SUBJECT: Downtown Hamilton Heritage Property Grant Program
Tivoli Theatre – 108-114 James Street North (PED08187) (Ward 2)

RECOMMENDATION:

a) That a grant commitment, at an upset limit of $20,000.00 for technical and historical studies, including consultant fees for condition assessments, and engineering reports related to the restoration of the Tivoli Theatre, 108-114 James Street North, be approved in accordance with the terms and conditions of the Downtown Hamilton Heritage Property Grant Program.

b) That staff be authorized and directed to prepare and execute the Letter of Understanding with the applicant with respect to sub-section (a) above, with such Letter of Understanding being in a form satisfactory to the City Solicitor.

c) That the total grant with respect to sub-section (a) at an upset limit of $20,000.00 be funded from Capital Project ID 8200803803.

d) That Report PED08187 be forwarded to the Hamilton LACAC (Municipal Heritage Committee) as information.
EXECUTIVE SUMMARY:

This is the second application under the recently approved Hamilton Downtown Heritage Property Grant Program recommended by and administered by the Downtown and Community Renewal Division.

Report PED08187 recommends the approval of a grant commitment to an upset limit of $20,000.00, for technical and historical studies, including consultant fees for condition assessments and engineering reports that are required for the restoration of the Tivoli Theatre located at 108-114 James Street North. The Downtown Hamilton Heritage Property Grant Program is intended to provide financial assistance in the form of a grant based on 25% of total cost of regeneration of a property, to a maximum grant of $150,000.00 for eligible work. The program is offered to owners and authorized tenants for: structural/stability work required to conserve and restore heritage features of properties; and, the conservation and restoration of heritage features of properties that are designated under Parts IV or V of the Ontario Heritage Act. Eligible properties must be located within the Downtown Hamilton Community Improvement Project Area. The heritage assessment/study component of the program offers a maximum grant of $20,000.00 per property. Upon completion of the aforementioned assessments/reports, the owner will make application for the construction component of the program.

BACKGROUND:

Sub-Section 39.1 of the Ontario Heritage Act states that a council of a municipality may pass by-laws providing for the making of a grant or loan to the owner of a property designated under Parts IV and V for the purpose of paying for the whole or any part of the cost of alteration of such designated property on such terms and conditions as the Council may prescribe. By-law 07-346 approved by City Council at its meeting held December 12, 2007 authorizes the municipality to offer loans and grants to owners of a property designated under the Ontario Heritage Act. The program description of the Hamilton Downtown Heritage Property Grant Program as approved by City Council at its meeting held December 12, 2007 sets out the terms and conditions of the program.

The objective of the Program is to assist in the rehabilitation and re-use of heritage properties. City Council values heritage properties as important to the urban revitalization and regeneration of our Downtown Core. Conservation and restorative initiatives must be consistent with the policies, principles and design themes contained within the Downtown Hamilton Secondary Plan, relevant Urban Design Guidelines, regulations contained within the Zoning By-law as well as any other applicable City Council approved policies/regulations.

The former City of Hamilton designated the Tivoli Theatre complex under Part IV of the Ontario Heritage Act in 1990, (By-law 90-255). Built originally as a carriage factory in 1875 with frontage on James Street North, the structure was converted in 1908 to theatrical use. A succession of theatres (The Wonderland, 1908; The Colonial, 1910-12; and The Princess, 1913-23) occupied space in this building, the bulk of which was transformed into the new lobby area of a rejuvenated and redeveloped Tivoli Theatre in
1924. As part of the newly named theatre in 1924, the building was substantially enlarged with the addition of an auditorium at the rear to accommodate the new entertainment venue.

In late June 2004, the 1875 carriage factory portion of the Tivoli Theatre complex suffered structural failure of its south façade. City Council at its meeting held September 15, 2004 approved a demolition permit for the remnant carriage factory portion of the complex, excluding the 1908 lobby portion. The partial demolition of the carriage factory portion was required to stabilize the building and render it safe and secure. The stabilization process also involved removal of the designated James Street west façade and a number of architectural features including: round-arched windows with two-over-two sash windows and ornate moulded surrounds, gabled dormer window and the tall mansard-roofed tower convex-shaped, corner tower with narrow, paired arched dormers surmounted by circular windows and a bracketed cornice.

