



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	May 3, 2016
SUBJECT/REPORT NO:	Preliminary Screening for the Request to Designate 1014 King Street West, Hamilton (Westdale Theatre) Under Part IV of the <i>Ontario Heritage Act</i> (PED16091)(Ward 1)
WARD(S) AFFECTED:	Ward 1
PREPARED BY:	Alissa Golden Cultural Heritage Planner (905) 546-2424 Ext. 1214 Steve Robichaud Director of Planning and Chief Planner
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That Council direct staff to undertake a Cultural Heritage Assessment of 1014 King Street West, Hamilton (Westdale Theatre), shown in Appendix “A” to Report PED16091, to determine whether the property is of cultural heritage value worthy of designation under Part IV of the *Ontario Heritage Act*;
- (b) That the Cultural Heritage Assessment work be assigned a low priority and be added to staff’s work program for completion in 2025, as per the attached Appendix “F” to Report PED16091;
- (c) That, if 1014 King Street West, Hamilton (Westdale Theatre) is determined to be of cultural heritage value or interest, a Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes be prepared by staff for Council’s consideration for designation under Part IV of the *Ontario Heritage Act*;
- (d) That a copy of Report PED16091 be forwarded to the Hamilton Municipal Heritage Committee for information; and,
- (e) That a copy of Report PED16091 be forwarded to the property owner for information.

EXECUTIVE SUMMARY

On October 15, 2015, the Ward 1 Councillor requested designation of 1014 King Street West, Hamilton, known as Westdale Theatre, under Part IV of the *Ontario Heritage Act*. The subject property located at 1014 King Street West (see location map and photographs attached as Appendices “A” and “B” to Report PED16091), comprises a two-storey commercial building influenced by the Art Deco architectural style, constructed in 1935. The property is included in the City of Hamilton’s Register of Property of Cultural Heritage Value or Interest (the “Register”) as a non-designated property and is part of the Westdale Original Subdivision Cultural Heritage Landscape, as identified in the Ainslie Wood Westdale Secondary Plan.

Under the Council-approved Designation Process (see Appendix “C” to Report PED16091), this Report contains background on the request and a preliminary evaluation of the subject property using the criteria contained in Ontario Regulation 9/06 (see Appendix “D” to Report PED16091). The preliminary evaluation of the property provides the basis for whether future Cultural Heritage Assessment work is warranted and recommends assignment of a work program priority for this work.

Through this Report, staff have determined that Westdale Theatre meets all three of the criteria contained in Ontario Regulation 9/06 and is considered to have design/physical value, historical/associative value, and contextual value. Staff recommend that Council direct staff to carry out a Cultural Heritage Assessment of Westdale Theatre to determine whether the property is of cultural heritage value worthy of designation under Part IV of the *Ontario Heritage Act*.

Staff recommend that the Cultural Heritage Assessment work be assigned as a low priority within the staff work program as the property is well-maintained and is not under immediate threat for redevelopment or demolition. The further research and assessment work will provide Council with adequate information upon which to base a decision regarding designation under the *Ontario Heritage Act*.

Alternatives for Consideration – See Page 7

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: None

Staffing: None

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Legal: The City's Legal Counsel was consulted in the preparation of the original 2008 staff Report regarding the formal Designation Process (Report PED08211), the recommendations of which are summarized below:

Owner consent is not required for designation of a property under the *Ontario Heritage Act*. Accordingly, a Council may decide that it is in the public and / or community interest to conserve a property, despite objections by the owner.

As per the Council-approved Designation Process (see Appendix "C" to Report PED16091), this Report provides staff with direction to complete further research and evaluation of the properties for a later decision by Council. If staff are directed to proceed, Council will make a decision on designation at a subsequent stage in the designation process when it has before it a staff Report, the Cultural Heritage Assessment, a draft designation By-law, advice from the HMHC, and the positions of the property owners and any other interested parties.

