

CITY OF HAMILTON

COMMUNITY SERVICES DEPARTMENT
Culture Division

TO: Chair and Members Emergency & Community Services Committee	WARD(S) AFFECTED: WARD 2
COMMITTEE DATE: June 2, 2010	
SUBJECT/REPORT NO: St. Mark's Church - Future Use of the Property, 130 Bay St. South, Hamilton, Ontario (CS10064) (Ward 2)	
SUBMITTED BY: Joe-Anne Priel General Manager, Community Services Department	PREPARED BY: Anna M. Bradford 905.546.2424, Ext. 3967
SIGNATURE:	

RECOMMENDATION:

- (a) That staff from the Culture Division be directed to conduct an in-house feasibility study for St. Mark's Church as a cultural programming space to be administered by Whitehern Historic House and Garden staff, and report back to the Emergency and Community Services Committee.
- (b) That the offer to provide \$80,000, in the form of an in-kind donation to demolish the Sunday School section of St. Mark's Church, from the DePasquale Family Foundation and Copper Cliff Metals & Wrecking Corporation, be accepted.
- (c) That Copper Cliff Metals & Wrecking Corporation be approved as the single-source contractor to undertake the stabilization of St. Mark's Church, located at 130 Bay Street South, Hamilton, Ontario, at the same time as the demolition of the Sunday School section, as per the Scope of Work, attached as Appendix A to Report CS10064; at a cost not exceed net \$270,000 to be funded from (\$165,000) from Culture Division Works-In-Progress Capital Project Account and the remaining balance from the City's Unallocated Capital Reserve Account.

- (d) That the unfunded \$8,918.72 spent to-date on the St. Mark's Church project (cost of studies, administration, WIP #3620741701) be funded from the City's Unallocated Capital Reserve Account.
- (e) That Item "J", respecting a possible use of St. Mark's Church Site, 130 Bay Street South, Hamilton, Ontario be considered complete and removed from the Emergency & Community Services Committee's Outstanding Business List.

EXECUTIVE SUMMARY

On October 21, 2008, the Economic Development & Planning Committee referred the question of St. Mark's future use to the Emergency and Community Services Committee with the following direction:

"That staff be directed to determine possible uses for the St. Mark's Church site, 130 Bay Street South, Hamilton and report back to the Emergency & Community Services Committee."

St. Mark's Church has been empty since 1994 and is in a derelict state. Over the past ten years requests for a capital budget to begin repairs has fallen below the line of approved projects.

The west wall of the 1925 Sunday School is currently being supported structurally through an interior bracing, which has been in place since 1995. The Sunday School portion of St. Mark's Church cannot be saved; therefore, The Municipal Heritage Committee has agreed, in principal, to the demolition of the Sunday School portion of the church.

The cost to demolish the Sunday School and stabilize the building is estimated at \$350,000. The DePasquale Family Foundation and Copper Cliff Metals & Wrecking Corporation contacted Councillor McHattie and offered to provide an in-kind donation to demolish the Sunday School section of St. Mark's Church. This in-kind donation is valued at approximately \$80,000. In demolishing the Sunday School, the remaining structure will require stabilization. The above donors can accomplish this work, as part of the demolition project; thereby, completing the necessary work in a cost effective manner. All work would be subject to City Policies and Procedures including, but not limited to, Heritage Building Permits, insurance and WSIB. One Senior Project Manager from the Culture Division will be assigned as Project Manager.

Total Project Costs:

Cost of Sunday School Demolition and stabilization of building	\$ 350,000
Value of in-kind donations from The DePasquale Family Foundation and Copper Cliff Metals & Wrecking Corporation	\$ 80,000
Capital Budget Requirement	\$ 270,000

Whitehern Historic House & Garden, a National Historic Site and civic museum, located within minutes of and less than 330m from St. Mark's Church, has a need for additional programming and rental space for its cultural and community programs. The museum, a historic home, has little dedicated programming space, which limits its opportunity to develop and offer additional school programming and special events. St. Mark's Church, with its theatre like interior space and fenced garden, would be ideal for this purpose.

Staff is recommending that an in-house study be conducted to determine the feasibility of Whitehern Historic House and Garden staff operating St. Mark's as a cultural programming space. Whitehern staff would administer and maintain the site including rentals to cultural groups for programming. Programming could include but not be limited to literary readings, children/adult art classes, and small theatre performances.

