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| TO: | CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE PUBLIC PARTICIPATION MEETING ON MONDAY, SEPTEMBER 24, 2012: NOT BEFORE 7:30 P.M. |
| FROM: | J. M. FLEMING DIRECTOR, LAND USE PLANNING AND CITY PLANNER |
| SUBJECT: | DEMOLITION REQUEST 199 QUEENS AVENUE FARHI HOLDINGS CORPORATION |

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| RECOMMENDATION |
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That, on the recommendation of the Director, Land Use Planning and City Planner, with the advice of the Heritage Planner, with respect to a request for the demolition of 199 Queens Avenue, a listed Priority 2 heritage property, that the following actions **BE TAKEN**:

- A. That the Chief Building Official **BE ADVISED** that Council has no objection to the removal of the building to accommodate a redevelopment proposal for the site; and,
- B. That the property owner **BE REQUESTED** take no action regarding the demolition of the property until such time as an application has been made for the redevelopment of the site.

It being noted that there is a Council policy that does not support the use of sites where a heritage property has been demolished for temporary surface parking lots.

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| PREVIOUS REPORTS PERTINENT TO THIS MATTER |
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2012 March 26: Report to Planning and Environment Committee – **Downtown Heritage Conservation District**

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| BACKGROUND |
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The building at 199 Queens Avenue is a two and one half storey brick structure, later clad with stucco, built in the Italianate style c. 1880 with later additions to the sides and rear. The building is listed in the *2006 Inventory of Heritage Resources* as a Priority 2 property. Further, it has been identified as an “A” ranked building in the Council adopted Downtown Heritage Conservation District. Historically, the building is known as the Hiscox House, named after the family who occupied it until the 1930s. It is located on the south side of Queens Avenue, near Clarence Street. (Appendix 1)

After recently acquiring the property, the owner, Farhi Holdings, has requested its demolition for a number of reasons. In a communication dated August 01, 2012, the owner notes that much of the interior heritage detailing has disappeared as a result of previous renovations and expresses an opinion that restoration would be too expensive to justify the costs. Further, the owner notes that it would be difficult to make 199 Queens Avenue handicapped-accessible as interior doors are too narrow to allow access to wheelchairs and differing floor heights and internal steps between the rooms further limit wheelchair use. Reference is made to current human rights legislation requiring



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accessibility for use by government or government related agencies. Attempts to rent the building have been unsuccessful to this point and the owner notes that leaving the building vacant creates liability issues in terms of potential difficulties in securing a vacant property.

Finally, Farhi Holdings draws attention to a perceived deficiency in downtown parking and notes that several other heritage properties owned by the corporation in this area of the downtown require additional parking to offer to prospective tenants. Farhi Holdings has suggested that the demolition of 199 Queens would facilitate a redevelopment of a larger site as Farhi Holdings owns an adjacent surface parking lot which, itself, borders a city owned surface parking lot. In broad terms, the owner has suggested a redevelopment for the larger site which would include a parking structure, retail space on the ground level and residential units above. At this time, no concept drawings or site plan elevations have been submitted.

Because it is a listed property, the matter of its demolition must be considered at a public participation meeting of the Planning and Environment Committee and must also be considered by the Advisory Committee on Heritage. The LACH meeting of September 12 examined the demolition request and the LACH comments will be brought forward to PEC on September 14.

Staff Comments and Recommendation



Planning staff are of the opinion that the building is a heritage resource and has been recognized as such in the Downtown Heritage Conservation District. While there have been changes made to the building over the years, it retains distinct heritage features especially on the exterior. The basic Italianate style is evident with the vertical nature of the building augmented by the tall round headed windows with their hoods and keystones. Typical paired brackets remain. The front gable and its bargeboard are still present as is its double chimney. The building continues to serve as a reminder of the evolution of the downtown as a remnant of the housing common in the area.

In the opinion of the heritage planner, the building appears to be in sound condition and no report has been submitted saying otherwise. It is occupied by a business in the rear addition. While there are various building floor levels on the upper floors because of the later additions, and while the Ontarians with Disabilities legislation requires accessibility considerations, to date, the regulations suggest that accessibility requirements are on a “going forward” basis and do not require retrofitting an existing building unless a more extensive renovation is being undertaken.



Finally, the matter of the downtown heritage conservation district must be considered. The Downtown Heritage Conservation District was approved by Council on April 10-11, 2012. The District was proposed to identify those buildings deemed to be of sufficient heritage character to be retained while allowing clarity for other redevelopment opportunities. The removal of an identified heritage structure, with no alternative presented, contradicts the intent of the District Plan. However, the Plan has been appealed to the Ontario Municipal Board, so it is not yet in force and effect. No hearing date has been set. If the Heritage Conservation District had been approved and in force, the property would be designated as part of the District under Section 41 (Part V) of the *Ontario Heritage Act* and Council could tie conditions to any recommendation regarding the demolition of the property. At this time, in order to attach any legal conditions to the demolition in advance of the approval of the District, individual designation under Section 29 (3) would be required.

