



HERITAGE PERMIT HP2024-033

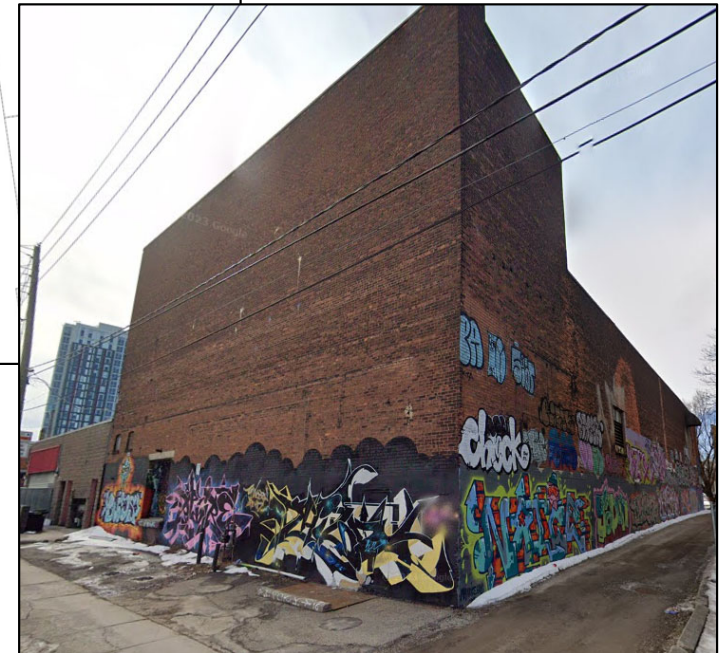
108 JAMES STREET NORTH AND 111-113 HUGHSON STREET
NORTH, HAMILTON, FORMER TIVOLI THEATRE (PED24232)

December 13, 2024

Hamilton Municipal Heritage Committee

Former Tivoli Theatre

108 James Street North / 111-113 Hughson Street North, Hamilton



Former Tivoli Theatre



The subject property is designated under Part IV of the *Ontario Heritage Act* by By-law Nos. **90-255** and **04-256**, which collectively protect what remains of the former Tivoli lobby (circa 1908) and auditorium (circa 1924) structures.

Only interior features remain that are protected by designation and the exterior brick facades are not considered to be heritage attributes

Background Summary

- Originally designated in **1990** (By-law No. 90-255)
- Building collapse and **partial demolition** (western portion) in **2004**
- Second designation by-law passed to confirm protection for remaining structures (By-law No. **04-256**)
- Multiple changes of ownership between 2004-2008.
- City heritage **grant** issued in 2008 for stabilization and heating improvements; heritage **loan** funding of roof repairs in 2010.
- 2015 application to amend the property **zoning** for redevelopment; approved amendments requiring retention/restoration of theatre auditorium and new construction accessory to that use (By-law No. 15-188)
- 2015 heritage **grant** application to prepare a Conservation Plan for the auditorium, never completed and no funding issued
- 2016 approval of Heritage Permit **HP2016-041** to demolish the former Tivoli lobby, required to implement the approved zoning for redevelopment; expired and not implemented

Background Summary (continued)

- 2020 - Building **registered vacant**, actively monitored by MLE staff quarterly
- 2022 - New ownership announcement
- May 2023 - Formal Consultation application (**FC-23-053**) for redevelopment proposing demolition of the former Tivoli Theatre
- Fall 2023 – **MLE orders** for repointing/repair of exterior masonry
- 2023-2024 - **Pre-consultation** meetings with applicant, discussion of requirements for a Heritage Permit application
- October 3, 2024 – **HP2024-033** submitted for demolition of the Tivoli
- November 12, 2024 – Heritage Permit Review Subcommittee review of application; **recommended refusal**
- November 27, 2024 – **Addendum** provided by applicant addressing questions raised by HPRS and by the local Councillor

