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<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING &amp; ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>
<b>SUBJECT:</b>	<b>REQUEST FOR DEMOLITION 122 WORTLEY ROAD BRIAN BAILLARGEON &amp; PETER JONES PUBLIC PARTICIPATION MEETING AUGUST 24, 2015</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director, Planning & City Planner, with the advice of the Heritage Planner, and having consulted the London Advisory Committee on Heritage, the application of B. Baillargeon & P. Jones under section 42 of the *Ontario Heritage Act* for a permit to demolish the building located at 122 Wortley Road, within in the Wortley Village-Old South Heritage Conservation District, **BE GRANTED** with the following terms and conditions:

- A. The applicants obtain a Heritage Alteration Permit for an approved replacement structure that is compatible with the goals and intent of the Wortley Village-Old South Heritage Conservation District Plan prior to the initiation of the demolition; and,
- B. Photographic documentation be completed prior to the initiation of demolition activities and submitted to the satisfaction of the Heritage Planner.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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October 29, 2013 – Proposed Wortley Village-Old South Heritage Conservation District  
 September 9, 2014 – Proposed Wortley Village-Old South Heritage Conservation District  
 January 21, 2014 – Zoning By-law Amendment Application Z-8183 (122 Wortley Road)

<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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The recommended action would permit the demolition a property located within the Wortley Village-Old South Heritage Conservation District (HCD), pursuant to section 42 of the *Ontario Heritage Act*.

<b>BACKGROUND</b>
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**The Property**

122 Wortley Road is located within the Wortley Village-Old South HCD, designated under Part V of the *Ontario Heritage Act* (By-law No. L.S.P.-3439-321). The property is located on the east side of Wortley Road, just north of the intersection with Craig Street (Appendix A). Historically, the subject property was two separate parcels, each with a single detached dwelling. The dwelling formerly located at 124 Wortley Road (to the south of the existing dwelling) was demolished approximately 30 years ago. The two properties merged and became one parcel.

The property is presently occupied by a single storey centre-hall plan, painted brick cottage with a hipped roof and red brick porch (Appendix B).

Properties within the Wortley Village-Old South HCD are rated on a scale of A-D. These ratings identify the contributions of existing properties to the cultural heritage value or interest of the

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Wortley Village-Old South HCD. These ratings are intended to be used as a guide to determine whether to conserve, restore, or replace an existing resource with respect to its contributions to the overall cultural heritage value or interest of Wortley Village-Old South HCD. 122 Wortley Road has a C-rating in the Wortley Village-Old South HCD Plan meaning that “the form and massing of the building belonged to a historical family of buildings,” and/or “the building is a good example of a modest design representing the area or repeated in many locations.” In the Wortley Village-Old South HCD Plan, C-rated locations are classified as heritage properties.

**Recent Planning Applications**

The applicant subject of this report also submitted a Zoning By-law Amendment on April 18, 2013 (and revised on December 5, 2013) to change the zoning of the subject property from a Residential R2 (R2-2) Zone which permits single detached dwellings, semi-detached dwellings, duplex dwellings and converted dwellings to a Residential R8 Special Provision Zone to permit the construction of a three storey, seven unit residential building. While the London Advisory Committee on Heritage (LACH) was not supportive of the rezoning of this property, Municipal Council approved the Zoning By-law Amendment on January 28, 2014.

As part of the Zoning By-law Amendment process, the proposed design was referred to the Urban Design Peer Review Panel on May 15, 2013. The following design issues were requested for implementation by the Site Plan Approval Authority, as noted in the Zoning By-law Amendment:

- i) the relocation of the accessible parking space, currently located in front of the building, to improve the pedestrian environment;
- ii) the inclusion of an urban or landscaped forecourt between Wortley Road and the principal building entrance to improve the pedestrian experience along Wortley Road, with a defined edge that is parallel with Wortley Road and reinforces the building’s offset principal entrance;
- iii) the provision of a continuous concrete pedestrian walkway and landscaped connection along the southern building edge, linking the City sidewalk and the southern/front amenity space, to improve pedestrian access to the northern/rear amenity space and provide a convenient connection to the City sidewalk from the proposed rear doors;
- iv) the use of a stone base on the apartment building that will be complementary to the existing streetscape;
- v) the inclusion of outdoor rear-yard amenity space north of the apartment building to ensure future residents have an area to enjoy the park like setting, particularly in the rear of the property;
- vi) the breaking up of the massing of the north facade of the apartment building to reduce the visual bulk seen from Thames Park. This can be achieved by providing additional windows along the first storey. Consider the continuation of the base treatment around to the north elevation to further break up the massing;
- vii) the provision of landscaping along the rear boundary of the site to provide a transition to the adjacent public park space;
- viii) the development and submission of a fully detailed landscape plan that reflects the level of detail in the building and the historical context of the neighbourhood; and,
- ix) a revised tree preservation plan and/or a replanting plan, acceptable to the City, for trees that have shared ownership between the applicant and the City, to ensure the continued presence of trees which positively contribute to the streetscape, environment, tree canopy cover and slope stabilization.

