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Chuck Parker

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING &amp; ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>
<b>SUBJECT:</b>	<b>DOWNTOWN HERITAGE CONSERVATION DISTRICT PLAN ONTARIO HERITAGE ACT APPEAL  MEETING ON May 28, 2013</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director, Planning and City Planner, the Ontario Municipal Board **BE ADVISED** that Municipal Council consents to an amendment of Section 2.2, Heritage Character Statement, in the Downtown Heritage Conservation District Plan, by adding the following words as highlighted in bold:

*Industrial and wholesale structures developed in response to the road and rail systems running through the Downtown. Concentrated around York and Richmond, a prime example is the terra cotta McMahan-Granger building. The commercial, industrial and administrative functions of the Downtown brought a concentration of financial services to the area. As one of the largest concentrations of similar-use buildings today, they too reflect the prolonged periods of development. Jeffery's London Life, Cronyn's Huron and Erie/Canada Trust, and Ivey's Northern Life all left buildings representative of their respective rise to national significance. **In fact, London Life continues to have a significant presence in the Downtown. The Plan anticipates that London Life will maintain this significant presence in the Downtown, and that the current streetscape elevations along Dufferin Avenue, Wellington Street and Queens Avenue will be preserved as the site continues to develop over time.** In most cases the financial service sector drew their investment funds from the Downtown's industries and wholesalers including J. W. Little's dry goods empire, the Hobbs glass works and the Joseph Smith Southern Cigar Factory, all of which built significant structures in the Downtown.*

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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| 1. Monday, November 16, 2009 | Downtown Master Plan - Progress on Downtown Vision and Status Report on the Downtown Master Plan Process |
| 2. Monday, November 8, 2010  | Draft Downtown Heritage Conservation District Background Study submitted to Planning Committee           |
| 3. Monday, February 14, 2011 | Downtown Heritage Conservation District Background Study completed and the Plan                          |

Agenda Item #	Page #

**08 DOW d h/O-8024  
Chuck Parker**

preparation process started.

- 4. Monday, December 12, 2011                      Downtown Heritage Conservation District Plan to be circulated for public review
  
- 5. Monday ,March 26, 2012                      Downtown Heritage Conservation District Plan Public meeting

<b>BACKGROUND</b>
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On March 26, 2012 Planning and Environment Committee (PEC) held a public meeting on the final Downtown Heritage Conservation District (HCD) Plan. On April 10, 2012 Council approved the Official Plan amendment and the Heritage Conservation District By-law. Official Plan Amendment No. 524 was approved; however the Heritage Conservation District By-law (No. L.S.P.-3419-124) was appealed to the Ontario Municipal Board by Barry Card on behalf of London Life Insurance Company (see attached). This was the only appeal against the By-law.

On August 28, 2012 Planning and Legal staff met with London Life to identify the nature of their appeal and try to find a resolution. Reasons were identified in the appeal; however, staff asked the appellants to clarify the reasons for appeal and provide language or possible amendments to resolve their concerns. On May 9, 2013 the appellants lawyer contacted City legal staff with a possible resolution. An *Ontario Heritage Act* hearing is scheduled for June 17-18, 2013.

**Are the Buildings Important?**

The Downtown HCD Plan identifies the London Life Dufferin Avenue, Wellington Street and Queens Avenue streetscapes as Rank A (the highest) and the City of London Inventory of Heritage Resources identifies the entire complex as Priority 1 (the highest). The original building was built in 1926 with subsequent additions in 1948, 1952 and 1964. London Life has maintained a presence on this block since its inception, one of the few companies that have done that in the Downtown.

As identified in the Plan, the HCD consultant and Heritage staff think that the Dufferin Avenue, Wellington Street and Queens Avenue streetscapes are worthy of retention. It is also recognized that in the future, further development could occur on the London Life block.

**Working Towards A Resolution**

Recently, proposed amendments to the Plan have been sent back and forth between London Life and City staff. At the meeting on August 28, 2012 London Life appeared to have two concerns; the HCD's impact on 1) operational day-to-day repairs and 2) future land use development. With regard to the first issue, Staff have indicated to London Life that a Heritage Alteration Permit would be required, at no cost, and can be processed quickly depending on timing of LACH and Council meetings. Normal repairs such as broken windows do not need a Heritage Alteration Permit but replacement of some, or all, windows and frames would. Section 1.3 (Implications of Heritage Conservation District Designation) and Section 5.2.1 (Building Alterations) of the Plan provides the process for consideration and what may be considered.

With regard to the second issue; Staff have advised London Life that Section 1.3 (Implications of HCD Designation) is clear that the Plan anticipates change and future development on the site. The last sentence of the first paragraph of this section states:

*“Through Heritage Conservation District designation, these various elements and features are protected while allowing for natural evolution, redevelopment and transformation over time.”* Further, *“As the visible streetscape is the focus of a Heritage Conservation District, policies and*

Agenda Item #	Page #

**08 DOW d h/O-8024  
Chuck Parker**

*guidelines focus on providing direction on what is deemed acceptable with regard to alterations, additions and new construction.”*

Staff proposed to London Life that Section 2.2, Heritage Character Statement, of the Plan could be amended to acknowledge London Life’s continued presence in the Downtown and to acknowledge the potential development on the London Life block, in keeping with Section 1.3 of the Plan. London Life has agreed with the proposed amendment. If the proposed amendment is acceptable to Municipal Council, the parties would ask the Board to allow the appeal in part and amend the Plan bu adding the following words to Section 2.2 “. ***In fact, London Life continues to have a significant presence in the Downtown. The Plan anticipates that London Life will maintain this significant presence in the Downtown, and that the current streetscape elevations along Dufferin Avenue, Wellington Street and Queens Avenue will be preserved as the site continues to develop over time.***

**Consultant and City Staff Position**

Both the Downtown HCD Plan and City of London Inventory of Heritage Resources identify these buildings as the highest priority heritage structures.

The suggested change in wording, to be added to the Heritage Character Statement, confirms not only the historical evolution of the London Life block but also makes clear that future changes could occur. The Plan has an alteration process by which these changes will be dealt with. This process requires Municipal Council consideration and approval. The added comment may provide clarity and direction as future alteration permit applications are made.

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
<b>W.J. CHARLES PARKER, M.A. SENIOR PLANNER – POLICY PLANNING AND PROGRAMS</b>	<b>G. BARRETT, AICP MANAGER POLICY PLANNING AND PROGRAMS</b>
<b>RECOMMENDED BY:</b>	
<b>J.M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>	

May 24, 2013  
cp

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