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J. M. Fleming

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| <b>TO:</b>      | <b>CHAIR AND MEMBERS<br/>PLANNING &amp; ENVIRONMENT COMMITTEE</b>  |
| <b>FROM:</b>    | <b>JOHN M. FLEMING<br/>MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>  |
| <b>SUBJECT:</b> | <b>POTENTIAL FOR APPLYING THE<br/>HERITAGE (HER) ZONE TO 183 KING STREET<br/><br/>MEETING ON JULY 20, 2015</b> |

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| <b>RECOMMENDATION</b> |
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That, on the recommendation of the Managing Director, Planning & City Planner, the Civic Administration **BE DIRECTED** to initiate a zoning amendment application to apply the Heritage (HER) Zone to the lands at 183 King Street and the adjacent lands at 175-181 King Street.

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| <b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b> |
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- March 26, 2012:      **Downtown London Heritage Conservation District Plan** re: adoption of the heritage conservation district plan
  
- April 7, 2015:      **Our Move Forward: London’s Downtown Plan** re: adoption of the Downtown Plan.
  
- June 15, 2015:      **Request for Demolition – Southside Construction Management Ltd. 183 King Street Public Participation Meeting** re: consideration of a demolition permit application for 183 King Street. Council refused to give permission for demolition.

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| <b>SUMMARY</b> |
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- Council recently refused an application to demolish the heritage-designated building at 183 King Street.
- Council asked that Staff consider the possibility of initiating a zoning amendment application to consider applying the Heritage (HER) Zone for the property.
- Where a heritage building is removed by way of collapse, demolition, or fire the Heritage (HER) Zone requires that any new development be of the same height, volume, floor area, and form as the heritage designated building that was removed.
- The Heritage (HER) Zone has been applied in many locations throughout London, on privately owned heritage sites and buildings.
- Staff believe that it is appropriate to initiate an amendment to apply the Heritage (HER) Zone to the lands at 183 King Street

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- Through the zoning amendment application process, Staff will continue to explore whether a portion of the building may be removed without compromising the cultural heritage values and attributes of the property and the District (LACH will be consulted); pending the results of this research, the portion of property at 183 King Street to be regulated by the Heritage (HER) Zone will be considered. This may allow for demolition of any portion of the building on-site that is not required for retention and conservation, thereby allowing for a larger redevelopment opportunity.

**PURPOSE OF THIS REPORT**

On June 25, 2015, based on the recommendation of the Planning and Environment Committee, Council resolved that the following actions be taken with respect to the application by Southside Construction Mgmt. Ltd. with respect to the property located at 183 King Street:

- a) 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; and,
- b) the Civic Administration **BE DIRECTED** to report back to the PEC with respect to the potential of a zoning by-law amendment to apply the Heritage (HER) Zone to that portion of the lands at 175-183 King Street that encompasses the significant heritage property attributes, recognizing that the rear additions to the buildings at these addresses may not be necessary to retain, and their removal may be appropriate to allow for future redevelopment.

This report is intended to address Clause (b), above, by providing:

1. the purpose of the Heritage (HER) Zone;
2. how the Heritage (HER) Zone regulates development of a site;
3. a description of other sites in London that have been assigned a Heritage (HER) Zone;
4. the effect of applying the Heritage (HER) Zone at the properties at 183 King Street;
5. a brief discussion of the heritage value of 183 King Street; and
6. the process to launch an application to amend the Zoning By-law to apply a Heritage (HER) Zone to the property at 183 King Street.

**BACKGROUND AND PLANNING ANALYSIS**

**What is the purpose of the HER Zone**

The Heritage (HER) Zone is a standard zone within the Z.-1 Zoning By-law. It constitutes one zone within a range of standard zones that are to be applied, where appropriate, across the City.

Figure 1, below, shows the Heritage (HER) Zone as it appears in the Z.-1 Zoning By-law. The HER Zone has been in effect since 1993, when the Z.-1 Zoning By-law first came into force and effect in London.

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Figure 1 – Excerpt from Z.-1 Zoning By-law: Section 34, Heritage (HER) Zone

**SECTION 34  
HERITAGE (HER) ZONE**

**34.1 GENERAL PURPOSE OF THE HER ZONE** 1

This Zone provides for and regulates buildings, structures and lands that have been designated under the Ontario Heritage Act.

