

Report to London Advisory Committee on Heritage

To: Chair and Members
London Advisory Committee on Heritage
From: Gregg Barrett, Director, City Planning and City Planner
Subject: Heritage Alteration Permit Application at 181 Dundas Street,
Downtown Heritage Conservation District by M. Bangash
Date: Wednesday March 10, 2021

Recommendation

That, on the recommendation of the Director, City Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act seeking approval for alterations to the heritage designated property located at 181 Dundas Street, in the Downtown Heritage Conservation District, **BE APPROVED** with the following terms and conditions:

- a) The porcelain tile previously installed on the storefront be replaced with the brick veneer used elsewhere on the storefront of the façade; and,
- b) The Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.

Executive Summary

The property 181 Dundas Street is included within the Downtown Heritage Conservation District. Alterations to the storefront were undertaken prior to obtaining Heritage Alteration Permit approval. Not all materials used as a part of the alterations sufficiently comply with the guidelines of the *Downtown Heritage Conservation District Plan*. A Heritage Alteration Permit application has been received seeking retroactive approval for some of the completed alterations and proposed alterations that are more compatible material for the storefront. Provided that the non-compliant materials be replaced with more sufficiently compliant materials, the retroactive and proposed alterations should be permitted with terms and conditions.

Linkage to the Corporate Strategic Plan

This recommendation supports the following 2019-2023 Strategic Plan areas of focus:

- Strengthening Our Community:
 - Continuing to conserve London's heritage properties and archaeological resources

Analysis

1.0 Background Information

1.1 Property Location

The property at 181 Dundas Street is located on the south side of Dundas Street between Richmond Street and Clarence Street (Appendix A).

1.2 Cultural Heritage Status

The property at 181 Dundas Street is located within the Downtown Heritage Conservation District, designated pursuant to Part V of the Ontario Heritage Act by By-law No. L.S.P-3419-124. The heritage designating by-law was registered on the title of the properties within its boundaries on October 10, 2013.

1.3 Property Description

The building on the property at 181 Dundas Street is a three-storey commercial style building, set close to the street and maintaining the street-wall on the south side of Dundas Street. The property has been used for commercial purposes dating to the 1880s. From approximately 1930 until 1954 the property was the home of “Boomers”, a confectionary that was popular for sweets and ice cream. From 1955 until the late-1970s the property was also the home of shoe retailers Dolcis Canada Ltd. (1955-1973) and Ingeborg Shoes (1973-1978). During the mid-20th century, the commercial building on the property was extensively altered to its current composition. The storefront previously included a slightly recessed entryway with large storefront window and a glazed tile cladding. A backlit sign box was previously installed above the entryway of the storefront. A pedestrian door providing access to the upper-storey apartments is located on the east side of the storefront façade. The upper storeys consist primarily of glazing. The third storey glazing is setback from the street-wall and appears to include a balcony.

2.0 Discussion and Considerations

2.1 Legislative and Policy Framework

Cultural heritage resources are to be conserved and impacts assessed as per the fundamental policies in the *Provincial Policy Statement (2020)*, the *Ontario Heritage Act*, *The London Plan* and the *Official Plan (1989 as amended)*.

2.1.1 Provincial Policy Statement

Heritage Conservation is a matter of provincial interest (Section 2.d, *Planning Act*). The *Provincial Policy Statement (2020)* 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” (Policy 2.6.1, *Provincial Policy Statement 2020*).

“Significant” is defined in the *Provincial Policy Statement (2020)* as, “resources that have been determined to have cultural heritage value or interest.” Further, “processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*.”

Additionally, “conserved” means, “the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained.”

2.1.2 Ontario Heritage Act

The *Ontario Heritage Act* enables municipalities to protect properties of cultural heritage value or interest. Properties of cultural heritage value can be protected individually, pursuant to Section 29 of the *Ontario Heritage Act*, or where groups of properties have cultural heritage value together, pursuant to Section 41 of the *Ontario Heritage Act* as a Heritage Conservation District (HCD). Designations pursuant to the *Ontario Heritage Act* are based on real property, not just buildings.

2.1.2.1 Heritage Alteration Permit

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 (OHA)* 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 make a decision on the heritage alteration permit application within 90 days or the request is deemed permitted (Section 42(4), *Ontario Heritage Act*).

2.1.2.2 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 for an individual and \$250,000 for a corporation.