The museum has identified enhancing links and programming in the neighbourhood as a site priority. Additional growth in community engagement projects and partnerships using St. Mark's Church, as a museum/cultural programming space, has many benefits such as:

Infrastructure Renewal

Revitalization through museum/cultural programming can give new meaning to decaying urban infrastructure.

Economic Revitalization and Tourism

Urban revitalization through museum/cultural programming:

- Spurs economic growth of the arts and cultural industries;
- Stimulates the economic status of the surrounding neighbourhood or districts; and,
- Encourages cultural tourism and subsequently economic growth when cities adopt and broadcast urban revitalization initiatives through the arts and culture.

Environmental Sustainability

Urban revitalization through the arts combined with and for greening initiatives supports environmental sustainability (this project would include a park). By preserving heritage buildings, demolition waste and new construction waste are eliminated. Natural environments from which building materials are derived are not disturbed, while cultural and architectural heritage is preserved.

Increased Quality of Life

Urban revitalization through the arts increases the quality of life of urban residents. Recent studies on quality of life in Canada indicate that diversity, culture, and the arts are essential to our self-definition and our well-being.

The feasibility study would address the long-term adaptive re-use plan for the preservation, presentation and financial sustainability of the site. It would take into consideration the following:

- community consultation on the concept;
- financial implications both capital and operating including revenue potential from community partnerships and rentals;
- legal implications such as, if it remains in City ownership, there may be a way around the issue of zoning and Official Plan Amendment; and
- staff implications.

Alternatives for Consideration – See Page 10

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial:

There is currently a Capital Works-In-Progress project #3620741701 (Redevelopment of St. Marks Church), which has no approved budget, but has unfunded life to-date expenditures of \$8,918.72. These expenditures are for studies and administration. This report is recommending that this balance along with the requested \$270,000 net structure stabilization expense for a total of \$278,918.72 be funded (\$165,000) from Culture Division Works-In-Progress Capital Project Account and the remaining balance from the City's Unallocated Capital Reserve Account.

Staffing:

There are no staffing implications associated with the recommendations in Report CS10064. One Senior Project Manager, Culture Division will be assigned as Project Manager on the project. The Manager of Museums & Heritage Presentation will lead the Feasibility study.

Legal:

The proposed recommendations are in compliance with Sections 4.6 and 4.11 of the Purchasing Policy.

HISTORICAL BACKGROUND

St. Mark's Church, located at 130 Bay Street South, was built in 1878 with a Sunday School portion added in 1925. Early in the 1990s the Diocese of Niagara made an application for a high-rise development for 130 Bay Street South, Hamilton, Ontario. The proposal was to build a 10 storey, 48-unit apartment building combined with offices and a chapel in the preserved section of the church. The former City of Hamilton Council denied the application necessary for re-zoning. The application was subsequently approved by the Ontario Municipal Board in September 1990. However, the Diocese's plans for a nonprofit housing and office complex were halted.

On July 28, 1994, City Council approved the purchase of St. Mark's at a cost of \$425,000 for the purposes of 'Open Space' and 'Public Usage' of the facility. Following the acquisition, the former Council of the City of Hamilton, approved the designation of 130 Bay Street South, Hamilton, Ontario, under Part IV of the Ontario Heritage Act under by-law 95-13.

In September 1994, the City of Hamilton purchased the site at a cost of \$425,000. Since 1994, the site has remained vacant and in municipal ownership with no capital restoration undertaken. The structure is slowly deteriorating.

In 1999 the Community Planning Department of the City of Hamilton issued a Request for Proposals (RFP) for the subject property. The RFP resulted in the proposed sale of the site to the Charismatic Episcopal Church. One of the conditions of the property sale was the rezoning of the site from 'E3' (High Density Multiple Dwellings) to modified 'A' (Conservation, Open Space, Park and Recreation) designation. The zoning change was approved. The sale of the property did not take place, as the church was not in a position to complete the offer to purchase document.¹

On April 3, 2007, City Council approved recommendations within the report entitled "St Mark's Church Feasibility Study", which included the following recommendation, among others:

“That the Development and Real Estate Division of the Planning and Economic Development Department investigate the highest and best use and potential for increased value through rezoning to allow additional permitted uses prior to the

¹ St. Mark's Anglican Church: Site Potential, p. 1- St. Mark's Anglican Church: Background City of Hamilton, Long Range Planning & Design, Community Planning and Design.

disposal of the subject site. Such additional uses will be compatible with the surrounding land uses and the Department shall consult with the neighbourhood on any zoning proposal prior to consideration by Committee and Council.”