This Zone may be compounded with other zones only to the extent of identifying the permitted uses. Regulations shall be as prescribed by the HER Zone.

**34.2 PERMITTED USES**

No person shall erect or use any building or structure, or use any land or cause or permit any building or structure to be erected or used, or cause or permit any land to be used, in any HER Zone for any use other than the following uses:

1) HER 2

The following are permitted uses in the HER Zone:

a) any uses identified in the accompanying compound zone.

**34.3 REGULATIONS**

No person shall erect or use any building or structure, or use any land or cause or permit any building or structure to be erected or used, or cause or permit any land to be used, in any HER Zone except in conformity with the regulations as set out below and in Table 34.3.

3 1) ADDITIONS

No additions shall be constructed in the [front yard](#) or [exterior side yard](#).

2) REPLACEMENT

4 Notwithstanding Section 4.16 or any other provisions of this By-Law to the contrary, if a building or structure that is designated under the Ontario Heritage Act is demolished, destroyed, damaged or removed, the new building or structure to occupy the lot must be of the same height, volume, floor area, general form, mass and external design as the original building or structure.

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**TABLE 34.3  
HERITAGE (HER) ZONE REGULATIONS FOR HER  
ZONE VARIATIONS**

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| Column | A   | B   |
|--------|---|---|
| Line   |   |   |
| 1      | <b>ZONE VARIATIONS</b>                                | <b>HER</b>  |
| 2      | <b>LOT AREA (m<sup>2</sup>) MINIMUM</b>               | <b>* As it exists on the day of passage of this By-law.</b> |
| 3      | <b>LOT FRONTAGE (m) MINIMUM</b>                       | <b>* As it exists on the day of passage of this By-law.</b> |
| 4      | <b>LOT DEPTH (m) MINIMUM</b>                          | <b>As it exists on the day of passage of this By-law.</b>   |
| 6      | <b>FRONT AND EXTERIOR SIDE YARD DEPTH (m) MINIMUM</b> | <b>LOCAL STREET</b>   |
|        |   | <b>ARTERIAL</b>   |
| 7      | <b>FRONT AND EXTERIOR SIDE YARD DEPTH (m) MINIMUM</b> | <b>PRIMARY COLLECTOR</b>                                    |
| 8      |   | <b>SECONDARY COLLECTOR</b>                                  |
| 9      | <b>REAR YARD DEPTH (m) MINIMUM</b>                    | <b>As it exists on the day of passage of this By-law.</b>   |
| 10     | <b>INTERIOR SIDE YARD DEPTH (m) MINIMUM</b>           | <b>As it exists on the day of passage of this By-law.</b>   |
| 11     | <b>LANDSCAPED OPEN SPACE (%) MINIMUM</b>              | <b>As it exists on the day of passage of this By-law.</b>   |
| 12     | <b>LOT COVERAGE (%) MAXIMUM</b>                       | <b>As it exists on the day of passage of this By-law.</b>   |
| 13     | <b>HEIGHT (m) MAXIMUM</b>                             | <b>As it exists on the day of passage of this By-law.</b>   |

As shown in Figure 1 (callout box #1), the Heritage (HER) zone regulates buildings, structures and lands that have been designated under the Ontario Heritage Act. The zone provides Council with an effective tool to remove the inherent incentive that can sometimes exist to demolish a heritage building in order to construct a new building with a greater building height or floor area. This can be a particularly helpful tool when heritage buildings are threatened by neglect or demolition. It also prevents development in the front or exterior side yard of heritage buildings where the zone has been applied. In this way, the zone is one important tool, among many, to help preserve London’s valuable heritage resources.

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**Regulations of the HER Zone**

The Heritage (HER) Zone provides for a number of regulations. For the purposes of this report, these regulations have been identified by the callout boxes on Figure 1.

***Permitted Uses (callout box #2)***

- The Heritage (HER) Zone must be compounded with another zone in the Z.-1 Zoning By-law to define the range of uses permitted on the lands to which it applies.
- Any uses that are permitted by a zone compounded with the HER Zone continue to be permitted.
- For example, all of the uses allowed by the Downtown Area (DA1) Zone would continue to be permitted where a Heritage (HER) Zone is compounded with a Downtown Area (DA1) Zone.

