

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARDS AFFECTED: WARDS 1 and 2
COMMITTEE DATE: April 16, 2013	
SUBJECT/REPORT NO: Request to Include 1014 King Street West (Hamilton) and 12-14 King Street East (Hamilton) in the Register of Property of Cultural Heritage Value or Interest, Under Part IV of the <u>Ontario Heritage Act</u> (PED13058) (Wards 1 and 2) (Outstanding Business List Item)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Meghan House (905) 546-2424 Ext. 1202
SIGNATURE:	

RECOMMENDATION

- (a) That Council include 1014 King Street West (Hamilton), in the Register of Property of Cultural Heritage Value or Interest, as per the provisions of the Ontario Heritage Act, and that staff make appropriate amendments to the Register of Property of Cultural Heritage Value or Interest.
- (b) That Council include 12-14 King Street East (Hamilton), in the Register of Property of Cultural Heritage Value or Interest, as per the provisions of the Ontario Heritage Act, and that staff make appropriate amendments to the Register of Property of Cultural Heritage Value or Interest.
- (c) That Report PED13058 be forwarded to the Hamilton Municipal Heritage Committee for information.

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- (d) That Item 1(iii) and Item 1(iv) of the Hamilton Municipal Heritage Committee Report 12-005 be identified as complete, and removed from the Planning Committee Outstanding Business List.

EXECUTIVE SUMMARY

The Hamilton Municipal Heritage Committee (HMHC) requested that 1014 King Street West and 12-14 King Street East (Hamilton) be included in the Register of Property of Cultural Heritage Value or Interest at its meeting on November 15, 2012. HMHC did not request that the properties be considered for designation under the Ontario Heritage Act, and limited its request to including the subject properties in the Register. On January 15, 2013, Planning Committee considered the HMHC's request and directed staff to report back.

Accordingly, staff has completed a preliminary evaluation of 1014 King Street West (Hamilton), known as the Westdale Theatre (see location map and photographs attached as Appendix A) and 12-14 King Street East (Hamilton), known as the Scotia Bank (see location map and photographs attached as Appendix B) using the criteria contained in *Ontario Regulation 9/06*. Staff is of the opinion that both properties meet sufficient criteria to warrant inclusion in the Register of Property of Cultural Heritage Value or Interest.

Through this Report, staff recommends that 1014 King Street West and 12-14 King Street East (Hamilton), be included in the Register of Property of Cultural Heritage Value or Interest.

Alternatives for Consideration - See Page 7.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: None.

Staffing: None.

Legal: Inclusion in the municipal Register of Property of Cultural Heritage Value or Interest requires that Council be given 60-days notice of the intention to demolish or remove any building or structure on the property. Council must consult with their Municipal Heritage Committee prior to including a property in the Register or removing reference to a property from the Register. However, as this request originated from the Hamilton Municipal Heritage Committee, this consultation is deemed to have occurred.

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HISTORICAL BACKGROUND

At its meeting on November 15, 2012, the Hamilton Municipal Heritage Committee (HMHC) requested, as follows (Hamilton Municipal Heritage Committee Report 12-005):

That Council include the following properties in the Municipal Register of Property of Cultural Heritage Value or Interest:

- (i) 149 Sanford Avenue North, Hamilton (Former Sanford Avenue School)
- (ii) 1284 Main Street East, Hamilton (Delta Secondary School)
- (iii) 1014 King Street West, Hamilton (Westdale Theater)
- (iv) 12-14 King Street East, Hamilton
- (v) 18-22 King Street East, Hamilton
- (vi) 24-28 King Street East, Hamilton

Planning Committee tabled this recommendation at their meeting on December 4, 2012, and, subsequently, at their meeting of January 15, 2013, directed staff to prepare a Report on Items (ii), (iii), and (iv). This Report addresses Items (iii) and (iv). Item (ii) is addressed through a separate Report (PED13064).

A preliminary evaluation of the properties has been undertaken through this staff Report using the criteria contained in *Ontario Regulation 9/06* to determine if the properties warrant inclusion in the municipal Register. HMHC did not request that the properties be considered for designation under the Ontario Heritage Act, and no recommendations are made with respect to designation.

