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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 136A AND 138 WORTLEY ROAD DAVID TUCKEY PUBLIC PARTICIPATION MEETING JULY 20, 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 buildings located at 136A and 138 Wortley Road in the Wortley Village-Old South Heritage Conservation District **BE GRANTED** with the condition that, prior to initiation of the demolition, the applicant obtain a Heritage Alteration Permit for an approved replacement structure that promotes the goals and objectives of the Wortley Village-Old South Heritage Conservation District Plan and is in keeping with appropriate City policies .

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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October 29, 2013 – Proposed Wortley Village-Old South Heritage Conservation District
September 9, 2014 – Proposed Wortley Village-Old South Heritage Conservation District

BACKGROUND

The Properties

136A and 138 Wortley Road are part of the *Wortley Village-Old South Heritage Conservation District Plan*, [the “HCD”] designated by by-law on September 16, 2014 pursuant to Part V of the *Ontario Heritage Act*, and in force and effect since June 1, 2015. These two properties are located near the south-east corner of the Wortley Road and Craig Street intersection in the Wortley Village commercial area (Appendix 1). 136A Wortley Road was most recently occupied as part of the Tuckey Home Hardware commercial establishment, serving as the hardware store’s paint shop. The second floor has been rented to a tenant who operated a fitness training studio. The Fire Roasted Coffee Company was located at 138 Wortley Road (Appendix 2). A Heritage Alteration Permit application has been submitted [as described below] indicating that these uses are intended to reoccupy the proposed demolition sites in essentially the same locations.

These properties form part of the Wortley Village commercial streetscape which is defined by its variety of buildings including those with small scale and speciality commercial uses as well as those with larger scale commercial uses such as the Tuckeys Home Hardware.

In the HCD Plan, 136A Wortley Road has a D rating, meaning that “original heritage qualities have been irreversibly lost or covered,” and/or “the original design, new or old, is lacking

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architectural character to contribute to the area.” These are described as Non-Heritage Properties in this Plan. Non-heritage properties may be demolished in accordance with the provisions of the Ontario Heritage Act. The City may require the submission of permit drawings for a replacement building that promotes the goals and objectives of the HCD and is in keeping with appropriate City policies. The following HCD Plan policies apply:

- *Where demolition of a building on a non-heritage property is proposed, the property owner shall provide supporting documentation demonstrating appropriate reasons for the demolition. Council shall consider such applications on the basis of building condition, and impact on adjacent heritage properties and the streetscape or other such criteria as may be required by the City of London.*
- *Prior to demolition of a building on a non-heritage property the City may require the submission of permit drawings for an approved replacement structure that promotes the goals and objectives of the HCD Plan and is in keeping with appropriate City policies. The City may also require interim landscape treatment of the site if redevelopment may be delayed.*

138 Wortley Road has a C rating meaning that “the form and massing of the building belonged to a historical family of buildings,” and/or “the building is a good example of a modest design representing the area or repeated in many locations.” In the HCD Plan, C-rated locations are classified as heritage properties. The following HCD Plan policies apply:

- *Any proposal to demolish a building or portion of a building within the HCD shall require Heritage Alteration Permit from the City.*
- *Where demolition of a building located on a property within the HCD is proposed, the property owner shall provide supporting documentation demonstrating appropriate reasons for the demolition.*
- *Where demolition of a heritage property is proposed, the owner/applicant shall maintain traditional setbacks, scale, and massing in their new development/ redevelopment plans.*

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 and notice of receipt was served on June 30, 2015.

The owner has also applied for a Heritage Alteration Permit citing the demolition of the existing buildings on the subject properties and submitting attached permit drawings for a proposed replacement structure on them. The Heritage Alteration Permit application is subject of a separate report to, and consultation with, the London Advisory Committee on Heritage [LACH].

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.

LACH Comments

The *Ontario Heritage Act* requires that Council consult with its municipal heritage committee, the LACH, when a demolition permit application is received for a heritage designated property. The

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LACH Stewardship sub-committee at its June 26, 2015 meeting undertook a preliminary review of the Heritage Alteration Permit drawings to present to the July 16, 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 July 20, 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 Wortley Village-Old South Heritage Conservation District Plan 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*”.

London’s *Official Plan* 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.”

