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D. Menard:

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	REQUEST FOR DEMOLITION 420 FANSHAWE PARK ROAD EAST D. CHIU MONDAY, NOVEMBER 10, 2014

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning & City Planner, the following report **BE RECEIVED** for information.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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- 2014-10-04: Report to PEC - Request for Demolition 420 Fanshawe Park Road East
- 2010-04-21: Report to Planning Committee- Request for Demolition 420 Fanshawe Park Road East
- 2007-10: Report to Planning Committee- Potential Property Acquisition -420 Fanshawe Park Road East

BACKGROUND

At its meeting on November 4, 2014, Planning and Environment Committee was asked to consider a request for the demolition of the residential building located at 420 Fanshawe Park Road East, owned by D. Chiu who had submitted a request for demolition on September 11, 2014. The property is listed on the City of London Inventory of Heritage Resources as a Priority 3 structure. The listing of the Property requires that a request for demolition be considered at a public participation meeting before the Planning and Environment Committee and a decision by municipal Council within 60 days of the request. It also requires consultation with the London Advisory Committee on Heritage.

In 2010 a similar request had been made by the same owner. However, prior to a Council decision at that time, the request for demolition was withdrawn by the owner.

IN 2007, a previous owner had inquired as to whether the City was interested in acquiring the property for use as a public park. On the advice of the General Manager of Planning and Development, with the concurrence of the Manager of Realty Services, Council took no action to acquire the property for public parkland.

November 4 PEC Discussion

At the public participation meeting on November 04, 2014, members of the public commented orally, and in print, in expressing concerns about the request for demolition. These concerns are summarized in the Report for this PEC meeting. At that meeting, York Development was identified as the agent for the owner with respect to the demolition application. A letter with respect to this is attached as Appendix 2.

Given the nature of the public discussion and questions raised, prior to a recommendation about

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the demolition request, PEC Committee members requested staff to report back to a special meeting of the Planning and Advisory Committee prior to the Municipal Council meeting on November 11, 2014. Specifically, Staff was requested to provide comment on the following:

- a) the feasibility of preparing a Statement of Significance for the property;
- b) the ability to require that the applicant protect the trees on the property and to prepare a Tree Conservation Plan through heritage designation process; and
- c) the actions that can legally be undertaken to protect the trees on the property, if the property is to be demolished.

The Feasibility of preparing a Statement of Significance for the property.

In its report to the Planning and Environment Committee, staff had noted that, in its opinion, the property did not meet the criteria of *Regulation 09/06* of the *Ontario Heritage Act* to a sufficient degree to recommend designation under the Act. Regulation 09/06 identifies three broad areas of criteria to be considered for designation - Design Values, Historic Associations and Contextual values. There are elements of each with respect to the property with historic associations arguably being the strongest basis for a designation statement. But, as noted in the November 04 report, staff is not convinced that these elements are sufficiently strong to support a request to Council to issue a notice of its intent to designate.

As part of the consideration for designation, consultation with the London Advisory Committee on Heritage is required. The LACH considered designation at its meeting on October 8, 2014 but did not recommend designation. Specifically, it stated: *the Civic Administration **BE ADVISED** that the LACH does not object to the demolition of the building located at 420 Fanshawe Park Road;*

Council may direct that a statement of significance be independently prepared if it wishes to issue notice of its intent to designate but such a notice is open to challenge by the owner at the Conservation Review Board. The process requires a hearing before the Board and the Board will provide the City with a recommendation to proceed with the designation, possibly amended, or a recommendation not to proceed. It should be further noted, that the time period of 60 days for consideration of the request to demolish is imminent.

The Ability to require that the applicant protect the trees on the property and to prepare a Tree Conservation Plan through heritage designation process

The Heritage Designation process requires the preparation of Statement of Significance which provides two main elements - a general statement as to the cultural heritage value or interest of the identified property and a detailed list of the heritage attributes which relate to the general heritage value or interest. Of the many Statements of Significance prepared by the City in consultation with the LACH, there are relatively few occasions in which such statements identify trees, in general, as significant attributes. The tree-lined alley on the former LPH grounds is perhaps the most relevant example. That attribute reflects the conscious effort to create such a setting as context for the therapeutic theories of the era and is therefore directly related to the cultural heritage significance of that property. The designating by-law for the former LPH also includes four buildings that are deemed to be important.

