TO: Chair and Members Planning Committee  
WARD(S) AFFECTED: WARD 5

COMMITTEE DATE: November 19, 2013

SUBJECT/REPORT NO:  
Heritage Permit Application HP2013-037, Under Part V of the Ontario Heritage Act, for the Erection of a Structure at 970 Beach Boulevard (Hamilton) (PED13180) (Ward 5)

SUBMITTED BY: Joe-Anne Priel  
Acting General Manager Planning and Economic Development Department

PREPARED BY: Alissa Golden  
(905) 546-2424 Ext. 1214

SIGNATURE:

RECOMMENDATION

That Heritage Permit Application HP2013-037 be approved for the erection of a new single detached dwelling, with an attached garage, on the designated property at 970 Beach Boulevard (Hamilton Beach Heritage Conservation District) (Hamilton), as shown in Appendix “A” to Report PED13180, subject to the submission of a completed Site Plan and the following conditions:

(a) That the final design of the attached garage be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;

(b) That the dimensions and surfacing materials for the new driveway, and any walkways, patios, or other hard-surface areas, shall be submitted, to the satisfaction and approval of Planning staff, in accordance with the Site Plan approval process and prior to installation;
(c) That the dimensions, design, and materials for any new fencing and gates shall be submitted, to the satisfaction and approval of Planning staff, prior to installation;

(d) That as many existing trees as possible shall be retained, and a minimum of one new tree, of a minimum caliper of 55mm of a species consistent with the City of Hamilton’s Tree Species and Recommended Use Index, shall be planted within one year of occupancy of the new dwelling;

(e) That a plan depicting the removed, retained, and new trees, including the calliper size, locations, and species shall be submitted, to the satisfaction and approval of Planning staff, prior to any grading or tree removals;

(f) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;

(g) That construction and site alterations, in accordance with this approval, shall be completed no later than November 30, 2015. If the construction and site alterations are not completed by November 30, 2015, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

EXECUTIVE SUMMARY

The subject property, located at 970 Beach Boulevard (Hamilton), is designated as part of the Hamilton Beach Heritage Conservation District under Part V of the Ontario Heritage Act (see the location map attached as Appendix “A”). A Heritage Permit is required for the alteration of any part of the property, and for the erection or demolition of any structures or buildings on the property. The applicant is applying for the erection of a new single detached dwelling on a vacant lot. This application is being supported, subject to conditions, as agreed to by the applicant in discussions with staff and the Heritage Permit Review Sub-committee. Construction on the subject property is also subject to Site Plan Control under the Planning Act. The Heritage Permit Review Sub-committee and the Hamilton Municipal Heritage Committee have reviewed this application and have advised conditional approval of the application.

Alternatives for Consideration - See Page 7.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: None.
Staffing: None.

Legal: Under Section 42 of the Ontario Heritage Act, a permit from the municipality is required for alteration of any part of the property or to erect, demolish, or remove any building or structure on the property. The power to consent to alterations to property designated under the Ontario Heritage Act was delegated by Council to the Director of Planning under City of Hamilton By-law No. 05-364. However, the Ontario Heritage Act provisions exclude the delegation of Council's authority to consent to an application for the demolition of existing structures or erection of new structures.

In response to an application for a permit, Council may: consent to the permit applied for; provide notice that Council is refusing the application for the permit; or consent to the permit applied for, with terms and conditions attached.

Section 42 (4.1) of the Ontario Heritage Act provides that Council must consult with its Municipal Heritage Committee before taking any action with respect to an application to demolish or remove any building or structure on property in a Heritage Conservation District.

HISTORICAL BACKGROUND

The subject property at 970 Beach Boulevard (Hamilton) (see the Location Map attached as Appendix “A”) is located in the Hamilton Beach Heritage Conservation District (HCD), designated by former City of Hamilton By-law No. 00-135, and was approved by the Ontario Municipal Board under Part V, Section 41, of the Ontario Heritage Act in 2001.

The existing lot is vacant with low-lying vegetation near the front of the lot and a number of trees to the rear (a photograph of the existing lot is attached as Appendix “B”). The applicant has applied for consent to erect a new, two-storey, single detached dwelling with an attached garage (the elevations for the proposed new construction are attached as Appendix “C”). The Heritage Permit Review Sub-committee of the City of Hamilton Municipal Heritage Committee reviewed this application on August 28, 2013. The Sub-committee supported the proposed Site Plan (see Appendix “D”) and the design of the new house, subject to the conditions recommended by staff.