HISTORICAL BACKGROUND

The subject property, located at 1014 King Street West, Hamilton, is comprised of a two-storey commercial building known as the Westdale Theatre (see location map and photographs attached as Appendices "A" and "B" to Report PED16091). The Theatre was constructed circa 1935 and is believed to have been designed by prominent Hamilton architect William James Walsh. A programme dated September 1935 marking the initial opening of Westdale Theatre states the following:

"We have utilized every modern device to add to your comfort and amusement, feature the "Dunlopillo" seats, the latest air-conditioning, R.C.A. Victor Photophones High Fidelity sound reproduction and the scientifically designed non-reflecting screen. This theatre is the first Hamilton theatre built for sound."

"The management also draws to your attention the fact that this theatre is practically, in its entirety, of local construction and is comprised of Canadian products[.]"

Westdale Theatre is believed to be the only single-screen theatre left in Hamilton.

On November 15, 2012, the Hamilton Municipal Heritage Committee (HMHC) requested that 1014 King Street West be included in the Register. Planning staff prepared a preliminary screening report (Report PED13058) addressing the HMHC request, which recommended that the property was of sufficient cultural heritage value or interest to warrant inclusion in the Register as a non-designated property. Council approved the staff recommendations on April 23, 2013 and the property was subsequently included in the Register.

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On October 15, 2015, the Ward 1 Councillor requested designation of the property under Part IV of the *Ontario Heritage Act*.

Work Program Priority:

The Council-approved Designation Process provides for the prioritization of detailed research and assessment work. Within the annual work program, Planning staff can typically process three to four properties through the designation process, including the preparation of the comprehensive Cultural Heritage Assessment reports and the processing of the designation By-laws in conjunction with the City Clerk Division of the City Manager's Office. According to the Council-approved process, Council may assign a high, medium, or low priority to a designation request. These priorities generally fall within the following time frames:

- A high priority would direct staff to prepare the Cultural Heritage Assessment within the first through the third year of the work program (2016-2018);
- A medium priority would direct the designation request to the fourth through the seventh year of the work program (2019-2022); or,
- A low priority would direct the request to the eighth through the tenth year of the work program (2023-2025).

Work program priorities are assigned based on a number of factors, including:

- Risk to the property with respect to demolition or removal;
- Funding eligibility;
- Heritage value associated with the property;
- Current level of property maintenance;
- City ownership of the property; and,
- Work program/staff resources.

The currently approved work program priorities are contained in Appendix "E" to Report PED16091.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014):

Section 2.6 of the Provincial Policy Statement (PPS) pertains to Cultural Heritage and Archaeology and Subsection 2.6.1 states that "significant built heritage resources and significant cultural heritage landscapes shall be conserved". The recommendations of this Report will enable the City to better facilitate the conservation of the subject property and, therefore, meet the intent of this policy.

Urban Hamilton Official Plan (UHOP):

Volume 1, Section B.3.4 - Cultural Heritage Resources Policies of the 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)), and “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)). These policies demonstrate Council’s commitment to the identification, protection, and conservation of cultural heritage resources and the recommendations of this Report meet the intent of these policies.

Ainslie Wood Westdale Secondary Plan:

The objectives of the Ainslie Wood Westdale Secondary Plan are to “recognize the existing heritage and design features of the area” (6.4.10, Objective 1) and “conserve the historic and architecturally significant building and areas” (6.4.10, Objective 2). The policies of the Secondary Plan state that properties and areas designated under the *Ontario Heritage Act* or listed in the City’s Inventory of Buildings of Architectural and/or Historical Interest will be conserved and retained (6.4.10 (i)). The subject property is located within the Westdale Original Subdivision Cultural Heritage Landscape, as identified in Map B.6.2-2 of the Ainslie Wood Westdale Secondary Plan. The Plan policies state that “cultural heritage landscapes shall be conserved and protected with the intent of retaining major characteristics” (6.2.13.2 (b)). The recommendations of this Report meet the intent of these policies.

RELEVANT CONSULTATION

Staff notified the property owner of 1014 King Street West of the request to designate in a letter dated February 23, 2016. Staff have also provided the property owner with a copy of the preliminary evaluation of the cultural heritage value or interest of Westdale Theatre and the staff recommendations outlined in this Report. Further, staff have arranged to meet with the owner and Ward Councillor to discuss the designation request.

