

Report to London Advisory Committee on Heritage

To: Chair and Members
Planning and Environment Committee

From: Paul Yeoman
Director, Development Services

Subject: Demolition Request for Heritage Designated Property
at 120 York Street

By: Farhi Holdings Corporation

Meeting on: Wednesday August 12, 2020

Recommendation

That, on the recommendation of the Director, Development Services, with the advice of the Heritage Planner, the request to demolish the building on the heritage designated property at 120 York Street, within the Downtown Heritage Conservation District, **BE PERMITTED**, and the following actions **BE TAKEN**:

- a) That the Chief Building Official **BE ADVISED** of Municipal Council's intention in this matter; and,
- b) That the applicant **BE REQUIRED** to obtain final Site Plan Approval for the property.

Executive Summary

A request was submitted by the property owner for the demolition of the building on the heritage designated property at 120 York Street; the proposal is for an expanded surface parking lot. The property is located in the Downtown Heritage Conservation District, but the building on the property has no historical or architectural significance. Based on the review and analysis of relevant legislation and policies – along with mitigation measures aimed at enhanced landscape buffering and screening – heritage staff is satisfied that there will be minimal adverse impacts to adjacent heritage designated properties and to the urban fabric within the Downtown Heritage Conservation District.

Background

1.0 Overview

1.1 Property Location

The property at 120 York Street is located on the east side of Talbot Street, just south of King Street, at the intersection of Talbot and York Streets [Appendix A]. The subject property is square in shape (47m x 41m), and is surrounded to the north and east by an existing surface parking lot. The broader area around the subject property is surrounded predominantly by low-to-midrise commercial buildings and a bus station and CP rail lines (to the south).

Historic and architecturally significant properties are located primarily to the north along Talbot and King Streets. Properties in proximity to the subject site include 350 Talbot Street (1890, Romanesque Revival) and 347-351 Talbot Street (c1886, Italianate) which are both noted for their landmark status. However, many of the properties either adjacent or directly across Talbot and King Streets – from the subject property – are

vacant or surface parking lots, or ones that have minimal historical or architectural significance.

1.2 Cultural Heritage Status

The property at 120 York Street is designated under the *Ontario Heritage Act* (OHA) and is located within the Downtown Heritage Conservation District (HCD) since June 27, 2013. 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. 120 York Street is a 'D' ranked property indicating that the property has no historical or architectural significance. 'D' ranked properties are also not covered by alteration guidelines in the HCD Plan when demolition is not resulting in replacement with a new structure.

1.3 Description

Historically, as early as the 1880s, the property – now known as 120 York Street – was comprised of (5) separate lots, containing multiple buildings and addresses. Early businesses consisted of commercial enterprises including a hotel, imports, repairs, furniture and flour and feed stores. Later businesses throughout the 1940s to 1960s were dominated by auto sales, repairs and gas stations. By the mid-1960s many of the buildings on the subject property were demolished and the property was already dominated by surface parking. The current building on the property was constructed c1980, and has housed multiple retail establishments with onsite parking provided. The building has been occupied as recently as 2017, but is presently vacant.

The building is 2-stories, L-shape in plan, with a flat roof and constructed of masonry veneer. Retail bays of vertical arches punctuate each of the street facing facades through material surface differentiation. The style of the building exhibits vernacular modernist influences translated to a commercial use and form [Appendix B].

2.0 Legislative and Policy Framework

2.1 Provincial Policy Statement

Section 2.6.1 of the *Provincial Policy Statement (PPS-2020)* directs that “significant built heritage resources and significant cultural heritage landscapes shall be conserved.”

“Significant” is defined in the *PPS-2020* as: “resources that have been determined to have cultural heritage value or interest.” Further, “[p]rocesses and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act.” (p51)

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.” 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 (pp41-42).

Various mitigative methods are identified in 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 vistas
- Design guidelines that harmonize mass, setback, setting and materials
- Limiting height and density
- Allowing only compatible infill and additions

- Reversible alteration
- Buffer zones, site plan control and other planning mechanisms

2.2 Ontario Heritage Act

The *Ontario Heritage Act (OHA)* directs that no owner of a property located in a heritage conservation district – designated under Part V of the *OHA* – is permitted to demolish a building on the property unless a permit is obtained from the municipality to do so.

Pursuant to s 42(4) of the *OHA*, 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.

The *OHA* also requires that Municipal Council consult with its municipal heritage committee, the London Advisory Committee on Heritage (LACH), when a demolition permit application is received for a heritage designated property.

If Municipal Council fails to do any of these actions mentioned within the 90 days, 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.

2.3 The London Plan

The *London Plan* establishes policies that support requirements of the *Ontario Heritage Act (OHA)* regarding demolition requests for heritage designated properties. Ultimately, an objective of the plan is “[t]o ensure that new development and public works are undertaken to enhance and be sensitive to cultural heritage resources.” (Policy 554_3)

Specifically Policy 586 and 600 require that alteration or demolition to heritage designated properties be evaluated for potential impacts and that mitigation measures be undertaken to conserve cultural heritage interest or value.

