

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 179 Dundas Street,
Downtown Heritage Conservation District by 2162538 Ontario
Inc.
Date: Wednesday February 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 179 Dundas Street, in the Downtown Heritage Conservation District, **BE APPROVED** with the following terms and conditions:

- a) The storefront, including sign band, be re clad with smooth fiber cement board with a painted finish, as shown in the drawings included as Appendix C; and,
- b) The Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.

Executive Summary

The building at 179 Dundas Street contributes to the heritage character of the Downtown Heritage Conservation District. Alterations to the storefront were undertaken prior to obtaining Heritage Alteration Permit approval. Not all the alterations sufficiently comply with the guidelines of the *Downtown Heritage Conservation District Plan*. A Heritage Alteration Permit application has been received which requests retroactive approval for some alterations and proposes alterations for a more compatible exterior cladding material for the storefront. Provided that the submitted plans are followed, 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 179 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 179 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 179 Dundas Street was built in about 1920, replacing an earlier structure on the site (Appendix B). The three-storey building is a commercial style building: set close to the street and maintaining the street-wall on the south side of Dundas Street. The ground floor features a recessed entryway, with terrazzo, with large

storefront windows and two windows in each of the upper storeys. Soldier courses in the brickwork on the upper storeys also act as lintels for the window openings and at the top of the parapet. The parapet features a contrasting band of brick with an inset triple basketweave brick detail.

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*).

Context and compatibility are important principles of the *Downtown Heritage Conservation District Plan*,

*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), Upper Façades (Section 6.1.3.2), Signage (Section 6.1.3.4), 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.”

Concrete, as an exterior cladding material, is found within the Downtown Heritage Conservation District in examples such as the Court House (80 Dundas Street, built 1974), or in cast detailing accenting brick façades. Stucco, or stucco-like materials such as concrete parging, are not historically relevant materials for the Downtown Heritage Conservation District and should be avoided.

2.2 Heritage Alteration Permit (HAP21-007-L)

As the property is located within the Downtown Heritage Conservation District, Heritage Alteration Permit approval is required for façade alterations pursuant to Section 42(1) of the *Ontario Heritage Act*.

Since 2017, staff have been in consultation with the property owner and their agents/representatives regarding potential exterior alterations to the property. However, no complete Heritage Alteration Permit application was received.

The storefront was removed and replaced by the property owner prior to obtaining Heritage Alteration Permit approval. Upon review of the alterations completed without Heritage Alteration Permit approval staff identified alterations that do not comply with the guidelines for the *Downtown Heritage Conservation District*, particularly the use of concrete parging as an exterior finish.

On January 27, 2021, the property owner submitted revised drawings to address the major non-compliance of the storefront of the building at 179 Dundas Street (Appendix C). These revised drawings were received as part of a complete Heritage Alteration Permit (HAP21-007-L) application. The property owner has applied for a Heritage Alteration Permit (see Appendix C):

- Seeking retroactive approval for the removal of the (former) storefront and signage;
- Installation of a new aluminum storefront window and door system with an anodized bronze finish; and,
- Re-cladding the recessed exterior portion of the storefront and sign band in fiber cement board (“Hardie Board”) with fiber cement board trim.

The new aluminum storefront has been installed in a location in line with the adjacent storefront of the building at 177 Dundas Street, reducing the depth of the recessed storefront.

Illumination, signage, and/or a canopy awning are not included within the scope of this Heritage Alteration Permit and will require a separate Heritage Alteration Permit application.

Per Section 42(4) of the *Ontario Heritage Act*, the 90-day timeline for this Heritage Alteration Permit application will expire on April 27, 2021.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

With respect to one of the physical goals of the *Downtown Heritage Conservation District Plan*, staff attempted to provide direction regarding the proposed design of a storefront alteration for a property that contributes to the heritage character of the Downtown Heritage Conservation District.