This Report is the initial stage in the consideration of a request for designation. A copy of this Report will be forwarded to the HMHC and the owner for information as per the Council-approved process (see Recommendations (d) and (e) of this Report).

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Preliminary Evaluation—Ontario Regulation 9/06:

In 2006, the Province issued criteria for determining cultural heritage value or interest under the *Ontario Heritage Act*. The regulation identifies three broad categories of

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criteria: Design/Physical Value, Historical/Associative Value, and Contextual Value, under which three subsets of criteria are further identified (see Appendix “D” to Report PED16091).

1) Design/Physical Value:

The Westdale Theatre was built in 1935 as the first Hamilton theatre built for sound. The Theatre entrance and marquee front onto King Street West, while the Theatre itself extends behind other adjacent commercial properties fronting onto King Street West. The building features modest Art Deco exterior detailing on the front facade and in the interior décor. The marquee and signage were changed in the mid-to-late-twentieth century; however, the original facade may remain intact behind the contemporary marquee. The Theatre has design value as a representative example of, and the only theatre in Hamilton inspired by, the Art Deco architectural style.

(See photographs attached as Appendix “B” to Report PED16091)

2) Historical/Associative Value:

The Westdale Theatre is believed to have been designed by prominent Hamilton architect William James Walsh. When the Theatre opened in 1935, it boasted modern comforts and technology, including “Dunlopillo” seats, the latest air-conditioning, R.C.A. Victor Photophones High Fidelity sound reproduction and a scientifically designed non-reflecting screen. Westdale Theatre is the first theatre built for sound and is associated with the development of film technology and the evolution of film theatres. The Theatre is also associated with the planned development of Westdale as a suburban community with a self-sustaining commercial area.

3) Contextual Value:

The Westdale Theatre is associated with the development of the planned Westdale neighbourhood and may be considered a local landmark. The Theatre has played a role in establishing and sustaining the commercial core of the neighbourhood and is historically and physically linked to its surroundings.

Conclusion:

Staff concludes that the property located at 1014 King Street West, Hamilton, is of cultural heritage value or interest sufficient to warrant further research and assessment of the property for potential designation under the *Ontario Heritage Act*.

Work Program Priority:

At the time of preparing this Report, the City has not received any applications for the demolition or redevelopment of the subject property. However, the Ward Councillor has expressed concern that the property may be put up for sale by the current owner in the near future, which may open the property up for redevelopment.

Staff recommends that this work be given a low priority within the staff work program (see Recommendation (b) of this Report), as the property is not currently up for sale and is not under any immediate threat for redevelopment. The assignment of a low priority to the subject designation request would place the research and preparation of a Cultural Heritage Assessment on the staff work program for 2025(see Appendices “E” and “F” to Report PED16091).The further research and assessment work will provide Council with adequate information upon which to base a decision regarding designation under the *Ontario Heritage Act*.

ALTERNATIVES FOR CONSIDERATION

Council may consider the following three alternatives:

1. Direct Staff Not to Carry Out a Cultural Heritage Assessment

This alternative would be contrary to the Council-approved Designation Process (see Appendix “C” to Report PED16091) for considering requests for designation. The Designation Process anticipates that, when legitimate requests for designation are received, a Cultural Heritage Assessment will be completed so that Council can then consider designation with all of the pertinent information before it.

2. Assign Different Work Program Priority

Council may assign a different work program priority for the Cultural Heritage Assessment than recommended by staff. Given the consideration of all the factors noted in the Analysis and Rationale for Recommendation section of this Report, staff is of the opinion that the recommended work program priority is warranted.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1:

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective:

1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Photographs
- Appendix “C”: Council-Approved Designation Process Flowchart
- Appendix “D”: *Ontario Regulation 9/06: Criteria for Determining Cultural Heritage Value or Interest*
- Appendix “E”: Requests to Designate Properties Under Part IV of the *Ontario Heritage Act*: Priorities (as Amended by Planning Committee Report 16-002)
- Appendix “F”: Requests to Designate Properties Under Part IV of the *Ontario Heritage Act*: Priorities (as Amended by Report PED16091)

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