

Agenda Including Addeds

Community Advisory Committee on Planning

4th Meeting of the Community Advisory Committee on Planning

March 8, 2023, 5:00 PM

Advisory Committee Virtual Meeting - Please check the City website for current details

The City of London is situated on the traditional lands of the Anishinaabek (AUh-nish-in-ah-bek), Haudenosaunee (Ho-den-no-show-nee), Lūnaapéewak (Len-ah-pay-wuk) and Attawandaron (Add-a-won-da-run).

We honour and respect the history, languages and culture of the diverse Indigenous people who call this territory home. The City of London is currently home to many First Nations, Metis and Inuit people today.

As representatives of the people of the City of London, we are grateful to have the opportunity to work and live in this territory.

The City of London is committed to making every effort to provide alternate formats and communication supports for meetings upon request. To make a request specific to this meeting, please contact advisorycommittee@london.ca.

	Pages
1. Call to Order	
1.1 Disclosures of Pecuniary Interest	
2. Scheduled Items	
3. Consent	
3.1 3rd Report of the Community Advisory Committee on Planning	3
3.2 Notice of Planning Application - Zoning By-law Amendment - 625 Mornington Avenue	4
4. Sub-Committees and Working Groups	
4.1 Stewardship Sub-Committee Report	36
5. Items for Discussion	
5.1 Demolition Request by J. McLeod for the Heritage Designated Property located at 247 Halls Mill Road	37
a. M. Greguol, Heritage Planner; and,	
b. J. McLeod	
5.2 Heritage Alteration Permit Application by O. Cosme for the property located at 19 Blackfriars Street, Blackfriars/Petersville Heritage Conservation District	60
a. M. Greguol, Heritage Planner; and,	
b. O. Cosme	
5.3 Heritage Planners' Report	
a. <i>(ADDED) Heritage Planners' Report</i>	68

6. Adjournment

Community Advisory Committee on Planning Report

3rd Meeting of the Community Advisory Committee on Planning
February 8, 2023

Attendance PRESENT: J. Dent, S. Jory, J.M. Metrailler, M. Rice, M. Wallace
and M. Wotjak and J. Bunn (Committee Clerk)

ABSENT: S. Ashman, S. Bergman, M. Bloxam, I. Connidis, A.
Johnson, J. Wabegijig, K. Waud and M. Whalley

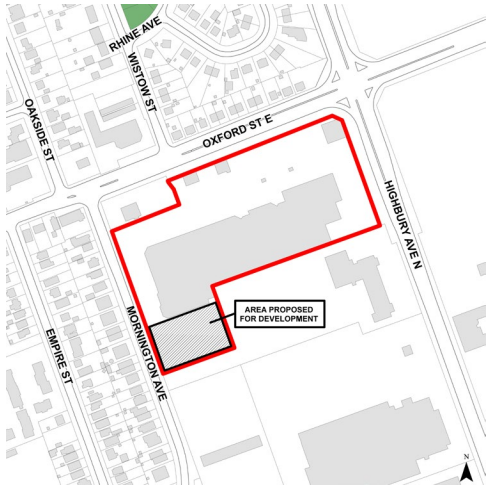
ALSO PRESENT: L. Dent, K. Gonyou, K. Grabowski, M.
Greguol, H. McNeely, B. Westlake-Power, S. Wilson, R. Wilcox

The meeting stood adjourned at 5:30 PM due to lack of quorum.

NOTICE OF PLANNING APPLICATION

Zoning By-Law Amendment

625 Mornington Avenue



File: Z-9589

Applicant: Oxbury Centre Ltd. (c/o Westdell Development Corporation)

What is Proposed?

Zoning amendment to allow:

- An 18-storey, 187-unit apartment building
- A reduced minimum rear yard depth abutting a residential zone of 1.25m
- A reduced minimum landscaped open space of 8.69%
- An increased maximum lot coverage of 45.13%
- An increased maximum building height of 52.62m
- An increased maximum gross floor area of 37,708.25 sq.m

LEARN MORE & PROVIDE INPUT

Please provide any comments by **March 1, 2023**

Catherine Maton

cmaton@london.ca

519-661-CITY (2489) ext. 5074

Planning & Development, City of London

300 Dufferin Avenue, 6th Floor,

London ON PO Box 5035 N6A 4L9

File: Z-9589

london.ca/planapps

You may also discuss any concerns you have with your Ward Councillor:

Councillor Susan Stevenson

sstevenson@london.ca

519-661-CITY (2489) ext. 4004

**If you are a landlord, please post a copy of this notice where your tenants can see it.
We want to make sure they have a chance to take part.**

Date of Notice: February 8, 2023

Application Details

Requested Zoning By-law Amendment

To change the zoning from a Community Shopping Area (CS4) Zone to a Community Shopping Area Special Provision (CSA4(_)) Zone. Changes to the currently permitted land uses and development regulations are summarized below.

The Zoning By-law is available at london.ca.

Current Zoning

Zone: Community Shopping Area (CSA4) Zone

Permitted Uses: Assembly halls; automotive uses, restricted; bake shops; clinics; commercial parking structures and/or lots; commercial recreation establishments; convenience service establishments; day care centres; duplicating shops; financial institutions; home and auto supply stores; institutions; medical/dental offices; offices; patient testing centre laboratories; personal service establishments; private clubs; restaurants; retail stores; service and repair establishments; studios; supermarkets; taverns; video rental establishments; brewing on premises establishment; cinemas; commercial schools; private schools.

Special Provisions: None.

Residential Density: N/A

Height: 9m

Bonus Zone: N/A

Requested Zoning

Zone: Community Shopping Area Special Provision (CSA4(_)) Zone

Permitted Uses: Assembly halls; automotive uses, restricted; bake shops; clinics; commercial parking structures and/or lots; commercial recreation establishments; convenience service establishments; day care centres; duplicating shops; financial institutions; home and auto supply stores; institutions; medical/dental offices; offices; patient testing centre laboratories; personal service establishments; private clubs; restaurants; retail stores; service and repair establishments; studios; supermarkets; taverns; video rental establishments; brewing on premises establishment; cinemas; commercial schools; private schools; and apartment buildings.

Special Provisions: Add apartment buildings to the list of permitted uses, and permit the following: a reduced minimum rear yard depth abutting a residential zone of 1.25m (whereas a minimum of 10m is required); a reduced minimum landscaped open space of 8.69% (whereas a minimum of 10% is required); an increased maximum lot coverage of 45.13% (whereas a maximum of 30% is permitted); an increased maximum building height of 52.62m (whereas a maximum of 9m is permitted); and an increased maximum gross floor area of 37,708.25 sq.m (whereas a maximum of 20,000 sq.m is permitted). The existing range of permitted uses would continue to apply to the site.

Residential Density: 187 units proposed; no density provision requested.

Height: 52.62m.

Bonus Zone: N/A

Planning Policies

Any change to the Zoning By-law must conform to the policies of the Official Plan, London's long-range planning document. The subject lands are in the Transit Village Place Type in The London Plan, permitting a range of residential, retail, service, office, cultural, recreational, and institutional uses.

How Can You Participate in the Planning Process?

You have received this Notice because someone has applied to change the zoning of land located within 120 metres of a property you own, or your landlord has posted the notice of application in your building. The City reviews and makes decisions on such planning applications in accordance with the requirements of the Planning Act. The ways you can participate in the City's planning review and decision making process are summarized below.

See More Information

You can review additional information and material about this application by:

- Contacting the City's Planner listed on the first page of this Notice; or
- Viewing the application-specific page at london.ca/planapps
- Opportunities to view any file materials in-person by appointment can be arranged through the file Planner.

Reply to this Notice of Application

We are inviting your comments on the requested changes at this time so that we can consider them as we review the application and prepare a report that will include Planning & Development staff's recommendation to the City's Planning and Environment Committee. Planning considerations usually include such matters as land use, development intensity, and form of development.

Attend a Future Public Participation Meeting

The Planning and Environment Committee will consider the requested zoning changes on a date that has not yet been scheduled. The City will send you another notice inviting you to attend this meeting, which is required by the Planning Act. You will also be invited to provide your comments at this public participation meeting. A neighbourhood or community association may exist in your area. If it reflects your views on this application, you may wish to select a representative of the association to speak on your behalf at the public participation meeting. Neighbourhood Associations are listed on the [Neighbourgood](#) website. The Planning and Environment Committee will make a recommendation to Council, which will make its decision at a future Council meeting.

What Are Your Legal Rights?

Notification of Council Decision

If you wish to be notified of the decision of the City of London on the proposed zoning by-law amendment, you must make a written request to the City Clerk, 300 Dufferin Ave., P.O. Box 5035, London, ON, N6A 4L9, or at docservices@london.ca. You will also be notified if you speak to the Planning and Environment Committee at the public meeting about this application and leave your name and address with the Clerk of the Committee.

Right to Appeal to the Ontario Land Tribunal

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of the City of London to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of London before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of London before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

For more information go to <https://olt.gov.on.ca/appeals-process/forms/>.

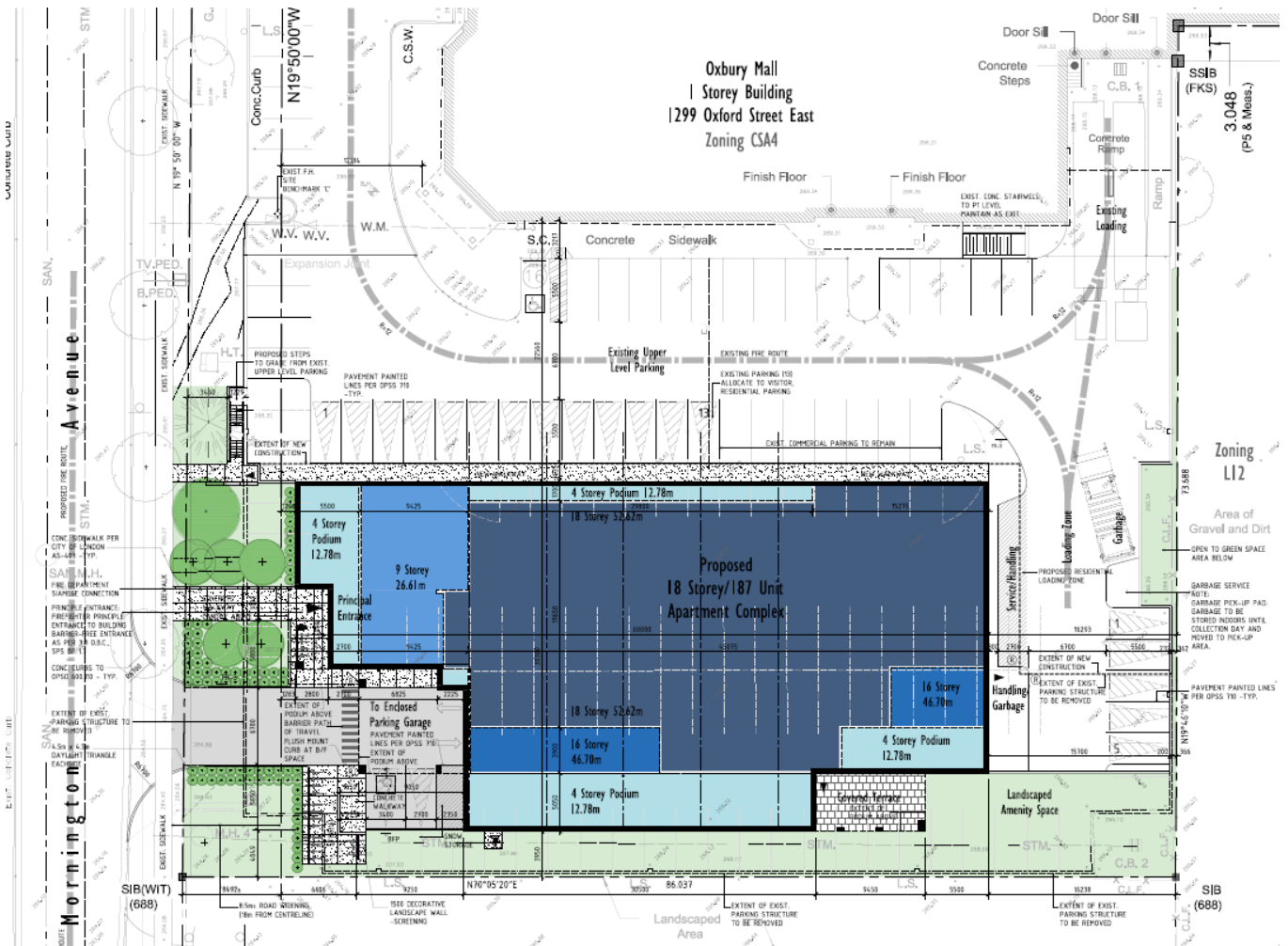
Notice of Collection of Personal Information

Personal information collected and recorded at the Public Participation Meeting, or through written submissions on this subject, is collected under the authority of the Municipal Act, 2001, as amended, and the Planning Act, 1990 R.S.O. 1990, c.P.13 and will be used by Members of Council and City of London staff in their consideration of this matter. The written submissions, including names and contact information and the associated reports arising from the public participation process, will be made available to the public, including publishing on the City's website. Video recordings of the Public Participation Meeting may also be posted to the City of London's website. Questions about this collection should be referred to Evelina Skalski, Manager, Records and Information Services 519-661-CITY(2489) ext. 5590.