Heritage Permit HP2024-033

- Proposes **demolition** of the former Tivoli Theatre lobby and auditorium structures
- Materials submitted with the application:
 - **Cultural Heritage Impact Assessment**, prepared by +VG Architects, including:
 - **Building Condition Assessment** prepared by Kalos Engineering (see Appendix A.5.2);
 - **Designated Substances and Hazardous Building Materials Assessment**, prepared by Access Environmental Solutions (see Appendix A.5.3);
 - **Hazardous Building Materials Assessment** prepared by Reveal Environmental Inc. (Appendix A.5.4);
 - Letter from Steven Dall of **Designs by Dall**, on state of the plaster statues in the building (Appendix A.5.5);
 - **Drawings** of the current conditions of the building (Appendix A.6.1);
 - **Proposed development**, preliminary plans (Appendix A.6.2);

(CHIA and supporting documents attached as Appendix “B” to Report PED24232)

HP2024-033 – Addendum Materials

- Addendum materials submitted following the HPRS meeting:
 - **Cultural Heritage Impact Assessment Addendum** prepared by +VG;
 - **Condition Assessment Update** prepared by John G. Cooke and Associates Ltd.; and,
 - **High-Level Option on Probable Costs of Abatement**, prepared by Access Environmental Solutions.

(Addendum attached as Appendix “C” to Report PED24232)
- Additional addendum received December 3, 2024 – Letter from +VG answering additional staff questions to help inform final staff recommendations (not attached)

Findings of CHIA and Supporting Studies

- The remaining Tivoli Theatre structures are in an advanced state of deterioration.
- Reconstruction of the building envelope is required to make it safe to occupy, estimated at **~\$5.875 million**.
- Asbestos was found throughout the building, including in the designated plaster walls, ceilings, and ornamental mouldings. The condition of the asbestos-containing plaster is extremely poor.
- The designated interior elements of the former theatre and lobby would be required to be **completely removed** to facilitate any repair work and due to the presence of hazardous materials.
- The estimated cost for abatement of hazardous materials on site is **\$1.14 million**.

CHIA Recommendations

The property retains cultural heritage value or interest, but it is **not feasible to restore** the existing features, and the building that contains it, in place.

The proposed measures to mitigate the impact of demolition of the Tivoli include:

- Provide an **event space** in the new development paying homage to the heritage fabric of the original Tivoli Theatre;
- **Commemorate** the former Tivoli Theatre in the new development with a public interpretive centre and theatre lobby;
- Interpret the **Second Empire architecture** of the former carriage factory portion of the Tivoli Theatre complex that used to front onto James Street North; and,
- **Document** the existing building and spaces for the City's archival record prior to demolition.

- The existing designated interior features cannot be feasibly retained and restored in place.
- The proposed demolition would cause significant displacement and disruption effects.
- To mitigate the impacts of demolition, interpretation and commemoration measures are recommended as part of redevelopment of the site.

Staff Recommendation

Staff recommend **approval** of Heritage Permit application HP2024-033 to demolish the remaining lobby and auditorium structures of the former Tivoli Theatre, subject to conditions to ensure that the proposed commemoration and interpretation measures are implemented, including the:

- Preparation of an initial scoped **Conservation Plan and Documentation and Salvage Plan** assessing the feasibility of salvaging representative plaster features from the building prior to their removal (Condition (v));
- Preparation of a comprehensive **Conservation Strategy** to guide future redevelopment on site prior to demolition, including a Conservation Plan, Interpretation/Commemoration Plan, Documentation and Salvage Report, Design Guidelines for the new development, and an Interim Conditions Plan outlining how the site conditions will be treated and managed following demolition and until redevelopment occurs (Condition (i));
- Provision of **financial securities** to implement the Conservation Strategy, prior to demolition (Condition (ii)); and,
- Submission of a complete application for the required **Zoning By-law Amendment** under the *Planning Act* for redevelopment, prior to demolition (Condition (iii)).

Applicant Team in Attendance Today

Edward John, Partner / Principal Planner, Landwise

Paul John Sapounzi*, CEO, +VG Architects

Dan Wojcik, COO, +VG Architects

Deb Westman*, Senior Project Manager, +VG Architects

Jonathan Dee*, Principal, John G. Cooke & Associates

Andy Andriotis, Principal, Access Environmental Solutions

* Member of the Canadian Association of Heritage Professionals (CAHP)