TO: Chair and Members  
Economic Development and Planning Committee  

WARD(S) AFFECTED: WARDS 1, 2, 3, 4, 6, 7, 9, 12, 13, 15

COMMITTEE DATE: March 2, 2010

SUBJECT/REPORT NO: Hamilton Heritage Property Grant Program – Amended Program Description (PED10043)

SUBMITTED BY: Tim McCabe  
General Manager  
Planning and Economic Development Department

PREPARED BY: Hazel Milsome 905-546-2424 ext 2755

SIGNATURE:

RECOMMENDATION:

That the amended Program Description of the Hamilton Heritage Property Grant Program attached as Appendix “A” to Report PED10043 be approved.

EXECUTIVE SUMMARY

Report PED10043 recommends the approval of the amended Program Description of the Hamilton Heritage Property Grant Program. The amendments implement the Dormant Business Improvement Area (B.I.A.) Status Procedure approved by City Council at its meeting held November 11, 2009 wherein financial incentive programs are unavailable to dormant B.I.A.s; City Council’s resolution of January 27, 2010 delegating approval authority of grants under the Hamilton Heritage Property Grant Program to the General Manager, Planning and Economic Development Department; City Council’s resolution of January 11, 2010 that, if an applicant is in litigation with the City of Hamilton where, in the opinion of City Council the commercial relationship between the City and the Applicant has been impaired, the City may reject the application. The
amendments also allow an applicant to apply for other City heritage programs available, contingent on the total financing under all City heritage programs not funding the same work and the total funding not exceeding 50% of the total cost of the restoration/conservation work. Clarification of the heritage related reports/assessments/studies component of the Program is also included.

**Alternatives for Consideration – See Page 4.**

Appendix “A” to Report PED10043 is the Program Description of the Hamilton Heritage Property Grant Program.

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)**

**Financial:** Funding for the approved grants under the Hamilton Heritage Property Grant Program is contained in the Main Street Program Reserve (102048) and Capital Project ID# 8200803803; 8200903803; and, 8201003803. Payments from the Reserve account flow through Dept. ID 58201-815025.

**Staffing:** Administration of the Hamilton Heritage Property Grant Program can be accommodated within the Downtown and Community Renewal Division and Community Planning and Design Section of the Planning and Economic Development Department as well as the Corporate Services Department.

**Legal:** Sub-Section 39.1 of the *Ontario Heritage Act* states that a council of a municipality may pass by-laws providing for the making of a grant or loan to the owner of a property designated under the Act for the purpose of paying for the whole or any part of the cost of alteration of such designated property on such terms and conditions as the Council may prescribe. By-law 07-346 approved by City Council at its meeting held December 12, 2007 authorizes the municipality to offer loans and grants to owners of a property designated under the *Ontario Heritage Act*.

In order to receive funding, projects must comply with all planning and building approvals including any Heritage Permits required.

**HISTORICAL BACKGROUND (Chronology of events)**

The Hamilton Heritage Property Grant Program is intended to provide financial assistance in the form of a grant based on 25% of total cost of the regeneration of the property, to a maximum grant of $150,000.00 for eligible work. The program is offered to owners and authorized tenants for: structural/stability work required to conserve and restore heritage features of properties; and, the conservation and restoration of heritage
features of properties that are designated under Parts IV or V of the Ontario Heritage Act. Eligible properties must be located within the Downtown Hamilton Community Improvement Project Area or an active Business Improvement Area. The Program also offers an additional $20,000 grant for heritage related reports/assessments/studies.

City Council, at its meeting held December 12, 2007, approved the program description of the Hamilton Heritage Property Grant Program that sets out the terms and conditions of the Program. The Program was expanded to the Business Improvement Areas through resolution of City Council at its meeting held February 25, 2009.

The objective of the Program is to assist in the rehabilitation and re-use of heritage properties. City Council values heritage properties as important to the urban revitalization and regeneration of our Downtown Core and Business Improvement Areas. Conservation and restorative initiatives must be consistent with the policies, principles and design themes contained within the Downtown Hamilton Secondary Plan, relevant Urban Design Guidelines, regulations contained within the Zoning By-law as well as any other applicable City Council approved policies/regulations.

**POLICY IMPLICATIONS**

**Hamilton Downtown Secondary Plan:** The Hamilton Downtown Secondary Plan contains objectives to retain and enhance the historic fabric of Downtown Hamilton. Administering the Hamilton Heritage Property Grant Program as described above is consistent with that objective and direction.

