

Agenda

London Advisory Committee on Heritage

The 1st Meeting of the London Advisory Committee on Heritage

December 9, 2020, 5:30 PM

Advisory Committee Virtual Meeting - during the COVID-19 Emergency

City Hall is open to the public, with reduced capacity and physical distancing requirements.

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	Pages
1. Call to Order	
1.1. Disclosures of Pecuniary Interest	
1.2. Election of Chair and Vice Chair for the term Ending November 30, 2021	
2. Scheduled Items	
3. Consent	
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3.2. Municipal Council resolution adopted at its meeting held on November 24, 2020 with respect to the 8th Report of the London Advisory Committee on Heritage	6
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London Advisory Committee on Heritage

Report

The 8th Meeting of the London Advisory Committee on Heritage
November 11, 2020
Advisory Committee Virtual Meeting - during the COVID-19 Emergency
City Hall is open to the public, with reduced capacity and physical distancing requirements.

Attendance PRESENT: D. Dudek (Chair), S. Bergman, M. Bloxam, J. Dent, L. Fischer, S. Gibson, T. Jenkins, S. Jory, J. Manness, E. Rath, M. Rice, K. Waud and M. Whalley and J. Bunn (Committee Clerk)

ALSO PRESENT: L. Dent, K. Gonyou, M. Greguol and M. Schulthess

The meeting was called to order at 5:30 PM; it being noted that the following Members were in remote attendance: S. Bergman, M. Bloxam, J. Dent, L. Fischer, S. Gibson, T. Jenkins, S. Jory, J. Manness, E. Rath, K. Waud and M. Whalley

1. Call to Order

1.1 Disclosures of Pecuniary Interest

J. Dent discloses a pecuniary interest in Item 4.1 of the 8th Report of the London Advisory Committee on Heritage, having to do with the Stewardship Sub-Committee Report, by indicating that his employer is involved with a matter on the Report.

2. Scheduled Items

None.

3. Consent

3.1 7th Report of the London Advisory Committee on Heritage

That it BE NOTED that the 7th Report of the London Advisory Committee on Heritage, from its meeting held on October 14, 2020, was received.

3.2 Municipal Council Resolution - 7th Report of the London Advisory Committee on Heritage

That it BE NOTED that the Municipal Council resolution, from its meeting held on October 27, 2020, with respect to the 7th Report of the London Advisory Committee on Heritage, was received.

4. Sub-Committees and Working Groups

4.1 Stewardship Sub-Committee Report

That the following actions be taken with respect to the Stewardship Sub-Committee Report, from its meeting held on October 28, 2020:

a) the following properties BE ADDED to the Register of Cultural Heritage Resources based on the cultural heritage information presented in the Cultural Heritage Assessment Report prepared by ASI:

- 171 Adelaide Street North
- 173 Adelaide Street North

- 86 Anderson Avenue
- 143 Arundell Street
- 145 Arundell Street
- 140 Dreaney Avenue
- 144 Dreaney Avenue
- 150 Dreaney Avenue
- 154 Dreaney Avenue
- 209 Egerton Street
- 10 Elm Street
- 1 Hamilton Road
- 92-98 Hamilton Road, 511-513/ Horton Street East
- 101 Hamilton Road
- 104 Hamilton Road
- 112 Hamilton Road
- 120 Hamilton Road
- 124 Hamilton Road
- 126 Hamilton Road
- 125-127-127/ Hamilton Road
- 250 Hamilton Road
- 260 Hamilton Road
- 274 Hamilton Road
- 276 Hamilton Road
- 280 Hamilton Road
- 328 Hamilton Road
- 342 Hamilton Road
- 345 Hamilton Road
- 349 Hamilton Road
- 349/ Hamilton Road
- 355 Hamilton Road
- 357 Hamilton Road
- 363 Hamilton Road
- 364-364A-364B Hamilton Road
- 366 Hamilton Road
- 367 Hamilton Road
- 371-373 Hamilton Road
- 407 Hamilton Road
- 414 Hamilton Road (96 Rectory Street)
- 416 Hamilton Road
- 423 Hamilton Road
- 465 Hamilton Road
- 519 Hamilton Road
- 523 Hamilton Road
- 541 Hamilton Road
- 547 Hamilton Road
- 556 Hamilton Road
- 560 Hamilton Road
- 592 Hamilton Road
- 583-585 Hamilton Road
- 601 Hamilton Road
- 612 Hamilton Road
- 645 Hamilton Road
- 658 Hamilton Road
- 664 Hamilton Road
- 689 Hamilton Road
- 709 Hamilton Road
- 721-725 Hamilton Road
- 735 Hamilton Road
- 737 Hamilton Road
- 741-743 Hamilton Road
- 749 Hamilton Road
- 751 Hamilton Road
- 783-783/ Hamilton Road

- 772 Hamilton Road
- 796 Hamilton Road
- 818 Hamilton Road (formerly 15 Glenwood Avenue)
- 870 Hamilton Road
- 867 Hamilton Road
- 873 Hamilton Road
- 875-881 Hamilton Road
- 885 Hamilton Road
- 887 Hamilton Road
- 504 Horton Street East
- 506 Horton Street East
- 508 Horton Street East
- 122 Inkerman Street
- 124 Inkerman Street
- 128 Inkerman Street
- 751 Little Hill Street
- 755 Little Hill Street
- 783 Little Hill Street
- 156 Madison Avenue
- 128 Mamelon Street
- 136 Mamelon Street
- 143 Mamelon Street
- 147 Mamelon Street
- 17 Marmora Street
- 19 Marmora Street
- 971 Ormsby Street
- 134 Price Street
- 138 Price Street
- 141 Price Street
- 145 Price Street
- 28 Redan Street
- 898 Trafalgar Street
- 180 William Street
- 184 William Street
- 192 William Street

it being noted that the Stewardship Sub-Committee does not recommended that the property located at 18 Elm Street be added to the Register of Cultural Heritage Resources as it was further evaluated through the completion of a Cultural Heritage Evaluation Report, and found not to have cultural heritage value or interest; and,

b) the remainder of the above-noted Stewardship Sub-Committee Report BE RECEIVED.

5. Items for Discussion

5.1 Request for Designation of 75 Langarth Street East under Part IV of the Ontario Heritage Act

That, on the recommendation of the Director, Planning and City Planner, with the advice of the Heritage Planner, the following actions be taken with respect to the staff report dated, November 11, 2020, related to the request for designation of the heritage listed property located at 75 Langarth Street East:

a) notice BE GIVEN under the provisions of Section 29(3) of the Ontario Heritage Act, R.S.O. 1990, c. O. 18, of Municipal Council's intention to designate the property to be of cultural heritage value or interest for the reasons outlined in the attached Statement of Cultural Heritage Value or Interest; and,

b) should no appeals be received to Municipal Council's notice of intention to designate, a by-law to designate the property located at 75 Langarth Street East to be of cultural heritage value or interest, for the reasons outlined in the above-noted Statement of Cultural Heritage Value or Interest, BE INTRODUCED at a future meeting of Municipal Council immediately following the end of the appeal period;

it being noted that should an appeal to Municipal Council's notice of intention to designate be received, the City Clerk will refer the appeal to the Conservation Review Board.

6. Adjournment

The meeting adjourned at 5:50 PM.



P.O. Box 5035
300 Dufferin Avenue
London, ON
N6A 4L9

November 25, 2020

G. Barrett
Director, Planning and City Planner

I hereby certify that the Municipal Council, at its meeting held on November 24, 2020 resolved:

That the following actions be taken with respect to the 8th Report of the London Advisory Committee on Heritage from its meeting held on November 11, 2020:

a) the following actions be taken with respect to the Stewardship Sub-Committee Report, from its meeting held on October 28, 2020:

i) the following properties BE ADDED to the Register of Cultural Heritage Resources based on the cultural heritage information presented in the Cultural Heritage Assessment Report prepared by ASI:

- 171 Adelaide Street North
- 173 Adelaide Street North
- 86 Anderson Avenue
- 143 Arundell Street
- 145 Arundell Street
- 140 Dreaney Avenue
- 144 Dreaney Avenue
- 150 Dreaney Avenue
- 154 Dreaney Avenue
- 209 Egerton Street
- 10 Elm Street
- 1 Hamilton Road
- 92-98 Hamilton Road, 511-513/ Horton Street East
- 101 Hamilton Road
- 104 Hamilton Road
- 112 Hamilton Road
- 120 Hamilton Road
- 124 Hamilton Road
- 126 Hamilton Road
- 125-127-127/ Hamilton Road
- 250 Hamilton Road
- 260 Hamilton Road
- 274 Hamilton Road
- 276 Hamilton Road
- 280 Hamilton Road
- 328 Hamilton Road
- 342 Hamilton Road
- 345 Hamilton Road
- 349 Hamilton Road
- 349/ Hamilton Road
- 355 Hamilton Road

- 357 Hamilton Road
- 363 Hamilton Road
- 364-364A-364B Hamilton Road
- 366 Hamilton Road
- 367 Hamilton Road
- 371-373 Hamilton Road
- 407 Hamilton Road
- 414 Hamilton Road (96 Rectory Street)
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- 523 Hamilton Road
- 541 Hamilton Road
- 547 Hamilton Road
- 556 Hamilton Road
- 560 Hamilton Road
- 592 Hamilton Road
- 583-585 Hamilton Road
- 601 Hamilton Road
- 612 Hamilton Road
- 645 Hamilton Road
- 658 Hamilton Road
- 664 Hamilton Road
- 689 Hamilton Road
- 709 Hamilton Road
- 721-725 Hamilton Road
- 735 Hamilton Road
- 737 Hamilton Road
- 741-743 Hamilton Road
- 749 Hamilton Road
- 751 Hamilton Road
- 783-783/ Hamilton Road
- 772 Hamilton Road
- 796 Hamilton Road
- 818 Hamilton Road (formerly 15 Glenwood Avenue)
- 870 Hamilton Road
- 867 Hamilton Road
- 873 Hamilton Road
- 875-881 Hamilton Road
- 885 Hamilton Road
- 887 Hamilton Road
- 504 Horton Street East
- 506 Horton Street East
- 508 Horton Street East
- 122 Inkerman Street
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- 751 Little Hill Street
- 755 Little Hill Street
- 783 Little Hill Street
- 156 Madison Avenue
- 128 Mamelon Street
- 136 Mamelon Street
- 143 Mamelon Street
- 147 Mamelon Street
- 17 Marmora Street

- 19 Marmora Street
- 971 Ormsby Street
- 134 Price Street
- 138 Price Street
- 141 Price Street
- 145 Price Street
- 28 Redan Street
- 898 Trafalgar Street
- 180 William Street
- 184 William Street
- 192 William Street

it being noted that the Stewardship Sub-Committee does not recommended that the property located at 18 Elm Street be added to the Register of Cultural Heritage Resources as it was further evaluated through the completion of a Cultural Heritage Evaluation Report, and found not to have cultural heritage value or interest; and,
 ii) the remainder of the above-noted Stewardship Sub-Committee Report BE RECEIVED;

b) on the recommendation of the Director, Planning and City Planner, with the advice of the Heritage Planner, the following actions be taken with respect to the staff report dated, November 11, 2020, related to the request for designation of the heritage listed property located at 75 Langarth Street East:

- i) notice BE GIVEN under the provisions of Section 29(3) of the Ontario Heritage Act, R.S.O. 1990, c. O. 18, of Municipal Council's intention to designate the property to be of cultural heritage value or interest for the reasons outlined in the Statement of Cultural Heritage Value or Interest appended to the 8th Report of the London Advisory Committee on Heritage; and,
- ii) should no appeals be received to Municipal Council's notice of intention to designate, a by-law to designate the property located at 75 Langarth Street East to be of cultural heritage value or interest, for the reasons outlined in the above-noted Statement of Cultural Heritage Value or Interest, BE INTRODUCED at a future meeting of Municipal Council immediately following the end of the appeal period;

it being noted that should an appeal to Municipal Council's notice of intention to designate be received, the City Clerk will refer the appeal to the Conservation Review Board;

c) clauses 1.1, 3.1 and 3.2 BE RECEIVED for information. (5.1/18/PEC)



C. Saunders
 City Clerk
 /lm

- cc. K. Gonyou, Heritage Planner
- M. Greguol, Heritage Planner
- L. Dent, Heritage Planner
- S. Langill, Executive Assistant to the City Planner
- J. Bunn, Committee Clerk
- External cc List in the City Clerk's Office

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: Gregg Barrett
Director, City Planning and City Planner

Subject: Bill 108 and Regulations, Amendments to the *Ontario Heritage Act* – Process Implications

Meeting on: November 30, 2020

Recommendation

That, on the recommendation of the Director, City Planning and City Planner, with the advice of the Heritage Planner, the following actions be taken with respect to Bill 108 and Regulations, Amendments to the *Ontario Heritage Act* – Process Implications:

- a) the staff report dated November 30, 2020 entitled “Bill 108 and Regulations, Amendments to the *Ontario Heritage Act* – Process Implications”, and the attached comments (Appendix “A”) on the Proposed Regulation under the *Ontario Heritage Act* (Bill 108) **BE RECEIVED** for information; it being noted that the staff report will be forwarded to the London Advisory Committee on Heritage for their information; it being further noted that the comments noted above have been submitted to the Environmental Registry of Ontario; and,
- b) the Civic Administration **BE DIRECTED** to take the necessary steps in anticipation of the proclamation of amendments to the *Ontario Heritage Act* in Bill 108, including, but not limited to, preparing terms of reference for Cultural Heritage Evaluation Reports, Heritage Impact Assessments, and complete application requirements.

Executive Summary

Amendments to the *Ontario Heritage Act* arising from Bill 108 – *More Homes, More Choices Act* – are anticipated to be proclaimed on January 1, 2021. The amendments and regulations will affect how applications and processes arising from the *Ontario Heritage Act* are implemented. Key changes include:

- Principles prescribed by the Province that Municipal Council must consider when making decisions for certain *Ontario Heritage Act* matters;
- Process changes for listing a property on the Register of Cultural Heritage Resources, pursuant to Section 27(3) of the *Ontario Heritage Act*, including notification to the property owner and objection process;
- Mandatory contents for heritage designating by-laws;
- Introduction of a 90-day time limit for Municipal Council to issue its Notice of Intent to Designate pursuant to Section 29(1.2) of the *Ontario Heritage Act*. This limits Municipal Council's ability to protect a cultural heritage resource through designation pursuant to the *Ontario Heritage Act* to within the first 90-days of a complete application for an Official Plan Amendment, Zoning By-law Amendment, or Plan of Subdivision;
- Requirements to pass a heritage designating by-law within 120-days of providing Notice of Intent to Designate, noting that amendments to the *Ontario Heritage Act* eliminate the non-binding appeal role of the Conservation Review Board and changes to the objection/appeal process;
- Minimum requirements for Heritage Alteration Permit application, prescribed by regulation for properties designated pursuant to Section 29 (Part IV) of the *Ontario Heritage Act*;
- Required steps following the demolition or removal of a building or structure or heritage attribute of a property designated pursuant to Section 29 (Part IV) of the *Ontario Heritage Act*;

- Required information for an appeal to the Local Planning Appeal Tribunal, noting that all appeals arising from the *Ontario Heritage Act* decisions will be referred to the Local Planning Appeal Tribunal for binding decisions; and,
- Housekeeping amendments and transition matters.

Information and analysis of the above noted changes to the *Ontario Heritage Act* are provided within this staff report. A staff report, providing tools necessary to implement these changes will be submitted to a future meeting of the Planning and Environment Committee for consideration.

Comments on the draft regulations were provided via the Environmental Registry of Ontario (ERO019-1348) by the deadline of November 5, 2020. The Civic Administration anticipates further engagement with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) regarding revisions to the *Ontario Heritage Toolkit*, a well-used reference guideline for interpretation and administration of the *Ontario Heritage Act* and its regulations.

Analysis

1.0 Background

Bill 108 – *More Homes, More Choices Act* – was released on May 2, 2019. It proposed amendments to thirteen provincial statutes, including the *Ontario Heritage Act*. Comments on Bill 108, including on proposed amendments to the *Ontario Heritage Act*, were included in a report to the Planning and Environment Committee on May 27, 2019. Those comments were forwarded to the Ministry of Municipal Affairs and Housing for consideration in response to the Environmental Registry of Ontario (ERO) posting.

Regulations for the *Ontario Heritage Act* were released on September 21, 2020 on the Environmental Registry. The deadline for comments is November 5, 2020. As it was not possible to review the proposed regulations and meet the Planning and Environment Committee Agenda deadline, the Civic Administration has submitted the attached (Appendix “A”) comments to the Environmental Registry of Ontario.

The Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) have advised that the changes to the *Ontario Heritage Act* are anticipated to be proclaimed on January 1, 2021.

2.0 Key Changes and Considerations

2.1 Principles to Guide Municipal Decision Making

Introduced by amendments in Section 26.0.1 and Section 39.1.2, *Ontario Heritage Act* and prescribed by Regulation, the Province has introduced “Principles” that Municipal Council shall consider when making decisions under the provisions of the *Ontario Heritage Act*, including designations, alterations, and demolitions. The MHSTCI has stated that the intent of these principles is to allow the Province to better guide heritage conservation.

The Principles set out in Section 1(3) of the Regulation are:

For the purposes of Section 26.0.1 and 39.1.2 of the Act, the following are the principles that a council of a municipality shall consider when the council exercises a decision-making authority under a provision set out in subsection (1) or (2):

1. *Property that is determined to be of cultural heritage value or interest should be protected and conserved for all generations.*
2. *Decision affecting the cultural heritage value or interest of a property or a heritage conservation district should,*
 - i. *Minimize adverse impacts to the cultural heritage value or interest of the property or district,*

- ii. *Be based on research, appropriate studies and documentary evidence, and*
 - iii. *Demonstrate openness and transparency by considering all views of interested persons and communities.*
3. *Conservation of properties of cultural heritage value or interest should be achieved through identification, protection and wise management, including adaptive reuse where appropriate.*
4. *For the purpose of this section, “Adaptive reuse” means the alteration of a property of cultural heritage value or interest to fit new uses or circumstances while retaining the heritage attributes of the property.*

Following proclamation, the Municipal Council will have to demonstrate that the Principles were considered in their decision making. To achieve this, the Civic Administration propose amending the report template to include a section on the Principles for actions related to the *Ontario Heritage Act*. Adherence to the Principles is not yet clear. A Record of Decision (see Section 2.8 Required Information for Appeal to the Local Planning Appeal Tribunal) requires a statement by an employee of the municipality as to how the decision of council considered the Principles when the council exercised its decision-making authority.

The wording of Principle 1 is concerning, in its reference to “should.” The language of Policy 2.6.1 of the *Provincial Policy Statement* (2020) states that “significant built heritage resources and significant cultural heritage landscapes shall be conserved” (emphasis added). The use of “shall” in place of “should” in the Principle would provide more consistency on this direction from the Province.

Further clarity on Principle 2.iii would be useful. Existing requirements of the *Ontario Heritage Act* require consultation with the London Advisory Committee on Heritage prior to Municipal Council making some decisions or taking certain actions. The meetings of the London Advisory Committee on Heritage (LACH), Planning and Environment Committee, and Municipal Council are all publically-accessible. The Council Policy Manual establishes a process soliciting public input when a demolition request is received for a heritage listed or designated property, and is directed to a public participation meeting at the Planning and Environment Committee.

2.2 Listing a Property on the Register of Cultural Heritage Resources

Section 27(1.2) of the *Ontario Heritage Act* enables Municipal Council to add properties to the Register of Cultural Heritage Resources that are not designated but that Municipal Council “believes to be of cultural heritage value or interest.” Taking the action of including a property on the Register as a non-designated property is an important step to identify, on a preliminary basis, the potential cultural heritage value or interest of resources in London.

Currently, properties are added to the Register by resolution of Municipal Council following consultation with the London Advisory Committee on Heritage. The inclusion of a property on the Register is reliant on the “belief” of Municipal Council that the property has potential cultural heritage value or interest.

Amendments to the *Ontario Heritage Act* will require this approach to change. The addition of a property to the Register is still reliant on the “belief” of Municipal Council, per Section 27(3) of the amended *Ontario Heritage Act*, but several new steps (Steps 3-4, below) are introduced:

1. Consultation with the LACH prior to the addition of a property to the Register.
2. Decision of Municipal Council to add a property to the Register.
3. Notice to property owner within 30-days of the addition of the property to the Register. The notice shall include:
 - a. A statement explaining why Municipal Council believes the property to be of cultural heritage value or interest.
 - b. A description that is sufficient to readily ascertain the property.

- c. A statement that if the owner of the property objects to the property being included on the Register, the owner may object to the property's inclusion by serving the City Clerk a notice of objection setting out the reasons for the objection and all the relevant facts.
 - d. An explanation of the restriction concerning demolition or removal, or the permitting of the demolition or removal, of a building or structure on the property.
4. If an objection is received, Municipal Council must consider the objection within 90 days and decide whether to continue to include the property on the Register or whether it should be removed.
- a. Consultation with the LACH is required, pursuant to Section 27(3), *Ontario Heritage Act*, to add or remove a property from the Register.

These amendments will require a more comprehensive evaluation of the potential cultural heritage value or interest of a property that is under consideration for inclusion on the Register. It is anticipated that a greater level of detail, research, and evaluation will be required to include a property on the Register.

No information from the MHSTCI has indicated any retroactive requirements for properties currently listed on the Register or invalidating in any way their current status pursuant to Section 27 of the *Ontario Heritage Act*.

There is no time limit introduced on the objection to the inclusion of a property on the Register; a property owner may object at any time. It is important to note that an objection to the inclusion of a property on the Register instigates a 90-day review timeline, whereas a demolition request for a heritage listed property initiates a maximum 60-day review timeline. The amendments to the *Ontario Heritage Act* are not clear on the consequences if Municipal Council does not respond to an objection to the inclusion of a property on the Register within the maximum 90-day review timeline.

2.3 Mandatory Contents for Heritage Designating By-laws

With a goal of achieving greater consistency across municipalities, regulations have prescribed the contents of a heritage designating by-law.

For the purposes of a by-law pursuant to Section 29(8) of the *Ontario Heritage Act*, the following requirements are prescribed (Section 5(1), Regulation):

1. *The by-law must identify the property by,*
 - i. *The municipal address of the property, if it exists,*
 - ii. *The legal description of the property, including the property identifier number that relates to the property, and*
 - iii. *A general description of where the property is located within the municipality, for example, the name of the neighbourhood in which the property is located and the nearest major intersection of the property.*
2. *The by-law must contain a site plan, scale drawing, aerial photograph or other image that identifies each area of the property that has cultural heritage value or interest.*
3. *The statement explaining the cultural heritage value or interest of the property must identify which of the criteria set out in subsection 1(2) of Ontario Regulation 9/06 (Criteria for Determining Cultural Heritage Value or Interest) made under the Act are met and must explain how each criterion is met.*
4. *The description of the heritage attributes of the property must be brief and must explain how each heritage attribute contributes to the cultural heritage value or interest of the property.*
5. *The by-law may list any physical features of the property that are not heritage attributes.*

These amendments demonstrate the emerging best practice on heritage designations arising from decisions and recommendations of the Conservation Review Board (CRB). Further clarity on how to explain how each heritage attribute contributes to the cultural heritage value or interest of the property, while being brief, is needed. The stated ability

to exclude physical features of a property that are not a heritage attribute is anticipated to improve clarity within heritage designating by-laws.

The inclusion of images required in heritage designating by-laws has been a previous issue at the Registry Office. However, it is hoped that its explicit inclusion within the regulations will alleviate previous issues of including images in registered documents like a heritage designating by-law.

2.4 Introduction of a 90-day Time Limit to Issue Notice of Intent to Designate

Amendments to the *Ontario Heritage Act* introduce limits to Municipal Council's ability to protect properties that are of cultural heritage value or interest. Section 29(1.2), *Ontario Heritage Act*, states,

If a prescribed event has occurred in respect of a property in a municipality, the council of the municipality may not give a notice of intent to designate the property under subsection (1) after 90 days have elapsed from the event, subject to such exceptions as may be prescribed. 2019, c. 9, Sched. 11, s. 7(13).

The new timelines are intended by the Province to encourage discussions about potential designations with development proponents at an early stage of a planning or development application to avoid designations being made late in the land use planning process.

Defined by regulation, the "prescribed events" (Section 2, Regulation) are:

- Notice of application for Official Plan Amendment per Section 22(6.4)(a), *Planning Act*,
- Notice of application for Zoning By-law Amendment per Section 34(10.7)(a); or,
- Notice of application for Plan of Subdivision per Section 51(19.4), *Planning Act*.

Exceptions to the timeline limitation, as defined by regulation (Section 3, Regulation – "Prescribed Exceptions"), include:

- When an emergency has been declared;
- If Municipal Council has not consulted with the LACH within the 90-days, it may, by resolution, extend the timeline by an additional 180-days within 15-days of the end of the 90-day period set out in Section 29(1.2), *Ontario Heritage Act* (if not before);
- If "new and relevant information" is received relating to the property or the event, Municipal Council may, by resolution, extend the timeline by an additional 180-days; or,
- Agreement between the property owner and Municipal Council that the limitation does not apply to the property or extending the time that the limitation applies.

The limitations of Municipal Council's ability to issue a Notice of Intent to Designate no longer applies as of the day on which the prescribed event "is finally disposed of under the *Planning Act*."

"New and relevant" information, to avail of an exemption to the time limitation, is defined by Regulation (Section 3(5)) to include,

- The information or materials affect or may affect,*
- i. The determination of the cultural heritage value or interest of the property,*
or,
 - ii. An evaluation of the potential effect of the Planning Act application giving rise to the event on any cultural heritage value or interest of the property.*

This change will require Municipal Council to make decisions regarding the conservation of cultural heritage resources in advance of making a decision on a planning or development application, due to the introduction of this timeline limitation. Specifically, planning or development applications that are predicated on the demolition or removal of a building or structure on a heritage listed property will require decisions on heritage conservation to be made first, even if no demolition request has been received by the City. There have also been circumstances where heritage listed properties where proposed for retention within a planning or development application,

and no action regarding designation of the resource pursuant to the *Ontario Heritage Act* has been pursued; the Civic Administration do not recommend this approach be continued. The conservation of significant cultural heritage resources through designation or easement agreement pursuant to the *Ontario Heritage Act* should be sought through the land use planning process. This change may necessitate a different approach from the Civic Administration in providing recommendations to Municipal Council to ensure that significant cultural heritage resources are conserved.

