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Planning and Economic Development Department
Planning Division

FILE: HP2024-029

October 24, 2024

KSV Restructuring Inc.
c/o Tony Trifunovic
220 Bay Street, Suite 1300
Toronto, ON M5J 2W4

Re: Heritage Permit Application HP2024-029: Extension of Previously-Approved Heritage Permit Application HP2024-010 for the Redevelopment of 98 James Street South, Hamilton (Former James Street Baptist Church, By-law No. 90-33) (Ward 2)

Please note that Heritage Permit HP2024-029 is an extension of the previously approved Heritage Permit applications, including HP2013-058, HP2018-044, HP2020-041, HP2022-036, HP2023-017 and HP2024-010. KSV Restructuring Inc., in their capacity as the court-appointed receiver of 98 James South (2022) Inc. and James South (2022) Limited Partnership, submitted a request for extension of the previously approved permit HP2024-010 before its conditional expiry on August 31, 2024.

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 HP2024-029 is approved for the designated property at 98 James Street South, Hamilton, in accordance with the materials submitted with the application for the following alterations:

- To renew previously-approved Heritage Permit HP2024-010, including:
 - Retention of the existing front (east) façade and corner towers on James Street South in situ, including all existing windows, doors, and other features (the “retained portions”);
 - Salvage and reuse of features and materials from the removed portions of the building (the “salvaged portions”); and,
 - Construction of a new building and/or addition on the remainder of the site and attached to the retained portions (the “new building”).

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Subject to the following conditions:

That the applicant be advised that Heritage Permit Application HP2024-029 is approved in accordance with the previously-submitted application, subject to the following conditions:

- a) That the applicant submits, on a quarterly basis, ongoing monitoring reports assessing and outlining the condition of the retained portions to City staff;
- b) That the clean-up and tidying of the site, including removing the demolition rubble and levelling and grading the rear of the site, be completed, to the satisfaction and approval of the Director of Planning and Chief Planner, by **July 1, 2025**. If the work is not completed by **July 1, 2025**, 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 the recommendations of the Documentation and Salvage Report from mcCallumSather, dated March 27, 2024, be implemented, to the satisfaction and approval of the Director of Planning and Chief Planner, by **July 1, 2025**. If the recommendations are not implemented by **July 1, 2025**, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;
- d) That stabilization and restoration work on the retained historic structure commence, to the satisfaction and approval of the Director of Planning and Chief Planner, by **September 15, 2025**. If the work does not commence by **September 15, 2025**, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;
- e) That a Conservation Plan consisting of the following items shall be submitted, to the satisfaction of the Director of Planning and Chief Planner prior to the commencement of any alterations:
 - I. Documentation of the existing building and its architectural features and finishes in situ.
 - II. Specifications and methodology for the protection, stabilization, and restoration of the retained portions.
 - III. Inventory of the existing architectural features and building materials and a methodology for salvaging these features and materials from the removed portions.
 - IV. A plan for the storage and protection of retained and salvaged heritage elements, including the on or off site storage location(s), environmental

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conditions and security, a schedule of regular inspections and monitoring, and any other protection measures as appropriate. In addition:

- i. If the storage location is to be changed, the new location and address shall be submitted to the satisfaction and approval of staff, prior to the removal of the heritage elements to a new storage facility.
 - ii. Any unsatisfactory environmental conditions or failures in the security measures shall be reported to Planning staff as soon as they are discovered and appropriate remedies shall be developed and approved by Planning staff prior to implementation, except in emergency situations.
 - iii. City staff shall be allowed reasonable access to inspect the heritage elements in storage, at any time.
- f) That, once the alterations are complete, the owner shall agree to appropriate amendments to the Heritage Conservation Easement agreement to reflect the altered building;
- g) That 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; and,
- h) That implementation of the alterations, in accordance with this approval, shall be completed no later than **December 31, 2028**. If the alterations are not completed by **December 31, 2028**, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

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 work. 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 Notice.

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.

If you have any further questions, feel free to contact Alissa Golden, Cultural Heritage Program Lead, at 905-546-2424 ext. 1202 or via email at Alissa.Golden@hamilton.ca.

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Yours truly,

A handwritten signature in cursive script, appearing to read "Anita Fabac".

Anita Fabac, MCIP RPP
Acting Director, Planning and Chief Planner

cc: Alissa Golden, Cultural Heritage Program Lead
Chantal Costa, Plan Examination Secretary
Matt Gauthier, Legislative Coordinator
Councillor Kroetsch, Ward 2