



SUBJECT: 2222 Lakeshore Road Community Heritage Fund grant application

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-17-23

Wards Affected: 2

Date to Committee: February 28, 2023

Date to Council: March 21, 2023

Recommendation:

Decline Halton Condominium Corporation 141's Community Heritage Fund grant application for a \$15,000 grant to subsidize the replacement of all windows at 2222 Lakeshore Road with modern vinyl windows, due to non-compliance with Community Heritage Fund criteria.

PURPOSE:

The purpose of this report is to provide information, analysis and a recommendation regarding a Community Heritage Fund application for a grant to offset the cost of replacing all windows on the heritage designated building at 2222 Lakeshore Road.

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth

Background and Discussion:

The subject property is located on the south side of Lakeshore Road, between Smith Ave and Seneca Ave. The property is the location of a twenty-unit residential condominium development called Brant's Landing (Halton Condominium Corporation 141). The condominium development comprises two buildings:

1. a three-storey apartment building constructed in the late 1980s, located on the south end of the property, containing eighteen units; and

2. a two-storey heritage building known as Chestnut Villa, containing two residential units, located at the north end of the property, fronting on Lakeshore Road.

The three-storey building is referred to by the address 2220 Lakeshore Road, while the heritage building, Chestnut Villa (the “Villa”), is addressed 2222 Lakeshore Road.

Chestnut Villa was constructed circa 1855 and was expanded and modified by subsequent owners in the late nineteenth and early twentieth centuries. Consequently, the building exhibits characteristics of various architectural styles including Georgian, Victorian, and Edwardian. In 1984 the villa was relocated approximately 110 feet from its original location on the property to its current situation close to Lakeshore Road. It was rehabilitated and converted into two condominium dwelling units in the late 1980s at the time that the new three-storey building was constructed behind it. The two condominium units (originally referred to in the Condominium Declaration as Level 1, units 7 and 8, but now referred to as units 17 and 18) include only the interior of Chestnut Villa, while the exterior of the building is a common element of the condominium development and is owned and maintained by Halton Condominium Corporation 141 (HCC 141).

The Villa was designated under the *Ontario Heritage Act* (OHA) in 1992 by By-law 16-1992.



Figure 1 (left): Front Elevation of Chestnut Villa and Figure 1 (right): Chestnut Villa with modern apartment building behind.

The following cultural heritage attributes are protected through Designation Bylaw 16-1992

- Bay windows on front elevation;
- Front gable with gingerbread trim and vestibule; and
- Georgian style windows on east and west elevations.

Halton Condominium Corporation 141 has applied for the maximum grant amount of \$15,000 from the Community Heritage Fund to subsidize the replacement of all windows at Chestnut Villa with modern vinyl windows. The work has already occurred and all windows have been replaced.

On May 12, 2021, the applicant received a heritage alteration permit (File: 501-06-4-01/21) for the following scope of work (see Appendix B- Heritage Permit):

- Replacement of all existing windows on the heritage building (total 48) with primed wood windows as shown on the attached drawings.

On July 20, 2021, the applicant emailed heritage staff requesting that the heritage permit be revised to permit vinyl windows instead of “primed wood”. Heritage staff approved the change by email on July 28, 2021, however impacts to future community heritage fund grant requests were not discussed.

Background on the Community Heritage Fund and Grant Application

The Burlington Community Heritage Fund (CHF) was established by Council in 1985 to encourage the preservation of structures designated under the OHA by providing financial assistance to property owners in the form of loans and grants. The CHF was also meant to incentivize the designation of properties of cultural heritage value or significance under the OHA. The CHF was amended in 1993 and 2014 and now provides grants of up to 25% of the total eligible restoration project costs to a maximum of \$15,000, subject to specific guidelines. Loans may be provided for up to 50% of total eligible restoration project costs to a maximum of \$15,000. Applicants must sign a heritage conservation agreement with the City as a condition of approval of any grant or loan application. The agreement confirms the applicant’s understanding of the terms of the grant and their acknowledgement of their obligations to maintain the heritage attributes of their property in accordance with the designation by-law passed under the OHA and other applicable legislation

Strategy/process

Scope of work

The applicant has applied for the maximum grant amount of \$15,000 to retroactively subsidize the replacement of all windows on the building with multi-pane vinyl windows to improve thermal performance. The project was completed in May 2022. In accordance with grant program criteria, the applicant submitted three quotes. The applicant’s preferred quote was the one from Custom Direct Windows Ltd., worth \$79,548.16:

1. \$69,500.00- Aluplex Skylights Windows & Doors Ltd.
2. **\$79,548.16- Custom Direct Windows Ltd. (Selected by applicant)**

3. \$82,020.00- Lake City Home Improvements

There is a total of 48 windows on the building, including 14 on the front, 18 on the sides and 16 on the rear. The new windows for the rear elevation consist of two modern sliding patio doors and 14 single light fixed windows. The applicant also submitted the final invoice for the work, which matches the original quote despite the change in work order from primed wood to vinyl (see Appendix E).

