



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT
PLANNING DIVISION

TO:	Chair and Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	January 18, 2018
SUBJECT/REPORT NO:	Recommendation to Designate 104 King Street West, Dundas (Former Dundas Post Office) Under Part IV of the <i>Ontario Heritage Act</i> (PED18019) (Ward 13)
WARD(S) AFFECTED:	Ward 13
PREPARED BY:	Chelsey Tyers Cultural Heritage Planner (905) 546-2424 Ext. 1214
SUBMITTED BY:	Steve Robichaud Director, Planning & Chief Planner Planning and Economic Development
SIGNATURE:	

RECOMMENDATION

- (a) That the designation of 104 King Street West, Dundas, shown in Appendix “A” of Report PED18019, as a property of cultural heritage value pursuant to the provisions of Part IV of the *Ontario Heritage Act*, be approved;
- (b) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix “B” to Report PED18019, be approved; and,
- (c) That the City Clerk be directed to take appropriate action to designate 104 King Street West, Dundas, under Part IV of the *Ontario Heritage Act*, in accordance with the Notice of Intention to Designate, attached as Appendix “C” to Report PED18019.

EXECUTIVE SUMMARY

On September 24, 2009, the Hamilton Municipal Heritage Committee requested designation of 104 King Street West, Dundas, under Part IV of the *Ontario Heritage Act* (see location map attached as Appendix “A” to Report PED18019). Council approved a “high” work program priority and inclusion of the property in the Register of Property of Cultural Heritage Value or Interest on March 10, 2010 (PED10110).

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The historical research and detailed description of the heritage value and attributes of the property are contained in the Cultural Heritage Assessment of the former Dundas Post Office, 104 King Street West, Community of Dundas, City of Hamilton dated September 14, 2009 and prepared by Gillespie Heritage Consulting (the full Report is attached as Appendix “D” to Report PED18019).

The subject property has been evaluated using both the Council-approved heritage evaluation criteria and the Criteria for Determining Cultural Heritage Value or Interest, as defined in Ontario Regulation 9 / 06 of the *Ontario Heritage Act*, and it has been determined to have design / physical value, historical / associative value, and contextual value worthy of designation, as it meets nine (9) of the City’s twelve (12) criteria and all nine (9) criteria as defined in Ontario Regulation 9 / 06.

The Hamilton Municipal Heritage Committee considered this designation at its meetings of April 21, May 19, June 16, and July 21, 2011 to accommodate discussions with the property owner. The Hamilton Municipal Heritage Committee recommended to Planning Committee and Council that the designation be approved with amendments to the Description of Heritage Attributes (see the Relevant Consultation section of this Report). However, given that a Notice of Intention to Designate voids all active building permits, it was agreed that the decision on designation would be put on hold to allow for the completion of interior renovations and minor exterior renovations to accommodate the adaptive re-use of the building for retail use. These renovations have since been completed.

Given that the subject property satisfies both the City and the Province’s criteria for designation, staff recommend that Hamilton Municipal Heritage Committee advise Planning Committee and Council to approve the designation By-law using the Statement of Cultural Heritage Value and Description of Heritage Attributes as originally drafted (attached as Appendix “B” to Report PED18019).

Alternatives for Consideration – See Page 10

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 enabled under Sections 33 (alterations) and 34 (demolition or removal) of the *Ontario Heritage 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

A request to designate 104 King Street West (Dundas) (see location map attached as Appendix "A" to Report PED18019) under Part IV of the *Ontario Heritage Act* was initiated by the Hamilton Municipal Heritage Committee (HMHC) at its meeting of September 24, 2009. On March 10, 2010 Council included the subject property on the Register of Property of Cultural Heritage Value or Interest as a "high" work program priority.

The subject property has frontage on King Street West, and is bounded by Foundry Street to the east and McMurray Street to the west. The federal government purchased the subject property in 1909 as part of a nation-wide program to construct public buildings such as post offices, customs and inland revenue offices, and courthouses in major communities.

The plans for the Post Office building were prepared by the Chief Architect's Branch of the Department of Public Works during the tenure of David Ewart as Chief Architect. Construction of the Post Office began in 1911-1912, under the supervision of James Watson as the Clerk of Works, and the building contractors were Nagel & Mills from Ingersoll, Ontario. A. W. Peene, a prominent Hamilton architect, was hired later in the project to complete alterations to the original plans and supervise the project.

The Dundas Post Office building was opened on October 30, 1913, and at one time, also held the Customs Offices. Area residents picked up their mail at the Post Office

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until door-to-door postal delivery was introduced in 1948. In the 1960-70's, the customer service functions of the building were reduced, and the building was used as a sorting facility and letter-carrier depot until August, 2009, when Canada Post moved these functions to a larger, centralized depot in Ancaster. In September 2009, Canada Post declared the building to be surplus and placed it on the real estate market. The property was transferred into private ownership in December, 2009.

