



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	July 19, 2018
SUBJECT/REPORT NO:	Notice of Intention to Demolish the Building at 154 Main Street East, Hamilton (PED18157) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Chelsey Tyers (905) 546-2424 Ext. 1202 Asiya Patel (905) 546-2424 Ext. 7163
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That 154 Main Street East, Hamilton, be removed from the Register of Property of Cultural Heritage Value or Interest.

EXECUTIVE SUMMARY

The subject property known municipally as 154 Main Street East, is located at the intersection of Main Street East (to the north) and Walnut Street Street (to the west) (see Appendix "A" to Report PED18157).

The property was added to the Register of Property of Cultural Heritage Value or Interest (the Register) by Council on September 16, 2014. Inclusion of non-designated property in the Register, established under Subsection 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, and the demolition and removal of a building or structure is prohibited during this time period. Inclusion of a property on the Register does not automatically indicate a property should be designated under the *Ontario Heritage Act*. Rather, the intent is to provide Council with an opportunity to consider if the property should be designated to prevent the demolition of the building and to issue the Notice of Intention to Designate (NOID) if designation is deemed appropriate or to discuss other options with the proponent.

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A Formal Consultation Application (FC-17-019), Zoning By-law Amendment Application (ZAR-17-074), and Preliminary Site Plan Review Application (PSR-18-009) were submitted for the subject property. The applicant proposes to replace the existing commercial office and parking lot in order to establish a mixed use development, consisting of a 25 storey building with a seven storey podium, 432 sq m of commercial gross floor area and 267 multiple dwelling units. Staff required a Documentation and Salvage Report in order to receive thorough documentation prior to the demolition of the building. A Documentation and Salvage Report has not been submitted to date. The Building Code does not allow municipalities to place conditions on demolition permits and as such, the City is unable to require this report prior to demolition.

On May 4, 2018, the property owner submitted a Notice of Intention to Demolish the building on the subject property. The 60 days' notice expired on July 3, 2018. Staff have researched the building and are recommending that the building should be removed from the Register as it does not meet the criteria for designation.

Alternatives for Consideration – See Page 6

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

The building on the subject property called the Mainway Building, also known municipally as 154 Main Street East, is a two storey stucco-clad commercial building that was constructed in the 1920s (see “Appendix C” to Report PED18157). The building is irregularly shaped with an angled front façade to the northwest, a flat roof, and a two storey concrete block addition to the east that projects out from the original building. The building is composed of flat windows on the first and second storeys, and a parged foundation with windows. The main entrance is located in the angled front façade and is accessed via a walkway in a raised landscaped front lawn.

The Mainway Building's original yellow-brick façade, brick pilasters and horizontal courses have been clad with stucco and the triple windows with shared stone sills have been removed. In the early 1920s, a Consumers Gasoline Service Station was located on the subject property, listed as 31 Walnut Street South. The service station was taken over by Imperial Oil Limited shortly after, who built an office directly south of the station in the mid 1920s. In 1947, the service station was still in place but the two storey brick building to the south housed government offices. By 1964, the service

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station had been removed and the entire building, referred to as the Matthew Building, contained offices. In the 1970s, the building served as the offices of the Society of Industrial Accountants of Canada, which was identified by a sign and crest above the main entrance.

The Mainway Building was added to the Register of Property of Cultural Heritage Value or Interest (the Register) by Council on September 16, 2014. Inclusion of non-designated property in the Register, established under Subsection 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, and the demolition and removal of a building or structure is prohibited during this time period. Inclusion of a property on the Register does not automatically indicate a property should be designated under the *Ontario Heritage Act*. Rather, the intent is to provide Council with an opportunity to consider if the property should be designated to prevent the demolition of the building and to issue the Notice of Intention to Designate (NOID) if designation is deemed appropriate or to discuss other options with the proponent.

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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".

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)), "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)) and "ensure the conservation and protection of *cultural heritage resources* in planning and development matters subject to the *Planning Act* either through appropriate planning and design measures or as conditions of development approvals" (B.3.4.2.1(g)). 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).