This limitation only applies to Notice of Intent to Designate pursuant to Part IV of the *Ontario Heritage Act* (individual properties).

Heritage Easement Agreements, pursuant to Section 37 of the *Ontario Heritage Act* are not subject to the new 90-day limitation (as it requires the agreement between the City and property owner to enter into a heritage easement agreement).

Municipal Council may wish to consider delegating its authority to determine “new and relevant information” to the Civic Administration if “new and relevant information” is received on a matter that is very time-sensitive under the *Ontario Heritage Act*.

2.5 Requirement to Pass Heritage Designating By-law within 120-days

Amendments to the *Ontario Heritage Act* require heritage designating by-laws to be passed within 120-days of providing Notice of Intent to Designate. If Municipal Council does not pass a heritage designating by-law within 120-days, the Notice of Intent to Designate is deemed withdrawn. Exceptions are provided in Section 4(1) of the Regulation (e.g. mutual agreement, declared emergency, new and relevant information; Section 4(1)).

Within 30-days of Notice of Intent to Designate being served on the property owner, Ontario Heritage Trust, and published in the newspaper, anyone may object to the designation of the property. If an objection is received, Municipal Council must, within 90-days, reconsider its Notice of Intent to Designate. Then Municipal Council may withdraw its Notice of Intent to Designate (and provide notice of such) or proceed with the passage of the heritage designating by-law. Within 30-days of the passage of a heritage designating by-law and when notice is served, any person may appeal the designation to the Local Planning Appeal Tribunal (LPAT). The LPAT would then make a binding decision to allow the designation, allow the designation in part, or repeal/order the repeal of the heritage designating by-law.

Should no appeals to the passage of a heritage designating by-law be received within 30-days, the heritage designating by-law is then registered on the title of the property pursuant to Section 29(12)(b) of the *Ontario Heritage Act*.

2.6 Minimum Requirements for Heritage Alteration Permit Applications

Amendments to the *Ontario Heritage Act* introduce a 60-day timeline for municipalities to confirm that applications for alteration pursuant to Section 33(2), *Ontario Heritage Act*, or demolition or removal pursuant to Section 34(2), *Ontario Heritage Act*, for a heritage designated property are complete. This 60-day period is in addition to the maximum 90-day review period by which Municipal Council is required to make a decision to consent, to consent with terms and conditions, or to refuse an application.

In Section 8(1) of the Regulation, the Province has defined the minimum requirements for an application pursuant to Section 33(2) and Section 34(2), *Ontario Heritage Act*, to include:

- *The name, address, telephone number and, if applicable, the email address of the applicant.*
- *The name of the municipality for which consent is being requested.*
- *A description of the property that is the subject of the application, including such information as concession and lot information, reference plan and part numbers, street names and numbers.*
- *Photographs that depict the existing buildings, structures, and heritage attributes that are affected by the application and their condition and context.*

- *A site plan or sketch that illustrates the location of the proposed alteration, demolition or removal.*
- *Drawings and written specifications for the proposed alteration, demolition or removal.*
- *The reason for the proposed alteration, demolition or removal and the potential impacts to the heritage attributes of the property.*
- *All technical cultural heritage studies that are relevant to the proposed alteration, demolition or removal.*
- *An affidavit or sworn declaration by the applicant certifying that the information required under this section and provided by the applicant is accurate.*

When a Heritage Alteration Permit application is submitted to the City, most applications are deemed complete within a few days by the Heritage Planner. Complex applications may require further details to be submitted but are usually identified in preliminary or informal consultation with the Civic Administration. The Civic Administration do not anticipate issues with the maximum 60-day period to determine if a Heritage Alteration Permit application is complete or incomplete.

The Civic Administration will review the Heritage Alteration Permit application form to ensure that the prescribed information and materials are reflected in the application requirements. Currently, the Civic Administration issue notice of receipt of complete Heritage Alteration Permit application via email to the property owner/authorized agent.

There is a risk of unintended consequences of requirements for simple or minor Heritage Alteration Permit applications. The reference to “technical cultural heritage studies” within the prescribed information and materials will still allow the Civic Administration to appropriately tailor complete applications requirements to a certain degree (e.g. masonry testing, technical information on proposed materials, expert opinion on slate roofing, etc.) based on the scope or intensity of a proposed change or alteration to a heritage designated property.

Also by regulation, the Province has defined that applications may be served on municipalities by use of the municipality’s “electronic system.” When an application is submitted after 5pm, it is effective on the following day that is not a Saturday or holiday.

2.7 Required Steps Following the Demolition or Removal of a Building, Structure, or Heritage Attribute

Should Municipal Council consent to the demolition or removal of a building, structure, or heritage attribute on a property designated pursuant to Part IV of the *Ontario Heritage Act*, the amendments to the *Ontario Heritage Act* introduces new steps.

In consultation with the LACH, Municipal Council will be required to make the following determination, pursuant to Section 9(1) of the Regulation, following the demolition or removal of a building, structure, or heritage attribute on a heritage designated property pursuant to Section 34 of the *Ontario Heritage Act*.

- The property continues to have cultural heritage value or interest and, despite the demolition or removal, the statement explaining the cultural heritage value or interest of the property and the description of the heritage attributes of the property are accurate and do not need to be amended.*
- The property continues to have cultural heritage value or interest but, as a result of the demolition or removal, the statement explaining the cultural heritage value or interest of the property or the description of the heritage attributes of the property is no longer accurate and needs to be amended.*
- The property no longer has cultural heritage value or interest as a result of the demolition or removal.*

The decision may result in the repeal or amendment to the heritage designating by-law or no action. The Civic Administration presume that this decision may be made at the same time as the decision to consent to the demolition or removal of a building, structure, or heritage attribute however there is no established practice on the matter.

Furthermore, the demolition or removal of a heritage attribute has been asserted as a process of Section 34 of the *Ontario Heritage Act*, whereas it had been typically administered as an alteration pursuant to Section 33 of the *Ontario Heritage Act*. Further guidance and clarity on interpretation is required from the MHSTCI on the distinction between an “alteration” and a “demolition or removal.”

2.8 Required Information for Appeal to the Local Planning Appeal Tribunal

Amendments to the *Ontario Heritage Act* eliminate the CRB, which is a non-binding tribunal that made recommendations on some heritage matters. As a non-binding tribunal, final decisions regarding designation of individual properties pursuant to Section 29 of the *Ontario Heritage Act* remained with Municipal Council. The amendments to the *Ontario Heritage Act* introduce a two-step process; first, objecting to Municipal Council which requires re-consideration of its decision (e.g. reconsider its Notice of Intent to Designate), then appealing to the LPAT (e.g. following the passage of a heritage designating by-law). The LPAT would then make a final decision on the matter.

As a binding tribunal, the LPAT will only hear appeals on final matters such as heritage designating by-laws that have been passed. This enables the LPAT, regarding the designation of an individual property for example, to:

- Dismiss the appeal;
- Repeal the heritage designating by-law;
- Amend the by-law in such manner as the Tribunal may determine;
- Direct the council of the municipality to repeal the by-law; or,
- Direct the council of the municipality to amend the by-law in accordance with the Tribunal’s order.

In addition to making decisions regarding the designation of individual properties, appeals to the terms and conditions or refusal of Heritage Alteration Permits for alterations or demolitions or removals will now be heard by the LPAT. To facilitate these appeals, a Record of Decision is defined by Regulation.

A Record of Decision is required to be provided to the LPAT within 15 days, which is shorter than required by the *Planning Act* (20 days).

2.9 Housekeeping Amendments

Within the “housekeeping amendments” in the Regulation, it clarifies that there is no 90-day restriction on issuing a Notice of Proposed Amendment to a heritage designating by-law (Section 29(1), Regulation). This provision may be useful to clarify the Statement of Cultural Heritage Value or Interest and heritage attributes of a heritage designated property with an older heritage designating by-law that is subject to a planning or development application.

2.10 Transition Provisions

Any matter or proceeding that is commenced before the amendments to the *Ontario Heritage Act* and its regulations are proclaimed shall continue and be disposed of under the *Ontario Heritage Act* as it read before its proclamation (Section 20(1), Regulation).

Transition provisions require the passage of a heritage designating by-law, should a property be subject to a Notice of Intent to Designate, within 365-days of proclamation of the amendments or it is deemed withdrawn. This 365-day period does not apply where an appeal to the CRB has been made, which is relevant for two matters currently before the CRB in London.

3.0 Conclusion

The amendments to the *Ontario Heritage Act* in Bill 108 (*More Homes, More Choices Act*) and its regulations will affect the City’s efforts to conserve cultural heritage resources for their valued contributions to our community and safeguarding these resources for future generations.

The MHSTCI has indicated that revisions will be made to the *Ontario Heritage Toolkit* to assist in the implementation of the amendments to the *Ontario Heritage Act* and its new regulations. This is anticipated to include flowcharts describing the new processes pursuant to the *Ontario Heritage Act*.

We wish to acknowledge the assistance of the City Clerk and Legal Services in the preparation of this report.

Prepared by:	Kyle Gonyou, CAHP Heritage Planner
Submitted and Recommended by:	Gregg Barrett, AICP Director, City Planning and City Planner
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from City Planning and Development Services.	

November 23, 2020
KG/

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Appendix A Staff Comments on Proposed Regulation under the *Ontario Heritage Act* (Bill 108)

Links to Previous Reports

Report to Planning and Environment Committee at its meeting on May 27, 2019. “Bill 108 – More Homes, More Choices Act, 2019.” <https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=62922>

Appendix A – Staff Comments on Proposed Regulations under the *Ontario Heritage Act* (Bill 108)

The below comments were submitted to the Environmental Registry of Ontario in response to the proposed regulation under the *Ontario Heritage Act* (Bill 108) in advance of the November 5, 2020 deadline.



300 Dufferin Avenue
P.O. Box 5035
London, ON
N6A 4L9

October 29, 2020

Lorraine Dooley
Ministry of Heritage, Sport, Tourism and Culture Industries – Culture Policy Unit
401 Bay Street, Suite 1800
Toronto, Ontario
M7A 0A7

Dear Ms. Dooley,

RE: ERO Number 019-1348

The City of London appreciates the opportunity to provide comment on the proposed regulations implementing the amendments to the *Ontario Heritage Act* presented in Bill 108 (*More Homes, More Choices Act*).

- In Principle 1, “property that is determined to be of cultural heritage value or interest should be protected and conserved for all generations,” the use of the word “should” should be replaced with “shall” to be more consistent with the direction of the Province in Policy 2.6.1 of the *Provincial Policy Statement* (2020).
- Where Municipal Council’s ability to issue a Notice of Intent to Designate is limited following 90-days after notice of an application pursuant to Section 51(19.4) of the *Planning Act* is issued, could the Ministry of Heritage, Sport, Tourism and Culture Industries clarify when a plan of subdivision is “finally disposed”?
- The timeline for the submission of a Record of Decision within 15 days after notice of appeal is given to the clerk of the municipality is short. Revising this provision to be within 20 days after notice of appeal is given would be consistent with the requirements of an appeal pursuant to the *Planning Act* but still provide the information in a timely manner.
- Updated process flowcharts in revision to the *Ontario Heritage Toolkit* are a useful tool in implementing the processes affected by these amendments and regulations.
- Further guidance from the Ministry of Heritage, Sport, Tourism and Culture Industries on how to briefly explain how each heritage attribute contributes to the cultural heritage value or interest of a property would be appreciated content with revisions to the *Ontario Heritage Toolkit*.
- Interpretation and commentary from the Ministry of Heritage, Sport, Tourism and Culture Industries on the distinction between “alteration” and “demolition or removal” of a heritage attribute will be critical to implement the amendments to the *Ontario Heritage Act*.

Sincerely,

Gregg Barrett, AICP
Director, City Planning and City Planner

Report to London Advisory Committee on Heritage

To: Chair and Members
London Advisory Committee on Heritage
From: Gregg Barrett
Director, City Planning and City Planner
Subject: Amendment to Heritage Designating By-law for 660
Sunningdale Road East (2370 Blackwater Road)
Meeting on: Wednesday December 9, 2020

Recommendation

That, on the recommendation of the Director, City Planning and City Planner, with the advice of the Heritage Planner, with respect to the heritage designated property at 660 Sunningdale Road East (2370 Blackwater Road), the following actions **BE TAKEN**:

- a) Notice **BE GIVEN** under the provisions of Section 30.1(4) of the *Ontario Heritage Act*, R. S. O. 1990, c. O. 18, of Municipal Council's intention to pass a by-law to amend the legal description of the property designated to be of cultural heritage value or interest by By-law No. L.S.P.-3476-474, as amended, as defined in Appendix B of this report; and,
- b) Should no appeals be received to Municipal Council's notice of intention to pass a by-law to amend the legal description of the property, a by-law **BE INTRODUCED** at a future meeting of Municipal Council immediately following the end of the appeal period.

IT BEING NOTED that should an appeal to Municipal Council's notice of intent to pass a by-law to amend the legal description of the property be received, the City Clerk will refer the appeal to the Conservation Review Board.

Executive Summary

The red barns located at 660 Sunningdale Road East are significant cultural heritage resources protected by their designation pursuant to the *Ontario Heritage Act* by By-law No. L.S.P.-3476-474. As the Applewood Subdivision is developed and its phases are registered, it has been necessary to make technical amendments to the heritage designating by-law to revise the legal description of the property protected by the *Ontario Heritage Act* designation. The heritage designating by-law for the red barns was passed on September 18, 2018 and amended March 5, 2019 and October 29, 2019; this is the last technical amendment that is anticipated as this phase of Applewood Subdivision contains Block 48, where the red barns are located. The municipal address assigned to the barns is 2370 Blackwater Road.

Analysis

1.0 Background

1.1 Property Location

The property at 660 Sunningdale Road East is on the northwest corner of Sunningdale Road East and Adelaide Street North.

1.2 Cultural Heritage Resource

The two red clay tile barns located at 660 Sunningdale Road East are significant cultural heritage resources. The property was evaluated using the criteria of O. Reg. 9/06, and it found that the barns are of cultural heritage value because of their physical/design values and their contextual values. The significance of the barns located at 660 Sunningdale Road East comes from their use of the red clay tile material, the intersection of a material more typically found in industrial structures but applied here in an agricultural form, and their existing location. These materials and forms are

authentically displayed in their built form which has significance particularly the rarity of its materials used in this form.

The use of materials and construction method is rare for barns. The red clay tiles, used as the primary cladding material for the barns, is rare and not found elsewhere in the City of London. The use of protruding concrete piers in the construction of the barns is also rare, where barns more typically have concrete or stone foundations, rather than concrete piers, with a timber frame. The application of these materials is more commonly found in industrial applications, such as factory buildings, which makes the barns rare examples of this expression not seen elsewhere in London.

The barns display a degree of craftsmanship in the material qualities of the clay tile. While the variety in grooving, cutting, and colour of the tiles could suggest little regard for the appearance of the building, or the use of seconds, this contributes to the rustic qualities of the barns and were well suited to their original rural context.

The barns represent technical achievement in their combination of industrial materials in an agricultural form that is not seen elsewhere in London.

Contextually, the location and arrangement of the barns on the property, and the relationship between the barns contributes to the property's physical, functional, visual, and historical links to its surroundings.

1.3 Cultural Heritage Status

At its meeting on September 18, 2018, Municipal Council passed By-law No. L.S.P.-3476-474 to designate the property at 660 Sunningdale Road East to be of cultural heritage value or interest pursuant to Section 29 of the *Ontario Heritage Act*. As the *Ontario Heritage Act* is based in real property, the entire property at 660 Sunningdale Road was included in the legal description of the property protected by the heritage designating by-law.

As the Applewood Subdivision has developed in phases, as each phase of the subdivision is registered a technical amendment to the legal description is required. Two previous technical amendments to the heritage designating by-law have been completed:

- By-law No. L.S.P.-3476(a)-71 – passed March 5, 2019
- By-law No. L.S.P.-3476(b)-299 – passed October 29, 2019

1.4 Previous Reports

March 2, 1999. Municipal Council resolved that the lands be excluded from the Uplands Community Plan and be added to the Stoney Creek Community Plan be refused.

May 12, 1999. 6th Report of the LACH, Report of the Stewardship Sub-Committee of the LACH, re: discussion of 660 Sunningdale barns.

January 30, 2002. Report of the Stewardship Sub-Committee of the LACH, re: Uplands North Area Plan.

February 27, 2002. Report of the Stewardship Sub-Committee of the LACH, re: Uplands North Area Plan.

June 12, 2002. Monthly Report of the Heritage Planner to LACH Members, re: 660 Sunningdale Road East.

April 30, 2003. Report of the Stewardship Sub-Committee of the LACH, re: Uplands North Area Plan.

May 7, 2003. Memorandum from the Stewardship Sub-Committee of the LACH, re: Uplands North Area Plan.

June 9, 2003. Report to the Planning Committee recommending adoption of the Uplands

North Area Plan.

August 7, 2007. Report to Planning Committee regarding 660 Sunningdale Road East (39T-99513/Z-5723).

March 11, 2009. 4th Report of the LACH. Re: Notice, 660 Sunningdale Road East.

May 6, 2009. Report to the Planning Committee regarding tree cutting on the property.

June 22, 2009. Report to the Planning Committee regarding the status of the subdivision/file.

October 10, 2010. 3rd Report of the LACH. Re: Notice, 660 Sunningdale Road East.

October 8, 2013. Report to the PEC. 39T-09501/OZ-7683.

March 12, 2014. 4th Report of the LACH. Re: Notice, 660 Sunningdale Road East.

April 9, 2014. 5th Report of the LACH. Re: Notice, 660 Sunningdale Road East.

July 28, 2014. Report to the PEC. 39T-09501/OZ-7638.

July 12, 2017. Report to the LACH. Request for Demolition of Heritage Listed Property at 660 Sunningdale Road East by: Peter Sergautis.

July 17, 2017. Report to the PEC. Request for Demolition of Heritage Listed Property at 660 Sunningdale Road East by: Peter Sergautis.

January 22, 2018. Report to the PEC: Application by Extra Realty Limited, 660 Sunningdale Road East, Applewood Subdivision, Public Participation Meeting.

February 20, 2018. Report to PEC. Application by Extra Realty Limited, 660 Sunningdale Road East, Applewood Subdivision. 39T-09501/Z-8818.

April 11, 2018. Report to the LACH: Demolition Request of Heritage Designated Property at 660 Sunningdale Road East by: Peter Sergautis.

April 16, 2018. Report to the PEC: Demolition Request of Heritage Designated Property at 660 Sunningdale Road East by: Peter Sergautis.

April 30, 2018. Report to the PEC: Application by Extra Realty Limited, 660 Sunningdale Road East, Applewood Subdivision Phase 1 – Special Provisions.

September 10, 2018. Report to the PEC. Passage of Heritage Designating By-law for 660 Sunningdale Road East.

October 29, 2018. Report to the PEC. 660 Sunningdale Road East, Stormwater Management (SWM) Facility Land Acquisition Agreement.

November 14, 2018. Report to the LACH. Amendment to Heritage Designating By-law for 660 Sunningdale Road East.

February 19, 2019. Report to the PEC. Passage of Amending By-law for Heritage Designated Property at 660 Sunningdale Road East.

August 14, 2019. Report to the LACH. Amendment to the Heritage Designating By-law for 660 Sunningdale Road East.

2.0 Legislative and Policy Framework

2.1 Ontario Heritage Act

The *Ontario Heritage Act* enables municipalities to protect properties of cultural heritage value or interest. Properties of cultural heritage value can be protected individually, pursuant to Section 29 of the *Ontario Heritage Act*, or where groups of properties have cultural heritage value together, pursuant to Section 41 of the *Ontario Heritage Act* as a Heritage Conservation District (HCD). Designations pursuant to the *Ontario Heritage Act* are based on real property, not just buildings.

An individual property may be designated pursuant to Section 29 of the *Ontario Heritage Act*. A heritage designating by-law, which includes a statement explaining the cultural heritage value or interest of the property and describes its heritage attributes, is registered on the title of the property. This ensures that the property is protected by the provisions of the *Ontario Heritage Act* even if the property is sold or transferred.

2.2.1 Technical Amendment to a Heritage Designating By-law

Section 30.1(2) of the *Ontario Heritage Act* includes special provisions to amend a heritage designating by-law without requiring its repeal and replacement. These special provisions are only applicable in particular, defined circumstances:

- a) *To clarify or correct the statement explaining the property's cultural heritage value or interest or the description of the property's heritage attributes;*
- b) *To correct the legal description of the property; or,*
- c) *To otherwise revise the language of the by-law to make it consistent with the requirements of this Act or the regulations. 2005, c. 6, s. 19.*

One of the major distinctions between the initial passage of a heritage designating by-law or the repeal of a heritage designating by-law, only the owner of the heritage designated property receives notice of Municipal Council's intention to make an amendment to the heritage designating by-law per Section 30.1(4). Only the property owner is able to appeal an amendment to a heritage designating by-law to the Conservation Review Board (Section 30.1(6)).

Municipal Council is required to consult with its municipal heritage committee, the London Advisory Committee on Heritage (LACH), in advance of passing an amendment to a heritage designating by-law per Section 30.1(5).

This process is visually articulated in a flowchart included in the *Ontario Heritage Toolkit* (Appendix A).

3.0 Amendment to Heritage Designating By-law

The City Solicitor's Office and the City Clerk have advised that it is possible to pursue an amendment to the heritage designating by-law, following the process pursuant to Section 30.1(2) of the *Ontario Heritage Act*. This would entail Municipal Council passing an amending by-law to remove the heritage designating by-law from the title to the lands now in the subdivision and to apply the heritage designating by-law to a parcel of land with the correct legal description so that it can be registered in the Land Registry Office.

The same approach was taken to correct an error in the heritage designating by-law for the Mather's Cemetery (3551 Colonel Talbot Road) with respect to its municipal address.

An amendment to the heritage designating by-law, By-law No. L.S.P.-3476-474, for the property at 660 Sunningdale Road East should be undertaken pursuant to Section 30.1 of the *Ontario Heritage Act* to correct the legal description within the heritage designating by-law. The correct legal description of the part of the property at 660 Sunningdale Road East with the red clay tile barns can be found in Appendix B.

This is the last technical amendment to the heritage designating by-law that is anticipated as the phase of the Applewood Subdivision which includes Block 48, the location of the red barns, has been registered. The municipal address 2370 Blackwater Road has been assigned to the parcel with the red barns.

4.0 Conclusion

The two red clay barns located at 660 Sunningdale Road East are significant cultural heritage resources and merit designation under the *Ontario Heritage Act*. To ensure their protection and to execute the minutes of settlement as intended, amendment to the legal description in the heritage designating by-law, By-law No. L.S.P.-3476-474, is required. The property where the barns are located are now known as 2370 Blackwater Road.

Prepared and Submitted by:	Kyle Gonyou, CAHP Heritage Planner
Recommended by:	Gregg Barrett, AICP Director, City Planner and City Planning
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from City Planning.	

November 30, 2020
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Appendix A Ministry of Culture, *Ontario Heritage Toolkit: Amendment of Designating By-law (Exception)* (2006)

Appendix B Legal Description – for part of the property located at 660 Sunningdale Road East

3. Amendment of Designating Bylaw (Exception)
 (Section 30.1 (2) to (10) of the Ontario Heritage Act)

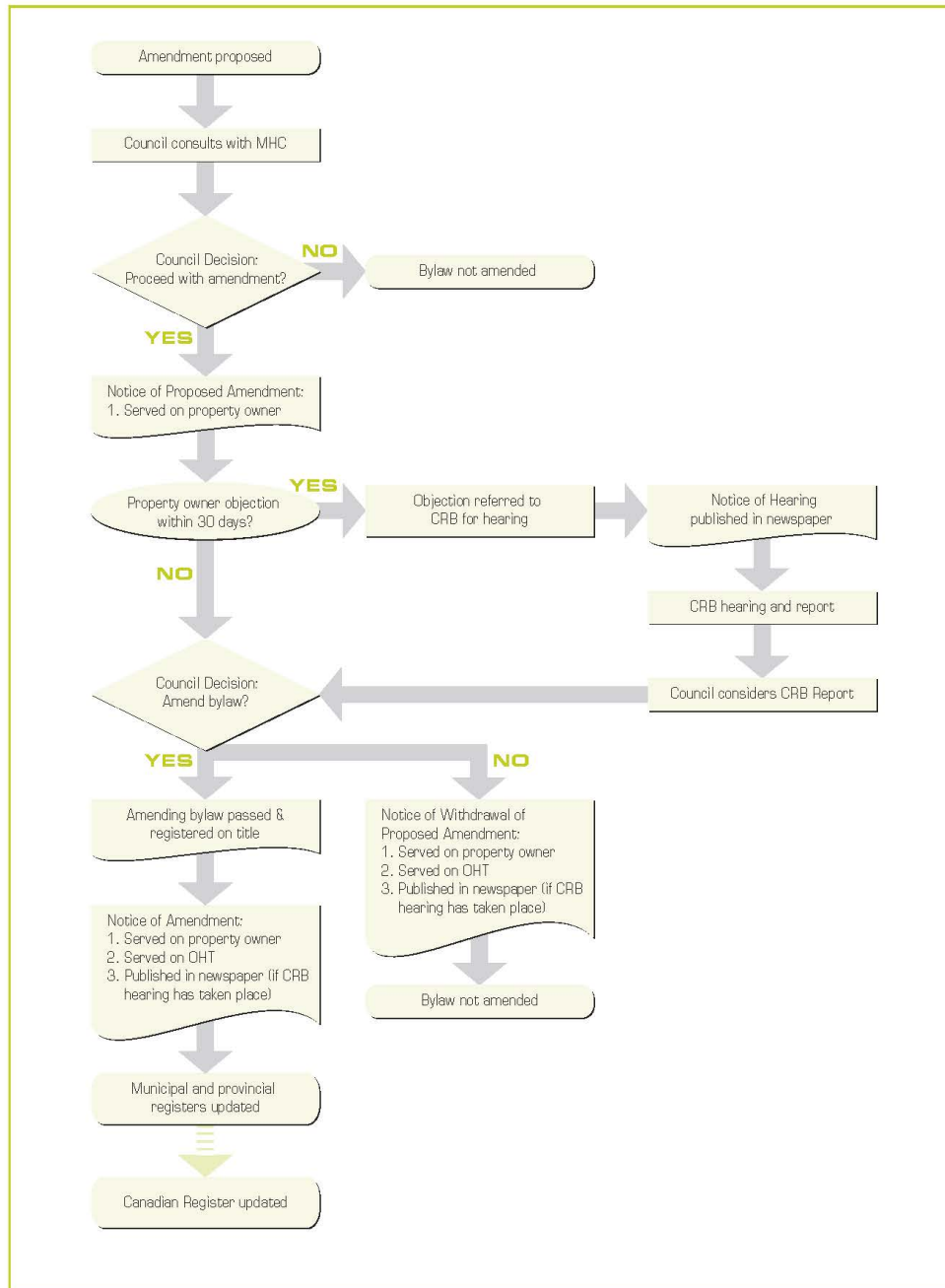


Figure 1: Process to amend a heritage designating by-law pursuant to Section 30.1 of the Ontario Heritage Act (Ministry of Culture, Ontario Heritage Toolkit, Designating Heritage Properties, 2006).