Accessibility

Alternative accessible formats or communication supports are available upon request. Please contact plandev@london.ca for more information.

Site Concept



Site Concept Plan for proposed 18-storey, 187-unit apartment building

Building Renderings



Conceptual renderings of proposed 18-storey, 187-unit apartment building

The above images represent the applicant's proposal as submitted and may change.

Heritage Impact Assessment Memo

Proposed Development of 625 Mornington Avenue, Adjacent
to 955 Highbury Avenue North, a Heritage Listed Property

City of London

60695363

December 2022

Statement of Qualifications and Limitations

The attached Report (the "Report") has been prepared by AECOM Canada Ltd. ("AECOM") for the benefit of the Client ("Client") in accordance with the agreement between AECOM and Client, including the scope of work detailed therein (the "Agreement").

The information, data, recommendations and conclusions contained in the Report (collectively, the "Information"):

- is subject to the scope, schedule, and other constraints and limitations in the Agreement and the qualifications contained in the Report (the "Limitations");
- represents AECOM's professional judgement in light of the Limitations and industry standards for the preparation of similar reports;
- may be based on information provided to AECOM which has not been independently verified;
- has not been updated since the date of issuance of the Report and its accuracy is limited to the time period and circumstances in which it was collected, processed, made or issued;
- must be read as a whole and sections thereof should not be read out of such context;
- was prepared for the specific purposes described in the Report and the Agreement; and
- in the case of subsurface, environmental or geotechnical conditions, may be based on limited testing and on the assumption that such conditions are uniform and not variable either geographically or over time.

AECOM shall be entitled to rely upon the accuracy and completeness of information that was provided to it and has no obligation to update such information. AECOM accepts no responsibility for any events or circumstances that may have occurred since the date on which the Report was prepared and, in the case of subsurface, environmental or geotechnical conditions, is not responsible for any variability in such conditions, geographically or over time.

AECOM agrees that the Report represents its professional judgement as described above and that the Information has been prepared for the specific purpose and use described in the Report and the Agreement, but AECOM makes no other representations, or any guarantees or warranties whatsoever, whether express or implied, with respect to the Report, the Information or any part thereof.

Without in any way limiting the generality of the foregoing, any estimates or opinions regarding probable construction costs or construction schedule provided by AECOM represent AECOM's professional judgement in light of its experience and the knowledge and information available to it at the time of preparation. Since AECOM has no control over market or economic conditions, prices for construction labour, equipment or materials or bidding procedures, AECOM, its directors, officers and employees are not able to, nor do they, make any representations, warranties or guarantees whatsoever, whether express or implied, with respect to such estimates or opinions, or their variance from actual construction costs or schedules, and accept no responsibility for any loss or damage arising therefrom or in any way related thereto. Persons relying on such estimates or opinions do so at their own risk.

Except (1) as agreed to in writing by AECOM and Client; (2) as required by-law; or (3) to the extent used by governmental reviewing agencies for the purpose of obtaining permits or approvals, the Report and the Information may be used and relied upon only by Client.

AECOM accepts no responsibility, and denies any liability whatsoever, to parties other than Client who may obtain access to the Report or the Information for any injury, loss or damage suffered by such parties arising from their use of, reliance upon, or decisions or actions based on the Report or any of the Information ("improper use of the Report"), except to the extent those parties have obtained the prior written consent of AECOM to use and rely upon the Report and the Information. Any injury, loss or damages arising from improper use of the Report shall be borne by the party making such use.

This Statement of Qualifications and Limitations is attached to and forms part of the Report and any use of the Report is subject to the terms hereof.

AECOM: 2015-04-13

© 2009-2015 AECOM Canada Ltd. All Rights Reserved.

Authors

Report Prepared By:



Jake Harper, M.A.
Cultural Heritage Specialist

Report Reviewed By:



Tara Jenkins, MA, GPCertCHS, CAHP
Cultural Heritage Specialist

Report Verified By:



Adria Grant, M.A., CAHP
Associate Vice President

City of London

Heritage Impact Assessment Memo

Proposed Development of 625 Mornington Avenue, Adjacent to 955 Highbury Avenue North, a Heritage Listed Property

Prepared for:

City of London

Prepared by:

AECOM Canada Ltd.
410 – 250 York Street, Citi Plaza
London, ON N6A 6K2
Canada

T: 519.673.0510

F: 519.673.5975

www.aecom.com

Table of Contents

1.	Project Summary	1
1.1	Introduction	1
1.2	Project Summary	1
1.3	Site Description	1
2.	Historical Context	3
3.	Heritage Planning Framework	4
3.1	The Planning Act and the Provincial Policy Statement	4
3.2	Ontario Heritage Act	5
3.3	The London Plan	5
3.4	City of London Register of Cultural Heritage Resources	6
4.	Impact Assessment	7
4.1	Proposed Development	7
4.2	Potential Impacts from the Proposed Development	7
4.3	Mitigation and Conservation	7
5.	Conclusion	8
6.	Sources	9

Appendices

Appendix 1: Site Plan Overlaid on Aerial Image

Appendix 2: Site Photographs

Appendix 3: Site Plan

1. Project Summary

1.1 Introduction

AECOM Canada Ltd. (AECOM) was retained by Oxbury Centre Inc. to prepare a scoped Heritage Impact Assessment (HIA) Memo to assess the potential impacts of the Proposed Site Plan for the development of an 18-storey residential tower at 625 Mornington Avenue, which is adjacent to 955 Highbury Avenue North, a listed property on the City of London *Register of Cultural Heritage Resources*.

For the purpose of this HIA Memo, the Study Area consists of the listed property at 955 Highbury Avenue North, and the Development Area consists of the municipal address of 625 Mornington Avenue within the parcel of land at 1299 Oxford Street East, known as Oxbury Centre (see **Appendix 1**).

1.2 Project Summary

Given the Study Area is adjacent to the Development Area, the City of London confirmed that the completion of an HIA in a scoped, memo format is a condition of Site Plan Approval. Per Policy 565 of *The London Plan*, a HIA is required for new development on and adjacent to heritage designated properties and properties listed on the Register, to assess potential impacts and explore alternative development approaches and mitigation measures to address any impacts to the cultural heritage resource and its heritage attributes. Note that adjacent means sites that are contiguous and sites that are directly opposite a cultural heritage resource separated by a laneway, easement, right-of-way, or street (Glossary, *The London Plan*). This is applicable to 955 Highbury Avenue North, which is directly adjacent to 625 Mornington Avenue.

This HIA Memo will fulfill the cultural heritage requirements per the City of London for the proposed Development Area. It was prepared by a Qualified Person with expertise in heritage studies in accordance with the guidelines outlined in the Ministry of Citizenship and Multiculturalism (MCM) Ontario Heritage Toolkit (2006), including *Infosheet #5 Heritage Impact Assessments and Conservation Plans*.

1.3 Site Description

A field visit was conducted by AECOM's Cultural Heritage Specialist, Tara Jenkins, MA, CAHP, to document the existing conditions of the Study Area and Development Area on November 24, 2022. During the field visit, site photos were taken and have been included in **Appendix 2**.

The Study Area that consists of the listed property at 955 Highbury Avenue North has an area of 5.55 acres, and frontage of approximately 108 metres on Highbury Avenue North (**Photo 6** and **Photo 7**). The east end of the property contains the extant Canada Post building, which is set back approximately 32 metres from the right-of-way and is surrounded by manicured lawn, landscaping features, and concrete pathways (**Photo 8**). To the west of the structure is a warehouse and separate auxiliary building, followed by a parking lot, which comprises most of the property. A one-way private asphalt road leads from the parking lot to Mornington Avenue (**Photo 2**). The Study Area is directly adjacent to 1299 Oxford Street East (which contains the Development Area) to the north and west, Highbury Avenue to the east (**Photo 9**), and another Canada Post Facility to the south, at the address of 951 Highbury Avenue North. **Appendix 1** provides the location of the Study Area and Development Area on a current aerial photograph, with an overlay of the Site Plan.

The parcel of land at 1299 Oxford Street East that encompasses the Development Area (625 Mornington Avenue) is at the southwest intersection of Oxford Street East and Highbury Avenue North. The property is 10.70 acres in size and contains Oxbury Centre, a shopping mall, and associated parking lots (**Photo 3** and **Photo 4**). The Development Area is at the southwestern corner of 1299 Oxford Street East, in the location of an existing parking garage with roof parking south of Oxbury Centre (**Photo 5**). Mornington Avenue borders the parcel of land containing the Development Area to the west (**Photo 1**), whereas a landscaped area and private asphalt road associated with 955 Highbury Avenue North marks its southern boundary. Across Mornington Avenue from the Development Area are residential properties containing vernacular brick bungalows built in the mid-1960s. East of the portion of 1299 Oxford Street East containing the Development Area is an area of dirt and gravel (as described on the Site Plan in **Appendix 3**), within the listed property at 955 Highbury Avenue North.

2. Historical Context

The property at 955 Highbury Avenue North contains a building that dates to the 1960s that was originally a warehouse and administration building for Canada Post, now a Canada Post facility. The following historical context, including a preliminary heritage evaluation of 955 Highbury Avenue North according to the criteria outlined in Ontario Regulation 9/06 have been adapted from a previous HIA for 1299 Oxford Street East, which was prepared by AECOM for Oxbury Centre Inc. in 2019:

The property at 955 Highbury Avenue North is listed on the City of London's Register of Cultural Heritage Resources; however, the property has not been given a Priority number within the Register.

The building at 955 Highbury Avenue North has cultural heritage value or interest as a representative example of the Mid-Century Modern style in the City of London. The original structure dates to c. 1964 and is utilitarian in design with little ornamentation, aside from the large concrete wall that rises above the entryway and forms a juxtaposition between the red brick and glazing of the building.

The property has historic associations with its former use as a Central Ordnance Depot and as part of the expansive technological improvements to postal services in Canada. The preliminary research completed for this HIA indicate that the property may have an important military history in London; however, this association would require further research for the purposes of designation.

The following portions of the property at 955 Highbury Avenue North were considered heritage attributes for the purposes of the previous HIA (AECOM 2019), and have been directly excerpted below:

- Canada Post administration building including:
 - 2 storey office building;
 - Red brick cladding;
 - Large groupings of windows located on the north, east, and south facades;
 - Glazed front entryway;
 - Decorative concrete panel rising above the entryway.

(AECOM, 2019)

3. Heritage Planning Framework

3.1 The Planning Act and the Provincial Policy Statement

The *Planning Act* (1990) and the associated Provincial Policy Statement (2020) provide a legislative framework for land use planning in Ontario. Both documents identify matters of provincial interest, which include the conservation of significant features of architectural, cultural, historical, archaeological, or scientific interest. The *Planning Act* requires that all decisions affecting land use planning matters “shall be consistent with” the Provincial Policy Statement. In general, the Provincial Policy Statement recognizes that Ontario’s long-term prosperity, environmental health, and social well-being depend on protecting natural heritage, water, agricultural, mineral, cultural heritage, and archaeological resources for their economic, environmental, and social benefits.

Section 2 of the *Planning Act* makes a series of provisions regarding cultural heritage. Section 2 of the *Planning Act* identifies various provincial interests that must be considered by the relevant authorities during the planning process. Specific to cultural heritage, subsection 2(d) of the *Planning Act* states that, “The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matter of provincial interest such as.. the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest.”

As one of 18 interests to be considered, cultural heritage resources are to be considered within the framework of varying provincial interests throughout the land use planning process.

Pursuant to Section 3 of the *Planning Act* the Provincial Policy Statement 2020, Policy 2.6.1 states “Significant built heritage resources and significant cultural heritage landscapes shall be conserved.”

