

Report to London Advisory Committee on Heritage

To: Chair and Members
London Advisory Committee on Heritage

From: John M. Fleming
Managing Director, City Planning and City Planner

Subject: Heritage Alteration Permit Application by S. Caplan at 213
King Street, Downtown Heritage Conservation District

Meeting on: Wednesday September 11, 2019

Recommendation

That, on the recommendation of the Managing Director, City Planning & City Planner, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking retroactive approval for replacement of the front door at 213 King Street, within the Downtown Heritage Conservation District, **BE PERMITTED** with the terms and conditions that the former door be salvaged by the property owner for appropriate reuse elsewhere.

Executive Summary

The historic front door of the property at 213 King Street, an A-rated property located within the Downtown Heritage Conservation District, was replaced by a new aluminum door without obtaining Heritage Alteration Permit approval. The property owner has submitted a Heritage Alteration Permit application seeking retroactive approval for the replacement door.

Analysis

1.0 Background

1.1 Location

The property at 213 King Street is located on the south side of King Street between Richmond Street and Clarence Street (Appendix A).

1.2 Cultural Heritage Status

The property at 213 King Street is located within the Downtown Heritage Conservation District, which was designated pursuant to Part V of the *Ontario Heritage Act* on June 27, 2013. The property at 213 King Street is an A-rated as identified by the *Downtown Heritage Conservation District Plan*.

1.3 Description

The existing building at 213 King Street was constructed in approximately 1887 in the Italianate style with brick pilasters and a cornice, as well as two stained glass transom windows above windows on the second storey (Appendix B). The storefront, with its large windows and recessed entry, is believed to be original, dating to the construction of the building.

The building was first occupied by Abraham Fox as a second hand goods retailer. It appears to have been operated by the Fox family until the 1970s under a variety of uses including second hand goods and pawnbrokers. It was briefly the home of the Forest City Gallery in c.1980 and more recently Novack's until it closed in 2012. Since then, the digital company and a clothing designer are located in the building.

1.4 Previous Heritage Alteration Permit

In 2017, Heritage Alteration Permit (HAP17-053-D) approval was obtained for alterations to the buildings at 209-211 King Street and 213 King Street. The scope of approved alterations included replacement of the upper storey windows, retention and repair of the stained glass window transoms on the upper storey, and removal of the

storefront awning. The building was re-painted, including its historic wood detailing. Heritage Alteration Permit (HAP17-053-D) was processed under the parameters of the Delegated Authority By-law.

2.0 Legislative/Policy Framework

2.1 Provincial Policy Statement

Heritage conservation is a matter of provincial interest (Section 2.d, *Planning Act*). The *Provincial Policy Statement* (2014) promotes the wise use and management of cultural heritage resources and directs that “significant built heritage resources and significant cultural heritage landscapes shall be conserved.”

2.2 Ontario Heritage Act

Section 42 of the *Ontario Heritage Act* requires that a property owner not alter, or permit the alteration of, the property without obtaining Heritage Alteration Permit approval. The *Ontario Heritage Act* enables Municipal Council to give the applicant of a Heritage Alteration Permit:

- a) The permit applied for
- b) Notice that the council is refusing the application for the permit, or
- c) The permit applied for, with terms and conditions attached (Section 42(4), *Ontario Heritage Act*)

Municipal Council must respond within 90 days after a request for a Heritage Alteration Permit application (Section 42(4), *Ontario Heritage Act*).

2.2.1 Contravention of the *Ontario Heritage Act*

Pursuant to Section 69(1) of the *Ontario Heritage Act*, failure to comply with any order, direction, or other requirement made under the *Ontario Heritage Act* or contravention of the *Ontario Heritage Act* or its regulations, can result in the laying of charges and fines up to \$50,000.

