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J. Yanchula

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	REQUEST FOR DEMOLITION SOUTHSIDE CONSTRUCTION MANAGEMENT LTD. 183 KING STREET PUBLIC PARTICIPATION MEETING MONDAY, JUNE 15, 2015

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning & City Planner, with the advice of the Manager of Urban Regeneration and having consulted the London Advisory Committee on Heritage, the application under section 42 of the *Ontario Heritage Act* for a permit to demolish the building located at 183 King Street in the Downtown London Heritage Conservation District **BE REFUSED** and that notice of refusal be given to the applicant.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

- March 26, 2102: *Downtown Heritage London Conservation District Plan Adoption*
- April 7, 2015: *Our Move Forward: London's Downtown Plan Adoption*

BACKGROUND

The Property

The subject property is located on the south side of King Street just east of Richmond Street. It lies within the Downtown London Heritage Conservation District [HCD]. (Appendix 1) In the *Downtown London Heritage Conservation District Plan*, it is described as the Fraser House Hotel, c.1892. Its character-defining elements noted therein are:

- Painted brick and stone façade with replacement windows on 2nd and 3rd floor in original locations;
- upper sash of ground floor windows original;
- carriageway;
- projecting two-storey bay with original woodwork;
- brackets at eaves; roof assembly including eight dormers;
- one set in a mansard style tower with original slate shingles;
- exterior of part of the Marcus Holmes house, c.1850 visible behind the hotel.

The property forms part of the Commercial landscape pattern defined by the development of lots built out to the front and side lot lines, thereby creating a continuous street wall with the rhythm of recessed entrances and storefronts that foster interest at street level.

Many of these heritage attributes are illustrated in Appendix 2.

The Plan classifies the property as “Historic” [H], which notes it is a “structure built within the critical period between the 1830’s -1980’s” and that, “It is imperative that buildings with an “H”

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assignment are recognized as falling under the most stringent guidelines of the Plan based on the associated Ranking”.

The subject property is ranked “A”, which is the highest historic ranking available and denotes that all elements of the building are worthy of preservation. An “A” ranking is described as a “Structure assessed as currently having any combination of the following attributes: all or most of the building’s façade elements are intact; windows may be replaced but occupy original openings; store front retains tradition shape and some features such as windows or terrazzo pavement; previously designated; historical or landmark significance; noted architectural features; good or very good example of recognizable style; important to streetscape; good restorations.”

Request for Demolition of a Property in a Heritage Conservation District

The *Ontario Heritage Act* directs that no owner of property situated within a designated heritage conservation district is permitted to demolish the property unless a permit is obtained from the municipality to do so.

A request for the demolition of the subject property was submitted by the owner on May 19, 2015. Under s. 42 (4) of the Act, within 90 days after the notice of receipt is served on the applicant, Council may give the applicant,

- (a) the permit applied for;
- (b) notice that Council is refusing the application for the permit; or
- (c) the permit applied for, with terms and conditions attached.

If Council fails to do any of the things mentioned in subsection (4) within the 90 days, Council shall be deemed to have given the applicant the permit applied for. If Council refuses the permit applied for or gives the permit with terms and conditions attached, the owner of the property may appeal to the Ontario Municipal Board within 30 days of receiving notice of refusal or a conditional permit..

Building Condition

The *Ontario Heritage Act* does not invoke the physical condition of a property as a reason for its heritage designation or its demolition. The *Ontario Building Code Act* treats the *Ontario Heritage Act* as “applicable law” to be considered by the Chief Building Official in matters related to the issuance of demolition permits.

A February 2015 report received from the applicant’s engineering consultant cites “that most of the foundation system will need to be removed and replaced and extensive masonry repairs are required on upper floors” and “lateral stability of the building as a whole is questionable as indicated by lateral bracing previously installed on the east side of the building”. The City’s Building Division on May 20, 2015 issued a “make safe” Order under the Building Code Act, based on the engineer’s report, with a compliance date on or before June 15, 2015. The engineer’s report does not state that there is an immediate health and safety danger, nor a severe structural instability at this time.

