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TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE MEETING ON MONDAY JULY 31, 2017
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	REQUEST FOR DEMOLITION OF HERITAGE DESIGNATED PROPERTY AT 150 DUNDAS/153 CARLING STREET BY: RYGAR CORPORATION INC.

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning & City Planner, with the advice of the Heritage Planner, the Chief Building Official **BE ADVISED** that Municipal Council permits the demolition of the building at 150 Dundas/153 Carling Street in the Downtown Heritage Conservation District pursuant to Section 42(1) of the *Ontario Heritage Act* subject to the following terms and conditions:

- a) The proposed development concept outlined in the *Appendix to February 2017 Heritage Impact Statement* attached hereto as Appendix D **BE ENDORSED** in principle, and details be refined and **BE SUBMITTED** as part of a complete Heritage Alteration Permit application with approval authority delegated to the City Planner;
- b) Demolition **BE PERMITTED** after issuance of a building permit by the Chief Building Official;
- c) The applicant **BE REQUIRED** to post a bond or provide a certificate of insurance as a guarantee that adjacent buildings will be protected during demolition and construction; and,
- d) Prior to any demolition, photo documentation of the exterior details of the existing building **BE COMPLETED** by the applicant and submitted to Planning Services.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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None.

BACKGROUND

Location

The building subject of the demolition application is on a “through lot” property with frontage on the north side of Dundas Street and the south side of Carling Street, located between Richmond Street and Talbot Street (Appendix A). The building is commercial in use and occupies the entire property; the address fronting Dundas Street is 2-storeys, while the address fronting Carling Street is 3-storeys in height.

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Building

150 Dundas/153 Carling Street is located in the Downtown Heritage Conservation District (HCD) and designated under Part V of the Ontario Heritage Act.

Properties within the HCD are ranked on a scale of A-D. These rankings identify the contributions of existing properties to the cultural heritage value or interest of the HCD. The 150 Dundas Street address has been assigned a historic ranking of “C”, while the Carling Street address has been assigned a historic ranking of “A or C”; noting a discrepancy in ranking for 153 Carling Street is due to a notational inconsistency in the HCD Plan between the Building Classification Map and the Property Matrix. Based on staff review of the property and for the purposes of this report, staff is affirming the “C” ranking for the Carling Street address.

A “C” ranking in the HCD indicates that properties currently having any combination of the following attributes:

[M]ost or all of the façade elements have been replaced; storefront replaced; retains original form and massing; retains some historical significance; does not relate to streetscape; renovated using inappropriate material or designs (Downtown HCD, Appendix I).

Note that both addresses are recognized as integral and contributing to the broader urban fabric and are identified as part of the commercial landscape of the Downtown HCD.

Properties adjacent to the subject building demolition site are mid-rise and designated (as part of the HCD); there is surface parking to the north, on Carling Street. Many adjacent properties retain some historical significance and importance to the streetscape; several have landmark significance.

Description & History

The property at 150 Dundas/153 Carling Street has historically been a commercial site dedicated to the sale of clothing and dry goods. The current building on the property was constructed by S.S. Kresge Ltd. in 1948, a department store retail chain popular during the post-WWII period. The building was occupied by Kresge’s up until the late 1970s, and has been the site of several smaller businesses up to the present. The building is 2-3-stories in height and measuring (80’x180’) covering the entire property, with rear access off the Carling Street address. The Carling Street entrance was integral to the original Kresge store layout and has since functioned mainly as a rear entrance to the businesses that have fronted Dundas Street.

The building is a concrete *Moderne*-styled building featuring: an unadorned, flat façade (originally comprised of porcelain enamelled steel panels that resemble concrete), seven sets of windows sunken into the façade, flanked by well-expressed panels, and an expansive upper cornice and lower sign board area. The London Kresge store design and layout was patterned after the Toronto store, and both were considered models for other variety stores of the time (*London Free Press*, 1948).

Currently, the property retains importance as a “placeholder” within the downtown commercial fabric, however, the subtlety of detailing inherent in the *Moderne*-style has been irrevocably lost due mainly to excessive paring of the façade (Appendix B).