When the amendments to the *Ontario Heritage Act* in Bill 108 are proclaimed in force and effect, the maximum fine for the demolition or removing a building, structure, or heritage attribute in contravention of Section 42 of the *Ontario Heritage Act* will be increased to \$1,000,000 for a corporation.

2.3 The London Plan

The policies of *The London Plan* found in the Cultural Heritage chapter support the conservation of London’s cultural heritage resources. Policy 554_ of *The London Plan* articulates one of the primary initiatives as a municipality to “ensure that new development and public works are undertaken to enhance and be sensitive to our cultural heritage resources.” To help ensure that new development is compatible, Policy 594_ (under appeal) of *The London Plan* provides the following direction:

1. *The character of the district shall be maintained by encouraging the retention of existing structures and landscapes that contribute to the character of the district.*
2. *The design of new development, either as infilling, redevelopment, or as additions to existing buildings, should complement the prevailing character of the area.*
3. *Regard shall be had at all times to the guidelines and intent of the heritage conservation district plan.*

Policy 13.3.6 of the *Official Plan* (1989, as amended) includes similar language and policy intent.

2.3 Downtown Heritage Conservation District

The Downtown Heritage Conservation District is recognized for its long period of evolution, with structures and landscapes that contribute to its heritage character. It was designated pursuant to Part V of the *Ontario Heritage Act* by By-law No. L.S.P.-3419-124 to protect its heritage character.

The physical goals and objectives, found in Section 3.2.1 of the *Downtown Heritage Conservation District Plan*), for the designation of the Downtown as a Heritage Conservation District are to:

- *Establish a framework for the retention, conservation, and adaptation of the existing stock of significant heritage buildings and spaces within the Downtown District;*
- *Encourage the rehabilitation and restoration of heritage buildings that is sensitive and respectful to the historical significance of the structure*
- *Influence the renovation or construction of modern era buildings so that it is done with regard to the District and complementary to the character and streetscape.*
- *Successfully implement these objectives while fostering an environment of growth and renewal going forward.*

Specific policies regarding storefronts, as important character defining elements (heritage attributes) of the Downtown Heritage Conservation District, can be found in Section 6.1.3.1 (Storefronts) of the *Downtown Heritage Conservation District Plan*. The policies support the restoration or preservation of existing storefronts. The following recommendations are provided to support the conservation of storefronts in the Downtown Heritage Conservation District:

- *Preserve the functional and decorative features such as display windows, doors, transoms, cornices, corner posts, awnings and signs – which are important in defining the overall heritage value of the building.*
- *Document the form, materials and condition of the storefront prior to beginning project work. The careful removal of non-character defining cladding and other cover-ups may reveal an earlier storefront beneath.*
- *Protect and maintain wood, masonry and architectural metals that comprise storefronts through appropriate treatment such as cleaning, rust removal, limited paint removal, and re-application of protective coating systems in kind.*
- *Retain storefronts and storefront elements that are in sound condition. Deteriorated storefront elements should be preserved wherever possible. Character-defining signs and awnings should be retained. Stripping the storefront of character-defining materials such as wood, brick, metal, or structural glass or covering the material is to be avoided.*
- *Replace extensively deteriorated or missing parts of storefronts with in kind elements where there are surviving prototypes. The new work should match the old in form and detailing.*

General guidelines of Section 6.1.5 (Alterations and Renovations) direct that, *Replacement windows, doors and architectural components of buildings that contribute to heritage character must respect the original in type, proportion, vertical orientation, and size of elements. Surrounding details should be maintained. When original windows no longer exist, replacement windows should respect the spirit of the original architecture.*

2.3.1 Character Defining Elements in *Downtown Heritage Conservation District Plan* for 213 King Street

The following character defining elements (heritage attributes) are identified for the property at 209-211 King Street and 213 King Street (one entry) by the *Downtown Heritage Conservation District Plan*:

Painted brick with original double hung sash windows; two store front entrances at ground level; corner blocks and cornice at top of ground floor and eaves; electric sign; store fronts early; paint colours soon to be a landmark; painted brick with original windows in second floor; two large corner brackets; partial cornice a roof line; early store entrance.