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

2.1.3 The London Plan/Official Plan

The London Plan is the new official plan for the City of London (Municipal Council adopted, approved by the Ministry of Municipal Affairs and Housing with modifications, and the majority of which is in force and effect). *The London Plan* policies under appeal to the Local Planning Appeal Tribunal (Appeal PL170100) and not in force and effect are indicated with an asterisk throughout this report. *The London Plan* policies under appeal are included in this report for informative purposes indicating the intent of Municipal Council, but are not determinative for the purposes of this application.

The policies of *The London Plan* found in the Key Directions and Cultural Heritage chapter support the conservation of London's cultural heritage resources for future generations. To ensure the conservation of significant cultural heritage resources, including properties located within a Heritage Conservation District, the policies of *The London Plan* provide the following direction:

*Policy 594_** Within heritage conservation districts established in conformity with this chapter, the following policies shall apply:

- 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 596_ A property owner may apply to alter a property within a heritage conservation district. The City may, pursuant to the Ontario Heritage Act, issue a permit to alter the structure. In consultation with the London Advisory Committee on Heritage, the City may delegate approvals for such permits to an authority.

2.1.4 Downtown Heritage Conservation District Plan

The Downtown is recognized for its cultural heritage value through its designation as a Heritage Conservation District. Physical goals of the designation of the Downtown as a Heritage Conservation District include:

- Encouraging rehabilitation and restoration of heritage buildings that are sensitive and respectful of their historical significance; and,
- Encouraging alterations to heritage resources that are complimentary to the District character and streetscape (Section 3.2.1, *Downtown Heritage Conservation District Plan*).

With regards to compatibility, the principles of the *Downtown Heritage Conservation District Plan* note:

A building is intimately connected to its site and to the neighbouring landscape and buildings. An individual building is perceived as part of a grouping that requires its neighbours to illustrate the original design intent. When buildings need

to change there is a supportive setting that should be maintained (Section 3.1, Downtown Heritage Conservation District Plan).

Relevant guidelines of the *Downtown Heritage Conservation District Plan* that apply to this Heritage Alteration Permit application includes: Storefronts (Section 6.1.3.1) and Façade Composition (Section 6.1.4.1). While there is a wide variety of storefronts within the Downtown Heritage Conservation District, common characteristics include a high proportion of glazing (approximately 80%) and recessed doorways. The storefront guidelines recommend the preservation of these features and replacing in kind where “the new work should match the old in form and detailing.” Regarding façade composition, “new and renovated buildings must enhance the character of the street through the use of high quality materials such as brick, stone and slate.”

2.2 Heritage Alteration Permit (HAP21-014-L)

The property at 181 Dundas Street is included within the Downtown Heritage Conservation District. Alterations to the façade, including storefront alterations requires Heritage Alteration Permit approval pursuant to Section 42(1) of the *Ontario Heritage Act*.

Alterations to the storefront were undertaken prior to obtaining Heritage Alteration Permit. The unapproved alterations included the removal of the backlit sign box and installation of new materials in preparation for the property’s new commercial use. Upon review, staff identified alterations that do not comply with the policies and guidelines included within *Downtown Heritage Conservation Plan*. In particular, the application of vertically oriented porcelain tiles with a faux wood grain pattern do not sufficiently comply with the guidelines of the *Downtown Heritage Conservation Plan*.

A Heritage Alteration Permit application was submitted on February 22, 2021 to address the non-compliance of the storefront, as well as the unapproved alterations. A representative of the property owner has submitted a Heritage Alteration Permit (HAP21-014-L) seeking:

- Retroactive approval for the removal of the previously installed backlit sign box and backing materials;
- Retroactive approval for the removal of existing glazed tile cladding of the storefront;
- Retroactive approval for the installation of new thin “Flagstaff” brick veneer on “DUROCK” cement board backing;
- Approval for the replacement of the unapproved non-compliant porcelain tile with new thin “Flagstaff” brick veneer, to match the brick previously installed on the storefront.

Signage is not included within the scope of this Heritage Alteration Permit, and will require the submission of a separate Heritage Alteration Permit application.

Per Section 42(4) of the Ontario Heritage Act, the 90-day timelines for this Heritage Alteration Permit application will expire on May 23, 2021.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

The review of the proposed storefront alterations included within this Heritage Alteration Permit application considers the principles, policies, and guidelines of the *Downtown Heritage Conservation District Plan*.