Demolition Request

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

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obtained from the municipality to do so.

Pursuant to 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 these actions 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 Demolition Request for the subject property was received on June 7, 2017. The 90 day timeline expires on September 5, 2017.

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. The LACH was consulted regarding the subject demolition and proposed development for 150 Dundas/153 Carling Streets at its meetings on Wednesday April 12, and July 12, 2017. It is anticipated that LACH will have a recommendation available to present at the July 31, 2017 meeting of the Planning & Environment Committee.

POLICY REVIEW

Provincial Policy Statement (2014)

Section 2.6.1 of the *Provincial Policy Statement* (PPS-2014) directs that: "significant built heritage resources and significant cultural heritage landscapes shall be conserved."

"Significant" is defined in the PPS-2014 as:

"in regards to cultural heritage and archaeology, "resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, and event, or a people (p49)."

Further, "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 under the Ontario Heritage Act (p40)."

Pertinent to this report, note that "to conserve" may be achieved by the implementation of recommendations in a heritage impact assessment specifically through mitigative measures and/or alternative development approaches (p40).

Various mitigative methods are identified the *Ontario Heritage Tool Kit, HIAs and Conservation Plans InfoSheet#5* to minimize or avoid a negative impact on a cultural heritage resource (p4). These methods include (but are not limited to):

- Alternative development approaches
- Isolating development and site alteration from significant built and natural features and visas
- Design guidelines that harmonize mass, setback, setting and materials

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- Limiting height and density
- Allowing only compatible infill and additions
- Reversible alteration
- Buffer zones, site plan control and other planning mechanisms

Official Plan

Policy 13.2.3 of the *Official Plan* (1989, as amended) states that “where heritage buildings are designated under the *Ontario Heritage Act*, no alteration, removal or demolition shall be undertaken which would adversely affect the reason(s) for designation except in accordance with the *Ontario Heritage Act*.” Also, 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.” Policy 13.3.6_ii) states that “[w]ithin Heritage Conservation Districts, “the design of new development, either as infilling or as additions to existing buildings, should complement the prevailing character of the area.” In administering these policies, Objective 13.1_iii) of the *Official Plan* is also pertinent to the subject demolition application in that it “[e]ncourage[s] new development, redevelopment, and public works to be sensitive to, and in harmony with, the City’s heritage resources.”

The London Plan

The London Plan (adopted 2016) establishes policies that support requirements of the *Ontario Heritage Act* regarding demolition requests for heritage designated properties. Policy 565 directs that:

“[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.”

Further, Policy 600 of *The London Plan* requires the owner to undertake mitigation measures. Ultimately, an objective the plan is “[t]o ensure that new development and public works are undertaken to enhance and be sensitive to cultural heritage resources” (554_3).

Strategic Plan for the City of London 2015-2019

The *Strategic Plan for the City of London 2015-2019* identifies heritage conservation as an integral part of “Building a Sustainable City.” Urban Regeneration is a pillar of “Growing our Economy” in the *Strategic Plan*. This strategy supports investment in London’s downtown as the heart of our city and investing more in heritage restoration.

London’s Community Economic Road Map

The urban landscape, which includes London’s built heritage resources, plays a central role in shaping the lives of Londoners. Creating a vibrant, attractive, and competitive core is identified as one of the action items to support “An exceptional downtown and a vibrant urban environment” (Section 4.4.4 Economic Priority) of *London’s Community Economic Roadmap* (November 2015).

Our Move Forward: London’s Downtown Plan

The Downtown Vision in *Our Move Forward: London’s Downtown Plan* (February 2015) is: London’s face to the world. A vibrant destination. A unique neighbourhood. “Heritage” is one of the nine values that underpin this vision. “As the birthplace of the city, the downtown is rich in cultural heritage; this heritage sets the downtown apart from other neighbourhoods. When planning for new development, integration with the existing

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heritage will be a foremost consideration.” Two policies directly tied to this value are “Ensure new buildings are consistent with the Downtown Design Manual and the Downtown Heritage Conservation District Guidelines and reviewed by the Urban Design Peer Review Panel” and “Design tall buildings to function as landmarks to create a distinctive downtown skyline.”

