

**Subject: Re-issuance of the heritage permit for 35 and 37 William Street,
properties designated under Part V of the *Ontario Heritage Act*,
located in the ByWard Market Heritage Conservation District**

File Number: ACS2022-PIE-RHU-0032

Report to Built Heritage Sub-Committee on 23 August 2022

and Council 31 August 2022

**Submitted on August 11, 2022 by Court Curry, Manager, Right of Way, Heritage
and Urban Design Services, Planning, Real Estate and Economic Development
Department**

Contact Person: Ashley Kotarba, Planner II, Heritage Planning Branch

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Ward: RIDEAU-VANIER (12)

**Objet : Redélivrance du permis patrimonial pour les 35 et 37, rue William,
des propriétés désignées en vertu de la partie V de la *Loi sur le
patrimoine de l'Ontario*, situées dans le district de conservation du
patrimoine du marché By**

Dossier : ACS2022-PIE-RHU-0032

Rapport au Sous-comité du patrimoine bâti

le 23 août 2022

et au Conseil le 31 août 2022

**Soumis le 11 août 2022 par Court Curry, Gestionnaire, Services des emprises, du
patrimoine et du design urbain, Direction générale de la planification, de
l'immobilier et du développement économique**

Personne ressource : Ashley Kotarba, Urbaniste II, Planification du Patrimoine

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Quartier : Rideau-Vanier (12)

REPORT RECOMMENDATIONS

That the Built Heritage Sub-Committee recommend that Council:

- 1. Re-issue the heritage permit to alter 35 and 37 William Street according to plans prepared by KWC Architects, dated December 19, 2019, conditional upon:

 - a. Improving the appearance of the temporary protective measures on the building to the satisfaction of the Manager, Right of Way, Heritage & Urban Design, prior to the issuance of a Building Permit;****
- 2. Delegate the authority for minor design changes to the General Manager, Planning, Real Estate and Economic Development Department;**
- 3. Approve the issuance of the heritage permits for each application with a two-year expiry date from the date of issuance unless otherwise extended**

RECOMMANDATIONS DU RAPPORT

Que le Sous-comité du patrimoine bâti recommande au Conseil :

- 1. de redélivrer le permis patrimonial pour la modification des 35 et 37, rue William, selon les plans préparés par KWC Architects, datés du 19 décembre 2019; sous réserve de ce qui suit :**
 - a. améliorer l'aspect des mesures de protection temporaires utilisées pour consolider l'édifice à la satisfaction du gestionnaire, Emprises, Patrimoine et Design urbain avant la délivrance d'un permis de construire.**
- 2. de déléguer au directeur général de la Planification, de l'Immobilier et du Développement économique le pouvoir d'apporter des changements mineurs aux plans reçus;**
- 3. d'approuver pour chaque demande la délivrance d'un permis patrimonial d'une durée de deux ans à compter de la date de délivrance, sauf en cas de prolongation.**

BACKGROUND

The properties located at 35 and 37 William Street are located at the north end of William Street, south of York Street in the ByWard Market Heritage Conservation District (HCD), which was designated under Part V of the *Ontario Heritage Act* in 1990.

On April 12, 2019, 35 and 37 William Street and 41-41 ½ William Street were severely damaged by a fire. A heritage permit ([ACS2020-PIE-RHU-0005](#)) was issued to alter all properties in 2020, which included the partial demolition of fire-damaged material, the shoring up of the remaining structures, the restoration of the historic façades and the creation of additions on top of each building. Following the approval of the permit, work commenced to remove debris and stabilize the buildings. Restoration and new construction have been underway at 41-41 ½, however no restoration or rebuilding has taken place at 35 and 37 William Street, and the heritage permit has now expired.

Due to COVID-related complications, this project has been delayed and therefore requires a new heritage permit prior to the issuance of a building permit.

This report has been prepared because the previously issued heritage permit has expired and Council approval is required for the issuance of a new heritage permit under Part V of the *Ontario Heritage Act*, after consultation with the Built Heritage Sub-Committee.

DISCUSSION

Recommendation 1

The property at 35 and 37 William Street through report [ACS2020-PIE-RHU-0005](#) approved the rehabilitation, reconstruction and new construction at the property. The proposed alterations include repairs to the front façade, and the creation of a 4-storey L-shaped mixed-use addition with a restaurant at grade and apartments above. The addition's third and fourth floor will be set back five meters, and one-and-a-half meters respectively (see Document 1).

Delays in planning the project, as a result of COVID-19 meant that the heritage permit expired before the property owner was able to apply for a building permit. It is the normal practice of heritage staff to issue a heritage permit with a two-year expiry date, and the original permit expired on April 16, 2022.

The proposed alterations to 35 and 37 William Street have not changed since the issuance of the heritage permit, and heritage staff therefore have no concerns with the application.

Condition

Due to the prolonged nature of this project, the protective measures on this property, which were intended to be temporary, have been in place for an extended period of time. The ByWard Market HCD Study encourages the improvement of streetscapes through design while maintaining a sense of place. In light of the request to re-issue the heritage permit and understanding that the construction may not begin until 2023, Heritage Staff have included a condition in the heritage permit to improve the overall appearance of the temporary protective measures on the William Street façade in consultation with Heritage Staff.

Conclusion:

Staff have reviewed the application for alteration at 35 and 37 William Street in accordance with the objectives, policies and guidelines of the ByWard Market HCD Study and the Standards and Guidelines and have no objections to its approval.

Recommendation 2

Minor design changes may emerge during the working drawing phase of a project. This recommendation is included to allow Planning, Real Estate and Economic Development Department to approve these changes should they arise.

Recommendation 3

The *Ontario Heritage Act* does not provide any timelines for the expiry of heritage permits. A two-year expiry date is recommended to ensure that the project is completed in a timely fashion.

Provincial Policy Statement

Staff have reviewed this proposal and have determined that is consistent with the Provincial Policy Statement, 2020.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

CONSULTATION

No consultation took place for this renewed application since no changes are being proposed from the already issued heritage permit.

COMMENTS BY THE WARD COUNCILLOR

The Councillor is aware of the application related to this report.

LEGAL IMPLICATIONS

There are no legal implications associated with implementing the report recommendations.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications associated with this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

There are no accessibility implications associated with this report.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- Thriving Communities: Promote Safety, culture, social and physical well-being for our residents

APPLICATION PROCESS TIMELINE STATUS

The statutory 90-day timeline for consideration of this application under the *Ontario Heritage Act* will expire on October 31, 2022.

SUPPORTING DOCUMENTATION

Document 1 Report ACS2020-PIE-RHU-0005

DISPOSITION

Office of the City Clerk, Council and Committee Services, to notify the property owner and the Ontario Heritage Trust, 10 Adelaide Street East, 3rd Floor, Toronto, Ontario, M5C 1J3) of Council's decision.