As the alterations have commenced prior to obtaining Heritage Alteration Permit approval, the efforts are forced to shift to seek greater compliance with the applicable policies and guidelines. To achieve greater compliance, the property owner has proposed to remove or cover the existing concrete parging of the exterior of the storefront with a smooth fiber cement board with a painted finish. This material is more

appropriate to the heritage character of the Downtown Heritage Conservation District in a traditional storefront. Trim will appropriately finish the exterior cladding, which will also extend to the sign band to potentially accommodate future signage or an awning (which will require a separate Heritage Alteration Permit).

The new storefront windows and doors retain a very high proportion of glazing. This high proportion of glazing allows for increased views of the original terrazzo flooring.

Conclusion

Alterations to the storefront of the heritage designated property at 179 Dundas Street, in the Downtown Heritage Conservation District, were undertaken prior to obtaining Heritage Alteration Permit approval and included alterations that do not comply with the guidelines of the *Downtown Heritage Conservation District Plan*. In seeking greater compliance with the applicable policies and guidelines, the property owner has proposed to remove or cover the non-compliant material with a more compatible material to finish the storefront. Provided that the submitted plans are followed, the retroactive and proposed alterations should be permitted with terms and conditions to better comply with the guidelines of the *Downtown Heritage Conservation District Plan* and be more consistent with the policies of *The London Plan/Official 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 Drawings

Sources

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.
Evans, J. Michael. *Core Heritage: A Survey of Built Heritage in Downtown London, Ontario*. 2009.
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 subject property at 179 Dundas Street. Note: this Heritage Alteration Permit application only includes the building known as 179 Dundas Street, but the extent of the property includes municipal addresses 175-179 Dundas Street.

Appendix B – Images



Image 1: Image, courtesy of Google Streetview, of the building at 179 Dundas Street, in July 2016.



Image 2: Photograph of the south side of Dundas Street just east of Richmond Street, annotated with a rectangle to identify the building known as 179 Dundas Street (January 8, 2021).

