

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 5
COMMITTEE DATE: August 13, 2013	
SUBJECT/REPORT NO: Heritage Permit Application HP2013-026, Under Part V of the <u>Ontario Heritage Act</u> , for the Erection of a Structure at 890 Beach Boulevard (Hamilton) (Ward 5) (PED13128)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Alissa Golden (905) 546-2424, ext. 1214
SIGNATURE:	

RECOMMENDATION

That Heritage Permit Application HP2013-026 be approved for the erection of a new single detached dwelling on the designated property at 890 Beach Boulevard (Hamilton Beach Heritage Conservation District) (Hamilton), as shown on Appendix "A" to Report PED13128, subject to the submission of a completed site plan and the following conditions:

- (a) That the specifications of the cladding materials for the new dwelling shall 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 specifications for the proposed windows, doors, cladding, porch columns, and railings, shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;

SUBJECT: Heritage Permit Application HP2013-026, Under Part V of the Ontario Heritage Act, for the Erection of a Structure at 890 Beach Boulevard (Hamilton) (Ward 5) (PED13128) - Page 2 of 9

- (c) 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;
- (d) 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;
- (e) That as many existing trees as possible shall be retained, and/or that at least one new tree of a minimum caliper of 55mm and 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;
- (f) That a plan depicting the removed, retained, and new trees, including the caliper size, locations, and species, shall be submitted, to the satisfaction and approval of Planning staff, prior to any grading or tree removals;
- (g) 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;
- (h) That construction and site alterations, in accordance with this approval, shall be completed no later than August 31, 2015. If the construction and site alterations are not completed by August 31, 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 890 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, including site alteration and grading. This application is considered to be worthy of support, subject to certain conditions related to construction materials and the retention of existing trees and/or planting new trees.

The Heritage Permit Review Sub-committee and the Hamilton Municipal Heritage Committee have reviewed this application and have advised conditional approval of the application, in principle, but advised that they did not support the use of vinyl siding.

SUBJECT: Heritage Permit Application HP2013-026, Under Part V of the Ontario Heritage Act, for the Erection of a Structure at 890 Beach Boulevard (Hamilton) (Ward 5) (PED13128) - Page 3 of 9

Construction on the subject property is also subject to Site Plan Control under the Planning Act.

Alternatives for Consideration - See Page 8.

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

SUBJECT: Heritage Permit Application HP2013-026, Under Part V of the Ontario Heritage Act, for the Erection of a Structure at 890 Beach Boulevard (Hamilton) (Ward 5) (PED13128) - Page 4 of 9

The existing lot is vacant, with several mature trees at the front of the lot and vegetation to rear of the lot (a photograph of the existing lot is attached as Appendix "B"). The applicant has applied for consent to erect a new, one-and-a-half storey, single detached dwelling (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 May 22, 2013. The Sub-committee supported the proposed site plan (see Appendix "D") and the design of the new house, in principle, subject to the conditions recommended by staff and excluding the use of vinyl siding.

At its meeting on June 20, 2013, the Hamilton Municipal Heritage Committee affirmed this recommendation and advised conditional approval of the application, excluding the use of vinyl siding.

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

City of Hamilton Official Plan:

Section C.6 - Heritage Resources of the former City of Hamilton Official Plan encourages the preservation, maintenance, reconstruction, restoration, and management of property considered to have historic, architectural, or aesthetic value (C.6.1). The recommendations of this Report meet the intent of this policy.

Urban Hamilton Official Plan:

Volume 1, Section 3.4 - Cultural Heritage Resources Policies of the Council-adopted (July 9, 2009) 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" (Volume 1, 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" (Volume 1, 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" (Volume 1, 3.4.2.3). The Urban Hamilton Official Plan has been approved by the Ministry of Municipal Affairs and Housing, but has been appealed in its entirety to the Ontario Municipal Board (OMB) and, at the time of preparation of this Report, a decision on the appeals has not been made by the OMB.

While the plan is not in full force and effect, these policies demonstrate Council's commitment to the identification, protection, and conservation of the cultural heritage resources, and the recommendations of this Report meet the intent of these policies.

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 February 27, 2013. The Sub-committee generally supported the massing, height, and roofline of the proposed dwelling, but advised that they did not support the use of vinyl siding.

