



City of Hamilton Report for Consideration

To: Chair and Members
Hamilton Municipal Heritage Committee

Date: February 28, 2025

Report No: PED25087

Subject/Title: Notice of Intention to Demolish the Building Located at 46 Ferguson Street South, Hamilton, being a Non-Designated Property Listed on the Municipal Heritage Register

Ward(s) Affected: Ward 2

Recommendation

- 1) That the non-designated property located at 46 Ferguson Avenue South, Hamilton, be **REMOVED** from the Municipal Heritage Register.

Key Facts

- This Report recommends removing 46 Ferguson Avenue South, Hamilton, from the Municipal Heritage Register in response to a Notice of Intention to Demolish under Section 27(9) of the *Ontario Heritage Act* received January 28, 2025, and requiring any decision that affects the demotion to be made by March 29, 2025.
- Demolition of this listed property was considered as part of Site Plan Control Application DA-23-074, which received conditional approval on January 24, 2024.
- Staff have worked with the applicant and required Site Plan conditions, including financial securities be in place, to ensure that key heritage features of the building are salvaged prior to demolition and reintegrated into the new development, including the historic elevator cab, heavy timber beams and sliding fire doors.
- The Policy and Design Working Group of the Hamilton Municipal Heritage Committee was consulted on a Cultural Heritage Impact Assessment for the property.

Financial Considerations

Not applicable.

Background

The subject property, municipally addressed as 46 Ferguson Street South, and also addressed as 48 Ferguson Avenue South and 173 Jackson Street East, Hamilton, is comprised of a two-storey painted brick building constructed circa 1905 for industrial and commercial purposes, known as the Radigan Building. The property was listed on the Municipal Heritage Register in 2014 as part of the Downtown Hamilton Built Heritage Inventory project. The preliminary evaluation of the property identified it as a “Character Defining Resource”, having contextual cultural heritage value or interest contributing to the character of the area and therefore being worthy of listing on the Municipal Heritage Register. The property was not identified as a candidate for designation under the *Ontario Heritage Act*.

In January 2023, Cultural Heritage staff were circulated Formal Consultation application FC-23-022, which proposed demolition of the existing heritage structure and the construction of a new 29-storey residential building on the property. Staff indicated that a Cultural Heritage Impact Assessment would be required in support of a future application for development and that the owner would be required to give Notice of Intention to Demolish under Section 27 of the *Ontario Heritage Act*.

A subsequent Site Plan Control application DA-23-074 was submitted, which included a Cultural Heritage Impact Assessment prepared by Architects Rasch Eckler Associates Ltd. (AREA), dated November 24, 2023. The Policy and Design Working Group of the Hamilton Municipal Heritage Committee reviewed the Cultural Heritage Impact Assessment at their meeting on December 18, 2023. The Working Group provided feedback on the report and its findings that the property was not worthy of designation and indicated that they did not need to see a revised report. Staff provided detailed comments to the applicant and required that they revise the Cultural Heritage Impact Assessment report to address the Working Group and staff’s comments and questions. Staff required that a revised report adequately explore the feasibility of completely, or partially, retaining and integrating the existing heritage building into the proposed development.

The applicant received conditional approval of Site Plan Control application DA-23-074 on January 24, 2024. The following heritage conditions were included in the approval:

- Submission of a revised Cultural Heritage Impact Assessment;
- Submission of a Conservation Plan;
- Submission of a Documentation and Salvage Report;
- Submission of a Commemoration Strategy;
- Securities to complete the work outlined in the Conservation Plan; and,

- Implementation of the recommendations of the Conservation Plan and/or CHIA Addendum prior to occupancy of the new development.

Staff received, and were satisfied with, the revised Cultural Heritage Impact Assessment by AREA, dated March 18, 2024 (see Appendix B to Report PED25087) which addressed staff's previous comments and proposed reconstruction (replication) of the principal facades of the former Radigan building into the podium of the new development. This approach facilitated a desired road widening, in conjunction with the proposed commemoration and interpretation of the history of the site and its features to be salvaged, including the Otis-Fensom elevator, heavy timber beams and sliding fire doors.

As part of subsequent resubmissions to clear the conditions of Site Plan approval, staff received a Cultural Heritage Impact Assessment Addendum prepared by LHC Heritage Planning & Archaeology Inc., dated November 20, 2024, and revised December 23, 2024 (attached as Appendix C to Report PED25087), which also included components satisfying the conditions for a Documentation and Salvage Report, Commemoration and Interpretation Plan, and Conservation Plan for the site. On January 27, 2025, the applicant provided the City with financial securities to cover the costs of the recommended salvage, temporary storage, and reintegration of heritage features into the new development.

On January 28, 2025, staff received the Notice of Intention to Demolish the subject property (attached as Appendix A to Report PED25087), required to implement Site Plan Control application DA-23-074 for redevelopment of the property. Submitted with the Notice were the related heritage reports prepared as part of the Site Plan Control application process, including the original Cultural Heritage Impact Assessment (attached as Appendix B) and the Cultural Heritage Impact Assessment Addendum (attached as Appendix C).

