

Report to London Advisory Committee on Heritage

To: Chair and Members
London Advisory Committee on Heritage

From: Scott Mathers, MPA, P. Eng.,
Deputy City Manager, Planning and Economic Development

Subject: Request to Remove the Heritage Listed Property at 147-149
Wellington Street by P. & S. Letsos

Date: Wednesday April 13, 2022

Recommendation

That, on the recommendation of the Director, Planning and Development, the property at 147-149 Wellington Street **BE REMOVED** from the Register of Cultural Heritage Resources.

Executive Summary

The property at 147-149 Wellington Street was identified as a potential cultural heritage resource in 2018 and added to the Register of Cultural Heritage Resources by resolution of Municipal Council. As Municipal Council must believe a property to be of potential cultural heritage value or interest to be added to the Register of Cultural Heritage Resource, it must therefore be satisfied that a property is not of cultural heritage value or interest, through the completion of a comprehensive evaluation, prior to removing a property from the Register.

A Heritage Impact Statement was submitted in support of the request to remove the heritage listed property at 147-149 Wellington Street from the Register. The Heritage Impact Statement found that the property does not meet the criteria for designation under the *Ontario Heritage Act* in Ontario Regulation 9/06. Staff do not disagree with the evaluation of the property in the Heritage Impact Statement. As the property does not meet the criteria for designation, it should be removed from the Register.

While the property is recommended to be removed from the Register, that does not necessarily mean that the building will be demolished or removed.

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 147-149 Wellington Street is located on the southwest corner of Wellington Street and Grey Street (Appendix A).

1.2 Cultural Heritage Status

The property at 147-149 Wellington Street is a heritage listed property. The property was added to the Register of Cultural Heritage Resources by resolution of Municipal Council on March 28, 2018.

1.3 Description

There is a two-and-a-half storey residential-type building located on the property at 147-149 Wellington Street (Appendix B). It is a brick structure with a hipped roof and a front

gable. It has a buff brick chimney on the south slope of the roof. Over its history, the building has evolved and changed in its function to accommodate a restaurant through an addition(s) built onto the structure.

The residential-type dwelling demonstrates architectural influences of the Queen Anne Revival architectural style, which were popular at the end of the nineteenth century in London. Elements contributing to this identification include the form and massing of the building, the wood shingle imbrication and bargeboard in the decorated front gable, the Queen Anne style windows in the front gable, and the Queen Anne style window on the north upper façade.

The building has been altered to accommodate its current use as a restaurant (the Family Circle Restaurant). The addition which wraps the east and north façades and which continues at the rear of the building was constructed circa 1994. In about 2021, the buff brick exterior of the building was painted grey. It is hypothesized that the building may have been somewhat similar in appearance to the adjacent house at 143 Wellington Street, which is another buff brick two-and-a-half storey residential Queen Anne Revival building.

1.4 History

The Euro-Canadian history of the property at 147-149 Wellington Street begins with the original survey of the town plot of London, completed by Colonel Mahlon Burwell in 1826 under the direction of Surveyor-General Thomas Ridout. The original town site was bounded by North Street (later Queens Avenue), Wellington Street, and the Thames River.

No structure is shown on the property in the *Map of the City of London, Canada West* (1855) by Samuel Peters. However, by the *Bird's Eye View of London, Ontario, Canada* (1872), structures are shown. The *Bird's Eye View of London, Ontario Canada* (1890) provides a good view of the property (see Figure 2, Appendix B). The residential form building at 147 Wellington Street was likely built circa 1890. There appears to have been buildings prior to the existing building on this property.

The 1912, revised 1915 *Fire Insurance Plan* records the forms and details of structures on this block, including the property at 147 Wellington Street, the buildings that have been demolished, and the other buildings still extant (see Figure 3, Appendix B). Further research is required to confirm when the buildings north of 147 Wellington Street, now comprising the property at 147-149 Wellington Street, were demolished.

The property is located within the SoHo area, which has been identified as an area for future study as a potential Heritage Conservation District. It is part of a historically commercial streetscape, including purpose-built commercial buildings, institutional buildings, and residential-form buildings having been adapted to commercial uses. Nearby heritage landmarks include the former Wellington Street Methodist Church (156 Wellington Street, heritage listed property), former Christ Church Anglican (138 Wellington Street, heritage designated property), and the Red Antiquities Building (129-131 Wellington Street). There are numerous adjacent and nearby heritage listed properties.

