



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Committee Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	November 30, 2020
SUBJECT/REPORT NO:	Revisions to the Council Approved Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes and Notice of Intention to Designate for the Designation of 85 King Street East and 4 - 12 John Street North, Hamilton under Part IV of the <i>Ontario Heritage Act</i> (PED17167(a)) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	David Addington (905) 546-2424 Ext. 1214
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the revised Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes of 85 King Street East and 4 - 12 John Street North, Hamilton, attached as Appendix "A" to Report PED17167(a), be approved; and,
- (b) That the City Clerk be directed to take appropriate action to designate 85 King Street East and 4 - 12 John Street North, Hamilton under Part IV of the *Ontario Heritage Act*, in accordance with the revised Notice of Intention to Designate, attached as Appendix "B" to Report PED17167(a).

EXECUTIVE SUMMARY

The recommendation of Report PED17167 to designate the property at 85 King Street East and 4-12 John Street North, Hamilton (the Pagoda Building and Treble Hall) under Part IV of the *Ontario Heritage Act* was approved by City Council on October 25, 2017. As part of this approval, City Council also approved the content of the Statement of

SUBJECT: Revisions to the Council Approved Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes and Notice of Intention to Designate for the Designation of 85 King Street East and 4 - 12 John Street North, Hamilton under Part IV of the Ontario Heritage Act (PED17167(a)) (Ward 2) - Page 2 of 6

Cultural Heritage Value or Interest (SCHVI), Description of Heritage Attributes and the Notice of Intention to Designate (NOID) attached as Appendix “B” and “C” respectively to Report PED17167.

While the City continued to work with the Owner on the designation of the subject lands, the owner proceeded with interior renovations. The owner has no concerns with the NOID being issued. The property owner has confirmed that the following various interior heritage attributes that were included in the SCHVI and Description of Heritage Attributes, that was approved by Council on October 25, 2017, have since been removed from the property resulting from renovations to the building’s interior. These include the following interior attributes:

- The pressed metal ceiling coverings and plaster ceiling medallions;
- Moulded baseboard and architraves; and,
- Straight stairs on the interior leading directly to the second level.

As a result, staff have revised the SCHVI and Description of Heritage Attributes as well as the NOID to remove the select internal building attributes that are no longer extant to accurately reflect the existing heritage attributes of the subject property prior to the issuance of the NOID. No further changes to the recommendations or content of Report PED17167 are being proposed. Please refer to Report PED17167 for background information related to the recommendation to designate the subject property.

Alternatives for Consideration – See Page 5

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: The designation process will follow the requirements of the *Ontario Heritage Act*, and provide for adequate notice of Council’s intention to designate the property. Formal objections may be made under the *Ontario Heritage Act*, and heard before the Conservation Review Board, prior to further consideration by Council of the designation By-law.

Designation under Part IV of the *Ontario Heritage Act* allows municipalities to recognize a property’s cultural heritage value or interest, and to conserve and manage the property through the Heritage Permit process

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enabled under Sections 33 (alterations) and 34 (demolition or removal) of the Act.

Where alterations to designated properties are contemplated, a property owner is required to apply for, obtain, and comply with a Heritage Permit, for any alteration that “is likely to affect the property’s heritage attributes, as set out in the description of the property’s heritage attributes” (Sub-section 33(1)). Designation does not restrict the use of a property, prohibit alterations or additions, or restrict the sale of a property. The City of Hamilton also provides heritage grants and loan programs to assist in the continuing conservation of properties, once they are designated.

BACKGROUND

Report PED17167 containing the recommendations to designate 85 King Street East and 4 - 12 John Street North, Hamilton (Pagoda Building and Treble Hall) was approved by the Hamilton Municipal Heritage Committee (HMHC) on September 28, 2017 (HMHC Report 17-007). Subsequently, Planning Committee approved the recommendations of Report PED17167 on October 17, 2017 (PC Report 17-017) and Council approved the recommendations on October 25, 2017 (Council Report 17-019).

The NOID that was included as Appendix “C” to Report PED17167 was not issued subsequent to City Council’s approval of the designation as the property owner had open Building Permits and work already underway to the interior of the property to convert the upper storey units from commercial to residential units. The issuance of the NOID renders all open Building Permits void. The property owner has completed the work to facilitate the residential reuse of the upper storey units.

Among the heritage attributes that had been identified in the 2017 SCHVI and Description of Heritage Attributes approved by City Council as part of the recommendations contained in Report PED17167, the following interior building features were identified:

- The pressed metal ceiling coverings and plaster ceiling medallions;
- Moulded baseboard and architraves; and,
- Straight stairs on the interior leading directly to the second level.