3.0 Heritage Alteration Permit Application

A complaint from the community brought the unapproved alterations underway to the property at 213 King Street to the attention of the City on July 29, 2019. Compliance action ensued.

The Heritage Alteration Permit application was submitted by the property owners and received on July 31, 2019. The property owners have applied for a Heritage Alteration Permit seeking retroactive approval for removal of the former painted wood and glass door and replacement with the existing aluminum frame and glass door.

As the alterations have commenced prior to obtaining Heritage Alteration Permit approval, this Heritage Alteration Permit application has met the conditions for referral requiring consultation with the London Advisory Committee on Heritage (LACH).

Per Section 42(4) of the *Ontario Heritage Act*, Municipal Council must make a decision on this Heritage Alteration Permit application by October 29, 2019 or the application is deemed permitted.

4.0 Analysis

Information submitted as part of the Heritage Alteration Permit application demonstrate the efforts of the property owner to repair the former door in May 2019. However, the property owner indicate that those efforts were unsuccessful, leading to their decision to replace the original storefront door and install the existing door on July 29, 2019.

The replacement (existing) door is of a different proportion than the former door; the aluminum replacement door features a transom, whereas the former door was a full-height wood door with a glass lite. This does not comply with the guidelines for alteration and renovations of Section 6.1.5 of the *Downtown Heritage Conservation District Plan*, which directs that replacement doors must respect the original in type, proportion, vertical orientation, and size. The replacement door does not comply with the policies of Section 6.1.3.1 (Storefronts) of the *Downtown Heritage Conservation District Plan* which support the restoration and preservation of existing storefronts. The replacement door is not particularly sensitive or respectful to the historic significance of the structure, which is the direction of the physical goals and objectives in Section 3.2.1 of the *Downtown Heritage Conservation District Plan*. The replacement door, however, is distinguishable from the historic material of the storefront.

Despite the removal of the original storefront door, the property retains many of its character defining elements (heritage attributes) that contribute to its A-rating in the *Downtown Heritage Conservation District Plan*. It retains historic recessed storefront entry, storefront windows, cornice and sign band with detailing, cornice at the parapet, and its stained glass transom windows were recently restored. The replacement door matches the existing door on the adjacent property at 209-211 King Street. Further alterations to the historic storefront should not be permitted to ensure the preservation of this character defining element (heritage attribute) of the Downtown Heritage Conservation District.

In an effort to preserve the storefront, the original storefront door should be salvaged and retained. It could be reused in a variety of appropriate applications, perhaps on the interior of the building.

5.0 Conclusion

The policies and guidelines of the *Downtown Heritage Conservation District Plan* support the restoration and preservation of storefronts. The property owner attempted to repair of original wood storefront door of the building at 213 King Street. When the repairs failed, the door was replaced to match the adjacent door at 209-211 King Street.

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Submitted by:	Gregg Barrett, AICP Manager, Long Range Planning and Sustainability
Recommended by:	John M. Fleming, MCIP, RPP Managing Director, City Planning and City Planner
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services	

September 4, 2019
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Appendix A – Location