Inconsistencies with grant program criteria

The application is inconsistent with two heritage grant program criteria:

1. Scope of work includes elements not specified as heritage attributes in the designation bylaw

None of the windows on the rear of the building were identified as heritage attributes in the designation bylaw, so they are technically not eligible for the grant. They represent \$19,391.70 of the total cost. If they are excluded, the total cost of eligible work is reduced from \$79,548.16 to \$60,156.46. However, the grant request would not change, since 25% of \$60,156.46 exceeds \$15,000.

2. No modern doors or windows (ie. windows or doors that are not replicas of the original in like materials)

The Community Heritage Fund Info sheet (see Appendix D) states that modern doors and windows are ineligible for funding unless they are “replicas of the original in like materials”. Although the new windows maintain the same general design as the replaced windows and the replaced windows were not originals, the original 1855 windows would have been constructed out of wood and not vinyl. Staff do not consider this criterion to be met.

The Burlington Heritage Advisory Committee reviewed the work at their December 15, 2022 meeting and recommended that Council support the project. In their view, the new windows are indistinguishable from the previous windows and are of high quality.

Procedural Issue

There is one procedural issue with the application. The work was completed prior to Council approval and before the applicant entered into a conservation agreement with the City. Applicants are advised to wait until after Council approval and after they enter a conservation agreement, so they can be certain of Council's support and so the City is protected from potential cost overruns and poor standards of workmanship. This order of events is implicit in the conservation agreement but not clearly stated on the Community Heritage Fund Info Sheet (see Appendix D), so staff do not consider it to be disqualifying. The Community Heritage Fund grant program criteria will be reviewed soon, with recommended revisions and clarifications brought to Council for approval.

Previous Grant Applications for Modern Windows

On May 27, 2019, City Council approved a fund grant application to subsidize the replacement of all wood windows on the heritage designated property at 2349 Lakeshore Road with modern fiberglass windows (Report No. PB-02-19). Like the subject application, the owners wanted to maintain the general historic appearance of their house while improving the thermal performance of the windows. The new windows had a similar design and proportions to the replaced windows, but staff did not consider them eligible for funding. Although staff were not supportive of the grant application, Council decided to support the project based on a delegation from the owner.

Options Considered

Option 1- Decline the application (Recommended)

Staff recommend this option because the application does not meet a criterion of the grant program, which states that new windows must be replicas of the original in like materials. The windows installed on the building are constructed with modern materials (vinyl) and are not replicas of the original.

Option 2- Approve the application (Not recommended)

Council could choose this option if it agrees with the Heritage Burlington Advisory Committee's assessment of the windows and believes they are sufficiently similar to the replaced windows that the program criteria are generally met.

Financial Matters:

The CHF was established in 1985 with original contributions of \$35,000 from the Ministry of Citizenship and Culture and \$25,000 from the City of Burlington. This original \$60,000 has increased over time as interest has accrued and additional infusions of cash have occurred, including from Community Benefits under section 37 of the *Planning Act*.

The balance of the CHF is \$275,358 as of January 25, 2023. If the subject application is approved, the remaining balance will be enough to accommodate the approval of subsequent applications for the foreseeable future.

If approved, the total financial impact is \$15,000 from Burlington's Community Heritage Fund, decreasing the total balance of the fund to \$260,358.

The owners of both units in the Villa received heritage property tax rebates. The amount of a Heritage Property Tax Rebate for residential properties is forty percent (40%) of the taxes levied for City, region and school purposes. In 2022, unit 17 received a rebate of \$2,173.48 and unit 18 received a rebate of \$1,143.31 for the 2021 taxation year. Receiving a heritage tax rebate does not affect the owners' eligibility for a heritage grant.

Source of Funding

Community Heritage Reserve Fund.

Other Resource Impacts

Not applicable.

Climate Implications

Not applicable.

Engagement Matters:

Staff presented the grant application to the Heritage Burlington Advisory Committee on December 15, 2022. Staff reviewed the grant program criteria and the two inconsistencies identified. Committee members discussed and did not see a visible difference in the windows comparing the old to the new and commented that these new windows would provide better heating and cooling for the residents. The committee passed the following motion:

Whereas the Community Heritage Fund application for 2222 Lakeshore Road, dated October 7, 2022, meets the fund objectives and is eligible for partial funding under the program, the Heritage Burlington Advisory Committee recommends that City Council support the application with the revision to exclude the patio door and rear windows.

Conclusion:

In staff's opinion, the subject application for a \$15,000 grant from the Community Heritage Fund does not meet a key criterion requiring that any new windows be replicas of the originals in like materials. The Heritage Burlington Advisory Committee believes that the objective of the grant program is met by the application, however staff recommend that Council decline the application for the reasons outlined above.

Respectfully submitted,

John O'Reilly, MCIP, RPP, CAHP
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Appendices:

- A. Photos
- B. Heritage Permit
- C. Designation Bylaw 16-1992
- D. Community Heritage Fund Info Sheet
- E. Final Invoice

Notifications:

Property owner

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.