



March 4th, 2014

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Re: Decision to allow partial demolition of James Street Baptist Church

I am writing on behalf of the Durand Neighbourhood Association (DNA) about recent approval to demolish two thirds of James Street Baptist Church.

We are requesting clarification and answers to the following concerns:

1. Use of the "Delegation of Powers" Process?
2. Defining Demolition versus Alteration?
3. Role of Public Input/Citizen Engagement?
4. Role of Peer Review?
5. Terms of Conditions?

Use of the “Delegation of Powers” Process

We understand that the term "demolition" in the *Ontario Heritage Act* implies complete removal; that "alteration" encompasses any kind of partial demolition. According to the municipal by-law on "delegation of powers" for heritage permits, the proposed partial-demolition (alteration) application followed the approval route through the Heritage Permit Review Committee (a sub-committee of the Municipal Heritage Committee) to the Director of Planning.

However, when the proposal to demolish a substantial part of James St. Baptist was submitted to the City, it is the DNA's opinion that it should have set off alarm bells. The Church has been recognized for years as a major downtown landmark heritage building. No decision to demolish, or partly demolish, a heritage building should be taken lightly. This should have been deemed too controversial to follow the "delegation of powers" route. According to the “Guide to Heritage Permits in the City of Hamilton” produced by the Planning Division of the Planning and Economic Development Department;

“following review by the Heritage Permit Review Sub-committee, a decision is made to approve, approve with conditions or deny...the decision is made by staff, in this case the approval of minor alterations is delegated to the Director of Planning.”

In addition, the brochure states that “for the approval of complex applications, applications for demolition etc, **that Council should make the decision.**”

Defining Demolition versus Alteration

The DNA asks what criteria were used to deem this a minor alteration. The *Ontario Heritage Act* states:

“As a general rule, alterations to heritage properties should repair rather than replace original features, and should not permanently damage heritage materials and construction methods. Where replacement of materials or new construction is necessary, these should match or be compatible with the original. Reversible alterations that allow for the future restoration or reinstatement of heritage features are also preferred.”

Why, then, would the request to partially demolish James Street Baptist Church not be to go to the Municipal Heritage Committee for its advice and ultimately to Council for final approval?

Role of Public Input

There was no opportunity for delegations. As the DNA understands the process, there would only be opportunity for public input should the Permit Review Committee not reach a decision. It goes to the Municipal Heritage Committee and then to Council. In both instances, delegations would be permitted.

The DNA would like to know when the City opted to permit the “delegation of powers” to the Director of Planning. What were the reasons for that change? This process appears to contradict the City's practice and policies regarding citizen engagement.

Role of Peer Review

It is the DNA's understanding that at the time of application, the Planning staff could have called for a peer review of the Heritage Impact Assessment submitted by the present owner. The DNA wonders why the Permit Review Committee would not have advised the Planning Staff to undertake a peer review. The Architectural Conservancy of Ontario also recommends that reports by structural engineers should be peer-reviewed, *especially* when such reviews are commissioned by developers who wish to demolish heritage buildings. This is not to impugn the integrity of any structural engineer but to ensure that there are no doubts regarding the structural integrity of the building in question *before* any decision regarding its future is taken. Considering how controversial this application was, a peer review would have helped to erase any doubts in this regard. So, why was a peer review not considered for James Street Baptist?

Terms of Conditions

The "Guide to Heritage Permits" lists the minimum requirements for an applicant before a permit may be granted. These include:

- *Plans and Elevation Drawings, to scale, of the existing and/or proposed building(s) or structures, including overall dimensions; specific building elements (signs, windows, awnings, etc.); and, construction materials and details.*
- *Survey/Site Plan: an accurate plan of the property showing its area and boundaries, as well as the footprints of all existing buildings, driveways, and major landscape features;*
- *Photographs: overall photographs of the property and photographs of the specific area you wish to alter (electronic copies are encouraged). Additional photographs of the streetscape (showing the existing site and adjacent buildings) should be included wherever possible and when applicable*
- *Catalogues, product samples and/or paint chips showing the products to be used; and*
- *Applications for restoration of original features can also be supported with research or historical documentation, including archival photographs of the property, or pictures or plans of similarly styled buildings. For large and complex construction activities, the applicant should seek assistance from an architect, architectural technologist, or others familiar with heritage buildings. Incomplete application cannot be processed and the official notice of receipt (as required under the Ontario Heritage Act) will not be issued until all of the documents have been submitted and the application is complete. The submission of electronic copies of drawings and photos, in addition to hard copies, is also encouraged.*

The DNA asks:

- Are these requirements included in the Terms of Conditions prepared by the Permit Review Committee?
- Will there be a clear description of the proposed new building (its uses, scale, architectural, appearance and contribution to its community)?

- What are the proposed new uses of the fragment of the original building, which will not be demolished?
- What alterations will be required to make those uses possible?
- What will be the accuracy and quality of heritage restoration of parts of the building that will not be altered?
- What are the qualifications of those who will be responsible for this work?

Finally, because the City holds a Heritage Conservation Easement on the building is Council's approval required to allow the proposed alterations to James St. Baptist Church?

The Durand Neighbourhood Association has a long history of public engagement in Hamilton, in many heritage issues, including Central Public School, St Marks Church, Bank of Montreal, and the Carnegie Library, by working with Councillors and defenders of built heritage. It is regrettable that DNA was not consulted prior to the decision to remove two thirds of a designated landmark, James St Baptist Church in Hamilton's historic Durand neighbourhood.

The Durand Neighbourhood Association asks that you clarify and provide answers to all of our concerns; that you reconsider the decision that seems to have been made without respect to the protocols that are in place and finally that you return to a more transparent and democratic process to ensure engaged citizens have a voice.

Sincerely Yours,

A handwritten signature in cursive script that reads "Janice Brown". The signature is written in dark ink on a light-colored background.

Janice Brown, President
Durand Neighbourhood Association

See also:

Surprise Demolition Permit Request for James Street Baptist Church

http://raisethehammer.org/article/1961/surprise_demolition_permit_request_for_james_street_baptist_church

“A city cannot demolish itself to success”.

<http://www.thespec.com/news-story/4227722-a-city-can-t-demolish-its-way-to-success-architect-warns/>

Regarding which, please consider this comment by Mayor, Bob Bratina: “The cities that do try to demolish their way to success tend to be those that have lost their self-esteem”