



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT
Planning Division

TO:	Chair and Committee Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	October 29, 2021
SUBJECT/REPORT NO:	Recommendation to Designate 1099 King Street East, Hamilton (Jimmy Thompson Memorial Pool) Under Part IV of the <i>Ontario Heritage Act</i> PED21211 (Ward 3)
WARD(S) AFFECTED:	Ward 3
PREPARED BY:	Amber Knowles 905-546-2424 Ext. 1291
SUBMITTED BY:	Steve Robichaud Director, Planning & Chief Planner Planning and Economic Development
SIGNATURE:	

RECOMMENDATION

- (a) That City Council state its intention to designate under Part IV, Section 29 of the *Ontario Heritage Act*, the property at 1099 King Street East, Hamilton (Jimmy Thompson Memorial Pool) in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes of 1099 King Street East, Hamilton, attached as Appendix “B” to Report PED21211;
- (b) That the Clerk be directed to give notice of intention to designate the property at 1099 King Street East, Hamilton as a property of cultural heritage value or interest in accordance with the requirements of section 29 of the *Ontario Heritage Act* subject to the following:
 - (i) If there are no objections to the designation in accordance with the *Ontario Heritage Act*, City Council directs staff to introduce the necessary by-law to designate 1099 King Street East, Hamilton to be of cultural heritage value or interest to City Council; or,
 - (ii) If there are objections in accordance with the *Ontario Heritage Act*, City Council directs staff to report back to Council to allow Council to consider the objection and make a decision on whether or not to withdraw the notice of intention to designate the property.

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EXECUTIVE SUMMARY

The designation process for 1099 King Street East being Jimmy Thompson Memorial Pool (see Appendix “A” attached to Report PED21211), was initiated on September 3, 2013 when staff received a third-party request for designation, under Part IV of the *Ontario Heritage Act*.

On December 11, 2013, Council approved the recommendations contained in staff Report PED13182 and, following consultation with the Hamilton Municipal Heritage Committee (HMHC) on December 19, 2013, the property was included in the City of Hamilton’s Register of Property of Cultural Heritage Value or Interest and added to the work plan for designation.

In May of 2018, the City of Hamilton Planning Division retained Golder Associates Ltd. to prepare a comprehensive Cultural Heritage Assessment for 1099 King Street East, Hamilton (Jimmy Thompson Memorial Pool). The historical research, evaluation of the significance of the property, and detailed description of the heritage attributes, were finalized by Golder Associates Ltd. on May 31, 2021. The Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes was drafted as part of the Cultural Heritage Assessment and is attached as Appendix “B” to Report PED21211; the draft Notice of Intention to Designate is attached as Appendix “C” to Report PED21211; and the full Cultural Heritage Assessment Report by Golder Associates Ltd. is attached as Appendix “D” to Report PED21211.

The subject property has been evaluated using both the City of Hamilton’s Framework for Evaluating the Cultural Heritage Value or Interest of Property for Designation under Part IV of the *Ontario Heritage Act*, and the Criteria for Determining Cultural Heritage Value or Interest, as defined in Ontario Regulation 9/06 of the *Ontario Heritage Act*, in accordance with the Council-approved Designation Process.

It has been determined that 1099 King Street East, Hamilton has design / physical value, historical / associative value and contextual value, and meets nine of the City’s 12 criteria and seven of nine criteria as defined in Ontario Regulation 9/06. Therefore, staff recommend designation of the property under Part IV of the *Ontario Heritage Act*.

Alternatives for Consideration – See Page 8.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Not applicable.

Staffing: Not applicable.

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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 considered by Council before either withdrawing the notice of intention to designate or passing a designation by-law. Once a designation by-law has been passed, any further objection would be heard before the Ontario Land Tribunal.

Designation under Part IV of the *Ontario Heritage Act* allows the City of Hamilton to recognize a property's cultural heritage value or interest and to conserve and manage the property through the Heritage Permit process 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 grant and loan programs to assist in the continuing conservation of properties, once they are designated.

HISTORICAL BACKGROUND

The subject property, municipally known as 1099 King Street East, Hamilton (Jimmy Thompson Memorial Pool) (see Appendix "A" attached to Report PED21211) is located at the north-west corner of King Street East and Balsam Avenue North in Hamilton. The lands directly to the north and west of the property were redeveloped in 2018 as the Bernie Morelli Recreation Centre and Bernie Custis Secondary School, respectively. The Tim Hortons field is located north of the Pool. Access to the property is through the front doors on the south façade of the structure from King Street East, Hamilton.

Conceived as a municipal pool in 1928, the Jimmy Thompson Memorial Pool opened in January of 1930 and later that year served as the swimming events venue for the inaugural British Empire Games, later the Commonwealth Games. After the Games it reverted to a municipal pool and home to the Hamilton Aquatic Club, and in 1971 was named for Jimmy Thompson, a former Olympic athlete, swimming coach and instructor.

