



SUBJECT: Refusal of Application for Grant from Community Heritage Fund for 2349 Lakeshore Road

TO: Planning and Development Committee

FROM: Department of City Building - Planning Building and Culture

Report Number: PB-39-19

Wards Affected: 2

File Numbers: 501-06.7

Date to Committee: May 14, 2019

Date to Council: May 27, 2019

Recommendation:

Refuse the application for a grant from the Community Heritage Fund for window replacement at 2349 Lakeshore Road.

Purpose:

The subject report responds to an application for a grant from the Community Heritage Fund. The subject report follows an earlier report, PB-02-19, which was referred back to staff by Council on January 28, 2019.

The following objective of the Strategic Plan (2015-2040) is applicable to the subject application:

An Engaging City

- Community Building through Arts and Culture via Community Activities

Background and Discussion:

This report follows an earlier report, PB-02-19, which was considered at the January 14, 2019 meeting of Committee of the Whole, and was referred back to staff by Council on January 28, 2019. The original report, PB-02-19, contains detailed background information.

The subject report concerns 2349 Lakeshore Road, a designated heritage property located in ward 2 at the northwest corner of Lakeshore Road and Green Street. The reasons for designation are outlined in Schedule A-5 of By-law 8-1995 (Appendix A). The owners of the subject property submitted an application in September 2018 for a grant from the Community Heritage Fund to subsidize the cost of replacing all of the original windows on the property with new fibreglass windows (downstairs) and wood windows (upstairs).

Staff approved a Heritage Permit for the window replacement through delegated authority on October 26, 2018. While restoration, rather than replacement, of the original windows would be more preferable and in keeping with best practices for heritage conservation, staff and Heritage Burlington supported the heritage permit application because replacement was considered to be a reasonable intervention due to the deteriorated condition of the original windows.

Staff do not support the application for a grant from the Community Heritage Fund to subsidize the window replacement, for the reasons outlined in report PB-02-19. In sum, while the owners' proposal met the criteria for the City to permit the window replacement, it did not meet the higher test for staff to support the City subsidizing the window replacement. The specific work proposed was permissible because it would not adversely affect the heritage value of the property, but it is not eligible for grant funding because it does not satisfy program eligibility guidelines (available online at https://www.burlington.ca/en/services-for-you/resources/Planning_and_Development/Heritage_Conservation/Heritage-Support/Information_Sheet_-_Community_Heritage_Fund.pdf). Specifically the application does not satisfy the guideline that eligible projects must conserve or enhance heritage attributes of the property, or the guideline that new windows and doors must be "replicas of the original in like materials" in order to qualify for funding. For this reason, staff recommended that Council refuse the grant application.

At the January 14, 2019 meeting of Committee of the Whole, Committee approved a partial grant: whereas the property owners had requested a grant for 25% of the total project costs, Committee approved a reduced grant of "25% of 25%" of total project costs (put differently, Committee approved a grant for 6.25% of total project costs).

After the Committee of the Whole meeting, the property owner advised staff that the window replacement work had been completed and that the project cost had exceeded the amount quoted in the application. Because this information was received prior to a Council decision, it was possible for the City to use the updated costs as a basis for calculating grant amounts. These figures are summarized in Table 1 below.

Table 1: Quoted and Actual Project Costs and Associated Possible Grant Amounts

	Total Project Cost	Maximum Grant Amount (25%), as Requested by Applicant	Partial Grant Amount Approved by Committee of the Whole on Jan 14, 2019 (25% of 25%)
Original application provided by owner in September 2018 based on a quote	\$27,000.00	\$6,750.00	\$1,687.50
Updated information provided by owner on January 15, 2019, based on final invoice after work was completed	\$30,847.21	\$7,711.80	\$1,927.95

The discrepancy between the project cost originally quoted and the cost invoiced after work was completed is partly due to the fact the original application proposed replacement of 11 windows, but ultimately 14 windows were replaced. Staff advised the property owner that the replacement of the extra three windows represents work completed beyond the scope of the approved heritage permit; however, staff are of the opinion that the spirit and intent of the permit were satisfied, as it was always understood that all original windows would be replaced. The additional three original windows, located at the rear of the house, were not accounted for in the original application. Staff do not oppose the total project cost (replacement of 14 windows rather than 11) being used as a basis for calculating the grant amount, if approved. This does not affect staff's recommendation that the grant application be refused.

At the Council meeting of January 28, 2019, the property owner delegated to Council requesting that the maximum grant amount of 25% of project costs be approved, rather than the partial grant (25% of 25%) that had been approved by Committee of the Whole. In his delegation, the property owner stated that staff report PB-02-19 was incorrect to assert that the replacement windows were not replicas of the originals. On this basis, Council referred the matter back to staff to confirm whether the replacement windows were in fact replicas.

Strategy/process

Staff conducted a site visit to the subject property on February 15, 2019 and photographed the newly installed replacement windows.

The site visit confirmed that the installed new windows are those that were described in the specifications submitted with the original heritage permit and grant applications. These specifications also appear in the final project invoice, submitted by the applicant on January 15, 2019, and attached to the subject report as Appendix C.

