SUBJECT: Demolition Permit – 161 James Street North (PED08049) (Ward 2)

RECOMMENDATION:

That the Acting Director of Building Services be authorized and directed to issue a demolition permit for 161 James Street North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended and that the special conditions regarding demolition control, in the “Central Area”, that requires a building permit to be issued for a replacement dwelling on the property and for reconstruction within a specific time frame in accordance with City Council’s resolution passed on July 26, 1994 not be applied.

EXECUTIVE SUMMARY:

This property is located at the northwest corner of James Street North and Cannon Street East and was previously known as 155, 157 and 161 James Street North. The properties have been merged and are now under one title. The owner is proposing to demolish the middle portion of the building which was previously known as 157 James Street North and consists of commercial on the ground floor with a total of two (2) dwelling units on the second and third floors. The proposal, upon demolition, is to convert the remaining portions of the building to an art gallery and construct a glass enclosure to connect the two remaining buildings, and providing a view to the open courtyard beyond. The courtyard will be used as an outdoor sculpture garden, which would be accessible from both buildings. As of this date the required Site Plan Application has not been submitted.
This property is located in the “Central Area” as defined in City Council's resolution passed on July 26, 1994 regarding demolition control and is subject to special conditions regarding demolition control that requires a building permit to be issued for a replacement dwelling on the property and for reconstruction within a specific time frame. However, imposing conditions for a replacement residential use would unfairly limit the potential redevelopment of the property precluding a variety of permitted uses including the proposed art gallery with open courtyard.

**BACKGROUND:**

| PRESENT ZONING: | H (Map W-4) |
| PRESENT USE:    | Commercial with Two Dwelling Units Above |
| PROPOSED USE:   | Art Gallery with Open Courtyard |
| BRIEF DESCRIPTION: | In September of 2007 the owner retained the services of a Professional Engineer to perform a building assessment. A copy of the report was submitted to this Division. The report identified many areas of the building that were deemed structurally deficient and a significant amount of structural repairs were recommended including but not limited to the exterior front wall which was deemed to be unsafe. An inspection by Building Services staff confirmed that this two and one half storey building was in very poor condition and had suffered significant structural deficiencies due to fire and water damage. A further engineer's report was requested and received by our Building Inspector for the above noted front wall of the building.

The recommendation contained therein included requirements for adequate shoring on the front façade and that this portion of the building be vacated until further actions are taken with respect to repairing or demolishing the building. The shoring was completed and the building was barricaded and currently remains vacant.

This land is in the Central neighbourhood and is located in Ward 2. Please see attached location map shown as Appendix A to Report PED08049.

This is property is of interest to LACAC. Lot size 19.81m x 27.43m
The owner of the property, as per the demolition permit application is:

CJT Investment Trust  
c/o Carl Turkstra  
50 Markland Street  
Hamilton, ON L8P 2J7

**ANALYSIS/RATIONALE:**

N/A

**ALTERNATIVES FOR CONSIDERATION:**

As mentioned earlier, it is not deemed appropriate to impose conditions for a replacement dwelling in this situation as the owner has informed this Division that the intent, upon demolition, is to create an open courtyard to be used as an outdoor sculpture garden accessible from the remaining portions of the building. Please see Appendix C to Report PED08049.

Imposing conditions for a replacement residential use would unfairly limit the potential redevelopment of the property precluding the proposed open courtyard. It is also important to note that the conditions regarding demolition control would require a building permit to be issued for a replacement dwelling on the property and for reconstruction within a specific time frame. There is no authority to impose a Site Plan Application to be approved prior to the issuance of a demolition permit, however, Site Plan Approval is required for re-development of this site and as of this date an application has not been submitted for review.

The two-and-one-half storey portion of the building to be demolished, and the three-storey brick portion of the building to the north, as shown in Appendix B, are not designated under the [Ontario Heritage Act](#), however, they are listed for architectural, historical and contextual reasons.

The preferred option from a Heritage perspective is the conservation of these buildings as a means of maintaining the James Street North streetscape. If it is deemed that the conservation is not feasible, the Urban Design Section has suggested that the replacement structure be one that continues to provide the human-scaled, commercial, streetscape character of James Street North in keeping with the City of Hamilton Official Plan policies to retain the City’s distinctive character. It was further suggested that the remaining three-storey building to the north should be rehabilitated and maintained in such a way as to emphasize and coordinate with the distinctive architectural features of the adjoining buildings to the north. The proposal addresses the above noted rehabilitation of the three storey portion of the building as the existing appearance will be preserved. Please see Appendix D to Report PED08049.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A
Policies Affecting Proposal:

N/A

Relevant Consultation:

Comments were received from Community Planning and Design Section indicating the following:

The property at 161 James Street North is listed on the City of Hamilton’s Inventory of Buildings of Architectural and/or Historical Interest. Of the three units comprising the property, two are of heritage value—the two-and-one-half storey brick building in the centre of the property (1876), and the three-storey brick building to the north (1882). These two buildings are listed for architectural, historical and contextual reasons, and the conservation of these buildings as a means to maintaining the James Street North streetscape is in keeping with the City of Hamilton Official Plan policies to retain the City’s distinctive character.

City Strategic Commitment:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced.  ☐ Yes  ☑ No

Environmental Well-Being is enhanced.  ☑ Yes  ☐ No

Human Health and safety are protected.

The demolition of this damaged portion of the building reduces risk of possible accidents that could occur on the property.

Economic Well-Being is enhanced.  ☐ Yes  ☑ No

Does the option you are recommending create value across all three bottom lines?  ☐ Yes  ☑ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?  ☐ Yes  ☑ No

FP:fp
Attach. (4)
Appendix A to Report PED08049

Location Map

**Site of the Application**

**File Name/Number:**
161 James Street North

**Date:** January 30, 2008

**Appendix "A"**

**Scale:** N.T.S.

**Planner/Technician:** FP/LC

**Subject Property**

161 James Street North (Previously known as 155,157 and 161 James Street North)

Ward 2 Key Map

N.T.S.