The Family Circle Restaurant was opened on Wellington Street in about 1982 and expanded in about 1994. It was purchased by the current property owner in 2001.

1.5 Previous Zoning By-law Amendment

In 2018, a Zoning By-law Amendment (Z-8905) application was received, which included the property at 147-149 Wellington Street as well as properties at 253 Grey Street, 255 Grey Street and 257 Grey Street. The requested amendment was to permit a site-specific bonus zone to allow for an 18-storey (63 metre) L-shaped apartment building which was proposed to include 246 dwelling units (560 units per hectare). Two levels of underground parking were proposed to provide 162 parking spaces with another 38 spaces being provided at ground level.

As noted in the staff report (see link at the end of this report), the London Advisory Committee (LACH) and Heritage Planner expressed concerns with the original proposal and how it fits within the community. The LACH was consulted at its meeting on June 27, 2018, with its comments included in the staff report. The comments from the Heritage Planner were also included in the staff report.

With the staff recommendation, the Zoning By-law Amendment was passed by Municipal Council at its meeting on October 16, 2018. No appeals to the Local Planning Appeal Tribunal were received.

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 of the *Provincial Policy Statement (2020)*, the *Ontario Heritage Act*, and *The London Plan*.

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

Section 27, *Ontario Heritage Act* requires that a register kept by the clerk shall list all properties that have been designated under the *Ontario Heritage Act*. Section 27(1.2), *Ontario Heritage Act* also enables Municipal Council to add properties that have not been designated, but that Municipal Council “believes to be of cultural heritage value or interest” on the Register.

The only cultural heritage protection afforded to heritage listed properties is a 60-day delay in the issuance of a demolition permit. During this time, Council Policy directs that the London Advisory Committee on Heritage (LACH)¹ is consulted, and a public participation meeting is held at the Planning & Environment Committee. This process is used when a property owner requests the removal of their property from the Register.

Section 29, *Ontario Heritage Act* enables municipalities to designate properties to be of cultural heritage value or interest. Section 29, *Ontario Heritage Act* also establishes consultation, notification, and process requirements, as well as a process to appeal the designation of a property. Objections to a Notice of Intention to Designate are referred to Municipal Council. Appeals to the passing of a by-law to designate a property pursuant to the *Ontario Heritage Act* are referred to the Ontario Land Tribunal (OLT).

2.1.2.1 Criteria for Determining Cultural Heritage Value or Interest

Ontario Heritage Act Regulation 9/06 establishes criteria for determining the cultural heritage value or interest of individual properties. These criteria are:

1. Physical or design value:
 - i. Is a rare, unique, representative, or early example of a style, type,

¹ At its meeting on February 15, 2022, Municipal Council reconstituted its advisory committees including the London Advisory Committee on Heritage (LACH). Until the new Community Planning Advisory Committee is composed, the LACH will continue to serve as the City’s municipal heritage committee.

- expression, material or construction method;
 - ii. Displays a high degree of craftsmanship or artistic merit; or,
 - iii. Demonstrates a high degree of technical or scientific achievement.
2. Historical or associative value:
 - i. Has direct associations with a theme, event, belief, person, activity, organization, or institution that is significant to a community;
 - ii. Yields, or has the potential to yield, information that contributes to an understanding of a community or culture; or,
 - iii. Demonstrates or reflects the work or ideas of an architect, artist, builder, designer, or theorist who is significant to a community.
 3. Contextual value:
 - i. Is important in defining, maintaining, or supporting the character of an area;
 - ii. Is physically, functionally, visually, or historically linked to its surroundings; or,
 - iii. Is a landmark.

A property is required to meet one or more of the abovementioned criteria to merit protection under Section 29 of the *Ontario Heritage Act*. Should the property not meet the criteria for designation, the heritage listed property should be removed from the Register. These same criteria are in Policy 573_ of *The London Plan*.

2.1.3 The London Plan

The Cultural Heritage chapter of *The London Plan* recognizes that our cultural heritage resources define our city's unique identity and contribute to its continuing prosperity. It notes, "The quality and diversity of these resources are important in distinguishing London from other cities and make London a place that is more attractive for people to visit, live or invest in." Policies 572_ and 573_ of *The London Plan* enable the designation of individual properties under Part IV of the *Ontario Heritage Act*, as well as the criteria by which individual properties will be evaluated.