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In 1974/1975 upgrades to the Jimmy Thompson Memorial Pool included:

- Removal of the skylights, re-roofed with metal and addition of dropped ceiling;
- Removal of Corinthian capitals and decorative bases from interior columns;
- Construction of the south entrance and washroom addition;
- Reconfiguration of check rooms and construction of lifeguard change rooms;
- Addition of judge's booth within the gallery area;
- Removal of diving board;
- Opening of corridor wall to provide access from female's change room to rear exit;
- Replacement of red roof tiles from frontispiece; and,
- Addition and later removal of rear emergency escape and connection to Scott Park Secondary School.

Today the property is owned by the City of Hamilton.

On September 3, 2013, staff received a third-party request for designation of 1099 King Street East, Hamilton (Jimmy Thompson Memorial Pool), under Part IV of the *Ontario Heritage Act*. On December 11, 2013, Council approved the recommendations contained in staff Report PED13182 and, following consultation with the Hamilton Municipal Heritage Committee on December 19, 2013, the property was included in the City of Hamilton's Register of Property of Cultural Heritage Value or Interest and added to the work plan for designation.

In May of 2018, the City of Hamilton Planning Division retained Golder Associates Ltd. to prepare a comprehensive Cultural Heritage Assessment of 1099 King Street East, Hamilton. The historical research, evaluation of the significance of the property, and detailed description of the architectural features of the property are contained in the Cultural Heritage Assessment (May 31, 2021), prepared by Golder Associates Ltd. (Appendix "D" attached to Report PED21211). The Cultural Heritage Assessment contains evaluation using the City's Council-adopted heritage evaluation criteria and the criteria contained in Ontario Regulation 9/06.

Through the consultants' evaluation, it has been determined that 1099 King Street East, Hamilton (Jimmy Thompson Memorial Pool) has design/physical value, historical/associative value and contextual value and the property is now being recommended for designation under Part IV of the *Ontario Heritage Act* (see Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED21211, and the draft Notice of Intention to Designate, attached as Appendix "C" to Report PED21211).

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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement, 2020:

Section 2.6 of the Provincial Policy Statement pertains to Cultural Heritage and Archaeology and provides that:

“2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.”

The recommendations to designate the subject lands under Part IV of the *Ontario Heritage Act* of Report PED21211 are consistent with this policy.

Urban Hamilton Official Plan:

Volume 1, Section B.3.4 - Cultural Heritage Resources Policies of the Urban Hamilton Official Plan (UHOP) include the following:

“B.3.4.2.1(a) The City of Hamilton shall, in partnership with others where appropriate, protect and conserve the tangible cultural heritage resources of the City, including archaeological resources, built heritage resources, and cultural heritage landscapes for present and future generations.

B.3.4.2.1(b) The City of Hamilton shall, in partnership with others where appropriate, identify cultural heritage resources through a continuing process of inventory, survey, and evaluation, as a basis for the wise management of these resources.

B.3.4.2.3 The City may by By-law designate individual and groups of properties of cultural heritage value under Parts IV and V respectively of the *Ontario Heritage Act*, including buildings, properties, cultural heritage landscapes, heritage conservation districts, and heritage roads or road allowances.”

The recommendations to designate the subject lands under Part IV of the *Ontario Heritage Act* of Report PED21211 comply with these policies.

RELEVANT CONSULTATION

Pursuant to Sub-section 29 (2) of the *Ontario Heritage Act*, Council is required to consult with its HMHC respecting designation of property under Sub-section (1) of the Act. Typically, Cultural Heritage Assessments are reviewed by the Inventory and Research Working Group of the HMHC in accordance with the Council approved process attached as Appendix “E” to Report PED21211.

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A draft Cultural Heritage Assessment prepared by Golder Associates Ltd. was presented to the Inventory and Research Working Group of the HMHC at their meeting October 28, 2019, and with revisions at their meeting of November 25, 2019. The Inventory and Research Working Group recommended that staff proceed with the recommendation to designate the subject property under the *Ontario Heritage Act* and provided areas for revision and further exploration within the report which were consistent with those identified by staff. Golder Associates Ltd. addressed the revisions and submitted a final report dated May 31, 2021 (attached as Appendix “D” to Report PED21XXX).

The Director of Recreation, Manager of Business Support, and the Ward Councillor have been informed of this report and its recommendation for designation. The Director of Recreation and Manager of Business Support has advised of their support for the report recommendations.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The intent of a designation under Part IV of the *Ontario Heritage Act*, is to enable a process for the management and conservation of cultural resources. Once a property is designated, the municipality is enabled to manage alterations to the property through the Heritage Permit process and to ensure that the significant features of the property are maintained through the provision of financial assistance programs and the enforcement of Property Standards By-laws.

Cultural Heritage Evaluation:

Designation is guided by the process of cultural heritage evaluation and assessment. The evaluation process, as documented in the Cultural Heritage Assessment, attached as Appendix “D” to Report PED21211, identifies those heritage values associated with the property.