Appendix B

Legal Description – for part of the property located at 660 Sunningdale Road East with the red clay tile barns (now 2370 Blackwater Road)

BLOCK 2, PLAN 33M787; CITY OF LONDON

Report to London Advisory Committee on Heritage

To: Chair and Members
London Advisory Committee on Heritage

From: Gregg Barrett
Director, City Planning and City Planner

Subject: Heritage Alteration Permit application for Heritage Designated Property at 660 Sunningdale Road East (2370 Blackwater Road) by Clawson Group Inc.

Meeting on: Wednesday December 9, 2020

Recommendation

That, on the recommendation of the Director, City Planning and City Planner, with the advice of the Heritage Planner, the application under Section 33 of the *Ontario Heritage Act* for consent to alter the heritage designated property at 660 Sunningdale Road East (2370 Blackwater Road) **BE GIVEN** subject to the following terms and conditions:

- a) The mortar used in the adaptive reuse colour match the existing mortar;
- b) A corrugated sheet metal roof material, as shown in Appendix D6, be used for the roof of the barns and their gable ends;
- c) The replica concrete piers faithfully replicate the details of the original concrete piers, including the colour and casting details/lines;
- d) Within amendment(s) to this Heritage Alteration Permit, the following details be provided:
 - i. Specifications on the proposed outer windows;
 - ii. Specification on the proposed new doors/doorways;
 - iii. Specifications on the proposed interior walls of the barns, demonstrating their reversibility, the protection of the interior clay tiles, as well as the cladding/finish of the interior walls;
 - iv. Mechanical and electrical requirements required to facilitate the adaptive reuse of the barns;
- e) Approval authority for subsequent amendment to this Heritage Alteration Permit required to implement the adaptive reuse of the red barns be delegated to the City Planner;
- f) Civic Administration be directed to pursue a Heritage Easement Agreement with the property owner to define the scope and extent of the interior clay tile required for preservation;
- g) Where possible, the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.

Executive Summary

The red barns located at 660 Sunningdale Road East are significant cultural heritage resources protected by their designation pursuant to the *Ontario Heritage Act* by By-law No. L.S.P.-3476-474. Alteration that may affect the property's heritage attributes is required to facilitate the adaptive reuse of these cultural heritage resources. With terms and conditions, Municipal Council should consent to the proposed alterations.

Analysis

1.0 Background

1.1 Property Location

The property at 660 Sunningdale Road East is on the northwest corner of Sunningdale Road East and Adelaide Street North.

1.2 Cultural Heritage Resource

The two red clay tile barns located at 660 Sunningdale Road East are significant cultural heritage resources. The property was evaluated using the criteria of O. Reg. 9/06, and it found that the barns are of cultural heritage value because of their physical/design values and their contextual values. The significance of the barns located at 660 Sunningdale Road East comes from their use of the red clay tile material, the intersection of a material more typically found in industrial structures but applied here in an agricultural form, and their existing location. These materials and forms are authentically displayed in their built form which has significance particularly the rarity of its materials used in this form.

The use of materials and construction method is rare for barns. The red clay tiles, used as the primary cladding material for the barns, is rare and not found elsewhere in the City of London. The use of protruding concrete piers in the construction of the barns is also rare, where barns more typically have concrete or stone foundations, rather than concrete piers, with a timber frame. The application of these materials is more commonly found in industrial applications, such as factory buildings, which makes the barns rare examples of this expression not seen elsewhere in London.

The barns display a degree of craftsmanship in the material qualities of the clay tile. While the variety in grooving, cutting, and colour of the tiles could suggest little regard for the appearance of the building, or the use of seconds, this contributes to the rustic qualities of the barns and were well suited to their original rural context.

The barns represent technical achievement in their combination of industrial materials in an agricultural form that is not seen elsewhere in London.

Contextually, the location and arrangement of the barns on the property, and the relationship between the barns contributes to the property's physical, functional, visual, and historical links to its surroundings.

1.3 Cultural Heritage Status

At its meeting on September 18, 2018, Municipal Council passed By-law No. L.S.P.-3476-474 to designate the property at 660 Sunningdale Road East to be of cultural heritage value or interest pursuant to Section 29 of the *Ontario Heritage Act*. As the *Ontario Heritage Act* is based in real property, the entire property at 660 Sunningdale Road was included in the legal description of the property protected by the heritage designating by-law.

As the Applewood Subdivision has developed in phases, as each phase of the subdivision is registered a technical amendment to the legal description is required. Two previous technical amendments to the heritage designating by-law have been completed:

- By-law No. L.S.P.-3476(a)-71 – passed March 5, 2019
- By-law No. L.S.P.-3476(b)-299 – passed October 29, 2019
- Technical amendment to legal description in report from Civic Administration to the LACH for its meeting on December 9, 2020

1.3.1 Heritage Attributes

Within the heritage designating by-law, By-law No. L.S.P.-2476-474, heritage attributes are identified. The heritage attributes are:

Heritage attributes which support and contribute to the cultural heritage value or interest of this property include:

- *The application of typically industrial materials in an agricultural form;*
- *Existing location of the two barns on the property;*
- *Physical relationship between the two barns; and,*
- *Materials, construction, and form of the two barns including: red clay tiles, protruding concrete piers, roof trusses with projecting purlins of the roof structures, multi-pane windows with five-over-five fenestration patterns, and metal gable roof with ventilators.*

The heritage attributes for this heritage designated property have been understood to reflect the exterior of the barns and the property.

1.4 Previous Reports

March 2, 1999. Municipal Council resolved that the lands be excluded from the Uplands Community Plan and be added to the Stoney Creek Community Plan be refused.

May 12, 1999. 6th Report of the LACH, Report of the Stewardship Sub-Committee of the LACH, re: discussion of 660 Sunningdale barns.

January 30, 2002. Report of the Stewardship Sub-Committee of the LACH, re: Uplands North Area Plan.

February 27, 2002. Report of the Stewardship Sub-Committee of the LACH, re: Uplands North Area Plan.

June 12, 2002. Monthly Report of the Heritage Planner to LACH Members, re: 660 Sunningdale Road East.

April 30, 2003. Report of the Stewardship Sub-Committee of the LACH, re: Uplands North Area Plan.

May 7, 2003. Memorandum from the Stewardship Sub-Committee of the LACH, re: Uplands North Area Plan.

June 9, 2003. Report to the Planning Committee recommending adoption of the Uplands North Area Plan.

August 7, 2007. Report to Planning Committee regarding 660 Sunningdale Road East (39T-99513/Z-5723).

March 11, 2009. 4th Report of the LACH. Re: Notice, 660 Sunningdale Road East.

May 6, 2009. Report to the Planning Committee regarding tree cutting on the property.

June 22, 2009. Report to the Planning Committee regarding the status of the subdivision/file.

October 10, 2010. 3rd Report of the LACH. Re: Notice, 660 Sunningdale Road East.

October 8, 2013. Report to the PEC. 39T-09501/OZ-7683.

March 12, 2014. 4th Report of the LACH. Re: Notice, 660 Sunningdale Road East.

April 9, 2014. 5th Report of the LACH. Re: Notice, 660 Sunningdale Road East.

July 28, 2014. Report to the PEC. 39T-09501/OZ-7638.

July 12, 2017. Report to the LACH. Request for Demolition of Heritage Listed Property at 660 Sunningdale Road East by: Peter Sergautis.

July 17, 2017. Report to the PEC. Request for Demolition of Heritage Listed Property at 660 Sunningdale Road East by: Peter Sergautis.

January 22, 2018. Report to the PEC: Application by Extra Realty Limited, 660 Sunningdale Road East, Applewood Subdivision, Public Participation Meeting.

February 20, 2018. Report to PEC. Application by Extra Realty Limited, 660 Sunningdale Road East, Applewood Subdivision. 39T-09501/Z-8818.

April 11, 2018. Report to the LACH: Demolition Request of Heritage Designated Property at 660 Sunningdale Road East by: Peter Sergautis.

April 16, 2018. Report to the PEC: Demolition Request of Heritage Designated Property at 660 Sunningdale Road East by: Peter Sergautis.

April 30, 2018. Report to the PEC: Application by Extra Realty Limited, 660 Sunningdale Road East, Applewood Subdivision Phase 1 – Special Provisions.

September 10, 2018. Report to the PEC. Passage of Heritage Designating By-law for 660 Sunningdale Road East.

October 29, 2018. Report to the PEC. 660 Sunningdale Road East, Stormwater Management (SWM) Facility Land Acquisition Agreement.

November 14, 2018. Report to the LACH. Amendment to Heritage Designating By-law for 660 Sunningdale Road East.

February 19, 2019. Report to the PEC. Passage of Amending By-law for Heritage Designated Property at 660 Sunningdale Road East.

August 14, 2019. Report to the LACH. Amendment to the Heritage Designating By-law for 660 Sunningdale Road East.

December 9, 2020. Report to the LACH. Amendment to the Heritage Designating By-law for 660 Sunningdale Road East (2370 Blackwater Road).

2.0 Heritage Alteration Permit Application

A Heritage Alteration Permit application (HAP20-067-L) was submitted by an agent, MHBC, for the property owner and received by the City on November 18, 2020. The Heritage Alteration Permit application seeks consent for alterations to support the adaptive reuse of the barns that are likely to affect the property's heritage attributes as identified in the heritage designating by-law. A rehabilitation approach has been proposed to support the adaptive reuse of the barns.

Photographic documentation of the existing conditions of the barns was included as part of the Heritage Alteration Permit application.

Conservation, in the Canadian context, is an umbrella term with a variety of different conservation approaches: preservation, restoration, and rehabilitation. While the *Standards and Guidelines* have not been adopted by the City of London, they represent best practice in heritage conservation. **Rehabilitation** is described in Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada* (2010) (Appendix C).

Rehabilitation involves the sensitive adaptation of an historic place or individual component for a continuing or compatible contemporary use, while protecting its heritage value. Rehabilitation can include replacing missing historic features. The replacement may be an accurate replica of the missing feature or it may be a new design compatible with the style, era and character of the historic place. ...

Consider Rehabilitation as the primary treatment when:

- a) Repair or replacement of deteriorated features is necessary;*
- b) Alterations or additions to the historic place are planned for a new or continued use, and,*
- c) Depiction during a particular period in its history is not appropriate.*

Rehabilitation can revitalize historical relationships and settings and is therefore more appropriate when heritage values related to the context of the historic place

dominate. A plan for rehabilitation should be developed before work begins (Parks Canada 2010, 16).

Standards and Guidelines emphasize minimal intervention to ensure the conservation of a historic place.

The adaptive reuse proposed for the large barn (also referred to as Barn 2; approximately 3,600 square feet in size) is as a restaurant. The adaptive reuse proposed for the small barn (also referred to as Barn 3; approximately 1,722 square feet in size) is a café.

The proposed alterations to the two barns are generally consistent, and are summarized here:

- Retain and conserve the red clay tiles of the interior of the barns;
- Retain the wood multi-pane five-over-five windows;
- Alter the exterior of the barns by erecting a new exterior wall around the existing wall
 - Remove the existing protruding concrete piers from the existing exterior wall;
 - Repair of the existing exterior walls as required prior to concealment by new exterior walls;
 - Replicate concrete piers on new exterior walls, replicating the details and dimensions;
 - Install new exterior windows;
 - Clad in new exterior walls of the barns
- Altering the roof of the barns by erecting a new roof above
 - Retain the exiting trusses and roofing material;
 - Install new insulation;
 - Install structural reinforcement, where required;
 - Remove, retain, and reinstate the ventilators;
 - Install new roofing;
- Installing new entry doorways:
 - On the south façade of each of the barns within the existing opening;
 - On the north façade of the large barn within the existing opening; and,
 - A new entryway on the west façade of the large barn, spanning the width of one bay.
- A new concrete floor will be poured; and,
- Landscaping of the space between the barns.

Concepts, floor plans, architectural drawings, and renderings can be found in the Appendices D1-D6.

As this is a complex application with impacts to the heritage attributes of these cultural heritage resources, this application has met the Conditions for Referral to the LACH in the Delegated Authority By-law (By-law No. C.P.-1502-129).

Subsequent amendment to this Heritage Alteration Permit is anticipated, however this Heritage Alteration Permit sets the direction for the subsequent scopes of work. Amendment to this Heritage Alteration Permit is anticipated to be required to further the specific details of this Heritage Alteration Permit are developed.

Per Section 33(4) of the *Ontario Heritage Act*, the 90-day review timeline for this Heritage Alteration Permit application will expire on February 16, 2021.

3.0 Legislative and Policy Framework

Cultural heritage resources are to be conserved and impacts assessed as per the fundamental policies in the *Provincial Policy Statement (2020)*, the *Ontario Heritage Act*, *The London Plan* and the *Official Plan (1989 as amended)*.

3.1 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.”

3.2 Ontario Heritage Act

The *Ontario Heritage Act* enables municipalities to protect properties of cultural heritage value or interest. Properties of cultural heritage value can be protected individually, pursuant to Section 29 of the *Ontario Heritage Act*, or where groups of properties have cultural heritage value together, pursuant to Section 41 of the *Ontario Heritage Act* as a Heritage Conservation District (HCD). Designations pursuant to the *Ontario Heritage Act* are based on real property, not just buildings.

An individual property may be designated pursuant to Section 29 of the *Ontario Heritage Act*. A heritage designating by-law, which includes a statement explaining the cultural heritage value or interest of the property and describes its heritage attributes, is registered on the title of the property. This ensures that the property is protected by the provisions of the *Ontario Heritage Act* even if the property is sold or transferred.

3.2.1 Heritage Alteration Permit

Per Section 33 of the *Ontario Heritage Act*, a Heritage Alteration Permit is required for any alteration that is “likely to affect” any of a property’s heritage attributes as identified in a heritage designating by-law pursuant to Section 29, *Ontario Heritage Act*. Section 33(1), *Ontario Heritage Act* states,

No owner of property designated under section 29 shall alter the property or permit the alteration of the property if the alteration is likely to affect the property’s heritage attributes, as set out in the description of the property’s heritage attributes that was required to be served and registered under subsection 29(6) or (14), as the case may be, unless the owner applies to the council of the municipality in which the property is situate and received consent in writing to the alteration.

Consistent with Section 33(4), *Ontario Heritage Act* within 90-days of receipt of a complete Heritage Alteration Permit application and following consultation with the London Advisory Committee on Heritage (LACH), Municipal Council shall,

- i. Consent to the application;*
- ii. Consent to the application with terms and conditions; or,*
- iii. Refuse the application.*

3.2.2 Heritage Easement Agreement

Section 37 of the *Ontario Heritage Act* enables municipalities, following consultation with the municipal heritage committee, to pass by-laws providing for the entering into easements or covenants with owners of properties for the conservation of property of cultural heritage value or interest.

Like heritage designations, Heritage Easement Agreements are registered on the title of the property. Unlike heritage designations, the agreement of the property owner is required as the municipality and property owner must agree to the specific details of a Heritage Easement Agreement. Heritage Easement Agreements can provide a greater level of specificity in the conservation of specific attributes of a property, for example.

3.3 The London Plan

The London Plan is the new official plan for the City of London (Municipal Council adopted, approved by the Ministry of Municipal Affairs and Housing with modifications, and the majority of which is in force and effect). *The London Plan* policies under appeal to the Local Planning Appeal Tribunal (Appeal PL170100) and not in force and effect are indicated with an asterisk throughout this report. *The London Plan* policies under appeal are included in this report for informative purposes indicating the intent of Municipal Council, but are not determinative for the purposes of this application.

The policies of *The London Plan* found in the Key Directions and Cultural Heritage chapter support the conservation of London's cultural heritage resources for future generations. To ensure the conservation of significant cultural heritage resources, the policies of *The London Plan* provide the following direction:

Policy 583_ To ensure a greater degree of protection to designated properties of cultural heritage value or interest, City Council may enter into agreements with property owners or may attempt to secure conservation easements in order to protect those features deemed to have heritage value. Council may also consider the application of zoning regulations that include regulations to further protect the property.

Policy 587_ Where a property of cultural heritage value or interest is designated under Part IV of the Ontario Heritage Act, no alteration, removal or demolition shall be undertaken that would adversely affect the reasons for designation except in accordance with the Ontario Heritage Act.

Policy 589_ A property owner may apply to alter the cultural heritage attributes of a property designated under the Ontario Heritage Act. The City may, pursuant to the Act, issue a permit to alter the structure. In consultation with the London Advisory Committee on Heritage, the municipality may delegate approvals for such permits to an authority.

3.4 Heritage Community Improvement Plan

The Heritage Community Improvement Plan (Heritage CIP) offers two grant programs to address some of the financial aspects of heritage conservation by offering incentive programs that promote building rehabilitation in conjunction with new development or adaptive reuse. The Tax Increment Grant provides the registered owner a refund on the increase in the municipal portion of the property tax ensuing from a reassessment as a result of a development or rehabilitation project related to an intensification or change of use which incorporates a heritage designated property. The second incentive program is a Development Charges Equivalent Grant which is issued when a heritage designated property is conserved and rehabilitated in conjunction with a development project relating to an intensification or change of use.

4.0 Analysis

A variety of potential adaptive reuse scenarios, from a technical and practical perspective, were considered for the barns. A "change of use" from a former agricultural use to a "major occupancy" (assembly occupancy) requires compliance with the *Ontario Building Code*. As a heritage designated property, the potential impacts of these code compliance requirements on the heritage attributes must be considered in identifying an appropriate adaptive reuse.

The preferred adaptive reuse scenario retains the existing exterior walls as non-loadbearing walls, with addition of a new exterior non-loadbearing wall to provide the required building envelopes and adding new posts and beams along the interior for structural support. This option will address many of the challenges of meeting the requirements of a "major occupancy use" while conserving, but affecting, the property's heritage attributes.

4.1 Exterior

A new exterior wall around the barns is required to provide the required building envelope. This will effectively cover the existing red clay tile of the exterior and alter the multi-pane windows and protruding concrete piers of the barns. The original interior walls can remain exposed.

4.1.1 Red Clay Tile

The existing exterior red clay tile is proposed to be repaired, as required, to stabilize and maintain this material. The new exterior wall will be built on new footings surrounding the barns and provide the required building envelope. This will effectively enclose the existing exterior walls of the barns, but is reported by the Heritage Alteration Permit application to be a reversible alteration. The new exterior walls is proposed to be clad in brick veneer, selected to replicate some of the material qualities of the red clay tile; specifically its colour and texture (see Appendix D6). The proportion of the proposed brick veneer is different than the existing red clay tiles.

Information in the Heritage Alteration Permit application states, "...this type [red clay tile] of material was not intended to be an exterior material in this climate" (MHBC, correspondence dated November 25, 2020). Further,

It should be noted that the existing clay block walls do not stand up well when used as an unprotected exterior wall in our climate, therefore when restoring these walls, protection from exterior elements should be put into place to extend the life of the original and replaced clay blocks (MHBC, correspondence dated November 25, 2020 – attachment No. 1, Roof Tile Management Inc.).

The new exterior wall will affect the roof and its overhang. The existing roof overhangs the exterior walls of the barns by approximately 10.5". The new exterior wall is approximately 5.25" in depth. This will reduce the overhang of the existing roof by approximately half.

There is an existing overhead door on the south façade of the small barn; this doorway will be adapted into a new entryway. The person-door to the left of the large doorway will be replaced as well as a doorway on the east façade. All of the new doors in the small barn are located within existing doorways. Further details on the doors and doorways are required in an amendment to this Heritage Alteration Permit.

The existing doorways of the north and south façades of the large barn will also be adapted into entryways. A new doorway will be created in the second from the south on the west façade; the doorway will span the entire bay. Further details on the doors and doorways are required in an amendment to this Heritage Alteration Permit.

4.1.2 Multi-Pane Windows

The existing multi-pane windows have a five-over-five fenestration pattern. The existing windows are wood.

The existing windows will be retained and repaired, with broken or missing panes of glass reinstated. The windows will be repainted or finished as necessary.

Through the new exterior wall to provide the building envelope, the existing multi-pane windows will effectively become interior windows. New outer windows (like storm windows) will be installed as part of the new building envelope. Further details on the proposed outer windows are required in an amendment to this Heritage Alteration Permit.

4.1.2 Protruding Concrete Piers

The protruding concrete piers of the barns are specifically identified as a heritage attribute. In particular, the protruding concrete piers emphasize the use of industrial materials, like concrete, in a building with an agricultural form.

To provide the required building envelope for the barns, the existing concrete piers will be removed from the exterior of the barns. Further details were included within the Heritage Alteration Permit application on the construction of the brick piers (buttresses):

There are formed in place buttresses between every set of windows. These buttresses were formed and poured against the clay block. In an effort to tie some of these buttresses back into the clay wall, it looks as though holes were punched into the outer cavity of the clay blocks, filled with concrete that was part of the buttress pour. The concrete buttresses were then reinforced with steel rebar which had deteriorated significantly and has started to rusk jack causing the concrete to break apart and detach from the clay block wall (MHBC, correspondence dated November 25, 2020 – attachment No. 1, Roof Tile Management Inc.).

Given these details on the construction of the concrete piers, it is unlikely that the concrete piers can be salvaged and reinstated into the new wall. As part of the new exterior walls, the concrete piers will be replicated. Pre-cast concrete piers are proposed, however it is essential that the concrete piers are accurately replicated including the casting details/lines and colour of the poured concrete originals. Maintaining the depth created in the façade (“reveals”) by the protruding concrete piers is also of importance, and has been reflected in the architectural drawings (see Appendix D).

4.1.3 Roof and Ventilators

Intervention to the roof is also required. The proposed alteration would retain the existing corrugated metal roof, but alter it by adding subpurlins on top with insulation and a new corrugated metal roof with a painted finish.

There is reference in the drawings to a “standing seam,” however a corrugated sheet metal roof should be used as it is what is presently cladding the roof and gable ends of the barns. A corrugated sheet metal is appropriate to maintain and support the cultural heritage value of these barns, particularly in the application of an industrial material in an agricultural form.

There are two ventilators on the small barn and three ventilators on the large barn. These ventilators will be removed, repaired/restored as necessary, and reinstated on top of the new roof.

4.2 Interior

While major alteration affecting the exterior of the barns is proposed, a less invasive approach is proposed for the interior of the barns. This is a *flip* of the usual approach seen in adaptive reuse of cultural heritage resources, where the interior is altered but the exterior preserved.

As noted above the City has previously articulated an understanding that the heritage attributes identified in the heritage designating by-law reflect the exterior of the barns. The proposed adaptive reuse presents the opportunity to preserve the original red clay tile on the interior. To ensure the preservation of the red clay tile of the interior, a Heritage Easement Agreement pursuant to Section 37 of the *Ontario Heritage Act* and Policy 583_ of *The London Plan* is recommended. This would allow the specific scope and extent of preservation to be determined, recognizing that some areas of the interior will require alteration to accommodate the kitchen and washroom areas of the adaptive reuse. A Heritage Easement Agreement can also more specifically define what alterations will, or will not, require approval. The agreement of both parties, the property owner and the City, is required for a Heritage Easement Agreement.

The preference is to preserve the interior clay tile as it exists. If absolutely necessary, and by the gentlest means possible, the interior clay tiles may be cleaned, repaired, or replaced. A suitable replacement clay tile has been sourced if isolated areas of replacement are required (structural clay tile, Sandkuhl Clayworks); it is unfortunate that the replacement clay tile not recommended by specialists for exterior applications.

New posts and beams along the interior for structural support; existing posts and beams may be replaced as well. A new concrete floor in each of the barns will be poured.

Interior partition walls are proposed to accommodate facilities within the barns, such as kitchen space or washroom facilities. New interior walls must be constructed to be reversible and in a manner that does not damage the existing interior walls. The new interior walls must not be constructed or clad in clay tile. Further details on the interior partition walls are required to confirm these concerns have been addressed and can be included within an addendum to this Heritage Alteration Permit.

The roof trusses of the existing roof will be retained (see Section 4.1.3). The roof trusses are proposed to be visible from the interior spaces of the barns, with structural reinforcement where required.