**ANALYSIS/RATIONALE:**

Historic buildings bring character and opportunity to the Downtown landscape. Re-using the buildings is one of the strategies that have been driven by the Downtown Secondary Plan.

In the course of its history, the building at 108-114 James Street North has served many different uses: a carriage works (until 1901), a bowling alley on the second floor (1908-1964), various restaurants and retail businesses at street level (Union Furniture Co.) and of particular significance, a succession of theatres, all located in the space which became the lobby of the Tivoli Theatre, and finally the Tivoli itself. Preserving the architectural history of this building is important to the historic fabric of the Downtown Core.

The theatre’s historic stature requires that a stabilization plan must be developed and supervised by specialized preservation consultants. Upon completion of the plans the Downtown and Community Renewal staff will work with the applicant to move forward to the restoration stage that will result in a further application under the program for the construction component. Any work that will alter or is likely to affect the remaining original architectural features of the lobby and auditorium including the ceilings, proscenium, colonnades, statuary and other decorative wall elements identified in the Reasons for Designation will require approval of a heritage permit prior to proceeding.

**Project Recommended for Funding Commitment**

<table>
<thead>
<tr>
<th>Property</th>
<th>Grant for Building</th>
<th>Grant for Heritage Assessment</th>
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<tbody>
<tr>
<td>108-114 James Street North</td>
<td>To be applied for in the future</td>
<td>$20,000.00</td>
</tr>
</tbody>
</table>
The photo to the left shows the Tivoli Theatre in 2001 prior to the structural failure and resultant partial demolition. The temporary hoarding shown in the photo to the right has been placed in front of 108-114 James Street North for safety and security reasons. Appendix ‘A’ to Report PED08187 identifies the location of 108-114 James Street North.

The owner has applied for funding under the technical and historical studies component of the Heritage Program for:

1. A Theatre Function Condition Assessment
2. A Stabilization Proposal
3. Architectural Drawings and Supervision for stabilization repairs to the Tivoli Theatre

These reports should consider any impacts on the Reasons for Designation as identified in By-law 90-255 by any required works resulting from these reports.

The total cost for the above is estimated at $20,000.

**ALTERNATIVES FOR CONSIDERATION:**

Non-acceptance of the recommendations contained with Report PED08187 will result in the inability of the municipality to make financial assistance available under the terms of the program to this property designated under the Ontario Heritage Act.

There are no alternative options for approval of the grant commitment at this time.
FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: Funding for the heritage assessment/study/specification component is contained in Capital Project ID# 8200803803.

Staffing: Administration of the Hamilton Downtown Heritage Property Grant Program can be accommodated within the Downtown and Community Renewal Division and Community Planning and Design Section of the Planning and Economic Development Department as well as the Corporate Services Department.

Legal: Review of all documentation associated with each grant will be appropriately undertaken by the City Solicitor to meet the customer’s needs while protecting the City’s interests.

POLICIES AFFECTING PROPOSAL:

The Hamilton Downtown Secondary Plan contains objectives to retain and enhance the historic fabric of Downtown Hamilton. Administering the Downtown Hamilton Heritage Property Grant Program is consistent with that objective and direction of the Hamilton Downtown Secondary Plan.

RELEVANT CONSULTATION:

Staff from the Community Planning and Design Section of the Planning and Economic Development Department and Corporate Services Department were consulted and concur with the recommendations included in Report PED08187.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, and economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
Partnerships are promoted through the implementation of the Hamilton Downtown Heritage Property Grant Program.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
The initiatives help to improve the quality of life of the residents. The rehabilitation of the building stock and the development of properties in the Downtown make efficient and effective use of City services and protect human health and safety.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported. Downtown Renewal programs lead to effective partnerships with community stakeholders and the development community. Developers and property owners invest in Downtown properties leading to property assessment increases through the rehabilitation of buildings and properties.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No
Do the options you are recommending make Hamilton a City of choice for high performance public servants?  ☑ ☐ Yes ☐ No

Hamilton continues to lead initiatives related to renewal. Such initiatives are professionally rewarding and attract high performing public servants with an interest in improving community life.

HM:vk

Attach. (1)