SUBJECT: Request to Designate 491 King Street West, Hamilton, Under Part IV of the Ontario Heritage Act (PED09242) (Ward 1)

RECOMMENDATION:

(a) That Council direct staff that no Cultural Heritage Assessment of 491 King Street West, Hamilton, is warranted to determine whether the property is of cultural heritage value and worthy of designation under Part IV of the Ontario Heritage Act.

(b) That Report PED09242 be forwarded to the Hamilton Municipal Heritage Committee, for information.

(c) That Report PED09242 be forwarded to the Owner of 491 King Street West, Hamilton, for information.

Tim McCabe
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

Staff has received a request from Dr. K. Carson (see Appendix “A”), Owner of 491 King Street West, Hamilton (see location map attached as Appendix “B”, and photographs attached as Appendix “C”), to designate this property under Part IV of the Ontario Heritage Act. Under the Council approved designation process (approved October 29, 2008, Report PED08211), the following report contains a preliminary evaluation of the subject property using the criteria contained in Ontario Regulation 9/06 (see Appendix “E”). This preliminary evaluation of the property typically provides the basis for undertaking a Cultural Heritage Assessment, or not, and if so, for assigning a work program priority for this assessment work.

The date of construction for the building is not confirmed: the property Owner states that the deed identifies a building on the property in 1855, and a building does appear on the 1911 Fire Insurance Atlas (see Appendix “C”), although the latter reference is not considered to be the earlier structure. The property formed the southwest corner lot at the intersection of King Street West and Locke Street North, but is now located one lot west of this intersection as a result of a conveyance in 1905.

The property is not listed in the City’s Inventory of Buildings of Architectural and/or Historical Interest. The property is privately owned, and has not been previously identified as a property of potential cultural heritage interest prior to this request. A preliminary assessment of the property has been undertaken by staff using the criteria contained in Ontario Regulation 9/06. The property does not sufficiently meet the criteria to warrant a Cultural Heritage Assessment.

Through this report, staff recommends that the Economic Development and Planning Committee and Council direct staff that no further Cultural Heritage Assessment work is warranted to determine whether 491 King Street West, Hamilton, is of cultural heritage value and worthy of designation under Part IV of the Ontario Heritage Act.

BACKGROUND:

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 Act. Where alterations to designated properties are contemplated, an 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” (Subsection 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.
A process for considering requests for designation was approved by Council on October 29, 2008 (see Appendix “D”), and recognizes the Divisional Court decision *Tremblay v. Lakeshore (Town)*.

A request to designate the property located at 491 King Street West, Hamilton, under Part IV of the *Ontario Heritage Act* has been received (see Appendix “A”). Under the Council-approved process for considering requests for designation, preliminary screening has been conducted (see Analysis section of this report) referencing the criteria contained in *Ontario Regulation 9/06* (see Appendix “E”) to determine if further Cultural Heritage Assessment work is warranted.

**Work Program Priority**

The Council-approved designation process provides for the prioritization of detailed research and assessment work. Within the annual work program Heritage staff can typically process three to four properties through the designation process, including the preparation of the comprehensive Cultural Heritage Assessment reports and the processing of the designation By-laws in conjunction with Clerks. According to the Council approved process, Committee and Council may assign a high, medium, or low priority to a designation request in the context of a four to five-year timeframe. These priorities generally fall within the following time frames:

- A high priority would direct staff to prepare the cultural heritage assessment within the current year’s work program;
- A medium priority would direct the designation request to the 2nd or 3rd year of the work program; or,
- A low priority would direct the request to the 4th or 5th year of the work program.

Work program priorities are assigned based on a number of factors, including:

- Risk to the property with respect to demolition or removal;
- Funding eligibility;
- Heritage value associated with the property;
- Current level of property maintenance;
- The property is City-owned; and,
- Work program/Staff resources.

The currently approved work program priorities are contained in Appendix “F”. 
ANALYSIS/RATIONALE:

491 King Street West, Hamilton

The subject property is privately owned, and comprises approximately 0.02 ha (0.06 acres) of land, on which one building is situated. The property is not listed in the City’s Inventory of Buildings of Architectural and/or Historical Interest, and has not been identified as a property of potential cultural heritage interest prior to this request.

The sole building on the property is a one-storey brick building with a rubble stone foundation, full basement and flat roof, built for commercial purposes: these structural details are recorded on the 1911 Fire Insurance maps for the City of Hamilton. The south (rear) façade has been faced with concrete blocks, displacing the original windows (Appendix “C”), and the basement window wells along the east (left) façade have been filled with earth. The building remains in its original location, on the south side of King Street West, one lot west of its intersection with Locke Street North, in Hamilton. The lot has driveway access off Locke Street North, which accesses the rear of the building: the north (front) façade faces King Street.