***Additions (callout box #3)***

- The Heritage (HER) Zone does not allow for additions to any existing heritage building within the front yard or exterior side yard.
- The intent of these provisions is to ensure that new additions do not obstruct or diminish the value of heritage buildings, and their facades, within the Zone.

***Replacement (callout box #4)***

- It is intended that heritage buildings will be maintained and conserved indefinitely within the Heritage (HER) Zone.
- However, in the event that a heritage building is demolished, destroyed, damaged or removed, the HER Zone clearly establishes what can be built in its place.
- A new building or structure to occupy the lot must be of the same height, volume and floor area as the heritage building that was removed.
- A new building or structure to occupy the lot must also be of the general form, mass and external design as the original building or structure.
- In doing so, the zone removes the incentive for a property owner to demolish a heritage building on a site, in favour of more intense development that would otherwise be permitted on that site. The zone may remove a property owner’s inclination to allow a heritage building to deteriorate by neglect, knowing that if the building falls down, burns down, or is demolished, the only scale of development on that property is equal to the height, volume and floor area of the heritage building that was removed.
- The Heritage (HER) Zone can be applied to a specific portion of a property – for example, it could be applied to the building footprint of a heritage designated property, allowing for the remainder of the site to be developed.
- From a heritage conservation district and urban design perspective, the zone also helps to ensure that the intensity and form of the original heritage building will be maintained by any new development, contributing to the district and the streetscape over the long term.

***Table 34.3 – Table of Regulations for HER Zone (callout box #5)***

- The table of regulations for the Heritage (HER) Zone establishes that all built form regulations are “as it exists on the date of the passing of this By-law”
- This is consistent with the regulations regarding additions and replacement, above.

**Where has the HER Zone been applied in London?**

Figure 2 shows that the Heritage (HER) Zone has been applied in many different locations in London. Some of these sites are publicly owned while others are owned by the private sector. Some examples include:

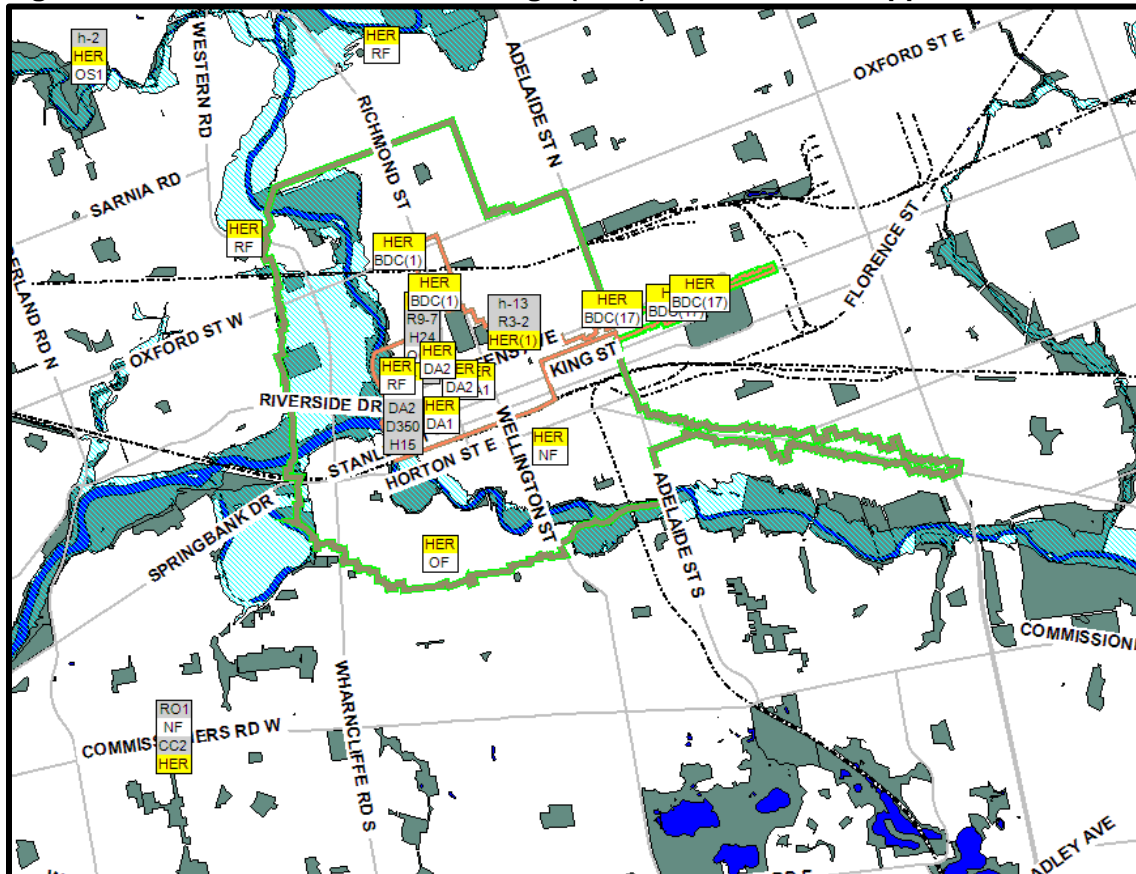
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Privately Owned Examples