These recommendations were approved in order to proceed with a Request for Proposal (RFP) that would eliminate uncertainty and potential risks faced by prospective purchasers. It was thought that these purchasers would be more apt to acquire the lands on an “as is” and “where is” basis knowing that development/re-development can occur within a timely manner.

The purpose of this City initiative was for an Official Plan Amendment, and to change the Zoning from the “A/S-1443” (Conservation, Open Space, Park and Recreation) District, Modified, in By-law No. 6593. The modified Downtown Mixed Use (D3) Zone with Holding provisions, in By-law No. 05-200, would permit a limited number of uses that are considered appropriate for the redevelopment of the subject property, with the intent of maintaining the existing heritage building. The proposed uses that will be permitted are: Day Nursery, Dwelling Unit(s), Financial Establishment, Home Business, Multiple Dwelling, Office, Personal Service, Place of Worship, Restaurant, Retail, Retirement Home and a Studio.

The “Residential” designation within the City of Hamilton Official Plan permits commercial uses on lands less than 0.4 ha, which includes the subject lands, subject to the “Commercial” designation policies of the Official Plan. The proposal would be considered a LOCAL COMMERCIAL development, and thus the intent of this type of development is to serve the local Residential areas only with convenience goods and personal services. As a result, an Official Plan Amendment is necessary to permit a broader range of commercial uses on the subject lands that may draw people from outside the neighbourhood.

On June 25, 2008, Council ratified a motion from Economic Development and Planning Committee which is as follows:

“WHEREAS the property was designated as a heritage building in 1995,
AND WHEREAS the historical designation includes the open space,
AND WHEREAS the site was purchased in 1994 in parkland funding,
AND WHEREAS the Durand Neighbourhood currently has a 7.2 ha deficiency in parkland.

NOW THEREFORE, the item be referred back to staff with a request for information on the following items, with the interest of continued open space use of the site:

- (a) Capital costs to make the building structurally sound (excluding the Sunday School building);
- (b) Annual maintenance costs to keep building intact and site as an open space use; and,
- (c) Consideration of the costs and options associated with Option 6 Neighbourhood Park, as outlined in Appendix D to report PED08128.

On October 21, 2008, Economic Development & Planning staff reported back to Committee regarding the above noted direction. Committee approved the following recommendation:

- “(a) That Report PED08128(a), Information Report – Costs Related to St. Mark’s Anglican Church (Hamilton), be received.
- (b) That the cost of appropriate and essential repairs, and on-going requirements to keep the building secure, be recommended for approval in the 2009 Budget process.
- (c) That staff be directed to prepare a Business Case, for the future use of the building for neighbourhood uses including the involvement of neighbourhood partners, and that this be presented to Committee.
- (d) And that Council rescind its previous Motion which declared the building surplus.”

Economic Development & Planning Committee referred the question of St. Mark’s future use to the Emergency and Community Services Committee with the following direction:

“That staff be directed to determine possible uses for the St. Mark’s Church site, 130 Bay Street South, Hamilton and report back to the Emergency & Community Services Committee.”

POLICY IMPLICATIONS

Ontario Heritage Act, Part IV Designation By-Law

The property is designated by By-law 95-13 under Part IV of the Ontario Heritage Act. Permits are required for any alterations or additions that affect the Reasons for Designation contained in the By-law. The By-law provides context on the historical and

cultural significance of the St. Marks' structure. Permit Applications are also required for demolition.²

In 1877, construction of St. Mark's Anglican Church began at the southwest corner of Bay Street South and Hunter Street West. By January 1878, the church had its first service. Subsequently, a corner bell tower was erected on its Bay Street facade and, in 1925; the Sunday School was added to the west end of the sanctuary. The grounds in front of St. Mark's traditionally have been landscaped, creating a park-like setting for the church.