The previously installed backlit sign box, backing materials, and glazed tile cladding was removed prior to obtaining Heritage Alteration Permit approval in order to prepare the storefront for a new commercial use. The proposed design and materials for the storefront alterations sufficiently comply with the guidelines outlined in Storefronts

(Section 6.1.3.1) and Façade Composition (Section 6.1.4.1) of the *Downtown Heritage Conservation District Plan* with the exception of the faux wood grain porcelain tile. To address this non-compliance, the applicant has proposed to replace the porcelain tile with thin brick veneer cladding, a more suitable material for the storefront composition of the property.

The windows and doors of the storefront will be retained and will continue to retain a high proportion of glazing on the composition of the storefront.

Conclusion

The alterations to the storefront of the property at 181 Dundas Street, in the Downtown Heritage Conservation District were undertaken prior to obtaining Heritage Alteration Permit approval. The alterations included materials that do not comply with the guidelines of the Downtown Heritage Conservation District Plan. The applicant has applied to re-clad the non-compliant materials with a more compatible and sufficiently compliant cladding material in order to address the non-compliance of the alterations. The retroactive and proposed alterations should be permitted with term and conditions to better comply with the guidelines of the *Downtown Heritage Conservation District Plan*.

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Submitted and Recommended by: Gregg Barrett, AICP, Director, City Planning and City Planner

Appendix A Property Location
Appendix B Images
Appendix C Brick Veneer Information Sheet

Sources

Vernon's City Directories – 1930-1994.
Corporation of the City of London. *Downtown Heritage Conservation District Plan*. 2013.
Corporation of the City of London. *Register of Cultural Heritage Resources*. 2019.
Corporation of the City of London. *2019-2023 Strategic Plan*.
Corporation of the City of London. *The London Plan*. 2019 (consolidated).
Evans, J. Michael. *London at the Crossroads: Downtown on Richmond and Dundas*. 2006.
Ontario Heritage Act. 2019, c.9, Sched. 11. Retrieved from <https://www.ontario.ca/laws/statute/90o18>.