- 4380 Colonel Talbot (residential)
- 4424 Colonel Talbot (residential)
- 362 Commissioners Road (office/school)
- 186 Waterloo (church)
- 871 Dundas (office)
- 368 Dufferin (residential)
- 623 Richmond (commercial/residential mixed use)
- 797 Dundas (residential, studio and performance hall)

This sample shows that the Heritage (HER) Zone is applied to many privately owned properties in the City (more than just those examples shown above). Furthermore, it is applied to a wide range of heritage buildings that accommodate a wide range of uses – residential, commercial, institutional, office, etc.). Applying the HER Zone to the property at 183 King Street would not be out of step, or inconsistent with, the application of the HER Zone to date in London.

Figure 2 – Locations where the Heritage (HER) Zone has been applied in London.



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**Heritage value of 183 King Street**

The property at 183 King Street has significant heritage value. The Planning Staff report presented to Planning Committee on Monday, June 15<sup>th</sup> provides a detailed account of its heritage value. The full report has been added as Appendix B to this report. However, the following excerpt provides a summary of the property's heritage value:

*“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]. 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.....*

*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.”*

The London Advisory Committee on Heritage met on June 11, 2015 and recommended:

*that on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Manager, 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;*

*it being noted that the London Advisory Committee on Heritage received a presentation from the Manager, Urban Regeneration; and,*

*it being further noted that the London Advisory Committee on Heritage strongly opposes the request for demolition, as the subject property has significant heritage value for the City of London.*

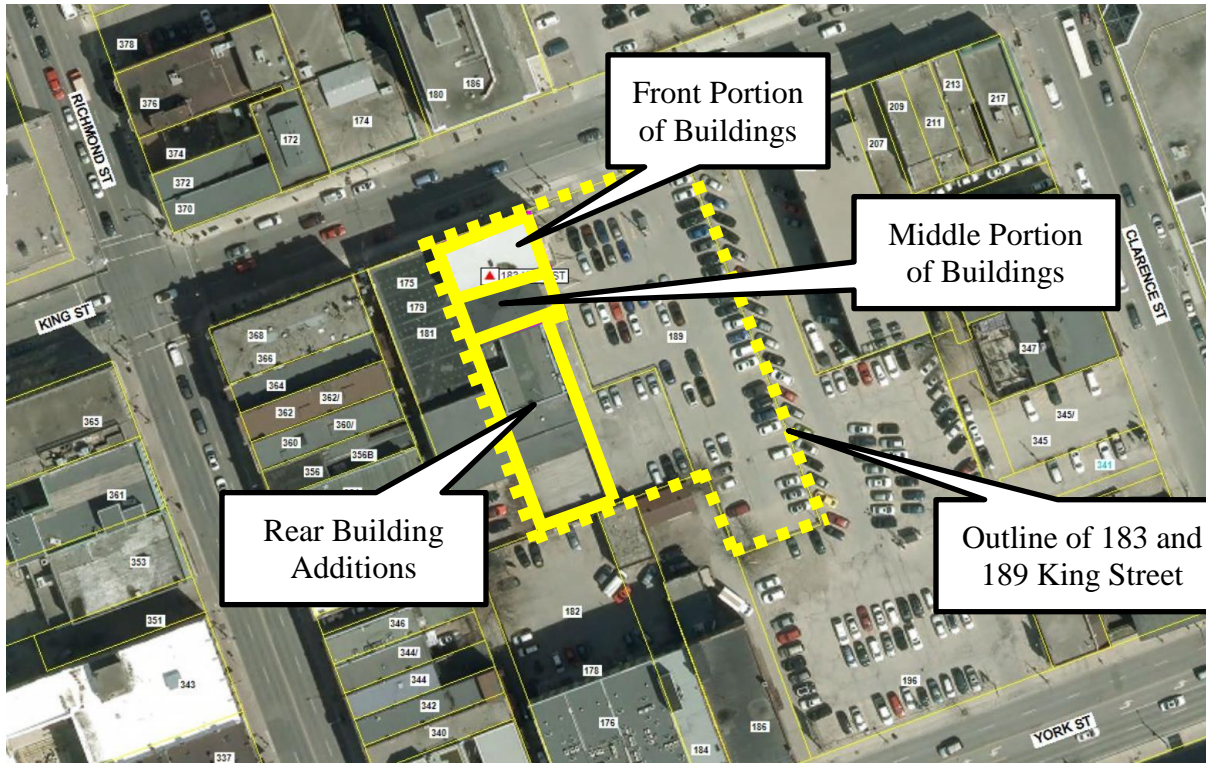
As shown on Figure 3, the building on the site is made up additions constructed during different periods. It may be possible that portions of the building could be removed, without compromising the cultural heritage value and significance of this property or of the District.. For example, the rear portions of buildings on the site, south of the mid portion, may be studied to assess this possibility. Should Council direct staff to launch a zoning amendment application to apply the HER Zone to the subject lands, Staff will work with the LACH in this assessment. This will guide the extent of the building to which the HER Zone will be applied.