At its meeting on September 19, 2013, the Hamilton Municipal Heritage Committee affirmed this recommendation and advised conditional approval of the application.
Urban Hamilton Official Plan:

Section B.3.4 - Cultural Heritage Resources Policies of the Urban Hamilton Official Plan states that the City shall “protect and conserve the tangible cultural heritage resources of the City, including archaeological resources, built heritage resources, and cultural heritage landscapes” (B.3.4.2.1(a)), and “identify cultural heritage resources through a continuing process of inventory, survey, and evaluation, as a basis for the wise management of these resources” (B.3.4.2.1(b)). The policies also provide that the “City may, by By-law, designate individual and groups of properties of cultural heritage value under Parts IV and V, respectively, of the Ontario Heritage Act” (B.3.4.2.3).

Hamilton Beach Heritage Conservation District - Guidelines for Conservation and Change:

The Council-adopted Hamilton Beach Heritage Conservation District Guidelines for Conservation and Change (Section 5.0 - Design Guidelines for New Infill Construction) specify that new construction be compatible with the character of adjoining properties and the streetscape. However, new construction should be of contemporary design sympathetic to, but not attempt to replicate, existing heritage buildings or styles (Sub-section 5.3). Sub-section 5.4 provides detailed guidance for new construction, summarized as follows:

- New residences are intended to be two storeys or less in height, relatively narrow, and set back slightly further from the road than the earlier pre-1900 houses (to a setback similar to those for the post-1900 buildings);

- Suitable construction is frame with horizontal facades and cladding in wood (clapboard, board-and-batten, or shingle), stucco, pebble-dash, or rough-cast, with no or minimal brick or stone. Small areas of high quality synthetic cladding may be permitted;

- Roof forms are encouraged to be well proportioned front-gable, cross-gable, centre-gable, hipped, or truncated hip roofs;

- Windows of vertical and rectangular orientation that reflect traditional proportions and do not overwhelm the front façade are appropriate (i.e. avoid large, full-length, multi-storey, or picture windows);

- Front entrances are intended to be prominent and easily identifiable, and can be recessed or projecting and/or accentuated by door surrounds or porches; and,
Parking and other outbuildings are intended to be in the rear yard.

The Council-adopted Guidelines also specify landscape character and Conservation Guidelines in Section 6.0. Sub-section 6.3.1 provides guidance for new infill development on vacant lots, summarized as follows:

- The existing vegetation around the perimeter of vacant lots should be retained and protected during construction. New driveways will be located in a manner that ensures the retention of mature trees; and,

- Building setbacks should be aligned with adjacent buildings.

**RELEVANT CONSULTATION**

Pursuant to Sub-sections 42(1) and 42(4.1) of the Ontario Heritage Act, the City of Hamilton Municipal Heritage Committee (HMHC) advises and assists Council on matters relating to Part V of the Ontario Heritage Act. The subject application was reviewed as a pre-submission application by the Heritage Permit Review Sub-committee of the HMHC, at its meeting on June 26, 2013. The Sub-committee considered the pre-submission application, together with advice from staff, and was supportive of the general design, in principle.

Revised drawings and supporting information were submitted by the applicant as part of a complete application on August 22, 2013. At its meeting of August 28, 2013, the Heritage Permit Review Sub-committee considered this application, together with comments from staff. The Sub-committee supported the proposed Site Plan (see Appendix “D”) and the design of the new dwelling, subject to the conditions recommended by staff. The Hamilton Municipal Heritage Committee affirmed this recommendation at its meeting on September 19, 2013, and advised conditional approval of the application.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

Two key factors that are considered in the evaluation of any change affecting a heritage building, or its setting, are:

- **Displacement Effects** - those adverse actions that result in the damage, loss, or removal of valued heritage features; and,

- **Disruption Effects** - those actions that result in detrimental changes to the setting or character of the heritage feature.
Displacement Effects: The existing lot is currently vacant, except for low-lying vegetation near the front of the lot and a number of trees to the rear. The Site Plan proposed as part of this Heritage Permit application does not address grading-related impacts to the design or to the existing trees and vegetation on site. Staff recommends that as many existing trees as possible be retained, and a minimum of one new tree, with a minimum caliper of 55mm of a species consistent with the City of Hamilton’s Tree Species and Recommended Index, be planted within one year of occupancy of the new dwelling (see Recommendation (d)).

Staff recommends that a plan be prepared depicting the removed, retained, and new trees, including caliper size, locations, and species, to the satisfaction and approval of Planning staff, prior to any grading or tree removals (see Recommendation (e)). These conditions will help ensure the suitable retention of existing trees and the planting of new trees, where applicable.