4.3 “Barnyard”

The connection between the barns is an important aspect of their contextual value. A general concept has been developed, which seeks to establish a “courtyard” or “barnyard” space between the barns to support the adaptive reuse of the barns as a restaurant and café. This is complimentary to the cultural heritage value of the barns, and is anticipated to be further supported by connections to the future adjacent park (see Section 4.4).

Further details on the materials and finishes for the “barnyard” are required in an amendment to this Heritage Alteration Permit.

4.4 Connection to Future Adjacent Park

A concept plan has been developed for the adjacent park space during the subdivision application, to the south of the red barns within the Applewood subdivision. The concept plan, attached in Appendix E, presents the “urban farm” theme for the park. As part of the development of the Applewood Subdivision, the park lot will be graded and serviced. Once the park lot is assumed by the City, Parks Planning & Design will proceed with detailed design of the park and construction.

Connections to the park are encouraged to support the cultural heritage value of the barns.

4.5 Amendment to Heritage Alteration Permit

The information presented in this Heritage Alteration Permit application. It is important to set the direction for this adaptive reuse, recognizing the unique considerations that the red barns warrant.

Amendments to this Heritage Alteration Permit are anticipated as further technical specifications are determined. For example, the requirements of establishing a commercial kitchen are not yet fully known. There is the potential that the mechanical and electrical requirements for a commercial kitchen could affect the heritage attributes of this protected heritage property. For these alterations, the principle of reversibility is of particular importance – designing interventions so that the essential form and integrity of a cultural heritage resource will not be impaired if the new work is removed in the future.

Amendment to this Heritage Alteration Permit is anticipated for, but not limited to:

- Specifications on the proposed outer windows;
- Specification on the proposed new doors/doorways;
- Specifications on the proposed interior walls of the barns, demonstrating their reversibility, the protection of the interior clay tiles, as well as the cladding/finish of the interior walls;
- Mechanical and electrical requirements required to facilitate the adaptive reuse of the barns;
- Details on the finish of the space between the barns; and,
- Signage.

Provided that Municipal Council consent to this Heritage Alteration Permit with terms and condition, it is recommended that amendments to this Heritage Alteration Permit be delegated to the City Planner.

5.0 Conclusion

The two red barns located at 660 Sunningdale Road East are significant cultural heritage resources. Adaptive reuse of the barns is required to facilitate the next chapter in their life. The proposed use as a restaurant and café will highlight the unique characteristics of the barns that emphasize their cultural heritage value.

The Heritage Alteration Permit presents the high-level decisions that are required to facilitate the adaptive reuse of the barns, particularly in the erection of a new exterior wall and interior structural supports. These changes will affect the heritage attributes of the barns, but are essential in facilitating their adaptive reuse. Amendment to this Heritage Alteration Permit is expected as further technical details are determined in the adaptive reuse of the barns. Consent, with terms and conditions, should be given for this Heritage Alteration Permit.

Prepared and Submitted by:	Kyle Gonyou, CAHP Heritage Planner
Recommended by:	Gregg Barrett, AICP Director, City Planner and City Planning
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from City Planning.	

November 30, 2020
KG/

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Appendix A	Property Location
Appendix B	Images
Appendix C	Extract - Rehabilitation, <i>Standards and Guidelines for the Conservation of Historic Places in Canada</i> (2010)
Appendix D1	Concept Details
Appendix D2	Renderings
Appendix D3	Concept Floor Plans
Appendix D4	Architectural Drawings – Small Barn
Appendix D5	Architectural Drawings – Large Barn
Appendix D6	Proposed Exterior Cladding – Images
Appendix E	Concept Plan for the Park

Sources

Corporation of the City of London. Property Files: 660 Sunningdale Road East.
 Corporation of the City of London. (2019). *Register of Cultural Heritage Resources*.
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<https://www.ontario.ca/laws/statute/90o18>.

Ministry of Municipal Affairs and Housing. (2020). *Provincial Policy Statement, 2020*.
Parks Canada. (2010). *Standards and Guidelines for the Conservation of Historic Places in Canada*. Second Edition. Retrieved from Canada's Historic Places website <https://www.historicplaces.ca/en/pages/standards-normes>.

Appendix A Property Location

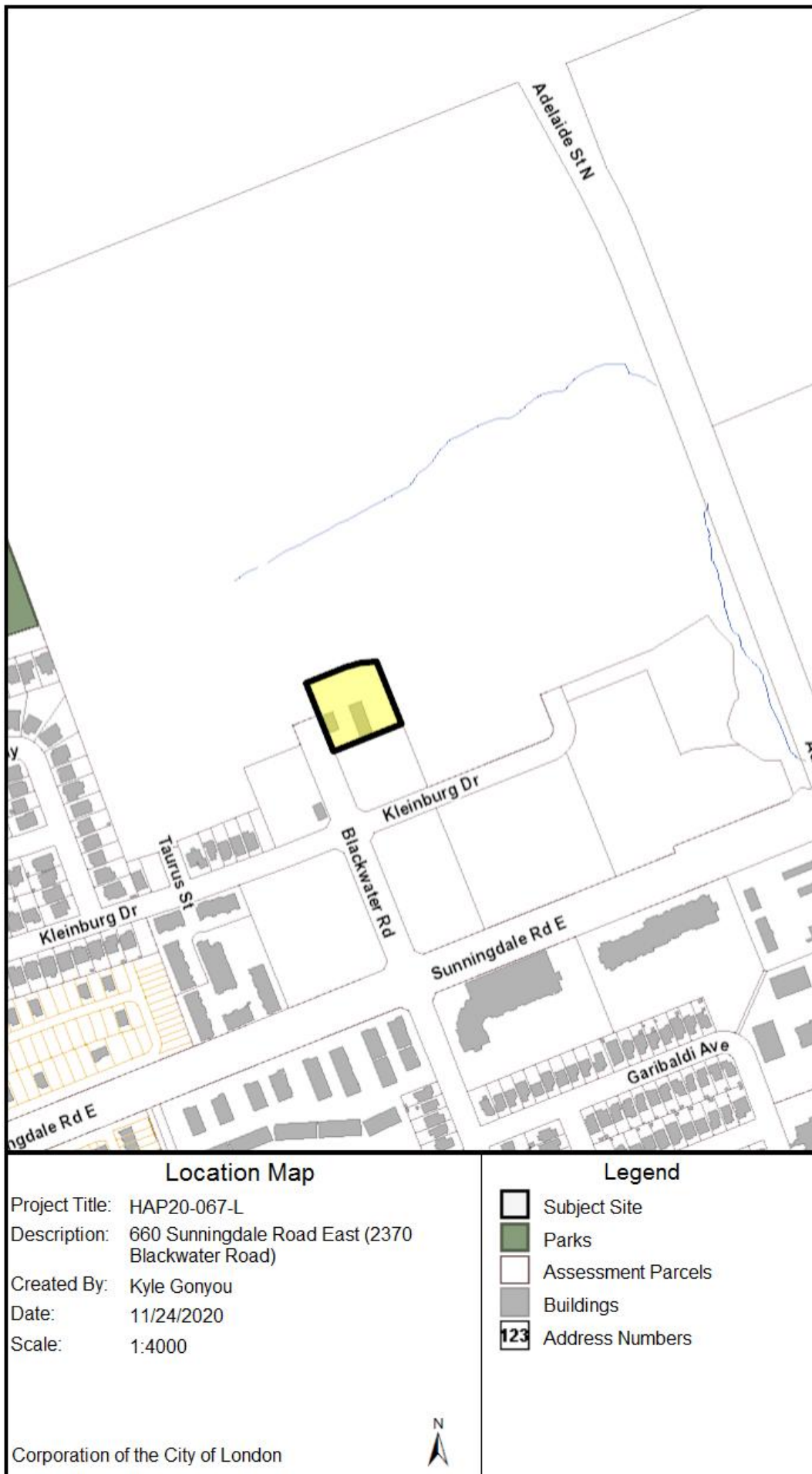


Figure 1: Location of the subject property with the red barns at 660 Sunningdale Road East (now 2370 Blackwater Road). Note: the parcel highlighted in Figure 1 is reflects the final property boundary of the block with the red barns.



Image 1: Photograph of the red barns at 660 Sunningdale Road East (now 2370 Blackwater Road). The smaller barn, with two ventilators, is located on the left. The larger barn, with three ventilators, is located on the right.

- (b) Depiction during a particular period in its history is not appropriate; and
- (c) Continuation or new use does not require extensive alterations or additions.

Preservation tends to be the most cautious of the conservation treatments and retains the most materials. It is therefore more appropriate when heritage values related to physical materials dominate. A plan for *Preservation* should be developed before work is undertaken.

The nine General Standards (see Chapter 3) and the General Guidelines (see Chapter 4) relate directly to *Preservation*. Since protecting, maintaining and stabilizing are at the core of all conservation projects, the General Standards and General Guidelines must be considered, and applied where appropriate, to any conservation project.

REHABILITATION

Rehabilitation involves the sensitive adaptation of an historic place or individual component for a continuing or compatible contemporary use, while protecting its heritage value. *Rehabilitation* can include

replacing missing historic features. The replacement may be an accurate replica of the missing feature or it may be a new design compatible with the style, era and character of the historic place. In the context of archaeological sites, *Rehabilitation* allows their compatible use through actions aimed at communicating and conveying their heritage value.

Consider *Rehabilitation* as the **primary treatment** when:

- (a) Repair or replacement of deteriorated features is necessary;
- (b) Alterations or additions to the historic place are planned for a new or continued use; and,
- (c) Depiction during a particular period in its history is not appropriate.

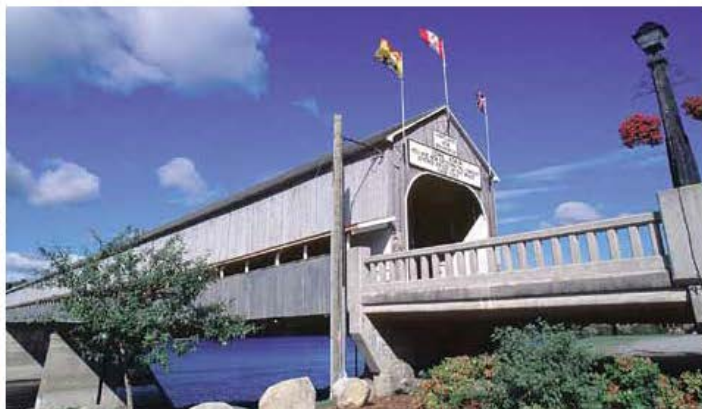
Rehabilitation can revitalize historical relationships and settings and is therefore more appropriate when heritage values related to the context of the historic place dominate. A plan for *Rehabilitation* should be developed before work begins.

Three Additional Standards (10-11-12) relate to *Rehabilitation* and all three must be considered, and applied where appropriate, to a *Rehabilitation* project,

in addition to the nine General Standards (see chapter 3). Both the General Guidelines and the Additional Guidelines for *Rehabilitation* must also be considered, and applied where appropriate, to any *Rehabilitation* project (see chapter 4).

RESTORATION

Restoration involves accurately revealing, recovering or representing the state of an historic place or individual component as it appeared at a particular period in its history, while protecting its heritage value. *Restoration* may include removing non character-defining features from other periods in its history and recreating missing features from the restoration period. *Restoration* must be based on clear evidence and detailed knowledge of the earlier forms and materials being recovered. *Restoration* does not apply to archaeological sites because archaeology does not favour one period over another. The value lies partly in the information the sites contain. In a cultural landscape, the difference must be clearly understood between ecological restoration and restoration as a heritage conservation treatment. For ecological restoration,



The Hartland Covered Bridge crossing the St. John River at Hartland, NB, is the world's longest covered bridge. It is significant for its structural qualities, contributions to transportation and as a symbol of the heritage of covered bridges in New Brunswick. The present bridge is a standard covered bridge structure composed of a Howe truss superstructure enclosed with vertical unpainted weatherboard siding. When the New Brunswick Department of Transportation recently *rehabilitated* the bridge by installing a fire suppression system, care was taken to ensure that this new system was barely visible in the upper structural system.

Figure 2: Extract from Standards and Guidelines for the Conservation of Historic Places in Canada (2010) describing “rehabilitation.”

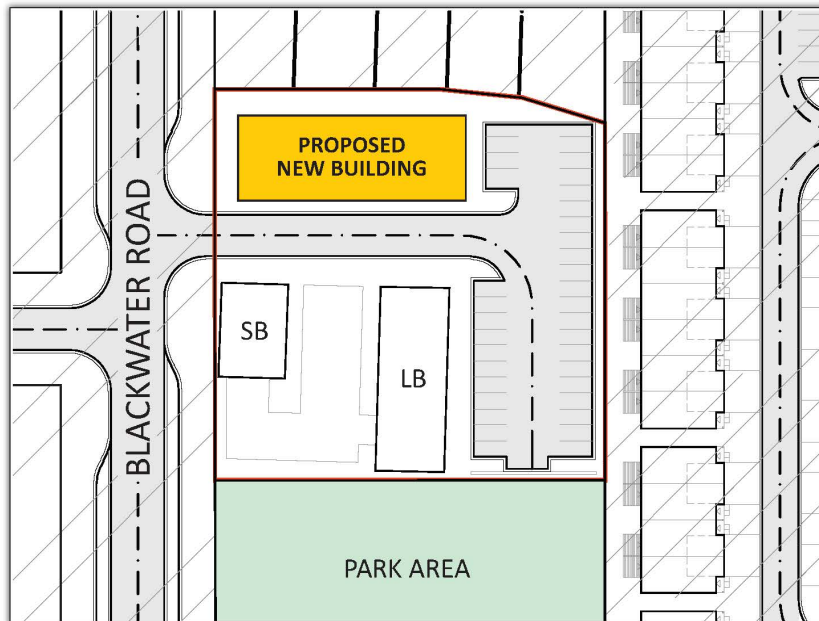


APPLEWOOD BARNs
Block 48
FEBRUARY/ 2020

Figure 3: Concept details for the “Applewood Barns” on Block 48, now 2370 Blackwater Road.



SUMMARY
PROJECT INFORMATION



PROPOSED DEVELOPMENT:

Block 48, with total area of 46,242sf, has two barns which will be retrofitted as per ongoing discussions with the City of London's Heritage Department: a small barn (SB) with area of 1,722sf will accommodate a coffee shop, and a large barn (LB) with area of 3,660sf will accommodate a restaurant.

The developer intends to construct a third building carrying the same architectural aesthetics of the building is being developed on neighbouring business district structures. There will be a roof-top patio overlooking the future community park.

PROJECT DESCRIPTION:

Retrofit the existing barns, updating the profiles of the exterior walls and roof to match the current building code requirements.

The proposal is, through a heritage easement agreement, adjust the exterior look, and preserve the interior of the barns.



Figure 4: Summary of project information for the large and small barn, and reference to the proposed detached new building to the north of the barns.



A structural consultant has been retained to provide feasibility assessments and design review of the existing structures. As part of this work, the current structural conditions will be assessed, and a report provided with recommendations for remedial work. A package of construction drawings and specifications will be prepared to ensure the structures are retrofitted achieving the heritage designation requirements.



Figure 5: Documenting the current status of the Small Barn.



Figure 6: Documenting the current status of the Large Barn.

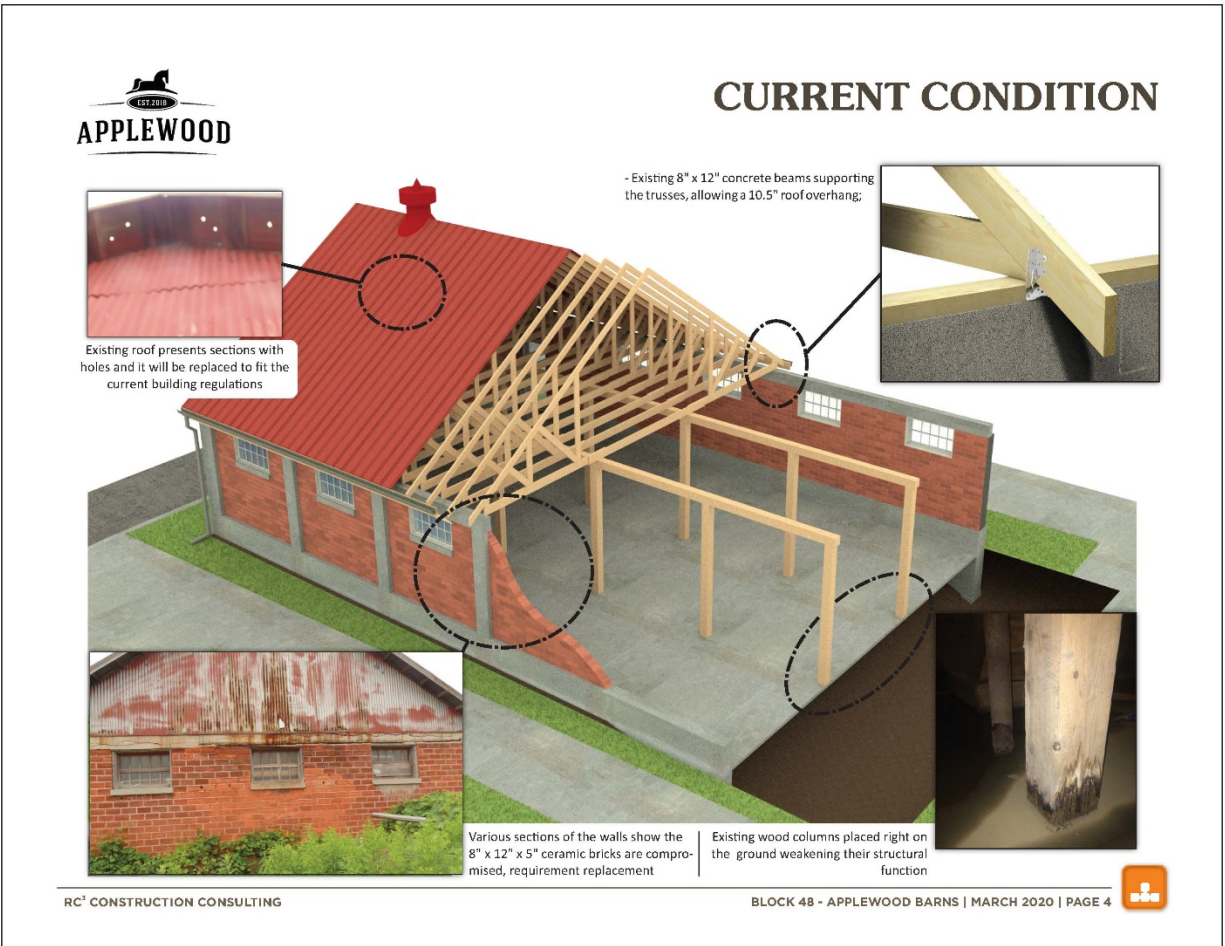


Figure 7: Cut-away detail showing the structure of the barns in their current condition.

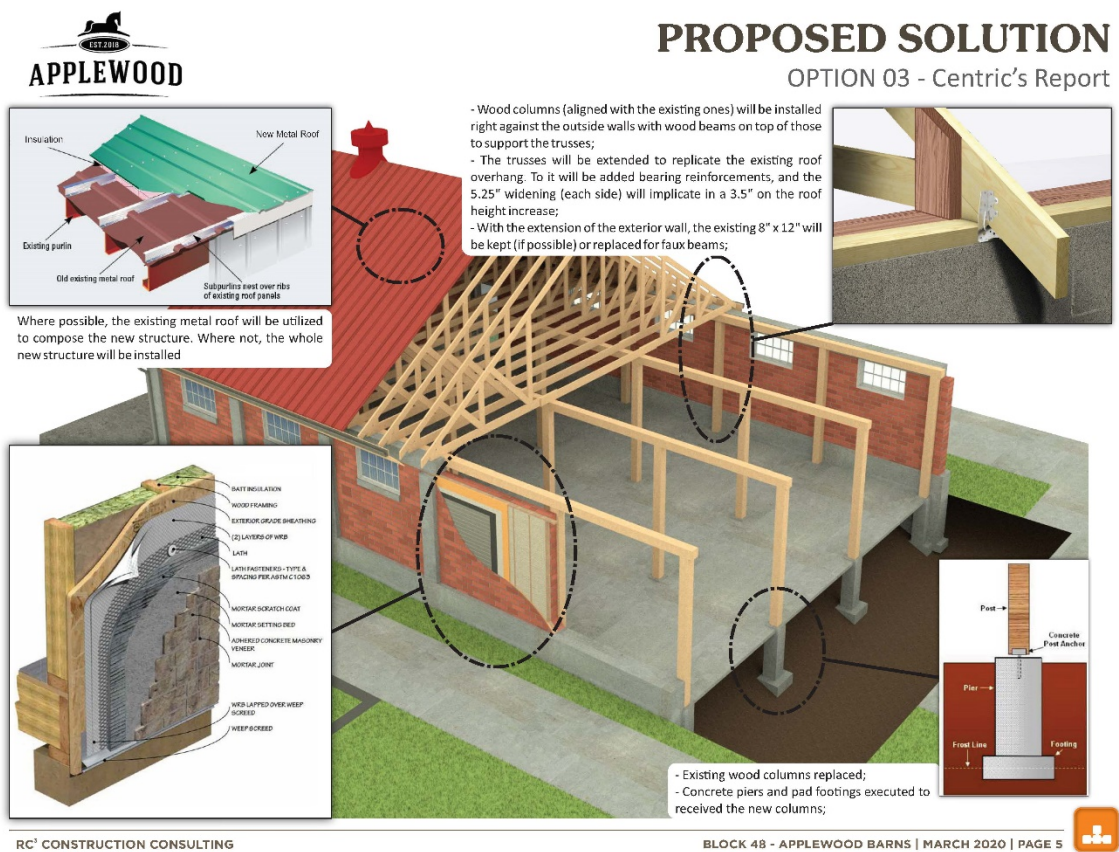


Figure 8: Cut-away detail showing the proposed solution to address code compliance issues for the barns, including new exterior wall for the building envelope, new roofing detail, and post and beam structural reinforcement on the interior.



RENDERINGS
PERSPECTIVE



RC³ CONSTRUCTION CONSULTING

BLOCK 48 - APPLEWOOD BARNs | FEBRUARY 2020 | PAGE 19



Figure 9: Perspective rendering, in concept form (dated February 2020 and subject to change).



RENDERINGS
IMAGE 01



RC³ CONSTRUCTION CONSULTING

BLOCK 48 - APPLEWOOD BARNs | FEBRUARY 2020 | PAGE 20



Figure 10: Rendering image of the barns, with the "barnyard" and connection to the adjacent park.



Figure 11: Rendering of the barns as seen from Blackwater Road.



Figure 12: Rendering, showing the small barn, looking south along Blackwater Road.



Figure 13: Rendering from the east corner of the property, looking internally through the site to the Large Barn.



Figure 14: Rendering showing the site with the two barns, looking north the proposed new building.



Figure 15: Rendering showing a concept of the park, with the barns in the background.



Draft conceptual rendering of interior

Source: Clawson Group Inc.
Applewood Developments (London) Inc.

Figure 16: Rendering showing the interior of the Small Barn.

Appendix D5 Concept Floor Plans

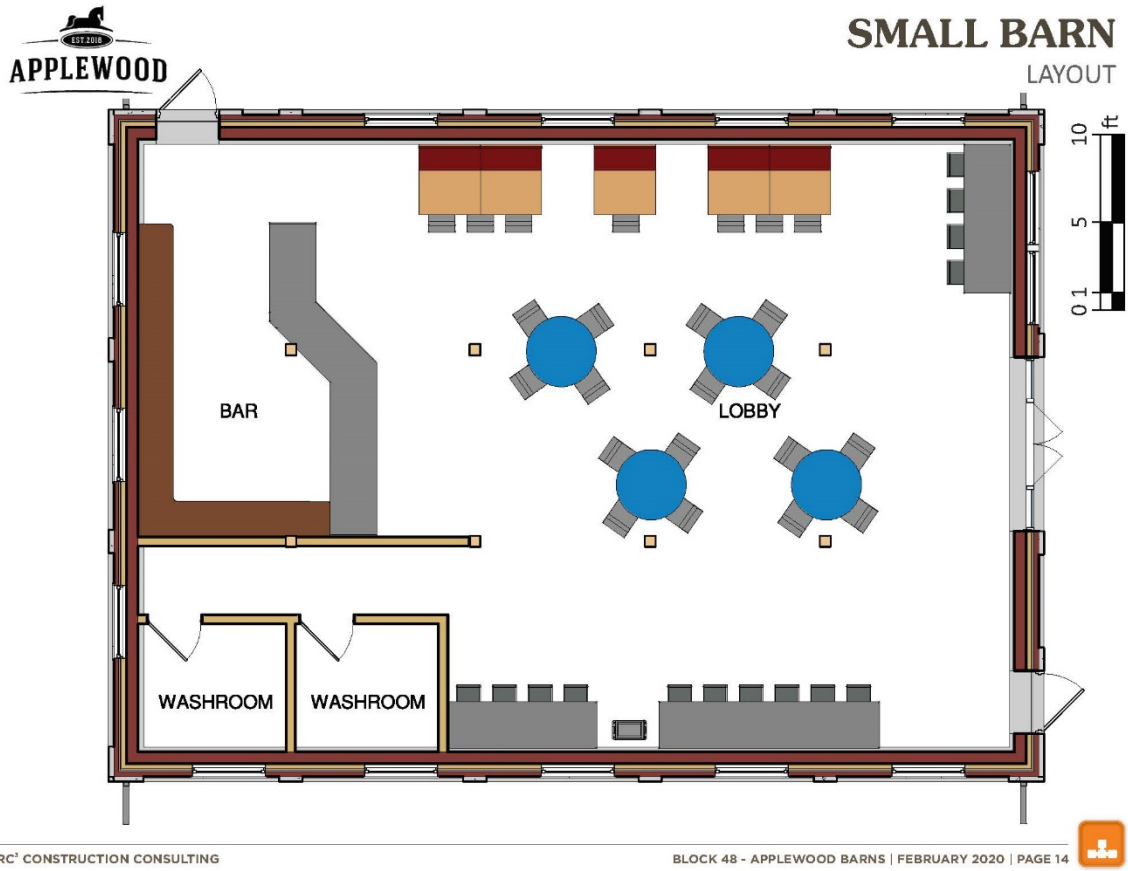


Figure 17: Concept floor plan of the Small Barn.