There needs to be a demonstrable relationship between the natural heritage features and the cultural heritage significance of the property in terms of their identification as heritage attributes.

Although comments have been provided about the trees on the site at 420 Fanshawe Park Road East, staff has not taken a tree inventory and is unable to determine whether there is merit for the inclusion of references to trees. From information received, there are two Larch trees and a Sequoia tree specifically noted as being on the grounds near the totem pole erected by the Pooles. It is noted that the City does not have a heritage tree program.

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The actions that can legally be undertaken to protect the trees on the property, if the property is to be demolished.

Information about this will be provided in a separate confidential report from the City Solicitor.

Conclusions

In the absence of a planning application from the owner, the City does not have the means to protect trees, in general, on this property as the Tree Conservation By-law does not apply to this property.

Unless a voluntary agreement can be made with the property owner, the protection of some trees on the property may only be possible by designating the property under *Section 29* of the *Ontario Heritage Act*. If this approach is to be considered, a proposed Statement of Significance would have to include references to trees which can be directly related to the cultural heritage significance and interest of the property.

At the time of the preparation of this report, staff had initiated contact with the owner but had not received an answer as to whether or not a voluntary agreement would be entered into with the owner regarding the protection of trees on the property during any demolition activity. The focus of such an agreement, until such time as there may be site plan agreement for a future development, would protect existing trees and the cedar hedge from damages caused by the use of heavy construction equipment as it is used to remove the building.

PREPARED BY:	SUBMITTED BY:
DON MENARD HERITAGE PLANNER URBAN REGENERATION	JIM YANCHULA, MCIP, RPP MANAGER, URBAN REGENERATION
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

2014-10-06

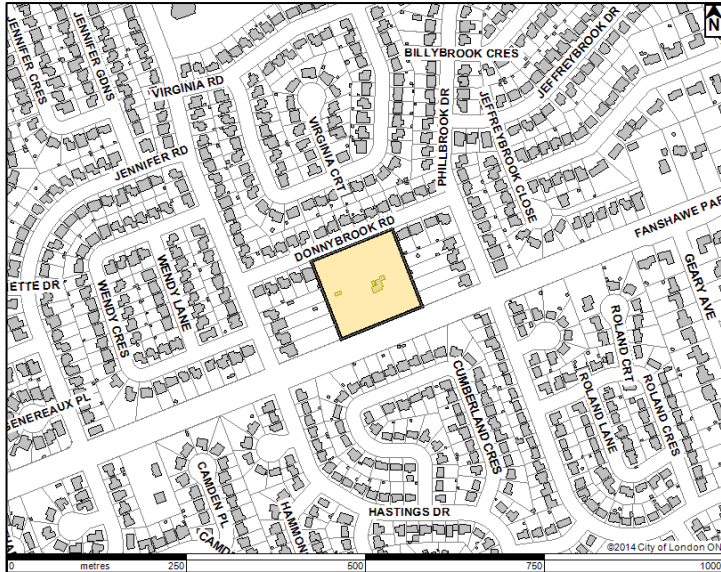
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ATTACH: Appendix 1- Location Map; Appendix 2- Letter from A. Soufan, York Development
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Appendix 1- Location Map - 420 Fanshawe Park Road East



Appendix 2: Letter from York Development



**303 RICHMOND STREET
SUITE 201 LONDON ON N6B 2H8**

September 30th 2014

Jim Yanchula
Manager, Urban Regeneration
City of London - Planning Division
206 Dundas Street
London ON N6A 4L9

Re: York Developments – Demolition Request for 420 Fanshawe Park Road East

Dear Mr. Yanchula:

We recently received a Planning and Environment Committee Report from your office indicating that York Developments is involved with the above noted application. **This is incorrect.** A subcontract of ours mistakenly used our email address while working with Dr. Chui and or his Consultants.

By way of this letter, we confirm that York Developments has no involvement whatsoever in this application.

Should you have any questions, please contact me at the number below.

Respectfully submitted,

Ali Soufan
York Developments
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