Revised drawings were submitted by the applicant as part of a complete application on May 15, 2013. The drawings and supporting material samples depict the use of vinyl board and batten siding cladding all exterior wall surfaces and vinyl cedar shake siding in the gables. At its meeting of May 22, 2013, the Heritage Permit Review Sub-committee of the HMHC 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 house, in principle, subject to the conditions recommended by staff, but affirmed that they did not support the use of vinyl siding.

At its meeting on June 20, 2013, the Hamilton Municipal Heritage Committee considered the application, together with comments from staff and the applicant, and affirmed this recommendation, and advised conditional approval of the application, excluding the use of vinyl siding, as per the recommendations of this Report.

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 with several mature trees at the front of the lot, a row of trees abutting the north lot line, and vegetation at the rear of the lot. The preliminary site plan does not address the grading-related impacts to the existing trees and vegetation on site. The preliminary site plan depicts a gravel driveway along the north lot line, which may impact the existing row of trees. Staff notes that the preliminary site plan does not depict the front yard setback, and that the south side yard setback is deficient, both of which will need to be addressed as part of

SUBJECT: Heritage Permit Application HP2013-026, Under Part V of the Ontario Heritage Act, for the Erection of a Structure at 890 Beach Boulevard (Hamilton) (Ward 5) (PED13128) - Page 7 of 9

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

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 Recommendations (e) and (f)). 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 of the new dwelling does not replicate historical styles, but incorporates features that are sympathetic to the character of the area, such as a front porch with an articulated entrance and a mix of cladding textures, including shakes in the front gable and vertical board and batten style siding.

The applicant has proposed siding and simulated shakes made of vinyl. The use of synthetic materials is discouraged in the District Plan, and Heritage Planning staff has not recommended approval of vinyl siding under any previous Heritage Permit applications for new construction within the District. The District Plan encourages a variety of cladding materials, including wood (clapboard, board and batten or shingles), stucco, pebble-dash or rough-cast. A principal concern for the use of synthetic materials in a Heritage Conservation District is the potential loss of the historic craftsmanship due to the replacement of existing historic materials.

Given that the subject application is to permit a new dwelling, the materials should be sympathetic to, and reinforce, the existing character of the district. This may be achieved through the use of traditional materials, such as wood siding or stucco, or through the use of modified traditional materials (e.g. composites) or small quantities of synthetic materials with similar profiles, textures and colours as traditional materials, so that they are relatively indistinguishable from their traditional counterparts. Contemporary engineered wood products, such as pre-finished wood and fibre-cement board, have been permitted under previous Heritage Permit approvals.

SUBJECT: Heritage Permit Application HP2013-026, Under Part V of the Ontario Heritage Act, for the Erection of a Structure at 890 Beach Boulevard (Hamilton) (Ward 5) (PED13128) - Page 8 of 9

Given the District Guidelines and the advice from the Heritage Permit Review Sub-committee, staff cannot support the use of vinyl cladding for the proposed new construction, as submitted by the applicant. As a result, staff has included a condition in the recommendations to allow for further discussions between staff and the applicant regarding the use of a cladding material other than vinyl (see Recommendation (a)).

The proposed elevations depict an articulated front entrance with sidelights and a transom, the use of casement windows in the first storey and the basement of all elevations, and the use of cedar wood for the front and rear porch railings and deck. Staff recommends that the wood be painted or have an opaque stain to be in keeping with the character of the district. Staff recommends that the final specifications for the proposed windows, doors, porch columns, railings, roof detailing and the exterior finish of the foundation, be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit (see Recommendation (b)). In addition, staff recommends that any minor changes to the plans and elevations following approval be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit (see Recommendation (g)).

Staff recommends conditional approval of Heritage Permit Application HP2013-026, as per the recommendations of this Report, with an expiry date of August 31, 2015. An expiry date of two years after approval is standard on all approved Heritage Permits, and the August 31, 2015, date will reflect the expected end date of the new construction.