The applicant subject of this report also submitted an application on December 15, 2014 for site plan approval covering the properties at 136, 136A, and 138 Wortley, during the period when the HCD Plan was under appeal at the Ontario Municipal Board. While the HCD was not applicable law from then until June 1, 2015, the applicant was advised that these properties were within the HCD and replied with an intent to comply with the HCD policies and guidelines, both in ongoing staff reviews and in the Urban Design Brief prepared for and considered at the March 18, 2015 meeting of the Urban Design Peer Review Panel.

In referencing demolition of properties in the district, the *Wortley Village-Old South Heritage Conservation District Plan* establishes in policy 4.2.2 that, “a goal of HCD is to conserve and protect the cultural heritage resources in both the short-term and over the long-term.” However, the plan also recognizes that there are situations where demolition may be necessary, including the “[occasional] redevelopment that is in keeping with appropriate city policies.”

ANALYSIS

The *Wortley Village-Old South Heritage Conservation District Plan* indicates that the properties at 136A and 138 Wortley Road make “modest” or no heritage contribution to the district. In situations where demolition is approved by Council, written and/or photographic documentation of any notable heritage attributes (e.g. architectural features and construction techniques) will be required to create a record of the property and its attributes. Also, reclamation is encouraged of suitable building materials for potential reuse in a new building. There are no heritage attributes or building materials at these properties which merit taking these steps.

The HCD Plan contemplates demolition, including “redevelopment that is in keeping with appropriate city policies.” The Plan invokes submission of a Heritage Alteration Permit application for evaluating such redevelopment and “the City may require the submission of permit drawings for an approved replacement structure that promotes the goals and objectives of the HCD Plan and is in keeping with appropriate City policies”. A Heritage Alteration Permit application containing sufficient information in these regards has been received and referred for staff and LACH review as at the writing of this report.

Applications submitted pursuant to the Planning Act were received for the demolition and redevelopment of these properties before the HCD Plan came into force and effect. Those

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submissions, and the submission of the Heritage Alteration Permit application pursuant to the *Ontario Heritage Act*, aim to comply with the HCD policies and guidelines. In order to maintain timelines for submission of this report and the statutory timelines cited in the *Ontario Heritage Act*, a recommendation regarding the requested demolition must be presented herein while the Heritage Alteration Permit application review is in progress.

CONCLUSION

Given the direction provided in the *Wortley Village-Old South Heritage Conservation District Plan*, and that submissions provided for therein are currently under staff and LACH review, the most appropriate option under s. 42 (4) of the *Ontario Heritage Act* regarding the request for demolition on these properties, is to approve the permit applied for, with terms and conditions attached indicating that, prior to the initiation of demolition, the applicant obtain a Heritage Alteration Permit for an approved replacement structure that promotes the goals and objectives of the HCD Plan and is in keeping with appropriate City policies.

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

July 6, 2015
JY/

Attach: Appendix 1- Location Map; Appendix 2- Photos

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Appendix 1- Location map – 136A AND 138 Wortley Road



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Appendix 2: Photos

Figure 1: 136A Wortley Road

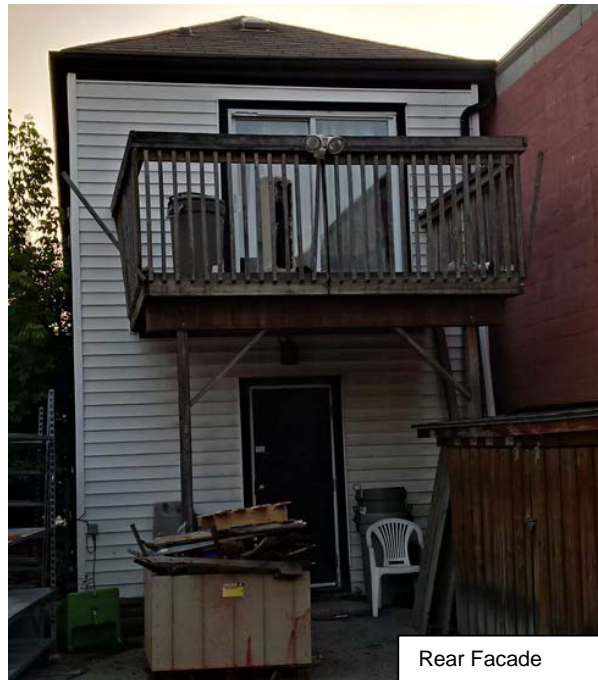


Figure 2: 138 Wortley Road



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