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The property owner of 183 King Street also owns abutting lands to the east. If possible and appropriate from a heritage conservation perspective, allowing for the demolition of a portion of the building may assist in establishing a larger development envelope that could be consolidated with the lands to the east, while still retaining the important heritage buildings on site at 183 King Street.

**Figure 3 – Building Additions at 183 King Street & Outline of Landholding at 183 & 189 King Street**



**Effect of applying the HER Zone at 183 King Street**

The owner of the property at 183 King Street recently submitted an application to demolish the heritage designated building that exists on this site. The application cited building deterioration and structural concerns as a rationale for demolition. The City’s Chief Building Official did not concur that demolition was the only means for addressing the building’s deficiencies. The CBO ordered that the owner make the building safe.

The purpose of the heritage designation that applies to the site is to ensure its retention and conservation. However, applying the Heritage (HER) Zone would ensure that if the building is demolished, damaged, collapses, or is destroyed by fire at some point in the future, the portion of the building to which the HER Zone applies could only be developed at the same height, volume and floor area as the existing building (or the portion to which the HER Zone is ultimately applied). Furthermore, it would require that any new development on these lands would need to re-establish the same form, mass and external design as the building that currently exists on the site.

The site is currently zoned Holding Downtown Area (h-3\*DA1(6)\*D350), which allows for a broad range of uses. If the Heritage (HER) Zone were compounded with this existing zone, it would not impact the range of uses permitted on the site. Furthermore, if the HER Zone only related to a portion of the site, the remainder could be developed as per the regulations of the DA1(6) zone existing on these lands. Similarly, lands owned by the same property owner to the east at 189 King Street are also zoned DA1(6), raising the opportunity to consolidate the lands with the developable portion of 183 King Street for a larger development project, even with the application of the Heritage (HER) Zone.

Planning Staff believe that the HER Zone is an appropriate tool to help protect this threatened heritage building.