Notwithstanding the above concerns, it is recognized that the building has undergone alterations, some unsympathetic, over the years to allow for its use as a commercial structure. Various additions have been added especially on the west side and on the rear. While it would be possible to remove these additions to return the building to its more original character, this would require expenditures. Further, the removal of adjacent buildings over the years has

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altered the character of the streetscape as it once was with a major gap used for surface parking between 199 Queens Avenue and the London Club further to the west. For these reasons and, in terms of general downtown revitalization, a redevelopment of the site might be appropriate.

In general discussions with the current owner and previous owners / inquirers over the past year, staff proposed consideration of a redevelopment of the site which would attempt to retain the original structure while allowing the removal of the later additions. The City provides some incentives with respect to downtown properties. The Community Improvement Plan to assist with the retention of heritage properties was suggested but, since it is based on increased assessment resulting from redevelopment, it is difficult to determine whether any redevelopment retaining much of the property would result in an increased assessment.

The matter of a commercial parking structure, suggested by the owner, as part of the redevelopment of this site may be worthy of further discussion between the various parties involved, including the City, which owns an adjacent parking lot. There are several heritage properties within the area of 199 Queens Avenue which are currently underutilized. These include the former Canada Trust building at 220 Dundas, the Duffield Block at 215 Dundas, and 229-231 Dundas (the Scott Building).

It is also important to note at this time that the applicant may be proposing to use the site at 199 Queens Avenue for temporary surface parking once the building is demolished. It should be noted that municipal Council has a policy that would prohibit the demolition of a heritage property to create temporary surface parking. The purpose of the policy is to avoid the loss of heritage properties in advance of a redevelopment proposal for the site.

Potential Options for Council’s Consideration

With respect to the request for demolition of this listed property, Council may choose from three possible alternatives within the 60 day time frame in which a recommendation may be made:

1. Support the request by the owner for demolition. This would allow for the immediate demolition of the property once the demolition permit is issued. This would not require specific information about, or approval of, a redevelopment proposal.
2. Support the request by the owner for demolition but request the owner to defer the removal of the building pending an application for the redevelopment of the site. On the basis of comments by the owner at the LACH meeting on September 12 it is expected that such an application is being prepared for consideration in negotiations with the City. Such a request would be on the basis of good faith by the owner as there is no statutory basis for denying the request other than as outlined in Option 3 as follows.
3. Refuse the request for demolition. Since, at the present time, the Downtown Heritage Conservation District is not yet in force and effect pending the outcome of a possible appeal to the Ontario Municipal Board, the refusal would need to be accompanied with a recommendation for designation under Section 29.3 (Part IV) of the *Ontario Heritage Act* on the basis of the attached Draft Statement of Significance.(Appendix 2) If a Notice of Intent to designate the property as property of cultural heritage value or interest is given under Section 29, any permit that allowed for the alteration or demolition of the property and that was issued by the municipality under the Act, including a building permit, before the day the notice was served on the owner of the property and on the (Ontario Heritage) Trust is void as of the day notice of intention is given in accordance with subsection 29 (3).

Issuance of such a notice would prevent any demolition of the property pending the resolution of the designation process. An owner may apply for the demolition of a designated property. At that time, Council would have the options of i) consenting to the application, ii) consenting to the application subject to such terms and conditions as may be specified by Council, or iii) refuse the application.

An application for the demolition of a designated property may ultimately be taken to the Ontario Municipal Board if Council seeks to deny the demolition.

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Staff Recommendation

Notwithstanding the heritage values of this asset as described elsewhere, a redevelopment of this site may be worth consideration if it was to provide additional impetus to aid in downtown revitalization. At this time, though, it may be premature to remove a known heritage resource for an unknown future redevelopment. Demolition at this time would preclude incorporation of the building, or portions of the building, within any future proposed redevelopment. If the building were to become designated, under either Section 29 or Section 41, a future application for demolition would allow Council an opportunity to allow for its demolition with conditions attached. One such condition might be the submission of a site plan/building permit for the redevelopment of the site. Council would then be in a more informed position to weigh the merits of altering or losing the heritage resource against a wider redevelopment opportunity.

A refusal of the request to demolish at this time pending designation would likely see the building remain vacant for a number of months. The *Properties Standards By-law* provides requirements for the maintenance of such properties by the owner and contains specific provisions with respect to buildings designated under the Ontario Heritage Act. Should the building become designated, either under Section 29 or Section 41, the By-law requires the retention and repair of heritage elements, protection against water infiltration and maintenance of required levels of heat in a vacant designated building.