Further policy in Section 3, Policy 2.6.3 states “Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it had been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

3.2 Ontario Heritage Act

The *Ontario Heritage Act* enables municipalities and the province to designate individual properties and/or districts as being of cultural heritage value or interest. The province or municipality may also “list” a property or include a property on a municipal register that has not been designated but is believed to be of cultural heritage value or interest.

Ontario Regulation 9/06, Criteria for Determining Cultural Heritage Value or Interest (O. Reg. 9/06) under the Ontario Heritage Act provides criteria for determining cultural heritage value or interest. If a property meets one or more of the following criteria it may be designated under Section 29 of the *Ontario Heritage Act*.

3.3 The London Plan

The London Plan is the City of London’s new Official Plan. The *London Plan* sets out a new approach for planning in London which emphasizes growing inward and upward, so that the City can reduce the costs of growth, create walkable communities, revitalize urban neighbourhoods and business areas, protect farmlands, and reduce greenhouse gases and energy consumption. The plan sets out to conserve the City’s cultural heritage and protect environmental areas, hazard lands, and natural resources.

Specifically related to heritage conservation, the *London Plan* outlines a number of policies related to the conservation of cultural heritage resources within the city. The following General Cultural Heritage Policies are applicable to this project:

(565_) New development, redevelopment, and all civic works and 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. A heritage impact assessment will be required for new development on and adjacent to heritage designated properties and properties listed on the Register to assess potential impacts and explore alternative development approaches and mitigation measures to address any impact to the cultural heritage resource and its heritage attributes.

(586_) The City shall not permit development and site alteration on adjacent lands to heritage designated properties or properties listed on the Register except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the heritage designated properties or properties listed on the Register will be conserved.

3.4 City of London Register of Cultural Heritage Resources

The *Register of Cultural Heritage Resources* (the Register) is used by the public and City staff to identify the cultural heritage status of properties in the City of London. The Register includes heritage listed properties (Section 27 of the Ontario Heritage Act), individually designated heritage properties (under Part IV of the Ontario Heritage Act), and properties designated as part of a Heritage Conservation District (under Part V of the Ontario Heritage Act). With the recommendation of London's Community Advisory Committee on Planning (CACCP, formerly London's Advisory Committee on Heritage [LACH]), Municipal Council added 347 potential cultural heritage resources to the Register ("listed" status). All listed properties included on the *Register* are believed to have potential cultural heritage value or interest (City of London, 2020).

4. Impact Assessment

4.1 Proposed Development

Based on the Proposed Site Plan revised in 2022, Oxbury Centre Inc. aims to construct an 18-storey residential tower within the Development Area. The extent of the existing parking structure will be removed to make way for the apartment complex and a new asphalt entrance to an enclosed parking garage will be constructed. A concrete walkway will lead from the existing sidewalk to the principal entrance of the proposed structure. The Proposed Site Plan is part of a Zoning By-law Amendment (ZBA) application.

4.2 Potential Impacts from the Proposed Development

The proposed Site Plan for 625 Mornington Avenue will not directly impact the heritage attributes of the listed property at 955 Highbury Avenue North as noted in **Section 2**. The proposed development does not alter the contextual setting of the area in which the listed property at 955 Highbury Avenue North is situated. Approximately 173 metres, including an area of gravel and dirt, parking lot, and manicured lawn, separates the proposed 18-storey residential tower from the heritage structure within the listed property at 955 Highbury Avenue North. As such, it is not anticipated to impact the structure, obstruct views from within or of the property at 955 Highbury Avenue North, or isolate the Study Area from its surrounding environment. The existing parking garage that will be removed to make way for the apartment complex already obscures the view of the structure at 955 Highbury Avenue North from Mornington Avenue, though it will still be visible from the end of the one-way asphalt drive.

The results of a shadow study conducted for the proposed development at 625 Mornington Avenue determined that the structure would cast shadow in the afternoon throughout the year on part of the area of gravel and dirt and parking lot within 955 Highbury Avenue North, but not any of the heritage attributes of the property.

4.3 Mitigation and Conservation

Based on the impact assessment completed for this HIA Memo, no mitigation measures are required since the heritage attributes of listed property at 955 Highbury Avenue North will not be impacted by the proposed development at 625 Mornington Avenue.

5. Conclusion

The property at 955 Highbury Avenue North contains a building that dates to the 1960s that was originally a warehouse and administration building for Canada Post, now a Canada Post facility. It is listed on the City of London's *Register of Cultural Heritage Resources*.

AECOM's assessment of the anticipated impacts to 955 Highbury Avenue North from the proposed development at 625 Mornington Avenue was informed by a review of the Proposed Site Plan, an examination of the HIA for 1299 Oxford Street East (AECOM, 2019), and a field visit conducted on November 24, 2022. In conclusion, the Site Plan for the proposed development at 625 Mornington Avenue will not have any direct or indirect impacts on the heritage attributes of 955 Highbury Avenue North, due to the location of the proposed development and its separation.

6. Sources

Primary and Secondary Sources:

City of London, 2016:

The London Plan (Official Plan). Available online at: <https://london.ca/business-development/official-plan>

City of London, 2020:

“Register of Cultural Heritage Resources.” Available online at: <https://london.ca/sites/default/files/2021-04/Register%20of%20Cultural%20Heritage%20Resources.pdf>

AECOM Canada Ltd., 2019:

Heritage Impact Assessment: 1299 Oxford Street East, City of London Ontario. June, 2019.

Provincial Standards and Resources:

Government of Ontario, 2006:

O. Reg. 9/06: Criteria for Determining Cultural Heritage Value or Interest, made under the Ontario Heritage Act. Available online at: <https://www.ontario.ca/laws/regulation/060009>

Government of Ontario, 2017:

Ontario Heritage Act, R.S.O. 1990, c.0.18. Available online at: <https://www.ontario.ca/laws/statute/90o18>

Government of Ontario, 2017:

Planning Act, R.S.O. 1990, c. P.13. Available online at: <https://www.ontario.ca/laws/statute/90p13>

Government of Ontario, 2020:

Provincial Policy Statement. Available online at: <https://www.ontario.ca/page/provincial-policy-statement-2020>

Ministry of Citizenship and Multiculturalism (MCM), 2006:

Ontario Heritage Tool Kit. Available online at: http://www.mtc.gov.on.ca/en/heritage/heritage_toolkit.shtml

Ministry of Citizenship and Multiculturalism (MCM), 2007:

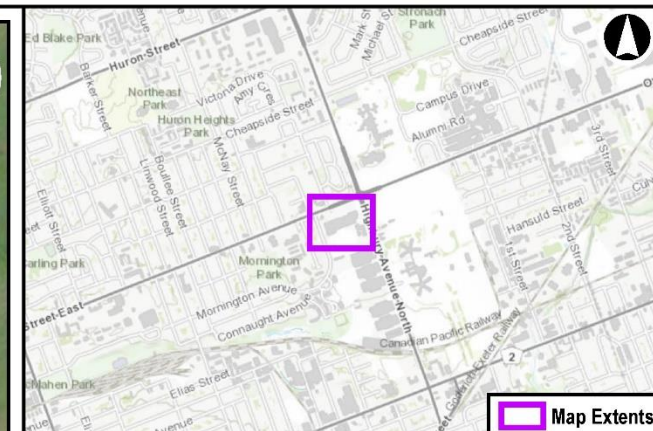
Heritage Conservation Principles for Land Use Planning. Available online at: http://www.mtc.gov.on.ca/en/publications/InfoSheet_Principles_Land_use_Planning.pdf

Ministry of Citizenship and Multiculturalism (MCM), 2014:

Standards & Guidelines for the Conservation of Provincial Heritage Properties
Available online at: http://www.mtc.gov.on.ca/en/heritage/MTCS_Heritage_IE_Process.pdf

Appendix 1

Site Plan Overlaid on Aerial Image



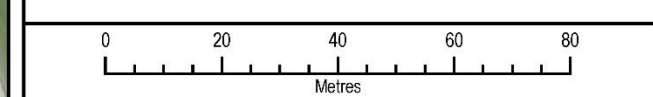
Legend

--- Development Area: 625 Mornington Avenue
(within parcel of land at 1299 Oxford Street East)

▭ Study Area: 955 Highbury Avenue

HIA MEMO
625 MORNINGTON AVENUE (WITHIN PARCEL OF
LAND AT 1299 OXFORD STREET EAST)

SITE PLAN OVERLAID ON AERIAL IMAGE



Datum: NAD 1983 UTM Zone 17N

Dec, 2022	PN# 60685363	1:1,300 *when printed 11"x17"
-----------	--------------	----------------------------------

Figure 1



Data Sources: City of London, Marsh Katsios Architect Inc & R. Tomé & Associates Inc Figure - Site Plan Proposal, Site Data
 Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community
 Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community
 This drawing has been prepared for the use of AECOM's client and may not be used, reproduced or relied upon by third parties, except as agreed by AECOM and its client, as required by law or for use by governmental reviewing agencies. AECOM accepts no responsibility, and denies any liability whatsoever, to any party that modifies this drawing without AECOM's express written consent.

Appendix 2

Site Photographs

Appendix 2: Site Photographs

Photo 1: View of Mornington Avenue looking north, showing the parking garage within the Development Area across the street (AECOM, November 2022)



Appendix 2: Site Photographs

Photo 2: View of the enclosed parking garage and private asphalt road, with the Study Area (955 Highbury Avenue North) visible in the distance (AECOM, November 2022)



Appendix 2: Site Photographs

Photo 3: View of the Development Area showing Oxbury Centre at 1299 Oxford Street East (AECOM, November 2022)



Appendix 2: Site Photographs

Photo 4: View of the Development Area showing the concrete sidewalk and parking lot, with the Study Area (955 Highbury Avenue North) visible in the background (AECOM, November 2022)



Appendix 2: Site Photographs

Photo 5: View of the Development Area showing the parking lot atop the parking garage (AECOM, November 2022)



Appendix 2: Site Photographs

Photo 6: View of the north side of the Study Area (955 Highbury Avenue North) showing the parking area and north entrance (AECOM, November 2022)



Appendix 2: Site Photographs

Photo 7: View of the Study Area (955 Highbury Avenue North) from the south entrance off Highbury Avenue (AECOM, November 2022)



Appendix 2: Site Photographs

Photo 8: View of the east elevation of the Study Area (955 Highbury Avenue North) from the right-of-way (AECOM, November 2022)



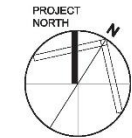
Appendix 2: Site Photographs

Photo 9: View of Highbury Avenue looking south, and the Old London Barracks Horse Stable across the street (AECOM, November 2022)



Appendix 3

Site Plan



DO NOT SCALE DRAWINGS.
 CONTRACTOR AND SUBCONTRACTORS SHALL CHECK ALL DIMENSIONS AND REPORT TO THE OWNERS ANY DISCREPANCIES PRIOR TO PROCEEDING WITH WORK.
 ALL WORKMANSHIP AND MATERIALS MUST CONFORM WITH O.B.C. AND C.M.H.C. STANDARDS AND BE APPROVED BY OWNER.
 THIS DRAWING IS THE PROPERTY OF THE CONSULTANT AND SHALL NOT BE COPIED OR REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF THE CONSULTANT.