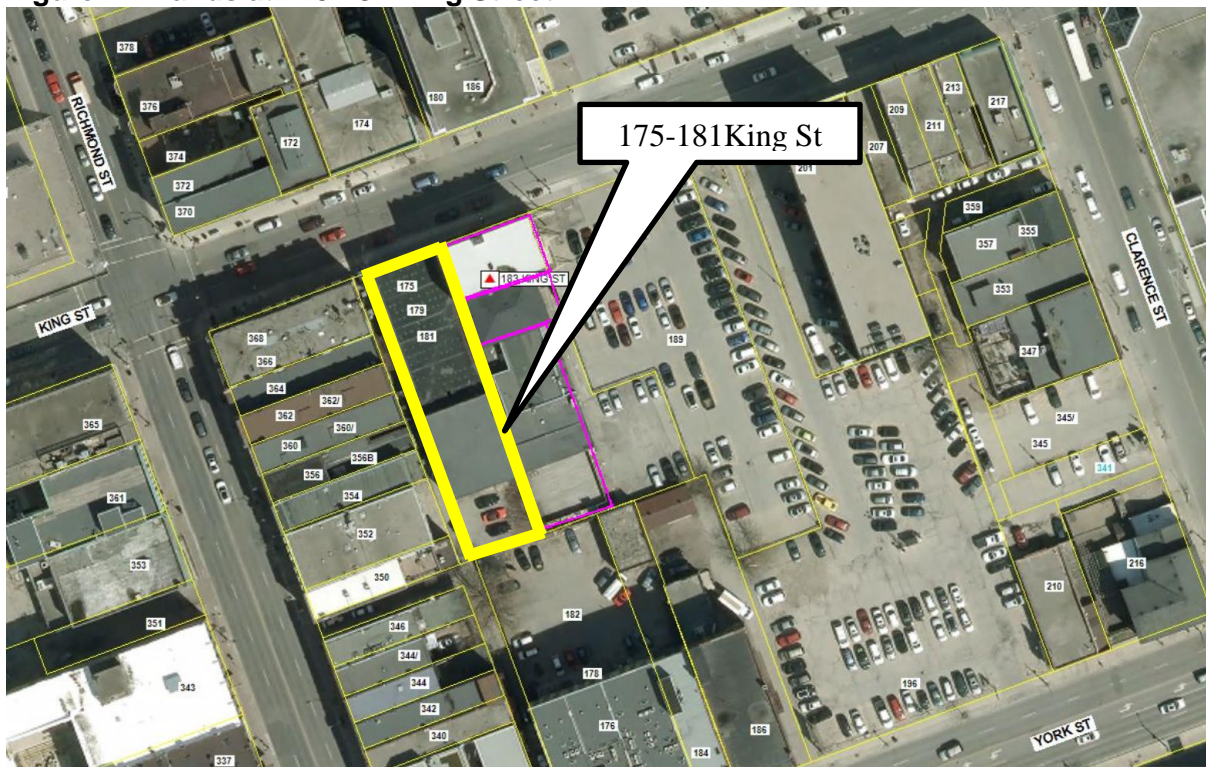
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**175-181 King Street**

The Council resolution from June 25, 2015 asked that the potential for applying the HER Zone to the lands at 183 King Street be considered, as well as those lands at 175 King Street. In fact, the building at 175 King Street takes in a range of addresses from 175 to 181 King Street.

Staff believe that it is important to consider applying the Heritage (HER) Zone to 175-181 King Street, as well, during the zoning amendment application process. There appears to be a party wall between these buildings and those at 183 King Street. It is possible that demolition of the buildings at 175-181 King Street could impact 183 King Street. Furthermore, these buildings are located within the Heritage Conservation District and make up part of the heritage streetscape on King Street. Staff will work with LACH during the application process to evaluate the need for the Heritage (HER) Zone on these lands.

**Figure 4 – Lands at 175-181 King Street**



**Figure 5 – 175-181 and 183 King Street Within Heritage Streetscape (looking east)**



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Figure 6 – 175-181 and 183 King Street Within Heritage Streetscape (looking west)



**Financial Incentives for Heritage Building Improvements in London**

Council has established incentive programs to assist developers who retain and conserve heritage buildings as part of a redevelopment project. The Downtown Incentive Program offered by municipal Council provides for enhanced grants where heritage buildings are retained and conserved. These incentives can be worth hundreds of thousands of dollars, depending upon the scale of the redevelopment and the cost of the heritage restoration work that is required. Council’s Downtown incentive programs would apply to the property at 183 King Street.

**Process for applying the Heritage (HER) Zone**

The process for applying the Heritage (HER) Zone is via a standard zoning by-law amendment. If Council wishes, it could direct staff to initiate a zoning by-law amendment to apply the Heritage (HER) Zone. It is not unusual for Council to initiate a zoning amendment relating to privately owned lands.

If directed to initiate the amendment, Staff would consult with the London Advisory Committee on Heritage to inform how the nature of the proposed zoning amendment would maintain consistency with the Downtown Heritage Conservation District Plan. It is possible that the Heritage (HER) Zone boundary would only circumscribe the building footprint of portions of the heritage building at 183 King Street, and not the entire property. Alternatively, it is also possible that a special provision HER Zone could be applied to the entire site, but clearly identifies the portion of building to be covered by the regulations of the HER Zone.