From time to time older Downtown properties require building upgrades to comply with the Building Code and/or to feasibly accommodate new occupancies. These properties are eligible for loan and grant incentives offered through programs in the Downtown Community Improvement Plan and the Heritage Community Improvement Plan. No incentive applications have been received from the owner of this property.

LACH Comments

The *Ontario Heritage Act* requires that Council consult with its municipal heritage committee, the

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London Advisory Committee on Heritage [LACH], when a demolition permit application is received for a heritage designated property. The LACH Stewardship sub-committee at its May 27, 2015 meeting agreed to pursue further research to present to the June 11, 2015 LACH meeting for consideration in reaching a recommendation on this demolition application. It is anticipated that LACH will have a recommendation available to present at the June 15, 2015 meeting of the Planning & Environment Committee.

PLANNING HISTORY

The *Provincial Policy Statement (2014)* 2.6.1 directs that “significant built heritage resources and significant cultural heritage landscapes shall be conserved”. Properties included in the Downtown HCD are considered to be significant within the context. “Conserved” is defined in the *Provincial Policy Statement (2014)* as “the identification, protection, use and/or management of built heritage resources in a manner that ensures their cultural heritage value or interest is retained under the *Ontario Heritage Act*”.

The Downtown Vision in *Our Move Forward: London’s Downtown Plan* is: London’s face to the world. A vibrant destination. A unique neighbourhood. “Heritage” is one of the nine Values that underpin this vision. “As the birthplace of the city, the downtown is rich in cultural heritage; this heritage sets the downtown apart from other neighbourhoods. When planning for new development, integration with the existing heritage will be a foremost consideration.” An explicit policy tied to this Value [as well as “Sustainability”] is to “encourage the reuse of historic buildings and their materials to reduce the requirement for new materials.”

London’s *Official Plan* policy 13.2.3 states that “where heritage buildings are designated under the *Ontario Heritage Act*, no alteration, removal or demolition shall be undertaken which would adversely affect the reason(s) for designation except in accordance with the *Ontario Heritage Act*.” Also, policy 13.3.2 requires that “after a Heritage Conservation District has been designated by Council the erection, alteration, demolition, or removal of buildings or structures within the District shall be subject to the provisions of the *Ontario Heritage Act* and any secondary plan which takes the form of a Heritage Conservation District Plan.”

In referencing demolition, the *Downtown London Heritage Conservation District Plan* establishes in policy 4.6 that “The goal of a heritage conservation district is to preserve and protect the heritage assets within the short term and over the long term. Demolition of buildings within a heritage district is strongly discouraged...However, it is recognized that there are situations where demolition may be necessary such as partial destruction due to fire or other catastrophic events, severe structural instability, and occasionally redevelopment that is in keeping with appropriate City policies”. With its “Heritage” assignment and “A” ranking, the Plan’s applicable guidelines for the subject property are highest with “all elements to be retained”

ANALYSIS

City policy adopted under the *Planning Act* and the *Ontario Heritage Act*, as summarized in the excerpts above, clearly demonstrate strong direction to ensure that heritage designated properties downtown are protected to the highest degree possible. They are retained and enhanced as often as possible for the contributions they make in building a city core that retains a strong sense of place and unique identity for London. The City’s investment in its incentives programs has in numerous instances, further west on King Street, on Dundas Street, and elsewhere, leveraged private-sector funding that has attractively rehabilitated very deteriorated heritage buildings into economically productive uses.

The property at 183 King currently is located at the end of an unbroken streetwall of mostly 19th century buildings that continues to the west, turning the corners north and south along Richmond

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Street. This condition defines the scale and volume of that street segment, making it an important contextual reference for the evaluation of how future development proposals may “repair the gaps” that the vacant properties further east present. The building retains numerous architectural attributes worthy of retention or visually compatible alteration. Its covered carriage-way and Second Empire roofline are two aspects of its form that are rare downtown and especially notable for conservation.