A Site Plan application was submitted for the subject property on August 5, 2014 and the applicant is in the process of entering into a development agreement.

**Request for Demolition of a Property in a Heritage Conservation District**

The *Ontario Heritage Act* directs that no owner of property situated within a designated Heritage Conservation District is permitted to demolish the property unless a permit is obtained from the municipality to do so. A request for the demolition of the subject property was submitted by the owner on August 5, 2015.

Applications submitted pursuant to the *Planning Act* for the redevelopment of this property were received before the Wortley Village-Old South HCD Plan came into force and effect on June 1, 2015. Those submissions, and the submission of the Heritage Alteration Permit application

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pursuant to the *Ontario Heritage Act*, aim to comply with the Wortley Village-Old South HCD policies and guidelines.

The owner has also applied for a Heritage Alteration Permit citing the demolition of the existing buildings on the subject property. The Heritage Alteration Permit application is subject of a separate report to, and consultation with, the LACH.

Regarding a demolition request for a property designated under Part V of the *Ontario Heritage Act* (located within a Heritage Conservation District), under s. 42 (4) of the *Ontario Heritage Act*, within 90 days after the notice of receipt is served on the applicant, Municipal Council may give the applicant,

- a) The permit applied for;
- b) Notice that Council is refusing the application for the permit; or
- c) The permit applied for, with terms and conditions attached.

If Municipal Council fails to do any of the things mentioned in subsection (4) within the 90 days (noted above), Municipal Council shall be deemed to have given the applicant the permit applied for. If Municipal Council refuses the permit applied for or gives the permit with terms and conditions attached, the owner of the property may appeal to the Ontario Municipal Board within thirty days of receiving notice of Municipal Council’s decision.

The *Ontario Heritage Act* requires that Municipal Council consult with its municipal heritage committee, the LACH, when a demolition permit application is received for a heritage designated property. It is anticipated that LACH will have a recommendation available to present at the August 24, 2015 meeting of the Planning & Environment Committee.

<b>PLANNING HISTORY</b>
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Section 2.6.1 of the *Provincial Policy Statement* (2014) directs that “significant built heritage resources and significant cultural heritage landscapes shall be conserved.” Properties included in the Wortley Village-Old South HCD are considered to be significant within the context. “Conserved” is defined in the *Provincial Policy Statement* (2014) as “the identification, protection, use and/or management of built heritage resources in a manner that ensures their cultural heritage value or interest in retained under the *Ontario Heritage Act*.”

London’s *Official Plan* policy 13.3.2 requires that “after a Heritage Conservation District has been designated by Council the erection, alteration, demolition, or removal of buildings or structures within the District shall be subject to the provisions of the *Ontario Heritage Act* and any secondary plan which takes the form of a Heritage Conservation District Plan.”

The by-law to designated Wortley Village-Old South HCD under the *Ontario Heritage Act* was passed by Municipal Council on September 16, 2014. The by-law was not in full force and effect until an appeal to the Ontario Municipal Board was withdrawn on June 1, 2015.

The goals of the Wortley Village-Old South HCD are to:

- Recognize, protect, enhance and appreciate Wortley Village-Old South’s cultural heritage resources, including buildings, landscapes and historical connections, and value their contributions to the community;
- Avoid the destruction and/or inappropriate alteration of the existing building stock, materials and details;
- Maintain and enhance the visual, contextual and pedestrian-oriented character of Wortley Village-Old South’s streetscape and public realm;
- Maintain the low-density residential character of the Wortley Village-Old South HCD as the predominant land use, while recognizing that certain areas of the HCD already have or are intended for a wider range of uses; and,
- Ensure that the Heritage Alteration Permit approvals process for the Wortley Village-Old South HCD is effective, streamlined and easily understood.

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These goals encourage the retention, conservation, and adaptation of cultural heritage resources, while discouraging the demolition of such resources. The Wortley Village-Old South HCD Plan also acknowledges that demolition may be necessary in the event of a catastrophic event (such as fire), severe structural instability, or occasionally redevelopment in keeping with appropriate City policies (Section 4.2.2). Consideration of potential demolition situations is not taken lightly:

“While the intent is to conserve cultural heritage resources and the landscape in an HCD, it is also recognized that in special circumstances that the demolition of some resources may be required. Demolition is a final, irreversible act” (Section 3.2).