Policies 575_ and 576_ of *The London Plan* also enable City Council to designate areas of the City under Part V of the *Ontario Heritage Act* as Heritage Conservation Districts. These policies include a set of criteria in the evaluation of an area. *Heritage Places 2.0* is a guideline document as a part of the Cultural Heritage Guidelines. The document describes potential heritage conservation districts and assigns a priority to these districts for consideration as heritage conservation districts.

2.1.4 Register of Cultural Heritage Resources

Municipal Council may include properties on the Register of Cultural Heritage Resources that it "believes to be of cultural heritage value or interest." These properties are not designated but are considered to have potential cultural heritage value or interest.

The Register of Cultural Heritage Resources states that further research is required to determine the cultural heritage value or interest of heritage listed properties. If a property is evaluated and found to not meet the criteria for designation, it should be removed from the Register of Cultural Heritage Resources.

The property at 147-149 Wellington Street is included on the Register of Cultural Heritage Resources as a heritage listed property.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

4.1. Request to Remove from the Register of Cultural Heritage Resources

A written request to remove the heritage listed property at 147-149 Wellington Street from the Register of Cultural Heritage Resources was submitted by an agent for the property owner and was received by the City on April 4, 2022.

Municipal Council must respond to remove a heritage listed property from the Register of Cultural Heritage Resources within 60 days, or the request is deemed consented. During this 60-day period, the London Advisory Committee on Heritage (LACH) is consulted and, pursuant to Council Policy, a public participation meeting is held at the Planning and Environment Committee (PEC).

The 60-day period for the request to remove the heritage listed property at 147-149 Wellington Street from the Register of Cultural Heritage Resources expires on June 3, 2022.

4.1.1 Heritage Impact Statement

A Heritage Impact Statement (Zelinka Priamo, August 2018) was submitted as part of the planning application for the property (Z-8905). The same Heritage Impact Statement was re-submitted as part of the request to remove the heritage listed property at 147-149 Wellington Street from the Register of Cultural Heritage Resources. The Heritage Impact Assessment is attached as Appendix C.

The LACH was previously circulated on the Heritage Impact Assessment at its meeting on June 27, 2018. Comments from the LACH, as well as the Heritage Planner, are included in the staff report for the planning application (Z-8905) (link at the end of this report).

4.2 Consultation

Pursuant to intent of the Council Policy, notification of the request to remove the heritage listed property from the Register of Cultural Heritage Resources request was sent to property owners within 120m of the subject property on April 5, 2022, as well as community groups including the Architectural Conservancy Ontario – London Region Branch, London & Middlesex Historical Society, the Urban League of London, and the SoHo Community Association. Notice was also published in *The Londoner* and on the City's website.

4.3 Evaluation

An evaluation of the property at 147-149 Wellington Street was completed using the criteria of Ontario Regulation 9/06 in the Heritage Impact Statement (Zelinka Priamo, August 2018). See Appendix C.

Staff have reviewed the Heritage Impact Assessment and its evaluation. Staff do not disagree with the evaluation of the property, finding that the property does not meet the criteria for designation under the *Ontario Heritage Act*.

Conclusion

The property at 147-149 Wellington Street was identified as a potential cultural heritage resource and added to the Register of Cultural Heritage Resources in 2018. A Heritage Impact Statement was submitted in support of the request to remove the heritage listed property at 147-149 Wellington Street from the Register. Staff do not disagree with the evaluation of the property in the Heritage Impact Statement which found that the property does not meet the criteria for designation under the *Ontario Heritage Act*. The property at 147-149 Wellington Street is not a significant cultural heritage resource. As the property does not meet the criteria for designation, it should be removed from the Register of Cultural Heritage Resources.

Submitted by: Jana Kelemen, M.Sc.Arch., MUDS, MCIP RPP
Manager, Urban Design, and Heritage

Recommended by: Gregg Barrett, AICP
Director, Planning and Development

Submitted by: Scott Mathers, MPA, P. Eng.
Deputy City Manager, Planning and Economic
Development

Link to Staff Report (Z-8905)

Report to Planning and Environment Committee, JAM Properties Inc. 147-149
Wellington Street, 253-257 Grey Street, October 9, 2018:

<https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=51207>

Appendices

Appendix A Property Location

Appendix B Images

Appendix C Heritage Impact Statement (Zelinka Priamo, August 2018)

Selected Sources

Corporation of the City of London. *2019-2023 Strategic Plan*.

Corporation of the City of London. *Heritage Places 2.0*. 2019.

Corporation of the City of London. Property file.

Corporation of the City of London. *Register of Cultural Heritage Resources*. 2020.

Corporation of the City of London. *The London Plan*. 2021 (consolidated).