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

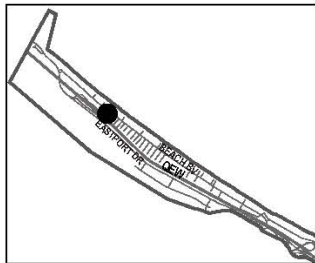
- Appendix "A": Location Map
- Appendix "B": Photographs of the Subject Property
- Appendix "C": Elevations for the Proposed Dwelling
- Appendix "D": Proposed Site Plan

:AG

Attachs. (4)



● Site of the Application



Ward 5 Key Map

N.T.S.



Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
HP2013-026

Date:
June 3, 2013

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
AC/JAL

Subject Property



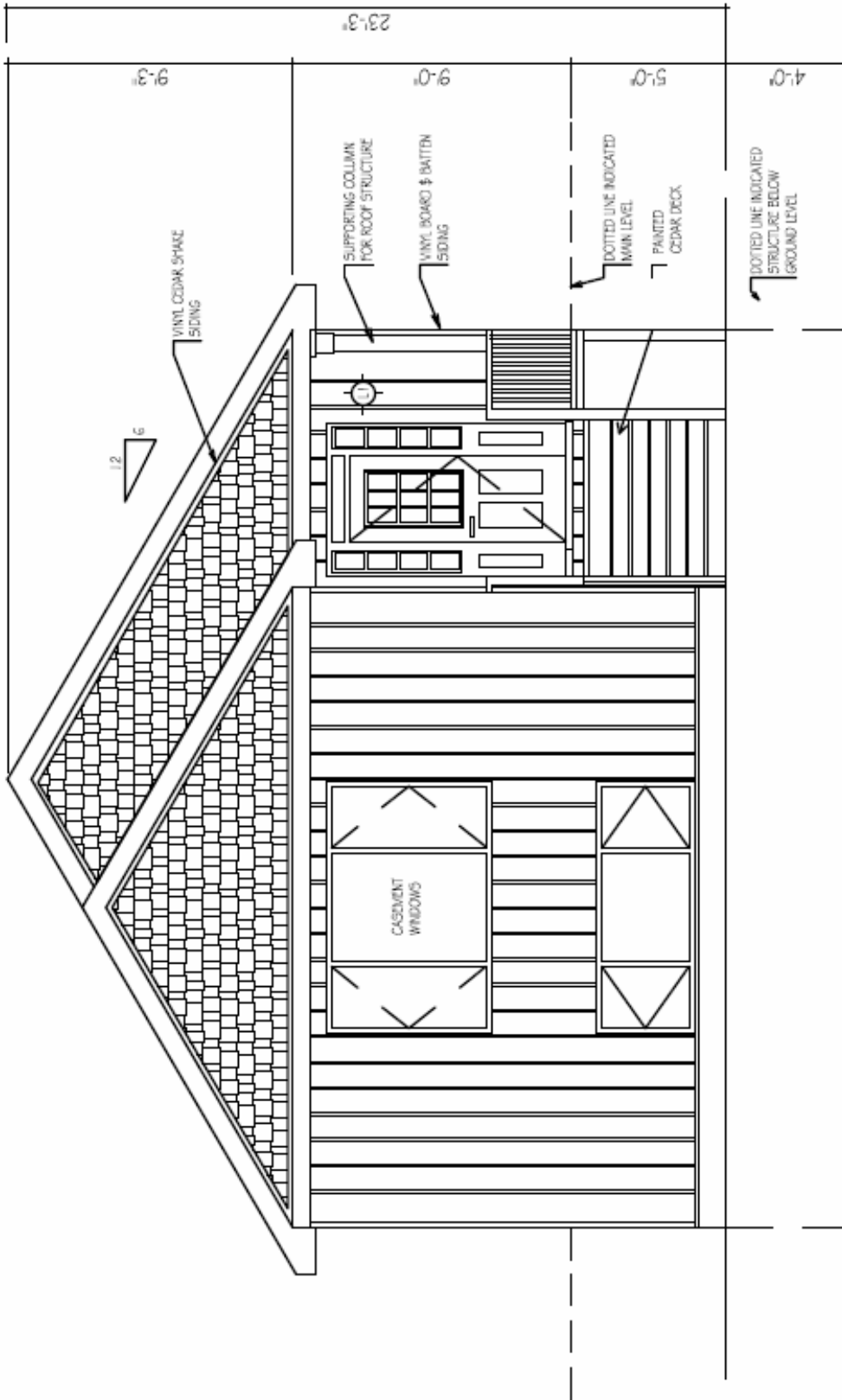