Regarding a demolition request, the following policies are applicable (Section 4.2.2):

- a) Heritage properties in the HCD should not be demolished. Where a heritage property has been severely damaged by fire or other calamity, or if a heritage property is determined to be non-contributing to the cultural heritage value or interest of the HCD (a Group D building), this existing building may be considered for demolition and replacement in accordance with the policies and guidelines for new buildings;
- b) The City shall enforce property maintenance standards for heritage properties to ensure that heritage attributes are not diminished from neglect and not put at risk of demolition from neglect;
- c) Any proposal to demolish a building or portion of a building within the HCD shall require a Heritage Alteration Permit from the City;
- d) Where demolition of a building located on a property within the HCD is proposed, the property owner shall provide supporting documentation demonstrating appropriate reasons for the demolition. Council may approve the demolition, approve the demolition with conditions, or refuse the request for demolition, in accordance with the provisions of the *Ontario Heritage Act*;
- e) Where demolition of a heritage property is proposed, the owner/applicant shall maintain traditional setbacks, scale, and massing in their new development/redevelopment plans;
- f) In situations where demolition is approved by Council, written and/or photographic documentation of any notable heritage attributes (e.g. architectural features and construction techniques) will be required to create a record of the property and its attributes; and,
- g) Reclamation of suitable building materials such as windows, doors, moldings, columns, brick or similar, for potential reuse in a new building on the site or as replacement components for other buildings in the area which require repair and restoration over time is strongly encouraged if demolition is approved for any heritage properties in the HCD.

One of the policies of the Wortley Village-Old South HCD Plan is to require the property owner to obtain Heritage Alteration Permit approvals prior to the issuance of a demolition permit, in accordance with the requirements of the *Ontario Heritage Act* (Section 5.7.C).

While demolition may be permitted in exceptional circumstances, it is essential to consider the potential impact on the broader cultural heritage values of the Wortley Village-Old South HCD as a whole. “Intensification Opportunities” (Section 5.12) highlights this by stating, “Based on direction in the *PPS* (2014) it is important that there be opportunities for intensification within the HCD. It is essential that any intensification is sensitive to the HCD and its heritage attributes and its cultural heritage value or interest.” The intent is to maintain the low-density residential character of Wortley Village-Old South HCD, which was identified as a goal of the designation under the *Ontario Heritage Act*.

The Wortley Village-Old South HCD Plan seeks to ensure that infill development or redevelopment is compatible with the cultural heritage value or interest and heritage attributes, and pedestrian scale of the HCD. Section 4.1.1.C states “higher intensity uses or redevelopment opportunities shall be focused outside of the low rise residential area of the HCD, to areas designated by the City of London for higher density development (i.e. Ridout Street).”

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Infill development or redevelopment proposals are evaluated through the Heritage Alteration Permit application process. The Heritage Alteration Permit application must demonstrate how a replacement building would be sympathetic to the context of Wortley Village-Old South HCD, and meet the goals and intent of the Wortley Village-Old South HCD Plan.

**ANALYSIS**

The Wortley Village-Old South HCD Plan acknowledges that change, including demolition, may occur. It states, “designating as an HCD is intended to conserve important features and attributes, while providing guidance on future change concerning alterations/additions, redevelopment, landscape features and public infrastructure” (Section 4.0). Taking a change management approach aims to ensure that Wortley Village-Old South HCD remains a vibrant, liveable community while conserving its cultural heritage value over the long term.

The Wortley Village-Old South HCD Plan permits demolitions in particular situation, including occasional “redevelopment in keeping with appropriate City policies” (Section 4.2.2). The Wortley Village-Old South HCD Plan also recognizes that the City will identify appropriate areas for redevelopment opportunities (Section 4.1.1.C). The rezoning of 122 Wortley Road, undertaken and completed in 2014 prior to the designation of Wortley Village-Old South HCD under Part V of the *Ontario Heritage Act*, is an applicable City policy. To accommodate the form intended by Municipal Council, the demolition of the existing building at 122 Wortley Road is necessary.

Section 5.12 emphasizes taking a broad perspective when considering an intensification or redevelopment opportunity; not just an individual property but the broader Wortley Village-Old South HCD. The C-rated 122 Wortley Road has limited contributions, but was nonetheless part of Wortley Village-Old South HCD. The impact of the loss of the existing building at 122 Wortley Road on the whole Wortley Village-Old South HCD may be minor, but the replacement building may have a larger impact that must be evaluated through the Heritage Alteration Permit application process.

It is recommended that, pursuant to policies within Section 5.7 of the Wortley Village-Old South HCD Plan, photographic documentation of the building located at 122 Wortley Road be completed prior to the initiation of demolition activities, and that any notable features of elements be salvaged as appropriate.

