



OAKVILLE

## REPORT

### Planning and Development Council

Meeting Date: July 8, 2024

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**FROM:** Planning Services Department

**DATE:** June 25, 2024

**SUBJECT:** Notice of intention to demolish – 324 Spruce Street – July 8, 2024

**LOCATION:** 324 Spruce Street

**WARD:** Ward 3

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#### RECOMMENDATION:

1. That the property at 324 Spruce Street be removed from the Oakville Register of Properties of Cultural Heritage Value or Interest; and,
2. That, prior to demolition, the property owners allow for the salvage of materials from the house.

#### KEY FACTS:

The following are key points for consideration with respect to this report:

- The subject property is on the Oakville Register of Properties of Cultural Heritage Value or Interest as a listed property ('Register').
- A notice of intention to demolish has been received with a supporting Cultural Heritage Evaluation Report and Structural Assessment
- It is recommended that the property at 324 Spruce Street *not* be designated under the *Ontario Heritage Act* and that the property be removed from the Oakville Register of Properties of Cultural Heritage Value or Interest.
- The Heritage Oakville Advisory Committee supported staff's recommendation to remove the property from the Register at its meeting on June 25, 2024.
- Council must make a decision on the subject notice by August 26, 2024.

#### BACKGROUND:

The subject property at 324 Spruce Street is located on the south side of Spruce Street between Reynolds Street and Allan Street. The property contains an early 20<sup>th</sup> century detached brick and frame house. A location map and more details on

the property are included in the Cultural Heritage Evaluation Report, attached as Appendix A.

The Cultural Heritage Evaluation Report was completed by heritage consultant LHC Heritage Planning & Archaeology Inc. and submitted by the applicants along with a notice of intention to demolish for the property.

The applicants also submitted a Structural and Building Engineering Assessment completed by Carmazan Engineering Inc., attached as Appendix B. Based on the findings of this report, the owners are proposing to demolish the house and construct a new house with a similar footprint and style in the same location. Drawings of the proposed new house are included in the Cultural Heritage Evaluation Report.

The property was listed on the Oakville Register of Properties of Cultural Heritage Value or Interest (the 'Heritage Register') as a non-designated property in 2009 based on its potential cultural heritage value or interest "as an example of Craftsman-inspired architecture". The property was not identified as a priority for designation as part of the 2023-2025 Heritage Designation Project in response to the Province's Bill 23.

The notice of intention to demolish application was completed on May 28, 2024. In accordance with the *Ontario Heritage Act*, Council has 60 days to consider the request. The 60-day notice period expires on August 26, 2024.

**COMMENT/OPTIONS:**

Process

When a notice of intention to demolish is submitted for a listed property, Heritage Planning staff investigates to determine the design/physical, historical/associative, and contextual merits of the property. Through this process, the property is evaluated to determine if it is worthy of designation under the *Ontario Heritage Act*.

If the property meets criteria outlined in Ontario Regulation 9/06 and is considered to merit designation, a recommendation can be made to Heritage Oakville and to Council that a notice of intention to designate be issued for the property. If Council supports a recommendation to designate, Council must move that a notice of intention to designate be issued within 60 days of the notice of intention to demolish being submitted to the town.

If the staff investigation of the property does not provide sufficient evidence that the property merits designation, a recommendation may be made to remove the property from the Heritage Register. If Council supports the staff recommendation and does not issue a notice of intention to designate the property within the 60 days,

the property is removed from the Heritage Register and the owner may then proceed with applying for demolition.

#### Cultural Heritage Evaluation Report

The applicants have submitted a Cultural Heritage Evaluation Report that provides an overview of the property and the house and an assessment of its cultural heritage value. The report concludes that the property does not meet two or more of the criteria outlined in Ontario Regulation 9/06, as required by the *Ontario Heritage Act*.

In terms of design/physical value, the report concludes that while the building exhibits influences from the Craftsman Bungalow style, it is not a clear representative example of the style, or is it a rare, unique or early example of a Craftsman Bungalow style. The report further concludes that the building does not display a high degree of craftsmanship or artistic merit, nor does it demonstrate a high degree of technical or scientific achievement.