Appendix C – Drawings

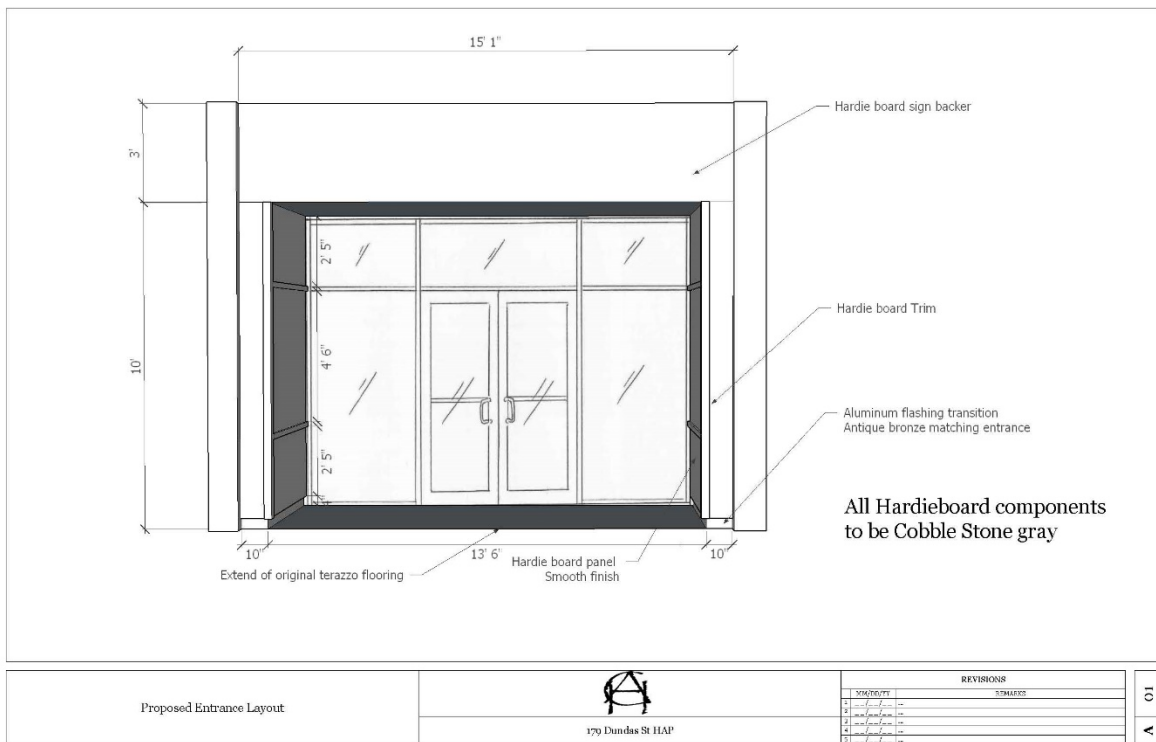


Figure 2: Drawing showing the proposed exterior re-cladding of the storefront at 179 Dundas Street in the Downtown Heritage Conservation District.

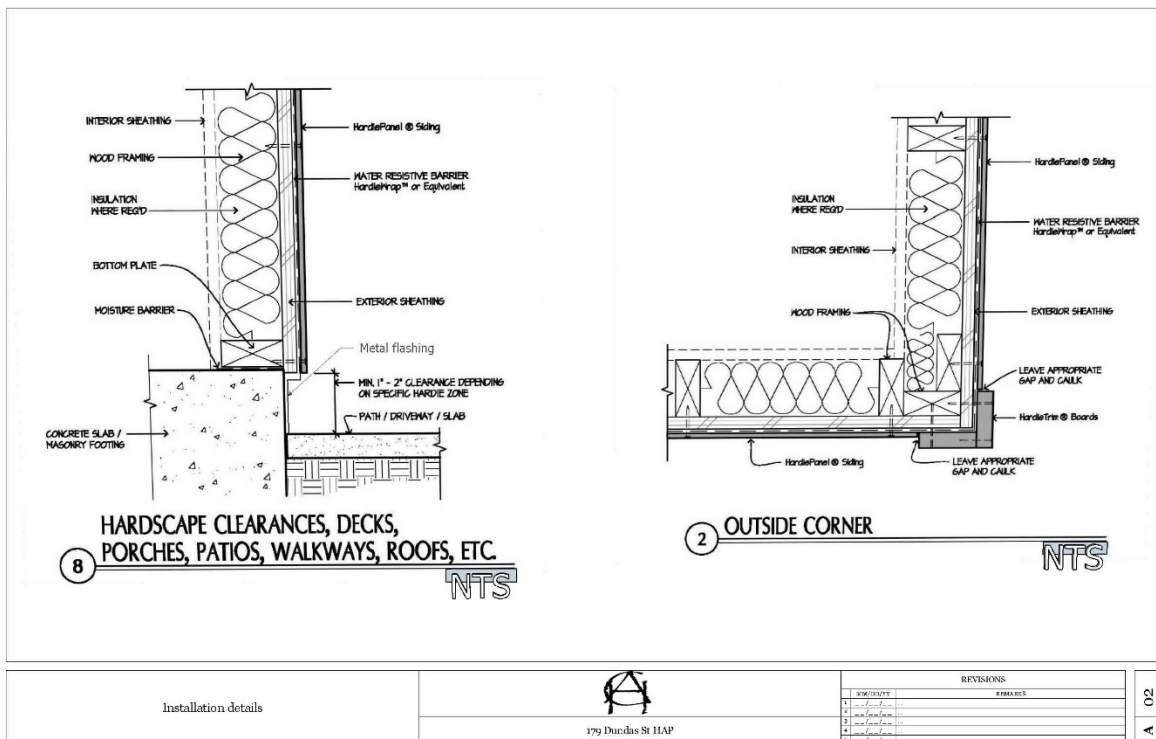


Figure 3: Details of the exterior re-cladding of the storefront at 179 Dundas Street in the Downtown Heritage Conservation District, including the base and outside corners.