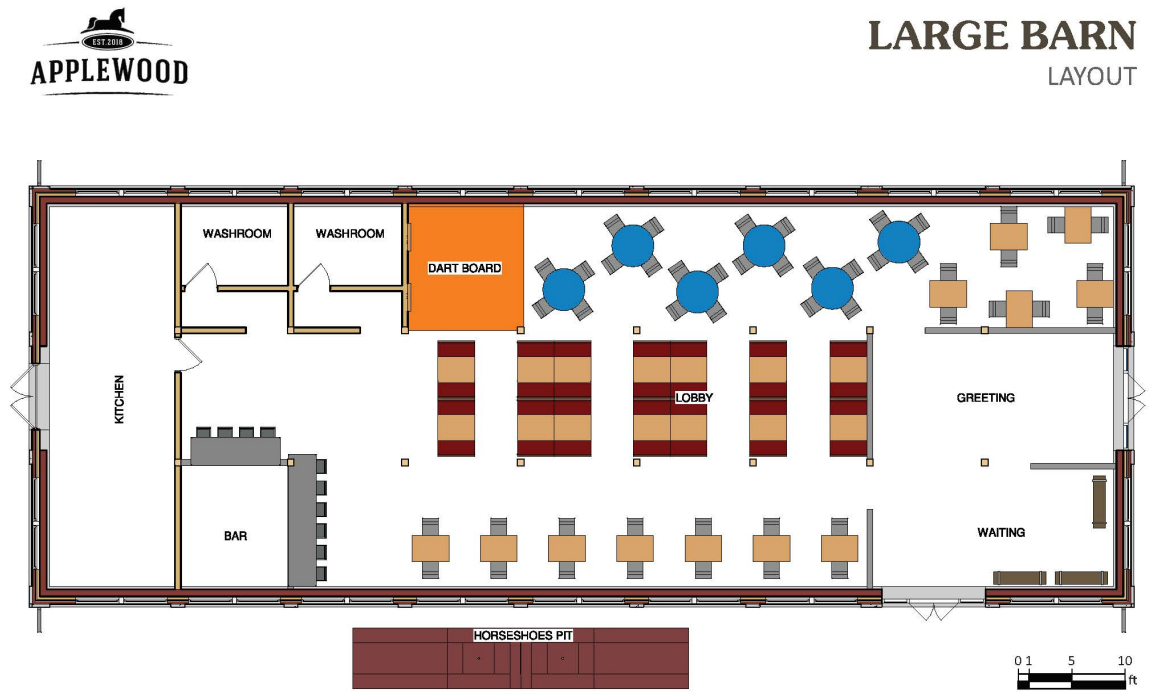


Figure 18: Concept floor plan of the Large Barn.

Appendix D4 Architectural Drawings – Small Barn

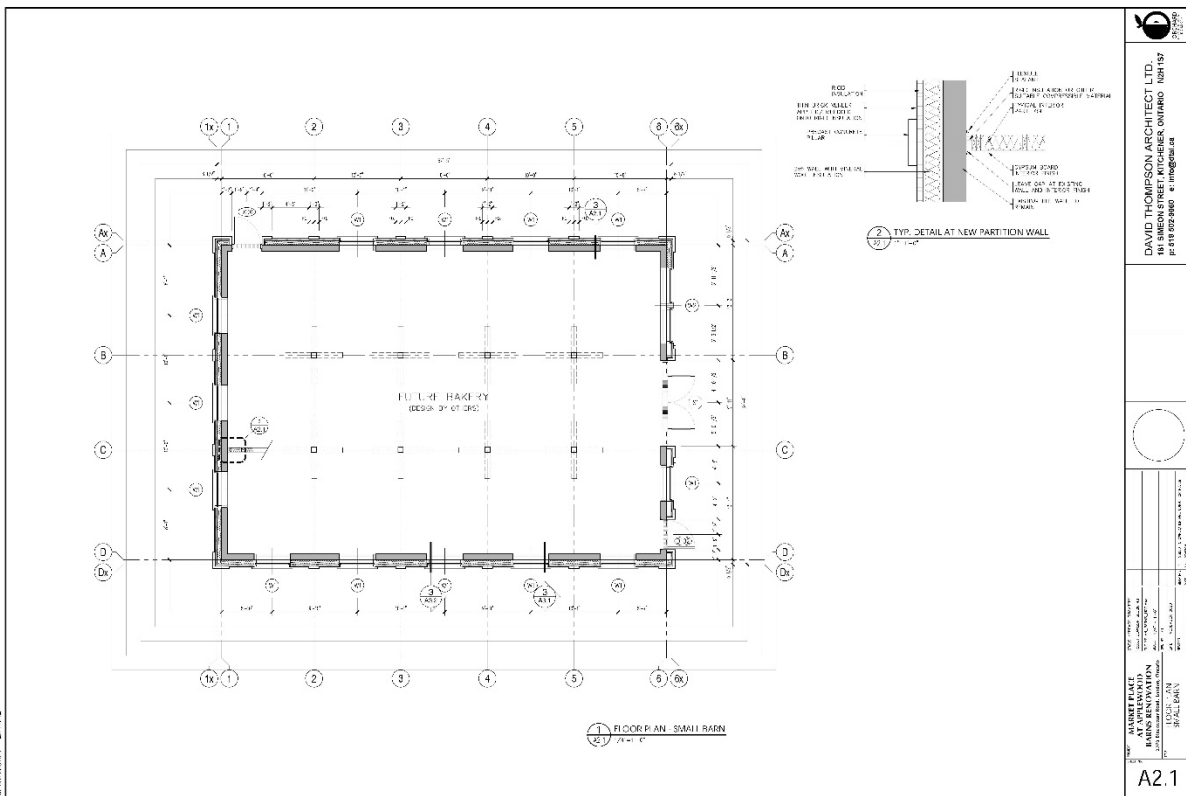


Figure 19: Floor plan of the Small Barn.

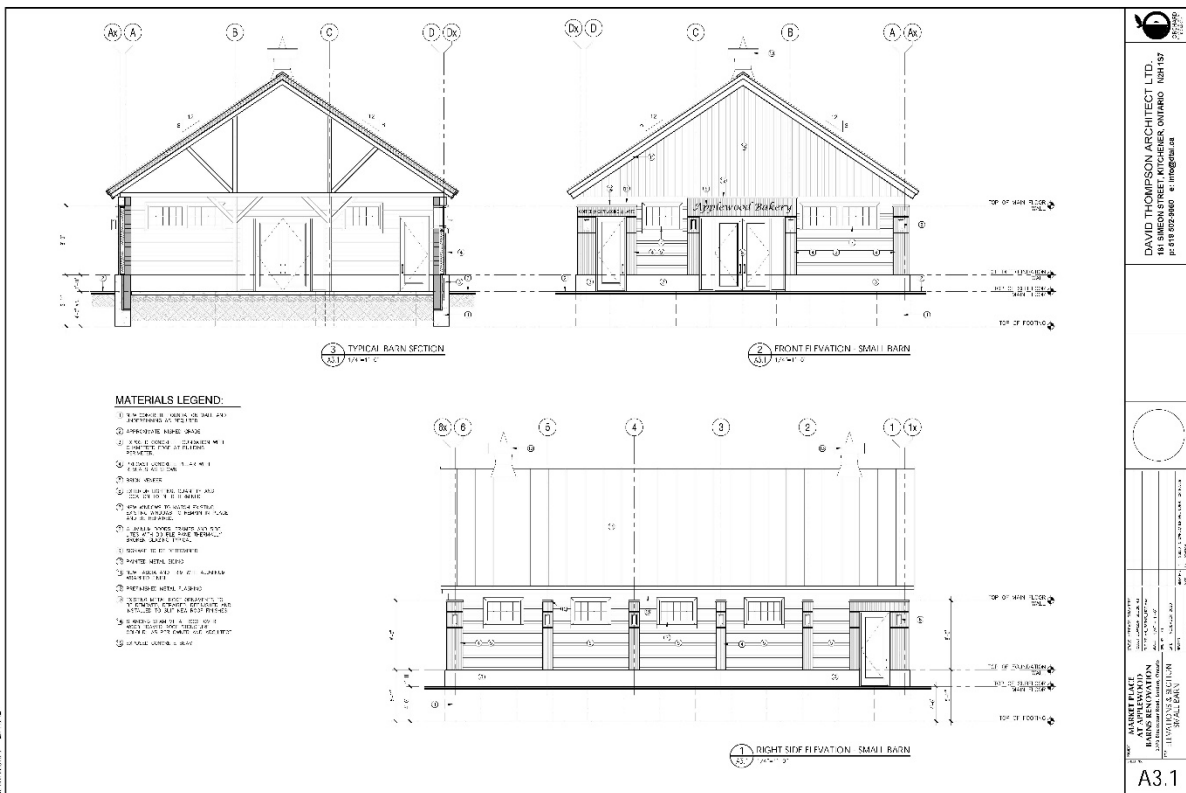


Figure 20: Elevations of the Small Barn.

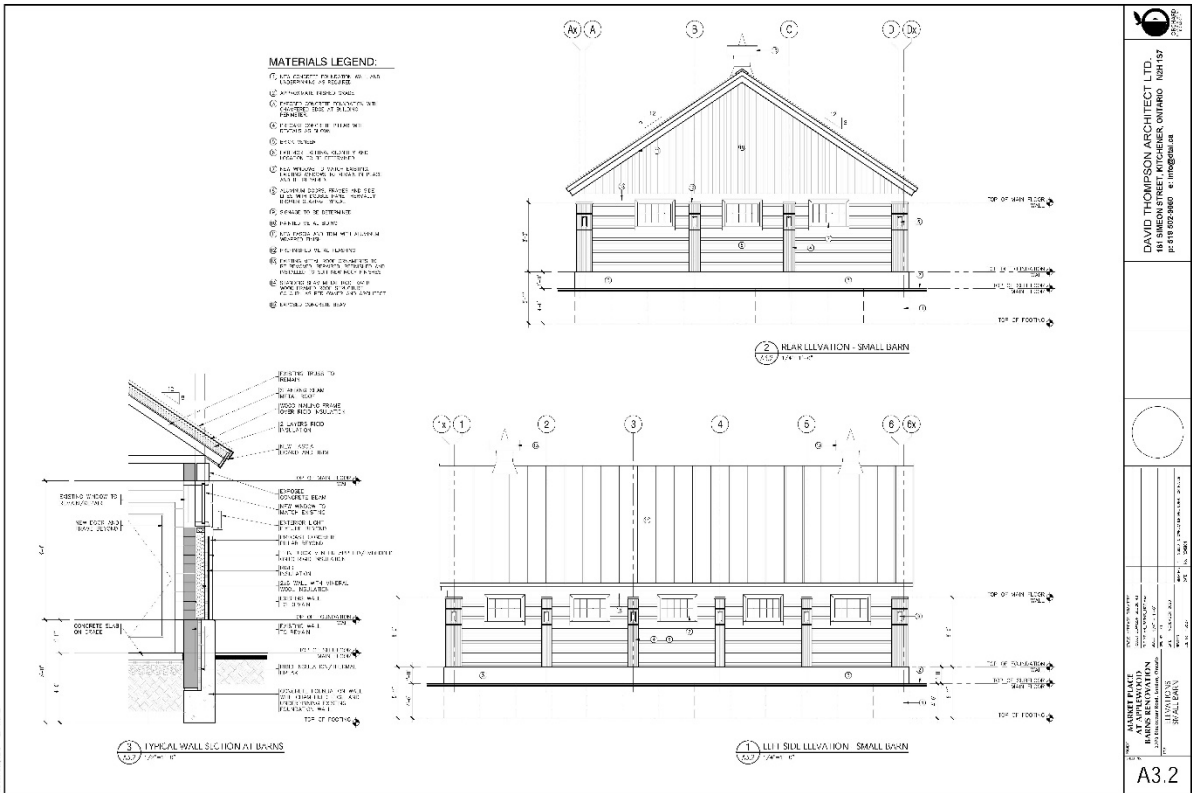


Figure 21: Elevations of the Small Barn, and cross-section of the wall construction.

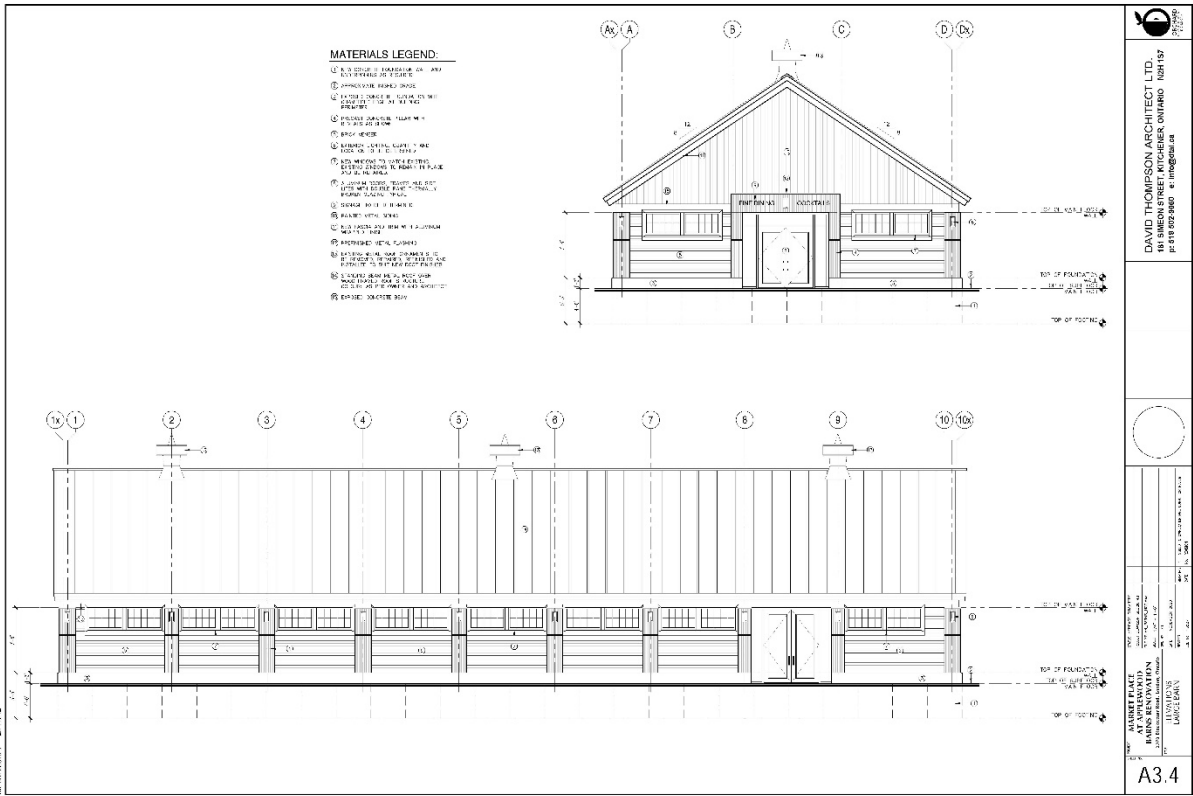


Figure 24: Elevations of the Large Barn.

Appendix D6 Proposed Exterior Cladding – Images



Image 2: Photograph showing two samples of a proposed veneer cladding, seeking a suitable colour match. The sample on the left has been selected as the preferred veneer cladding.



Image 3: Photograph showing two samples of a proposed veneer cladding, seeking a suitable colour match. The sample on the left has been selected as the preferred veneer cladding.

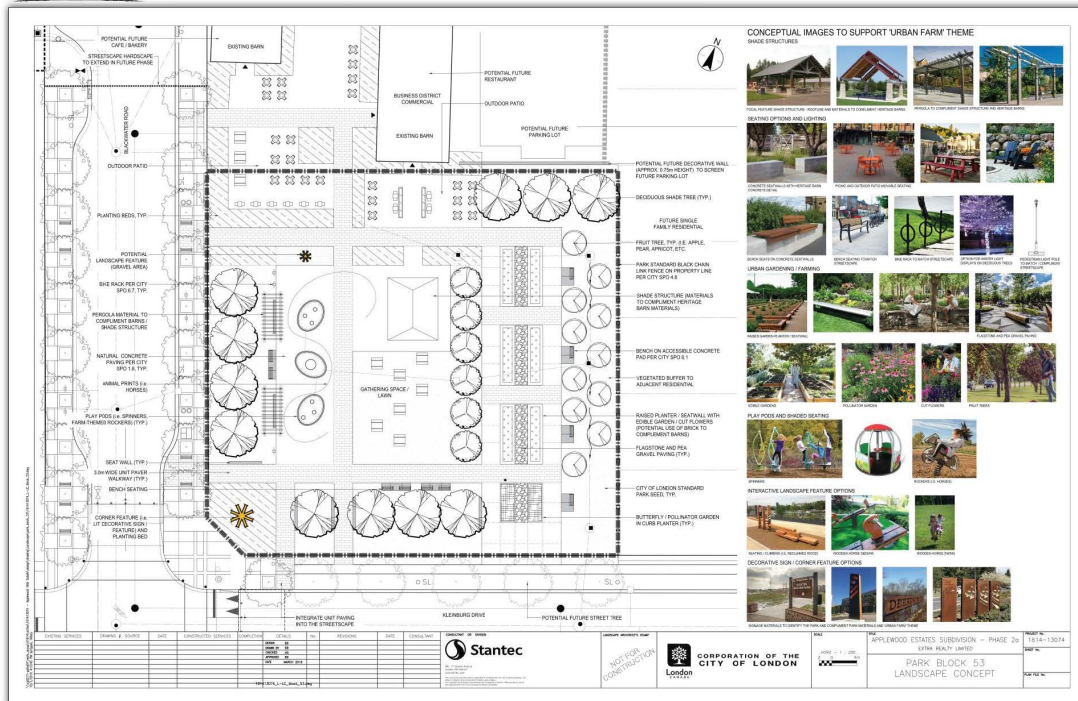


Image 4: Photograph showing the proposed veneer cladding for the new exterior walls of the barns, as well as two samples of a corrugated sheet metal roof.

Appendix E Concept Plan for the Park



PROPOSALS PARK INTEGRATION



RC³ CONSTRUCTION CONSULTING

BLOCK 48 - APPLEWOOD BARN | FEBRUARY 2020 | PAGE 12



Figure 25: The Concept Plan for the park adjacent to the red barns at 660 Sunningdale Road East (2370 Blackwater Road). This Concept Plan is subject to change, but is included to demonstrate the efforts to connect the barns to the adjacent park space.

Report to London Advisory Committee on Heritage

To: Chair and Members
London Advisory Committee on Heritage

From: Gregg Barrett
Director, City Planning and City Planner

Subject: Amended Heritage Alteration Permit Application by S. MacLeod at 59 Wortley Road, Wortley Village-Old South Heritage Conservation District

Meeting on: Wednesday December 9, 2020

Recommendation

That, on the recommendation of the Director, City Planning & City Planner, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking approval for alterations to property at 59 Wortley Road, within the Wortley Village-Old South Heritage Conservation District, **BE PERMITTED** with the following terms and conditions:

- a) The replacement railing on the steps be constructed of iron (metal) with a painted or powder coated finish as depicted in Appendix C; and,
- b) The Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.

Executive Summary

The front steps of the heritage designated property at 59 Wortley Road were altered without a Heritage Alteration Permit. At its meeting on September 29, 2020, Municipal Council approved with terms and conditions a Heritage Alteration Permit to correct the non-compliance with a painted wood railing on the steps.

Since then, the property owner has changed her mind and seeks approval for an iron (metal) railing on the steps. An iron railing on the steps is compatible with the heritage character of the property and the Wortley Village-Old South Heritage Conservation District and should be approved with terms and conditions.

Analysis

1.0 Background

1.1 Location

The property at 59 Wortley Road is located on the west side of Wortley Road between Victor Street and Beaconsfield Avenue (Appendix A). The property is opposite Thames Park, down a steep embankment.

1.2 Cultural Heritage Status

The property at 59 Wortley Road is located within the Wortley Village-Old South Heritage Conservation District, which was designated pursuant to Part V of the *Ontario Heritage Act* in 2015. The property at 59 Wortley Road is identified as a C-Rated property by the *Wortley Village-Old South Heritage Conservation District Plan*, meaning it contributes to the cultural heritage value of the Wortley Village-Old South Heritage Conservation District.

1.3 Description

The dwelling at 59 Wortley Road is a one-and-a-half storey Period Revival home, built in circa 1928 (Appendix B). The dwelling has a rectangular footprint with its first storey clad in rug brick. The dwelling is symmetrical with a central doorway under the portico, a trio of windows to each side, and two dormers in the upper storey of the side gable roof. The portico has been enclosed and may have originally been an open porch. The portico has brick plinth base, matching the brick of the house, with a trio of colonettes

supporting a small frieze and return eaves. There are six steps up to the front door, which were composed of concrete steps and a metal railing at the time of the property's designation.

1.4 Previous Reports

August 12, 2020. Report to the London Advisory Committee on Heritage, Heritage Alteration Permit application by S. MacLeod at 59 Wortley Road, Wortley Village-Old South Heritage Conservation District.

At its meeting on August 12, 2020, the LACH was requested to defer consideration of the Heritage Alteration Permit application for the property at 59 Wortley Road as the property owner indicated her desire to amend her Heritage Alteration Permit application. The LACH obliged this request.

September 10, 2020. Report to the London Advisory Committee on Heritage, Amended Heritage Alteration Permit application by S. MacLeod at 59 Wortley Road, Wortley Village-Old South Heritage Conservation District.

At its meeting on September 10, 2020, the LACH considered an amended Heritage Alteration Permit application for a painted wood railing to correct the non-compliance of the alterations of the steps undertaken without a Heritage Alteration Permit. Municipal Council approved this Heritage Alteration Permit with terms and conditions at its meeting on September 29, 2020.

2.0 Legislative/Policy Framework

2.1 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.”

2.2 Ontario Heritage Act

Section 42 of the *Ontario Heritage Act* requires that a property owner not alter, or permit the alteration of, the property without obtaining Heritage Alteration Permit approval. The *Ontario Heritage Act* enables Municipal Council to give the applicant of a Heritage Alteration Permit:

- a) The permit applied for
- b) Notice that the council is refusing the application for the permit, or
- c) The permit applied for, with terms and conditions attached (Section 42(4), *Ontario Heritage Act*)

Municipal Council must make a decision on the Heritage Alteration Permit application within 90 days or the request is deemed permitted (Section 42(4), *Ontario Heritage Act*).

2.2.1 Contravention of the Ontario Heritage Act

Pursuant to Section 69(1) of the *Ontario Heritage Act*, failure to comply with any order, direction, or other requirement made under the *Ontario Heritage Act* or contravention of the *Ontario Heritage Act* or its regulations, can result in the laying of charges and fines up to \$50,000.

When the amendments to the *Ontario Heritage Act* in Bill 108 are proclaimed in force and effect, the maximum fine for the demolition or removing a building, structure, or heritage attribute in contravention of Section 42 of the *Ontario Heritage Act* will be increased to \$1,000,000 for a corporation.

2.3 The London Plan

The policies of *The London Plan* found in the Cultural Heritage chapter support the conservation of London's cultural heritage resources. Policy 554_ of *The London Plan* articulates on of the primary initiatives as a municipality to “ensure that new development and public works are undertaken to enhance and be sensitive to our

cultural heritage resources.” To help ensure that new development is compatible, Policy 594_ (under appeal) of *The London Plan* provides the following direction:

1. *The character of the district shall be maintained by encouraging the retention of existing structures and landscapes that contribute to the character of the district.*
2. *The design of new development, either as infilling, redevelopment, or as additions to existing buildings, should complement the prevailing character of the area.*
3. *Regard shall be had at all times to the guidelines and intent of the heritage conservation district plan.*

Policy 13.3.6 of the *Official Plan* (1989, as amended) includes similar language and policy intent.

2.3 Wortley Village-Old South Heritage Conservation District Plan

The Wortley Village-Old South Heritage Conservation District was designated pursuant to Part V of the *Ontario Heritage Act* to protect its heritage character in 2015. To assist in its protection, goals and objectives, policies, and guidelines have been developed as part of the *Wortley Village-Old South Heritage Conservation District Plan*. Many heritage attributes are identified within the Statement of Cultural Heritage Value or Interest for the Wortley Village-Old South Heritage Conservation District, supporting its architectural character including building materials, forms, and details.

One of the goals of the designation of Wortley Village-Old South as a Heritage Conservation District is to “avoid the destruction and/or inappropriate alteration of the existing building stock, materials and details” (Section 3.1.2, *Wortley Village-Old South Heritage Conservation District Plan*). This is achieved by:

- *Establishing policies and design guidelines to ensure new development and alterations are sensitive to the heritage attributes and details of the HCD and are based in appropriate research and examination of archival and/or contextual information;*
- *Strongly discourage the demolition of cultural heritage resources and the removal or alteration of heritage attributes;*
- *Encouraging individual property owners to understand the broader context of heritage conservation, and recognize that buildings should outlive their individual owners and each owner or tenant should consider themselves as the stewards of the building for future owners and users;*
- *Encouraging sensitive conservation and restoration practices that make gentle and reversible changes, when necessary, to significant cultural heritage resources;*
- *Encouraging improvements or renovations to “modern era” resources that are complementary to, or will enhance, the HCD’s overall cultural heritage value and streetscape; and,*
- *Providing homeowners with conservation and maintenance guidelines and best practices so that appropriate conservation activities are undertaken.*

The Design Guidelines of Section 8.3.1 of the *Wortley Village-Old South Heritage Conservation District Plan* support the retention of existing and traditional materials and methods of construction and support efforts to retain and restore, rather than replace heritage attributes.

