heritage Inventory report, summarizing the work mentioned above.

Note: The final report prepared by ERA Architects Inc. is available online at www.hamilton.ca/heritageinventory.

Staff reviewed the consultant's findings and prepared a final list of properties recommended for inclusion in the Register and as candidates for designation under the *Ontario Heritage Act*, and consulted with residents and property owners on those recommendations (see the Relevant Consultation section to Report PED17092 on page 7 and the Analysis and Rationale for Recommendations section on page 10).

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement:

Section 2.6 of the Provincial Policy Statement pertains to Cultural Heritage and Archaeology. Sub-section 2.6.1 states that "significant built heritage resources and significant cultural heritage landscapes shall be conserved." The recommendations to Report PED17092 conform to this policy.

Urban Hamilton Official Plan:

Volume 1, Section B.3.4 - Cultural Heritage Resources Policies of the Urban Hamilton Official Plan (UHOP) states that the City shall "protect and conserve the tangible cultural heritage resources of the City, including archaeological resources, built heritage resources, and cultural heritage landscapes" (B.3.4.2.1(a)), and "identify cultural heritage resources through a continuing process of inventory, survey, and evaluation, as a basis for the wise management of these resources" (B.3.4.2.1(b)).

The policies also provide that the "City may, by By-law, designate individual and groups of properties of cultural heritage value under Parts IV and V, respectively, of the Ontario Heritage Act" (B.3.4.2.3). Further, the City shall maintain a Register of Property of Cultural Heritage Value or Interest and seek and consider advice from its Municipal Heritage Committee when considering additions of non-designated cultural heritage property to the Register (B.3.4.2.4). The recommendations to Report PED17092 conform to these policies.

Cultural Plan:

Action 7.12 of the Cultural Plan regarding the recommendation to "Celebrate and preserve Hamilton's cultural assets" under the goal of "Quality of Life, Quality of Place" is to update, maintain and provide public access to the Built Heritage Inventory. The recommendations of Report PED17092 adhere to the goal and implement the action of the Plan.

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.

RELEVANT CONSULTATION

Hamilton Municipal Heritage Committee:

Under Sub-section 27 (1.3) of the *Ontario Heritage Act*, Council is required to consult with its Municipal Heritage Committee respecting the inclusion of a non-designated property in the Register under Sub-section (1.2) of the Act. On October 24, 2016, staff consulted with the Inventory and Research Working Group of the HMHC on the recommendations contained within Report PED17092. The Working Group indicated their support for including the properties listed in Appendix "A" to Report PED17092 to the Register and the addition of the properties listed in Appendix "B" to Report PED17092 to staff's work plan for designation, as per Recommendations (a) and (b) to Report PED17092.

Planning Division:

Planning Division staff contributed to the Durand Inventory over the course of the project by assisting with the two public open houses and reviewing and providing comment on the draft consultant and staff reports. The recommendations of Report PED17092 will impact the work plan of Cultural Heritage Planning staff within the Development Planning, Heritage and Design Section of the Planning Division in the Planning and Economic Development Department. The Financial – Staffing – Legal Implications Section of Report PED17092 addresses the concerns raised by the Planning Division regarding the recommendations of Report PED17092.

Public Consultation:

Over the past year and a half, staff have engaged neighbourhood residents and other interested parties as part of the Durand Inventory project, including:

- A project webpage (launched in Summer 2015, updated as needed);
- Presentations to the Durand Neighbourhood Association at the 2015 Annual General Meeting and at a Town Hall meeting on March 9, 2015;
- An online survey (launched in Summer 2015 and closed in the Spring of 2016);
- City of Hamilton Twitter posts advertising the online survey and project;
- A facilitated public meeting and open house held on December 10, 2015;
- A press release in the Hamilton Spectator on the project and advertising the December 10, 2015, public meeting;

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.

- A bike tour of the Durand Neighbourhood led by City staff discussing the project on August 24, 2016 (part of PEDRides);
- Posting the draft Durand Neighbourhood Built Heritage Inventory report online for public review and comment (October 2016 to January 2017);
- A presentation to the Durand Neighbourhood Association at the 2016 Annual General Meeting on October 18, 2016;
- A meeting with interested owners on Ravenscliffe Avenue on November 14, 2016; and,
- A public open house held on December 14, 2016.