Downtown Heritage Conservation District

The stated purpose in Section 1.2 of the *Downtown HCD Plan* is “to establish a framework by which the heritage attributes of the Downtown can be protected, managed, and enhanced as this area continues to evolve and change over time.” Taking a change management approach can assist in ensuring that changes proposed do not have an unmitigated, adverse impact on the cultural heritage value of the Downtown HCD.

The *Downtown HCD Plan* articulates the objectives of the designation of the Downtown HCD under the *Ontario Heritage Act*. Principles, physical goals and objectives, and social goals and objectives provide guidance on undertaking actions that ultimately support the conservation of the Downtown HCD’s significant cultural heritage value or interest. The *Downtown HCD Plan* recognizes that, “the heritage of landscape is highly diverse, and though there is not a single dominant character, the landscape patterns are linked by common ideas, elements, and materials” (Section 6.2, *Downtown HCD Plan*).

In referencing demolition, the *Downtown HCD Plan* establishes in Policy 4.6 that “The goal of a heritage conservation district is to preserve and protect the heritage assets within the short term and over the long term. Demolition of buildings within a heritage district is strongly discouraged...However, it is recognized that there are situations where demolition may be necessary such as partial destruction due to fire or other catastrophic events, severe structural instability, and occasionally redevelopment that is in keeping with appropriate City policies”.

The subject property is identified as part of the “Commercial Landscape” of the Downtown HCD. The Commercial Landscape is defined by Section 6.2.2 of the *Downtown HCD Plan* as,

...the development of lots built out to the front and side lot lines thereby creating a continuous street wall with the rhythm of the recessed entrances and storefronts that foster interest at the street level. It is identifiable by a narrow busy corridor of pedestrian movement with walkways tight to the buildings, level and continuous, defined along the road edge by services and signage. The landscape material is predominantly concrete and unit pavers with little ornamentation other than street furniture.

Principles of New Construction are outlined in section 6.1.4 of the *Downtown HCD Plan*. These include such approaches to façade composition, setback, height, massing, landscape and streetscape design.

PROPOSED PROJECT

The development is for a 27-storey mixed-use building consisting of a ground floor commercial space, second floor resident-amenity space, and student residential units on the third floor and up. No parking is provided (Appendix C).

A Heritage Impact Statement (HIS) was submitted by Zelinka Priamo Ltd. on February 2017, as part of a complete application for a Zoning By-law amendment for a proposed

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development and as a requirement of the Official Plan (13.2.3.1) and The London Plan (565_). The primary purpose of this HIS has been to assess the impacts of the proposed development on the cultural heritage value and attributes of the Downtown as identified in Downtown HCD Plan (particularly within the area of the development site), and to make recommendations to mitigate any adverse impact that may arise.

In an Internal Memo dated May 15, 2017rev, Heritage Staff provided initial comments (re: the HIS) to the applicant indicating that they were not satisfied that there would be no adverse impacts to heritage designated properties adjacent to the site as a result of the proposed development. Further clarification was required in the HIS to demonstrate that the proposed development would be in keeping with HCD Plan policies, and would be compatible with adjacent heritage designated properties and Downtown urban fabric.

The London Advisory Committee on Heritage (LACH) was also consulted regarding the subject demolition and proposed development for 150 Dundas/153 Carling Streets at its meeting on Wednesday April 12, 2017. The LACH commented:

[t]hat given the site's premier location, the Heritage Impact Statement does not adequately address the following impacts to downtown heritage resources:

- 1st storey articulation, including transparency of the 1st floor glazing, and
- pedestrian friendly scale.

The LACH also stated that they would like to see significant design characteristics with more attention given to design of the "top" of the highrise to create a skyline feature. Additionally, the LACH would like to see the podium setback increased to 5m (from the proposed 3m) for both streetscapes in compliance with HCD guidelines.

