

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: John M. Fleming
Managing Director, Planning and City Planner
Subject: Passage of Heritage Designating By-law for 660 Sunningdale Road East
Meeting on: September 10, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the attached by-law to designate 660 Sunningdale Road East to be of cultural heritage value or interest **BE INTRODUCED** at the Municipal Council meeting to be held on September 18, 2018; it being noted that this matter has been considered by the London Advisory Committee on Heritage and public notice has been completed with respect to the designation in compliance with the requirements of the *Ontario Heritage Act*.

Executive Summary

Summary of Request

The passage of the heritage designating by-law is the last step in the process to recognize the two remaining red clay tile barns at 660 Sunningdale Road East as significant cultural heritage resources under the *Ontario Heritage Act*. While this was initiated by two demolition requests, the barns are of significant cultural heritage value and warrant conservation.

Purpose and the Effect of Recommended Action

The purpose of the recommended action is to pass the heritage designating by-law for the two red clay tile barns located at 660 Sunningdale Road East. The effect of the recommended action is to retain the two red clay tile barns which are significant cultural heritage resources.

Rationale of Recommended Action

Since the two previous demolition requests for the red clay tile barns located at 660 Sunningdale Road East, the property owner and staff have worked together to reach a settlement regarding the heritage designation of the two barns. The information presented herein represents the settlement reached.

Analysis

1.0 Background

1.1 Property Location

The property at 660 Sunningdale Road East is on the northwest corner of Sunningdale Road East and Adelaide Street North. The property is located at the northern boundary of the City of London and abuts the Municipality of Middlesex Centre. The property is part of the former London Township that was annexed by the City of London in 1993.

1.2 Previous Reports

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

May 12, 1999. 6th Report of the LACH, Report of the Stewardship Sub-Committee of the

LACH, re: discussion of 660 Sunningdale barns.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1.3 Cultural Heritage Resource

The two red clay tile barns located at 660 Sunningdale Road East are significant cultural heritage resources. The property was evaluated using the criteria of O. Reg. 9/06, and it

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

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

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

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

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

1.4 Previous Demolition Request (2017)

Action to demolish the largest of the three barns at 660 Sunningdale Road East commenced in early May 2017. A complaint from the community made the City aware of the demolition activities at the property. A letter advising the property owner of their obligations under Section 27(3) of the *Ontario Heritage Act*, to provide Municipal Council 60 days' notice of the property owner's intention to demolish the building or structure on the heritage listed property, was sent to the property owner on May 11, 2017. Demolition activities subsequently ceased, but a substantial portion of Barn 1 had already been removed. A building permit to demolish is not required to demolish a barn under the *Ontario Building Code Act*; however, this does not change the obligations of property owners regarding Section 27(3) of the *Ontario Heritage Act* for heritage listed properties.

Following a meeting with the property owner, a request for the demolition of the (then) heritage listed property was received on June 9, 2017. The London Advisory Committee on Heritage (LACH) was consulted at its meeting on July 12, 2017, and a public participation meeting was held at the Planning & Environment Committee (PEC) meeting on July 17, 2017. At its meeting on July 25, 2017, Municipal Council resolved to issue its Notice of Intent to Designate the property at 660 Sunningdale Road East to be of cultural heritage value or interest for the two smaller red clay tile barns pursuant to Section 29(3) of the *Ontario Heritage Act*. Notice of Intention to Designate was served on the property owner and the Ontario Heritage Trust, and published in *The Londoner* on August 24, 2017. The property owner appealed the Notice of Intent to Designate the property at 660 Sunningdale Road East to the Conservation Review Board (CRB) on August 31, 2017 (within the statutory 30-day appeal period).

The largest red clay tile barn was subsequently demolished.

1.5 Appeal to the Conservation Review Board

The property owner appealed Municipal Council's Notice of Intent to Designate the property to the CRB. Both the City and the property owner have made efforts to resolve the appeal. A proposed settlement was considered by the Planning & Environment Committee at its meeting on April 16, 2018 and Municipal Council at its meeting on April

24, 2018. Minutes of Settlement were signed by the property owner on May 15, 2018 and by Mayor Matt Brown and Cathy Saunders, City Clerk, on May 31, 2018.

The Minutes of Settlement resolve a number of matters related to the designation of the two red clay tile barns and the future development of the property at 660 Sunningdale Road East. Namely (summarized):

- The designation of the two red clay tile barns will be restricted to Block 48 of the Draft Plan of Subdivision. The heritage designating by-law will be registered on the title of property with a registered plan prepared for Block 48;
- Minor wording amendment to the Statement of Cultural Heritage Value or Interest for the two red clay tile barns which emphasize the existing locations of the barns but removes reference to the historic agricultural character of the area;
- Heritage Impact Assessment (HIA) will be required for adjacent blocks in the Draft Plan of Subdivision: Block 41 and Block 45; and,
- The property owner agreed to withdraw its appeal to the Conservation Review Board regarding the first (2017) demolition request and to not appeal the subsequent (2018) demolition request.