In November 2016, the owners of properties identified for inclusion in the Register as non-designated property and as candidates for designation under Part IV of the *Ontario Heritage Act* (as identified in Appendix “A” and Appendix “B” to Report PED17092, respectively) received invitations to the open house held on December 14, 2016. The letters summarized the objective of the Durand Inventory project and notified the property owners of the recommendations for their property.

The owners of the 51 properties identified as candidates for designation and recommended to be added to staff’s work plan also received a copy of a brochure on the Heritage Designation Process in the City of Hamilton, to provide further information on the Council-approved process. Also, notification of the public open house was sent to the mailing list of interested parties requested further information on the Durand Inventory project, as well as members of the Durand Neighbourhood Association.

The 14 December 2016 public open house provided owners and interested parties with the opportunity to ask questions and provide comments on the recommendations of the Durand Inventory project before proceeding to HMHC, Planning Committee and Council. The open house was well-attended, with 59 people formally signing in at the event. Staff provided feedback and information request forms to the attendees, and 11 people submitted forms requesting further information. Of the nine people who filled out feedback forms, the majority found the open house very informative, that information was presented clearly and effectively, and that staff answered most or all of their questions.

Before the open house, staff addressed 40 phone calls and e-mails from owners and residents who had received the invitations in the mail. The majority of residents and owners of properties in Durand Neighbourhood who attended the open house, and who provided feedback via e-mail, phone and in person, did not oppose the recommended

additions to the Register or staff's work plan for designation. Staff further engaged residents and owners who did express concern by providing additional information on the methodology for evaluating the properties, the municipal and provincial policies related to properties included in the Register, the Council-approved Designation Process, and the Heritage Permit process.

Of the 988 addresses in the Durand Neighbourhood, staff received formal correspondence from three property owners at the time of preparing Report PED17092 expressing their opposition to the staff recommendations as follows (see Appendix "D" to Report PED17092 for copies of the letters):

- The owner of **95 Duke Street** indicated their opposition to the property being added to staff's designation work plan in a letter dated March 24, 2017;
- Representatives of the owner of the property comprised of **75 and 93 Bold Street and 90 Duke Street** indicated their disagreement with the buildings being included in the Register and that they instead be listed on the Inventory in a letter delivered via e-mail on January 27, 2017; and,
- The owner of **167 Bay Street South** indicated their opposition to the property being included in the Register in an e-mail dated December 19, 2016.

Property owners from Ravenscliffe Avenue also indicated their opposition to being included in the Register and added to staff's designation work plan. Further discussion regarding the property owners on Ravenscliffe Avenue can be found in the Analysis and Rationale for Recommendation Section starting on page 10 of Report PED17092.

Report PED17092 is the initial stage in consideration of the potential designation of the list of properties contained in Appendix "B" to Report PED17092. The owners of the subject properties will be notified of Council's decision and will be consulted when further cultural heritage assessment work is initiated as part of staff's work plan for designation (see Appendix "C" to Report PED17092), as per the Council-approved Designation Process.

Staff are not recommending that any properties identified for inclusion in the Register or as candidates for designation be withdrawn at this time as a result of owner opposition.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The framework used to evaluate and classify the properties in the Durand Inventory study area employs two sets of criteria for determining cultural heritage value or interest:

- *Ontario Regulation 9/06 - Criteria for Determining Cultural Heritage Value or Interest* – This Provincial criterion, issued under the *Ontario Heritage Act*, identifies three broad categories of criteria including design / physical value, historical/associative value, and contextual value; and,
- The City of Hamilton Cultural Heritage Evaluation Criteria: A Framework for Evaluating the Cultural Heritage Value or Interest of Property for Designation under Part IV of the *Ontario Heritage Act* – this Council-adopted evaluation criteria provides a consistent means of examining the cultural heritage value, interest or merit of built heritage resources, features, and structures in Hamilton. It is used, in conjunction with the *Ontario Regulation 9/06* criteria, to determine whether a property meets the requirements for Part IV designation under the *Ontario Heritage Act*. In addition to the Built Heritage criteria, the City employs criteria for the evaluation of Archaeology and Cultural Heritage Landscapes, where applicable.