Given the imminence of a redevelopment application, staff recommend that Council advise the Chief Building Official that it does not object to the request for demolition, and also further suggest that the owner be requested to defer demolition pending the submission of his redevelopment proposal noting that Council policy does not support the creation of temporary surface parking lots on heritage property sites.

It is recommended that the Chief Building Official be advised of Council's intent in this matter. If Council chooses to support the demolition at this time, it is recommended that, prior to any demolition, the building be photo-documented. In the event of a demolition, heritage materials should be reclaimed and recycled where possible.

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| PREPARED BY: | SUBMITTED BY: |
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| D. MENARD HERITAGE PLANNER CITY PLANNING AND RESEARCH | G. BARRETT, AICP MANAGER, CITY PLANNING & RESEARCH |
| RECOMMENDED BY: | |
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| J. M. FLEMING, MCIP, RPP DIRECTOR, LAND USE PLANNING AND CITY PLANNER | |

September 14, 2012

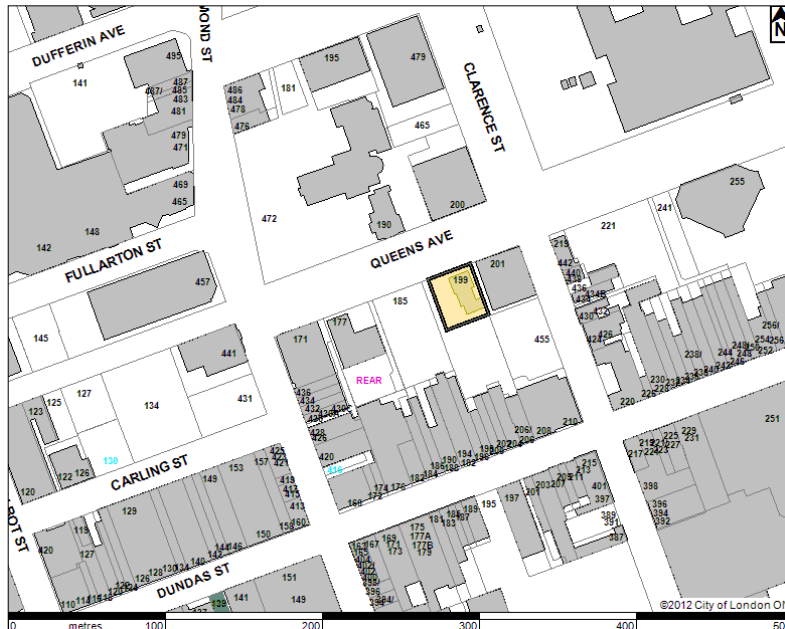
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Attach: Appendix 1- Location Map; Appendix 2- Statement of Significance for 199 Queens Avenue; Appendix 3- Photos -199 Queens Avenue

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Appendix 1: Location Map – 199 Queens Avenue



Appendix 2: Draft Statement of Significance -199 Queens Avenue

Description of Property

The building at the municipal address, 199 Queens Avenue, is located on Plan Nil, Part Lot 7, S/S of Queens Avenue in the City of London, County of Middlesex, Assessment Roll Number 010010114000000. It is a two and one half storey building clad with stucco over brick with later additions of cinder block on the sides and rear.

Statement of Cultural Heritage Value or Interest

The cultural heritage value of the building at 199 Queens Avenue resides in its architectural features as a good example of the Italianate style. Typical of this style, it features the vertical thrust, paired brackets at the eaves, segmental window with carved heads and keystones, gable woodwork, dormer and double chimney. Important also is its connection with the Hiscox Family who owned and lived in the house until 1930 and who operated a livery business in the adjacent area. While the building has lost its former context as one of several residential properties along Queens Avenue, it is an important remnant of the once common homes often associated with business owners living near the downtown commercial area.

Description of Heritage Attributes

Key exterior attributes that embody the heritage value of Hiscox House as a good example of Italianate architecture in downtown London include:

- The verticality of the original structure with its two and one-half stories.
- The front gable with its decorative bargeboard
- The symmetrical fenestration on the front façade, altered somewhat by a later addition ground floor entrance porch.
- The two over two segmental double hung windows each with carved heads and keystones.
- The gable window in the upper gable.
- Paired brackets along the soffit.
- Brick pilasters forming a frame around the edge further emphasizing the verticality of the Italianate style.
- A smaller “tail” at the rear of the main building containing a three light bay window on the east façade.
- A white brick double chimney.
- A sympathetic, later addition front entrance, featuring a dual entrance with segmental transoms above.

The building has a landmark status as a remnant of this portion of the former streetscape. However, the additions to the west, east and south facades are not deemed to have cultural heritage value or significance.

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Appendix 3: Photos -199 Queens Avenue