**The Official Plan of the Former City of Hamilton:** Sub-section C.6.1 encourages the preservation, maintenance, reconstruction, restoration and management of property that is considered to have historic, architectural, archaeological or aesthetic value.

**The Hamilton-Wentworth Official Plan:** Part B, Section 9. Sub-section 9.5 supports municipal endeavours to provide for the reuse of heritage buildings, where such use will not affect the character of the building.

**New Urban Official Plan:** The program implements the policy of the new Urban Official Plan, Section 3.4.3. that calls for the conservation and protection of heritage properties in our Downtowns.
RELEVANT CONSULTATION

Staff from the Community Planning and Design Section of the Planning and Economic Development Department and staff from the Corporate Services Department were consulted and concur with the recommendations included in Report PED10043.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

The Program Description that sets out the terms and conditions of the Hamilton Heritage Property Grant Program must align with City Council’s direction. Recent Council resolutions as referenced earlier in Report PED10043 affect the terms and conditions of the Program requiring amendments to the Program Description.

ALTERNATIVES FOR CONSIDERATION:

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

Non-acceptance of the recommendation contained in Report PED10043 would not align with recent direction of City Council with respect to delegated authority and dormant B.I.A.s and is not recommended.

Financial: Not applicable.

Staffing: Not applicable

Legal: Not applicable

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)


Growing Our Economy

* Investment in Hamilton is enhanced and supported. Property owners invest in their properties leading to property assessment increases.
Environmental Stewardship

• This program supports the preservation/conservation of heritage properties.

Healthy Community

• Partnerships are promoted.

APPENDICES / SCHEDULES

Appendix ‘A’ to Report PED10043 – Hamilton Heritage Property Grant Program.
Program Description:

The Hamilton Heritage Property Grant Program (HHPGP) is intended to provide financial assistance in the form of a grant for structural/stability work required to conserve and restore heritage features of properties; the conservation and restoration of heritage features of properties; and for heritage studies/reports/assessments for properties that are designated under Parts IV or V of the Ontario Heritage Act. Eligible properties must be located within the Downtown Hamilton Community Improvement Project Area or within an active* Business Improvement Area within the City of Hamilton.

The objective of the Program is to assist in developing and re-using heritage properties. City Council values heritage properties as important to the urban revitalization and regeneration of the Downtown Core and Business Improvement Areas. Conservation and restorative initiatives must be consistent with the policies, principles and design themes contained within the Downtown Hamilton Secondary Plan, relevant Urban Design Guidelines, regulations contained within applicable Zoning By-laws as well as any other applicable City Council approved policies/regulations.

Terms of the Program:

- The applicant must be the property owner or owner-authorized tenant to be eligible to apply for the grant program.
- The grant is contingent on properties being designated under Parts IV or V of the Ontario Heritage Act or are eligible for designation pursuant to Ontario Regulation 9/06.
- A condition of the grant is that the property is designated under Parts IV or V of the Ontario Heritage Act prior to grant monies flowing to the applicant.

* An active B.I.A. is not considered dormant as defined in the Dormant Business Improvement Area Status Procedure as approved by City Council at its meeting held November 11, 2009.
An application fee of $310 is to accompany the application. The rate of the fee may be changed from time to time as approved by City Council.

Proposed work cannot commence prior to: a Heritage Permit; or easement approval; or other City approval, being issued for the heritage component.

Proposed work cannot commence prior to all planning and building code approvals required for structural/stability works.

The Downtown and Community Renewal Division reserves the right to recommend works that are integral to the preservation of the building required to preserve/conserve the heritage features.

Proposed work is to be completed within two calendar years of the date of approval of the General Manager of the Planning and Economic Development Department to be eligible for payment. A one year extension can be authorized by the Director of Downtown and Community Renewal.

Payment will be made by the City upon proof by an architect or engineer confirming the value of the work completed and the compliance with all applicable regulations/legislation or upon proof satisfactory to the City confirming the value of the work completed.

Funding will not be applied retroactively to any work undertaken prior to grant approval.

Realty taxes must be paid current and in good standing.

The grant will be based on 25% of the total cost of regeneration of the property to a maximum City grant of $150,000 for eligible work under the program.

Work completed must comply with estimates, and work proposed and identified within the application unless previously approved by the Downtown and Community Renewal Division.

The grant is not transferable upon sale of the property.

