SUBJECT: Hamilton Community Heritage Fund Loan Program Application for 153 St. Clair Avenue, Hamilton (St. Clair Avenue Heritage Conservation District) (PED08264) (Ward 3)

RECOMMENDATION:

That approval be given to Hamilton Community Heritage Fund Loan Program Application (HCHF 2008-002), for property located at 153 St. Clair Avenue, Hamilton, as shown on Appendix “A” to Report PED08264, subject to the following:

(a) That a loan commitment of $15,000 be approved, in accordance with the terms and conditions of the Hamilton Community Heritage Fund Loan Program for structural repairs to the front porch and masonry repointing, as approved under Heritage Permit Applications HP2008-019 and HP2008-028.

(b) That the Mayor and 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 to amend the loan agreement, provided that the terms and conditions of the Hamilton Community Heritage Fund Loan Program are maintained.

(d) That the applicant shall comply with the conditions of Heritage Permits HP2008-019 and HP2008-028, as approved by the Director of Planning, as advised by the Heritage Permit Review Sub-committee of the Hamilton Municipal Heritage Committee.
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.

The owner of the subject property located at 153 St. Clair Avenue, Hamilton (see location map attached as Appendix “A”) has applied for a $15,000 loan under the program in order to complete structural repairs to the front porch, masonry repointing, and the replacement of bricks, as required, on all elevations of the house, as approved under Heritage Permit Applications HP2008-019 and HP2008-028, respectively.

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 at approximately $777,550, with minimal amounts of three loans still outstanding (approximately $4,490.00 total), and two approved, but not yet disbursed, loan commitments of $50,000 ($100,000 total commitment).

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 (Report PED05091), 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 as part of 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.

153 St. Clair Avenue (St. Clair Avenue Heritage Conservation District)

The subject property is within the St. Clair Avenue Heritage Conservation District (HCD), which was designated under Part V of the Ontario Heritage Act in 1986. The HCD comprises the properties on St. Clair Avenue between Main Street East and Delaware Avenue. This portion of St. Clair Avenue developed as part of the rapid eastward expansion of the City in the early-twentieth century.

The existing house on the subject property was built in 1926 and designed by Witton & Walsh in the Tudor Revival Style. The house has a single front gable with half-timbering in the gable end and at the side of the porch (see photos attached as Appendix “B”). Part of the roof extends forward to form the porch, which is supported by
clusters of square pillars. All the elevations are constructed of red rug brick with unusual half-timbering of the upper storey above the bay window.

**ANALYSIS/RATIONALE:**

**Proposed Work (HCHF2008-002)**

The proposed work comprises (refer to photos attached as Appendix “B”):

- Structural repairs to the front porch pad (HP2008-019), including:
  - The removal of the existing concrete pad and the installation of new footings and a concrete pad, while maintaining the concrete stairs and stone knee-walls;
  - The repair and repainting of several wood porch supports; and,
  - The replacement in kind of tiles on the top landing.

- The repointing of exterior masonry walls on all elevations, including the replacement in kind of deteriorated bricks, as required (HP2008-028).

All elements of the proposed work were reviewed through the Heritage Permit application process (Heritage Permit Applications HP2008-019 and HP2008-028) and approved through delegated approval authority by the Director of Planning, as advised by the Heritage Permit Review Sub-committee of the Hamilton Municipal Heritage Committee.

The front porch is a prominent feature of the front façade, and is essential to maintaining the distinctive roof profile of the house. The use of red “rug” brick is also characteristic of the surrounding area, the construction period and the style of building. Accordingly, the proposed structural repairs to the front porch and masonry repointing are important to the conservation of the house and the character of the St. Clair Heritage Conservation District. In addition, the proposed repair methods are consistent with accepted principles and practice of the conservation and management of heritage fabric. Therefore, the proposed work meets the intent and eligibility criteria of the Hamilton Community Heritage Fund Loan Program and staff recommends approval of the requested loan.

**ALTERNATIVES FOR CONSIDERATION:**

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

Denial of this application would not promote the appropriate conservation and management of the significant heritage features of the property and would not meet the City’s “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. Loans issued in 2008 are to be funded from Reserve Fund 102049 - Community Heritage Fund. Staff of Finance and Administration has advised that the current balance of the Reserve Fund is $777,550.89, and has confirmed the availability of funds regarding the financing of the proposed HCHF loan.

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.

POLICIES AFFECTING PROPOSAL:

For the subject application (HCHF2008-002), the following policies apply:

The City of Hamilton Official Plan Section C.6.1 states that “it is the intent of Council to encourage the preservation, maintenance, reconstruction, restoration and management of property that is considered to have historic, architectural, archaeological or aesthetic value”.

The St. Clair Avenue Heritage Conservation District Plan states in Section 10.3.4 that “restoration of the original features of the building[s] will be encouraged”.

RELEVANT CONSULTATION:

Pursuant to Subsections 28(1) and 33(4) of the Ontario Heritage Act, the Hamilton Municipal Heritage Committee advises and assists Council on matters relating to Part IV and Part V of the Ontario Heritage Act. The Hamilton Municipal Heritage Committee has been consulted on the approved Heritage Permit Applications (HP2008-019 and HP2008-028) through its Heritage Permit Review Sub-committee. The Hamilton Municipal Heritage Committee shall be advised of the decision regarding this loan by copy of this report and recommendations at its November 27, 2008 meeting.
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.

**Community Well-Being is enhanced.** ☑ Yes ☐ No
Conservation of existing built heritage infrastructure is being supported.

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

Consumption of natural resources is being reduced through the conservation of the existing building and its built features.

**Economic Well-Being is enhanced.** ☑ Yes ☐ No
Investment in the City’s building stock and skilled labour market is encouraged.

**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.

**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)
153 St. Clair Boulevard – front elevation

Front elevation of porch
Detail of porch showing area of structural failure (sinking tiles).

Detail of porch showing area of structural failure.
South elevation of house showing inappropriate past repointing to be corrected.