



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

TO:	Chair and Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	October 29, 2021
SUBJECT/REPORT NO:	Waterdown Village Built Heritage Inventory Project Recommendations (PED21201) (Ward 15)
WARD(S) AFFECTED:	Ward 15
PREPARED BY:	Alissa Golden (905) 546-2424 Ext. 4654
SUBMITTED BY:	Carrie Brooks-Joiner Director, Tourism and Culture Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That staff be directed to list the properties identified in Appendix "A", attached to Report PED21201 on the Municipal Heritage Register as non-designated properties that Council believes to be of cultural heritage value or interest in accordance with Section 27 of the *Ontario Heritage Act*.

EXECUTIVE SUMMARY

This Report presents the findings of the Waterdown Village Built Heritage Inventory (Waterdown Inventory) and recommends that 209 addresses be listed on the Municipal Heritage Register (Register) as non-designated properties of cultural heritage value or interest. Listing on the Register under Section 27 of the *Ontario Heritage Act* recognizes value of the property to the community, provides properties with interim protection from demolition, and can help facilitate informed decision-making and priority-based planning from staff and Council.

A list of significant built heritage resources (candidates for formal protection by designation under the *Ontario Heritage Act*) was also identified as part of the Waterdown Inventory project. Staff will report to the Hamilton Municipal Heritage Committee with recommendations for designation in a separate report.

Alternatives for Consideration - Not Applicable

FINANCIAL - STAFFING - LEGAL IMPLICATIONS

Financial: None.

Staffing: None.

Legal: None.

HISTORICAL BACKGROUND

The City of Hamilton is proactively updating its Inventory of Heritage Buildings through its Built Heritage Inventory Strategy, outlined in Report PED20133. The Built Heritage Inventory (BHI) process involves the identification of properties of heritage interest worthy of listing on the Municipal Heritage Register, and the identification of significant heritage buildings worthy of designation under the *Ontario Heritage Act*. The Waterdown Inventory is the third phase in the City's BHI work and follows the Downtown Hamilton Inventory completed in 2014 and the Durand Inventory completed in 2017.

The Waterdown Inventory began in May 2018 and was completed in conjunction with the Waterdown Community Node Secondary Plan Study and the Waterdown Transportation Management Plan Study, which are ongoing. The study area of the Waterdown Inventory project included the Secondary Plan study area, as well as the remaining lands to the east that make up the historic village boundaries of Waterdown, and is shown in Appendix "B" attached to Report PED21201.

In 2019, the Ward 15 Councillor moved motions to proactively list several properties on the Register prior to the completion of the Waterdown Inventory. These Council-approved motions also directed Planning and Economic Development Department staff to review these properties for potential designation as part of the designation workplan and within the scope of the Waterdown Inventory project.

The Waterdown Inventory followed the Council-adopted BHI process and involved:

- Compiling research and information on the historical evolution of the Village of Waterdown, in coordination with the Flamborough Archives and Heritage Society, local historians, key stakeholders, and residents;
- Conducting survey work to photograph, and fill out the City's standard built heritage inventory forms, for each property in the study area;
- Preparing a Historic Context Statement for the Village of Waterdown which is outlined in Appendix "B" attached to Report PED21201;

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- Identifying cultural heritage landscapes of interest warranting further review as part of the ongoing Secondary Plan study;
- Evaluating the heritage value or interest of each property and identifying candidates for recognition and protection;
- Preparing Cultural Heritage Evaluation reports in support of the properties identified as candidates for designation; and,
- Engaging and consulting with Waterdown residents, property owners and the general public about the project as outlined in Appendix “C” attached to Report PED21201.

In August 2020, the owners of properties identified for listing on the Municipal Heritage Register were notified by mailed letters of the draft Recommendations and invited to participate in a virtual open house of the Waterdown Inventory findings. The virtual open house was accessible online via the City of Hamilton project page and Engage Hamilton from August 24, 2020 to September 21, 2020.

Staff were contacted by approximately 100 owners by email or phone in response to the 233 notice letters that were sent. The majority of owners who contacted staff requested more information on the project and clarification on the implications for their property. Key messages during these conversations included:

- Explaining the goal of the project to proactively list properties on the Register;
- Clarifying the difference between registration and designation; and,
- Dispelling myths about the impact of heritage recognition on property and resale value and heritage requirements and regulations for listed properties when making changes or redeveloping.

Twelve properties were removed from staff’s recommended Register list based on confirmation of active or issued Building Permits for demolition, additional information from owners refuting the heritage value of their properties and conversations with the local Ward Councillor. In addition, the recommendation to list the City-owned Waterdown Union Cemetery, located at 9 Margaret Street, on the Register has been deferred to the Waterdown Community Node Secondary Plan process so that more suitable conservation measures can be explored.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Recommendation of this Report is consistent with Provincial and Municipal legislation, policy and direction, including:

- Determining the cultural heritage value or interest of a property based on design/physical value, historical/associative value and contextual value criteria (*Ontario Heritage Act, Ontario Regulation 9/06*);
- Listing non-designated properties of heritage interest on the Municipal Heritage Register and consulting with the Municipal Heritage Committee prior to listing (*Ontario Heritage Act, Section 27*);
- Ensuring significant built heritage resources are conserved (*Provincial Policy Statement, 2020, Sub-section 2.6.1*);
- Celebrating and preserving Hamilton's cultural assets by updating, maintaining and providing public access to the Built Heritage Inventory (*Cultural Plan, 2013*); and,
- Identifying cultural heritage resources through a continuing process of inventory, survey and evaluation, as the basis for wise management of these resources (*Urban Hamilton Official Plan, Section B.3.4.2.1(b)*).