On June 20, 2017, the applicant submitted an *Appendix to the February 2017 Heritage Impact Statement* addressing previous comments provided by Heritage and Urban Design Staff as well as the LACH. The submission also included a revised conceptual design. The appended HIS concluded that there "would be no adverse impacts to the neighbouring heritage designated properties."

ANALYSIS

Conclusions of the Heritage Impact Statement indicate that the impacts to neighbouring heritage designated properties — and to the fabric of the Downtown District — will be mitigated by approaches to high quality urban design that align with principles and policies for new development found in the HCD Plan (6.1.4). For the purposes of this analysis, the potential adverse impacts of the subject demolition are considered in conjunction with the approach to the proposed development and design of the subject property. The following table outlines suggested principles and guidelines from the HCD Plan and how the proposed development responds to each suggested guideline.

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guideline/principles (6.1.4 — HCD Plan)		design response/comment
A general principles	X conserve character-defining elements of neighbouring buildings	proposed dev. is 27-storeys in height with lower façade is at 5-storey; base of building clearly articulated and pedestrian enhanced, (w/ 5m setback at podium) lessening the perceived impact of building height at street level; fine-grain detailing of proposed dev. can be seen in art deco inspired ornamentation and canopy; roof cap articulated
	X new dev. physically and visually compatible w/ historic place while not replicating in whole	
	X new dev. decipherable from historic precedent and complementing adjacent heritage buildings	
	X roof shapes/major design elements complementary to surrounding buildings and heritage patterns	
	X setbacks of new development consistent with adjacent buildings	new development built to street line
	X new buildings/entrances oriented to street; encouraged to have architectural interest	entrance is oriented to street and is enhanced with detailed canopy design
	X new dev. respond to unique conditions or location (i.e. corner properties); provide architectural interest/details @ both street facades	not a corner site
B façade composition	X new dev. to enhance character of street using high quality materials (brick, stone and slate)	proposed dev. features a prominent building façade using what appears to be quality materials
	X detailing to add visual interest and texture	building is articulation (material/colour) breaking the mass of building; art deco inspired ornamentation and canopy; use of coloured panels add interest
	X one storey commercial face of new dev.	base of building is articulated and reflects commercial function; commercial function appears to be 1-storey
	X up to 80% glazing is appropriate at-grade; 2 ⁺ ~50% glazing (with 25% < and <75%)	façade surface/glazing treatment is w/in suggested guidelines
	X horizontal rhythm/visual transitions between floors articulated	visibly expressed spandrels which reveal an expected rhythm determined by its internal structure and window positioning; use of coloured panels
	X floor-ceiling height of ground floor to be consistent w/heights + respect scale of adjacent buildings	new dev. compatible with regards to massing and scale through use of podium and 5m setback
	X new dev. to respect significant design features and horizontal rhythm of adjacent buildings	new dev. compatible with regards to massing and scale through use of podium and 5m setback
C setback + height + massing	X blank façades not permitted facing main or side streets	none
	X new dev. sympathetically designed to district heritage attributes (massing, rhythm of solids and voids, significant design features, and high quality materials)	proposed dev. is 27-storeys in height with lower façade is at 5-storey; base of building clearly articulated and pedestrian enhanced, (w/ 5m setback at podium) lessening the perceived impact of building height at street level; fine-grain detailing of proposed dev. can be seen in art deco inspired ornamentation and canopy
	X new dev. to maintain and enhance the continuity of the street edge by building out to front property line	building brought near front property line—consistent with the adjacent properties along the streetscape
	X façades to be 2 storeys min. no more than 18m max	proposed dev. is 27-storeys in height with lower façade is at 5-storey; base of building clearly articulated and pedestrian enhanced, (w/ 5m setback at podium) lessening the perceived impact of building height at street level
	X new dev. to consider perception of building height from the pedestrian’s view on the sidewalk	design helps to promote a pedestrian-scaled experience at the street level
	X scale and spatial understanding of district be retained while allowing for new dev.	scale and massing of new dev. is mitigated by podium and tower setback; fine-grain detailing of proposed dev. can be seen in art deco inspired ornamentation and canopy
	X 2 storeys <, setback upper floors of building from building line (2m for each two metres of height)	proposed dev. is 27-storeys in height; 5m setback at 5-storey podium
	X upper floor setbacks required on buildings exceeding heights of neighbouring buildings by over one storey	unclear if policy reflected in design
	X setback/step-backs not permitted <13m bldg. height	proposed dev. setback occurs >13m
	X new dev. abutting existing structures at the building line to match adjacent building height—or provide visible/apparent offset in height to maintain the visual integrity of the existing structure	interface between new dev. and abutting structures is mitigated by podium height; podium height is compatible with streetscape norms
	X with/exception of York St., new dev. w/in district encouraged to retain 3-4 storey height @ building line	proposed dev. is 5-storeys/podium at the building line with well-defined pedestrian realm and covered entrance
X single storey new dev, is discouraged	proposed development is 27-storeys	
X new dev. to build the full extent of the property width fronting the HCD streets	new dev. extends the full width of the property	
D	landscape + streetscape (6.2.3—HCD Plan)	
	discourage the placement of non-heritage service facilities such as service boxes, parking and utilities in highly visible locations or within view sheds.	proposed dev. has rear loading area; further design development required to address impact