Ministry of Culture. *Ontario Heritage Toolkit: Heritage Property Evaluation*. 2006.

Ontario Heritage Act. 2019, c. 9. Sched. 11.

Zelinka Priamo Ltd. Heritage Impact Statement, 147-149 Wellington Street, JAM
Properties Inc. Revised August 2018.

Appendix A – Property Location

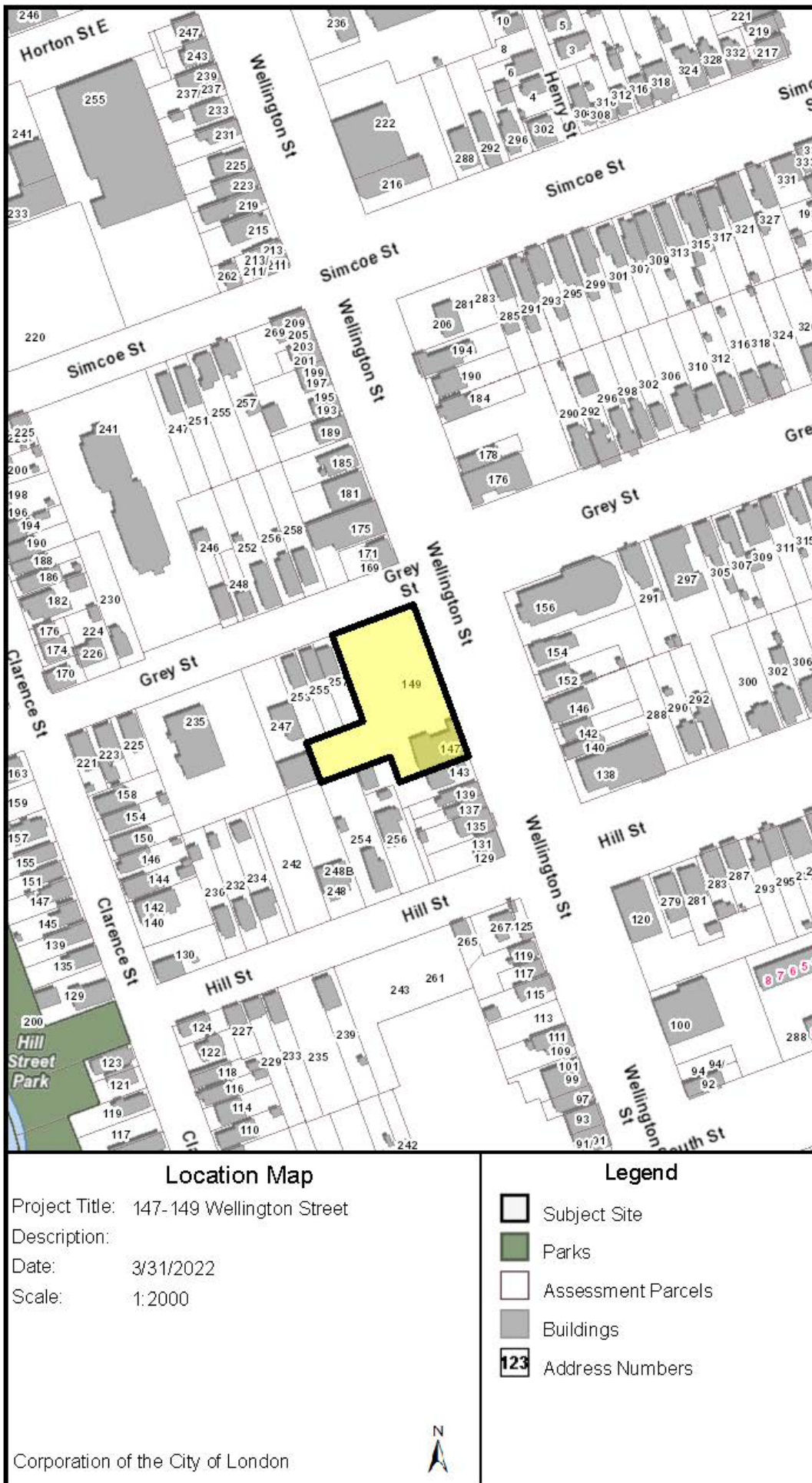


Figure 1: Location Map showing the property at 147-149 Wellington Street.