890 Beach Boulevard



890 Beach Boulevard - Vacant Lot

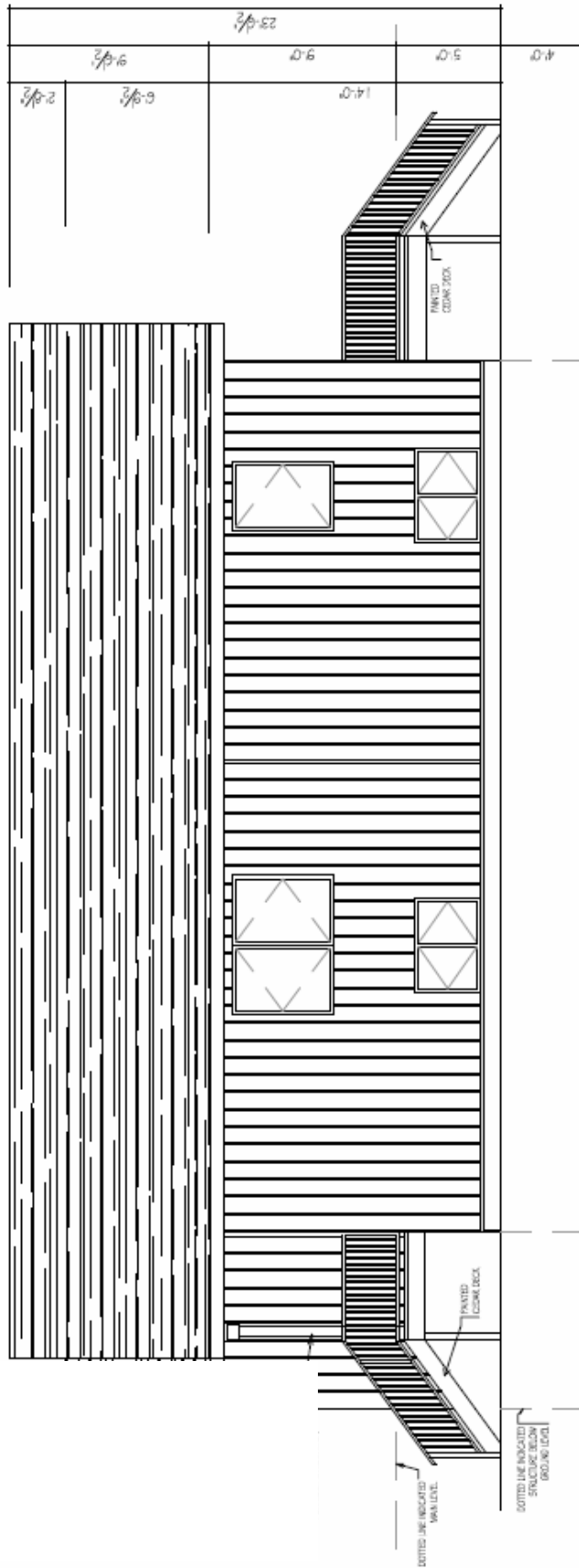


890 Beach Boulevard - Trees at Front of the Lot (left) and Along North Lot Line (Right)

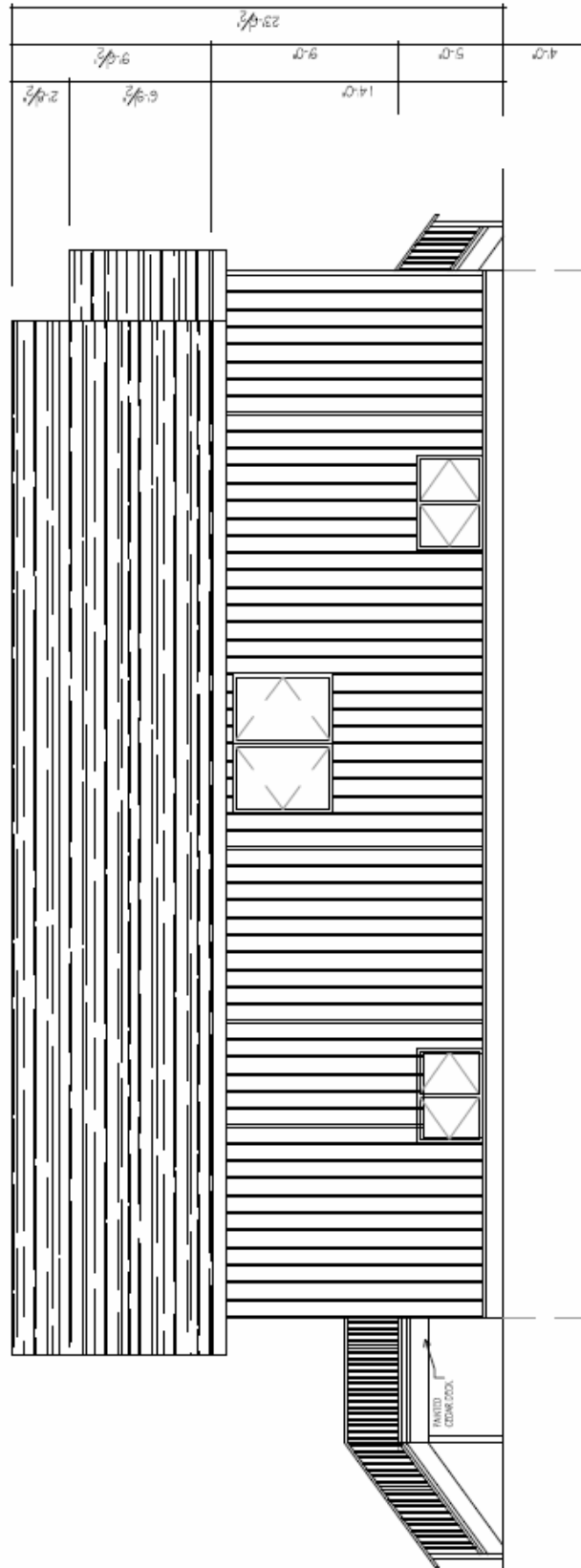


EAST ELEVATION

ELEVATION ONE
SCALE: 1/8" = 1'-0"

