TO:        CHAIR AND MEMBERS  
          BUILT AND NATURAL ENVIRONMENT COMMITTEE  
          PUBLIC PARTICIPATION MEETING  
ON MONDAY, JULY 18, 2011: 7:40 p.m

FROM:    J. M. FLEMING  
          DIRECTOR, LAND USE PLANNING AND CITY PLANNER

SUBJECT: DEMOLITION APPLICATION  
          S. COPP  
          13-15 YORK STREET

RECOMMENDATION

That, on the recommendation of the Director, Land Use Planning and City Planner, with the advice of the Heritage Planner, that the municipal Council BE REQUESTED to issue a notice of intent to designate under Section 29 (1) of the Ontario Heritage Act the property at 13-15 York Street as a property of cultural heritage value and interest for the reasons attached; further, that the Chief Building Officer BE ADVISED that no demolition permit be issued pending the outcome of the designation process; it being noted that the London Advisory Committee on Heritage has been consulted on this matter and is in agreement with these recommendations.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

None

BACKGROUND

An application to demolish the structure at 13-15 York Street was received on May 11, 2011. This property is listed as a Priority 2 structure on the City's Inventory of Heritage Resources which reference its construction date, c.1874 and its architectural style, showing Georgian influences.

As a property identified on the municipal register of heritage properties, the Ontario Heritage Act requires a demolition application to be approved by municipal Council after a minimum of 60 days notice of the owner's intention to demolish accompanied by such information as the Council may require. Where a Council has established a municipal heritage advisory committee, Council shall consult with its heritage committee with respect to a proposed demolition.

It should be noted that the applicant has also indicated the desire to demolish the adjacent structure to the east, a building not listed as a heritage property. (Appendix 1- Location Map)

At this time, no redevelopment of either site is proposed, although references have been made to the use of both sites for non-public, short term parking uses.

Under Section 29 (1), Ontario Heritage Act, Council may, by by-law, designate a property within the municipality to be of cultural heritage value or interest if, the property meets the prescribed criteria for determining whether the property is of cultural heritage value or interest and if the designation is made in accordance with the process outlined in the Act. Such a notice of intent to designate a property voids any permit that allowed for the alteration or demolition of the property.

At its meeting on June 08, 2011, the London Advisory Committee on Heritage (LACH) discussed the demolition application for the property at 13-15 York Street and recommended to municipal Council that Council issue a notice of its intent to designate the property under Section 29 (1) of the Ontario Heritage Act and, further, prepared a draft statement of significance with respect to the requested designation. (Appendix - 3 Draft Statement of Significance)
The building at 13-15 York is a two storey, semi-detached building clad in white brick. The building is currently vacant and has until recently provided rental accommodation. It is zoned DA 2 D350 h1 h3. The building shows some signs of its age but appears to be in reasonable condition. At the time of the preparation of this report, no building condition report had been provided. The rear of the building shows both early and later additions. (Appendix 2 – Photos)

It has been previously identified as a heritage property by virtue of its listing in the City's Inventory of Heritage Resources as a Priority 2 resource. The Inventory describes Priority 2 structures as: buildings that may merit designation under Part IV (Section 29) of the Ontario Heritage Act. They have significant architectural and/or historical value and may be worthy of protection by whatever incentives may be provided through zoning considerations, bonusing or financial advantages. The interior of the building has been renovated to accommodate its residential use. Much of its interior architectural features may have been removed or covered.

It is the opinion of the LACH that the building should be designated for its cultural heritage value and interest as it satisfies a number of the criteria established in Regulation 9/06 of the Ontario Heritage Act. It retains architectural features typical of Georgian style buildings; it has at least one significant historic association and it has contextual value in relation to the streetscape to the west and the north. (Appendix 3: Draft Statement of Significance) Additional research is still needed to determine whether the building is older than the 1872 date ascribed to it in the Inventory. In terms of its stylistic characteristics, it may date to the 1850s or 1860s making it more unique.

It should be noted that the contextual values to which the LACH Draft Statement make reference relate to the relationship of this building to the building at the municipal addresses of 7, 9 and 11 York Street, a building or buildings described as being in the High Victorian style built in 1862. Together, this portion of the block, some of the structures further to the west across Thames Street, and specific buildings on the north side of York Street reflect the historical approach to the downtown from the west on York /Stanley Street. This block has been identified as the westernmost segment (Block 36) of the proposed downtown heritage conservation district now under study by consultants. The historic character of these structures takes on additional significance as the structure at 7, 9 and 11 York once served as one of London's first hospital structures dating to 1862.

The creation of a downtown heritage conservation district will designate all structures within the district under Section 41 of the Ontario Heritage Act. It will not prevent demolition applications but will allow Council to address such applications on an individual basis with regard to the heritage character of the area. At present, consultants are preparing Conservation Guidelines to be included in the proposed District Plan. The Guidelines and Plan will require approval by Council as a by-law following consultation with the public and the LACH.