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Based on the above analysis, the proposed development is consistent with the principles and guidelines found in the HCD Plan as well as other City policies. Overall, the proposed development helps mitigate the loss of the demolished building at 150 Dundas/153 Carling Street through an enhanced streetscape and pedestrian realm along Dundas Street, and will add to the skyline of Downtown London with a prominent landmark building supporting a high quality of design and construction.

Consultation

Pursuant to Council Policy for the demolition of heritage listed properties, notification of the demolition request was sent to 91 property owners within 120m of the subject property on July 5, 2017, as well as community groups including the Architectural Conservancy Ontario – London Region, London & Middlesex Historical Society, and the Urban League of London. Notice was published in *The Londoner* on July 13, 2017.

CONCLUSION

Demolition of buildings within a heritage district is strongly discouraged and indeed seems to run contrary to the intent of “heritage conservation.” However, each demolition request within any of London’s HCDs is considered on a case-by-case basis. In some situations, the careful removal of select fragments within the urban fabric may be justified if, for instance, redevelopment is appropriate and is in keeping with City policies. This approach is clearly supported in *Our Move Forward: London’s Downtown Plan*, in London’s Strategic Plan and in the Community Economic Road Map. Heritage conservation and development are not mutually exclusive notably when impacts of demolition for new development are mitigated, and when new design enhances the urbanscape. The removal of the building at 150 Dundas/153 Carling Street is just such an instance.

The subject property does not demonstrate cultural heritage value or interest, and does not significantly contribute to the heritage character of the district. It is its form, massing and appropriate expression at the street—and not its architectural details—that contribute to the District character. Little actually remains of its architectural significance, with the subtle detailing inherent in the Moderne-style being lost due to parging of the façade. Impacts of demolition of the subject property on adjacent significant heritage resources is adequately addressed through mitigative measures targeted at ensuring compatibility of infill development with a design that harmonizes massing, setbacks, setting and materials (*HIAs and Conservation Plans InfoSheet#5*).

Based on the review of the HIS and further analysis of relevant policies, heritage staff is satisfied that there will be no adverse impacts to adjacent heritage designated properties and to urban fabric within the Downtown Heritage Conservation District as a result of the requested demolition and proposed new development.

