



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Hamilton Municipal Heritage Committee
<b>COMMITTEE DATE:</b>	October 20, 2023
<b>SUBJECT/REPORT NO:</b>	Notice of Intention to Demolish the Building Located at 309 James Street North, Hamilton, being a Non-Designated Property Listed on the Municipal Heritage Register (PED23225) (Ward 2)
<b>WARD(S) AFFECTED:</b>	Ward 2
<b>PREPARED BY:</b>	Emily Bent (905) 546-2424 Ext. 6663
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That the non-designated property located at 309 James Street North, Hamilton, be removed from the Municipal Heritage Register.

**EXECUTIVE SUMMARY**

This Report recommends removing 309 James Street North, Hamilton from the Municipal Heritage Register (Register) in response to a Notice of Intention to Demolish under Section 27 (9) of the *Ontario Heritage Act*.

A Cultural Heritage Impact Assessment was submitted in support of the Notice of Intention to Demolish. The Cultural Heritage Impact Assessment provides sufficient photo-documentation of the building proposed to be demolished. Staff have reviewed the Cultural Heritage Impact Assessment and found that, while the existing building does have some cultural heritage value or interest (CHVI), it is not considered to have sufficient tangible cultural heritage value to warrant protection by designation under Part IV the *Ontario Heritage Act*, due to the fact that it has been heavily modified over time.

Staff recommend removing the property from the Register.

**SUBJECT: Notice of Intention to Demolish the Building Located at 309 James Street North, Hamilton, being a Non-Designated Property Listed on the Municipal Heritage Register (PED23225) (Ward 2) - Page 2 of 6**

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The property owner of 309 James Street North is proposing to redevelop the subject lands with the abutting lands, including 325 James Street North. Part of the rationale for the demolition of 309 James Street North is to allow for soil remediation which requires the demolition of the existing structure to grant proper access.

The property known as 325 James Street North is listed on the Register and proposed to be retained and restored as part of the comprehensive redevelopment of 309-325 James Street North.

**Alternatives for Consideration – See Page 6**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: None.

Staffing: None.

Legal: Owners of non-designated properties listed on the City’s Municipal Heritage Register under Section 27 (3) of the *Ontario Heritage Act* are required to give Council 60 days’ notice of their intention to demolish or remove any building or structure on the property. Council must consult with the Municipal Heritage Committee prior to removing a property from the Register under Section 27 (4) of the *Act*.

**HISTORICAL BACKGROUND**

The property located 309 James Street North (see location map attached as Appendix “A” to Report PED23225) is a two-and-a half storey building clad in buff brick, constructed circa 1900, with a post-1964 north addition.

In June 2022, the subject property was listed on the Register as a non-designated property of cultural heritage value or interest following the completion of the Beasley Neighbourhood Built Heritage Inventory (Beasley Inventory).

In January 2023, Formal Consultation Application (FC-23-004) was received by the City for a proposal for the consolidated lands located at 309 and 325 James Street North, which included demolition of the building at 309 James Street North and construction of a new building, as well as the retention and rehabilitation of the existing building at 325 James Street North. Once the development is complete, the existing structure and function of 325 James Street North will be independent to the new building at 309 James Street North.

**SUBJECT: Notice of Intention to Demolish the Building Located at 309 James Street North, Hamilton, being a Non-Designated Property Listed on the Municipal Heritage Register (PED23225) (Ward 2) - Page 3 of 6**

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The proposed development will be phased so that the existing building at 325 James Street North will be renovated as the initial phase. The next phase will be soil remediation for the lands located at 309 James Street North, which requires the demolition of the existing structure to grant proper access. Remediation work is required to move the planning process forward for 309 James Street North, therefore, demolition of the existing structure will take place as soon as a building permit to demolish the building has been issued.

Cultural Heritage Planning staff advised the applicant that, since the building at 309 James Street North is a Registered (non-designated) Property on the Municipal Heritage Register, the owner was required to provide a Notice of Intention to Demolish any building or structure on the property. Staff advise proponents that a Cultural Heritage Impact Assessment be provided in support of a Notice of Intention to Demolish to assist staff, the Hamilton Municipal Heritage Committee and Council in assessing the proposed demolition

In August 2023, a draft Cultural Heritage Impact Assessment was provided to staff for preliminary review and feedback in advance of a formal Notice of Intention to Demolish being submitted.

On September 1, 2023, Cultural Heritage Planning staff received an email and cover letter from the agent requesting permission to demolish the structure at 309 James Street North given its diminished integrity with the intent of constructing a comprehensive redevelopment at 309 and 325 James Street North, which would retain and restore the existing building at 325 James Street North, serving as the Notice of Intention to Demolish under Section 27(9) of the *Ontario Heritage Act* (attached as Appendix “B” to Report PED23225). The notice included a revised version of the Cultural Heritage Impact Assessment, prepared by WSP dated August 31, 2023, addressing staff’s preliminary comments (attached as Appendix “C” to Report PED23225).