Inclusion of the subject properties in the Register enables staff to monitor any changes to the site, encourages the retention of its heritage attributes, and ensures adequate documentation prior to any demolition.

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

The following policies apply:

City of Hamilton Official Plan:

Section C.6 - *Heritage Resources* of the former City of Hamilton Official Plan encourages the preservation, maintenance, reconstruction, restoration, and management of property considered to have historic, architectural, or aesthetic value (C.6.1). The recommendations of this Report are consistent with these policies.

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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 commercial core area of the Westdale planned suburb is recognized in the plan as a Cultural Heritage Landscape, and the Westdale Theatre is a component of this existing commercial streetscape. The recommendations of this Report with respect to 1014 King Street West (Hamilton), are consistent with these policies.

Downtown Secondary Plan:

The objectives (6.2.4.1) of the Downtown Secondary Plan are to “retain and enhance the historic fabric of Downtown Hamilton” and “conserve and enhance the Gore as the primary landscaped open space and concentration of heritage buildings in Downtown Hamilton”. The recommendations of this Report with respect to 12-14 King Street East (Hamilton), are consistent with these policies.

Urban Hamilton Official Plan:

Section 3.4 - *Cultural Heritage Resources Policies* of the Council-adopted Hamilton Urban Official Plan (adopted July 9, 2009) 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” (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” (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” (3.4.2.3). Although the Urban Hamilton Official Plan has been approved by the Ministry of Municipal Affairs and Housing, it has been appealed, and is not in force and effect. These policies demonstrate Council’s commitment to the identification, protection, and conservation of the cultural heritage resources. The recommendations of this Report are consistent with these policies.

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RELEVANT CONSULTATION

This Report considers a request for inclusion of properties to the City Register of Properties of Cultural Heritage Value or Interest. The owners of the properties were informed of these requests and the City process in the preparation of this Report. The property owners will be forwarded a copy of this Report and advised if Council ratifies the addition of the properties to the City Register of Properties of Cultural Heritage Value or Interest.

These requests originated from the Hamilton Municipal Heritage Committee, and staff is of the opinion that sufficient consultation under the Ontario Heritage Act has occurred. A copy of this Report will be provided to HMHC for information.

ANALYSIS / 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 criteria: Design or Physical Value, Historical or Associative Value, and Contextual Value, under which three subsets of criteria are further identified (see Appendix "C"). The following provides a preliminary evaluation using the criteria contained in *Ontario Regulation 9/06 - Criteria for Determining Cultural Heritage Value or Interest*.

1014 King Street West (Hamilton), Westdale Theatre:

The following provides an evaluation using the criteria contained in *Ontario Regulation 9/06 - Criteria for Determining Cultural Heritage Value or Interest*.

1. Design Value or Physical Value:

The Westdale Theatre was built in 1935. The Theatre entrance and marquee face onto King Street West, while the Theatre itself extends behind to other commercial properties facing King Street West. The building features modest Art Moderne exterior detailing on the front façade and in the interior décor. The marquee and signage were changed in the 1960-70s. Although the building does not display a high level of design, materials, or craftsmanship, the property has design and physical value as being typical of its construction period and as the only Art Moderne inspired theatre in Hamilton.

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2. Historical Value or Associative Value:

The Westdale Theatre is associated with the planned development of Westdale as a suburban community with a self sustaining commercial area. The Theatre also has associations with the development of film and proliferation of film screening venues in the post-WW II period.

3. Contextual Value:

The Westdale Theatre is associated with the development of the Westdale community. The Theatre has played a role in establishing and sustaining the commercial core of the neighbourhood, and is historically linked to the community.