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Downtown Hamilton Secondary Plan

Volume 2, Section 6.1 of the Downtown Hamilton Secondary Plan of the Urban Hamilton Official Plan (UHOP) provides direction with respect to the management of heritage resources. The Secondary Plan that is in effect states that the City of Hamilton “shall promote the conservation of significant *built heritage resources* and *cultural heritage landscapes* in accordance with Section B.3.4 – Cultural Heritage Resources Policies of Volume 1”.

The recommendation of this Report complies with these policies.

RELEVANT CONSULTATION

A Formal Consultation Application (FC-17-019), Zoning By-law Amendment Application (ZAR-17-074), and a Preliminary Site Plan Review Application (PSR-18-009) were submitted for the subject property. The applicant proposes to replace the existing commercial office and parking lot in order to establish a mixed use development consisting of a 25 storey building with a seven storey podium, 432 sq m of commercial gross floor area and 267 multiple dwelling units. Staff required a Documentation and Salvage Report in order to receive thorough documentation prior to the demolition of the building. A Documentation and Salvage Report has not been submitted to date. The Building Code does not allow municipalities to place conditions on demolition permits and as such, the City is unable to require this report.

Staff have informed the Ward Councillor of the Notice of Intention to Demolish for the subject property. The Ward Councillor has not expressed any concerns as of the writing of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Staff used the research collected as part of the Downtown Heritage Inventory Review to complete the following evaluation.

Ontario Regulation 9 / 06: Criteria for Determining Cultural Heritage Value or Interest:

Section 29 (1) of the *Ontario Heritage Act* permits the Council of a municipality to designate property to be of cultural heritage value or interest where property meets the criteria prescribed by provincial regulation. In 2006, the Province issued Ontario Regulation 9 / 06: Criteria for Determining Cultural Heritage Value or Interest. According to Sub-section 1 (2) of Ontario Regulation 9 / 06, a property may be designated under Section 29 of the *Ontario Heritage Act* where it meets one or more of the identified criteria. Ontario Regulation 9 / 06 identifies criteria in three broad

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categories: Design / Physical Value, Historical / Associative Value and Contextual Value (see Appendix “B” to Report PED18157).

1. **Design / Physical Value:**

- i. The building does not appear to be a rare, unique, representative or early example of a style, type, expression, material or construction method.
- ii. The building does not display a high degree of craftsmanship or artistic merit.
- iii. The building does not demonstrate a high degree of technical or scientific achievement.

2. **Historical / Associative Value:**

- i. The building is not considered to have direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.

The building was formerly used as government offices circa 1940 to 1970, but the type of government activity is unknown. In the 1970s, the building was occupied by the Society of Industrial Accountants of Canada, however, the Society is not considered to be significant to a community.

- ii. The building is not considered to have the potential to yield information that contributes to an understanding of a community.
- iii. The building on the property is not attributed to a prominent architect.

3. **Contextual Value:**

- i. The building is not considered important in defining, maintaining and supporting the character of the area.
- ii. The building is historically linked with the surrounding original properties, that all developed around the 1920s.
- iii. The building is not considered a landmark.

Conclusion:

While the building is historically linked with its surroundings, staff are of the opinion that the property does not have significant cultural heritage value to warrant immediate

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designation under the *Ontario Heritage Act*. As such, staff recommends that the property be removed from the Register of Property of Cultural Heritage Value or Interest.

ALTERNATIVES FOR CONSIDERATION

Under Part IV of the *Ontario Heritage Act*, the designation of property is a discretionary activity on the part of Council. Council, as advised by the Hamilton Municipal Heritage Committee (HMHC), may consider the alternative to designate the property immediately.

Reject Staff's recommendation

HMHC can advise that Council make designation of the subject property an immediate priority. However, staff are not recommending this option as the building is not considered to be of sufficient cultural heritage value to be identified as a heritage feature or resource. As such, if HMHC recommends this alternative to Council, the City typically retains outside consultants to support the designation of the subject property immediately.

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" – Ontario Regulation 9 / 06: Criteria for Determining Cultural Heritage Value or Interest
- Appendix "C" – Photographs