3.0 Heritage Alteration Permit Application

A complaint from the community brought unapproved alterations underway to the property at 59 Wortley Road to the attention of the City on August 7, 2019. Compliance action ensued. The Heritage Planner met with the property owner to encourage compliance with the direction of the *Wortley Village-Old South Heritage Conservation District Plan* and the heritage character of the property.

Per the request of the property owner, the LACH deferred consideration of the Heritage Alteration Permit application at its September 11, 2020 meeting. Following an amendment to the details of the Heritage Alteration Permit application, Municipal

Council approved a Heritage Alteration Permit application (HAP20-015-L-a) to address the non-compliance at a previous meeting on September 29, 2020, following consultation with the LACH. The Heritage Alteration Permit was approved with terms and conditions for a painted wood railing on the front steps.

Subsequent to Municipal Council's decision, a new Heritage Alteration Permit has been submitted by the property owner for a different railing material and design for the front steps of the heritage designated property at 59 Wortley Road. The Heritage Alteration Permit received on November 13, 2020. The property owner has applied for a Heritage Alteration Permit to:

- Remove the existing railings, which were installed without Heritage Alteration Permit approval; and,
- Construct new iron (metal) railings with a powder coated or painted finish, as depicted in Appendix C.

A photograph of a similar metal railing of a different property was submitted as part of the Heritage Alteration Permit application (see Image 5, Appendix C).

The property owner has stated her intention to not pursue the previous Heritage Alteration Permit approved with terms and conditions for a painted wood railing (HAP20-015-L-a). The property owner has been advised that further details on the connection of the metal railing to the steps will be required for the required Building Permit application.

As the alterations have commenced prior to obtaining Heritage Alteration Permit approval, this Heritage Alteration Permit application has met the conditions for referral requiring consultation with the London Advisory Committee on Heritage (LACH).

Municipal Council must make a decision on this Heritage Alteration Permit application before February 11, 2021 or the alteration is deemed permitted.

4.0 Analysis

In the staff report to the LACH, dated August 12, 2020, the incompatibility of the existing metal-and-wood railing style was highlighted. Staff encouraged a more compatible railing, stating,

The existing railing should be removed in favour of a metal railing with concrete steps, to match those that existed prior to alteration (to maintain the existing condition), or to be replaced with painted wooden railings and steps that also fits with this property.

The former railing of the front step of the property at 59 Wortley Road were metal with a painted finish (see Image 1, Appendix B).

A new Heritage Alteration Permit application for iron railings to accompany the existing wooden steps to the exterior door. The iron railings appear to have been custom designed, as shown in Appendix C, with a top and bottom rail and spindles set in between (spaced no greater than 4" on centre). The iron railing will have a powder coated or painted finish.

As with the previously revised Heritage Alteration Permit application, the proposed iron railings are more compatible with the heritage character of this property than the existing railings. The materials and finish presented in this Heritage Alteration Permit application are more sensitive to the heritage attributes and general details of the property and the Wortley Village-Old South Heritage Conservation District, in better compliance with the objectives and guidelines of the *Wortley Village-Old South Heritage Conservation District Plan*, than the existing non-compatible railings.

5.0 Conclusion

Alterations were undertaken to the C-rated property at 59 Wortley Road without Heritage Alteration Permit approval or a Building Permit. Retroactive Heritage Alteration Permit approval was not supported by staff in the previous report to the London

Advisory Committee on Heritage dated August 12, 2020. A revised Heritage Alteration Permit was approved with terms and conditions by Municipal Council on September 29, 2020 for a painted wood railing on the wooden steps.

This Heritage Alteration Permit application for iron railings with a painted or powder coated finish is compatible alteration and appropriate to the heritage character of the property at 59 Wortley Road and the Wortley Village-Old South Heritage Conservation District. This Heritage Alteration Permit should be approved with terms and conditions to ensure the compatibility of the iron railing for property.

Prepared and Submitted by:	Kyle Gonyou, CAHP Heritage Planner
Recommended by:	Gregg Barrett, AICP Director, City Planning and City Planner
<p>Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from City Planning.</p>	

November 30, 2020

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Appendix A Property Location

Appendix B Images

Appendix C Proposed Railing

Link to Staff Report on the LACH Agenda, August 12, 2020 (Item 5.2)

<https://pub-london.escribemeetings.com/Meeting.aspx?Id=18994dca-5d6a-4f13-a335-d1388a77d2b1&Agenda=Agenda&lang=English>

Link to Staff Report on the LACH Agenda, September 10, 2020 (Item 5.5)

<https://pub-london.escribemeetings.com/Meeting.aspx?Id=ef235bb6-11b8-46c3-ab43-0fa7f219c6d3&Agenda=Agenda&lang=English>

Appendix A – Location



Figure 1: Location of the subject property at 59 Wortley Road in the Wortley Village-Old South Heritage Conservation District.

Appendix B – Images



Image 1: Image of the property at 59 Wortley Road prior to alteration (October 2018; courtesy Google).



Image 2: Photograph of the property at 59 Wortley Road, showing the altered front steps.



Image 3: Detail photograph of the new front steps of the property at 59 Wortley Road.



Image 4: Photograph showing the front steps of the property at 59 Wortley Road, after being painted.

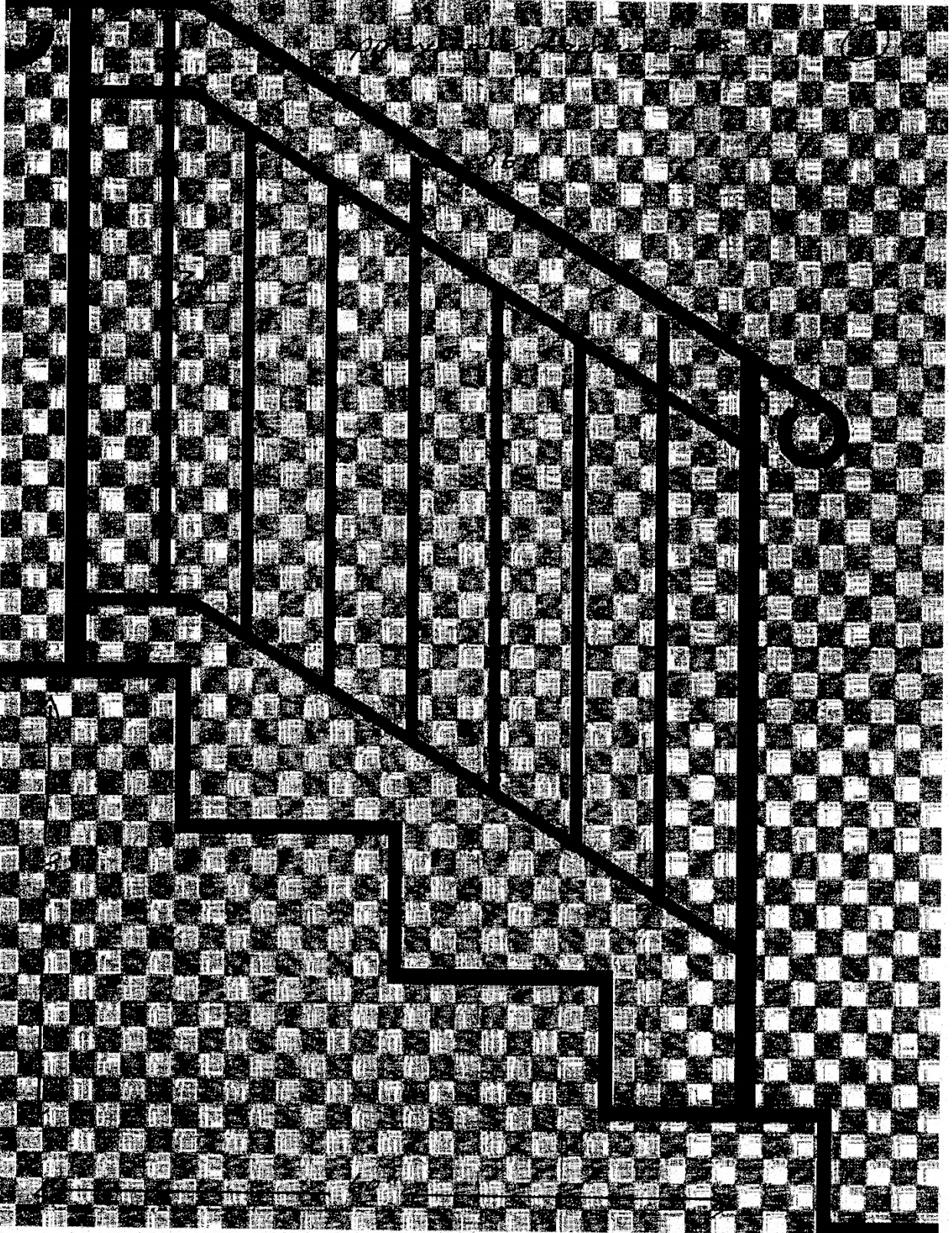
Appendix C – Proposed Railing

Figure 2: Drawing for the proposed iron railing included as part of the Heritage Alteration Permit application submitted for the property at 59 Wortley Road. The annotations on the drawings are not legible, but read: overall height of steps – 32", overall length of steps – 60", length of railings – 56", spindles no farther apart than the mandatory maximum of 4".

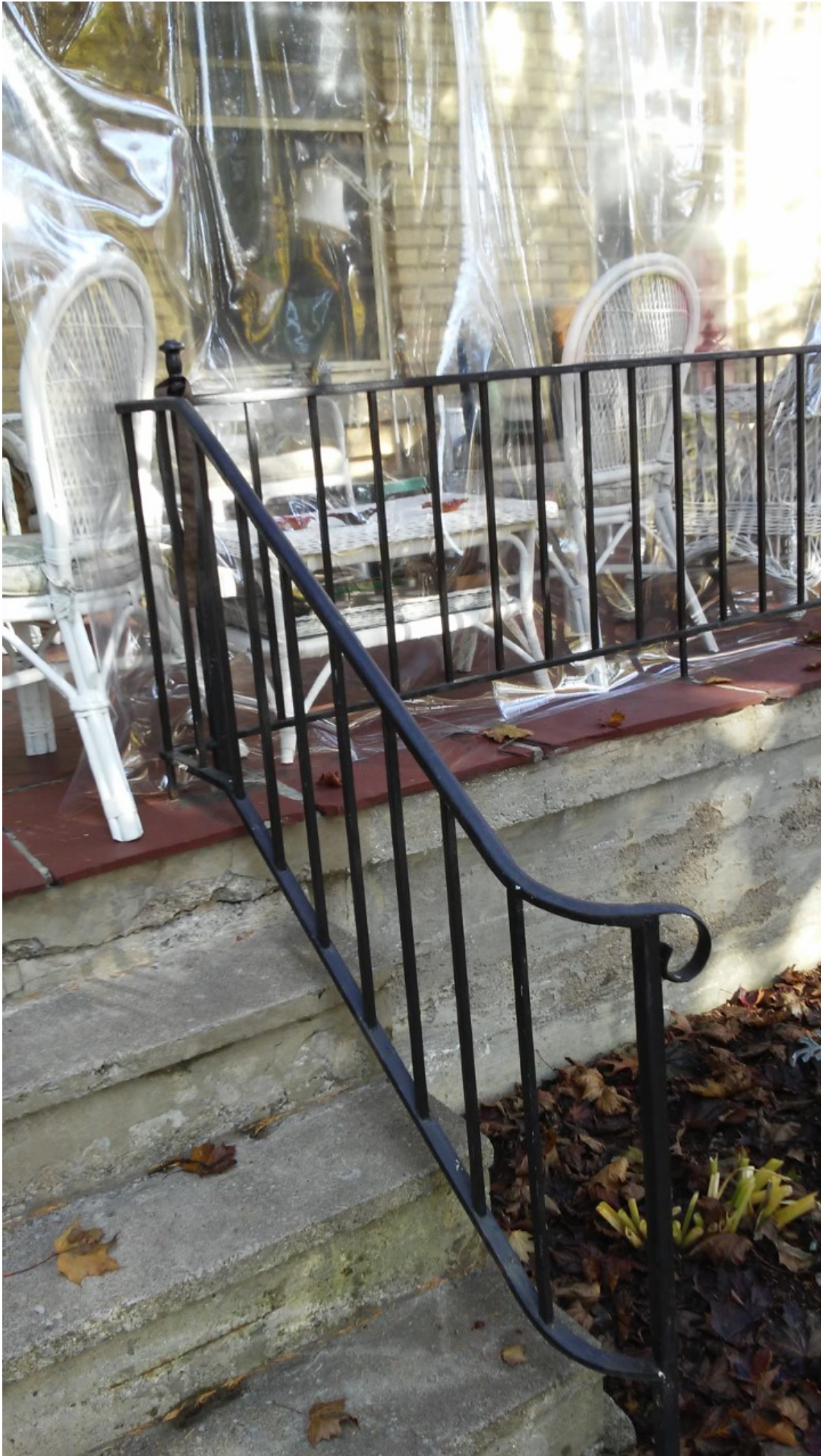


Image 5: The above image was included as part of the Heritage Alteration Permit application to visually articulate the proposed replacement railing.

Report to London Advisory Committee on Heritage

To: Chair and Members
London Advisory Committee on Heritage

From: Gregg Barrett, Director, City Planning and City Planner

Subject: Heritage Alteration Permit Application by J. Pease at 61
 Wilson Avenue, Blackfriars/Petersville Heritage Conservation
 District

Meeting on: Wednesday December 9, 2020

Recommendation

That, on the recommendation of the Director, City Planning & City Planner, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking retroactive approval for the alterations to the heritage designated property at 61 Wilson Avenue, within the Blackfriars/Petersville Heritage Conservation District, **BE PERMITTED** as submitted in the drawings attached as Appendix C with terms and conditions that all exposed wood be painted within one year of Municipal Council's decision.

Executive Summary

The property at 61 Wilson Avenue is a Contributing Resource to the Blackfriars/Petersville Heritage Conservation District. Alterations were made to the porch without Building Permit or a Heritage Alteration Permit. The property owner has submitted an application seeking retroactive approval for the porch alterations. Provided that the porch is painted, it should be approved.

Analysis

1.0 Background

1.1 Location

The property at 61 Wilson Avenue is located on the east side of Wilson Avenue between Rogers Avenue and Riverside Drive (Appendix A).

1.2 Cultural Heritage Status

The property at 61 Wilson Avenue is located within the Blackfriars/Petersville Heritage Conservation District, which was designated pursuant to Part V of the *Ontario Heritage Act* in 2015. The property at 61 Wilson Avenue is a Contributing Resource to the Blackfriars/Petersville Heritage Conservation District.

1.3 Description

The dwelling at 61 Wilson Avenue was constructed in circa 1900. It is a one-and-a-half storey vernacular buff brick dwelling with large gable roof (Appendix B). A porch spans the front of the house. The gable is clad in painted wood shingles. The windows were replaced and metal roof installed prior to the designation of the property as part of the Blackfriars/Petersville Heritage Conservation District in 2015.

2.0 Legislative/Policy Framework

2.1 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."

2.2 Ontario Heritage Act

Section 42 of the *Ontario Heritage Act* requires that a property owner not alter, or permit

the alteration of, the property without obtaining Heritage Alteration Permit approval. The *Ontario Heritage Act* enables Municipal Council to give the applicant of a Heritage Alteration Permit:

- a) The permit applied for
- b) Notice that the council is refusing the application for the permit, or
- c) The permit applied for, with terms and conditions attached (Section 42(4), *Ontario Heritage Act*)

Municipal Council must make a decision on the Heritage Alteration Permit application within 90 days or the request is deemed permitted (Section 42(4), *Ontario Heritage Act*).

2.2.1 Contravention of the *Ontario Heritage Act*

Pursuant to Section 69(1) of the *Ontario Heritage Act*, failure to comply with any order, direction, or other requirement made under the *Ontario Heritage Act* or contravention of the *Ontario Heritage Act* or its regulations, can result in the laying of charges and fines up to \$50,000.

When the amendments to the *Ontario Heritage Act* in Bill 108 are proclaimed in force and effect, the maximum fine for the demolition or removing a building, structure, or heritage attribute in contravention of Section 42 of the *Ontario Heritage Act* will be increased to \$1,000,000 for a corporation.

2.3 The London Plan

The policies of *The London Plan* found in the Cultural Heritage chapter support the conservation of London's cultural heritage resources. Policy 554_ of *The London Plan* articulates one of the primary initiatives as a municipality to "ensure that new development and public works are undertaken to enhance and be sensitive to our cultural heritage resources." To help ensure that new development is compatible, Policy 594_ (under appeal) of *The London Plan* provides the following direction:

1. *The character of the district shall be maintained by encouraging the retention of existing structures and landscapes that contribute to the character of the district.*
2. *The design of new development, either as infilling, redevelopment, or as additions to existing buildings, should complement the prevailing character of the area.*
3. *Regard shall be had at all times to the guidelines and intent of the heritage conservation district plan.*

Policy 13.3.6 of the *Official Plan* (1989, as amended) includes similar language and policy intent.

2.3 Blackfriars/Petersville Heritage Conservation District Plan

The Blackfriars/Petersville Heritage Conservation District is recognized for its significant cultural heritage value, not just for its individual cultural heritage resources (Contributing Resources) but for the value that they have together, collectively. The goals of the designation of Blackfriars/Petersville as a Heritage Conservation District pursuant to Part V of the *Ontario Heritage Act* support the conservation of its resources. Specifically for its cultural heritage resources:

Goal: To encourage the conservation of contributing heritage resources including buildings, landmarks, and other structures that contribute to the cultural heritage value of the district by:

- *Encouraging that alterations, additions, and renovations to heritage resources be consistent with the identified cultural heritage value of the area;*
- *Encouraging the maintenance and retention of significant heritage landmarks identified in the district;*
- *Avoiding unnecessary demolition and inappropriate alterations of identified heritage resources that contribute to the heritage value of the district; and,*
- *Encouraging sympathetic design and appropriate alterations when new development is proposed to ensure that there is no negative impact on the*

heritage value of the area, with particular attention to form, scale, massing, and setback.

To implement this goal and these objectives, the policies of Section 7.4 (Contributing Resources), Section 7.7 (Residential Area), and the design guidelines of Section 10.3.1 (Design Guidelines – Alterations and Additions) and applicable Architectural Conservation Guidelines of Section 11 were considered in the evaluation of a Heritage Alteration Permit application.

The Blackfriars/Petersville Heritage Conservation District Plan identifies Contributing Resources and Non-Contributing Resources. The property at 61 Wilson Avenue is identified as a Contributing Resource. Contributing Resources are defined as “a property, structure, landscape element, or other attribute of a Heritage Conservation District that supports the identified cultural heritage values, character, and/or integrity of the H CD. Contributing Resources are subject to the policies and guidelines for conservation, alteration, and demolition.”

The policies of Section 7.4.1 of the *Blackfriars/Petersville Heritage Conservation District Plan* require the conservation of a Contributing Resource and the cultural heritage value of the Blackfriars/Petersville Heritage Conservation District. In particular,

- Policy 7.4.1.e *Alterations that have the potential to impact heritage attributes of a protected heritage resource shall not be permitted.*
- Policy 7.4.1.i *Major alterations to the exterior façade of a contributing resource shall not be permitted. Such alteration should only be considered where the intent is to conserve the contributing resource.*
- Policy 7.4.1.j *Additions or alterations to contributing resources should be sympathetic, subordinate, distinguishable, and contextual in relation to the existing resource and its context, as well as the heritage attributes and cultural heritage value of the Blackfriars/Petersville Heritage Conservation District.*

In the *Blackfriars/Petersville Heritage Conservation District Plan* porches are noted as “additions to the basic house that provide shelter, a place to see from and to be seen in, an semi-public outdoor room largely exposed to passersby where social interaction is possible and encouraged”. The *Blackfriars/Petersville Heritage Conservation District Plan* provides guidelines for porch alterations in Section 11.2.0. The *Blackfriars/Petersville Heritage Conservation District Plan* directs:

- *Do not remove or cover original porches or porch details, except for the purpose of quality restoration. Prior to executing any repairs or restoration, photograph the existing conditions and research to determine whether the existing is original or an appropriate model for restoration;*
- *When restoring a porch that is either intact or completely demolished, some research should be undertaken to determine the original design which may have been much different from its current condition and decide whether to restore the original;*
- *Fiberglass and plastic versions of decorative trims should be avoided. Poor interpretation of the scale or design of applied decoration detracts from the visual appearance and architectural coherence of porches and verandahs;*
- *Install and maintain a porch apron*

3.0 Heritage Alteration Permit Application

3.1 Heritage Alteration Permit

A complaint from the community brought the unapproved alterations to the property at 61 Wilson Avenue to the attention of the City on March 11, 2020.

Drawings were submitted to the City, however the drawings were not complete. Revised drawings were subsequently submitted to the City for a Building Permit application, which were forwarded for inclusion as part of the Heritage Alteration Permit application which was subsequently received as complete.

A complete Heritage Alteration Permit application was received on November 26, 2020. The applicant has applied for a Heritage Alteration Permit seeking approval for:

- Retroactive approval for the porch alterations completed without Heritage Alteration Permit approval (see porch drawings in Appendix C).

As the alterations have commenced prior to obtaining Heritage Alteration Permit approval, the Heritage Alteration Permit application has met the conditions for referral requiring consultation with the London Advisory Committee on Heritage (LACH).

Per Section 42(4) of the *Ontario Heritage Act*, the 90-day timeline for this Heritage Alteration Permit application will expire on February 24, 2021.

4.0 Analysis

The policies and guidelines for the *Blackfriars/Petersville Heritage Conservation District Plan* support the conservation of Contributing Resources and their heritage attributes. It is challenging when retroactive approval for alterations completed without a Heritage Alteration Permit are sought.

No historic documentation of the porch or porch detailing for the property at 61 Wilson Avenue could be located. The former porch was a painted wood porch, with simple detailing (see Image 1, Appendix B). The porch, constructed without Building Permit or Heritage Alteration Permit approval, is a wood porch with similar simple details (see Images 3-4, Appendix B).

The railings/guard of the porch are sufficiently compliant with the general direction of the applicable guidelines in the *Blackfriars/Petersville Heritage Conservation District Plan* provided that the exposed wood is painted. Painting the porch would provide a level of finish equivalent to the former porch and in a manner consistent with other replacement porches in the Blackfriars/Petersville Heritage Conservation District.

Recognizing that this Heritage Alteration Permit application is being brought to the LACH for its December 2020 meeting, and not anticipated to receive a decision from Municipal Council until January 2021, as well as the seasonal limitations of exterior painting, the porch should be painted within one year of Municipal Council's decision.

5.0 Conclusion

The property at 61 Wilson Avenue is a Contributing Resource that supports the cultural heritage value of the Blackfriars/Petersville Heritage Conservation District. The Heritage Alteration Permit application process is intended to support the conservation of cultural heritage resources and ensure that their heritage attributes are conserved.

To achieve more consistent compliance with the former porch and other porches in the Blackfriars/Petersville Heritage Conservation District, the porch of the property at 61 Wilson Avenue should be painted as a term and condition of the retroactive Heritage Alteration Permit approval. An appropriately detailed and finished porch will support the conservation of this property and the Blackfriars/Petersville Heritage Conservation District pursuant to the applicable policy direction of the *Blackfriars/Petersville Heritage Conservation District Plan*.

Prepared by:	Kyle Gonyou, CAHP Heritage Planner
Submitted and Recommended by:	Gregg Barrett, AICP Director, City Planning and City Planner
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from City Planning.	

November 30, 2020
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Appendix A Property Location
Appendix B Images
Appendix C Porch Drawings

Sources

Corporation of the City of London. N.d. Property Files: 61 Wilson Avenue.
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Appendix A – Location



Figure 1: Location of the subject property at 61 Wilson Avenue in the Blackfriars/Petersville Heritage Conservation District.

Appendix B – Images



Image 1: Image of the property at 61 Wilson Avenue in October 2018 (courtesy Google).



Image 2: Photograph, taken March 11, 2020, showing work underway on the property at 61 Wilson Avenue.



Image 3: Photograph of the property at 61 Wilson Avenue, taken June 30, 2020, showing the porch.



Image 4: Detail of the porch at 61 Wilson Avenue.