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**J. M. Fleming**

**Recommendation**

The Heritage (HER) Zone is a standard zone in the Z.-1 Zoning By-law that was established to help preserve London’s important heritage resources. It achieves the following:

- Prevents new development in the front and exterior side yards that that may obstruct a heritage building;
- Ensures that if the heritage designated building on the site is removed by demolition, collapse, or fire, any new development on the site is equal in height, volume, floor area to the heritage building that was removed;
- Ensures that if the heritage designated building on a site is removed, any new building will be constructed with the same general form, mass and external design as the heritage building that was removed.

The Heritage (HER) Zone has been applied in many locations throughout London. The building at 183 King Street is an important heritage building, designated under Part V of the Ontario Heritage Act. The building at 183 King Street is threatened. An application was recently received and refused by Council for demolition of this building.

Planning Staff believe that it is appropriate to initiate a zoning by-law amendment to consider applying the Heritage (HER) Zone to the lands at 183 King Street and recommend that Council give Staff direction to do so. The lands at 175-181 King Street should also be considered for the HER Zone through this process.

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| <b>PREPARED AND RECOMMENDED BY:</b>  | <b>CONCURRED WITH BY:</b>                                      |
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| <b>JOHN M. FLEMING, MCIP, RPP<br/>MANAGING DIRECTOR, PLANNING<br/>AND CITY PLANNER</b> | <b>JIM YANCHULA, MCIP, RPP<br/>MANAGER, URBAN REGENERATION</b> |

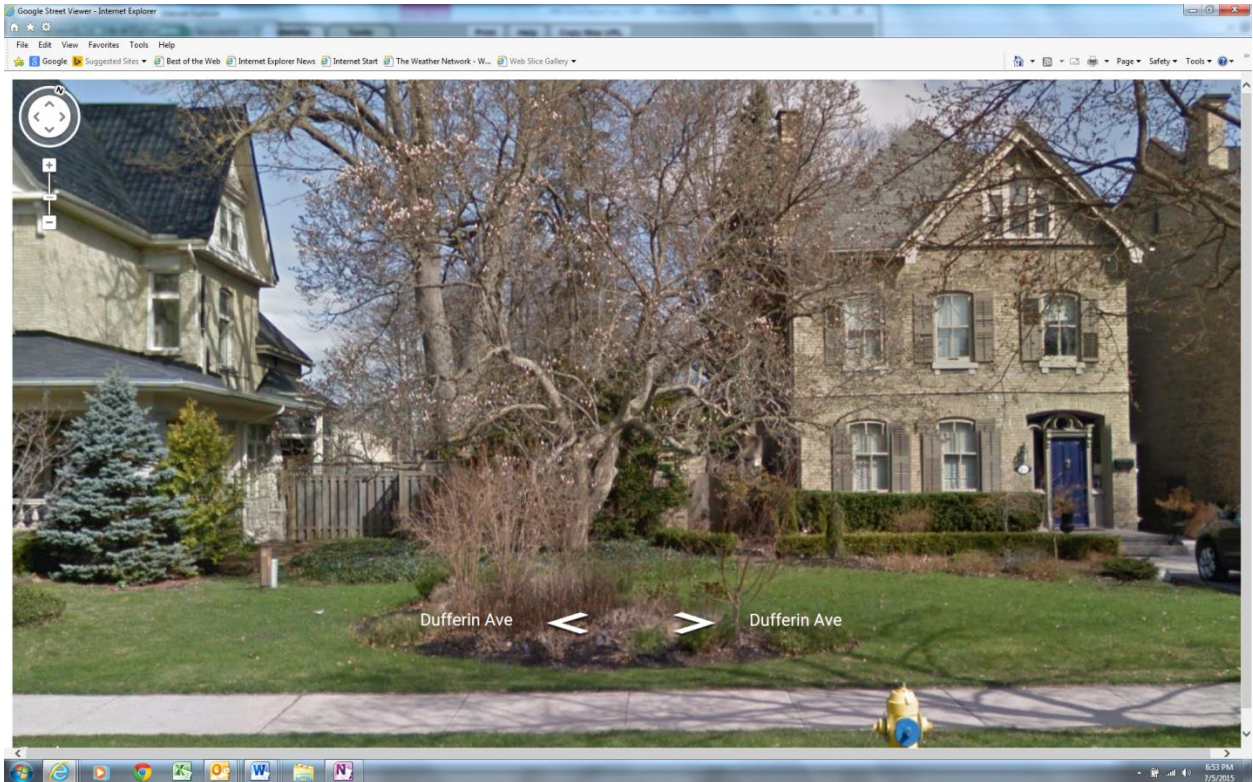
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J. M. Fleming