1.6 Previous Demolition Request (2018)

As the property at 660 Sunningdale Road East is treated as if it were designated (per Section 30(1) of the *Ontario Heritage Act*), the consent of Municipal Council is required to demolish a building or structure on the property.

Through their solicitor, the property owner submitted a demolition request for the remaining two red clay tile barns at 660 Sunningdale Road East on February 14, 2018. The LACH was consulted at its meeting on April 11, 2018, and a public participation meeting was held at the PEC meeting on April 16, 2018. At its meeting on April 24, 2018, Municipal Council resolved to refuse the demolition request. Notice of refusal was served on the property owner and the Ontario Heritage Trust, and published in *The Londoner* on May 3, 2018.

No appeal was received regarding Municipal Council's refusal of this demolition request, consistent with agreements in the Minutes of Settlement.

1.7 Heritage Community Improvement Plan

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

A property must be designated under the *Ontario Heritage Act* to be able to access the grant programs of the Heritage CIP. Both the Development Charges Equivalent Grant and the Tax Increment Grant could be leveraged to assist with heritage conservation work for the two red clay tile barns at 660 Sunningdale Road East. These programs are only applicable to the two red clay tile barns and the real property on which they are located.

2.0 Conclusion

The two red clay tile barns at 660 Sunningdale Road East are significant cultural heritage resources that have met the criteria for designation under the *Ontario Heritage Act*. Staff have worked with the property owner to reach a settlement regarding the designation of the property under the *Ontario Heritage Act*.

This report was prepared with the assistance of A. Anderson, Solicitor.

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

August 31, 2018
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Appendix A

Bill No.
2018

By-law No. L.S.P.- _____

A by-law to designate 660 Sunningdale Road East to be of cultural heritage value or interest.

WHEREAS pursuant to the *Ontario Heritage Act, R.S.O. 1990, c. 0.18*, the Council of a municipality may by by-law designate a property including buildings and structures thereon to be of cultural heritage value or interest;

AND WHEREAS notice of intention to so designate the property known as 660 Sunningdale Road East has been duly published and served;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The real property at 660 Sunningdale Road East, more particularly described in Schedule "A" attached hereto, is designated as being of cultural heritage value or interest for the reasons set out in Schedule "B" attached hereto.
2. The City Clerk is authorized to cause a copy of this by-law to be registered upon the title to the property described in Schedule "A" hereto in the proper Land Registry Office.
3. The City Clerk is authorized to cause a copy of this by-law to be served upon the owner of the aforesaid property and upon the Ontario Heritage Trust and to cause notice of this by-law to be published once in a newspaper of general circulation in The City of London, to the satisfaction of the City Clerk, and to enter the description of the aforesaid property, the name and address of its registered owner, and designation statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property in the Register of all properties designated under the *Ontario Heritage Act*.
4. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on August 28, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – September 18, 2018
Second Reading – September 18, 2018
Third Reading – September 18, 2018

SCHEDULE "A"
To By-law No. L.S.P.-_____

Legal Description

"Part of Lot 13, Concession 6 (Township of London), City of London, County of Middlesex Designated as Part 1 on 33R-20149".

SCHEDULE "B"
To By-law No. L.S.P.-_____

Description of Property

660 Sunningdale Road East is located on the north side of Sunningdale Road East, just west of Adelaide Street North in London, Ontario. Two barns are located near the southwest corner, on the high ground of the property. These form a rural complex formerly part of a larger landscape to their south, comprising a third [largest] red clay tile barn, a wooden barn, and a house.

The medium sized barn located at 660 Sunningdale Road East has a gable roof with projecting purlins and three ventilators at its ridge. The end gable is clad in corrugated steel; the same material clads the roof. The building configuration is single storey in height and nine bays in length with each bay defined by a protruding concrete pier and filled by the red clay tile. Paired multi-pane windows, with a five-over-five fenestration pattern, separated by a mullion are located in the upper part of each bay as well as flanking the end doorways. Large doorways are located on the north and south façades, with a sliding barn-style door on the south facade.

The smallest of the red clay tile barns located at 660 Sunningdale Road East has a gable roof with projecting purlins, but only two ventilators at its ridge. The end gables of this barn are also clad in corrugated steel, as is its roof. The building configuration is single storey in height and five bays in length with each bay defined by a protruding concrete pier and filled by the red clay tile. Individual multi-pane windows, with a five-over-five fenestration pattern, are located in each bay: five on the west façade, four windows and one door on the east façade. Three windows evenly spaced across the north façade, and a large doorway on the south façade with a smaller doorway and window to one side and a pair of windows to the other.

Statement of Cultural Heritage Value or Interest

The two red clay tile barns located at 660 Sunningdale Road East are of cultural heritage value or interest because of their physical or design values and contextual values. The significance of the barns located at 660 Sunningdale Road East comes from their use of the red clay tile material, the intersection of a material more typically found in industrial structures but applied here in an agricultural form, and their existing location. These materials and forms are authentically displayed in their built form which has significance particularly the rarity of its materials used in this form.

Physical/Design Values

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

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

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

Contextual Values

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

Heritage Attributes

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

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