In terms of historical/associative value, the report indicates that the property is associated with Oakville's early 20<sup>th</sup> century development but that it is outside of the more significant Brantwood neighbourhood and lacks any direct association with any notable themes or people. Further, the report notes that there is no evidence that the property has potential to yield significant information about a community or culture, and it is not known to be associated with a significant architect, artist, builder, designer or theorist.

In terms of contextual value, the report concludes that the property is important in maintaining the character of the area, defined by smaller detached homes, some of which are influenced by the Craftsman Bungalow style. However, it notes that the property does not have contextual value for its physical, functional, visual or historical links to its surroundings, and is not considered to be a landmark.

Based on staff's review of the submitted Cultural Heritage Evaluation Report and an investigation of the property, the property does not have sufficient heritage value to merit designation under section 29, Part IV of the *Ontario Heritage Act*.

#### Review of Applicable Planning Policies

##### *Provincial Policy*

The Province of Ontario has made a clear commitment to the conservation of significant cultural heritage resources through its legislation and policies, including the *Ontario Heritage Act* (2021), *Planning Act* (1990, as amended) Provincial Policy Statement (2020), the Growth Plan for the Greater Golden Horseshoe (2019).

The PPS (2020) and Growth Plan (2019) function together with the *Ontario Heritage Act* (OHA) by the shared principle that cultural heritage resources shall be conserved. The OHA sets out the procedures for evaluating and protecting heritage resources at the provincial and municipal levels. This includes the use of Ontario Regulation 9/06 as the means for determining if a property has cultural heritage value.

The evaluation of the house at 324 Spruce Street has not demonstrated that the property has sufficient cultural heritage value to be considered a cultural heritage resource that warrants protection under the OHA.

*Town Policy – Livable Oakville Plan*

Section 5 of the Livable Oakville Plan states, “Conservation of cultural heritage resources forms an integral part of the town’s planning and decision making. Oakville’s cultural heritage resources shall be conserved so that they may be experienced and appreciated by existing and future generations, and enhance the Town’s sense of history, sense of community, identity, sustainability, economic health and quality of life.”

Further, Section 5.3.1 of the Livable Oakville Plan states, “The Town shall encourage the conservation of cultural heritage resources identified on the register and their integration into new development proposals through the approval process and other appropriate mechanisms”. The Livable Oakville Plan is clear that cultural heritage resources should not only be conserved, but also incorporated into new developments. Commemoration is not considered ‘conservation’.

As the property at 324 Spruce Street has not been identified as having cultural heritage value or interest through the application of provincial policies such as Ontario Regulation 9/06, it is not required to be conserved through the cultural heritage policies of the Livable Oakville Plan.

Conclusion

Based on staff’s review of the property, including the Cultural Heritage Evaluation Report, the property does not meet at least two criteria of Ontario Regulation 9/06 and therefore does not merit designation under section 29, Part IV of the *Ontario Heritage Act*.

Staff recommends that the owner allow for the salvaging of architectural elements of the building where possible. It is a standard practice to include salvaging as a condition as it allows for the retention and re-use of these materials and keeps these items from going to the landfill.

A separate report regarding this matter was presented to the Heritage Oakville Advisory Committee on June 25, 2024. The Committee supported staff's recommendation to remove the property from the Heritage Register.

**CONSIDERATIONS:**

**(A) PUBLIC**

There are no public considerations.

**(B) FINANCIAL**

There are no financial considerations.

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

There is no direct impact on other departments and users.

**(D) COUNCIL STRATEGIC PRIORITIES**

This report addresses Council's strategic priority of Accountable Government.

**(E) CLIMATE CHANGE/ACTION**

A Climate Emergency was declared by Council in June 2019 for the purposes of strengthening the Oakville community commitment in reducing carbon footprints. The recommendation to salvage materials from the house helps to contribute to the town's initiatives to reduce carbon footprints.

**APPENDICES:**

Appendix A – Cultural Heritage Evaluation Report

Appendix B – Structural and Building Engineering Assessment

Prepared by:

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