No.	DATE	REVISION
1	APR. 22/22	REVISE PER CITY COMMENTS, TEAM REVIEW
2	JUNE 5/22	REVISE PER CITY COMMENTS, TEAM REVIEW
3	JULY 21/22	REVISE PER ROAD WIDENING
4	JULY 29/22	REVISE PER TEAM REVIEW
5	SEPT 27/22	REVISE PER CITY COMMENTS, TEAM REVIEW

MARSH KATSIOS
Architect Inc.
 189-200 QUEEN AVENUE, LONDON, ONTARIO N6A 1L5
 TEL: 519-432-0300 FAX: 519-432-2883



R.Tomé & Associate Inc.
 51 Wimbledon Court
 London ON N6C 5C9
 t. 519.672.6622
 r_tome@bellnet.ca

Westdell
Development Corp.
 1701 RICHMOND ST., SUITE 3B,
 LONDON, ON

Project Name
 625 Mornington Avenue, Proposed 18 Storey Residential Tower
 London, Ontario

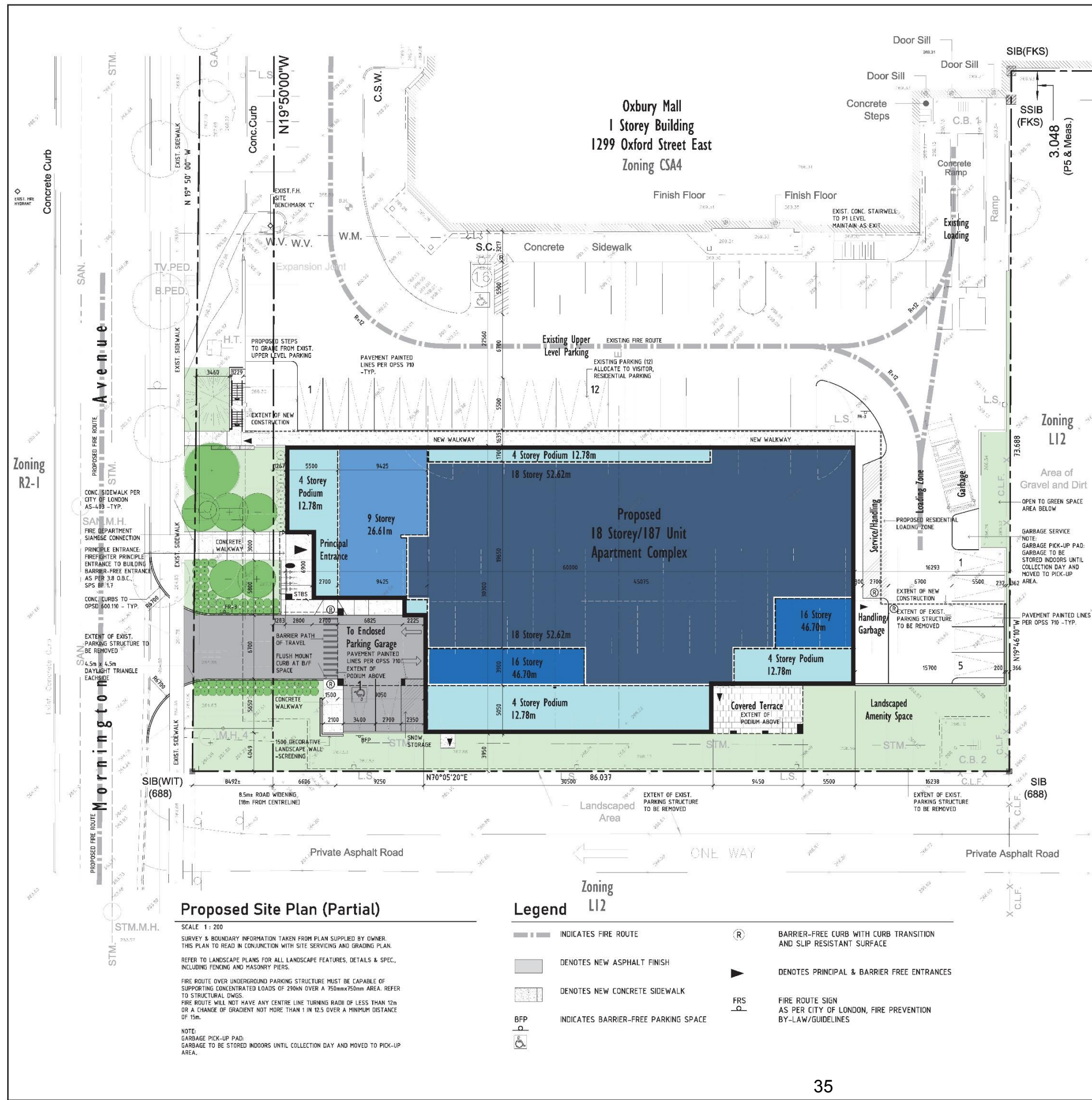
Drawing Title
 Site Plan Proposal, Site Data

DATE: MAR. 4, 2021
SCALE: AS NOTED
DRAWN: C.T.
REVIEWED: C.T.
FILE No: 2021-2980A1.1.DWG
PROJECT No: 2021-2980

SP2 SPA C

Site Data per Overall Site, Master Plan

	EXIST./REQ'D/MAX./MIN.	PROPOSED
ZONING	CSA4	CSA4 (MAINTAIN)
LOT AREA (PER ROAD WIDENING DEDICATION - HIGHBURY AVE. N., OXFORD ST. E., MORNINGTON AVE.)		42898.08m ² (4.2989 ha) 39689.71m ² (3.968 ha)
LOT FRONTALITY	30m MIN.	193.19m (OXFORD ST. E.)
FRONT/ EXTERIOR SIDE YARD (MORNINGTON AVE.) PROPOSED RESIDENTIAL	6m + 1m PER 10m OF BLDG. HEIGHT OR FRACTION THEREOF ABOVE THE FIRST 3m. EXTERIOR SIDE YARD 10.965m MIN.	1.26m @ 4 STOREY PODIUM 6.76m @ 5TH - 9TH FLOORS 16.20m @ 10TH - 18TH FLOORS
INTERIOR SIDE YARD PROPOSED RESIDENTIAL	1.2m PER 3m OF BLDG. HEIGHT OR FRACTION THEREOF, BUT NOT LESS THAN 4.5m 21.04m MIN. (SOUTH)	4.02m @ 4 STOREY PODIUM 9.00m @ 5TH - 18TH FLOORS 12.90m @ PARTIAL SETBACKS 17TH, 18TH FLOORS
REAR YARD PROPOSED RESIDENTIAL	1.2m PER 3m OF BLDG. HEIGHT OR FRACTION THEREOF, BUT NOT LESS THAN 7.0m 21.04m MIN. (EAST)	16.23m @ 4 STOREY PODIUM TO 16TH FLOOR 24.71m @ PARTIAL SETBACKS 17TH, 18TH FLOORS
COVERAGE	30% (MAX.) 12317.829m ²	45.12%
COMMERCIAL PLAZAS (EXIST.) MALL (EXIST.)		909.65m ² 154.75.12m ² 1522.16m ² 17910.93m ² (45.12%)
GROSS FLOOR AREA PROPOSED RESIDENTIAL		21318.94m ²
HEIGHT PROPOSED RESIDENTIAL (ASSUMED 2.44m CEILINGS)		52.62 m ± (18 STOREYS)
DENSITY 150/ha	150 x 3.9 ha = 585 UNITS MAX.	187 UNITS PROPOSED
LANDSCAPED OPEN SPACE	10% MIN.	8.59%
AMENITY AREA PROPOSED RESIDENTIAL		116.59m ² ROOFTOP 162.96m ² AMENITY, EXERCISE AREAS
PARKING EXIST. COMMERCIAL	462 SPACES (REMAINING)	
PROPOSED RESIDENTIAL	187 x 1.0 = 187 MIN.	17 SURFACE SPACES (10 FROM EXIST. COMM./ 7 PROPOSED) 78 ENCLOSED @ GROUND (58 FROM EXIST. COMM./ 20 PROPOSED) 93 ENCLOSED @ 2nd, 3rd, 4th 186 SPACES PROVIDED
VISITOR PARKING BARRIER-FREE	187 x 10% = 19 MIN. 7 MIN.	19 (INCL. ABOVE) 7 (INCL. ABOVE)
BICYCLE STORAGE	0.75/UNIT = 140 SPACES	142 SECURED SPACES 4 EXTERIOR/SHORT TERM SPACES
ACCOMMODATION DATA 1 BEDROOM 2 BEDROOM		124 SUITES 63 SUITES
TOTAL		187 SUITES



Proposed Site Plan (Partial)

SCALE 1: 200
 SURVEY & BOUNDARY INFORMATION TAKEN FROM PLAN SUPPLIED BY OWNER. THIS PLAN TO READ IN CONJUNCTION WITH SITE SERVING AND GRADING PLAN.
 REFER TO LANDSCAPE PLANS FOR ALL LANDSCAPE FEATURES, DETAILS & SPEC., INCLUDING FENCING AND MASONRY PIERS.
 FIRE ROUTE OVER UNDERGROUND PARKING STRUCTURE MUST BE CAPABLE OF SUPPORTING CONCENTRATED LOADS OF 290kN OVER A 750mmx750mm AREA. REFER TO STRUCTURAL DWGS.
 FIRE ROUTE WILL NOT HAVE ANY CENTRE LINE TURNING RADIUS OF LESS THAN 12m OR A CHANGE OF GRADIENT NOT MORE THAN 1 IN 12.5 OVER A MINIMUM DISTANCE OF 15m.
 NOTE:
 GARBAGE PICK-UP PAD:
 GARBAGE TO BE STORED INDOORS UNTIL COLLECTION DAY AND MOVED TO PICK-UP AREA.

Legend

- INDICATES FIRE ROUTE
- DENOTES NEW ASPHALT FINISH
- DENOTES NEW CONCRETE SIDEWALK
- BFP INDICATES BARRIER-FREE PARKING SPACE
- Ⓡ BARRIER-FREE CURB WITH CURB TRANSITION AND SLIP RESISTANT SURFACE
- ▶ DENOTES PRINCIPAL & BARRIER FREE ENTRANCES
- FRS FIRE ROUTE SIGN AS PER CITY OF LONDON, FIRE PREVENTION BY-LAW/GUIDELINES

**Stewardship Sub-Committee
Report**
Wednesday February 22, 2023

Time: 6:30pm
Location: Zoom

Attendance: M. Rice, K. Waud, T. Regnier, P. Milner, B. Vazquez; K. Gonyou, M. Greguol, L. Tinsley (staff)

Agenda Items

1. Demolition Request for Heritage Designated Property at 247 Halls Mill Road

The Stewardship Sub-Committee received a verbal update from M. Greguol on the cultural heritage status of the property at 247 Halls Mill Road. It was noted that matters related to this property will continue to follow the pre-Bill 108 *Ontario Heritage Act* processes, including a Conservation Review Board hearing regarding Municipal Council's Notice of Intent to Designate (February 4, 2020).

Process pursuant to Section 34, *Ontario Heritage Act*, is required to remove the debris of the red barn at 247 Halls Mill Road. Because the property is treated as if the property were designated, it is possible to include terms and conditions on the approval of a demolition request for the property pursuant to Section 34(4.2)(a)(ii), *Ontario Heritage Act*.

The Stewardship Sub-Committee does not object to the removal of the debris of the red barn but supports the in-situ retention of the red barn's stone foundation.

Decline to comment; it being noted that the Stewardship Sub-Committee is interested in the condition of the foundation and seek more information.

Motion: The Stewardship Sub-Committee received a verbal presentation from staff on the demolition request for the red barn on the heritage designated property at 247 Halls Mill Road and decline to comment. Mover: B. Vazquez; Seconder: T. Regnier. Passed.

2. Register of Cultural Heritage Resources

Staff shared a brief presentation on dates of construction for heritage listed properties, individual heritage designated properties, and properties designated as part of a Heritage Conservation District. The Stewardship Sub-Committee was interested in understanding properties by dates of construction.

Report to Community Advisory Committee on Planning

To: Chair and Members
Community Advisory Committee on Planning

From: Kyle Gonyou, MCIP, RPP, CAHP
Manager, Heritage

Subject: Demolition Request by J. McLeod for the Heritage Designated
Property at 247 Halls Mill Road, Ward 9
Public Participation Meeting

Date: Wednesday March 8, 2023

Recommendation

Approval with terms and conditions for the demolition request for the accessory building on the heritage designated property at 247 Halls Mill Road is being recommended.

Executive Summary

In response to a demolition heritage request for a heritage listed property, Municipal Council passed a motion on January 28, 2020 to issue a Notice of Intention to Designate the property at 247 Halls Mill Road pursuant to Part IV of the *Ontario Heritage Act*. On January 30, 2020, the accessory building (“Red Barn”), a built heritage resource identified within the Statement of Cultural Heritage Value as a heritage attribute of the property, was demolished without Municipal Council’s approval. Despite the demolition of the accessory building, staff continue to believe that the property has significant cultural heritage value or interest.

In February 2022, the City received an appeal to the Notice of Intention to Designate the property which has been referred to the Conservation Review Board (CRB). The appeal proceedings to be heard by the Conservation Review Board were adjourned to allow for related legal matters to be resolved. The related legal matters have now been resolved.

Since the property is subject to a Notice of Intent to Designate, it is treated as if the property were a heritage designated property pursuant to Section 30(2), *Ontario Heritage Act*.

A demolition request has now been received to remove the debris of the former accessory building on the property at 247 Halls Mill Road. Removal of the debris must be completed by hand removal without the use of machinery to ensure the retention of the brick and rubble stone foundation which is still a heritage attribute of the property. The foundation must be retained in situ to allow the Conservation Review Board proceedings to continue. Staff recommend approval of this application subject to terms and conditions.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

2020, January 20 – Report to Planning and Environment Committee. Demolition Request for Heritage Listed Property at 247 Halls Mill Road by John McLeod – Public Participation Meeting. Agenda Item 3.3, pp159-199: <https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=70325>.