Appendix A – Property Location

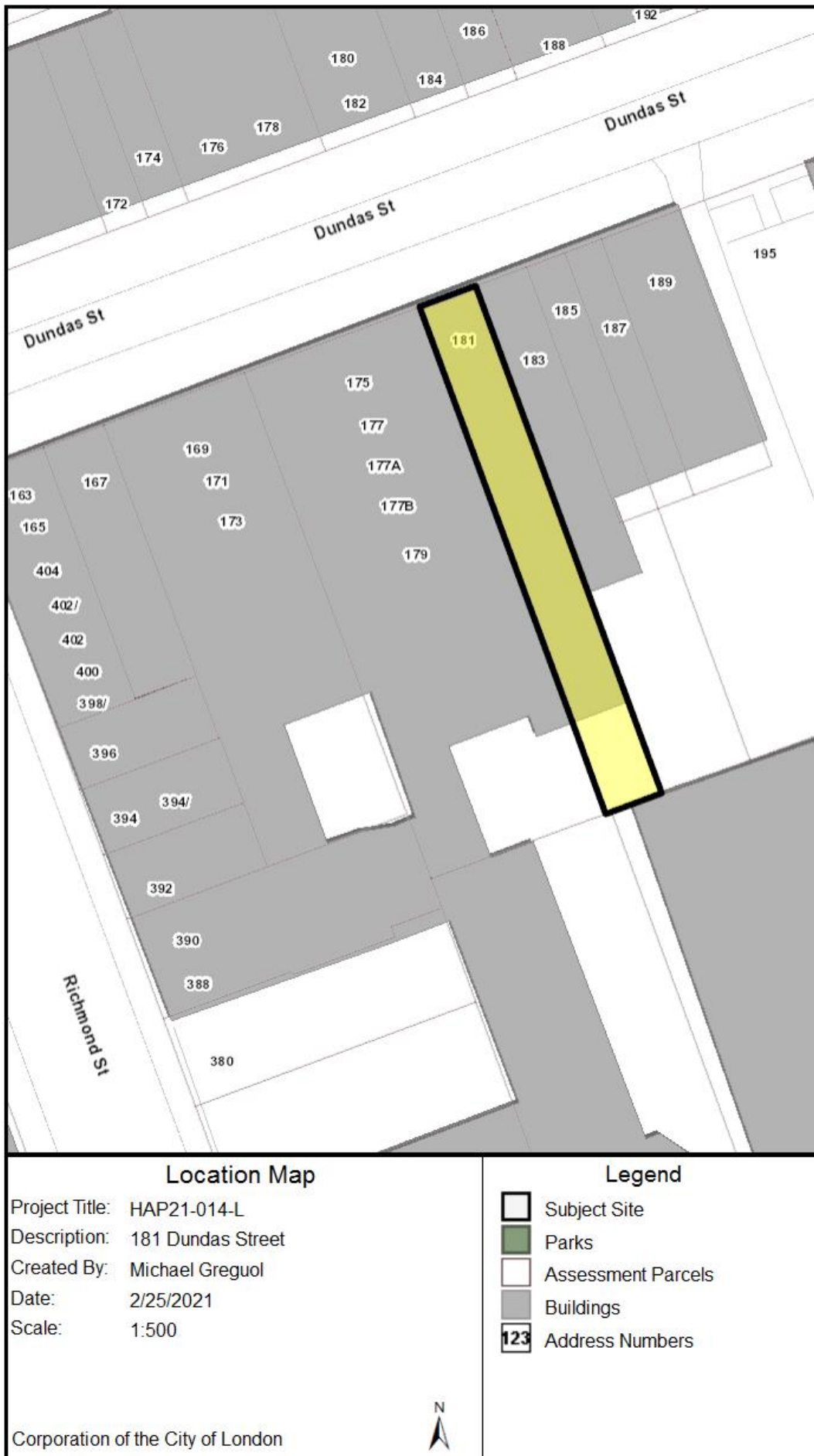


Figure 1: Location of the property at 181 Dundas Street, located within the Downtown Heritage Conservation District.

Appendix B – Images



Image 1: Photograph showing a lineup outside of “Boomers” located at left. “Boomers” was a popular confectionary shop located at 181 Dundas Street in the mid-20th century. The architectural details on the storefront and the upper facades have been extensively altered since this 1944 photograph (Western University Archives, London Free Press Negative Collection).



Image 2: Image of the building located at 181 Dundas Street, occupied by "It's Fun" in July 2017 (Google Streetview).



Image 3: Photograph of the building located at 181 Dundas Street following the removal of the backlit sign box, showing existing conditions in January 2021.



Image 4: Detail of the materials located behind the previously installed sign-box. The ghosting left on what appears to be vitrolite states "THE WORLD OF FASHION AT YOUR FEET" likely associated with one of the mid-20th century shoe retailers that occupied the storefront.



Image 5: Photograph of the property at 181 Dundas Street showing the unapproved alterations, including painted brick veneer and faux wood grain porcelain tile.



Image 6: Photograph of the property at 181 Dundas Street showing the unapproved alterations including painted brick veneer and faux wood grain porcelain tile.



Image 7: Detail of faux wood grain porcelain tile installed on the storefront of the building at 181 Dundas Street.

Appendix C – Brick Veneer Information Sheet

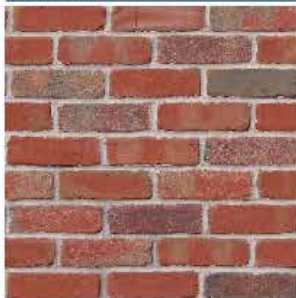
CUT SHEET

SANDMOLD

creative
materials
corporation

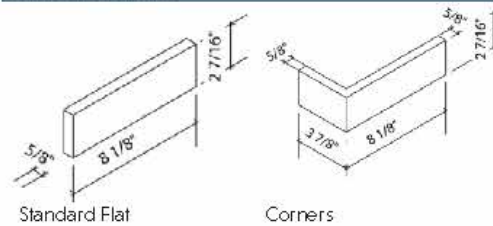


COLORS



Flagstaff

AVAILABLE SIZES



THICKNESS

5/8"

THIN BRICK CLEANING & MAINTENANCE

Once thin brick are installed and the mortar has fully cured, thin brick should be maintained using the same techniques as full brick installations. (ref BIA technical note 20, www.gobrick.com). The exception would be that if any mortar needs to be repointed, the depth of the pointing would only run as thick as the thin brick.

General Cleaning: General washing should be performed with a cleanser specifically designed for brick masonry. Creative Materials recommends the use of Prosoco products (www.prosoco.com). Use caution and carefully follow their recommendations for cleanser and cleaning instructions. Always test a small inconspicuous area first. Never clean with Muriatic Acid!

Sealing: As a general rule of thumb, sealing brick is not recommend, as some sealers can change the natural beauty of the brick. If sealing is desired, we recommend the use of Prosoco products (www.prosoco.com). When any sealer is applied, always follow the manufacturer's recommendations and instructions. Always test small inconspicuous area first.

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Sandmold-cut 12/19

Figure 2: Information Sheet submitted as a part of the Heritage Alteration Permit including information on the thin brick veneer used for the storefront alterations and proposed for re-cladding.