SUBJECT: Hamilton Community Heritage Fund Loan Program Application for a Loan to Install Protective Glazing at 64-70 James Street South, Hamilton (St. Paul’s Presbyterian Church) (Ward 2) (PED07299)

RECOMMENDATION:

That approval be given to the Hamilton Community Heritage Fund Loan Program Application, for property located at 64-70 James Street South, Hamilton (St. Paul’s Presbyterian Church), as shown on Appendix “A” to Report PED07299, subject to the following:

(a) That a loan commitment of $50,000 be approved in accordance with the terms and conditions of the Hamilton Community Heritage Fund Loan Program for the installation of protective glazing over ten existing stained glass windows.

(b) That the Mayor and City Clerk be authorized and directed to execute the loan agreement and security documentation with respect to (a) in a form satisfactory to the City Solicitor.

(c) That the General Manager of the Planning and Economic Development Department be authorized and directed to amend the loan agreement provided that the terms and conditions of the Hamilton Community Heritage Fund Loan Program are maintained.
EXECUTIVE SUMMARY:

The Hamilton Community Heritage Fund was established by the former City of Hamilton during the mid-1980’s. In 2001, Council authorized that this fund be made available to all eligible heritage property owners within the newly amalgamated municipality. The original maximum loan amount was set at $20,000, but an increase of the maximum loan amount to $50,000 was authorized by Council in 2005 (Report PED05091). The loan is only available to properties designated under the Ontario Heritage Act, and loan amounts greater than $15,000 require that the owner enter into a heritage conservation easement as a condition of the loan.

The trustees of St. Paul’s Presbyterian Church, (64-70 James Street South, Hamilton, see map attached as Appendix “A”), have applied for a $50,000 loan under the program in order to install protective storm glazing over ten existing stained-glass windows in the designated church building (see Appendix “B”). A heritage permit application (HP2007-021) was approved in August 2007, for the proposed work, in consultation with the Heritage Permit Review Sub-committee of the City of Hamilton LACAC (Municipal Heritage Committee).

BACKGROUND:

Hamilton Community Heritage Fund

The former City of Hamilton established the Hamilton Community Heritage Fund in 1985 (By-law No. 85-120) as part of the Province of Ontario’s Building Rehabilitation and Improvement Campaign, commonly referred to as the “BRIC” program. The grant agreement entered into by both parties (the Province of Ontario and the former City of Hamilton) established a fund that originally comprised $441,666.67. Of this total amount, $250,000 (57%) was from the Province and $191,666.67 (43%) was from the former City of Hamilton.

The intent of the Hamilton Community Heritage Fund, as established by the grant agreement, was to establish a permanent fund for the purpose of investing in architectural conservation. Specifically, the fund was to be used:

- For loans for the purchase and/or conservation of heritage property.
- To guarantee loans for the purchase and/or conservation of heritage property.
- For grants to owners of designated heritage property for the conservation of that property.

Heritage property was defined in the agreement as a property designated under the Ontario Heritage Act. The former City of Hamilton operated the fund solely for the purpose of low or no-interest loans. Since 1985, approximately 55 loans have been approved, accounting for approximately $480,000. The balance of the fund now stands
The Hamilton Community Heritage Fund was originally established as a revolving fund, with the former City of Hamilton offering low-interest loans for eligible conservation work on buildings designated under the Ontario Heritage Act. As interest rates declined during the 1990’s, the program was revised to permit interest-free loans and the former City of Hamilton continued to offer loans of up to $20,000, repayable over a ten-year period and secured by a lien. The agreement with the Province of Ontario stipulated that loans of $15,000 or more required a Heritage Conservation Easement Agreement between the property owner and the City.

After municipal amalgamation, Council agreed to maintain the Hamilton Community Heritage Fund Program as a permanent reserve to provide loan assistance to all designated heritage properties within all of the former municipalities (Report PD00151(A), Item (f)). In 2005, Council approved an increase in the loan amount to $50,000, and under the current terms of the program, the loan is registered as a mortgage on the property and repayable over a period of up to ten years with no accumulated interest.

The current terms of the program, approved by Council in 2005, stipulate that to be eligible for a loan, the property must be designated either individually under Part IV of the Ontario Heritage Act or a heritage conservation district, under Part V of the Ontario Heritage Act. Funding is available only for work that conserves or restores the historic fabric and significant architectural elements of a building. Interior features are only eligible for funding if specifically mentioned in the Reasons for Designation or Description of Heritage Attributes of a property designated under Part IV of the Ontario Heritage Act. Routine maintenance and repair is not eligible.

64-70 James Street South, Hamilton (St. Paul’s Presbyterian Church)

St. Paul’s Presbyterian Church is located on the northwest corner of James Street South and Jackson Street West (see location map attached as Appendix “A”) and is a prominent landmark in Downtown Hamilton. The church is a Gothic Revival structure designed by architect William Thomas and built in 1854-57 of local limestone. The most recognizable feature of St. Paul’s Presbyterian Church is its 180 foot tall spire. The building is also characterized by other Gothic Revival features including buttresses, stained glass windows, stone pinnacles, pointed windows and doorways, window tracery and quatrefoils, wooden porches, and an intricately detailed interior, including a carved wooden pulpit, pews, and gallery, timberwork ceiling and window tracery.