1.2 Location

The property at 247 Halls Mill Road is located on the west side of Halls Mill Road, north of Commissioners Road West (Appendix A). The property is located in the former

hamlet of Halls Mill, later village of Byron, in the former Westminster Township. This area was annexed by the City of London in 1961.

1.3 Cultural Heritage Status

A Notice of Intention to Designate (NOID) the property pursuant to Part IV of the Ontario Heritage Act was issued for the property at 247 Halls Mill on February 4, 2020. The owners of the property appealed the Notice of Intention to Designate the property to the Conservation Review Board (CRB).

Pursuant to Section 30(2) of the *Ontario Heritage Act*, a property that is subject to a Notice of Intent to Designate is treated as if the property were a heritage designated property. The process related to the alteration of a heritage attribute of a heritage designated property (Section 33, *Ontario Heritage Act*) and demolition or removal of a heritage attribute of a heritage designated property (Section 34, *Ontario Heritage Act*) are applicable. The property will continue to be treated as if the property were a heritage designated property until following Municipal Council's decision on the recommendation of the Conservation Review Board regarding the appeal.

1.4 Description

The buildings on the property at 247 Halls Mill Road previously included a dwelling and accessory building that were situated on an elevated portion of the property that rises above the existing grade of the road. Steps have been built into the sloping earthen embankment to provide access to the front of the dwelling. Similarly, a curved and sloping gravel driveway provides vehicular access to the property, leading to location of the accessory building.

The subject property is approximately one acre in size.

The Queen Anne Revival dwelling located at 247 Halls Mill Road is a one-and-a-half storey, hipped roof, with cross gables, buff brick side hall plan cottage (Appendix B). The front entrance is located on the east elevation of the dwelling and consists of a panelled wood door and stained-glass transom. Side entrances are located on the north and south elevations. The east elevation includes a projecting front gable which includes a concentration of decorative wood details including carved wood brackets, scalloped shingle imbrication, and decorative detailing within the bargeboard and gable. Comparable applied details are continued on the gable located on the south façade of the dwelling, as well as the north gable and a gable dormer that extends out from the roof line on the north façade of the dwelling. Buff brick quoins are located on the north and south sides of the dwelling, along the west side of the dwelling. The quoins, however, are not continued on the east side of the dwelling. The dwelling originally had Queen Anne style wood windows that were located in the front and side gables; however, they have since been replaced with vinyl windows that mimic the light pattern of the former windows. The dwelling previously had a slate roof that was removed between 1999 and 2019.

The dwelling includes two porches: one on the north façade and one on the south façade. The north porch includes a shed style roof that is supported by decorative turned posts. The top of the posts includes carved wood brackets, and decorative spandrels extend along the entire porch. The porch skirt includes a wood lattice design. Comparatively, the south porch is larger and includes a shed-style roof with a gable built out above the entrance. The south porch includes seven decorative turned posts, and two engaged posts that directly abut the south wall of the dwelling. Carved brackets and wood spandrels are also present on the south porch. The design of the porch skirt on the south porch consists of wooden boards with a pattern of circular holes.

Additions have been made to the rear (west) façade of the house including a single storey addition, and a garage. The majority of the additions have been clad with a buff brick material that is similar in colour to the buff brick of the dwelling.

The accessory building on the property consisted of a two-storey timber frame structure that had been used for various functions. The building was colloquially identified as a

“barn” structure (Red Barn); however, various published accounts of the property refer to the structure’s historic function as a “coach house” as well as a “warehouse” for the Griffith Bros. woollen mill which was active in the Hall’s Mill area from the 1860s to the 1890s.

The accessory building was constructed utilizing a timber frame construction method with the use of 10” x 10” posts, connected through the use of mortise and tenon joinery, a traditional timber framing technique. The exterior board-and-batten cladding consisted of red painted chestnut. The composition and detailing of the structure were highlighted and summarized in Nancy Tausky’s *Historical Sketches of London From Site to City* (1993).

Tausky writes:

The elaborate treatment of the barn’s centre section makes it the focal point of the long front: the round-headed window is recessed within a projecting gable. Below, a further projection containing the main doors (originally solid) is covered with a hipped roof that echoes the dimensions of the gable above. The ventilator at the ridge of the barn completes the central complex. Some concern for symmetry in the rest of the façade is indicated by the two ground floor windows, which are equidistant from the main door. But other openings, possibly later alterations, have obscured any formal balance that may once have existed. Griffith’s interest in style and workmanship is indicated by the fact that, when he made a Queen Anne house out of his 1840s cottage, he imported Georgia pine from the southern United States to use for the interior trim (Tausky 1993, 80).

Municipal Council resolved to issue its Notice of Intent to Designate the property pursuant to the *Ontario Heritage Act* on January 28, 2020. On January 30, 2020, the accessory building was demolished by the property owner. The remains of the accessory building have remained on the property and subject to a Stop Work Order.

1.5 Property History

The subject property at 247 Halls Mill Road is located on what was historically known as Lot 45, Concession B in the Broken Front in Westminster Township. The original Crown grant for the lot (approximately 120 acres) was given to Archibald McMillan in 1819. By 1827, McMillan began selling off portions of the property and sold 5 ¼ acres to Anson Simons and John Preffer who built a carding and fulling mill in the northeast corner of the lot. The milling operations that Simons and Preffer initiated was the beginning of an extensive 19th and early-20th century milling history in the Halls Mills area. (Land Registry Records, Burnell, 14).

In 1831, Simons and Preffer sold their milling operation to Burleigh Hunt, who went into partnership with Cyrenius Hall in 1835. One year later, Hall purchased the entirety of the business from Hunt and began expanding his milling operations.

Cyrenius Hall is perhaps the most well-known milling figure associated with the early history of Byron as the namesake of Hall’s Mills. He emigrated to Upper Canada around 1810 from New Hampshire, and worked primarily as a merchant in Fort Erie. In the 1830s he moved to Westminster Township where he partnered with Hunt before acquiring the milling operations entirely and a sizeable portion of the lands in the area. Shortly after acquiring the mills in the area, he added a distillery and tannery to the milling complex. Hall and his family members operated most of the milling operations in the area, and under him the area prospered (Burnell, 14-15; Grainger 2002, 288-290). Cyrenius Hall also began selling portions of the lot into the mid-19th century, including various portions that were sold to Lawrence Lawrason. A merchant, MLA, and land-speculator, Lawrason held a number of prominent positions in early London, including an appointment as London’s first deputy postmaster. He partnered with George Jervis Goodhue in opening a general store, dry goods business, real estate office, and post office in London (Brock, 2003; Armstrong, 1986, 74-107). Like many of London’s early merchants, Lawrason became heavily involved in land speculation in the area, explaining his acquisition of property in Hall’s Mills (Brock, 2003).

The Halls Mills area was captured in 1846, in *Smith's Gazetteer*. The area was described as having 200 inhabitants as well as a grist mill, a distillery, a carding machine and cloth factory, a tannery, a tavern, a store, a fanning-mill maker, a blacksmith, a wagon maker, a shoemaker, and a tailor (Smith 1846, 218).

The Griffith brothers, for whom the subject property is most notably associated, first began acquiring property in the area in 1861. John Griffith, the eldest of three brothers who partnered in business in the area acquired three acres from Lawrence Lawrason. John, along with his brothers William and Eli, continued to acquire property in the area throughout the 19th century, and by the mid-1860s began a woollen mill operation in Hall's Mills (Tausky, 1993, 80; Armstrong 1986, 74-107; Grainger, 2002, 290-294).

The three Griffith brothers were the sons of Eli Griffith and Alexandria McAdam, early settlers in Westminster Township, in the Byron area. Eli (the father) emigrated from Vermont to Westminster Township along with several other Griffith family members who are considered as some of the earliest Euro-Canadian settlers of the Byron area. Eli and Alexandria, and their nine children settled on Lot 35, Concession B, Westminster. John, William, and Eli, three of their seven sons went into business together operating a woollen mill in Hall's Mill, and a second operation in present-day Springbank Park (Westminster Historical Society, 238-239). William Griffith eventually became the owner of the lands that included the property at 247 Halls Mill Road in 1867. The woollen mill that he operated with his brothers was located across Halls Mills Road (formerly Centre Street) on the City-owned lot that is now known as Halls Mills Park (Land Registry Records).

Census records from the 1870s to the 1890s refer to the three brothers as "Clothiers" and "Woollen Manufacturers", separate from their immediate family who continued to be identified as farmers. Prior to the 1870s, the brothers are noted as living within the residence of their parents, Eli and Alexandria on Lot 35.

The Griffith Bros. woollen mill prospered. By 1868, after a few years in operation, the City and County Directory noted two woollen mills in the Byron area. In the description of Byron, it was further noted that "Griffith Bros. factory is of frame, two stories, 64 x 45 feet, in which water power is used, and about 12 hands are employed in the manufacture of tweeds, fulled clothes and flannels. Their machinery is considered superior to any other in the Province" (City and County Directory, 1868). The 1871-72 Directory includes an advertisement for the "Byron Woollen Mills, Griffith Bros., Proprietors, Manufacturers of tweeds, full clothes, plain and fancy flannels of all kinds" (City and County Directory, 1871-72).

As noted by Tausky in *From Site to City*, it is unclear on when the accessory building on the subject property was constructed; however, the structure has been identified in various sources as being used as a coach house, a barn, as well as a warehouse/storage facility for the Griffith Bros. woollen mill. The mill was in operation by the Griffiths between the 1860s and 1890s, so it is believed that the structure was constructed within this timeframe.

The Griffiths Bros. mill was closed by the 1890s, and by 1897 an agreement was made between William Griffith and the City of London for the City to purchase the mill property under the *London Water Works Act*, 1873. The purchase of the property would not take place for another ten years, however, the agreement stated that the City was at liberty to lay a 1" pipe from the stream or pond on the property for the purposes of drawing water, and that William Griffith be permitted to draw water for domestic purpose for his cottage, situated northwesterly across the road, at what is now 247 Halls Mill Road. The agreement also noted that the City was at liberty to remove the mill building and all machinery on the premises at any time. In 1900, the mill was disassembled and sold for lumber (Kerr, 1983).

William Griffith owned the property at 247 Halls Mill Road until he passed away in 1926. The Hall's Mills area has developed north and south of the subject property over the last century, but the Queen Anne Revival cottage and the accessory building have remained

in situ and continue to be associated with the early milling history of Hall's Mills and Byron.

The Hall's Mills area continues to be associated with the history of Westminster Township and the village of Byron. In *Heritage Places 2.0*, the area is noted as being generally characterized by the collection of early to mid-19th century properties along Halls Mill Road and Commissioners Road West. The property at 247 Halls Mill Road is prominently noted in this Guideline Document including photographs of both the accessory building and dwelling, as well as a reference to the property's contribution to the concentration of cultural heritage resources in the area that are listed on the City of London's *Register of Cultural Heritage Resources (Heritage Places 2.0, 2019, 41.)* The Hall's Mills area is identified within *Heritage Places 2.0* as being a future potential heritage conservation district, worthy of study.

1.6 Statement of Cultural Heritage Value or Interest

At the time of designation of this property in 2020, Section 29 of the *Ontario Heritage Act* required that a Notice of Intention to Designate include an adequate description of the property so that it may be readily ascertained, as well as a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property. The property was evaluated using the mandated criteria of O. Reg. 9/06 and found to meet the criteria for designation. This information was included within a "Statement of Cultural Heritage Value or Interest" for the property that would also form the basis of a heritage designating by-law. The Statement of Cultural Heritage Value or Interest for the property at 247 Halls Mills Road is included in Appendix C.

The Heritage Attributes of the accessory building (Red Barn) included:

- *Form, scale, and massing of the timber frame accessory building and details including;*
 - *Red-painted, exterior chestnut board-and-batten cladding;*
 - *Buff brick and field stone foundation;*
 - *Gable roof form of the building;*
 - *Projecting front bay on the east elevation of the structure including gable roof peak above the round headed window, horizontal wood siding, and hipped roof above the main bay door;*
 - *Door openings, wood doors, and exterior door surrounds;*
 - *Wood windows including;*
 - *Six-over-six divided light windows on the east, west, and north sides of the structure;*
 - *Three-over-three divided light windows on the south side of the structure;*
 - *Divided light window panel in the gable of the north side of the structure;*
 - *Exterior window surrounds;*
 - *Central hipped-roof ventilator located on the ridge of the gable;*
- *Spatial relationships between the dwelling and accessory building.*

2.0 Discussion and Considerations

2.1 Legislative and Policy Framework

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

2.2 Provincial Policy Statement

Heritage Conservation is a matter of provincial interest (Section 2.d, *Planning Act*). The *Provincial Policy Statement (2020)* promotes the wise use and management of cultural heritage resources and directs that "significant built heritage resources and significant cultural heritage landscapes shall be conserved" (Policy 2.6.1, *Provincial Policy Statement 2020*).