The church and Sunday School together create a single storey, L-shaped structure with an attached three-storey tower. It is the fifth Anglican Church to be erected in Hamilton and the first to be constructed in brick. As originally built in 1878, St Mark's was a typical parish church building, designed in the vernacular Gothic Revival tradition. Characteristic of this late 19th century version is the rectangular, one-storey, brick structure with gable roof, buttresses, belfry, and pointed arched windows. St. Mark's Church is distinguished in the use of brick corbelling and sets of triple arched windows which formerly contained stained glass. A bell tower, built later, adds a strong architectural feature to the east facade, while the gothic Sunday School and entrance porch of 1925 blend harmoniously with the original design of the church.

Official Plan Policies and Designation

Under the City of Hamilton's Official Plan, Schedule 'A'- Land Use Concept, the St. Mark's site is identified as "RESIDENTIAL". The intent of the residential designation is to provide for a variation of densities and housing types, while ensuring the maintenance of amenities for residents. However, as stated in Section 2.1.3 of the Official Plan additional uses permitted within the "RESIDENTIAL" designation are:

- i. Public parks less than 0.4 hectares in size;
- ii. Schools, churches and similar institutional uses less than .4 hectare in size, in accordance with the provisions for Major Institutional uses as set out in Subsection A.2.6 of this Plan;
- iii. Individual retail or service stores in a multiple dwelling containing at least 100 dwelling units, expressly to serve the occupants therein; and,
- iv. Limited individual or groups of commercial uses on sites not exceeding 0.4 hectare in area, excluding Automobile Service Centres, in accordance with the Commercial Policies as set out in Subsection A.2.2 of this Plan.

² The Municipal Heritage Committee has agreed in principal to the demolition of the Sunday School.

The City of Hamilton Official Plan has policies specific to historic and architectural resources. It is the intent of the Official Plan that those resources of historic, architectural, archaeological and aesthetic merit will be preserved where feasible. Section 6.9 of the Official Plan states:

“6.9 A Heritage Impact Assessment may be required by the City for any development or redevelopment, both public and private initiatives, that proposes to erect, demolish or alter buildings or structures on or adjacent to properties that meet one or more of the following criteria: (O.P.A 160):

- i) The properties are designated under the Ontario Heritage Act or are adjacent to buildings/structures that are designated under the Ontario Heritage Act”.

Neighbourhood Plan Policies

The St. Mark's site is located within the Durand Neighbourhood. Under the Neighbourhood Plan the subject site is designated “Civic & Institutional”.³

City of Hamilton Museums Standards (Provincially Mandated Policies)

Recommendation (a) supports the following City of Hamilton Museum Standards:

- The City of Hamilton Civic Museums Community Policy
- The City of Hamilton Civic Museums Public Program Policy

City of Hamilton Purchasing Policy

Purchasing Policy 11 – Policy for Negotiations requires Council approval for single source requests with a proposed value of \$250,000 or greater. Single source requests are made under this policy when the supply of a particular good and/or service is more cost effective or beneficial for the City.

RELEVANT CONSULTATION

- Zoning By-law Reform, Strategic Services – Special Projects, Planning and Economic Development Department
- Museums & Heritage Presentation, Culture Division, Community Services Department

³ St. Mark's Anglican Church: Site Potential, p 2-3 - Official Plan Policies and Designation
City of Hamilton, Long Range Planning & Design, Community Planning and Design

- Capital Projects, Culture Division, Community Services Department
- Business Development, Economic Development & Real Estate, Planning and Economic Development Department
- Capital Budget, Financial Planning and Policy, Corporate Services Department
- Purchasing, Financial Services, Corporate Services Department
- Finance and Administration, Budgets and Finance, Corporate Services Department
- Legal Services Division, City Manager's Office

ANALYSIS / RATIONALE FOR RECOMMENDATION

St. Mark's Church is currently a vacant heritage facility and in need of immediate repair. Requests for funding, through the Capital budget, have not been approved. A unique opportunity to address the stabilization of the building has been offered to the City by a local company. The DePasquale Family Foundation and Copper Cliff Metals & Wrecking Corporation have offered to provide an in-kind donation to demolish the Sunday School section of St. Mark's Church. This in-kind donation is valued at approximately \$80,000. In demolishing the Sunday School, the remaining structure will require stabilization. The costs to conduct this work are approximately \$270,000. The above donors can accomplish this work, as part of the demolition project, thereby, completing the necessary work in a cost effective manner. All work would be subject to Heritage Building Permits.

The site needs a long-term adaptive re-use plan for the preservation, presentation and financial sustainability of the site.

