



INFORMATION REPORT

TO:	Chair and Committee Hamilton Municipal Heritage Committee
COMMITTEE DATE:	May 24, 2024
SUBJECT/REPORT NO:	Information Update Regarding Heritage Permit Extension HP2024-010 for 98 James Street South, Hamilton (PED24105) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Alissa Golden (905) 546-2424 Ext. 1202
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

Not applicable.

INFORMATION

On May 3, 2024, Heritage Permit HP2024-010 (attached as Appendix “A” to Report PED24105) was approved under the delegated authority of Council for the designated property located at 98 James Street South, Hamilton. HP2024-010 renews the previously approved Heritage Permit HP2023-017 for: the retention of the existing retained former church structure; salvage and reuse of the removed portions of the building; and, construction of a new building and/or addition on the remainder of the site attached to the retained portions.

The current ownership group, 98 James South (2022) Inc., acquired the property in late August 2022 and requested an initial two-year extension of the previous Heritage Permit approval in December 2022. At the time, only an initial three-month extension (HP2022-036) was granted before an additional one-year extension (HP2023-017) was granted, which expired on March 31, 2024.

On March 8, 2024, Cultural Heritage Planning staff met on site with Building staff and representatives from the ownership group, including their consultant engineers, Tacoma

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Engineering, and heritage consultants, mcCallumSather, to discuss the condition of the subject property and the designated remnant church structure. On March 28, 2024, Cultural Heritage Planning staff received a formal request to extend Heritage Permit HP2023-017 for 98 James Street South (attached as Appendix “B” to Report PED24105) before its March 31, 2024 expiry date. As outlined in the Heritage Permit extension request letter, the ownership group have experienced several setbacks delaying the redevelopment of the site, including elevated interest rates and delays due to supply chain disruption, labour shortages and cost escalation.

The applicant recently submitted documentation to satisfy the conditions of the existing Heritage Permit HP2023-017, including:

- Providing a written update to City staff on the condition of the site and existing salvaged features which remain (as per Condition (d) of HP2023-017); and,
- Providing the outstanding monthly monitoring reports from April 2023 to March 2024 (as per Condition (c) of HP2023-017).

The monitoring reports prepared by Tacoma Engineers Inc. confirm that the structure is sound and not experiencing significant cracking or separation. The reports do note that the longer the building sits vacant, the more costly the restoration work will become, but that the structure is still sound. The Documentation and Salvage Report prepared by mcCallumSather and dated March 27, 2024, concludes that most of the salvaged items were found to be in fair condition and recommends measures to prevent further damage and deterioration until restoration and reuse is feasible, including:

- Moving the pile of salvaged stone to the interior of the church to prevent further deterioration and damage;
- Moving the window behind the stone pile to the storage room inside the church;
- Monitoring the salvaged items on a regular basis to protect them from deterioration/vandalism;
- Investigating site security, particularly from James Street, and improved upon to prevent unauthorized individuals to take refuge in the church;
- Removal of the overgrown vegetation at the rear of the church to allow for easy access to the authorized visitors;
- Providing improved access to the storage room from the building interior; and,
- Re-labelling the salvaged inventory of materials on site.

In the extension request letter, the applicant has indicated their commitment to the following remedial scopes of work to continue to show progress on satisfying the conditions of Heritage Permit approval and ensuring the retained historic structure is conserved until redevelopment and restoration work can proceed, including:

- Improved security and housekeeping / appearance of the site – immediately;
- Clean-up and tidying of the site completed by August 31, 2024;
- Commence stabilization/restoration works on the existing structure by fall 2024;
- Sales Launch Fall or Spring 2025 (depending on market conditions);
- Continued monthly monitoring for movement of the existing structure with Tacoma Engineering; and,
- Further study on heritage elements to be incorporated into the build in consultation with McCallum Sather Architects, including protection/storage of valued items.

Although the redevelopment project has experienced significant delays, staff were supportive of granting the requested one-year extension, as it would provide a means of requiring continued monthly monitoring of the site by professional engineers and commit the applicant to working towards the key deliverables outlined in their request letter. Staff have structured the Heritage Permit extension (HP2024-010 attached as Appendix “A” to Report PED24105) to include staged expiries to hold the applicant to the timing committed in the letter, including clean-up and tidying of the site by August 31, 2024 (Condition (b)) and commencing stabilization and restoration work by September 15, 2024 (Condition (c)). A condition has also been included to require the applicant to implement the recommendations outlined in the Documentation and Salvage Report by August 31, 2024 (Condition (d)).

Related Orders to Comply

In addition to the conditions of Heritage Permit HP2024-010 requiring site clean-up and stabilization of the remaining historic structure, additional site requirements have been issued by the City of Hamilton, including:

- An **Order to Comply** under Section 15.9 of the *Building Code Act* issued by Building staff on April 5, 2024. The Order requires action to confirm the structural integrity of the building by a Professional Engineer, complete all prescribed work resulting from the Professional Engineers report within 60 days and provide permanent measures to prevent unwanted entry to the building immediately. The Building Inspector continues to monitor the property and communicates with the owner to ensure compliance within the specified timelines;
- An **Order to Comply** under Property Standards By-law No. 10-221 issued by Municipal Law Enforcement staff on April 30, 2024. The Order requires action to clean the site of garbage and debris; and,
- An **Order to Comply** under Property Standards By-law No. 10-221 issued by Municipal Law Enforcement staff on May 2, 2024. The Order requires action to

secure all the door and window openings to prevent entry of vermin and birds and the entrance of unauthorized persons, repair any damage to the west exterior walls, and repair any damaged to roofing and eavestroughs.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED24105 – HP2024-010, Delegated Authority Letter dated May 3, 2023

Appendix "B" to Report PED24105 – Heritage Permit Extension Request Letter dated March 28, 2024

AG:sd