

Hamilton

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Planning and Economic Development Department  
Planning Division  
71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5  
Phone: 905-546-2424, Ext. 1202  
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FILE: HP2021-028

June 23, 2021

Trustees of St Paul's Presbyterian Church  
c/o David Church, Trustee  
c/o Emily Collins, ERA Architects Ltd.  
70 James Street South  
Hamilton ON L8P 2Y8

**Re: Heritage Permit Application HP2021-028:  
Modification of a pair of pointed-arch windows and opening to facilitate the  
installation of an HVAC unit to 70 James Street South, Hamilton (St. Paul's  
Presbyterian Church) (Ward 2) (By-law No. 86-263)**

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Please be advised that pursuant to By-law No. 05-364, as amended by By-law No. 07-322, which delegates the power to consent to alterations to designated property under the *Ontario Heritage Act* to the Director of Planning and Chief Planner, Heritage Permit application HP2021-028 is approved for the designated property at 70 James Street South, Hamilton, in accordance with the submitted Heritage Permit application for the following alterations:

- Temporary removal and storage of a pair of pointed-arch windows to facilitate the installation of an HVAC unit for a term of two-years to accommodate the adaptive reuse of a portion of the property for a safe injection site.

In addition to designation by the City of Hamilton By-law 86-263 under Part IV, Section 29 of the *Ontario Heritage Act*, the property is further protected by a Heritage Conservation Easement Agreement held by the Ontario Heritage Trust (OHT), registered on October 1, 1990 as Instrument No. 062997. An approval letter and set of conditions from the OHT for the proposed work was submitted along with the application.

Subject to the following conditions:

- a) Any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations;

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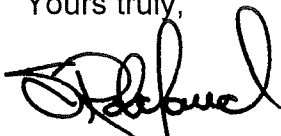
- b) Installation of the alterations, in accordance with this approval, shall be completed no later than June 30, 2023. If the alterations are not completed by June 30, 2023, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton
- c) That all salvaged materials be stored on site and on non-staining wood skids, clear off the ground and protected against soiling and staining in a safe, dry and weather protected location to the satisfaction of the Director of Planning and Chief Planner, with dated photo documentation submitted to [culturalheritageplanning@hamilton.ca](mailto:culturalheritageplanning@hamilton.ca) every six months beginning on the initial date of storage.
- d) That an elevation showing the proposed exterior alteration including the mechanical equipment be provided to the satisfaction of the Director of Planning and Chief Planner.

Please note that this property is designated under Part IV of the *Ontario Heritage Act*, and that this permit is only for the above-noted alterations. Any departure from the approved plans and specifications is prohibited, and could result in penalties, as provided for by the *Ontario Heritage Act*. The terms and conditions of this approval may be appealed to the Ontario Land Tribunal within 30 days of your receipt of this permit.

The issuance of this permit under the *Ontario Heritage Act* is not a waiver of any of the provisions of any By-law of the City of Hamilton, the requirements of the *Building Code Act*, the *Planning Act*, or any other applicable legislation.

We wish you success with your project, and if you have any further questions please feel free to contact Stacey Kursikowski, Cultural Heritage Planner, at 905-546-2424 ext. 1202 or via email at [Stacey.Kursikowski@hamilton.ca](mailto:Stacey.Kursikowski@hamilton.ca).

Yours truly,



Steve Robichaud, MCIP RPP  
Director of Planning and Chief Planner

cc: Stacey Kursikowski, Cultural Heritage Planner  
Chantal Costa, Plan Examination Secretary  
John Lane, Manager, Building Inspections

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Tamara Reid, Supervisor-Operations and Enforcement  
Loren Kolar, Legislative Coordinator  
Christine Vernem, Legislative Secretary  
Councillor Jason Farr, Ward 2

**HERITAGE PERMIT DELEGATED AUTHORITY REPORT – HP2021-028**  
**ADDRESS:** 70 James Street South, Hamilton

**Owner:** Trustees of St Paul's Presbyterian Church c/o David Church  
**Applicant:** Emily Collins, ERA Architects Inc.

**Description of proposed alterations:**

- Modification of a pair of pointed-arch windows and opening to facilitate the installation of an HVAC unit for a period of two-years.

**Reasons for proposed alterations:**

- Required to accommodate the reuse of this portion of the property as a safe injection site.

**Documentation submitted with application:**

- Alteration request approval from the Ontario Heritage Trust (OHT) as property is protected by a Heritage Conservation Easement Agreement held by the OHT, registered on October 1, 1990 as Instrument No. 062997;
- Images of subject window;
- Dismantle and salvage specifications;
- Heritage General Requirement Specifications; and,
- Architectural, Mechanical, and Structural Drawings.