RELEVANT CONSULTATION

External

- Property owners
- Waterdown Community Node Secondary Plan Focus Group
- Waterdown-Mill Street Heritage Committee
- Inventory and Research Working Group of the Hamilton Municipal Heritage Committee

Internal

- Cultural Heritage Planner, Rural Team, Development Planning, Heritage and Design Section, Planning Division, Planning and Economic Development Department

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- Senior Project Manager, Rural Team, Development Planning, Heritage and Design Section, Planning Division, Planning and Economic Development Department
- Senior Planner, Community Planning and GIS Section, Planning Division, Planning and Economic Development Department
- Manager, Parks and Cemeteries Section, Environmental Services Division, Public Works Department
- Acting Senior Project Manager, Strategic Planning and Capital Compliance Section, Energy, Fleet and Facilities Management Division, Public Works Department
- Solicitor, Legal Services Section, Legal and Risk Management Services Division, Corporate Services Department
- Ward 15 Councillor

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The framework used to evaluate the properties in the Waterdown Inventory study area is consistent with *Ontario Regulation 9/06 - Criteria for Determining Cultural Heritage Value or Interest*. A contextual approach was taken to determine the heritage value or interest of each property based on its contribution to the historic character of the Village of Waterdown, as identified in the Historic Context Statement attached as Appendix “B” to Report PED21201. Each property was classified as one of the following:

- **Significant Built Resource** - 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** - the property strongly reinforces its historic context, clearly reflecting a characteristic pattern of development or activity, property type or attribute of the area;
- **Character-Supporting Resource** - 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** - the property does not currently 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.

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The final recommendations for the Waterdown Inventory project are based on the classifications outlined 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 listing on the Register (209 properties, outlined in Appendix “A” attached to Report PED21201);
- All properties identified as Significant Built Resources, that are not already designated, are candidates for potential designation under the *Ontario Heritage Act*. The recommendations to designate these properties will be addressed as part of a separate staff report.

The preliminary evaluations for each property listed in Appendix “A” attached to Report PED21201 are accessible online through the City of Hamilton’s Cultural Heritage Resource mapping at www.map.hamilton.ca/heritagemap, or by request to Planning and Economic Development staff.

Owner Opposition to Listing

Staff received formal correspondence from six property owners, or their representatives as outlined in Appendix “D” attached to Report PED21201 expressing their opposition to the staff recommendations to list their property on the Register:

- 313 Dundas Street East;
- 77 Main Street North;
- 10 Nelson Street;
- 304 Parkside Drive;
- 198 Victoria Street; and,
- 100 Wellington Street.

Owners cited concerns that listing would depreciate their property value and impact their ability to sell or redevelop in the future. Staff spoke to these owners at length about their concerns and provided additional information and resources dispelling these common misconceptions, including the recent staff Report PED20030 addressing the lack of empirical evidence that heritage designation negatively affects property value.

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Staff are not recommending that any properties recommended for listing on the Register be removed due to owner opposition. The *Ontario Heritage Act* does not require owner consent or notification prior to listing a property on the Register and it is ultimately Council's decision what is listed, after consultation with its Heritage Committee.

The Register is an administrative record of properties of heritage value or interest across the City of Hamilton. Listing on the Register is a way to recognize a property's heritage value or interest to a community. From a property owner's perspective, listing on the Register does not prevent an owner from making changes or constructing additions to existing buildings, nor does it require any additional heritage approvals (like heritage permits) to do so as part of the regular Building Permit process.

The main intent of listing is to flag properties of heritage interest to promote their conservation and retention. An owner of a listed property is required to give 60-days notice to the City of their intention to demolish or remove a building or structure on their property. Listing on the Register would not prevent demolition, but the 60-day interim protection from demolition is intended to allow staff time to discuss alternatives to demolition with the owner. In the case of significant heritage buildings, the 60-day delay could allow Council time to consider issuing a notice of intention to designate to prevent demolition.

New Legislated Process for Listing Objections

On July 1, 2021 amendments to the *Ontario Heritage Act*, were proclaimed (see Report PED19125(c)), resulting in a new legislated process for owners to object to their property being listed on the Register. Municipalities are now required to notify owners within 30 days of a council's decision to list a property on the Register. Under Section 27(7) of the *Ontario Heritage Act*, an owner can object to a property being included on the Register after receiving notice of it being listed. The owner's objection should be served on the clerk of the municipality and identify the reasons for the objection and all relevant facts. Council must consider the objection and decide whether to keep the property listed on the Register or to remove it. The owner must be given notice of a council's decision on the consideration of their objection within 90-days of the decision.

Staff note that the new Register listing objection process is in line with the City of Hamilton's existing practices. Since beginning the Built Heritage Inventory Strategy, staff have followed engagement best practices in this work, including consulting with owners before Register listing recommendations are brought forward, ensuring owner objections are included in the staff reports to Council for their consideration and notifying owners of Council's decision. In addition, the City of Hamilton has previously addressed owner's objections to Register listings by bringing those objections forward to the Hamilton Municipal Heritage Committee and Council for their consideration. Although the City's current process involves consultation and notification of property

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owners, under the new process, if an owner makes a formal objection after Council decides to list a property on the Register, Council will also need to consider and make a decision on that formal objection.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 - 2025 STRATEGIC PLAN

Community Engagement and 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.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" - Waterdown Inventory Register Recommendations

Appendix "B" - Waterdown Village Historic Context Statement

Appendix "C" - Public Consultation and Engagement Activities

Appendix "D" - Owner Opposition Letters

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