Appendix C – Porch Drawings

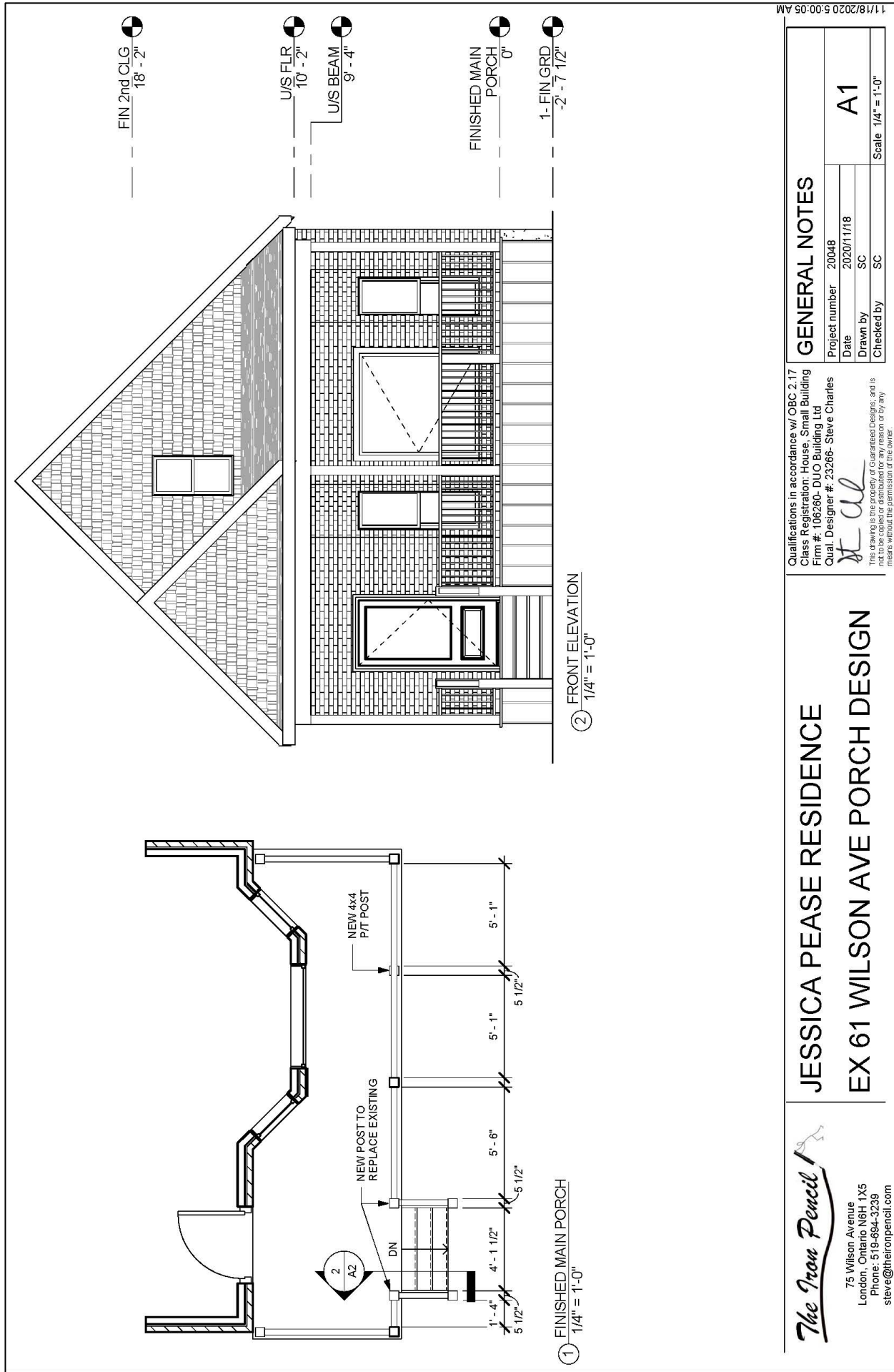


Figure 2: Drawing submitted for the porch at 61 Wilson Avenue.

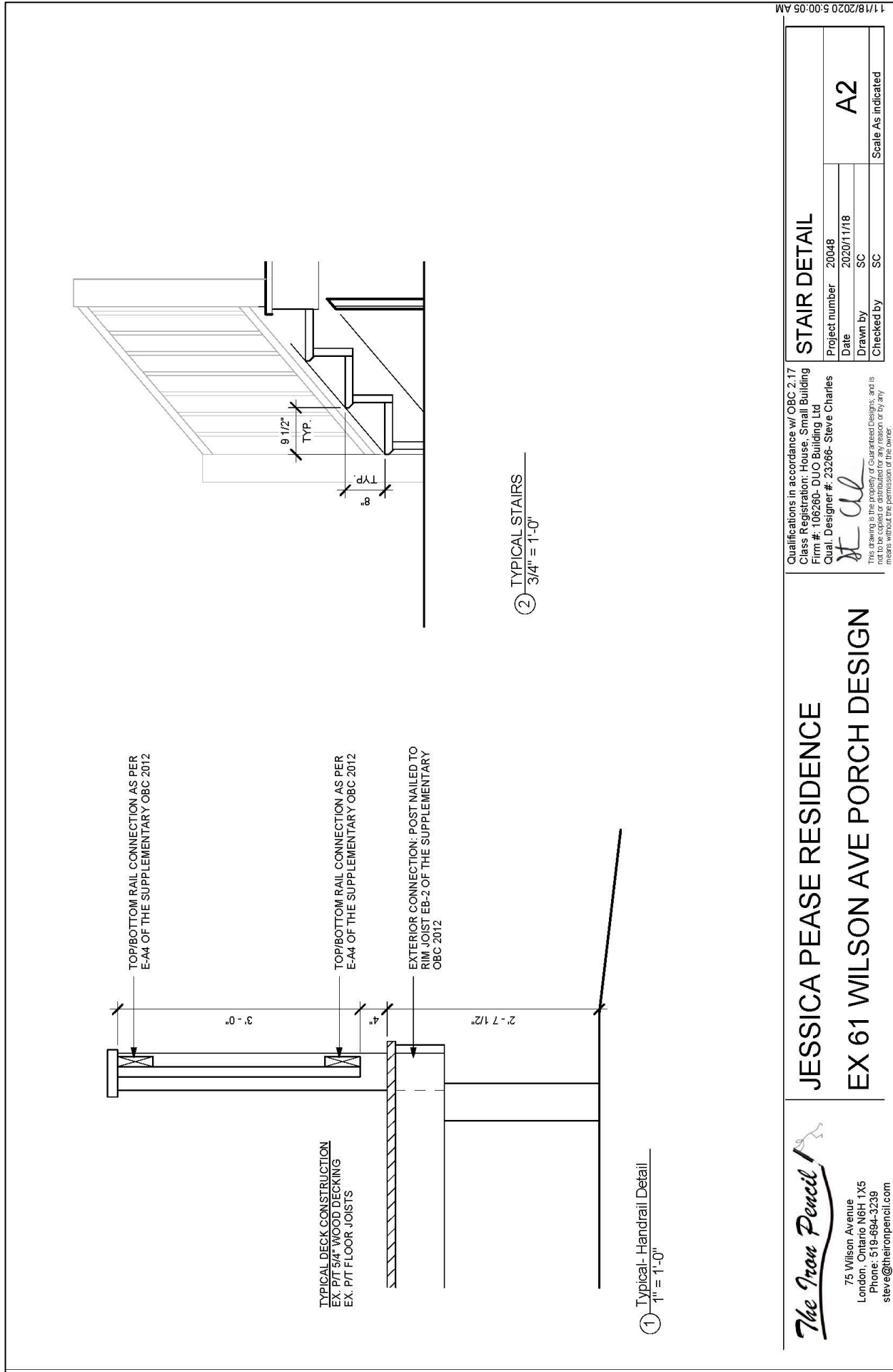


Figure 3: Drawing submitted for the porch at 61 Wilson Avenue.

Report to London Advisory Committee on Heritage

To: Chair and Members
London Advisory Committee on Heritage

From: Gregg Barrett
Director, City Planning and City Planner

Subject: Heritage Alteration Permit Application by the Corporation of
the City of London for the English Street Infrastructure
Renewal Project, in the Old East Heritage Conservation
District

Meeting on: Wednesday December 9, 2020

Recommendation

That, on the recommendation of the Director, City Planning & City Planner, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking approval for alterations English Street, within the Old East Heritage Conservation District, **BE PERMITTED**.

Executive Summary

English Street, between Dundas Street and Princess Avenue, will be reconstructed including full water main and sanitary replacement in 2021. As part of the project, the road width of English Street is proposed be narrowed between Queens Avenue and Princess Avenue, which will accommodate a wider boulevard to continue to support the heritage character of the Old East Heritage Conservation District. Additionally, the intersection of Queens Avenue and English Street will be improved within the existing road width limits, as well as dedicated, permanent bicycle lanes accommodated within the existing road width limit of English Street between Dundas Street and Queens Avenue. No negative impacts are anticipated for the Old East Heritage Conservation District or its cultural heritage resources as a direct result of the proposed English Street Infrastructure Renewal Project.

Analysis

1.0 Site at a Glance

1.1 Location

English Street is a north-south street between Dundas Street and Central Avenue, mostly located in the Old East Heritage Conservation District. The portion of English Street pertinent to this report is between Queens Avenue and Princess Avenue (Appendix A).

1.2 Cultural Heritage Status

English Street is located within the Old East Heritage Conservation District, designated pursuant to Part V of the *Ontario Heritage Act* by By-law No. L.S.P.-3383-111, passed on September 10, 2006.

1.3 Description

English Street was established by Registered Plan 304 (3rd), registered October 8, 1872, as part of the second survey of the land first granted to Nobel English in Lots 11-12, Concession I of the former London Township.

Located within land owned by Noble English, the residential area of the Old East Heritage Conservation District was developed from the 1860s into the 1930s. The first survey, between Adelaide Street North and Elizabeth Street, was completed in 1856 and establish the blocks that would be carried through the rest of the area. Following the death of Nobel English, his family continued to subdivided the land in to building lots for development. In 1872, Registered Plan 304 (3rd) was surveyed by Samuel Peters

and registered. It established English Street, a north-south roadway between Dundas Street and Elias Street (later extended to Central Avenue). English Street was surveyed with a 66' right of way (20.1m, one chain). In 1885, the Town of London East was annexed by the City of London.

English Street, like many of the original street names given to streets in the Old East Heritage Conservation District, is named for the English family.

Today, English Street maintains the original road width of 66' (20.1m) and accommodates at least two vehicle lanes and sidewalks on both sides of the road with grass or landscaped boulevards.

2.0 Heritage Alteration Permit Application

2.1 English Street Infrastructure Renewal Project

The City is reconstructing English Street, from Dundas Street to Princess Avenue and including approximately 100m of Lorne Avenue east of English Street. This project includes:

- Full water main replacement
- Full sanitary replacement
- Catch basin replacement and storm sewer replacement (additional capacity)

Construction is anticipated to occur in spring to late-fall 2021, with some follow up work expected in spring 2022.

2.2 Heritage Alteration Permit Application

In addition to the infrastructure replacement noted in Section 2.1 (above), Heritage Alteration Permit approval is triggered by two of the proposed components of the English Street Infrastructure Renewal Project:

1. Between Queens Avenue and Princess Avenue, the project is proposing to narrow the road asphalt width results in having to adjust the existing curb lines.
2. Reconfiguration of the Queens Avenue and English Street intersection to incorporate safety improvements, including reducing asphalt widths, improvements to road geometry, and incorporation of protection for the west-bound bicycle lane.

The proposed alteration to the road width of English Street is a major alteration in the Old East Heritage Conservation District. Infrastructure renewal projects do not typically alter the width of a road, particularly its paved portion, thus not typically requiring Heritage Alteration Permit approval. However, the proposed changes in the English Street Infrastructure Renewal Project have the potential to affect the heritage character of the Old East Heritage Conservation District and the objectives in Section 3.2 of the *Old East Heritage Conservation District Plan*.

The section of English Street from Dundas Street to Queens Avenue will be reconstructed. Dedicated, permanent bicycle lanes will be implemented within the existing paved portion of English Street.

Additionally, throughout the project:

- Green space, or gardens where existing, on the boulevards will be maintained wherever possible.
- Standard street signs (green with white text) within the project area will be replaced with Heritage Conservation District street signs (blue with white text, bump out portion on top).
- Street names will be stamped into the concrete sidewalk.
- The City is investigating the potential for street lighting more appropriate to the heritage character of the Old East Heritage Conservation District.

The project is anticipated to require tree removals.

The English Street Infrastructure Renewal Project is also abutting the Lorne Avenue Park construction project.

2.2.1 English Street from Queens Avenue to Princess Avenue

Between Queens Avenue and Princess Avenue, English Street is proposed to be narrowed from an existing width of approximately 8.6m to 7m. This change will necessitate the realignment of the curb lines, resulting in a widening of the grass boulevards (area between the curb and the sidewalk). The widened boulevard will be reinstated with grass or provide the opportunity to reinstate plantings (as existing).

Due to conflicts with the sanitary sewer, the boulevard widening is not able to be implemented symmetrically. In an attempt to minimize the visual impact of the “non-symmetrical” boulevards, the alignment of the sidewalk on the east side of English Street will be shifted towards the road by approximately 0.9m in order to bring the east and west boulevards widths more in line with each other. Ultimately, the west boulevard will be widened by approximately 0.2m (for a total width of approximately 1.0m) and the east boulevard will be widened by approximately 0.5m (for a total width of approximately 1.1m).

There is a significant white oak tree on the side yard of the property at 754 Queens Avenue (on the east side of English Street) that the City is endeavouring to retain. To achieve this, the existing sidewalk alignment will be maintained, resulting in a localized boulevard width of approximately 1.9m. The existing west sidewalk is planned to be maintained, as well.

The narrower road configuration will still allow for two-way vehicular traffic and will maintain the west side on-street parking, but will also act as a measure to reduce the travel speed of vehicular traffic along English Street.

General intersection improvements will incorporate sidewalk ramps and tactile plants for *Accessibility with Ontarians with Disabilities Act* (AODA) compliance.

2.2.2 Queens Avenue and English Street Intersection Alterations

Alterations to the intersection of Queens Avenue and English Street are proposed to improve the safety for pedestrians, cyclists, and vehicles, and include:

- Reducing the vehicle travel lane width through the intersection to 3.25m in order to slow down the vehicle traffic approaching and through the intersection;
- Reducing the curb radii at the intersection to slow vehicles making turning movements on-to or off-of Queens Avenue;
- Increasing the offset distance of and incorporating physical separation between the travel lane and the west-bound bicycle lane through the intersection by the implementation of curbed median islands;
- Full intersection pavement marking improvements including pedestrian crosswalk and green bike lane cross-rides through the intersection; and,
- Review of the existing traffic control signage and incorporation of new or revised signage as warranted.

The reconfiguration of the Queens Avenue intersection will also support the Queens Avenue project east and west of the English Street intersection (tentatively scheduled for 2022).

General intersection improvements will incorporate sidewalk ramps and tactile plants for *Accessibility with Ontarians with Disabilities Act* (AODA) compliance.

2.2.3 English Street from Dundas Street to Queens Avenue

This section of the English Street Infrastructure Renewal Project will generally maintain the road width, curb and sidewalk alignment, and boulevards.

Within the existing road width, the project will introduce dedicated permanent curb delineated north and south-bound bicycle lanes. The English Street bicycle lanes are critical cycling infrastructure as they provide inter-connection between the east-bound

(Dundas Street) and west-bound (Queens Avenue) cycle track. For visibility and winter maintenance considerations, the inside bicycle lane curbing will be outfitted with reflective markers (similar to the reflectors on the Colborne Street cycle track).

The implementation of bicycle lanes along English Street will necessitate the removal of the on-street parking (presently permitted on the west side of English Street).

2.3 Community Consultation

As part of the Infrastructure Renewal Project, there have been several points of community consultation:

- Project Notice Letter #1 was mailed to affected properties within and adjacent to the project design and construction limits, as well as the Old East Village Community Association and Old East Village Business Improvement Association on January 31, 2020.
- A virtual project introduction and preliminary design presentation overview meeting with the City's project design teams, representatives of the Old East Village Community Association, the Old East Village Business Improvement Area, and other steering group members on August 13, 2020.
- A second virtual project design consideration meeting was held on October 7, 2020 with representatives of the Old East Village Community Association and residents.

A second Project Notice Letter and Project Update Meeting will be held prior to construction. A public open house is typically hosted by the City in advance of Infrastructure Renewal Projects. However, COVID-19 may affect the ability to host an in-person public open house in advance of the English Street Infrastructure Renewal Project. The City is exploring alternative consultation methods.

3.0 Legislative and Policy Framework

Cultural heritage resources are to be conserved and impacts evaluated as per fundamental policies in the *Provincial Policy Statement (2020)*, the *Ontario Heritage Act*, *The London Plan* and the *1989 Official Plan*. More specific, area-based policies and guidelines – part of the *Old East Heritage Conservation District Conservation Plan & Conservation Guidelines* – contain policies establishing intention and specific guidelines that provide direction on how to achieve the conservation of cultural heritage resources, heritage attributes, and character.

3.1 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).

“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 determine 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.”

3.2 Ontario Heritage Act

Section 42(1) of the *Ontario Heritage Act* requires that a property owner not alter, or permit the alteration of, the property without obtaining Heritage Alteration Permit approval. The *Ontario Heritage Act* enables Municipal Council to give the applicant of a Heritage Alteration Permit:

- a) The permit applied for
- b) Notice that the council is refusing the application for the permit, or
- c) The permit applied for, with terms and conditions attached (Section 42(4),

Ontario Heritage Act)

Municipal Council must make a decision on the Heritage Alteration Permit application within 90 days or the request is deemed permitted (Section 42(4), *Ontario Heritage Act*).

Furthermore, Section 41.2(1) requires that Municipal Council shall not carry out any public work in a Heritage Conservation District that is contrary to the objectives set out in the applicable Heritage Conservation District Plan.

3.3 The London Plan/Official Plan

The London Plan is the new Official Plan for the City of London (Municipal Council adopted, approved by the Minister with modifications, and the majority of which is in force and effect). *The London Plan* policies under appeal to the Local Planning Appeal Tribunal (Appeal PL170100) and not in force and effect are indicated with an asterisk throughout this report. *The London Plan* policies under appeal are included in this report for informative purposes indicating the intent of the Municipal Council, but are not determinative for the purposes of this application.

The policies of *The London Plan* found in the Key Directions and Cultural Heritage chapter support the conservation of London's cultural heritage resources.

Policy 61_5 of *The London Plan*, "Protect what we cherish by recognizing and enhancing our cultural identity, cultural heritage resources, neighbourhood character, and environmental features."

Policy 62_9 of *The London Plan* notes the municipality's primary initiatives to "Ensure new development is a good fit within the context of an existing neighbourhood," and Policy 554_3 to "ensure that new development and public works are undertaken to enhance and be sensitive to our cultural heritage resources." To help ensure that new development is compatible, Policies 554_3, *565_, and *594_ of *The London Plan* provides the following direction:

Policy 554_3 Ensure that new development and public works are undertaken to enhance and be sensitive to our cultural heritage resources.

Policy *565_ New development, redevelopment, and all civic works are projects on and adjacent to heritage designated properties and properties listed on the Register will be designed to protect the heritage attributes and character of those resources, to minimize visual and physical impact on these resources.

Policy *594_

1. *The character of the district shall be maintained by encouraging the retention of existing structures and landscapes that contribute to the character of the district.*
2. *The design of new development, either as infilling, redevelopment, or as additions to existing buildings, should complement the prevailing character of the area.*
3. *Regard shall be had at all times to the guidelines and intent of the heritage conservation district plan.*

Policy 13.3.6 of the 1989 *Official Plan* (1989, as amended) states that:

- i) *The character of the district shall be maintained by encouraging the retention of existing structures and landscape features;*
- ii) *The design of new development, either as infilling or as additions to existing buildings, should complement the prevailing character of the area;*
- iii) *Regard shall be had at all times to the guidelines and intent of the Heritage Conservation District Plan; and,*
- iv) *Development on land adjacent to designated Heritage Conservation Districts shall be encouraged to be sensitive to the characteristics of the District.*

3.4 **Old East Heritage Conservation District Conservation Plan & Conservation Guidelines**

The Old East Heritage Conservation District was designated pursuant to Part V of the *Ontario Heritage Act* by By-law No. L.S.P.3383-111 and came into force and effect on September 10, 2006. The *Old East Heritage Conservation District Plan & Guidelines* provides policies and guidelines to help manage change for the nearly 1,000 properties located within its boundaries.

The goals and objectives of the designation of the Old East as a Heritage Conservation District are found within Section 3.2 of the *Old East Heritage Conservation District Conservation Plan*. The streetscape goals and objectives are:

Maintain and enhance the visual, contextual and pedestrian oriented character of Old East's streetscapes and public realms by:

- *Recognizing that the area's heritage includes streets, parks, trees, open spaces, monuments, street furniture, signs and all manner of items that contribute to the visual experience of a community, whether public or privately owned.*
- *Maintain existing street trees, vegetation, boulevard, or develop replacement programs where necessary.*
- *Minimize the visual impact of vehicle parking on the streetscape.*

To achieve these objectives, policies are established in the *Old East Heritage Conservation District Plan*; street trees (Section 5.2), boulevards (Section 5.3), signage (Section 5.5), lighting (Section 5.6), street furniture (Section 5.7), and vehicle parking (Section 5.8).

The street trees are emphasized as an "inseparable element that defines the overall character of the district" (Section 5.2.1, *Old East Heritage Conservation District Conservation Plan*). Policy recommendations in Section 5.2.3 emphasize the important of tree planting to maintain the streetscape with appropriate species of a minimum size (100mm calliper diameter at breast height). Specifically regarding infrastructure projects,

Any road-works or general construction that will impact the root zones of the existing mature street trees should be executed under the supervision of municipal forestry staff, or outside consultants, such as certified arborists or registered professional foresters, with the opportunity to review engineering plans and provide and implement tree preservation/protection measures. Trees should be inspected during and after construction to ensure tree protection measures were in place and maintained, and that post construction conditions within the root protection zone have been restored to equal or better conditions.

Appropriate planting species are found in Section 5.2.3 of the *Old East Heritage Conservation District Conservation Plan*:

- Norway Maple
- Silver Map
- Sugar Maple
- Baumann Horsechestnut
- Native Basswood
- Little Leaf Linden
- Homestead Hybrid Elm
- Pioneer Hybrid Elm
- Sapporo Autumn Gold Hybrid Elm

There are additional species of potentially appropriate plant material (for residential landscapes) in Section 5.4 of the *Old East Heritage Conservation District Conservation Guidelines*.

The policies of Section 5.3 of the *Old East Heritage Conservation District Conservation Plan* highlight the importance of the boulevards which “serve as a green ribbon that strings the urban fabric of the district together.” The policies state:

- All boulevards should be maintained as green space, serving as an important buffer between vehicular and pedestrian space within the streetscape.
- The paving of boulevard in hard surface material is highly discouraged. Where boulevards have been hard surfaced (e.g. portions of Dufferin Avenue), it is recommended that they be restored to green space at the time any street reconstruction or other infrastructure improvements are undertaken.
- Plant materials other than turf grass may be appropriate.

The policies of Section 5.5 (Signage) include reference to the City’s Heritage Conservation District street sign program, which is partially implemented in the Old East Heritage Conservation District.

The policies of Section 5.6 (Lighting) notes that the current “cobra head” lighting fixture mounted on the wood hydro poles are not sensitive to the heritage character of the Old East Heritage Conservation District. The policies of Section 5.6 recommend the replacement of the “cobra head” light fixtures with fixtures that are more appropriate as well as the burial of overhead wires.

Section 5.7 of the *Old East Heritage Conservation District Conservation Plan* provides recommendations for street furniture. No street furniture is anticipated as part of the English Street infrastructure renewal project.

The policies of Section 5.8 of the *Old East Heritage Conservation District Conservation Plan* continue to discourage vehicle parking in the front yard and boulevard.

4.0 Key Issues and Considerations

4.1 Consistent with the Objectives of the Old East Heritage Conservation District Plan?

Section 41.2(1) of the *Ontario Heritage Act* requires that no public work be carried out that is contrary to the objectives of a Heritage Conservation District Plan. The proposed alterations for the English Street Infrastructure Renewal Project have been reviewed and no conflict identified with the objectives of the *Old East Heritage Conservation District Conservation Plan*.

No direct impacts to any private properties within the Old East Heritage Conservation District arising from the English Street Infrastructure Renewal Project is proposed. All cultural heritage resources within the project area will be conserved and no permanent adverse impacts are anticipated.

4.2 Impacts to Street Trees

A street tree assessment and inspection were completed by the project arborist (consultant) and the City’s Arborist and Forestry Supervisor. Eighty-two (82) trees were assessed; five (5) were identified as necessitating removal due to structural or health considerations combined with construction impacts, representing only 6% of the assessed trees. Final tree removal and impacts related to the English Street Infrastructure Renewal Project will be confirmed through Detailed Design.

Retained trees will be protected with fencing during construction, and enhanced trunk protection where warranted.

Additional construction measures will be implemented to minimize the number of tree removals required and to retain certain significant specimens (white oak tree at 754 Queens Avenue, linden tree at 741 Queens Avenue, and silver maple tree at 792 Lorne Avenue), including:

- Retaining limited sections of the existing sidewalk where removal may otherwise compromise the stability of the tree or damage its roots;

- Trenchless replacement of certain water services in direct conflict with a tree; and,
- Limited sections of trenchless sewer or water main installation to avoid undermining the tree (stability) or damaging its roots.

This proposed approach demonstrates the City's commitment to conserve as many street trees as possible in compliance with the objectives and the direction of Section 5.2.3 of the *Old East Heritage Conservation District Conservation Plan*.

The recommendations and preferred tree species identified in the *Old East Heritage Conservation District Conservation Plan* and *Old East Heritage Conservation District Conservation Guidelines* have been provided to Urban Forestry for consideration when replanting in the Old East Heritage Conservation District, including minimum replacement specimen sizes.

4.3 Impacts to Boulevards

Road alteration projects generally require the widening or expansion of a paved surface at the expense of a grass or landscaped boulevard. The boulevards in the Old East Heritage Conservation District are an important heritage attribute and the policies of the *Old East Heritage Conservation District Conservation Plan* support the retention and preservation of the grass boulevards.

The proposed narrowing of English Street, between Queens Avenue and Princess Avenue, will maintain and widen the existing boulevards. This is anticipated to have a positive impact on the Old East Heritage Conservation District by increasing the area suitable to support the "green ribbon" along the streetscape and provide additional potential opportunities for small street trees.

The increase in the area of the boulevard is insufficient to support the parking of vehicles, either perpendicular or parallel to English Street, in private driveways.

4.4 Heritage Conservation District Program Implementation

Within the limits of the English Street Infrastructure Renewal Project, the City will continue to implement the Heritage Conservation District Street Signage program using the existing design for the Old East Heritage Conservation District. This will include replacement of street signs that do not comply with the Heritage Conservation District Street Signs standard (e.g. standard green and white street sign) or those signs have gone missing since their installation.

Additionally, the street names will be stamped into the sidewalks that are replaced as part of the English Street Infrastructure Renewal Project. This initiative commenced with infrastructure replacement projects in the East Woodfield Heritage Conservation District, and is now being implemented in infrastructure projects on Euclid Avenue, in the Wortley Village-Old South Heritage Conservation District, and recently on Waterloo Street in the Bishop Hellmuth Heritage Conservation District. This should continue to be implemented only in London's Heritage Conservation Districts.