“Significant” is defined in the *Provincial Policy Statement* (2020) as, “resources that have been determined to have cultural heritage value or interest.” Further, “processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*.”

Additionally, “conserved” means, “the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained.”

2.3 Ontario Heritage Act

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

The only cultural heritage protection afforded to heritage listed properties is a 60-day delay in the issuance of a demolition permit. During this time, Council Policy directs that the Community Advisory Committee on Planning (CACP) is consulted, and a public participation meeting is held at the Planning & Environment Committee, with a decision by Municipal Council whether to designate the property or allow the demolition to proceed.

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

Following the designation of a property pursuant to Section 29, *Ontario Heritage Act*, approvals may be required for alterations likely to affect the property’s heritage attributes (Section 33, *Ontario Heritage Act*), demolition or removal of a building or structure from the heritage designated property (Section 34, *Ontario Heritage Act*), or the repeal of the heritage designating by-law (Section 31 or Section 32, *Ontario Heritage Act*).

Section 34(1), *Ontario Heritage Act*, states,

No owner of property designated under Section 29 shall do either of the following unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the demolition or removal:

- 1. Demolish or remove, or permit the demolition or removal of, any of the property’s heritage attributes, as set out in the description of the property’s heritage attributes in the by-law that was required to be registered under clause 29(12)(b) or subsection 29(19), as the case may be.*
- 2. Demolish or remove a building or structure on the property or permit the demolition or removal of a building or structure on the property, whether or not the demolition or removal would affect the property’s heritage attributes, as set out in the description of the property’s heritage attributes that was required to be registered under clause 29(12)(b) or subsection 29(19), as the case may be.*

Following the receipt of a complete application, Section 34(4.2), *Ontario Heritage Act*, directs that Municipal Council, following consultation with its municipal heritage committee, shall,

- i. Consent to the application,*
- ii. Consent to the application, subject to terms and conditions as may be specified by the council, or,*
- iii. Refuse the application.*

Notice of the decision is required to be served on the property owner and the Ontario Heritage Trust and published in the newspaper. A property owner may appeal the

refusal or the terms and condition on the consent to the Ontario Land Tribunal within 30-days of Municipal Council's decision.

The OLT was established on June 1, 2021, and its mandate is to adjudicate land use planning matters including heritage matters in Ontario. Specific to this demolition request, a Notice of Intention to Designate the property was issued in 2020, prior to the establishment of the OLT. As a result, the appeal to the Notice of Intention to Designate for the property at 247 Halls Mill Road will continue to be heard by the Conservation Review Board (CRB) and the final decision regarding the heritage designation of the property will rest with Municipal Council.

2.4 The London Plan

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

In addition, the following policies from *The London Plan* are applicable to this application:

Policy 567_ In the event that demolition, salvage, dismantling, relocation or irrevocable damage to a cultural heritage resource is found necessary, as determined by City Council, archival documentation may be required to be undertaken by the proponent and made available for archival purposes.

Policy 585_ Where City Council has issued a notice of intent to designate a heritage property under Part IV of the Ontario Heritage Act, the protection against alteration, removal, or demolition for that property will be as though it was designated until Council deems otherwise.

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.

Policy 590_ Where a property has been identified on the Register and an application is submitted for its demolition or removal, the Heritage Planner and the Clerks Department will be notified in writing immediately. A demolition permit will not be issued until such time as City Council has indicated its approval, approval with conditions, or denial of the application pursuant to the Ontario Heritage Act. Council may also request such information that it needs for its consideration of a request for demolition or removal.

Policy 591_ Where a heritage designated property or a property listed on the Register is to be demolished or removed, the City will ensure the owner undertakes mitigation measures including a detailed documentation of the cultural heritage features to be lost, and may require the salvage of materials exhibiting cultural heritage value for the purpose of re-use or incorporation into the proposed development.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

4.1. Designation Request and Demolition – 2019-2020

A request for the designation of the property at 247 Halls Mill Road pursuant to Part IV of the *Ontario Heritage Act* was received by the City from community members in November 2019. At its meeting on November 13, 2019, the London Advisory Committee on Heritage (LACH) referred the designation request to the Stewardship Sub-Committee for consideration.

The property owner submitted a written intention to demolish the accessory building on the property on December 13, 2019. As required, Municipal Council responded to a notice of intention to demolish a building or structure on a heritage listed property within 60 days timeline. During the 60-day period, the LACH was consulted, and pursuant to Council Policy, a public participation meeting was held at the Planning and Environment Committee.

In considering the 2019 demolition request, staff recommended that Municipal Council issue its notice of intention to designate the property pursuant to Part IV of the *Ontario Heritage Act*, as the property was evaluated and determined to meet the criteria of Ontario Regulation 9/06. The LACH supported the staff recommendation at their meeting held on January 8, 2020, and the Planning and Environment Committee supported the staff recommendation at the public participation meeting held on January 20, 2020.

The staff report on this matter can be found on the Agenda of the Planning and Environment Committee meeting held on January 20, 2020 at the following link: <https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=70325>.

At its meeting held on January 28, 2020, Municipal Council passed a motion to issue a Notice of Intention to Designate the property at 247 Halls Mill Road pursuant to Part IV of the *Ontario Heritage Act*. On the night of January 30, 2020, the accessory building on the property was demolished by the property owner without Municipal Council's approval. Staff continue to believe that the property has cultural heritage value or interest.

4.2 Appeal to Conservation Review Board – 2020-2021

An appeal to the Notice of the Intention to Designate the property under the *Ontario Heritage Act* was received by the City on February 24, 2020, and referred to the Conservation Review Board on March 11, 2020.

Preliminary discussions related to the appeal to the Conservation Review Board commenced in May 2020 but were adjourned as there were on-going legal proceedings related to charges pursuant to the *Ontario Heritage Act* and the *Ontario Building Code Act* that had not yet been resolved. In addition, the City and the appellant agreed that in order to continue with a discussion of the potential remaining cultural heritage value or interest of the property, and any potential remaining heritage attributes associated with the accessory building ("Red Barn"), the existing debris on site as a result of the unapproved demolition would need to be removed in order to identify the extent of the remaining foundation for the accessory building.

The legal proceedings related to charges under the *Ontario Heritage Act* and the *Ontario Building Code Act* were resolved in late 2021. The property owner entered a guilty plea and a fine was levied for violation of the *Ontario Heritage Act*.

The City and property owner have since been working towards a process by which to remove the debris from the property in order to proceed with the Conservation Review Board file.

4.3 Demolition Request – 2023

The City's Building Division has advised that to proceed with the removal of the existing debris from the former accessory building on the property at 247 Halls Mill Road, a "Demolition Permit" (Building Permit to demolish) is required. As the property is treated as if it were designated, the demolition process pursuant to Section 34, *Ontario Heritage Act*, is required.

Following the legal proceedings staff met on site with the property owner and the property owner's heritage consultant to visually assess the debris and potential remaining heritage attributes of the property. The debris has remained in place as the removal of the debris requires Council approval.

A complete demolition request for the removal of the debris of the former accessory building on the property at 247 Halls Mill Road was received by the City on January 30, 2023. Municipal Council must make a decision on the demolition request within the 90-day statutory timeline, which is set to expire on April 30, 2023.

When considering a demolition request for a heritage designated property, Council must consult with its municipal heritage committee (the Community Advisory Committee on Planning), and may:

- Consent to the application,
- Consent to the application, subject to such terms and conditions as may be specific by the Council, or,
- Refuse the application.

Given the ability to consent to the application subject to terms and conditions, staff are recommending that terms and conditions be applied to the consent to this demolition request. The intent of the applying terms and conditions is to require the debris be removed by hand to ensure that the existing buff brick and rubble stone foundation – a heritage attribute identified within the Statement of Cultural Heritage Value or Interest – can be retained *in situ*. The use of machinery does not allow careful removal of the debris and could put the existing brick and rubble stone foundation at risk.

This will ensure that the proceedings with regards to the appeal to the Conservation Review Board can continue following the removal of the debris.

A demolition plan submitted as a part of the demolition request confirms that the applicant will be removing the debris by hand, and no machinery will be used, including excavating or grading. The demolition plan also confirms that the removal of the debris will not interfere or damage the remnants of the accessory building's foundation. Staff are sufficiently satisfied with the details included within the demolition plan related to the removal of debris from the former accessory building.

It is staff's opinion that the salvage of the remaining building elements that were previously identified as heritage attributes is no longer possible.

Staff are recommending that terms and conditions be applied to the approval of the demolition request in support of the removal of the debris associated with the accessory structure ("red barn") at 247 Halls Mill Road. The intent of apply the terms and conditions is ensure that the related demolition activities do not further compromise the integrity of the remaining heritage attributes. This action will ensure that the Conservation Review Board appeal proceedings can continue following the removal of the debris.

In support of this intent, staff are recommending a demolition plan be prepared by the property owner to the satisfaction of the Director, Planning and Development. The demolition plan must describe how the debris will be removed by hand, and committing to not interfering or damaging any potential remnants of the accessory building's foundation.

To further emphasize the point, staff are recommending a term and condition to prohibit the use of machinery in the removal of the debris of the accessory building.

Conclusion

The property at 247 Halls Mill Road is of significant cultural heritage value or interest. Municipal Council passed a motion to issue a Notice of Intention to Designate the property pursuant to Part IV of the *Ontario Heritage Act* in January 2020. Following the Council Decision, the accessory building, colloquially known as the “Red Barn” was demolished without approval. In addition, the Notice of Intention to Designate was appealed to the Conservation Review Board. The current demolition request seeks to remove the existing debris from the former accessory building and retain the foundation in situ in order for meaningful proceedings at the Conservation Review Board.

Staff are sufficiently satisfied with the demolition plan submitted with the demolition request that agrees to retain the existing brick and rubble stone foundation in situ to continue proceedings at the Conservation Review Board. The demolition request should be consented to subject to terms and conditions to ensure the careful removal of the debris and to protect any potential remaining heritage attributes associated with the accessory building.

Prepared by: Michael Greguol, CAHP
Heritage Planner

Submitted by: Kyle Gonyou, MCIPP, RPP, CAHP
Manager, Heritage

Appendices

Appendix A Property Location

Appendix B Images

Appendix C Statement of Cultural Heritage Value or Interest

Sources

- Armstrong, F.H. *The Forest City: An Illustrated History of London, Canada*. 1986.
Arthur, E. and D. Witney. *The Barn: A Vanishing Landmark in North America*. 1972.
Baker, M. and H. Bates Neary. *London Street Names*. 2003.
Brock, D. *Fragments from the Forks*. 2010.
Brock, D.J. “Lawrason, Lawrence.” in *Dictionary of Canadian Biography*. 2003.
Burnell, J. “Lost Treasures: The Mills of Middlesex County,” Unpublished Report for Census Records. 1842-1921
City and County Directories. Various Years.
City of London. *Heritage Places 2.0*. (2019)
Crinklaw, R. K., O.B. Bishop, and G.P. Rickard. *Westminster Township South-east of the Thames*. 1988.
Grainger, Jennifer. *Vanished Villages of Middlesex*. 2002.
Kerr, R. *160 Years of Westminster, Halls Mill, Byron History*. 1983.
Land Registry Records, Land Registry Office #33.
Ministry of Culture. *Ontario Heritage Toolkit: Heritage Property Evaluation*. 2006.
Page, H.R. & Co. *Illustrated Historical Atlas of Middlesex County*. 1878
Smith, W.H. *Smith’s Canadian Gazetteer*. 1846.
St-Denis, G. *Byron: Pioneer Days in Westminster Township*. 1985.
Tausky, N. *Historical Sketches of London From Site to City*. 1993.
Tax Assessment Rolls. Various Years.
Tremaine’s Map of the County of Middlesex, Canada West. 1862.
Westminster Township Historical Society. *Delaware and Westminster Townships: Together in History*. Volume II. 2006.