Council-Adopted Evaluation Criteria:

A set of criteria were endorsed by the City of Hamilton’s Municipal Heritage Committee on June 19, 2003 and were adopted by Council as The City of Hamilton: Cultural Heritage Evaluation Criteria on October 29, 2008 (Appendix “B” to Report PED08211). The criteria are used to identify the cultural heritage values of a property, and to assess their significance. This evaluation assists in determining a property’s merit for designation under the *Ontario Heritage Act*, as well as deriving a Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes.

As identified in the Cultural Heritage Assessment attached as Appendix “D” to Report

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PED21211, the property was determined to have met nine of the City's 12 criteria pertaining to built heritage value.

Ontario Regulation 9/06: Criteria for Determining Cultural Heritage Value or Interest:

Section 29 (1) of the *Ontario Heritage Act* permits the Council of a municipality to designate property to be of cultural heritage value or interest where property meets the criteria prescribed by provincial regulation. In 2006, the Province issued Ontario Regulation 9/06: Criteria for Determining Cultural Heritage Value or Interest. According to Sub-section 1 (2) of Ontario Regulation 9/06, a property may be designated under Section 29 of the *Ontario Heritage Act* where it meets one or more of the identified criteria. Ontario Regulation 9/06 identifies criteria in three broad categories: Design/Physical Value, Historical/Associative Value and Contextual Value.

As outlined in the attached Cultural Heritage Assessment (Appendix "D" attached to Report PED21211), the subject property satisfies seven of the nine criteria contained in Ontario Regulation 9/06 in all three categories.

(1) **Design/Physical Value:**

- (i) The property is a rare and well executed example of a pre-1950 competition and public indoor pool and a unique example of Edwardian Classicism;
- (ii) The property demonstrates a high degree of artistic merit in its construction with the di-chromatic tiling on the interior, as well as the exterior Flemish bond brick work, decorative courses and double order voussoirs of the semi-circular arched windows and the string courses and cornices; and,
- (iii) The property demonstrates a high degree of technical achievement. The functional merit of the Jimmy Thompson Memorial Pool is high considering its age and the infancy of pool technology when it was constructed.

(2) **Historical/Associative Value:**

- (i) The property has direct associations with the British Empire Games (Commonwealth Games) between August 16 to 23, 1930, a 'mega-event' or large-scale international sporting event. Additionally, the pool is associated with Jimmy Thompson who from 1932 to 1965 is estimated to have taught 60,000 children to swim at the pool and coached many individuals and teams to regional, national, and international titles;
- (ii) The property was not deemed to yield or have the potential to yield information that contributes to an understanding of a community or culture; and,

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- (ii) The property was not deemed to demonstrate or reflect the work or ideas of an architect, artist, builder, designer, or theorist who is significant to a community.
- (3) **Contextual Value:**
- (i) The property is considered to have contextual value as it contributes to the local architectural character. Its two-storey height transitions the elevation between the three to four storey buildings on the south side of King Street East with the two-storey housing on Balsam Avenue North all of which are visible in view planes facing west on King Street East;
 - (ii) The property is linked to its surroundings as the last remaining structure of the British Empire Games, and in addition to the continued recreation and sport land use. In keeping with its function as a municipal pool, it is still centred within residential neighbourhoods, and is visually prominent on the east-west artery of King Street East; and,
 - (iii) The property is considered a landmark due to its unusual massing and architectural style, combined with its siting on an intersection along a one-way street making a visually conspicuous local landmark.

Conclusion:

Golder Associates Ltd., have determined that 1099 King Street East, Hamilton (Jimmy Thompson Memorial Pool), is of cultural heritage value or interest, sufficient to warrant designation under Part IV of the *Ontario Heritage Act*. Staff concur with the findings of the Cultural Heritage Assessment and recommend designation of 1099 King Street East, Hamilton (Jimmy Thompson Memorial Pool) under Part IV of the *Ontario Heritage Act* according to the Statement of Cultural Heritage Value or Interest and the Description of Heritage Attributes, attached as Appendix “B” to Report PED21211 and the draft Notice of Intention to Designate attached as Appendix “C” to Report PED21211.

ALTERNATIVES FOR CONSIDERATION

Under Part IV of the *Ontario Heritage Act*, the designation of property is a discretionary activity on the part of Council. Council, as advised by its Municipal Heritage Committee, may consider two alternatives: agree to designate property, or decline to designate property.

Decline to Designate:

By declining to designate, the municipality would be unable to provide long-term, legal protection to this significant heritage resource (designation provides protection against

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inappropriate alterations, new construction and demolition), and would not fulfil the expectations established by existing municipal and provincial policies.

Designation does not restrict the use of property, prohibit alterations and additions, nor does it restrict the sale of a property, or affect its resale value. Staff do not consider declining to designate the property to be an appropriate conservation alternative.

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” to Report PED21211 - Location Map

Appendix “B” to Report PED21211 - Statement of Cultural Heritage Value or Interest
and Description of Heritage Attributes

Appendix “C” to Report PED21211 - Notice of Intention to Designate

Appendix “D” to Report PED21211 - Cultural Heritage Assessment Report on Jimmy
Thompson Memorial Pool

Appendix “E” to Report PED21211 - Council-Adopted Heritage Designation Process

AK:sd

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