The new windows do not meet the intent of the Community Heritage Fund, as expressed in the eligibility criterion stating that new windows and doors are not eligible “unless replicas of the original in like materials”. This eligibility criterion is reinforced by the recognized best practices for heritage conservation contained in the *Standards and Guidelines for the Conservation of Historic Places in Canada*, 2nd ed. (referred to hereafter as Standards and Guidelines) developed by Parks Canada in collaboration with all provincial and territorial governments. Standard 8 promotes that replacement of extensively deteriorated attributes, where necessary, should be “in kind”, which is defined as “with the same form, material, and detailing as seen in the existing elements” (Standards and Guidelines, page 31).

While staff are comfortable that the use of a different material (fibreglass frames) for some of the replacements is acceptable in this case because it does not affect the appearance or public experience of the original material (wood), the windows do not replicate the design of the originals. The proposed new windows have false 4-over-4 and 2-over-2 divisions where the originals had true 2-over-2 and 1-over-1 divisions. The new windows are a different colour (black) than the originals (white). Lastly, the new windows have “grille-between-the-glass” (the dividers are false muntins embedded between the two panes of glass in each window), meaning that the changes to division and colour are irreversible for the life of the new windows. These changes were considered to be sufficiently discreet that they did not prevent staff from supporting issuance of the heritage permit to allow their installation; however, the changes do not represent a restoration project that would merit being subsidized by public funds through a grant issued from the Community Heritage Fund.

On this basis, staff continue to recommend that the grant application be refused.



Figure 1: Side-by-side comparison of original and new bay window on front (south) elevation of 2349 Lakeshore Road. At left: original white wood window with true 2-over-2 divisions (behind black metal storm window). At right: newly installed black fibreglass window with false 4-over-4 divisions.

Options considered

By-law 128-1985, as amended by By-laws 16-1993 and 067-2014, allows that grants from the Community Heritage Fund “of up to 25% of the total eligible restoration project costs to a maximum of \$15,000.00 may be given subject to specific guidelines”. The applicant has requested a grant for the full amount allowed by the program. It is staff’s opinion that the subject window replacement project is not eligible for funding as identified in program guidelines, and that the application should be refused on this basis.

Council has the option to:

1. refuse the application as recommended by staff,

2. approve the full requested grant for 25% of project costs, as requested by the applicant and supported by Heritage Burlington,
3. approve a partial grant for 25% of 25% of project costs, as approved by Committee of the Whole on January 14, 2019, or
4. approve a partial grant for any other amount less than 25% of total project costs.

If Council chooses full approval or partial approval, Council has the further option to apply percentages to the total project cost quoted in the original application (\$27,000) or the actual total cost contained in an invoice provided by the owner in January 2019 after project completion (\$30,847.21). These amounts, and previously contemplated percentage options, are summarized in Table 1 above.

If a full or partial grant is approved, the property owner must enter into a Heritage Conservation Agreement (Letter of Understanding) with the City prior to grant issuance.

Regardless of Council's decision on the subject application, the property owners will continue to have the ability to apply for funding from the Community Heritage Fund for any eligible projects that they may consider undertaking in future.

Financial Matters:

The current balance of the Community Heritage Fund, excluding amounts that have been allocated but not yet paid out, is approximately \$265,000. As the maximum amount of grant or loan that can be issued for any application is \$15,000, if the subject application is approved the remaining balance will still be sufficient to accommodate the approval of subsequent applications for the foreseeable future.

Connections:

As discussed in report PB-02-19, the Community Heritage Fund was partially updated in 2014. A more comprehensive review of the program is currently being undertaken by staff in consultation with Heritage Burlington. Any proposed amendments to the program structure or eligibility guidelines that may arise from this review will be presented to Council for approval.

Public Engagement Matters:

Staff consulted Heritage Burlington with respect to the subject grant application on November 13, 2018. Heritage Burlington passed a motion supporting the approval of

the full grant amount requested by the applicant. Staff's recommendation does not align with Heritage Burlington's position on the subject application.

Since the application was referred back to staff by Council in January 2019, staff have kept Heritage Burlington informed of the application status and review progress. Staff have not uncovered new information that would require additional consultation with Heritage Burlington.

Conclusion:

Staff recommended refusal of the subject grant application in report PB-02-19. Council referred this matter back to staff to confirm that the newly installed windows at 2349 Lakeshore Road do not replicate the original windows, as asserted by staff in PB-02-19. Accordingly staff have conducted further review and found no new information that would change the recommendation of PB-02-19. Staff continue to recommend refusal of the requested grant from the Community Heritage Fund on the basis that the subject window replacement project does not satisfy the eligibility guidelines or meet the intent of the Community Heritage Fund.

Respectfully submitted,

Thomas Douglas, RPP MCIP

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Appendices:

- A. Designation By-law 8-1995, Schedule A-5
- B. Photos of old windows submitted by applicant in September 2018
- C. Specifications of new windows submitted by applicant January 2019 (final invoice)

Notifications:

Owners of 2349 Lakeshore Road (Planning staff to provide contact information)

Report Approval:

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.