**CONCLUSION**

In general, demolition within any of London’s Heritage Conservation Districts is discouraged. However, there are rare, exceptional situations where demolition may be necessary. In the situation of 122 Wortley Road, a higher intensity use for the property was directed by the rezoning of the property prior to the designation of Wortley Village-Old South HCD under Part V of the *Ontario Heritage Act*. In keeping with appropriate City policies, this demolition request should be granted with the terms and conditions that, prior to the initiation of demolition, the applicant obtain a Heritage Alteration Permit that is compatible with the goals and intent of the Wortley Village-Old South HCD, and that photographic documentation be completed

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<b>PREPARED &amp; SUBMITTED BY:</b>
<b>KYLE GONYOU HERITAGE PLANNER</b>
<b>RECOMMENDED BY:</b>
<b>JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>

August 12, 2015  
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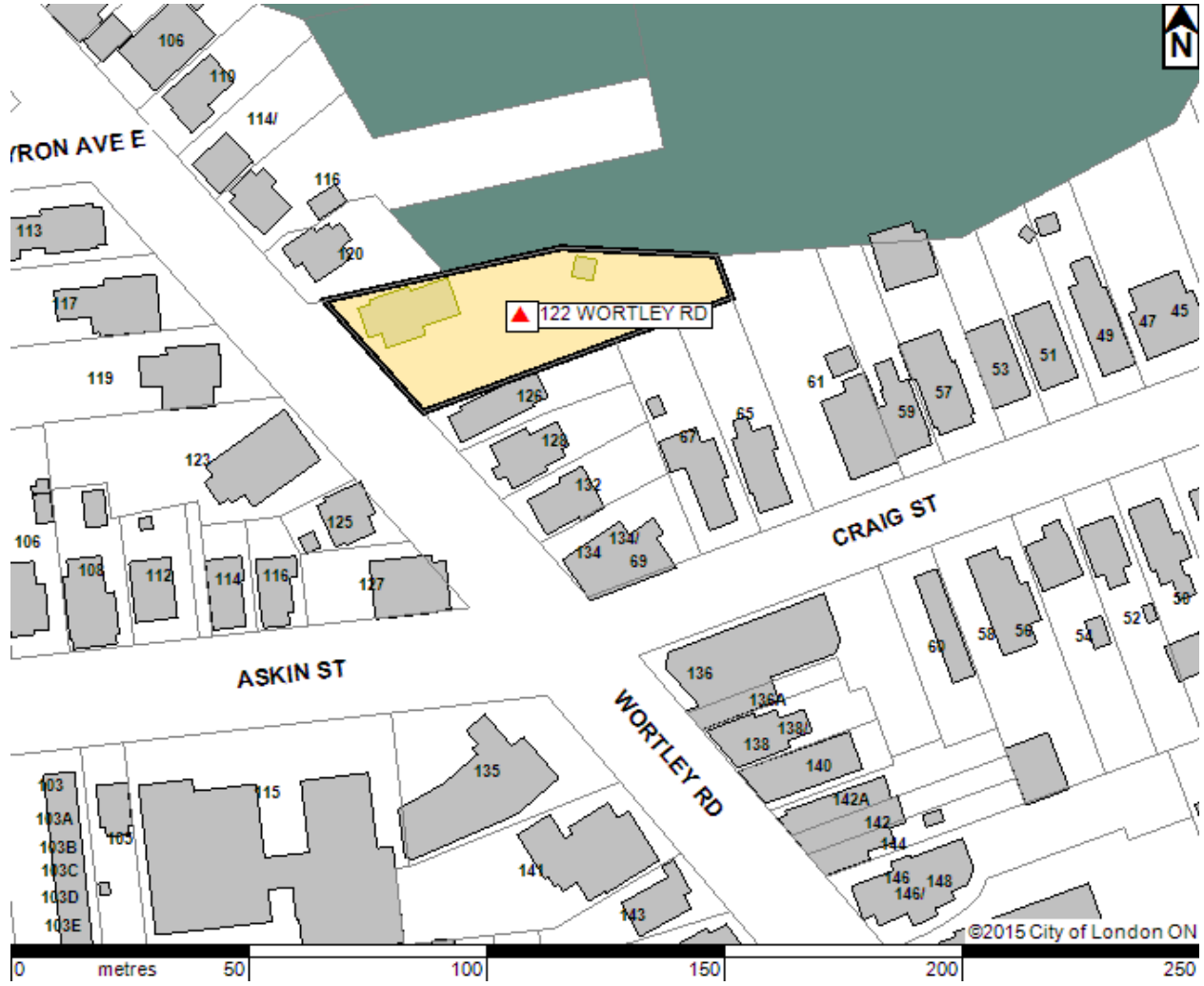
Attach:  
    Appendix A: Property Location  
    Appendix B: Property Photographs

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**APPENDIX A: Property Location – 122 Wortley Road**





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**APPENDIX B: Property Photographs – 122 Wortley Road**



Image 1: West façade of 122 Wortley Road (August 10, 2015).



Image 2: South-west façade of 122 Wortley Road (August 10, 2015).



Image 3: Wortley Road streetscape, looking south from Byron Avenue East (August 10, 2015).