The building is not distinguished by any architectural detailing or style of note: the north (front) façade is asymmetrical, with two window bays near each corner and a main entryway offset to the east (left) of centre between them. The east façade has seven windows along the length of its ground floor and four window wells into the basement, while the west façade has one window near the north façade: all window bays have segmental arches with brick voussoirs and artificial stone sills. Prior to conveyance of the eastern portion of the property, the east façade was open to view from Locke Street, but is now hidden from view by a three-storey building.

City directories do not identify a property ascribed to the modern address until 1911, when the property is sold by John W. Blasdell, variously described as a contractor, builder, carpenter, and building wrecker, to Peter Henderson, a blacksmith who is documented as opening his business at this location at or about 1911. At a later date, the eastern portion of the property was conveyed through sale and, subsequently, the adjacent three-storey building to the east was constructed. While conducting business at this location for an extended length of time, Mr. Henderson is not noted as being a prominent citizen in the community that would constitute important associative value with the property.

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: Design or Physical Value, Historical or Associative Value, and Contextual Value, under which three subsets of criteria are further identified (see Appendix “E”). The following provides a preliminary 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 building at 491 King Street West is utilitarian, and does not notably represent any specific architectural style, or display a high degree of craftsmanship. Its architectural integrity has been compromised by substantial alterations to the rear façade, while the north (front) and side (east and west) facades remain intact, but of limited architectural interest. All windows and frames have been replaced with aluminium, and the front entranceway appears to have been altered with the addition of framing and doors.

2. **Historical Value or Associative Value:**

   The structure at 491 King Street West was constructed for the blacksmith Peter Henderson who, while established in business for an extended length of time, has not been identified as a prominent citizen in historical documentation that would support or satisfy historical or associative value.

3. **Contextual Value:**

   The property at 491 King Street West was originally the south-west corner lot at the intersection of King Street West and Locke Street North. Residential and commercial buildings were present along both King and Locke Streets in this area in the 1860's, onward. The lot was, subsequently, reduced by conveyance of a portion of the property after 1911, and later impacted by the construction of a substantially larger three-storey building on the conveyed lot that followed. Later demolition of original structures on the properties to the west, and construction of a modern retail plaza, have further reduced the original context of the building to a minimal level. The building does not define or support the character of the area, and is not considered to be a landmark.

**Conclusion**

Staff concludes that the property located at 491 King Street West, Hamilton, is of limited cultural heritage interest, not sufficient for the property to warrant further research and assessment for purposes of designation under the **Ontario Heritage Act**.

**Work Program Priority**

Staff does not recommend further research and cultural heritage assessment work for 491 King Street West, Hamilton. As a result, there is no impact on the workplan for the current year (see Appendix F).
ALTERNATIVES FOR CONSIDERATION:

Council may direct staff to complete a Cultural Heritage Assessment. This alternative is contrary to the Council approved process for considering requests for designation, whereby requests for designation that do not meet Provincial criteria for evaluating Cultural Heritage Value or Interest are not pursued. Given the consideration of all the factors noted in the Analysis section of this report, staff is of the opinion that no changes to the current workplan priority are warranted.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: None.

Staffing: None.

Legal: None.

POLICIES AFFECTING PROPOSAL:

The following policies apply:

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).

Section 3.4 - Cultural Heritage Resources Policies of the Council approved 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)). Although the Urban Hamilton Official Plan has not been approved by the Ministry of Municipal Affairs and Housing, and is not in effect, these policies demonstrate Council’s commitment to the identification, protection, and conservation of cultural heritage resources.

RELEVANT CONSULTATION:

This is the initial stage in the consideration of a request for designation under the process approved by Council on October 29, 2008. The Owner of the property was consulted in the preparation of this report. In keeping with Council’s intent in approving the designation process, it is recommended that the property Owner be forwarded a copy of this report, and advised that no further assessment work will be completed.
At this stage in the process, no consultation has been undertaken with the Hamilton municipal Heritage Committee. The Hamilton Municipal Heritage Committee will be circulated a copy of this report for information.

**CITY STRATEGIC COMMITMENT:**

The identification and assessment of the cultural heritage value and significance of the property is consistent with the 2008-2011 City of Hamilton Corporate Strategic Plan - Strategic Theme of promoting the City's image. Specifically, this due diligence is consistent with several of the Focus Areas, such as promoting effective inter-governmental relations, demonstrating a commitment to established policies and goals, protecting public health and safety, conserving resources, and managing the built environment in a sustainable manner.

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

Environmental Well-Being is enhanced. ☐ Yes ☑ No

Economic Well-Being is enhanced. ☐ Yes ☑ No

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

The recommended option maintains the status quo, with negligible effects on the three bottom lines.

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☑ Yes ☐ No

This initiative demonstrates the City's commitment to implementing Council approved cultural heritage policies and procedures.