12-14 King Street East (Hamilton), Scotiabank:

1. Design Value or Physical Value:

12-14 King Street East (Hamilton), is a one-storey bank building constructed by Pigott Construction Company in 1954 for the Bank of Nova Scotia. The building was designed by architects McDonnell and Lenz, and the building displays Modernist and Contempo design influences common in the mid-twentieth century. The front façade comprises an expansive front window opening (41 feet wide by 36 feet high) framed by smooth Indiana limestone cladding with a black granite base. The building has open volume on the interior with 39 foot ceilings. Lettering that reads “THE BANK OF NOVA SCOTIA” is incised into the stone across the top of the building and, at one time, neon tubes illuminated the letters. The neon lettering has since been removed and contemporary backlit signage reading “Scotiabank” sits above the front entrance, as installed in the late-1990s. The bank building is a representative example of Modernist architecture, and the construction incorporates the use of high-quality materials.

2. Historical Value or Associative Value:

The Bank of Nova Scotia opened its first branch in Hamilton in 1902, and was previously located at 54 King Street East. The site of the subject property was previously occupied by a building built in 1848 for the Bank of British North America. This former building was demolished in 1952 after having also housed the Bank of Montreal (1918-1922) and the Hamilton Hydro Electric Commission (1923-1950). The subject property and existing building has associations with the economic development of Hamilton and the development of the Bank of Nova Scotia.

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3. Contextual Value:

12-14 King Street East is located on the south side of King Street East between James and Hughson Streets opposite Gore Park. Although, 12-14 King Street East is more contemporary in age and style than many of the buildings facing the Gore, its scale fits into the rhythm of the 19th century streetscape and it is important in defining, maintaining, or supporting the character of the Gore Park area and the continuous commercial streetscape.

Conclusion:

Staff concludes that the properties located at 1014 King Street West and 12-14 King Street East (Hamilton), are of potential cultural heritage value or interest, sufficient for the properties to warrant inclusion in the City's *Register of Property of Cultural Heritage Value or Interest*.

ALTERNATIVES FOR CONSIDERATION

The Ontario Heritage Act enables a Council to include properties that it believes to be of cultural heritage value in the municipal Register of Properties of Cultural Heritage Value or Interest. Council may decide not to include one or both of the subject properties in the Register. If the properties are not included in the municipal Register, then the municipality would be unable to review the demolition or removal of any buildings or structures and/or protect the built heritage resources from demolition. This alternative is not considered to be an appropriate conservation alternative.

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

1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.