The main building is two-and-one-half-storeys in height and built of buff-coloured brick with smooth and rusticated stone trim detailing (see photographs in Cultural Heritage Assessment attached as Appendix "D" to Report PED18019). The building has been built in the Romanesque Revival style of architecture and features a slate mansard roof, arched-top dormers, and a frontispiece with a 24.5 metre (80 feet) high clock tower, stone balustrades, and entrance porch. The clock tower contains a clock manufactured by J. Smith and Sons, Midland Clock Works of Derby, England, and a bell manufactured by John Taylor Bellfounders of Loughborough, England. For many years the bell tolled each hour. The original clock mechanisms and bell are reported to remain inside the tower.

The historical research and detailed description of the architectural features of the property are contained in the Cultural Heritage Assessment of the former Dundas Post Office, 104 King Street West, Community of Dundas, City of Hamilton dated September 14, 2009, prepared by Gillespie Heritage Consulting (the full report, except Section 9 - Illustrations, is attached as Appendix "D" to Report PED18019). The Cultural Heritage Assessment by Gillespie Heritage Consulting was commissioned by the Canada Post Corporation as part of their due diligence procedures prior to declaring the property to be surplus.

The HMHC previously considered this designation at its meetings of April 21, May 19, June 16, and July 21, 2011 to accommodate consultation with the property owner. The HMHC recommended to Planning Committee and Council that the designation be approved with amendments to the Description of Heritage Attributes (see the Relevant Consultation section of this Report). At their meeting on September 20, 2011 Planning Committee received, but did not approve the HMHC's recommendation. Recognizing that designation would void any active building permits, the decision on designation of the subject property was put on hold to allow the property owner to finish some renovations to the building. Email correspondence between the property owner and staff in January 2014 confirmed that the building renovations were complete and the building was occupied. Staff are bringing this recommendation forward now to address this outstanding work program item.

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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement:

Section 2.6 of the Provincial Policy Statement pertains to Cultural Heritage and Archaeology. Sub-section 2.6.1 states that “significant built heritage resources and significant cultural heritage landscapes shall be conserved”. The recommendations of this Report 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) 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)). The policies also provide that 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*” (B.3.4.2.3).

The recommendations of this Report comply with these policies.

RELEVANT CONSULTATION

Pursuant to Sub-section 29 (2) of the *Ontario Heritage Act*, Council is required to consult with its Municipal Heritage Committee respecting designation of property under Sub-section (1). The content of this Report, including the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes (attached as Appendix “B” to Report PED18019), the Notice of Intention to Designate (attached as Appendix “C” to Report PED18019), and the Cultural Heritage Assessment prepared by Gillespie Heritage Consulting (attached as Appendix “D” to Report PED18019) have been reviewed by the HMHC’s Inventory and Research Sub-committee, and recommended that the designation of 104 King Street West (Dundas), under Part IV of the *Ontario Heritage Act*, be supported by the HMHC.

The HMHC considered the recommendation to designate 104 King Street West at its meeting of April 21, 2011 and tabled the report to allow the property owners to provide a delegation to the HMHC. The property owners did attend the HMHC meeting on May 19, 2017, where it was agreed that the Ward Councillor and Chair of the Heritage Permit Review Subcommittee would meet to discuss the designation. At its meeting on June 16, 2017, the HMHC recommended to Planning Committee and Council that the subject property be designated. However, on July 21, 2011, the HMHC amended their

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recommendation to Planning Committee and Council that the designation be approved with amendments to the Description of Heritage Attributes. The HMHC recommended that bullet point two (2) in the Description of Heritage Attributes (see Appendix “B” attached to Report PED18019) be amended to read, “original buff brick wall circa 1930 and bricked up windows be opened” and that bullet point six (6) be amended to read “mansard roof lines with slate roof look”. These amendments to the Description of Heritage Attributes were recommended in response to the property owners’ concerns with the designation and the intent was to permit the property owners to re-open the original window openings that were bricked in by the previous owner and to replace the slate roofing without a Heritage Permit.

At their meeting on September 20, 2011 Planning Committee received, but did not approve, the HMHC’s recommendation to allow the applicant to complete renovations. Email correspondence between the property owner and staff in January 2014 confirmed that the building renovations were complete and the building was occupied.

Staff notified the Ward Councillor of the recommendation of this report on November 7, 2011. As of the writing of this report, staff have not received any comments or concerns from the Ward Councillor.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The intent of municipal 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.

Designation is guided by the process of cultural heritage evaluation and assessment. The evaluation process, as documented in this Report and in the Cultural Heritage Assessment attached as Appendix “D” to Report PED18019, attempts to clearly identify those heritage values associated with the property. Those properties with clearly defined and distinctive heritage attributes are considered to be more worthy of designation than those where heritage attributes are poorly demonstrated or non-existent.

Typically, the Cultural Heritage Assessment Reports, for the purposes of municipal designation under Section 29 (1) of the *Ontario Heritage Act*, are prepared by consultants retained by the City. However, the report prepared by Gillespie Heritage Consulting prepared for Canada Post Corporation as part of their due diligence

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procedures prior to declaring the property to be surplus is comparable in scope to the reports prepared by the City's heritage consultants for past heritage designations, and staff are of the opinion that it meets the City's requirements. Staff prepared a Statement of Cultural Heritage Value and Interest and Description of Heritage Attributes based on this Cultural Heritage Assessment (see Appendix "B" to Report PED18019).