Disruption Effects: Any new construction in the Hamilton Beach HCD will impact the Beach Boulevard streetscape and the character of the District. The HCD plan speaks to encouraging new development only where it is demonstrated that such changes will have no adverse effects to the heritage attributes of the District and will positively contribute to the character of the area.

The proposed Site Plan and design of the new structure are consistent with the character of the HCD and previously approved new buildings within the District in terms of lot layout and building width, height, and massing. The design and materials of the new dwelling do not replicate historical styles, but incorporate features that are sympathetic to the character of the area, such as: the hip roof; vertically-oriented windows; the use of traditional cladding materials (stucco); and the front porch.

The Heritage Permit Review Sub-committee reviewed the subject application at the pre-submission stage on June 26, 2013. The Sub-committee considered the pre-submission application, together with advice from staff, and was supportive of the general design, in principle, and provided the additional recommendations, including: reducing the amount of stone veneer; adding a railing to the front porch; using wood columns rather than fiberglass in the front porch; and reducing the height of the roofline over the garage to allow for more vertically-oriented windows in the second storey.

The applicant submitted revised drawings as part of a complete application on August 22, 2013. The drawings indicate that the proposed building will have a rectangular plan with a hip roof and a projecting front gable with asphalt shingles and aluminium fascia and soffits (see Appendix "C"). The proposed cladding is stucco, and the front porch will be comprised of 25.4 cm (10") painted wood or fiberglass columns with wood railings. Staff recommends the use of wood columns instead of using synthetic materials, such as fiberglass.
The drawings depict a front entrance on the east elevation of the projecting portion of the front of the dwelling opening onto the front porch. The entrance is articulated with transoms and flanking hung windows. The proposed windows are vertically oriented with various combinations of casement and hung windows in the front, side, and rear elevations. The drawing notes indicate that the windows and openings will have casing, sill, and cornice trim.

The proposed dwelling has an attached garage set back from the front façade. The visual impact of the attached garage has been mitigated through the use of a hip roof, which wraps around along the north side elevation. As well, the drawings propose a carriage-style garage door, although the materials and specifications are not identified. Staff recommends that the final drawings, including the final design of the attached garage, be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit (see Recommendation (a)).

Staff also recommends that the dimensions and surfacing materials for the new driveway and any walkways, patios, or other hard-surface areas shall be submitted, to the satisfaction and approval of Planning staff, in accordance with the Site Plan approval process and prior to installation (see Recommendation (b)). Similarly, staff recommends that the dimensions, design, and materials for any new fencing and gates shall be submitted, to the satisfaction and approval of Planning staff, prior to installation (see Recommendation (c)).

It is also recommended that the Heritage Permit have an expiry date of November 30, 2015 (see Recommendation (g)). An expiry date of two years after approval is standard on all approved Heritage Permits, and the November 30, 2015, date will reflect the expected end date of the new construction.

Staff recommends conditional approval of Heritage Permit Application HP2013-037, as per the recommendations of this Report. Construction on the subject property is also subject to Site Plan Control under the Planning Act.

**ALTERNATIVES FOR CONSIDERATION**

1. **Refuse the Heritage Permit Application.**

   Refusal of the Heritage Permit to erect the new structure does not contribute to the built heritage landscape of the Hamilton Beach Heritage Conservation District (HCD), and does not advance the Hamilton Beach HCD Guidelines that permit the erection of new buildings and other site alterations which are sympathetic to the existing building fabric and maintain the character of the Hamilton Beach HCD.
2. **Approve the Heritage Permit with Additional or Amended Conditions.**

   Council may approve this application with additional or amended conditions of approval. This is not being recommended.

3. **Approve the Heritage Permit with No Conditions.**

   Council may approve this application with no conditions. This alternative is not recommended, as it would prevent staff review of additional details to ensure that the Heritage Permit approval will result in high-quality construction and the implementation of the project design, as submitted.

### ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

**Strategic Priority #1 - A Prosperous and Healthy Community:**

*WE enhance our image, economy, and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.*

**Strategic Objective:**

1.6 Enhance Overall Sustainability (financial, economic, social, and environmental).

**Staff Comments:**

The approval of the recommendations of this Report demonstrates Council’s commitment to conserving cultural heritage resources, as directed by provincial and federal level policies.

### APPENDICES / SCHEDULES

- Appendix “A”: Location Map
- Appendix “B”: Photograph of the Subject Property
- Appendix “C”: Elevations for the Proposed Dwelling
- Appendix “D”: Proposed Site Plan

:AG

Attachs. (4)
970 Beach Boulevard - Vacant Lot