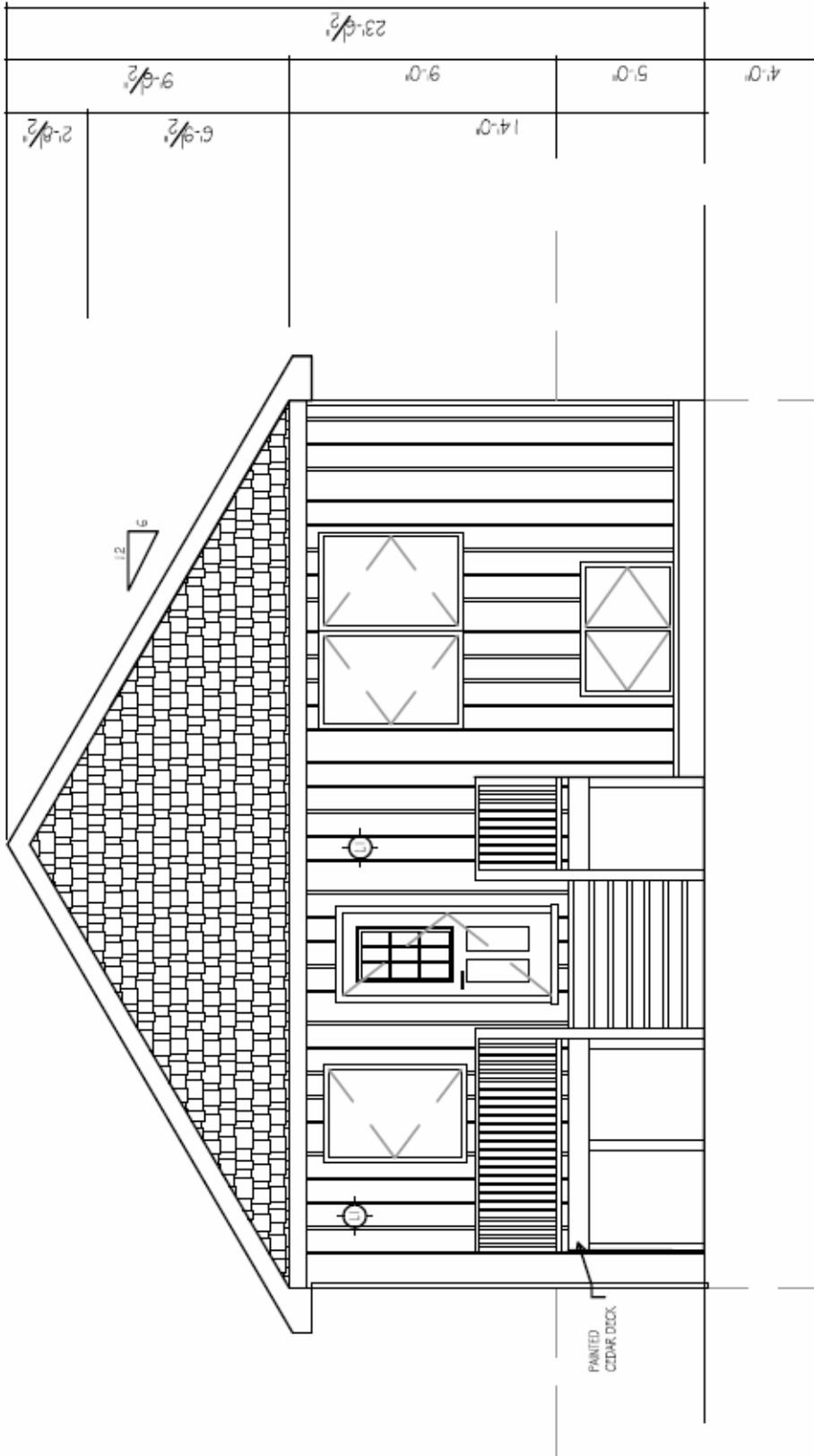


E2 ELEVATION TWO NORTH ELEVATION
D1 SCALE: 1/8" = 1'-0"



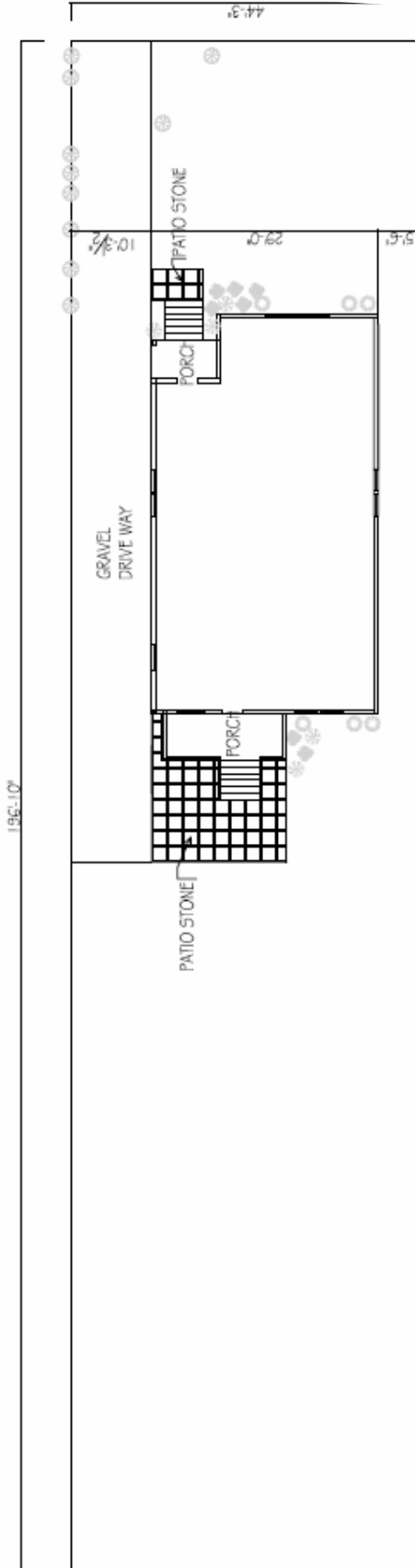
SOUTH ELEVATION

F4 ELEVATION FOUR
D1 SCALE: 1/8" = 1'-0"



E3 ELEVATION THREE
D1 SCALE: 1/8" = 1'-0"

WEST ELEVATION



PROPOSED SITE PLAN
890 BEACH BOULEVARD