The heritage grants may be received by an owner in conjunction with any other City heritage program available including the Commercial Heritage Property Restoration Program and the Community Heritage Trust Program. Funding under these programs will not fund the same work and will be contingent on total financing under all heritage programs not exceeding 50% of the total cost of the restoration/conservation work.

The heritage grant may also be received by an owner in conjunction with any other available City program in support of the redevelopment/development of the property including the City’s Hamilton Downtown Multi Residential Property Investment Program; the Hamilton Downtown Property Improvement Grant Program, the Commercial Corridor Housing Loan and Grant Program and the Commercial Property Improvement Grant Program. Funding under these programs will not fund the same work.

Whether or not an Applicant satisfies the requirements of the Program, the City may reject any application received from an applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City.
Applicants are individuals; corporate entities and individuals behind the corporation (Officers/Directors/Shareholders).

Heritage Related Reports/Assessments/Studies Component:

- The heritage related reports/assessments/studies component provides an additional grant that will fund 100% of the cost of the document(s) to a maximum of $20,000 per property.
- The applicant shall retain a qualified consultant to complete the heritage related reports/assessments/studies, who is acceptable to the City (Downtown and Community Renewal and Community Planning and Design).
- The final document is to meet the satisfaction of the City (Downtown and Community Renewal and Community Planning and Design).
- Copies of the final document shall be provided to the City (Downtown and Community Renewal and Community Planning and Design) and may be used as the basis for future work on the property by a future owner should the ownership of the property change.

Eligible structural/stability work:

- Work necessary to restore the building to structural soundness e.g., the correction of serious structural faults that threaten the building's survival; stabilization works to retain portions of the property; underpinning of building structures; repair/new roofs.

Eligible conservation work:

- Any work that conserves or enhances elements specified in the Reasons for Designation, the Statement of Cultural Heritage Value of Interest or, a description of the Heritage Attributes accompanying the designating by-law under the Ontario Heritage Act.
- The conservation of significant architectural features is eligible. This may include the conservation or restoration of: doors, windows, verandahs, cupolas, chimneys, bargeboard or other decorative trim, parapets, cornices, hood mouldings and any other features important to the overall composition of the structure as specified in the Reasons for Designation, the Statement of Cultural Heritage Value of Interest or, a description of the Heritage Attributes.
- The conservation of fences and outbuildings if specifically referred to in Reasons for Designation, the Statement of Cultural Heritage Value of Interest or, a description of the Heritage Attributes.
- The conservation or renewal of original siding and roofing materials including repair and replacement where necessary of wood clapboard or board-and-batten, repair and repointing of masonry buildings, stucco repair, repair or replacement of original roofing materials (slate, wood shingles, tile, etc.). Eligible work also includes removal of a modern material (synthetic siding, asphalt shingles, etc.) and replacement with documented original materials.
The reconstruction of former and significant architectural features for which the appearance can be clearly determined from documentary sources (photographs, drawings, etc.) is eligible.

The reconstruction of store fronts which have been altered or replaced. The documentation should be in the form of historic photographs or drawings clearly showing the feature(s) to be reconstructed.

Cleaning of masonry buildings may be eligible if it is necessary for the building's preservation. Under no circumstances will grants be paid for any form of abrasive cleaning, (e.g., sandblasting or sodablasting) or high-pressure water cleaning. Heritage Staff approval is required as to cleaning method to be employed before work is undertaken.

Exterior painting in documented original colours. Colours must be documented for the individual building or be proved to have been a common contemporary colour in the area. Painting of unpainted masonry is not eligible.

Non-eligible works:

The following works, including repair, maintenance, reconstruction or improvements to the following are in-eligible for grant-assistance:

- Short-term, routine maintenance. This includes minor repairs (such as repairing a broken step or a broken window); repair of non-original siding or roofing materials (aluminum siding, asphalt shingles, etc.)
- Landscaping
- Work on modern additions
- Work on sheds or outbuildings not specifically referred to in the Reasons for Designation, the Statement of Cultural Heritage Value of Interest or, a description of the Heritage Attributes
- Installation of modern doors and windows unless replicas of the original
- Installation of new storm or screen doors and windows
- Chimney repairs other than restoration of a significant chimney
- Repair of eavestrough unless its nature is such that it is significant to the heritage of the structure
- Repairs to or renewal of modern materials
- Painting previously unpainted masonry
- Interior Work
- Abrasive cleaning (e.g. sandblasting or sodablasting) or high-pressure water cleaning