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The Recommendation of this Report is consistent with Provincial and Municipal legislation, policy and direction, including the following relevant policies from the Urban Hamilton Official Plan, Volume 1:

- Identifying 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));
- Maintaining the Municipal Heritage Register, pursuant to the *Ontario Heritage Act*, and seeking advice from the Municipal Heritage Committee when

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**SUBJECT: Notice of Intention to Demolish the Building Located at 309 James Street North, Hamilton, being a Non-Designated Property Listed on the Municipal Heritage Register (PED23225) (Ward 2) - Page 4 of 6**

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considering additions and removals of non-designated properties from the Register (B.3.4.2.4); and,

- Requiring a cultural heritage resource to be thoroughly documented for archival purposes in the event that rehabilitation and reuse of the resource is not viable as part of a *Planning Act* application process (B.3.4.2.13).

## **RELEVANT CONSULTATION**

### **External**

- Property owner / Agent.

### **Internal**

- Ward 2 Councillor.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Listing a property on the Municipal Heritage Register as a non-designated property of cultural heritage value or interest provides 60 days interim protection from demolition. The 60-day interim period is intended to allow staff time to discuss alternatives for conservation of a property with the owner, including opportunities for retention, adaptive re-use and financial incentives, and photo-documentation of the property prior to demolition. In the case of significant heritage properties, like those identified as candidates for designation, the 60-day delay could allow Council time to consider issuing a notice of intention to designate the property to prevent demolition.

The preliminary evaluation of the property, conducted in accordance with *Ontario Regulation 9/06*, was completed as part of the Beasley Inventory as a community initiative by the Beasley Neighbourhood Association to inventory properties in the neighbourhood. This initiative identified the subject lands as having potential cultural heritage value or interest as follows:

- Criteria 1: Its design value as an early, representative example of a building designed in the Second Empire style;
- Criteria 2: Its design value for its high degree of craftsmanship;
- Criteria 4: Its associative value for its direct associations with a theme;
- Criteria 5: Its associative value for its ability to yield, or potentially yield, information that contributes to an understanding of a community or culture;
- Criteria 7: Its contextual value, helping to support the historic character of the neighbourhood, due to the early twentieth century construction of the building; and,

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**SUBJECT: Notice of Intention to Demolish the Building Located at 309 James Street North, Hamilton, being a Non-Designated Property Listed on the Municipal Heritage Register (PED23225) (Ward 2) - Page 5 of 6**

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- Criteria 8: Its contextual value being linked to its surroundings both visually and historically.

### **Review of Cultural Heritage Impact Assessment**

Staff have reviewed the Cultural Heritage Impact Assessment report and have found it to be comprehensive and well researched. The Cultural Heritage Impact Assessment includes a comparative analysis of numerous Second Empire style buildings in downtown Hamilton, demonstrating that there are several extant examples of Second Empire buildings should 309 James Street North be demolished.

The *Ontario Regulation 9/06* evaluation in the CHIA (pages 76-79) completed by WSP differs somewhat from staff's preliminary evaluation. After reviewing the photo-documentation, historical research and rationale presented in the Cultural Heritage Impact Assessment, Cultural Heritage Planning Staff agree with WSP's assessment that the building at 309 James Street North does not meet Criteria 2 or Criteria 5 of *Ontario Regulation 9/06*. However, it is still the professional opinion of staff that the property at 309 James Street North meets Criteria 1, that the building is a representative example of a building designed in the Second Empire style of architecture. WSP's justification for the building not being classified as a representative example of Second Empire style includes the building's few surviving representative elements or decorative features given many exterior alterations, which, in their opinion, has lowered the building's integrity. Despite a difference in professional opinions of whether the property meets Criteria 1 of *Ontario Regulation 9/06*, staff believe the Cultural Heritage Impact Assessment to be well reasoned and complete.

The photo-documentation contained within the Cultural Heritage Impact Assessment, along with a detailed description of existing interior and exterior conditions, is sufficient to document the building's condition, and a separate Documentation and Salvage report is therefore not required. Upon review, staff noted that there have been significant modifications to the building, which has diminished its integrity over time.

### **Conclusion:**

It has been determined that 309 James Street North does have cultural heritage value or interest for its design, associative and contextual value, however, it is not considered to have sufficient tangible cultural heritage value to warrant protection by Part IV designation under the *Ontario Heritage Act*. Staff believe that the building has been sufficiently documented and recommend that the property be removed from the Municipal Heritage Register to facilitate its demolition in advance of the proposed redevelopment of the property.

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## **ALTERNATIVES FOR CONSIDERATION**

### **Direct Staff to Designate the Property**

Hamilton Municipal Heritage Committee may recommend that Council direct staff to designate the subject property under Part IV of the *Ontario Heritage Act* in response to the Notice of Intention to Demolish. Staff are of the opinion that the subject property does not warrant Part IV designation and this alternative is not being recommended.

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED23225 – Location Map

Appendix "B" to Report PED23225 – Notice of Intention to Demolish

Appendix "C" to Report PED23225 – Cultural Heritage Impact Assessment

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