

## Cardus Balfour Proposal: Summary of Ontario Heritage Trust Feedback

### Summary:

The adaptive reuse of the Balfour property proposed by Cardus is considered by the Ontario Heritage Trust (OHT), the property’s owner, to be a “significant intensification.” The OHT has noted that the proposal is missing “fundamental information” and requires additional information and analysis prior to “undertaking further review and before approving any sub-lease arrangement between the City and the proponent”.

Since the Cardus proposal was received the OHT has twice provided written feedback (August 1, 2019 in response to the initial expression of interest and on December 16, 2019 after review of the detailed “Balfour Estate Adaptive Reuse Proposal”). In December 2019, the City of Hamilton contracted for a code review of the potential impacts of the proposal on the heritage attributes and historic fabric of the house. This review also considered the structural capacity of the floors and the impact of the proposed occupancy loads and fire life-safety and accessibility upgrades.

The table summarizes the OHT’s requirements to date together with the status of these requests. It also provides comments from the code review and Heritage Resource Management staff.

OHT Feedback August 1, 2019	Status	Comments
The City will continue to be the Trust's operating partner and shall retain control of the property for the duration of the agreement.	The City is still the operating partner.	<p>The Trust wishes the City to retain its property management and stewardship responsibilities and will not enter into a direct lease with Cardus.</p> <p>Any lease arrangement will require additional City staff time beyond what is now required to meet the current management agreement with the OHT.</p>
Planning, design and construction must conform to Parks Canada's Standards and Guidelines for the Conservation of Historic Places in Canada.	<p>The plan submitted does a light comparison of some of the proposed changes as it pertains to the Standards and Guidelines.</p> <p>The information is not complete as it does not address the potentially most invasive elements: fire and building code, structural changes and possible site plan changes.</p>	<p>The proposed maximum occupancy will have significant impacts which are not fully communicated in the proposal.</p> <p>For this project to conform to the Standards and Guidelines, the occupancy needs to be significantly reduced and some proposed changes such as the bathroom redesign, sunroom renovation and third floor occupancy eliminated.</p>

<b>OHT Feedback August 1, 2019</b>	<b>Status</b>	<b>Comments</b>
<p>The City must be the Project Manager for any work undertaken, working in cooperation with the Trust as the approval authority.</p>	<p>There is no provision in the proposal for a relationship where the City is the Project Manager.</p>	<p>It is premature to negotiate an MOU (or other agreement) and to address the City’s Project Manager role.</p> <p>The Tourism and Culture Division does not have the staff capacity to assume the Project Manager role for this project if it proceeds.</p>
<p>The prime consultant for the project must be an architect with demonstrated experience in conservation work at National Historic Sites, managing an interdisciplinary team of sub-consultants having similar experience.</p>	<p>Neither the prime consultants nor sub-consultants have demonstrated significant experience at National Historic Sites. The bulk of their experience is in high-end modern design and modern additions onto or replacement of historic structures.</p> <p>The engineering team does not have significant experience with heritage conservation.</p> <p>Walter Furlan, the windows consultant, has National Historic Site experience, but the windows were completely restored in 2010 so his input will be minimal.</p> <p>Megan Hobson is a heritage consultant. Her experience at National Historic Sites is not specified.</p>	<p>The Tourism and Culture Division maintains a Procurement-approved Heritage Conservation roster and a pre-qualified Heritage Conservation trades list which is used for work on City heritage assets. The Trust requires the City to provide this information when the City applies for alteration requests and it is a factor in the approvals process.</p>

OHT Feedback December 16, 2019	Status	Comments
<p>More clarity and detail about proposed use required prior to entering a lease agreement with the proponent.</p>	<p>Cardus has not yet been asked to provide additional information.</p>	<p>City staff commissioned an independent code compliance and structural preliminary study in December 2019. The study confirms that the life safety changes required for the proposed design will potentially have significant impact to the heritage features. This cannot be ignored prior to entering a lease agreement as it may impact the occupancy allowed and what use may be approved by the OHT.</p> <p>The OHT have made it clear that they will <b>not</b> approve a use that results in a significant long-term negative impact.</p>
<p>Significant architectural/ archaeological/ natural heritage and cultural landscape features of the property shall be conserved.</p> <p>Alterations to heritage features must take into consideration the integrated nature of these components and respect and protect their heritage values.</p>	<p>The proposal does not address archaeological impact.</p> <p>The proposal does not address impacts to the natural heritage or integration of such within the site.</p> <p>The proposal does not adequately address the impacts of changing services (e.g. heating and cooling) and increasing occupancy to the building.</p> <p>Fire egress both in the house and on the grounds has not been addressed.</p>	<p>The impact on the site's archaeology and natural heritage of the proposed traffic entry and parking arrangements has not been adequately addressed. Blocking the driveway with cars is not permitted, parking on neighbouring streets is limited and parking in the courtyard will impact the historic stone gate which is narrow and prone to being hit by vehicles.</p> <p>A secondary vehicular entrance will likely be required so as not to adversely impact the trees on site.</p> <p>Building envelope impacts, such as vapour impacts by changing heating/cooling load in house, could lead to significant spalling of stonework.</p> <p>Plaster/flooring impacts for service improvement have not been assessed.</p>