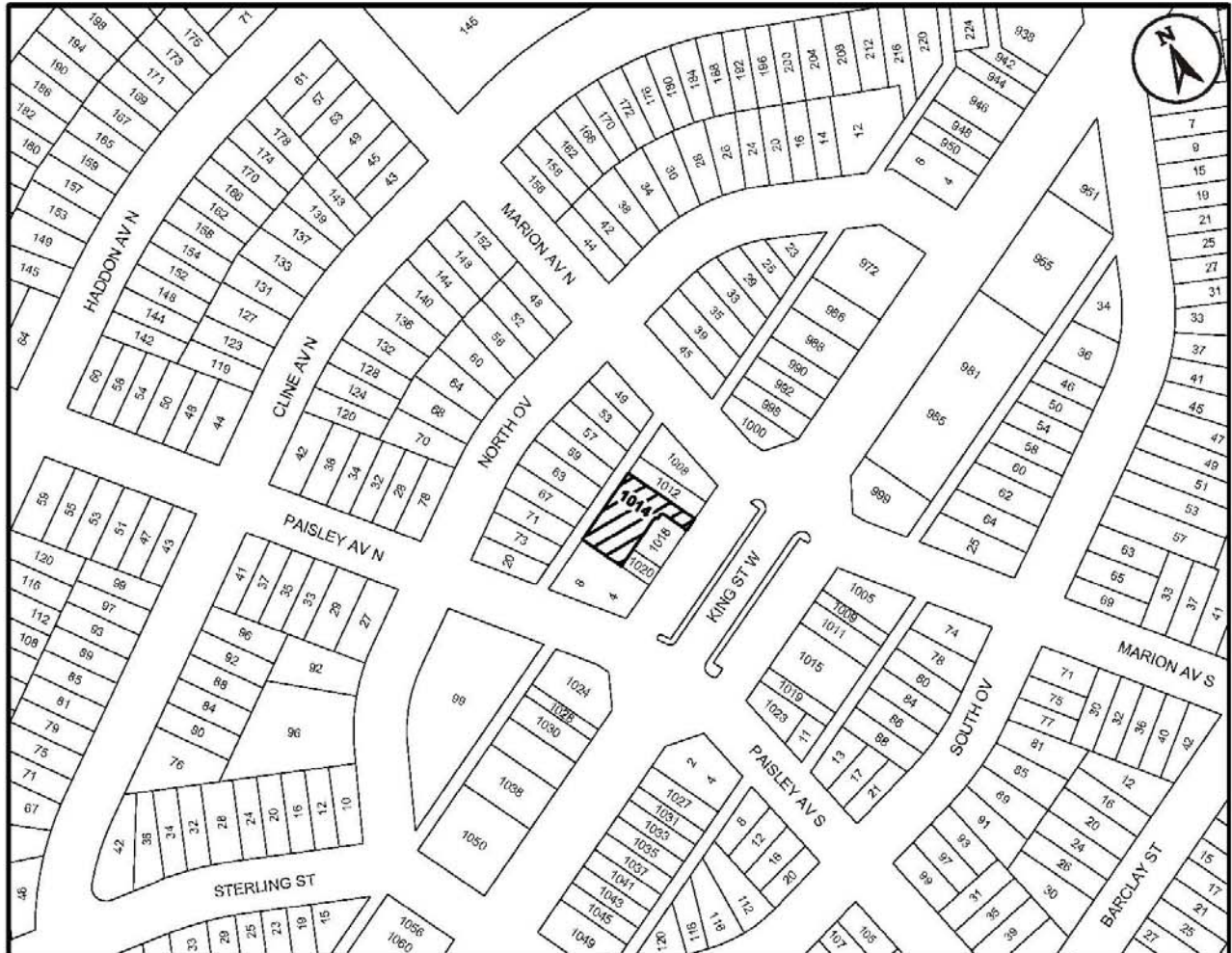
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APPENDICES / SCHEDULES

- Appendix "A": 1014 King Street West (Hamilton) - Location Map and Photographs
- Appendix "B": 12-14 King Street East (Hamilton) - Location Map and Photographs
- Appendix "C": Ontario Regulation 9/06

:MH

Attachs. (3)



● Site of the Application



Ward 1 Key Map

N.T.S.



Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
1014 King Street West

Date:
Feb. 20, 2013

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
MH/DB

Subject Property



1014 King Street West



Westdale Theatre circa 1935.



Westdale Theatre circa 1970s



● Site of the Application



Ward 2 Key Map

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
12-14 King Street East

Date:
Feb. 20, 2013

Appendix "B"

Scale:
N.T.S.

Planner/Technician:
MH/DB

Subject Property

12-14 King Street East



12-14 King Street East, circa 1970s.



12-14 King Street East (2012)



12-14 King Street East (2012)

Ontario Heritage Act

ONTARIO REGULATION 9/06

CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST

Criteria

- 1.(1) The criteria set out in Sub-section (2) are prescribed for the purposes of Clause 29 (1) (a) of the Act. O. Reg. 9/06, s. 1 (1).
- (2) A property may be designated under Section 29 of the Act if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:
 1. The property has design value or physical value because it:
 - i. Is a rare, unique, representative or early example of a style, type, expression, material or construction method;
 - ii. Displays a high degree of craftsmanship or artistic merit; or,
 - iii. Demonstrates a high degree of technical or scientific achievement.
 2. The property has historical value or associative value because it:
 - i. Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community;
 - ii. Yields, or has the potential to yield, information that contributes to an understanding of a community or culture; or,
 - iii. Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
 3. The property has contextual value because it:
 - i. Is important in defining, maintaining or supporting the character of an area;
 - ii. Is physically, functionally, visually or historically linked to its surroundings; or,
 - iii. Is a landmark. O. Reg. 9/06, s. 1 (2).