



Hamilton

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Planning and Economic Development Department
Planning Division
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FILE: HP2018-035

September 7, 2018

7.1(e)

Wellings Planning Consultants Inc.
c/o Glenn Wellings
513 Locust Street, Unit B
Burlington, ON L7S 1V3

**Re: Heritage Permit Application HP2018-035:
Retention and restoration of the front portions of 24 and 28 King Street
East, Hamilton and a fifth storey addition (Ward 2) (Notice of Intention to
Designate)**

Please be advised that pursuant to By-law No. 05-364, as amended by By-law No. 07-322, which delegates the power to consent to alterations to designated property under the *Ontario Heritage Act* to the Director of Planning and Chief Planner, Heritage Permit Application HP2018-035 is approved for the designated property at 24 and 28 King Street East, in accordance with the submitted Heritage Permit Application for the following alterations:

- Retention and restoration of the front portions of 24 and 28 King Street East (approximately half the depth of the site) including:
 - **24 King Street East:** Removal of unsympathetic coatings and application of new rendering where required, new stone lintels and sills and repair of pressed metal cornice; and,
 - **28 King Street East:** Removal of unsympathetic coatings and cleaning of surface, repair pressed metal cornice and projecting horizontal mouldings and replacement of all windows to match original window fenestration.
- Installation of modern storefronts including signage band on buildings including repair and cleaning of original pilasters where remaining; and,
- One-storey addition on top of buildings.

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Subject to the following conditions:

- a) That the following conditions with respect to cost estimates and a Letter of Credit shall be satisfied prior to submission of an application for a Building Permit for removal of portions of the building:
 - i. The owner shall provide cost estimates for 100% of the total cost of securing, protecting and stabilizing the retained portions, the cost of monitoring and security for a period of three years and the total cost of restoration and protective enclosure of the retained Designated portions. Such cost estimates shall be in a form satisfactory to the Director of Planning and Chief Planner.
 - ii. The owner shall provide a Letter of Credit to the Director of Planning and Chief Planner for 100% of the total estimated cost as per (i) in a form satisfactory to the City's Finance Department (Development Officer, Budget, Taxation and Policy) to be held by the City as security for securing, protecting, stabilizing, monitoring and restoring the retained portions as required by this Heritage Permit:
 1. The Letter of Credit shall be kept in force, whether or not the ownership of 24 and 28 King Street East changes at any time, until the completion of the required restoration of the retained portions and the erection of a permanent structure to enclose the rear of the retained portions and / or to otherwise attach the retained portions to a new building in conformity with the approved design and requirements.
 2. The Letter of Credit may be reduced in accordance with the City's Letter of Credit Policy.
 3. If the Letter of Credit is about to expire without renewal thereof and any part of securing, protecting, stabilizing, monitoring or restoring the retained portions has not been completed in conformity with their approved designs, the City may draw all of the Letter of Credit funds and hold them as security to guarantee completion unless the City's Finance Department (Development Officer, Budget, Taxation and Policy) is provided with a renewal of the Letter of Credit forthwith.
 4. In the event that the Owner fails to complete, to the satisfaction of the Director of Planning and Chief Planner, the required securing, protecting, stabilizing, monitoring or restoring of the retained portions and the erection of a permanent structure to enclose the rear of the retained portions and / or

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attach to a new building in conformity with its approved design within the time required, then the City, in addition to any other remedies that the City may have, may exercise its authority under section 446 of the *Municipal Act* to have its employees, agents or contractors enter 24 and 28 King Street East to complete any one or more of these requirements. The cost of completion of securing, protecting, stabilizing, monitoring or restoring the retained portions shall be paid in full by the Owner from the Letter of Credit. In the event that there is a surplus, the City shall pay the surplus to the Owner upon completion of the requirement(s). In the event that there is a deficit, the City may further exercise its authority under section 446 of the *Municipal Act* including but not limited to adding the deficit to the tax roll and collecting it in the same manner as property taxes.

- b) That a Conservation Plan in accordance with the City's Guidelines for Conservation Plans be submitted to the satisfaction and approval of the Director of Planning and Chief Planner prior to the issuance of any Building Permit for demolition or new construction;
- c) That the leaded glass transoms on the second floor of 28 King Street East, Hamilton be salvaged to the satisfaction of the Director of Planning and Chief Planner prior to the issuance of any Building Permit for demolition or new construction;
- d) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,
- e) That implementation / installation of the alteration(s), in accordance with this approval, shall be completed no later than September 30, 2020. If the alteration(s) are not completed by September 30, 2020, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

Please note that this property is designated under Part IV of the *Ontario Heritage Act*, and that this permit is only for the above-noted alterations. Any departure from the approved plans and specifications is prohibited, and could result in penalties, as provided for by the *Ontario Heritage Act*. The terms and conditions of this approval may be appealed to the Conservation Review Board within 30 days of your receipt of this permit.

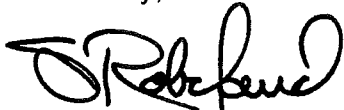
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The issuance of this permit under the *Ontario Heritage Act* is not a waiver of any of the provisions of any By-law of the City of Hamilton, the requirements of the *Building Code Act*, the *Planning Act*, or any other applicable legislation.

We wish you success with your project, and if you have any further questions please feel free to contact Chelsey Tyers, Cultural Heritage Planner, at 905-546-2424 ext. 1202, or via email at Chelsey.tyers@hamilton.ca.

Yours truly,

A handwritten signature in black ink, appearing to read 'S Robichaud', with a stylized flourish at the end.

Steve Robichaud, MCIP RPP
Director of Planning and Chief Planner

cc: Chelsey Tyers, Cultural Heritage Planner
Chantal Costa, Plan Examination Secretary
John Lane, Manager, Building Inspections
Loren Kolar, Legislative Coordinator
Councillor Jason Farr, Ward 2