### Appendix A Sample of Privately Owned Properties Where HER Zone Has Been Applied





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J. M. Fleming



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J. M. Fleming

**Appendix B**

**June 15 Report to Planning and Environment Committee  
Regarding Demolition Application for 183 King Street**



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J. M. Fleming

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

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| <b>RECOMMENDATION</b> |
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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.

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| <b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b> |
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- March 26, 2102: *Downtown Heritage London Conservation District Plan* Adoption
- April 7, 2015: *Our Move Forward: London's Downtown Plan* Adoption

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| <b>BACKGROUND</b> |
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**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 2<sup>nd</sup> 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” 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

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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 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.

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**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 19<sup>th</sup> century buildings that continues to the west, turning the corners north and south along Richmond 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

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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.

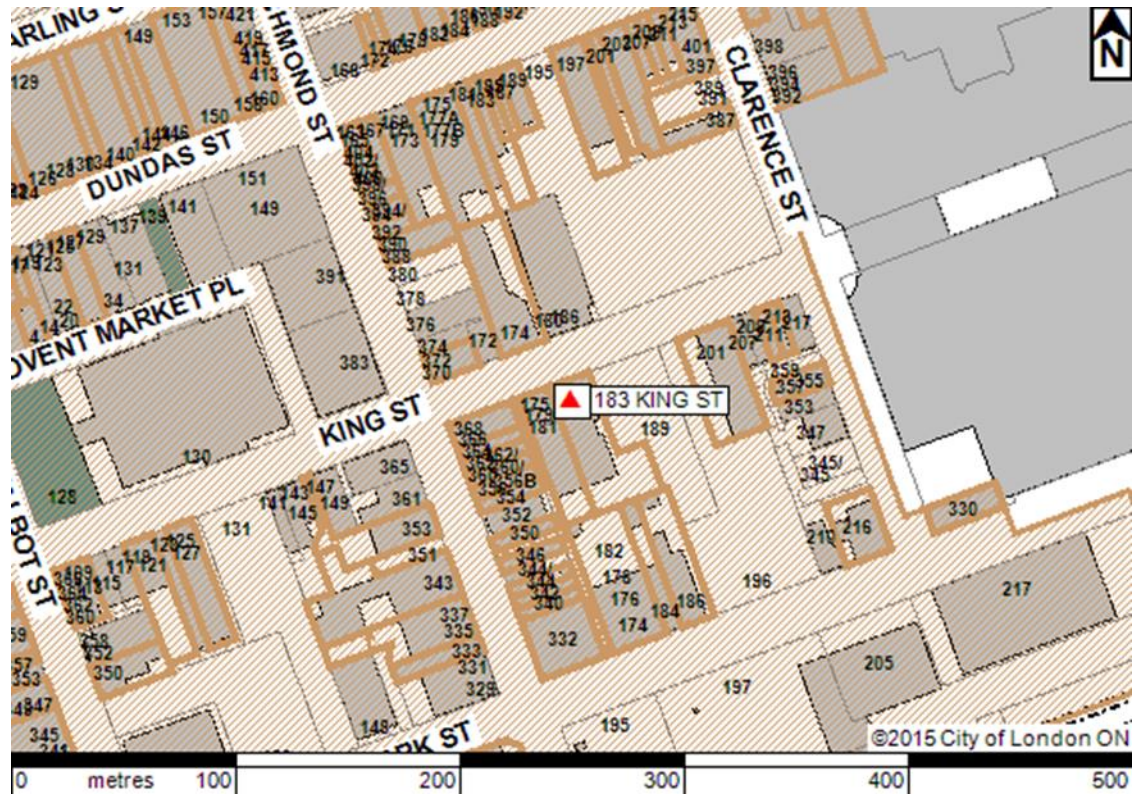
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June 2, 2015  
JY/GB  
Attach: Appendix 1- Location Map; Appendix 2- Photos

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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