Appendix A – Property Location

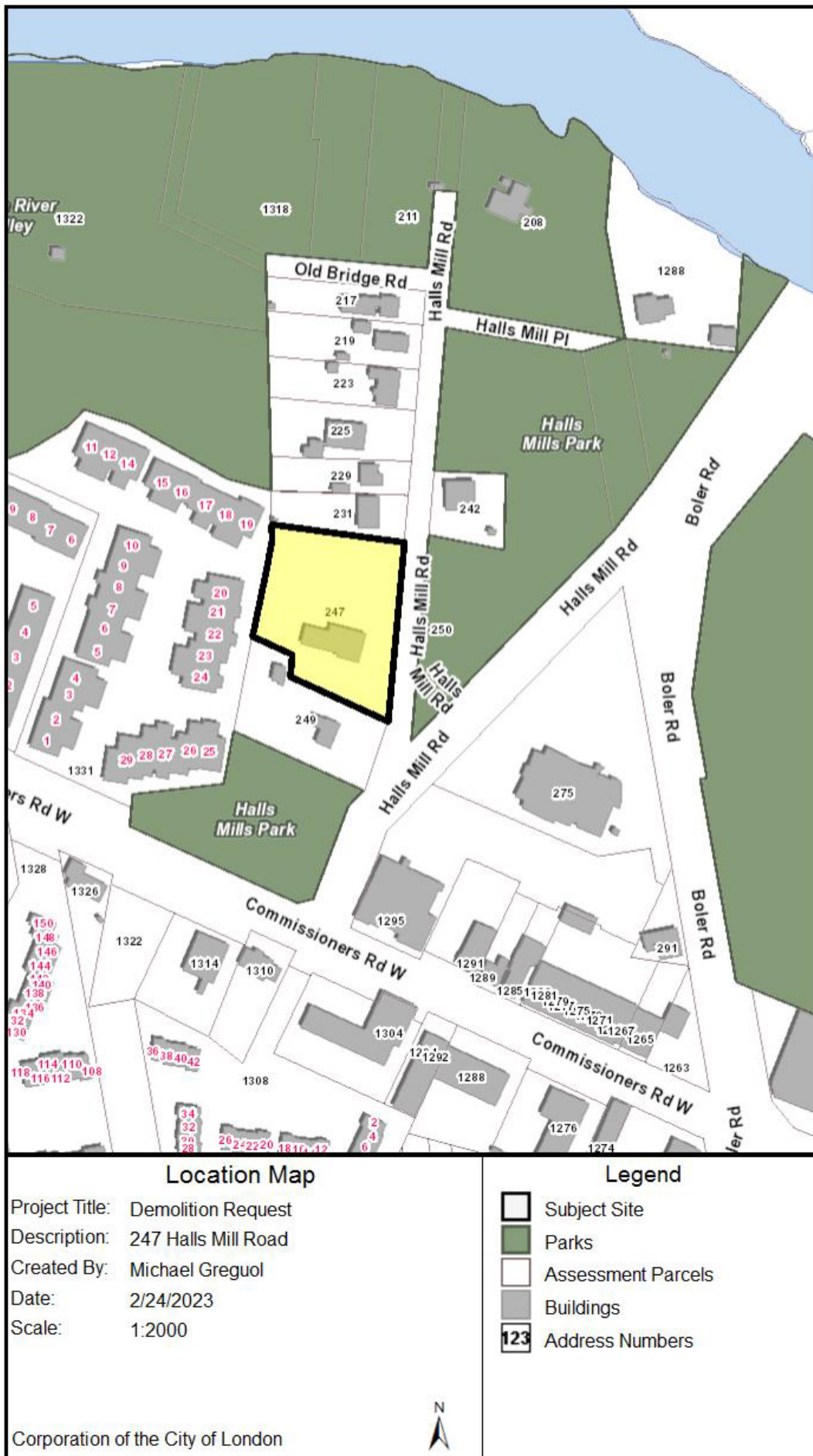


Figure 1: Location of the subject heritage designated property at 247 Halls Mill Road

Appendix B – Images



Image 1: Photograph showing the accessory building in September 2019.



Image 2: Photograph of the accessory building as viewed from Halls Mill Road, September 2019.



Image 3: Photograph showing the accessory building as viewed from Halls Mill Road, December 3, 2019.



Image 4: Photograph showing the accessory building as viewed from Halls Mill Road, December 3, 2019.



Image 5: Photograph of the west side of the accessory building, showing the removed roof sheathing, December 3, 2019.



Image 6: Photograph of the foundation on the west side of the accessory building showing a mix of buff brick and field stone materials, December 3, 2019.



Image 7: Photograph showing the east side of the accessory building as viewed from Halls Mill Road, showing the collapse of the roof framing, December 11, 2019.



Image 8: Photograph showing the east side of the accessory building as viewed from Halls Mill Road, showing the collapse of the roof framing, December 11, 2019.



Image 9: Photograph showing the property in February 2020, following the unapproved demolition of the accessory building.



Image 10: Photograph showing the property in February 2020, following the unapproved demolition of the accessory building.



Image 11: Photograph of the debris from the former accessory building, shown in April 2022.



Image 12: Photograph showing debris from the former accessory building, shown in April 2022. Note, a portion of the buff brick foundation can be seen buried under the debris.



Image 13: Photograph showing debris from the former accessory building, shown in April 2022. Note, a portion of the rubble stone foundation can be seen buried under the debris.



Image 14: Photograph showing debris from the former accessory building, shown in April 2022. Note, a portion of the rubble stone foundation can be seen buried under the debris at right. A portion of the cherry board-and-batten exterior cladding can be seen at centre.



Image 15: Photograph showing debris from the former accessory building, shown in April 2022.



Image 16: Photograph showing debris from the former accessory building, shown in April 2022.



Image 17: Photograph of the property and the location of the former accessory building as viewed from the road in February 2023.



Image 18: Photograph of the property and the location of the former accessory building as viewed from the road in February 2023.



Image 19: Photograph of the property and the location of the former accessory building as viewed from the road in February 2023.



Image 20: Photograph of the property and the dwelling on the property at 247 Halls Mills Road viewed from the road in February 2023. Note, the dwelling is also included within the Statement of Cultural Heritage Value or Interest.

Appendix C – Statement of Cultural Heritage Value or Interest

Legal Description

Part of Lot 115, RCO 563, as in 755312 London

Description of Property

The property at 247 Halls Mill Road is located on west side of Halls Mill Road, north of Commissioners Road West. The property includes a dwelling located to the southern portion of the property, and an accessory building located to the north of the property.

Statement of Cultural Heritage Value

The property at 247 Halls Mill Road is of significant cultural heritage value or interest because of its physical/design value, its historical/associative value, and its contextual value.

The property at 247 Halls Mill Road includes a representative example of a Queen Anne Revival style, side hall plan cottage, with a buff brick exterior. The cottage is believed to have been constructed in the 1840s and evolved in the 1890s when a number of its decorative elements were added, making it a representative example of the Queen Anne Revival style applied to a side hall plan cottage in London.

The accessory building on the property is a unique and rare example of a timber frame accessory structure that has been used for various purposes of the course of its existence. Known locally as “the Red Barn”, the structure has been reportedly used as a barn, coach house, and warehouse for the Griffith Bros. woollen mills. The structure has been designed to include a series of stylistic embellishments that elevates the appearance of the structure beyond that of a typical barn. Its chestnut board-and-batten siding, projecting gable, window treatments, and central ventilator all contribute to its being a unique example of a timber frame accessory building.

The concentration of decorative wood detailing on the cottage’s gable and bargeboard elements as well as its decorative verandah posts contribute to the expression of its style as a Queen Anne Revival cottage. As a result, the property displays a high degree of craftsmanship.

The property is directly associated with William Griffith, one of the three Griffith brother who owned and operated the Griffith Bros. woollen mill in Byron between the 1860s and 1890s. The mill was located directly across the road from the property at 247 Halls Mill Road, on the property now known as Halls Mills Park. The cottage on the subject property was the home of William Griffith and the accessory building on the property was reportedly used as a coach house and warehouse for the woollen products produced at the Griffith Bros. mill.

The property at 247 Halls Mill Road has the potential to yield information related to the history of the Halls Mills area. As a property historically associated with the Griffith Bros., and 19th century milling in Byron, the property has potential to yield information that contributes to the understanding of the Halls Mills area.

The property at 247 Halls Mill Road is important in defining the character of the Halls Mills area. The Hall’s Mills area is characterized by a geographical context near the Thames River and its topography, along with the collection of early and mid-19th century buildings located along Halls Mills Road and Commissioners Road West.

As the property includes an 1840s dwelling and 19th century accessory building, the property is a part of the concentration of cultural heritage resources in the Halls Mill area that contribute to its character and have led to its identification as a potential heritage conservation district.

The property is historically linked to the property now known as Halls Mill Park, on the east side of Halls Mill Road. The Halls Mill Park property was the site of the Griffith

Bros. woollen mill which was operated by William Griffith, owner of 247 Halls Mill Road, in partnership with his brothers. As the milling site for their Byron operation, the properties are historically linked.

The property at 247 Halls Mill Road is considered to be a local landmark within the Halls Mills area. Specifically, “the Red Barn” is known locally recognized as a landmark in the area.

Heritage Attributes

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

- The siting of the dwelling a grade above road level, on the south side of the property, accessed from steps from the public road allowance;
- Form, scale, and massing of the one-and-a-half storey dwelling and details including;
 - Field stone foundation;
 - Buff brick exterior cladding, with voussoirs above the window and door openings on the facades and quoins on the north and south elevations;
 - Gables located on the north, east, and south facades;
 - Decorated north, east and south gables, and gable dormer on the north side of the house, including wood details:
 - Bargeboard with decorative linear and medallion elements, corbels, and dentils;
 - Scalloped wood shingle imbrication on gables and dormer;
 - “Alisée Pattée” cross motif along the frieze of the gables;
 - Circular feature including “Alisée Pattée” cross design and medallions;
 - Dentil course above the gable windows;
 - Wood corbels at the base of the gable
 - Decorated north and south porches including wood details:
 - Turned posts;
 - Decorative wood spandrels;
 - “Alisée Pattée” cross designs and medallion designs in the peak of the gable on the south porch;
 - Stained glass semi-circular windows on the north and east façades and the transom;
 - South paired wood door;
 - East panelled wood door with glazing;
 - North panelled wood door with glazing;
 - Hipped roof with cross gables;
 - Buff brick chimney on the south elevation of the dwelling;
- Form, scale, and massing of the timber frame accessory building and details including;
 - Red-painted, exterior chestnut board-and-batten cladding;
 - Buff brick and field stone foundation;
 - Gable roof form of the building;
 - Projecting front bay on the east elevation of the structure including gable roof peak above the round headed window, horizontal wood siding, and hipped roof above the main bay door;
 - Door openings, wood doors, and exterior door surrounds;
 - Wood windows including;
 - Six-over-six divided light windows on the east, west, and north sides of the structure;
 - Three-over-three divided light windows on the south side of the structure;
 - Divided light window panel in the gable of the north side of the structure;
 - Exterior window surrounds;
 - Central hipped-roof ventilator located on the ridge of the gable;
- Spatial relationships between the dwelling and the accessory building.

Report to Community Advisory Committee on Planning

To: Chair and Members
Community Advisory Committee on Planning

From: Kyle Gonyou
Manager, Heritage

Subject: Heritage Alteration Permit application by O. Cosme for 19
Blackfriars Street, Blackfriars/Petersville Heritage
Conservation District, HAP23-011-L, Ward 13

Date: Wednesday March 8, 2023

Recommendation

Approval of the Heritage Alteration Permit application seeking retroactive approval for the replacement of the existing exterior cladding on the heritage designated property at 19 Blackfriars Street, Blackfriars/Petersville Heritage Conservation District, is recommended.

Executive Summary

Alterations were completed to the Contributing Resource at 19 Blackfriars Street, Blackfriars/Petersville Heritage Conservation District, without Heritage Alteration Permit approval. The alterations included the installation of new exterior vinyl siding over the existing rough cast (stucco) exterior on the dwelling. The removal of the existing vinyl siding would be preferred to reinstate the dwelling to its previous conditions and appearance. However, staff have concerns that the removal of the siding and the strapping may result in irreversible damage to the historic rough cast (stucco), and ultimately risk the conservation of the Contributing Resource. In addition, the colour and style of the vinyl siding is generally consistent with the palette and heritage character of the Blackfriars/Petersville Heritage Conservation District. For these reasons, staff are recommending retroactive approval of this Heritage Alteration Permit application.

Analysis

1.0 Background Information

1.1 Location

The property at 19 Blackfriars Street is located on the north side of Blackfriars Street, between Argyle Street and Napier Street (Appendix A).