The preliminary evaluations conducted by ERA Architects Inc. conform to the preliminary screening process of the Council-approved Designation Process, wherein a property is screened against *Ontario Regulation 9/06* to determine if it is of sufficient value to warrant inclusion in the Register and further cultural heritage assessment for designation. The preliminary evaluations for the 51 candidates for designation have been supplemented by additional research by staff and are summarized in Appendix "B" to Report PED17092.

Ravenscliffe Avenue:

Some the Ravenscliffe Avenue owners contacted staff in opposition to the recommendations to add their properties to the Register and the designation work plan, citing concerns that their property will depreciate and that listing on the Register will impact the ability to sell or redevelop their property. Staff provided information and links to additional resources and met with the Ward 2 Councillor and some the property owners to address concerns and gather feedback for Council's consideration as part of Report PED17092. Following the meeting, the residents' proposed that staff investigate two possible avenues in conjunction with the Durand Inventory project recommendations:

- Pursuit of a **Heritage Conservation District** designation for Ravenscliffe Avenue, to enhance the historic character of the street and the residents' desire to have the utility lines buried underground; and,
- **Heritage Property Tax Relief Program** in Hamilton implemented.

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.

Staff continues to evaluate the potential for a Heritage Property Tax Relief Program on an annual basis as part of the annual tax policies, as per the recommendations of Report FS10019 / PED10031.

It is recommended that the feasibility of conducting a heritage conservation district study of Ravenscliffe Avenue be assessed, including consultation with all relevant property owners to determine their interest in pursuing a district designation and that the recommendations to add 6, 12, 19 and 26 Ravenscliffe Avenue to staff's work plan for designation be deferred until such time as Heritage Resource Management staff has reported back to the Planning Committee for further direction (see Recommendation (d) to Report PED17092).

Staff are not recommending that the inclusion of 6, 12, 19 and 26 Ravenscliffe Avenue in the Register be withdrawn.

Recommendations for Inclusion in the Register:

The properties that were identified as *Significant Built Resources*, *Character-Defining Resources*, and *Character-Supporting Resources* were found to be of sufficient cultural heritage value or interest to warrant inclusion in the Register as non-designated property. Staff concur with the consultant's findings and recommends that the properties contained in Appendix "A" to Report PED17092 be included in the Register as non-designated properties, as per Recommendation (a) of Report PED17092. The preliminary evaluations of the properties listed in Appendix "A" to Report 17092 were too numerous to include in Report PED17092 and are available online at www.hamilton.ca/heritageinventory or by request from Planning and Economic Development Department staff.

Candidates for Designation:

The properties that were identified as *Significant Built Resources* were found to have considerable design/physical, historical/associative and/or contextual value and are considered to be candidates for designation under Part IV of the *Ontario Heritage Act*. An overview of each property and its preliminary evaluation conducted by the consultants, and supplemented by staff research, are contained in Appendix "B" to Report PED17092. Staff agree that the properties contained in Appendix "B" to Report PED17092 are of cultural heritage value or interest sufficient to warrant further cultural heritage assessment work for designation. Additional research and information on these properties may be available by request from Planning and Economic Development Department staff.

As per the Council-approved Designation Process, Council may assign a high, medium, or low priority within staff's work plan for the preparation of detailed research, a

comprehensive Cultural Heritage Assessment and a draft By-law for designation. Work plan priorities are assigned based on some factors, including:

- Risk to the property on demolition or removal;
- Funding eligibility;
- Heritage value associated with the property;
- Current level of property maintenance;
- The property is City-owned; and,
- Work program/staff resources.

Work Plan Priority:

All of the properties identified as candidates for designation are being recommended for inclusion in the Register through Recommendation (a) to Report PED17092. Inclusion in the Register provides interim protection to the properties by allowing staff the opportunity to review any proposed demolition, new development, or redevelopment on or adjacent to the subject properties to ensure consistency with the City's approved planning policies. Further, staff have the opportunity to inform Planning Committee and Council of any concern of impending surplus of publicly-owned buildings and recommend reassignment of the work plan priority, as deemed necessary.

At the time of writing, staff has 69 properties on the work plan for designation, with approximately four properties to be addressed each year up to the start of 2025. The dates that properties were added to the work plan vary, with one added as early as 2001. Staff does not recommend displacing any of the existing work plan priorities. Instead, staff recommend adding the candidates for designation identified in Appendix "B" to Report PED17092 to the end of staff's existing work plan (i.e. starting in 2025).