**Staff assessment:**

Key factors in the evaluation of alterations affecting a heritage building or its setting are the 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 a heritage feature).

In the consideration of any Heritage Permit application, staff must assess the impact of the displacement and disruption effects on the heritage resource, particularly in relation to the heritage attributes mentioned in the Designation By-law, in this case By-law No. 86-263.

The applicant proposes to remove a pair of pointed-arch windows, to protect the opening, and to install an HVAC unit. The opening will be required to accommodate the duct work associated with the unit which will be located in a designated parking space directly outside of the window. The removed arch windows will be stored on site and on non-staining wood skids, clear off the ground and protected against soiling and staining in a safe, dry and weather protected location in accordance with the conditions issued

by the Ontario Heritage Trust. The proposed tenant has signed a two-year lease for this portion of the property, upon completion of the lease, a new Heritage Permit will be required for any work involved in reinstalling the windows and reverting the opening/portion of the facade back to its original state.

The designation By-law identifies the pointed-arch and tracery windows as a protected heritage attribute. The careful removal, salvage and storage of these windows will ensure their protection while allowing the tenant to adaptively reuse the space and meeting all safety requirements for their proposed use as a safe injection site.

Minimal "disruption effects" are expected to the heritage context of the property. While the HVAC unit will be visible on the property, it is located at the rear of the church and the impact will be temporary. When the tenant's two-year lease is finished, the windows will be reinstalled, and the visual disruption impact will be reversed.

There will be minimal "displacement effects" to the subject property as a result of this work. The removal and storage of the window will be overseen by a heritage professional and will be stored on site as per the Ontario Heritage Trust's guidelines. The windows will be installed back into the structure at the end of the two-year lease.

Staff support the proposed alterations as they are in keeping with the designation By-law.

<b>Key dates:</b>
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Sub-committee meeting date: June 15, 2021

Notice of Receipt: June 16, 2021

<b>Sub-committee comments and advice:</b>
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The Sub-committee considered the application and passed the following motion:

(Burke / Ritchie)

That the Heritage Permit Review Sub-committee advises that Heritage Permit Application HP2021-028 be approved as submitted, subject to the following conditions:

- a) Any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations;
- b) Installation of the alterations, in accordance with this approval, shall be completed no later than June 30, 2023. If the alterations are not completed by June 30, 2023, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton

- c) That all salvaged materials be stored on site and on non-staining wood skids, clear off the ground and protected against soiling and staining in a safe, dry and weather protected location to the satisfaction of the Cultural Heritage Planner with dated photo documentation submitted to [culturalheritageplanning@hamilton.ca](mailto:culturalheritageplanning@hamilton.ca) every six months beginning on the initial date of storage.
- d) That an elevation showing the proposed exterior alteration including the mechanical equipment be provided to the satisfaction of the Director of Planning and Chief Planner.

CARRIED

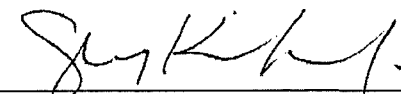
**Final Recommendation:**

That the applicant be advised that Heritage Permit Application HP2021-028 is approved in accordance with the submitted application, subject to the following conditions:

- a) Any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations;
- b) Installation of the alterations, in accordance with this approval, shall be completed no later than June 30, 2023. If the alterations are not completed by June 30, 2023, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton
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**Approval:**

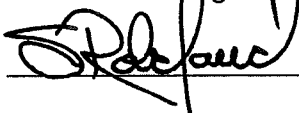
Staff Approval:



Stacey Kursikowski, MCIP, RPP  
Cultural Heritage Planner

SM/AF  
SPM/MGR Initials

Authorized:



Steve Robichaud, MCIP RPP  
Director of Planning and Chief Planner

<b>Designation By-law (By-law 86-263)</b>
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Important to the preservation of St. Paul's Presbyterian Church is the retention of the four exterior facades and the interior of the original church; the exteriors of the stone chapel addition built in 1877 by architect Peter Brass, and enlarged, in 1909 by Frank Darling; and the chancel extension on 1909 by Hugh Vallance. Designation includes but is not limited to the masonry walls, buttresses and spire; the pointed-arch windows and doorways; the roof and dormers, the decorative wooden porches, tracery windows, wooden doors, stone pinnacles mouldings and carved decoration; and on the interior the narthex and sanctuary including the chancel, pulpit, gallery, stained glass and tracery windows, timberwork ceiling, lighting fixtures, carved woodwork, pews excluding the ones in the transept and the original Communion Table.