1.2 Cultural Heritage Status

The property at 19 Blackfriars Street is located within the Blackfriars/Petersville Heritage Conservation District, which was designated pursuant to Part V of the *Ontario Heritage Act* by By-law No. L.S.P.-3437-179 on May 15, 2015. The property at 15 Blackfriars Street is a Contributing Resource to the cultural heritage value of the Blackfriars/Petersville Heritage Conservation District.

1.3 Description

A one-and-a-half storey vernacular residential-type structure is located on the property at 19 Blackfriars Street. The building reasonably matches the setback of adjacent properties along the north side of Blackfriars Street. The building was constructed circa 1885; however, it may date earlier, and follows the Ontario Farmhouse type: one-and-a-half storey, central doorway with windows to each side, end-gable roof, and a Gothic Revival peak in the attic storey above the central doorway. The dwelling is of wood frame construction and had been parged in a rough cast (stucco) exterior cladding.

The front porch is a later alteration. The windows of the building had been replaced prior to its designation as part of the Blackfriars/Petersville Heritage Conservation District.

Blackfriars Street (originally “road”) was an important, early transportation route that connected the Wharncliffe Highway to the Blackfriars Bridge and into the original town plot of London. Twelve property owners of London Township, including John Kent and John Stiles, petitioned that a road be made “from the Town Plot of London to the Proof Line of the township of London.” In 1830, the Surveyor of Highways for the London District, Roswell Mount, laid out what would become known as Blackfriars Street (*Road Report for London District, 1829-1830 #574A*). RP58(W), registered in 1854, laid out the lots of Petersville, north of Blackfriars Street, on the land owned by Samuel Peters, of Grosvenor Lodge (1017 Western Road), for development.

Given its prominent location on Blackfriars Street and confirmed early development in comparable form, it is very likely that the building at 19 Blackfriars Street pre-dates its ascribed circa 1885 dating. *Now and Then, Some Architectural Aspects of London’s Past* (1974) cites the property at 19 Blackfriars Street as an early London version of the “Ontario Cottage.”

2.0 Discussion and Considerations

2.1 Legislative and Policy Framework

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

2.2 Provincial Policy Statement

Heritage Conservation is a matter of provincial interest (Section 2.d, *Planning Act*). The *Provincial Policy Statement* (2020) promotes the wise use and management of cultural heritage resources and directs that “significant built heritage resources and significant cultural heritage landscapes shall be conserved” (Policy 2.6.1, *Provincial Policy Statement* 2020).

“Significant” is defined in the *Provincial Policy Statement* (2020) as, “resources that have been determined to have cultural heritage value or interest.” Further, “processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*.”

Additionally, “conserved” means, “the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained.”

2.3 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.

2.3.1 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 for an individual and \$250,000 for a corporation.

2.3.2 Heritage Alteration Permit

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*).

2.4 The London Plan

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, including properties located within a Heritage Conservation District, the policies of *The London Plan* provide the following direction:

Policy 594_ Within heritage conservation districts established in conformity with this chapter, the following policies shall apply:

- 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 596_ A property owner may apply to alter a property within a heritage conservation district. The City may, pursuant to the Ontario Heritage Act, issue a permit to alter the structure. In consultation with the London Advisory Committee on Heritage, the City may delegate approvals for such permits to an authority.

2.5 Blackfriars/Petersville Heritage Conservation District Plan and Guidelines

The *Blackfriars/Petersville Heritage Conservation District Plan and Guidelines* includes policies and guidelines related to the exterior cladding including siding and stucco. The policies and guidelines identify wood siding as a popular exterior cladding material, with alternatives such as aluminum and vinyl siding noted within the relevant policies.

Section 11.2.7 (Wooden Siding) states:

Vinyl and aluminum siding are popular now for new construction and renovation because they are very inexpensive materials. They are inexpensive because they are very thin sheet materials formed into planked-shaped profiles and finished in a range of standard colours. They perform well at keeping rain and weather out of the building, but because of the thin nature of the sheet material, they are very fragile in use and prone to damage from impact of vehicles, toys, and ladders used for maintenance. These materials are not recommended to cover or replace original wood siding.

Section 11.2.8 (Stucco) states:

Stucco repair can benefit greatly from modern materials without sacrificing the heritage quality of the restored property. Where repairs are necessary, wood lath can be replaced by galvanized expanded metal lath (diamond shaped mesh) that resists moisture damage, provides improved keying

and support for the stucco, and does not impart movement stresses into the stucco finish.

Exterior Insulation Finish Systems (EIFS) are a popular, modern exterior wall treatment that can easily replicate the appearance of traditional stucco with the benefit of increasing the insulation value of the wall. Existing walls (or new) are clad in rigid foam plastic sheets usually about 2" thick, and coated with a mesh-reinforced acrylic stucco. The advantage of the system is the provision of a resilient stucco surface resistant to cracking, and the added insulation. The disadvantages are several. Any existing decorative surface features become buried within the thickness of the coating. Any junctions with existing door and window openings and other trim details usually are replaced with inappropriate stucco returns and thick details. In some cases, where systems are marketed to provide additional thermal protection, evidence indicates that the systems are inclined to be poorly installed and permit water ingress and retention. The supporting structure underneath becomes damaged from the dampness while the exterior shows no signs of the increasingly serious deterioration. The system requires the highest quality of professional design and application to be used in new locations and even more demanding skills if used as a retrofit application.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

4.1. Heritage Alteration Permit application (HAP23-011-L)

In January 2023, the City was contacted by the owner of the property located at 19 Blackfriars Street within the Blackfriars/Petersville Heritage Conservation District (HCD). The owner noted that they had recently learned that the property was located within the HCD and advised that they had recently covered the exterior stucco cladding with new vinyl siding. The exterior vinyl siding consists of "Gentek 4.5" Dutchlap" siding.

The removal/installation of cladding/siding, with a different material is a class of alteration requiring Heritage Alteration Permit approval in the *Blackfriars/Petersville Heritage Conservation District Plan and Guidelines*.

The City received a Heritage Alteration Permit application on February 22, 2023, seeking retroactive approval for the installation on vinyl siding over the existing rough cast (stucco) exterior of the dwelling. Per Section 42(4), *Ontario Heritage Act*, a decision on this Heritage Alteration Permit application is required before May 23, 2023.

The Heritage Alteration Permit application noted that the exterior siding was installed through the use of strapping, an installation technique which see furring strips applied to the existing exterior in order to provide a stable surface or backing for the new exterior cladding to be installed upon. Typically, the installation of strapping requires that the furring strips be affixed to the existing exterior.

Although the removal of the existing vinyl siding would be preferred to reinstate the dwelling to its previous condition, staff have concerns that the removal of the siding and the strapping may result in irreversible damage to the historic rough cast (stucco), and ultimately risk the conservation of the Contributing Resource. In addition, the colour and style of the vinyl siding is generally consistent with the palette and heritage character of the Blackfriars/Petersville Heritage Conservation District. For these reasons, staff are recommending retroactive approval of this Heritage Alteration Permit application.

Conclusion

The property at 19 Blackfriars Street is a Contributing Resource located within the Blackfriars/Petersville Heritage Conservation District, designated pursuant to Part V of

the *Ontario Heritage Act*. The rough cast (stucco) cladding on the dwelling was covered with vinyl siding without obtaining Heritage Alteration Permit approval in advance of undertaking the alteration. Through this Heritage Alteration Permit application, the owner is seeking retroactive approval for the installation of the new siding material. Due to the potential damage to the dwelling that may come about as a result of removing the new siding material staff are recommending that this retroactive Heritage Alteration Permit application be approved.

Prepared by: **Michael Greguol, CAHP**
 Heritage Planner

Submitted by: **Kyle Gonyou, MCIP, RPP, CAHP**
 Manager, Heritage

Appendices

Appendix A Property Location
Appendix B Images

Appendix A – Location Map



Figure 1: Location map showing the property at 19 Blackfriars Street, within the Blackfriars/Petersville Heritage Conservation District.

Appendix B – Images



Image 1: Photograph of the subject property at 19 Blackfriars Street, within the Blackfriars/Petersville Heritage Conservation District prior to the installation of the new vinyl siding (2020).



Image 2: Photograph of the subject property at 19 Blackfriars Street, within the Blackfriars/Petersville Heritage Conservation District after the dwelling had been re-clad with vinyl siding (2023).



Image 3: Photograph of the subject property at 19 Blackfriars Street, within the Blackfriars/Petersville Heritage Conservation District after the dwelling had been re-clad with vinyl siding (2023).



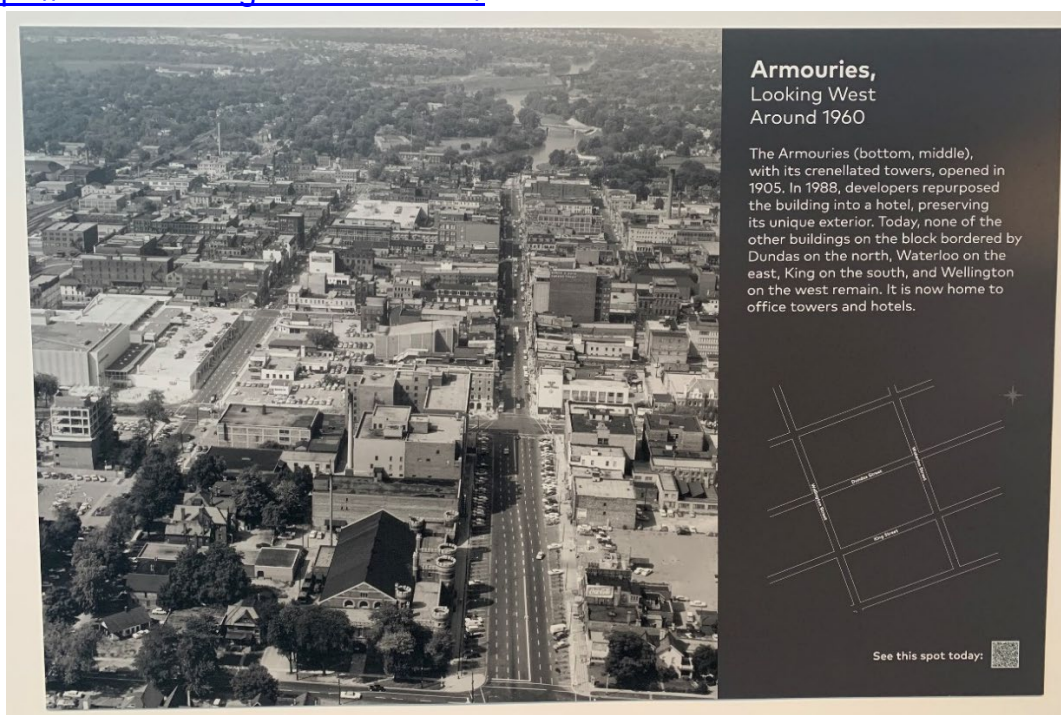
Image 4: Photograph of the subject property at 19 Blackfriars Street, within the Blackfriars/Petersville Heritage Conservation District after the dwelling had been re-clad with vinyl siding (2023).

Heritage Planners' Report to CACP: March 8, 2023

1. Heritage Alteration Permits processed under Delegated Authority By-law:
 - a) 42 Albion Street (B/P HCD) – Window replacement
 - b) 532 Dufferin Street (EW HCD) – Window and door replacement
 - c) 82 Albion Street (B/P HCD) – Side porch reconstruction
 - d) 28 Palace Street (EW HCD) – Window and siding replacement
2. Ad Hoc Allocation Committee, London Endowment for Heritage Fund
 - a) Mid-April 2023 Meeting

Upcoming Heritage Events

- Thrill! Arthur A. Gleason's Aerial Photography exhibition at Museum London – until April 16, 2023: www.museumlondon.ca/exhibitions/thrill-arthur-a-gleasons-aerial-photography
- London & Middlesex Historical Society – Wednesday March 15, 2023 at 7:30pm, Court House (399 Ridout Street North): Noelle Tangredi, *St. Joseph's Hospital: History and Artifact*. More information: www.londonhistory.org/lmhs-meetings
- London Endowment for Heritage Fund – applications open until March 28, 2023. More information: www.lcf.on.ca/london-endowment-for-heritage
- Western University Public History Presentations – Research Report on the history of SoHo Neighbourhood – Monday, April 3, 2023 – 7:00pm-8:30pm, Wolf Performance Hall, London Public Library, 251 Dundas Street
- Ontario Heritage Conference – June 15-17, 2023 – Registration opens in Mid-March - <https://ontarioheritageconference.ca/>



Panel from Thrill! Arthur A. Gleason's Aerial Photography exhibition at Museum London.