:JM

Attachs. (6)
September 9, 2008

Meghan House
Cultural Heritage Planner
Planning and Economic Development Department
City of Hamilton
77 James St N, Suite 250
Hamilton, ON L8R 2K3

Dear Ms House,

I am requesting designation under the Ontario Heritage Act Heritage status for the property described below:

491 King Street West
Hamilton, ON L8P 1B9

As per our telephone conversations, Councillor Brian McHattie has explained the process to me and will help me in order to finalize this process as soon as possible. As we described, the said building was built circa 1850's.

Sincerely,

[Signature]

Dr. K. Carson B.Sc, D.C
KC/kf
Appendix “B” to Report PED09242
(Page 1 of 1)

Location Map

File Name/Number: 491 King St W
Date: July 21, 2009

Appendix "B"  Scale: N.T.S.  Planner/Technician: JMNB

Subject Property

491 King Street West, Hamilton

Ward 1 Key Map  N.T.S.
DESIGNATION PROCESS

Council
MHC
Owner
Third Party

Designation initiated

Preliminary Staff screening property meets one or more of three Ontario Heritage Act (OHA) criteria

Yes

Property does not move forward and person/body that initiated request informed

No

Staff Report and Preliminary Screening To EDPC and Council for direction and prioritization

High Place on Current Year Work Plan

Medium Place on Work Plan in 2-3 Years

Low Place on Work Plan in 4-5 Years

No

Denial. Request does not move forward

Property placed in register after consultation with MHC

Full cultural heritage assessment prepared (full screening with City criteria and OHA criteria)

Assessment reviewed by Inventory and Research Subcommittee of the Municipal Heritage Committee

MHC consider staff assessment

MHC provides advice to EDPC via Staff report and recommendation

Staff Report: Cultural Heritage Assessment, Draft By-law and Statement of Cultural Heritage Value forwarded to EDPC for consideration

Council makes a decision on the proposed designation

Yes

Proposed designation approved
Notice of Intent to Designate served and advertised

No

Proposed designation denied

Objection received within 30 days

Proposed designation referred to Conservation Review Board (CRB)

CRB hearing and report

Council considers CRB report and recommendations

Yes

No

Notice of Withdrawal

Designation by-law passed and registered on Title

Council Approved on October 29, 2008
Ontario Heritage Act

ONTARIO REGULATION 9/06

CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST

Criteria

1. The criteria set out in subsection (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).
## Requests to Designate Properties under Part IV of the *Ontario Heritage Act*: 
Priorities (as amended by Report PED09241)

<table>
<thead>
<tr>
<th>Year</th>
<th>Property</th>
<th>Date of Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>71 Claremont Drive, Hamilton</td>
<td>28-May-09</td>
</tr>
<tr>
<td>2009</td>
<td>167 Book Road, Ancaster</td>
<td>24-May-07</td>
</tr>
<tr>
<td>2009</td>
<td>397 King Street West, Dundas (Dundas District High School)</td>
<td>24-May-07</td>
</tr>
<tr>
<td>2009</td>
<td>Book Cemetery, Ancaster</td>
<td>16-Dec-04</td>
</tr>
<tr>
<td>2010</td>
<td>82-112 King Street East, Hamilton (Royal Connaught)</td>
<td>09-Apr-08</td>
</tr>
<tr>
<td>2010</td>
<td>52-56 Charlton Avenue West, Hamilton</td>
<td>28-Jun-07</td>
</tr>
<tr>
<td>2010</td>
<td>654 Garth Street, Hamilton (Chedoke House)</td>
<td>24-Apr-07</td>
</tr>
<tr>
<td>2010</td>
<td>91 John Street South, Hamilton</td>
<td>28-Jun-07</td>
</tr>
<tr>
<td>2011</td>
<td>9300 Airport Road, Mount Hope (RCAF 447)</td>
<td>25-Oct-07</td>
</tr>
<tr>
<td>2011</td>
<td>3027 Homestead Drive, Mount Hope</td>
<td>24-Jan-08</td>
</tr>
<tr>
<td>2011</td>
<td>1062 Golf Club Road, Binbrook (Woodburn)</td>
<td>27-Mar-08</td>
</tr>
<tr>
<td>2011</td>
<td>Gage Park, Hamilton</td>
<td>24-Apr-08</td>
</tr>
<tr>
<td>2012</td>
<td>Gore Park, Hamilton</td>
<td>23-Mar-06</td>
</tr>
<tr>
<td>2012</td>
<td>Tisdale House, Ancaster</td>
<td>16-Aug-01</td>
</tr>
<tr>
<td>2012</td>
<td>111 Kenilworth Access, Hamilton (Barton Reservoir)</td>
<td>26-Feb-09</td>
</tr>
</tbody>
</table>