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PREPARED BY:	SUBMITTED BY:
LAURA E. DENT M.Arch, PhD, MCIP, RPP HERITAGE PLANNER URBAN REGENERATION	JIM YANCHULA, MCIP, RPP MANAGER URBAN REGENERATION
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

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Attach:

- Appendix A – Location and Aerial Plans
- Appendix B – Images
- Appendix C – Select Images from Proposed Development Design Concept
- Appendix D – Heritage Impact Statement (with Appendix): 150 Dundas Street, London, Ontario (Zelinka Priamo Ltd., February, 2017; updated June 2017)

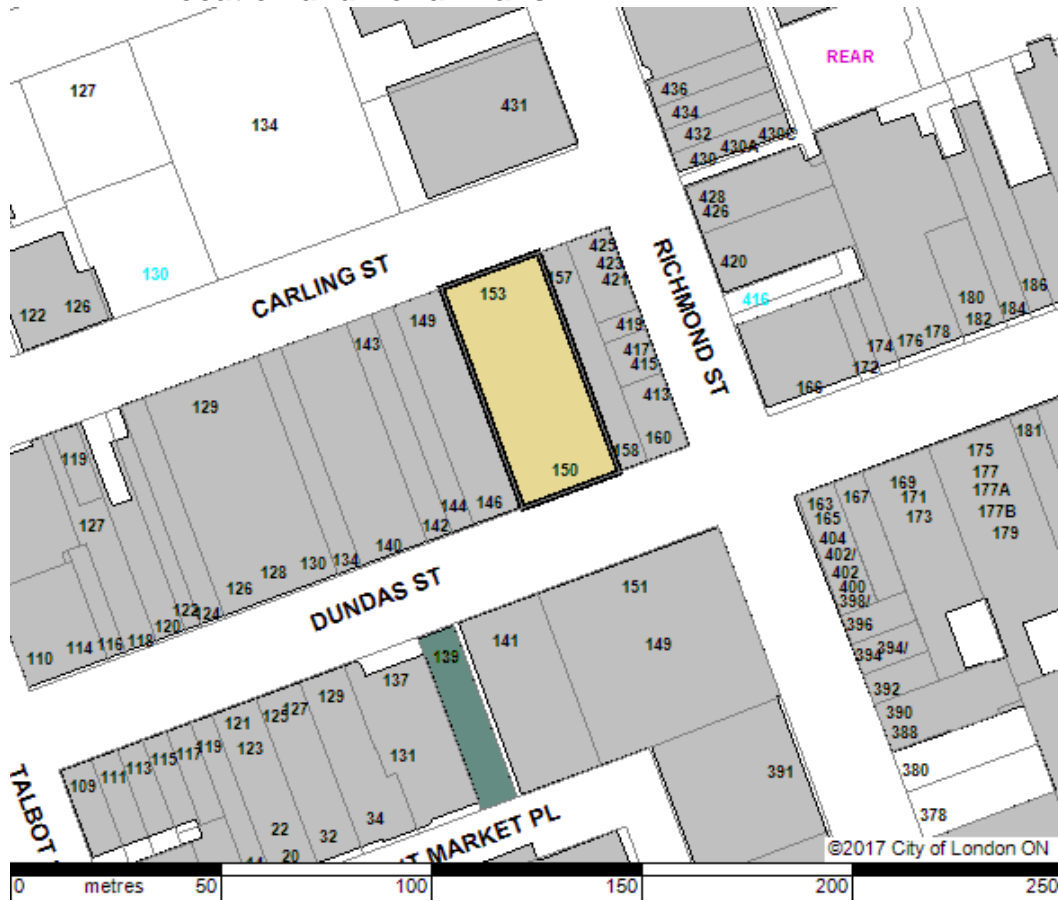
REFERENCES

- “First Kresge Store in London Opening Tomorrow.” *London Free Press*, November 3, 1948, p26-28.
- Evens, J. M. “Core Heritage: A Survey of Built Heritage in Downtown London Ontario.” Corporation of the City of London, May 2009.
- Ministry of Culture. *The Ontario Heritage Tool Kit: Heritage Resources in the Land Use Planning Process, HIAs and Conservation Plans-InfoSheet#5*. Winter 2006..
- Zelinka Priamo Ltd. “Heritage Impact Statement: 150 Dundas Street (and Appendix to February 2017 HIA),” for Rygar Corporation Inc., February 2017; June 2017.