Appendix B – Images

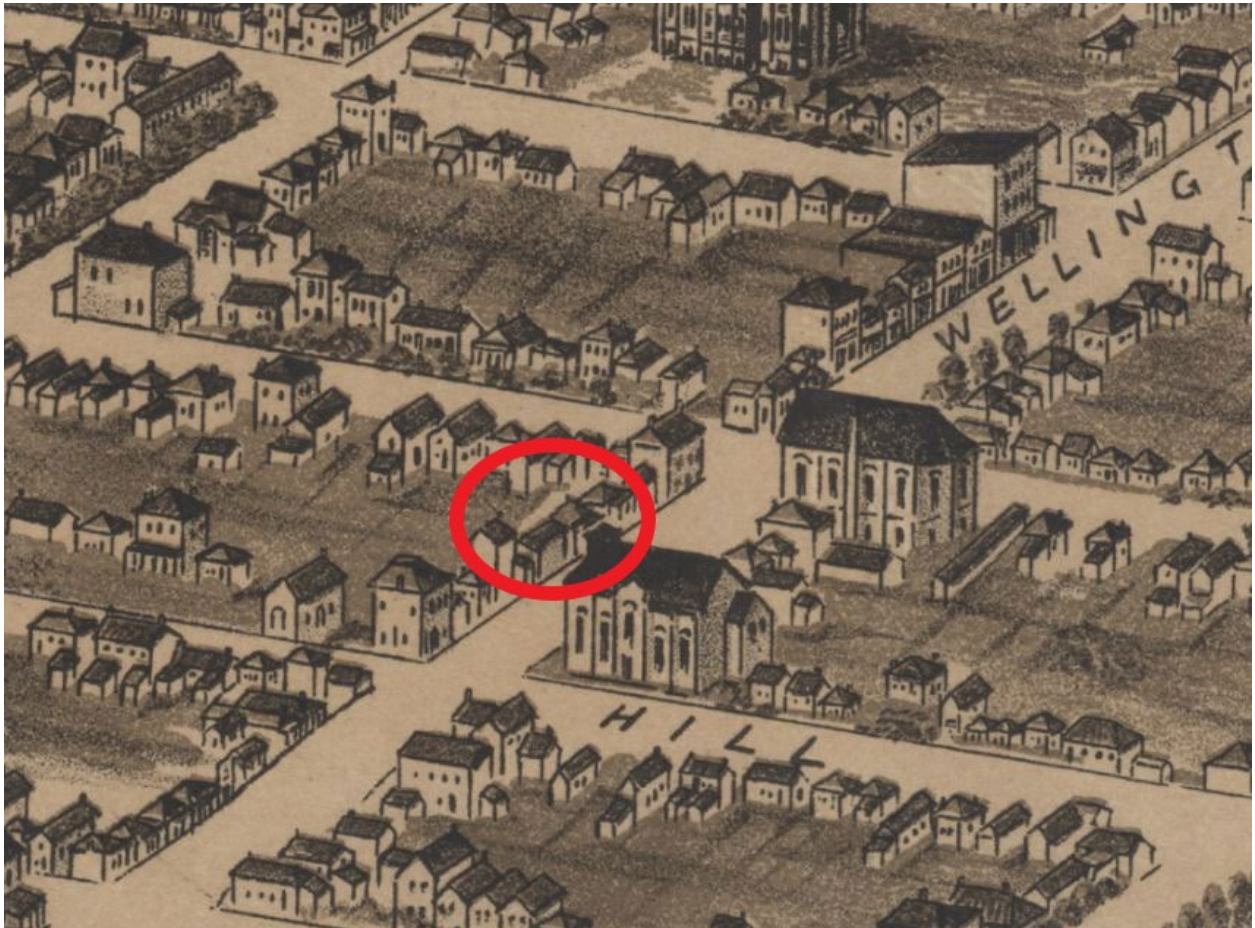


Figure 2: Excerpt from the Bird's Eye View of London, Ont. Canada (1890), showing the property at 147-149 Wellington Street (approximately circled in red). Where scale is often used to indicate importance, the large buildings across Wellington Street are Christ Church Anglican (138 Wellington Street, heritage designated property) and the Wellington Street Methodist Church (156 Wellington Street, heritage listed property). Courtesy Maps and Data Centre, Western University.