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		Structural impacts have not been assessed.
Opportunities for revenue generation and new operating models will be considered, but not at the expense of the site's heritage value.	The proposal grossly exaggerates the capital costs to the taxpayer.	<p>There are options for this site that will fulfill the Trust's requirements and pose a lesser impact to the site.</p> <p>The proposal does contribute new capital to undertake repairs to the house, however it also proposes many changes that compromise the heritage integrity of the building and are only necessary for the use proposed by Cardus. It offers a funding solution that does not solve a current problem.</p> <p>To date there has been no concerted search for an alternate use for the site other than the current internship residency that is approved by both Council and the OHT. This is a sustainable use of the site with minimal cost.</p>
A range of public education and interpretative opportunities that meet the highest standards and are inclusive and respect all periods of the site's history should be provided.	The proposal does not detail public education opportunities or how the site's history will be presented.	<p>Cardus may still be able to fulfill this requirement as we did not ask for a full description of programming.</p> <p>It is important to represent the full history of the site including indigenous and modern history and not just the historic period.</p>
Public access to the property should be encouraged and provided where it is appropriate.	The proposal mentions providing public access but there is no detail as to what public access would look like.	<p>To date, there has not been Council or OHT approval to provide public access to the site by the City. The current internship residency does not include continuous public access to the grounds.</p> <p>If public access is the goal, other use options should be considered.</p>

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Indigenous engagement shall be incorporated into any planning and decision-making for the property.	<p>Development of the proposal does not appear to have been informed by indigenous engagement.</p> <p>The proposal does not address indigenous engagement, inclusion or history on the site beyond stating that they will consider the history in interpretation.</p>	Heritage Resource Management has included Balfour House on a list of natural sites that are available for indigenous use as ceremonial space.
Collections associated with the property shall be protected and housed on-site with opportunities for interpretation and access.	<p>The proposal does not allocate space to house the artifacts on-site.</p> <p>The proposal does not provide information about opportunities for interpretation of the artifacts.</p>	Cardus may be able to incorporate this into their planning going forward.
Decisions regarding use and any changes to the property shall be undertaken in a collaborative and inclusive manner that takes into consideration the objectives and goals of the parties and stakeholders involved.	The proposal does not consider multiple stakeholders.	Cardus may still be able to include multiple stakeholders into the planning process, however this could change their proposal significantly with respect to use and intensity of occupancy.
Ontario Building Code compliance, fire safety and accessibility plan, signed-off by the chief building official prior to a sub-lease agreement.	<p>The proposal does not accurately address the implications of the major change in occupancy.</p> <p>The proposal does not accurately interpret the Building Code.</p> <p>Fire code, entrance and egress, and structural and site issues have not been thoroughly addressed.</p>	<p>City staff commissioned an independent Building Code Impact Review and a Structural Review in December 2019 which raised concerns and concludes that the “impacts of the upgrades to meet the building code requirements will have significant impact on the building, and the proposal has not accounted for this scope either in the planning for the budget”.</p> <p>The proposed changes should be reviewed under Part 3 of the Ontario Building Code, not Part 9 as Cardus proposes. The change of use from Group C to Group A, Division 2 is considered a major change and will trigger</p>

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		<p>significant upgrades to the building.</p> <p>Code compliance (e.g. the addition of sprinklers, additional exits, fire ratings to the floors and other measures) will result in significant impact to the appearance of the building, the interior structure, the plaster, wall locations, floor structure, interior finishes and site landscape.</p> <p>The budget for the work is underestimated. A second cost estimate will be required once the scope of work is more fully understood with respect to code implications, site implications and archaeology.</p>