SUBJECT: Heritage Permit Application (HP2006-013) Under Part IV of the Ontario Heritage Act to Permit Partial Demolition and Alterations to a Designated Property at 14 Mary Street (former Century Theatre), Hamilton (PED06149) (Ward 2)

RECOMMENDATION:

That Heritage Permit (HP2006-013) be approved for the partial demolition of the designated property at 14 Mary Street (former Century Theatre), Hamilton, and for alterations to the façade, according to the drawings attached as Appendix A to Report PED06149, subject to the following conditions:

(a) That a comprehensive demolition plan be prepared by a qualified engineer and that this plan be submitted in advance to Heritage staff for review and approval prior to the issuance of the demolition permit for the auditorium portion.

(b) That the applicant provide construction details regarding the stabilization of the designated façade, the first bays of the north and south walls, and of the partially retained north and south walls, both short-term (during demolition and construction) and long-term.

(c) That revised detailed plans and drawings of the designated, front/west elevation be prepared and submitted to Heritage staff for review and approval prior to the issuance of a building permit, to include construction details of the lower cornice, the removal of the fifth floor parapet wall, the retention of the wood window frames, the window glazing, and the street level materials.
(d) That the restoration techniques and cleaning of the brick and of the former Lyric Theatre sign on the west façade, including metalwork and paintwork, be submitted to Heritage Staff for review and approval prior to work commencing.

(e) That the applicant record and document, through photography, the 1940’s designated decorative panels in the main auditorium and, if possible, provide a reproduction of such panel in the lobby of the new building.

Lee Ann Coveyduck  
General Manager  
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

14 Mary Street (former Century Theatre), Hamilton (see location map attached as Appendix B to Report PED06149) is designated under Part IV of the Ontario Heritage Act (By-law 01-023), and a heritage permit is, therefore, required for alterations affecting the reasons for designation and for demolitions of all or part thereof. The proposal is to demolish the auditorium portion of the building and to maintain and renovate the Mary Street façade for a new development of 62 residential units behind.

The owners have been committed a loan from the City under the Hamilton Downtown Residential Loan Program administered by the Downtown Renewal Division. This loan was approved by Council April 23, 2003 (PD03082). Based on the square footage of the project, the loan committed was $1,746,000. All municipal approvals, including the heritage permit, have to be met prior to monies being released. The owners have also applied for and been approved for the City of Hamilton Enterprise Zone Program (tax grant program), approved by Council April 23, 2003 (PD03083).

**BACKGROUND:**

In 2003, the owner proposed a residential development of 97 units in the converted theatre. A heritage permit (Staff Reports HP2003-008 and PD03111) was approved, with conditions, for alterations to the building, with units accommodated within the existing building fabric. The current project proposes the demolition of the auditorium portion of the former theatre and new construction for 62 residential units behind a retained façade.
Designated features of the property comprise the west brick façade, 20-foot sections of the north and south walls (which echo the architectural treatment of the front façade) and painted panels inside the auditorium. Façade details that are specifically described in the designation By-law are the brick pilasters; the stone capitals, sills, upper string course and surviving section of the lower cornice; the semi-circular metal Lyric sign panel; and, the original window openings and wood sash windows (attached as Appendix C to Report PED06149).

The proposed work will involve the stabilization and retention of the front façade and the 20-foot sections of the north and south walls.

**ANALYSIS/RATIONALE:**

Critical factors in the evaluation of any change affecting a heritage building or its setting are consideration of “displacement effects” (those adverse actions that result in the damage, loss or removal of valued heritage features) and “disruption effects” (those actions that result in detrimental changes to the setting or character of the heritage feature).

The demolition of the auditorium portion of the building would result in the permanent loss of that portion of the building, including the designated 1940’s decorative panels. However, the current structural condition of that portion of the building suggests that demolition is required and appropriate mitigative measures for the panels are provided for in the conditions to the heritage permit.

The applicant proposes to retain, in part, the street façade, which contains the majority of the designated features. Currently the submitted elevation of the façade contains a number of discrepancies. These are addressed, in part, in the conditions of the recommendation. Specific details and treatment of the designated features, that are not yet provided, will be approved by staff. These include the treatment of the lower cornice; the treatment of the fifth floor parapet wall (a 1942 addition); the materials on the street level; the window frames and glazing. The applicant also proposes to clean the existing brick.

**ALTERNATIVES FOR CONSIDERATION:**

The alternatives are:

(a) Approval of the application as submitted with no conditions. Heritage staff would not recommend this alternative. There is still insufficient information on construction and demolition practices that may jeopardize the stability of the designated front façade. The proposed conditions of this recommendation seek to implement good heritage management practices.
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(b) Denial of the application. Denial of the partial demolition permit could be a reasonable heritage alternative due to the lack of sufficient detail and specificity provided by the applicant. This would not assist in fulfilling other project objectives or other corporate support for this project.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial - None.

Staffing - None.

Legal - This heritage permit application has been processed and considered within the context of the applicable legislation, including Section 33, on alterations, and Section 34, on demolitions. Section 34 of the Ontario Heritage Act states that: “No owner of property designated under Section 29 shall demolish or remove a building or structure on the property or permit the demolition or removal of a building or structure on the property unless the owner applies to the Council of the municipality in which the property is situated and receives consent in writing to the demolition or removal.” Within 90 days after receipt of an application under Subsection (1), the Council, after consultation with its Municipal Heritage Committee may i) consent to the application; ii) consent to the application, subject to such terms and conditions as may be specified by the Council, or iii) refuse the application. The Ontario Heritage Trust must be notified of the demolition.

**POLICIES AFFECTING PROPOSAL:**

Subsection C.6-Heritage Resources of the former City of Hamilton’s Official Plan provides for the management of the wealth of local heritage resources. Approval of this heritage permit would not conflict with these policies as it is a method of managing the heritage resource by conserving the designated façade of the building.

**RELEVANT CONSULTATION:**

The application was reviewed by the Heritage Permit Review Subcommittee of the Hamilton LACAC (Municipal Heritage Committee) at their meeting April 5, 2006. The Subcommittee’s comments have been integrated into the conditions of this recommendation. The recommendation was considered by the Hamilton LACAC (Municipal Heritage Committee) at their meeting on April 27, 2006. The Committee approved this recommendation.
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CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, 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
Arts, culture, archaeological and cultural heritage are supported and enhanced.

Although a designated structure, the recommendation is only for partial demolition.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Human health and safety are protected.

The deteriorating portion of the building may be considered a safety hazard.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Hamilton's high-quality environmental amenities are maintained and enhanced.

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

:SV
Attachments. (3)