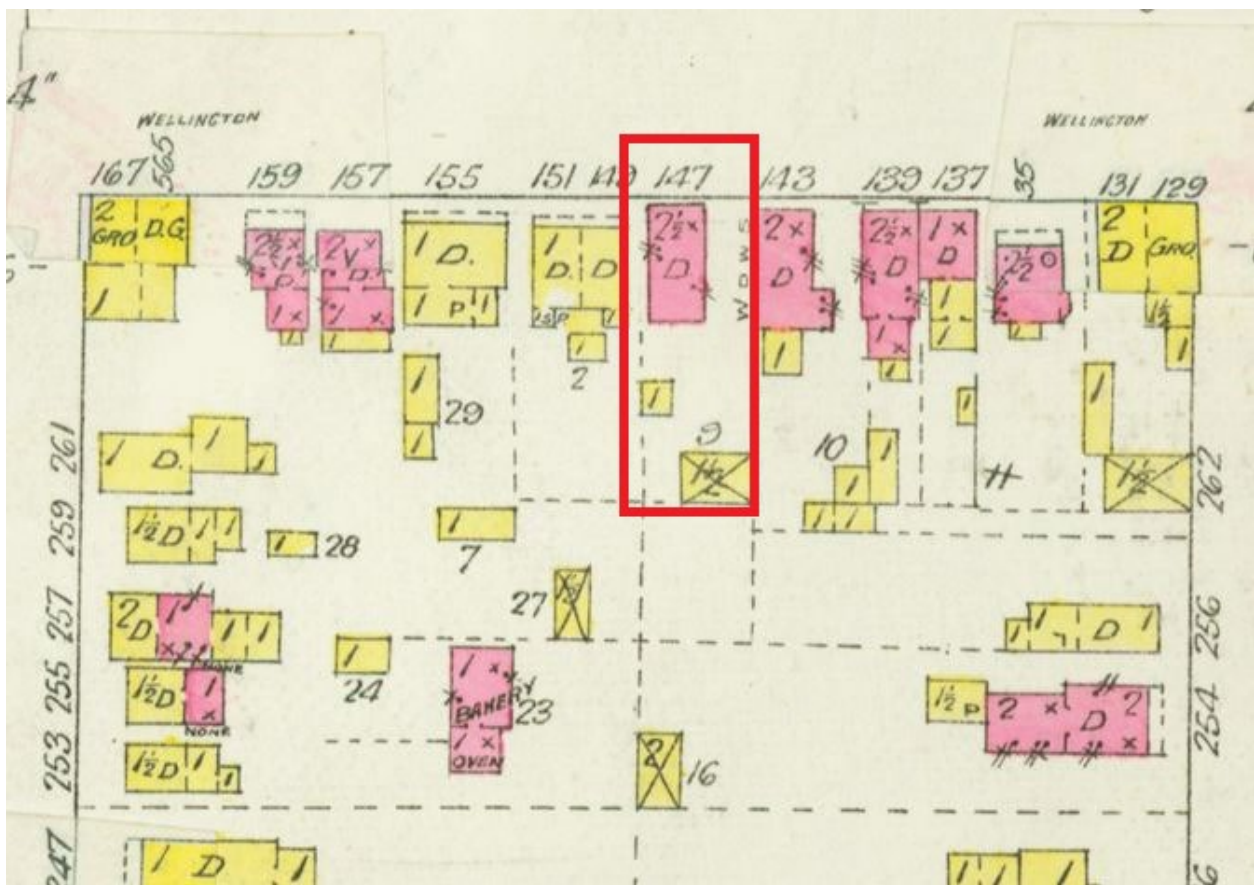


Figure 3: Detail of Sheet 28 from the 1912, revised 1915 Fire Insurance Plan, showing the property at 147 Wellington Street. The buildings shown to the left of 147 Wellington Street have been removed. To the far right of the property at 147 Wellington Street is the Red Antiquities Building at 129-131 Wellington Street (heritage designated property). Courtesy Maps and Data Centre, Western University.



Image 1: View looking northwest from Hill Street at Wellington Street, with the property at 147 Wellington Street on the far left.



Image 2: View of the historic front façade of the residential form building located at 147-149 Wellington Street.



Image 3: View showing the north elevation of the existing building at 147-149 Wellington Street, seen across the large parking lot.



Image 4: Detail of the Queen Anne Revival detailing of the front gable, including the wood shingle imbrication, brackets, bargeboard, dentil moulding, and sunburst motif in the apex. The fenestration of the upper sash of the window is also in the Queen Anne Revival style.



Image 5: Detail of the Queen Anne Revival window on the north façade of the building at 147-149 Wellington Street.

Appendix C – Heritage Impact Statement

Heritage Impact Statement (Zelinka Priamo, dated August 2018) – *attached separately*