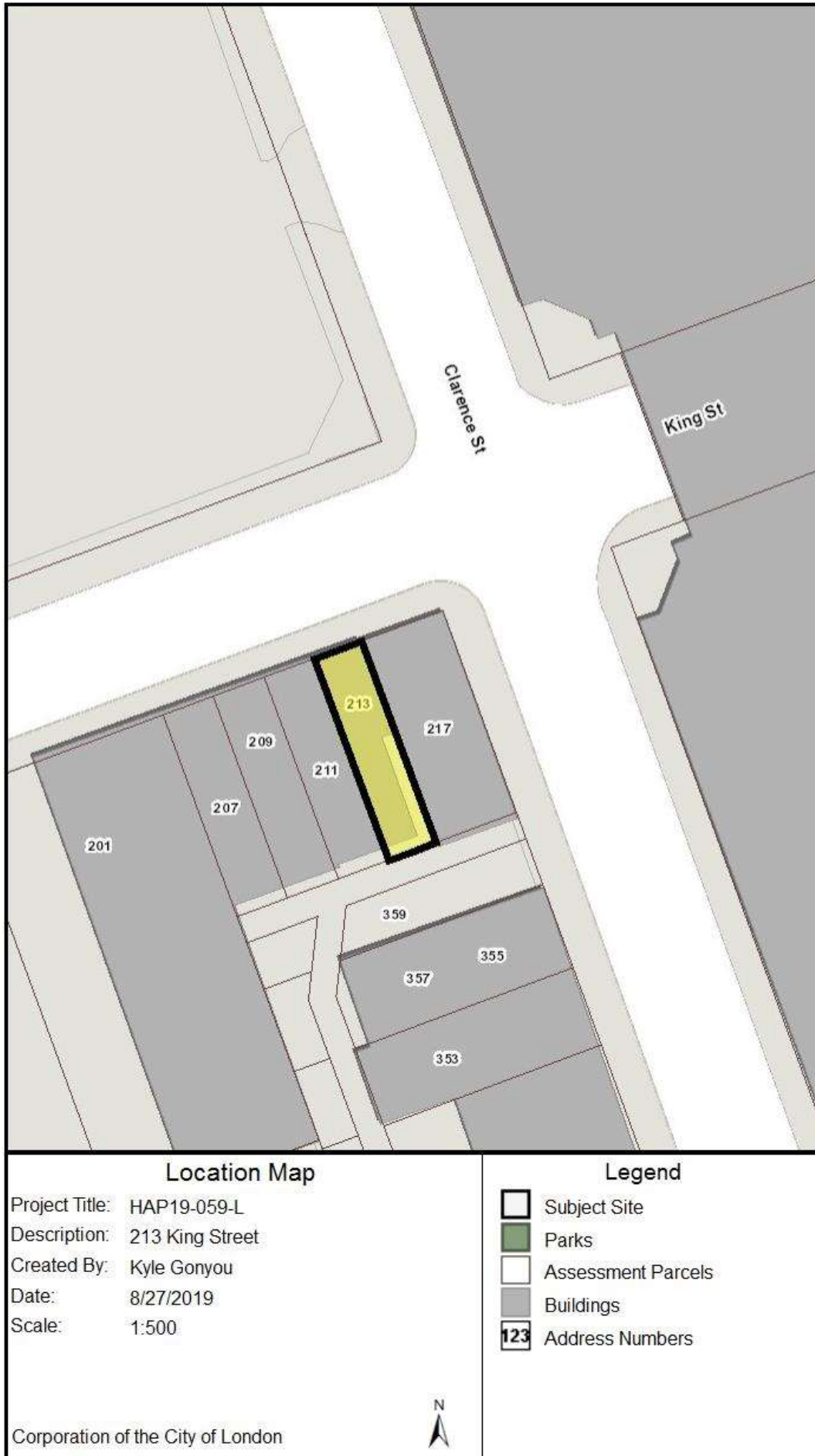


Figure 1: Location of the subject property at 213 King Street in the Downtown Heritage Conservation District.

Appendix B – Images



Image 1: Photograph of the property at 213 King Street on June 30, 2016.



Image 2: Detail of the former door of the property at 213 King Street on November 13, 2017.



Image 3: Photograph showing alterations underway on June 6, 2018, including replacement of the windows on the upper floor of the building at 213 King Street.



Image 4: Photograph of the building on July 31, 2019 showing the replaced front door. Note the aluminum storefront door on the adjacent property at 209-211 King Street (to the right).



Image 5: Detail of the replaced front door of the building at 213 King Street.