Council-Adopted Evaluation Criteria:

A set of criteria were endorsed by the HMHC on June 19, 2003, and were adopted by Council on October 29, 2008 (Appendix "B" of PED08211), as the Cultural Heritage Evaluation Criteria: A Framework for Evaluating the Cultural Heritage Value or Interest of Property for Designation under Part IV of the *Ontario Heritage Act*. 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.

Through the consultants' evaluation, the property meets nine (9) of the City's twelve (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 (3) broad categories: Design / Physical Value, Historical / Associative Value and Contextual Value.

As outlined in the attached Cultural Heritage Assessment (see Appendix "D" to Report PED18019), the subject property satisfies all of the nine (9) criteria contained in Ontario Regulation 9 / 06 in all three (3) categories.

The following provides an evaluation of the subject property using the criteria contained in Ontario Regulation 9 / 06: Criteria for Determining Cultural Heritage Value or Interest:

1. Design Value or Physical Value:

- i. The building is representative of the Romanesque Revival architectural style and is an example of early-twentieth century post office design in Canada. Examples of early post office buildings, particularly those with a clock tower, are becoming rare in Ontario and Canada.
- ii. The building displays a high degree of craftsmanship in the extensive use of high-quality materials and workmanship, the use of an English-made clock mechanism and bell, and incorporating Romanesque architectural detailing.
- iii. The building is associated with the Chief Architects Branch of the Department of Public Works, and with David Ewart as Chief Architect and a nationally significant architect. The building is also associated with Nagle & Mills, building contractors from Ingersoll, who built numerous public and private buildings in Southwestern Ontario, and A. W. Peene, a locally significant Hamilton architect.

2. Historical Value or Associative Value:

- i. The subject property has direct associations with early-twentieth century Federal Government infrastructure initiatives, the history and development of Canada Post, and the history and development of the community of Dundas. The building is associated with the Chief Architects Branch of the Department of Public Works, and with David Ewart as Chief Architect. The building is also associated with Nagle & Mills (local builders), A. W. Peene (a local architect), and the clock and bell manufacturers from England.
- ii. The property remains as a representation of the development of a national Canadian mail system, federal government infrastructure development and influence, and the development of late-nineteenth and early-twentieth century urban areas across Canada.
- iii. The building is associated with the Chief Architects Branch of the Department of Public Works, and with David Ewart as Chief Architect and a nationally significant architect. The building is also associated with Nagle & Mills, building contractors from Ingersoll, who built numerous public and private buildings in Southwestern Ontario, and A. W. Peene, a locally significant Hamilton architect.

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3. Contextual Value:

- i. The subject property is an integral part of the character of downtown Dundas, important in supporting, maintaining and defining the character of the area. The building is consistent with the scale and materials of other buildings in the area and contributes to and supports the mixed-use, pedestrian-oriented streetscape.
- ii. The Post Office is physically and historically linked to its surroundings, as it remains in its original location on King Street West and has been a physical part of downtown Dundas since 1913. The surrounding residential and commercial land uses at one time relied on the services and employment provided within the building.
- iii. The Post Office is a landmark in downtown Dundas, due to its prominent clock / bell tower, siting and setbacks, and architectural quality.

Conclusion:

The Cultural Heritage Assessment has determined that 104 King Street West, Hamilton, is of cultural heritage value or interest, sufficient to warrant designation under Part IV of the *Ontario Heritage Act*. Staff concurs with the findings of the Cultural Heritage Assessment and confirms that the Statement of Cultural Heritage Value and Description of Heritage Attributes (attached as Appendix “B” to Report PED18019) remain applicable. With respect to the HMHC’s recommendations to modify the Description of Heritage Attributes to read, “original buff brick wall circa 1930 and bricked up windows be opened” (bullet point two) and “mansard roof lines with slate roof look” (bullet point six), staff recommend against these modifications. Firstly, the building was constructed in 1911-1913 with subsequent additions that are also considered to be of cultural heritage value. Secondly, the mansard roof and slate materials are considered to be a heritage attribute and any proposal to replace the roofing material with an alternative to slate should be subject to a Heritage Permit approval.

As such staff recommends designation of 104 King Street West, Dundas 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 PED18019 and the draft Notice of Intention to Designate attached as Appendix “C” to Report PED18019.

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 these significant heritage resources (designation provides protection against inappropriate alterations, new construction and demolition), and would not fulfil the expectations established by existing municipal and provincial policies.

Without designation, the property would not be eligible for the City's heritage grant and loan programs. 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

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": Location Map
- Appendix "B": Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes
- Appendix "C": Notice of Intention to Designate
- Appendix "D": Cultural Heritage Assessment of the former Dundas Post Office, 104 King Street West, Community of Dundas, City of Hamilton, prepared by Gillespie Heritage Consulting (September 14, 2009).

SUBJECT: Recommendation to Designate 104 King Street West, Dundas (The Former Dundas Post Office) Under Part IV of the *Ontario Heritage Act* (PED18019) (Ward 13) - Page 11 of 11

- Appendix "E": Council-Adopted Heritage Designation Process

:CT

Attachs. (5)

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