Since the initial City Council approval of the recommendations of Report PED17167 in October 25, 2017, the renovations completed to the interior of the subject property resulted in the removal of the interior heritage attributes that are noted above, as has

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been confirmed by the property owner. As a result, the SCHVI and Description of Heritage Attributes as well as the NOID have been revised (attached as Appendix "A" and Appendix "B" respectively to Report PED17167(a)) to accurately reflect the heritage attributes that remain on the subject property prior to the issuance of the NOID.

Background information related to the recommendation to designate the subject property is contained in Report PED17167.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The majority of heritage attributes that had been included in the initial SCHVI and Description of Heritage Attributes are on the exterior of the building and remain extant (please see the full list of heritage attributes in the SCHVI and Description of Heritage Attributes attached as Appendix "A" to Report PED17167(a)).

The only change in the revised SCHVI and Description of Heritage Attributes from the initial City Council approval on October 25, 2017 is the removal of the following interior attributes:

- The pressed metal ceiling coverings and plaster ceiling medallions;
- Moulded baseboard and architraves; and,
- Straight stairs on the interior leading directly to the second level.

The pressed metal ceiling coverings and medallions had previously been located in the south room of the most northerly ground floor commercial unit. The moulded baseboards and architraves had been extant in various sections of the second to fourth storeys while the central staircase was situated in the mid section of the John Street North frontage of Treble Hall. It has now been replaced by an elevator.

The above noted interior attributes entailed ornamental decorative architecture details that contributed to the subject property's overall design and physical value due to the craftsmanship involved in their construction. While the loss of these architectural features reduces the design value of the subject property, it does not negate the subject property's overall design and physical value to a significant extent where its cultural heritage value is lost. The subject property continues to retain much of its physical and design integrity both in terms of its structural composition and the combination of numerous decorative and structural architectural elements most visibly evident on the building's exterior façade. For the full list of the subject property's retained architectural attributes, please see the SCVHI and Description of Heritage Attributes attached as Appendix "A" to Report PED17167(a).

SUBJECT: Revisions to the Council Approved Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes and Notice of Intention to Designate for the Designation of 85 King Street East and 4 - 12 John Street North, Hamilton under Part IV of the Ontario Heritage Act (PED17167(a)) (Ward 2) - Page 5 of 6

Given that the subject property retains its architectural, historical and contextual integrity, its overall heritage value has been preserved and staff recommend the approval of the revised SCHVI and Description of Heritage Attributes and NOID to proceed with the subject property's designation and to protect its numerous remaining heritage attributes.

Please note that the revised NOID (attached as Appendix "B" to Report PED17167(a)) has also been revised to include updated staff contact information.

As part of the process to designate a property under Part IV of the *Ontario Heritage Act*, the NOID is issued to the property owner, the Ontario Heritage Trust and is also published in the newspaper that has general circulation in the municipality. The SCHVI and Description of Attributes identifies the subject property and outlines its cultural heritage value and is specifically referenced in the content of the NOID. Given that City Council approves the content of the SCHVI and Description of Heritage Attributes and NOID, revisions to the content of either document necessitates City Council's approval of the revisions as it differs from the initial City Council approval from October 25, 2017.

ALTERNATIVES FOR CONSIDERATION

Council, as advised by its Municipal Heritage Committee, may consider the following two alternatives:

Decline to Approve the Revised SCHVI and Description of Heritage Attributes and NOID:

By declining to approve the revised SCHVI and Description of Heritage Attributes and NOID as contained in Appendix "A" and Appendix "B" to Report PED17167(a) respectively, the previous City Council approved NOID that references the SCHVI and Description of Heritage Attributes, including the removed heritage attributes, would be issued. This would inaccurately reflect the existing heritage attributes of the subject property and may lead to an objection to the subject property's designation.

Approve the Revised SCHVI and Description of Heritage Attributes and NOID:

Approval of the revised SCHVI and Description of Heritage Attributes and NOID would enable the issuance of a NOID that accurately reflects the existing heritage attributes of the subject property. This alternative is recommended.

SUBJECT: Revisions to the Council Approved Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes and Notice of Intention to Designate for the Designation of 85 King Street East and 4 - 12 John Street North, Hamilton under Part IV of the Ontario Heritage Act (PED17167(a)) (Ward 2) - Page 6 of 6

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A” - Revised Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes
- Appendix “B” - Revised Notice of Intention to Designate