Whitehern Historic House and Garden is the closest City operated cultural facility. The museum is staffed by highly skilled and experienced public programmers with capacity to undertake partnerships and joint cultural projects with the local community. The museum has not reached its programming and educating potential, due to the constrained size of its programming areas.

Whitehern staff would administer and maintain the site including rentals to cultural groups for programming. Programming could include, but not be limited to, literary readings, children/adult art classes and small theatre performances.

In addition, the Urban Hamilton Official Plan outlines policies related to the adaptive reuse of commercial and industrial heritage properties and the importance of downtown renewal to the health and vitality of the overall city. St. Mark's operating as a cultural space can help fulfil the intent of this policy.

ALTERNATIVES FOR CONSIDERATION:

Committee could decide to decline the DePasquale Family Foundation and Copper Cliff Metals & Wrecking Corporation offer to provide an in-kind donation to demolish the Sunday School section of St. Mark's Church and not approve the additional funds for stabilization.

This option is not recommended as St. Mark's Church is an important part of Hamilton's heritage and is designated under Part IV of the Ontario Heritage Act. It has also been part of the community for over one hundred years. Use as a cultural space will return this heritage building to the community and, once again, its space will support the development of our citizens. If not acted on, St. Mark's will continue to remain empty and deteriorate as no other option for use has been determined.

Financial:

There are no financial implications to the above alternative.

Staffing:

There are no staffing implications to the above alternative for consideration. If the Sunday School portion is not removed and no stabilization of the structure occurs there is no need for a feasibility study for use of the church as a cultural programming space.

Legal:

There are no legal implications to the above alternative.

Policy:

There are no policy implications to the above alternative.

CORPORATE STRATEGIC PLAN

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Skilled, Innovative & Respectful Organization

- ◆ Council and SMT are recognized for their leadership and integrity

Financial Sustainability

- ◆ Delivery of municipal services and management capital assets/liabilities in a sustainable, innovative and cost effective manner

Growing Our Economy

- ◆ Newly created or revitalized employment sites

Environmental Stewardship

- ◆ Reduced impact of City activities on the environment

Healthy Community

- ◆ Plan and manage the built environment

APPENDICES / SCHEDULES

Appendix A to Report CS10064: Scope of Work/Description of Work

St. Mark's Church - Scope of Work

- Demolition of the 1925 Sunday School, with possible retention of the arched brick entrance as a free standing "L" shaped wall.
- Rehabilitation of the vacated ground with provision of adequate surface drainage as well as addressing issues of substantial grade differential to the adjacent apartment parking lot.
- Removal of all non-load bearing interior walls, floors, finishes and fixtures including all mechanical and electrical equipment to the Church basement. This will also serve to mitigate future mould growth on fibrous materials.
- Remedial work to deteriorated sill plate which we may have to address with either replacement with new wood or bolted steel angle at floor joist ends.
- Relocation of electrical service and removal of wooden pole on south elevation adjacent to the access driveway. Reinstatement of full code compliant electrical service to the Church, specifically for lighting.
- Removal of all previously demolished materials stacked in the Nave.
- Removal of sheet vinyl flooring and painted plywood over original wainscoting in the Nave.
- Removal of all carpet and non-heritage material (plywood and SPF lumber) to elevated stage areas in the Chancel.
- Replacement of main north elevation vestibule entrance flat roof, flashings and scupper including rotten wood deck and roof joists. Include interior plaster ceiling removals and rehabilitation.
- Replacement of north east vestibule floor including rotten floor boards and floor joists, including associated repair of roof leak. Include removal of suspended ceiling in vestibule and interior ceiling rehabilitation to area damaged by roof leak.
- Removal of all exterior vine growth including roots, with selective brick and stone re-building (specifically a number of buttresses) and repointing, as required.
- Re-grading to expose top of stone foundation and re-pointing brickwork immediately above to south elevation area adjacent to access road.
- Rehabilitation of all basement windows and window wells to south elevation.
- Modifications to gutters and downpipes / roof drainage, as required.
- Rehabilitation of two basement entrances, north elevation (replace existing steel hatch) and west elevation (install new subsequent to Sunday School demolition).
- Removal of all batt insulation, plywood / OSB protective enclosures to windows and replacement with vandal proof clear polycarbonate (Lexan or equivalent). Missing stained glass windows to be replaced with same. Natural interior lighting to be re-instated.