The property was designated under Part IV of the Ontario Heritage Act by the former City of Hamilton in 1986 (By-law No. 86-263). The property is also subject to a heritage conservation easement held by the Ontario Heritage Trust (formerly the Ontario Heritage Foundation) and is recognized as a National Historic Site by the Historic Sites and Monuments Board of Canada.
ANALYSIS/RATIONALE:

Proposed work

The Church trustees are proposing to install new protective glazing over ten stained glass windows: four on the north side of the sanctuary, four on the south side of the sanctuary and two in the narthex (east end), on either side of the main entrance (see Appendix “B”). The current protective glazing on the windows on either side of the sanctuary is inadequately vented, damaged and/or lacks spacing between the protective panes and the stained glass. The two windows in the narthex, on either side of the main entrance, do not currently have any protective glazing. The proposed work subject to this loan application comprises the following:

- the removal of the existing protective glazing;
- cleaning and assessment of the stained glass windows; and,
- the installation of new protective glazing on 8 sanctuary windows and 2 narthex windows.

The proposed works are also subject to Ontario Heritage Trust approval due to the conditions of the easement agreement. Approval by the Trust was granted subject to conditions (letter dated August 17, 2007). The City also granted approval through the heritage permit application process (Heritage Permit Application HP2007-021) on August 27, 2007.

The proposed installation of new protective glazing is consistent with accepted principles and practice for the conservation and management of heritage fabric and, therefore, meets the intent and eligibility criteria of the Hamilton Community Heritage Fund Loan Program. Accordingly, staff is recommending the approval of this loan.

Furthermore, as the City’s interest in the heritage value of the property is protected by an easement held by the Ontario Heritage Trust, staff is not recommending that the City of Hamilton require a Heritage Conservation Easement Agreement between the property owner and the City.

ALTERNATIVES FOR CONSIDERATION:

This request for financial assistance in the form of an interest free loan may either be approved or denied.

The proposed alterations are appropriate for the conservation and protection of the significant features of the property (stained glass windows) and the application meets the approved terms and criteria of the Hamilton Community Heritage Fund Loan Program. Consequently, staff is recommending approval of this application.
Denial of this application is not appropriate as it would not promote the appropriate conservation and protection of the significant heritage features of the property and would not meet Triple Bottom Line.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**Financial:** Funding is provided under the terms of the Hamilton Community Heritage Fund Loan Program, as approved by City Council on September 14, 2005 (Appendix ‘A’ to Report PED05091). Loans issued in 2007 are to be funded from Reserve Fund 102049 – Community Heritage Fund. The current balance of the Reserve Fund is $731,309.99 and no other loans have been issued this year.

**Staffing:** Administration of this loan can be accommodated within the Community Planning and Design Section (Heritage and Urban Design) of the Planning and Economic Development Department, as well as within the Corporate Services Department.

**Legal:** Review of all documentation associated with the loan will be appropriately undertaken by the City Solicitor to protect the City’s interests. In certain cases, as projects move forward, it is sometimes necessary to make minor amendments to previously approved loan commitments and agreements. Therefore, staff is recommending that the General Manager of Planning and Economic Development be authorized (with the input from the General Manager of Finance and Corporate Services and the City Solicitor) to amend loan commitments/agreements without further Council approvals, provided that the terms and conditions of the Hamilton Community Heritage Fund Loan Program are maintained.

Under Section 33 of the [Ontario Heritage Act](https://www.ontario.ca/laws/statute/Act-011), a permit is required for the alteration of any building or structure where it affects the Reasons for Designation of the property. The proposed alterations to the property have been approved under Heritage Permit HP2007-021.

Under the original agreement with the Province, a Heritage Conservation Agreement is required for loans over $15,000. However, as the City’s interest in the heritage value of the property is protected by the designating By-law, and by an easement held by the Ontario Heritage Trust, staff is not recommending that the City of Hamilton require a Heritage Conservation Easement Agreement in this instance.

**POLICIES AFFECTING PROPOSAL:**

Section C.6 - *Heritage Resources* of the former City of Hamilton Official Plan encourages the preservation, maintenance, reconstruction, restoration and management of property considered to have historic, architectural or aesthetic value (6.1).
Section A.6.2.4 – Respecting Design and Heritage of the Downtown Secondary Plan, promotes the conservation of significant built heritage resources (6.2.4.2), and supports mechanisms for retention, conservation, rehabilitation, restoration and adaptive reuse of designated heritage resources in the Downtown (6.2.4.2(b)).

RELEVANT CONSULTATION:

Pursuant to Subsections 28(1) and 33(4) of the Ontario Heritage Act, the City of Hamilton LACAC (Municipal Heritage Committee) advises and assists Council on matters relating to Part IV and Part V of the Ontario Heritage Act. The City of Hamilton LACAC (Municipal Heritage Committee) was consulted on the heritage permit application through its Heritage Permit Review Sub-committee. The City of Hamilton LACAC (Municipal Heritage Committee) will be advised by memorandum of the recommendations contained in this report at their December 13, 2007 meeting.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, and economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
Arts, culture, archaeological and cultural heritage are supported and enhanced.

This initiative promotes the conservation of Hamilton’s heritage. Protecting cultural heritage strengthens the community’s identity and distinctiveness.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Human health and safety are protected through the appropriate repair and maintenance of property.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Investment in Hamilton's building stock and skilled labour market is encouraged.

The attractiveness of the City is improved through the repair and maintenance of heritage properties.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No
Cultural heritage resources are conserved and enhanced, resulting in strengthened community identity. Investment in Hamilton's building stock and aesthetic improvements are also encouraged throughout the City.

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☑ Yes ☐ No
This initiative demonstrates the City's commitment to implementing Council approved cultural heritage policies.

:MH
Attachs. (2)
Appendix "A" to Report PED07299

Location Map

File Name/Number: HCHF 2007-001
Date: November 8, 2006
Appendix "A"

Subject Property

64 - 70 James Street South

Ward 2 Key Map
St. Paul’s Presbyterian Church (south elevation)
Sanctuary window (with existing protective glazing)
Narthex window (no protective glazing)