When heritage designated buildings are demolished, and especially when there are no approved plans for re-building on those sites, the physical density, social intensity, and economic diversity necessary for a vibrant downtown are weakened. While the applicant’s engineering consultant has identified structural concerns, the applicant has not shown evidence of irremediable severe structural instability which may otherwise justify demolition.

CONCLUSION

With investment in structural upgrading and architectural conservation, 183 King Street can continue to fulfil its role in preserving the heritage character for which the Downtown London Heritage Conservation District was created and on which Downtown as a unique neighbourhood in Our Move Forward is predicated. It is recommended that Municipal Council deny the request for demolition.

Planning Services acknowledges with thanks the assistance contributed by staff in Development & Compliance Services and Legal Services in the preparation of this report.

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

June 2, 2015
 JY/GB
 Attach: Appendix 1- Location Map; Appendix 2- Photos

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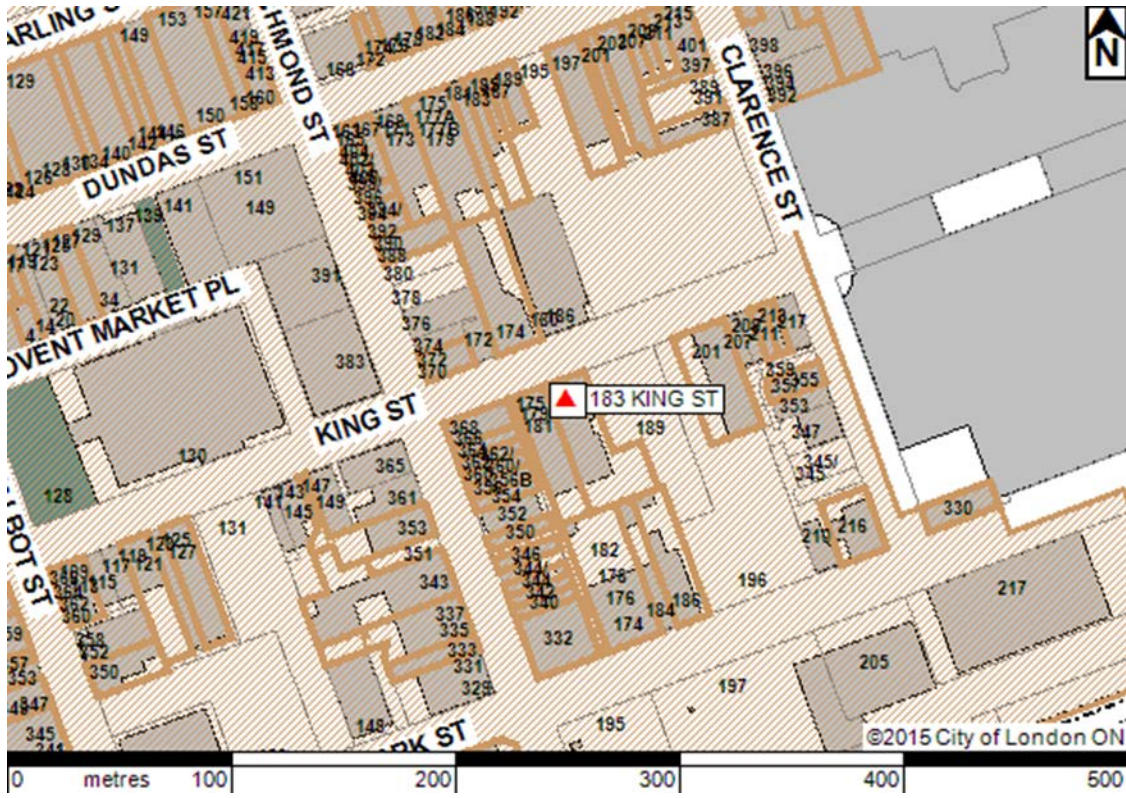
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Appendix 1 - Location Map – 183 King Street



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Appendix 2: Photos -183 King Street



North and west facades viewed from King Street



Detail – Gabled dormers and roof line



Detail – ground floor round-arch door and window openings, and recessed entrances



Detail – carriage-way facing King Street



Detail – carved wood-trim bay window



View from south showing multiple building additions above fence