On October 24, 2016, staff consulted with the Inventory and Research Working Group of the HMHC to discuss the prioritization of additions to staff's work plan for designation. The following is a summary of the recommended prioritization:

High Priorities:

(Definition: Properties deemed to be under threat for redevelopment or demolition, or to be of high heritage value.)

- 64 Aberdeen Avenue (Undercliffe)
- 131-133 Aberdeen Avenue (Gateside)
- 13-15 and 19-21 Bold Street
- 192 Bold Street
- 170 Caroline Street South (Henson Court / Home of the Friendless and Infants)
- 252 Caroline Street South / 165 Charlton Avenue West (Central Presbyterian Church)

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: Durand Neighbourhood Built Heritage Inventory (PED17092) (Ward 2) -
Page 14 of 18**

- 14 -24 Charlton Avenue West (Eggshell Terrace)
- 1 Duke Street (The Castle / Amisfield)
- 99 Duke Street / 191 Bay Street South
- 13-15 Inglewood Drive (Inglewood)
- 26 Ravenscliffe Avenue (Ravenscliffe / The Castle)

Medium Priorities:

(Definition: Properties that may be redeveloped or under threat in the medium-term or may benefit from funding programs for designated properties.)

- 173 Bay Street South
- 254 Bay Street South (Maple Lawn)
- 274, 280 and 282 Bay Street South (Widderly, Sunny Side, and the Balfour House)
- 41 Charlton Avenue West
- 72 Charlton Avenue West
- 14 Duke Street
- 95 Duke Street
- 98 Duke Street
- 11-17 Herkimer Street (Herkimer Terrace)
- 44-46 Herkimer Street
- 370, 378 and 384 Hess Street South
- 203 MacNab Street South

Low Priorities:

(Definition: Properties that are considered stable and are not under any immediate threat of redevelopment or demolition.)

- 37 Aberdeen Avenue
- 125 Aberdeen Avenue
- 311 Bay Street South
- 312 Bay Street South
- 321 Bay Street South
- 351-353 Bay Street South
- 358 Bay Street South
- 64 Charlton Avenue West
- 181 Charlton Avenue West (First Hamilton Christian Reformed Church)
- 86 Herkimer Street (Herkimer Apartments)
- 6 Ravenscliffe Avenue
- 12 Ravenscliffe Avenue
- 19 Ravenscliffe Avenue
- 347 Queen Street South
- 403 Queen Street South

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.

Staff recommend that the candidates for designation contained in Appendix “B” to Report PED17092 be added to staff’s work plan as per the attached Appendix “C” to Report PED17092. Staff note that the properties that comprise part of multi-unit terraces or are part of a concentration of properties in a streetscape should be assessed simultaneously for efficiency purposes, including 274, 280 and 282 Bay Street South; 13-19 Bold Street; 14-24 Charlton Avenue West; 11-17 Herkimer Street; 44-46 Herkimer Street; and, 370, 378 and 384 Hess Street South.

Impacts to the Designation Work Plan:

The addition of these properties to staff’s work plan would more than double its length, with the low priorities addressed in 2031 to 2034, subject to staffing and funding. While inclusion in the Register provides interim protection from demolition, it does not restrict an owner’s ability to make exterior and interior alterations to the property in cases where a *Planning Act* application is not required, such as replacement of historic windows, removal of historic features, painting of previously unpainted masonry, exterior re-cladding and interior modifications. As such, the longer a property is waiting to be addressed on the designation work plan, the greater the likelihood that it will be altered without any City review to ensure alterations are appropriate and do not negatively impact the cultural heritage value or interest of the property. The lack of an appropriate review is especially relevant for instances where the owner had originally requested designation, however, has since sold the property.

As part of the Heritage Process Review currently underway (see Report PED14204), staff are assessing the effectiveness of the existing heritage designation framework to identify opportunities for improvement, which may include:

- Streamlining the designation process for willing property owners;
- Creating a protocol for “emergency designations”;
- Reprioritization of the work plan; and,
- Integrating designation process into the development application/approval process.

In addition to any process improvements identified through the Heritage Process Review, staff recommend that Council direct staff to prepare an annual Capital Budget Submission, to be brought forward at Capital Budget deliberations, to address the work plan for designation, as per the attached Appendix “C” to Report PED17092, in a reasonable and efficient manner (see Recommendation (c) and the Financial Implications Section in Report PED17092).