Analysis

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 research and evaluation of 46 Ferguson Avenue South conducted as part of the Downtown Hamilton Inventory identified the property as being a "Character Defining Resource", having contextual cultural heritage value or interest contributing to the character of the area and therefore worthy of listing on the Municipal Heritage

Register. The property was not identified as a candidate for designation under Part IV of the *Ontario Heritage Act*. The preliminary evaluation indicated that the property met the following criteria of Ontario Regulation 9/06:

- Criteria 1 (Design / Physical Value) – The design of the building is a representative example of an early-twentieth century industrial building.
- Criteria 4 (Historical / Associative Value) – The property is associated with the period of development: 1900-1950 – Modern Industrial City. The Radigan business was also identified as a long-standing business that remained in the family for four generations.
- Criteria 7 (Contextual Value) – The property helps define the former industrial character of the area and remaining nearby late-nineteenth and early-twentieth century structures.

The revised Cultural Heritage Impact Assessment prepared by AREA, dated March 18, 2024 (attached as Appendix B to Report PED25087), concluded that the subject property only meets one of the provincial criteria in Ontario Regulation 9/06 and is therefore not worthy of designation, but that it does have some value worth assessing the impacts to. The report also attributed the design of the Radigan Building to architect Edmund Brown Patterson (1866-1946). Despite a difference in professional opinion regarding the evaluation of 46 Ferguson Avenue South in accordance with Ontario Regulation 9/06, staff found the revised Cultural Heritage Impact Assessment to be comprehensive and complete for the purposes of evaluating impacts to the heritage building as part of the site plan process for development of the site, and this Notice of Intention to Demolish.

Mitigation Measures for the Demolition of the Radigan Building

As part of Site Plan Control application DA-23-074 for the redevelopment of 46 Ferguson Avenue South, the applicant is required to mitigate the impact of demolition of the Radigan Building through design, salvage, reintegration, commemorative and interpretive measures. As outlined in the Cultural Heritage Impact Assessment Addendum attached as Appendix C to Report PED25087, the new development includes:

- Recreation of the principal facades of the former Radigan Building in the podium of the new development with a brick veneer to match the size and composition of the historic masonry units (see renderings and elevations in Section 5 of Appendix C);
- Reintegration of key heritage features to be salvaged from the building prior to demolition (see details in Section 8 of Appendix C), including the:
 - Historic Otis-Fensom elevator cab, to be incorporated into the lobby of the new development;
 - Heavy timber posts and beams to be reused and repurposed in the new development;

- Copper steel fire doors to be incorporated into the lobby of the new development; and,
- Commemorative and interpretive panels highlighting the salvaged components and the intangible historical association that the building had with its surroundings, including:
 - An exterior commemorative plaque (see draft plaque text in Section 8.1 of Appendix C); and,
 - An interior interpretive panel for the salvaged Otis-Fensom elevator (see draft panel text in Section 8.2 of Appendix C).

Staff are of the opinion that 46 Ferguson Avenue South retains cultural heritage value or interest for its design, associative and contextual value. However, the applicant will be mitigating the impacts of the demolition of the former Radigan Building as part of the approved conditions of Site Plan for salvage, commemoration, and interpretation of the history of the site. Therefore, staff are supportive of the removal of this non-designated property from the Municipal Heritage Register to facilitate the approved Site Plan development.

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 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).

Alternatives

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. While the subject property satisfies criteria under Ontario Regulation 9/06, staff do not recommend this alternative. While conserving cultural heritage resources is a priority in municipal and provincial policies, staff note that the applicant is required to implement mitigation measures in terms of design, salvage, and commemoration into the new development, and that the demolition of this building is required to implement the approved site plan.

Relationship to Council Strategic Priorities

- Priority 1: Sustainable Economic & Ecological Development
 - 1.2: Facilitate the growth of key sectors.
- Priority 3: Responsiveness & Transparency
 - 3.2: Get more people involved in decision making and problem solving.

Previous Reports Submitted

- [Implementation of the Recommendations of the Downtown Built Heritage Inventory Project \(PED14191\) \(as amended in Revised Hamilton Municipal Heritage Committee Report 14-009\(a\)\)](#)

Consultation

Staff confirmed receipt of the Notice of Intention to Demolish in an email to the agent for the owner on January 28, 2025, and advised of the process for bringing forward the notice to the Hamilton Municipal Heritage Committee for their advice, before consideration by Planning Committee and final decision of Council.

The Policy and Design Working Group of the Hamilton Municipal Heritage Committee considered the original Cultural Heritage Impact Assessment for this property at their meeting on December 18, 2023.

Staff have emailed the Ward Councillor (Councillor Kroetsch) for Ward 2 and provided an overview of the recommendations of this report.

Appendices and Schedules Attached

Appendix A: Notice of Intention to Demolish, dated January 28, 2025

Appendix B: Cultural Heritage Impact Assessment, prepared by AREA, revised March 18, 2024

Appendix C: Cultural Heritage Impact Assessment Addendum, prepared by LHC, revised December 23, 2024

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