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APPENDIX A — Location and Aerial Plans



Above: Building subject of the demolition application is on a “through lot” property, shown highlighted

Below: Subject building occupies the entire property (see red tag); the address fronting Dundas Street is 2-storeys, the address fronting Carling Street is 3-storeys in height



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APPENDIX B — Images



Image 1: Opening of Kresge's, 1948 (*The London Free Press*, November 3, 1948)



Image 2: 150 Dundas Street, 1952



Image 3: 153 Carling Street, 2016



Image 4: Parging of Exterior, 2016



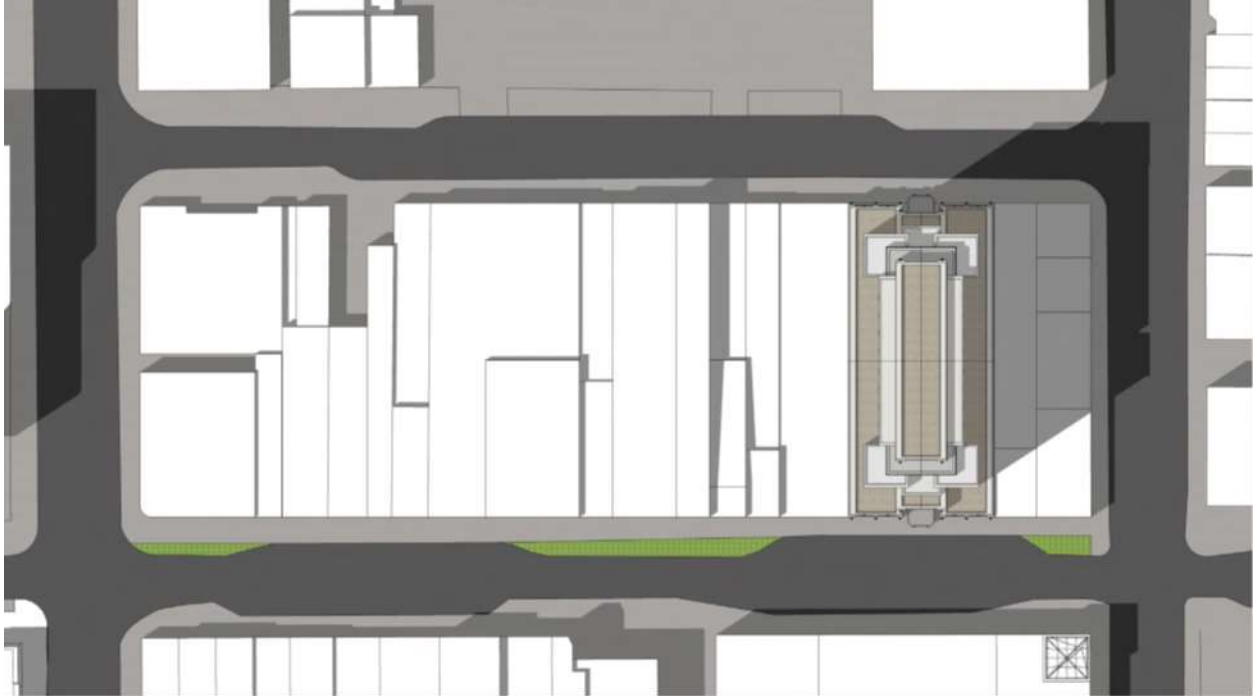
Image 5: 150 Dundas Street, 2016

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APPENDIX C —Select Images from Proposed Development Design Concept: 150 Dundas/153 Carling Street, London, Ontario (Zelinka Priamo Ltd. June 20, 2017)



Above: Context Plan

Below: 3D Perspective



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Above: South Elevation — Dundas Street

Below: 3D Perspective, Street Level — South Elevation, Dundas Street



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APPENDIX D — Heritage Impact Statement (with Appendix): 150 Dundas/153 Carling Street, London, Ontario (Zelinka Priamo Ltd., February, 2017; updated June 2017)