Designation Candidates – Additional Protection from Demolition:

The inclusion of the properties identified as candidates for designation in the Register will provide them interim protection by requiring that Council be given 60-days' notice in writing of an owner's intention to demolish or remove any building or structure on the property. Council may require that the notice of intention be accompanied by such plans and information as they deem necessary, as provided by Sub-Section 27 (5) of the *Ontario Heritage Act*. In the absence of a procedural by-law outlining the submission requirements for a notice of intention to demolish, or the delegating of this power under the Act, Council must identify the information required to be submitted with a notice.

For staff to provide a comprehensive, sound and defensible recommendation to designate a registered property to prevent demolition, a detailed cultural heritage assessment must be prepared that includes an evaluation using the criteria identified in *Ontario Regulation 9/06*. Given Cultural Heritage Planning staff's existing work plan, the 60-day (8-week) period of interim protection from demolition does not provide sufficient time for staff to designate a property under Part IV of the *Ontario Heritage Act* without other work plan priorities being impacted.

In advance of any process improvements recommended as part of the Heritage Process Review, such as a procedural by-law for heritage and the delegation of Council's authority under the *Ontario Heritage Act*, staff recommend Council require that a Cultural Heritage Impact Assessment (CHIA) report be submitted to accompany an owner's notice of intention to demolish any building or structure on a registered property included on the designation work plan. Staff recommend that the CHIA be prepared to the satisfaction and approval of the Director of Planning and Chief Planner (Recommendation (e)).

A CHIA is a report that identifies the cultural heritage value or interest of a property and documents a clear and traceable evaluation of the effects of proposed changes on the cultural heritage value of the property, such as demolition. The primary goal of a Cultural Heritage Impact Assessment report is to ensure that the cultural heritage value of the property is conserved.

Built Heritage Inventory Framework:

The Durand Inventory is the second phase of the City's proactive inventory work (see Staff Reports PED14039 and PED08053). There are over 8,000 addresses listed on the Inventory city-wide. The current Inventory has informed funding programs, provided context for designations and informed and educated the public. An updated inventory will help improve transparency and accessibility of information on the City's heritage resources for property owners, citizens, and staff.

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.

As per Recommendation (f) to Report PED17092, it is recommended that staff prepare a framework and work plan for continuing the City's proactive built heritage inventory work and report back to Planning Committee in Q4 2017.

ALTERNATIVES FOR CONSIDERATION

- Council may decide not to include all or some of the properties listed in Appendix "A" to Report PED17092 in the Register. If the properties are not included in the Register, then staff would be unable to protect the heritage resources from demolition and / or review any potential redevelopment. This alternative is not considered to be an appropriate conservation alternative.
- Council may direct staff to not complete cultural heritage assessments for one or more of the properties listed in Appendix "B" to Report PED17092 and no further work will be completed by staff. This alternative is contrary to the Council-approved designation process and existing planning policies for the identification, evaluation, and protection of significant cultural heritage resources.
- Council may assign a different work plan priority for further Cultural Heritage Assessment than recommended by staff in Appendix "C." Given the consideration of all the factors noted in the Analysis and Rationale for Recommendation section to Report PED17092, staff is of the opinion that the recommended work plan priority is warranted.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

Staff Comments:

The inclusion of non-designated property in the Register allows staff the opportunity to review any proposed demolition, new development, or redevelopment on or adjacent to the subject property to ensure consistency with the City's approved planning policies.

Designation of property under Part IV of the *Ontario Heritage Act* provides for the long-term, legal protection of significant heritage resources. The approval of the recommendations to Report PED17092 demonstrates:

- Council's commitment to the Council-approved designation process and existing planning policies; and,
- Council's commitment to conserving cultural heritage resources, as directed by Provincial and Federal level policies.

APPENDICES ATTACHED

Appendix "A" to Report PED17092: Recommendations for Inclusion in the Register as Non-designated Property

Appendix "B" to Report PED17092: Candidates for Designation under Part IV of the *Ontario Heritage Act*

Appendix "C" to Report PED17092: Work plan for Designation under Part IV of the *Ontario Heritage Act* (as Amended by this Report)

Appendix "D" to Report PED17092: Owner Correspondence

AG/ro