4.5 Street Lighting

A more appropriate street lighting fixture has been identified as the preferred fixture for the English Street Infrastructure Renewal Project, as well as potential future applications in London's Heritage Conservation Districts (see Appendix D). The SDL LED fixture from Streetworks is more sympathetic to the heritage character of the Old East Heritage Conservation District than the existing "cobra head" fixtures and achieves the City's other design criteria (e.g. technical specifications, dark sky friendly).

Civic Administration is working to add this fixture to the City's Pre-Approved Street Lighting Fixtures list for future applications.

4.6 Coordination with Construction of Lorne Avenue Park

Following the demolition of the former Lorne Avenue Public School building at 723 Lorne Avenue, a Heritage Alteration Permit (HAP20-014-L) was approved with terms

and conditions for the future Lorne Avenue Park. The Lorne Avenue Park is currently under construction. The easterly boundary of the Lorne Avenue Park fronts English Street and is adjacent to the English Street Infrastructure Renewal Project.

In consultation with Parks Planning, there are a number of coordination opportunities that will be implemented between the English Street Infrastructure Renewal Project and the Lorne Avenue Park construction, including:

- Construction of the three (3) concrete “porches” along English Street which were initially identified for Phase 2 of the park development. The “porches” include a garden will feature obelisks and include plants from the *Old East Heritage Conservation District Conservation Plan* guidelines.
- Implementing a portion of the Lorne Avenue Park’s English Street frontage boulevard landscaping and planting plan.
- Boulevard restoration along the English Street frontage of the Lorne Avenue Park, including removal of asphalt and reinstate turf.
- Installing the irrigation water service connection.
- In an effort to minimize disruption, avoid damage to permanent features, and limit throwaway costs by coordinating the construction of the main entrance to the Lorne Avenue Park at the English Street/Lorne Avenue intersection through the installation of a temporary entrance path in 2020 and a permanent concrete entrance in 2021.

The original Lorne Avenue School bell has been restored and installed in the Lorne Avenue Park near to the corner of Lorne Avenue and English Street in compliance with the terms and conditions of the demolition of the former school building. The bell will be protected for potential impacts arising from the English Street Infrastructure Renewal Project. The lettering from the former Lorne Avenue Public School building has also been recently installed on the sage in the centre of the park. A wrap of the existing utility box has also been installed that depicts a historical photograph of the Lorne Avenue Public School from circa 1967. A base has been installed in the park to receive the future interpretive sign detailing the history of the Lorne Avenue Public School.

4.7 Coordination with Dundas Street Old East Village Reconstruction

The Dundas Street Old East Village reconstruction project will “stub out” at English Street, with the English Street Infrastructure Renewal Project continuing the reconstruction work. The portion of English Street between Dundas Street and Queens Avenue is anticipated to be one of the final phases of the English Street Infrastructure Renewal Project to avoid conflict between the two projects.

4.8 On-Street Parking on English Street

Civic Administration have also investigated parking along English Street. The “school zone” no parking on the west side of English Street can be eliminated. This will allow for approximately eight additional legal on-street parking spaces to be permitted.

5.0 Conclusion

Infrastructure Renewal Projects within London’s Heritage Conservation Districts do not typically require Heritage Alteration Permit approval when there is no alteration to the road width or paved surfaces, as these projects replace “like with like.” From time to time, changes arising from an infrastructure project may be considered which could have a potential impact the cultural heritage values or heritage attributes of a cultural heritage resources. For the English Street Infrastructure Renewal Project, no adverse impacts are anticipated as a direct result of the proposed alterations. The narrowing of English Street, between Queens Avenue and Princess Avenue, is anticipated to continue to support and maintain the heritage character of the Old East Heritage Conservation District by conserving and increasing the “green ribbon” of the streetscape and providing potential opportunities for street trees. The proposed alterations comply with the objectives of the *Old East Heritage Conservation District Conservation Plan* and support, maintain, and enhance the conservation of the Old East Heritage Conservation District. Sensitivity has been demonstrated in the designs presented for

the English Street Infrastructure Renewal Project, particularly where more compatible street lighting can be introduced, the continued implementation of the Heritage Conservation District street sign program, and the stamping of street names in the sidewalks . The Heritage Alteration Permit for the English Street Infrastructure Renewal Project should be permitted.

5.1 Acknowledgments

This report was prepared with the assistance of Ryan Armstrong, Technologist II, Sewer Engineering Division, and Julie Michaud, Landscape Architect, Parks Planning & Design.

Prepared and Submitted by:	Kyle Gonyou, CAHP Heritage Planner
Recommended by:	Gregg Barrett, AICP Director, City Planning and City Planner
<p>Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from City Planning.</p>	

November 30, 2020
kg/

CC Peter Kavcic, Transportation Design Engineer

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- Appendix A Location
- Appendix B Images
- Appendix C English Street Infrastructure Renewal Project drawings
- Appendix D Preferred Street Lighting Fixture

Links

Staff report on Heritage Alteration Permit application for the Lorne Avenue Park (HAP20-014-L): <https://pub-london.escrimemeetings.com/Meeting.aspx?Id=3fe3429c-2298-492e-85ff-11adbe05bc32&Agenda=Agenda&lang=English> (see Item 5.1)

Staff report on Demolition Request for Heritage Designated Property at 723 Lorne Avenue, Old East Heritage Conservation District: <https://pub-london.escrimemeetings.com/Meeting.aspx?Id=6547d932-f657-47d4-9fdd-9f59e960be73&Agenda=Agenda&lang=English> (see Item 10)

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Appendix A – Location



Figure 1: General location of the English Street Infrastructure Renewal Project, on English Street between Dundas Street and Princess Avenue, including approximately 100m of Lorne Avenue east of English Street.

Appendix B – Images



Image 1: Photograph showing the existing conditions of the southwest intersection of English Street and Queens Avenue.



Image 2: Photograph showing the existing street signs at English Street and Princess Avenue, which will be replaced with the Heritage Conservation District Street Signs for the Old East.



Image 3: Photograph showing the Old East Heritage Conservation District Street Sign.



Image 4: Photograph showing the street name stamping, recently completed at Grosvenor Street and Waterloo Street in the Bishop Hellmuth Heritage Conservation District.

Appendix C – English Street Infrastructure Renewal Project drawings

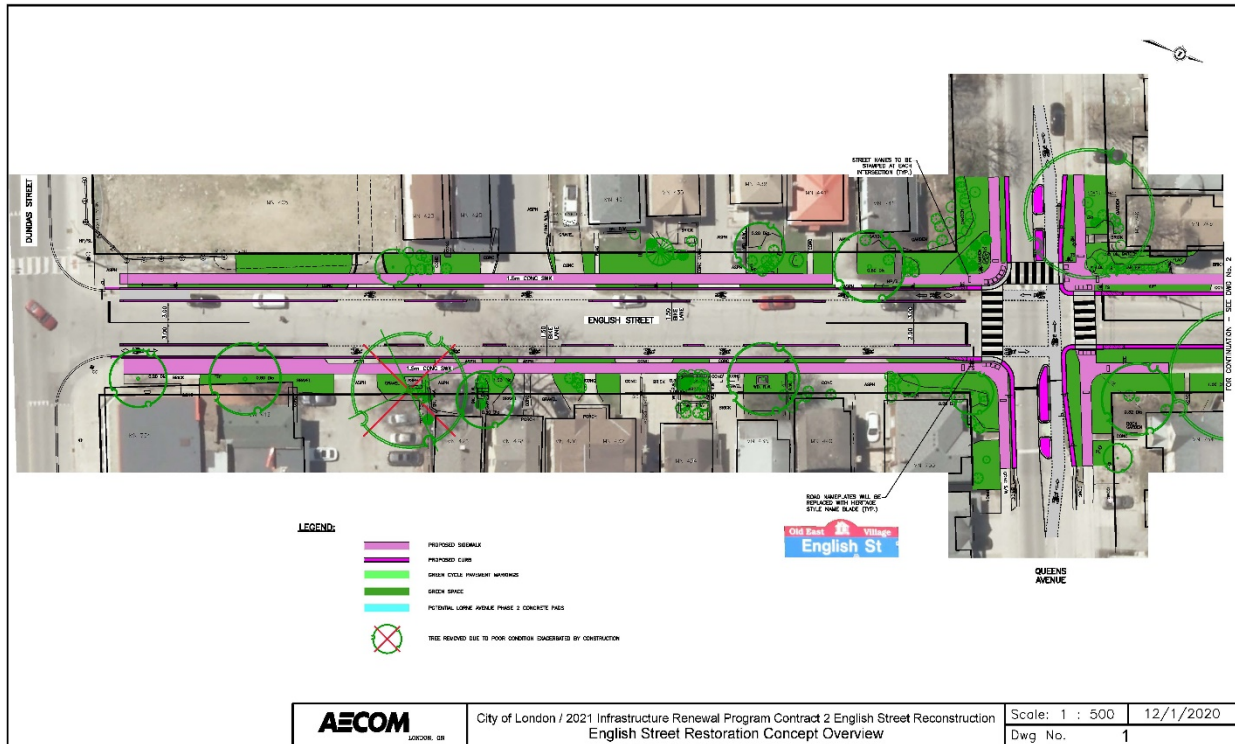


Figure 2: English Street Infrastructure Renewal Project design drawings for English Street between Dundas Street and Queens Avenue.

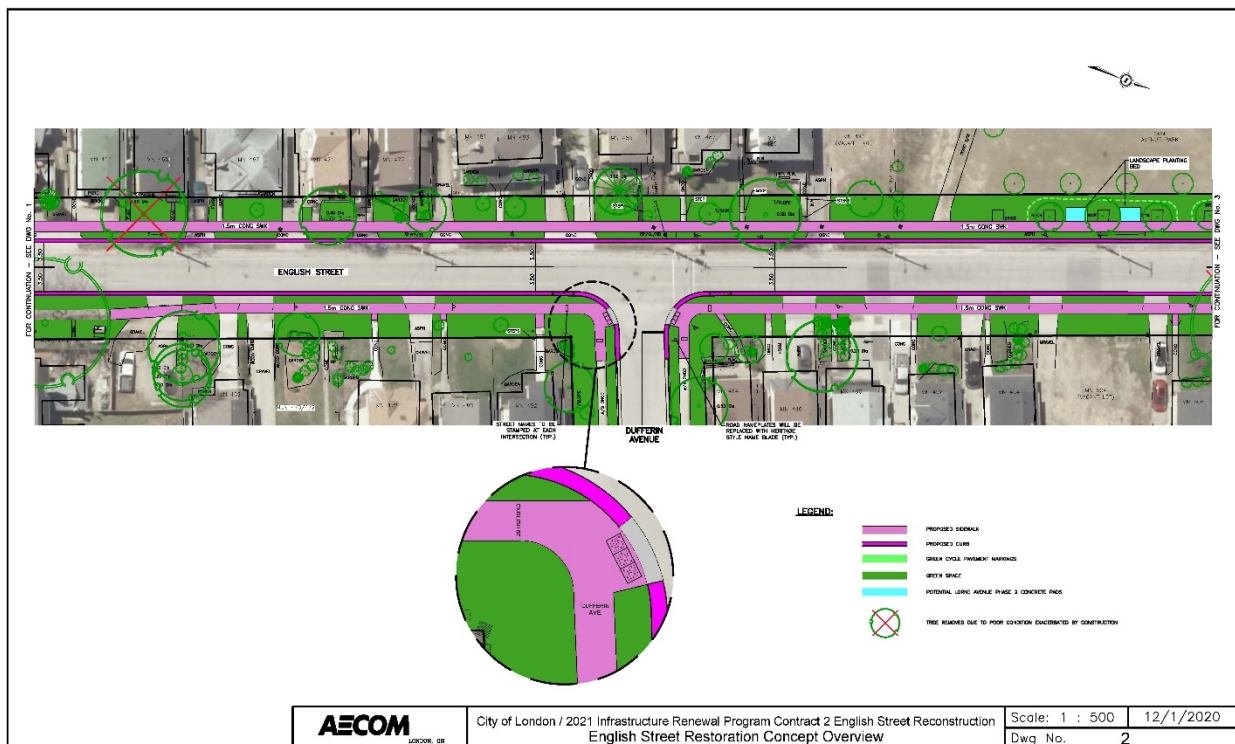
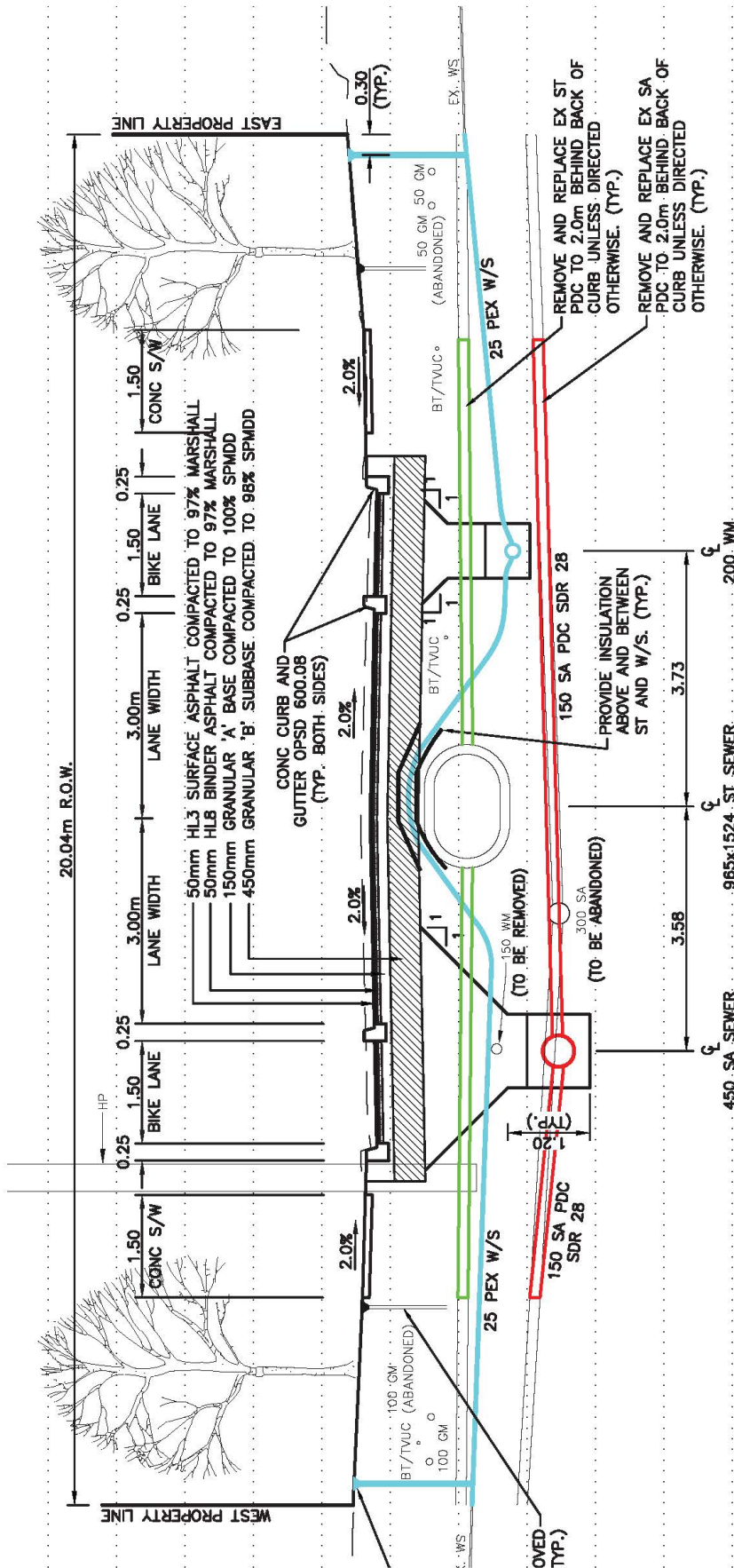
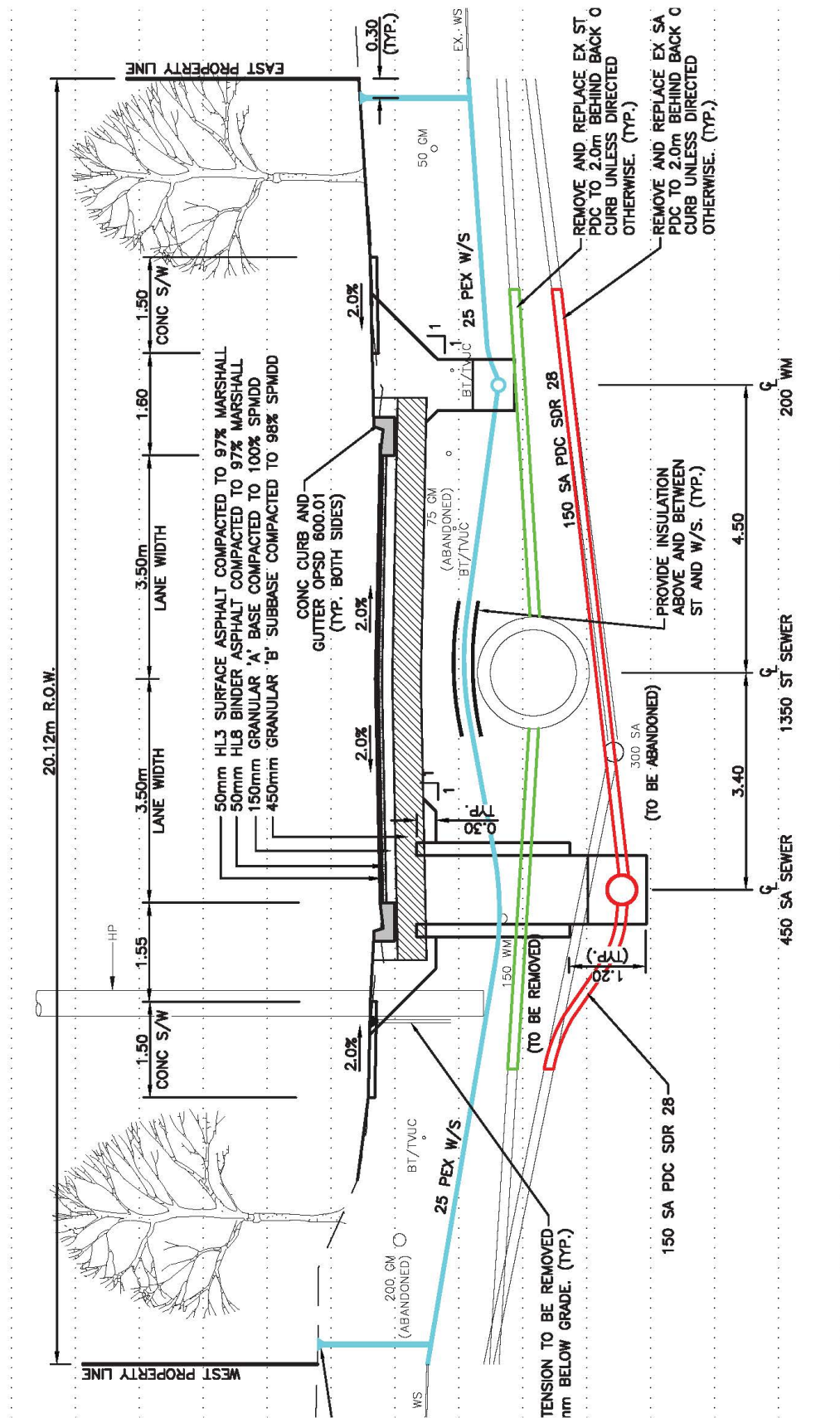


Figure 3: English Street Infrastructure Renewal Project design drawings for English Street between Queens Avenue and Dufferin Avenue. Note: specifications for street name stamping at corners and Heritage Conservation District street signs.



ENGLISH STREET (DUNDAS STREET TO QUEENS AVENUE) - STATION 1+095

Figure 6: Cross-section of English Street Infrastructure Renewal Project for English Street between Dundas Street and Queens Avenue.



ENGLISH STREET (QUEENS AVENUE TO LORNE AVENUE) - STATION 1+280

Figure 7: Cross-section of English Street Infrastructure Renewal Project for English Street between Queens Avenue and Lorne Avenue.

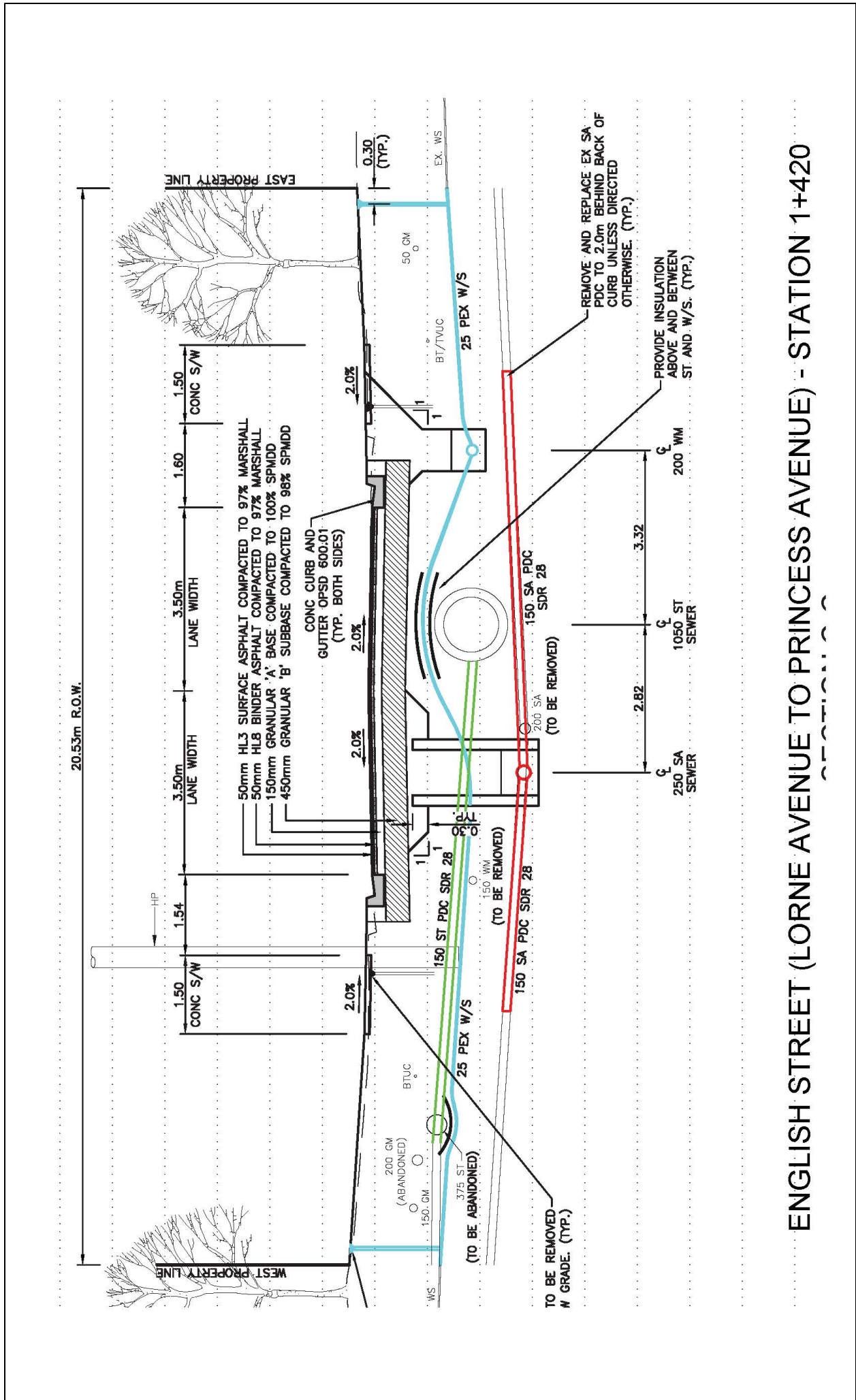


Figure 8: Cross-section of English Street Infrastructure Renewal Project for English Street between Lorne Avenue and Princess Avenue.

Appendix D – Preferred Street Lighting Fixture

SDL LED Arm Mount

Distinctive Styling. Architectural Complement.

The SDL LED outdoor luminaire displays the old-fashioned charm of traditional area lighting, enhancing any setting with distinctive styling. As a decorative luminaire, the SDL LED tastefully complements the architectural and environmental design of parks and roadways. The high-lumen downlight configuration uses Cooper Lighting Solutions' patented LightBAR™ technology to deliver uniform and efficient illumination to pedestrian and roadway applications.

PRODUCT FEATURES

- Decorative luminaire with old-fashioned charm
- Lumen packages ranging from 2,300 - 8,708 lumens
- Standard 4000K CCT 70 CRI, optional 3000K, 5000K, or 5700K CCT
- 120-277V 50/60Hz, 347V 60Hz or 480V 60Hz
- Type II, III, IV, and V distributions available
- Integrated control options via 4 pin or 7 pin NEMA receptacle
- IP66 rated, 3G rated, and UL/cUL listed





Mounting Configuration (arm sold separately)



Mounting Detail

*www.designlights.org



QUICK FACTS

- Die-cast aluminum housing
- Lumen package range from 2300 lm – 10500 lm
- Dimming driver optional
- Type 2,3,4 distribution option available
- Optional NEMA Photocontrol receptacle
- 10kV/10kA surge protection standard
- Universal 120-277V operation
- Five Year warranty
- Approximate weight 40 lbs. (18 kgs.)
- 1.5G rated (Fixture and Arm)
- DesignLights Consortium® Qualified*

Figure 9: Product information on the SDL LED Arm Mount from the Streetworks line from Cooper Lighting, the preferred street lighting fixture for the Old East Heritage Conservation District. This fixture can be affixed to the existing hydro poles.

2021 MEMBERSHIP RENEWAL FORM

Name of MHC _____
or group or individual

Mailing Address _____

City/Town _____ Postal Code _____

MHC Chairperson _____ Number of members _____

Contact Person: Name _____
(if different than Chair)

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