Options

With respect to the application for demolition, Council has several options available to it:

- Approve the demolition as requested by the applicant, noting Council's policy that sites created through the demolition of Priority 1 and 2 heritage structures shall not be used for temporary surface parking lots. (Appendix 4)
- Deny the demolition at this time noting that the matter can come forward in the future if it is part of a site redevelopment proposal. It may also be noted that Council may wish to consider the demolition of this property within the context of a downtown heritage conservation district should such a District be established.
- Defer the issuance of a demolition application by providing a notice of its intention to designate the building under the Ontario Heritage Act. Such notice would void any demolition permit issued until the matter of designation is determined. An owner may object to the proposed designation, triggering a hearing by the Conservation Review Board which will then return a finding in terms of a recommendation for Council's consideration. If Council then confirms the designation, then the owner may still request the demolition of a designated property. Council has the authority to deny such an application subject to appeal by the owner to the OMB.
Recommendations

Given the desire to develop a downtown heritage conservation district and the identification of this property and its immediate neighbour to the west as being historically significant within such a district and given the LACH recommendation, it is recommended that Council issue a notice of its intention to designate this property under Section 29 (1) of the Ontario Heritage Act.

If Council chooses not to issue a notice of intent to designate this property but to recommend to the Chief Building Officer that a demolition permit be issued, it is also recommended that a comment be made such that, following Council's 1995 guideline, no temporary surface parking lot be created where the Priority 2 property has been removed.

Further, in the event that a downtown heritage conservation district is not established or if its final boundaries are revised in such a manner as to remove these properties from the proposed District, it is recommended that the LACH be requested to give consideration to determine if the designation of the listed properties at 7, 9 and 11 York, 5 York, 24 York and 36 York would be appropriate.

PREPARED BY: SUBMITTED BY:

D. MENARD HERITAGE PLANNER G. BARETT, AICP MANAGER – CITY PLANNING AND RESEARCH

RECOMMENDED BY:

J. M. FLEMING, MCIP, RPP DIRECTOR, LAND USE PLANNING AND CITY PLANNER

June 29, 2011
dm/
Attach: Appendix 1 – Location Map – 13-15 York
Appendix 2 – Photos
Appendix 3 – Draft Statement of Significance -13-15 York Street
Appendix 4 – Municipal Guidelines with Respect to Surface Parking Lots in the Downtown
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Appendix 1: Location Map – 13-15 York

Appendix 2: Photos – 13-15 York
Appendix 3: Draft Statement of Significance – 13-15 York Street

Legal Description

13-15 York Street is a two-storey white brick double-house located on the south side of York Street east of Thames Street and listed as Plan Nil, Lot 25, SW York in the City of London. There is evidence that the building was originally identified at the municipal address of 7 York Street.

Statement of Cultural Heritage Interest or Value

13-15 York Street is recommended for designation under Section 29 (1), Part IV of the Ontario Heritage Act as a property of cultural heritage value. The building exhibits strong Georgian style architectural influences and may be dated to 1874 or earlier. The building has been primarily residential until late in the twentieth century. An early resident was Thomas Stevens, first noted circa 1880 as a plumber and brass worker who went on to found the Empire Manufacturing Company (EMCO), in 1903. Now Emco-Wheaton, the industry has been significant in London’s economic development.

Description of Cultural Heritage Attributes

The exterior architectural elements of this Georgian influenced double-house worthy preservation include:

- Uncoursed rubble stone foundation
- Low pitched gable roof with central chimney
- Bilateral symmetry on the front façade
- The first storey contains a single window (replaced but using original opening) and door with simple transom and side lights (replaced but using the original opening) duplicated on the eastern and western house sections
- The upper storey contains two single windows (replaced but using original openings) duplicated on the eastern and western halves of the front elevation
- Wooden window sills on all windows are visually supported by double width protruding brickwork under either side
- Brick voussoirs cap the openings for each window and door
- The features of the front façade are framed by brick pilasters on either end and in the centre which are complimented by a protruding brickwork course separating the upper and lower storeys and a simple, unadorned brickwork frieze under the roofline above the second storey
- The exterior pilasters exhibit corbelling near the roofline
- There are visible tie bars between the upper and lower storeys when viewed from the western side providing stability for a building that was perhaps originally located on marshy land
- Behind the main building is a small extension which is visible in early insurance maps but has probably been replaced over the years

Interior Elements of note include:

- Uncoursed rubble stone is highly visible in the unfinished basement area

Contextual Elements

- Together with 7-11 York, 13-15 York forms a 19th century anchor for the corner of Thames Street and York Street as one enters downtown London from the west and shows early residential influences before approaching the warehousing and commercial buildings further to the east.
Appendix 4: Council Guidelines with Respect To Temporary Parking Lots in the Downtown

June 6, 1995,

I hereby certify that the Municipal Council, at its session held on June 5, 1995 resolved:

4. That, on the recommendation of the Director of Planning and Development, the following actions be taken with respect to temporary parking lots in the downtown:

(a) surface parking lots no longer be permitted as temporary uses in the downtown area where they involve the removal of existing buildings except under the following circumstances;

   (i) Building permits have been issued for redevelopment; and/or
   (ii) The applicant or the Civic Administration are able to establish to the satisfaction of the Municipal Council that there is a shortage of parking in the immediate area or in the downtown as a whole; and/or
   (iii) The building is unsafe for occupancy as defined by the Building Code Act;

(b) no temporary parking lots be permitted on lots where buildings to be demolished are listed as Priority 1 or Priority 2 structures in the City of London Inventory of Heritage Resources;

(c) new temporary parking lots on vacant land only be permitted through a zoning by-law amendment application for a temporary use and be subject to the site plan approval process;

(d) procedures be reviewed and implemented to improve the aesthetics of existing surface parking lots in the Downtown; and

(e) the Civic Administration be directed to monitor parking requirements in the downtown area and to undertake a review of this policy on or before June 198, or sooner if a deficiency of parking arises.  (59.16.4.95) (AS AMENDED) (4/13/PC)

K.W. Sadler
City Clerk