“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.” (Policy 586)

Additional relevant policies related to this application include:

- Policy 597 which directs that the alteration, erection, demolition, or removal of buildings or structures within a heritage conservation district shall be subject to the provisions of Part V of the *Ontario Heritage Act*.
- Policy 569 which encourages the retention of architectural or landscape features and the use of other interpretive techniques if it is determined that a building may be removed.
- Policy 599 which states that pursuant to the *Ontario Heritage Act*, where a property is located within a heritage conservation district and an application is submitted for its demolition or removal, a demolition permit will not be issued until City Council has indicated its approval, approval with conditions, or denial of the application.

2.4 Downtown Heritage Conservation District Plan

The *Downtown Heritage Conservation District Plan (Downtown HCD Plan)* was designated by By-law No. L.S.P.-3419-124, and came into force and effect on June 27, 2013. The *Downtown HCD Plan* provides policies and guidelines to help manage change for the approximate 370 properties located within its boundaries.

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.

In referencing demolition, the *Downtown HCD Plan* establishes in Policy 4.6 that “[t]he 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 *Ontario Heritage Act* allows municipalities to prevent demolition of heritage buildings, or establish conditions for demolition, such as the requirement for an approved site plan or a specific time frame for construction of a new building on the site. Relevant to this application are requirements for site plan approval and recommended mitigative measures to protect the cultural heritage value or interest of adjacent properties and urban fabric attributes of the District as a whole.

Note that as a “D” ranked property, 120 York Street has been determined to have no historical or architectural significance. The demolition of the existing building on the property for a surface parking lot is not subject to alteration guidelines because no new replacement structure is being proposed; as well, no heritage alteration permit (HAP) is required.

The *Downtown HCD Plan* does not contain policies prohibiting or explicitly discouraging surface parking lots in the Downtown HCD; however, there are specific guidelines that recommend screening of these areas through landscape buffering. Relevant to this report and proposed surface parking, Section 6.2.6 of the *Downtown HCD Plan* outlines heritage guidelines specifically for ‘Undeveloped Lands and Parking Lots’. The guiding principle is that parking lots and permanent parking facilities respect the heritage aspects of the District through enhanced and carefully considered landscaping and screening. This can be achieved by the following guidelines:

- New parking areas added adjacent to existing buildings should be screened through the use of landscape materials such as brick walls, shrubs and/or trees.
- Landscape materials should have the same location as the front walls of adjacent buildings.
- Enhance existing parking lots with appropriate landscape materials.
- Corner parking lots should have edges defined through appropriate landscaping or fencing.

2.5 Downtown Parking Studies

The 2015 *Downtown London Parking Study* found that: “the City does not have an immediate parking shortage or a critical need for increased parking supply; it does, however, have significant planning and development challenges that involve parking resources.” The study found the need for increased parking in the downtown was due in part to increases in downtown building activity where new development utilizes vacant lots now functioning as surface parking lots (pp iii-iv). A more recent downtown parking strategy (2017) identified that 200-300 parking spaces could be needed in the next 20-years, within high parking utilization areas in the downtown; 120 York Street is located in one of these areas. Parking ‘space’ here is not specified and can mean on-street, surface lots or parking garages. To this point, the 2015 *Parking Study* observed that “City planners report that London is nearing the point where available surface property

is fully utilized and future development will have to be ‘built up, rather than out’. This new reality has required City development standards to adjust; several measures have been undertaken to improve densities in downtown properties, and – in the context of parking, where low density surface lots represent an inefficient use of land space – efforts are being made to contain the spread of surface parking lots.” (p iv)

3.0 Proposed Project

The proposal involves removal of the existing building at 120 York Street – along with existing paving at both 120 and 126 York Street – to develop the combined properties into one surface parking lot measuring approximately 61m x 85m. According to the *Heritage Impact Assessment* (AECOM, 2019 p9), the applicant has no long-range plans for development on these properties this time. The applicant is currently seeking site plan approval for construction of the surface parking lot (City File: SPA20-023). The application includes 48 parking spaces (2 accessible) and both perimeter landscape buffering and some internal median plantings [Appendix B].

3.1 Demolition

Written notice of intent to demolish the existing building located at 120 York Street was received on February 28, 2020. Note that timelines legislated pursuant to the *Ontario Heritage Act* are currently suspended by Ontario Regulation 73/20 for the duration of the COVID-19 pandemic.^a It is anticipated that LACH will have a recommendation available to present at the September 8, 2020 meeting of the Planning & Environment Committee.

3.2 Consultation

Pursuant to Council Policy for demolition on heritage designated properties, notification of the demolition request will be sent to 1,277 residents and property owners within 120m of the subject property, as well as community stakeholders including the Architectural Conservancy Ontario – London Region, London & Middlesex Historical Society, and the Urban League. Notice will also be published in *The Londoner*. At the time of this writing, no replies have been received regarding this demolition request.

3.3 Heritage Impact Assessment

A *Heritage Impact Assessment* (HIA prepared by AECOM, dated October 2019) accompanied the demolition request [Appendix C]. The primary purpose of this HIA has been to assess the impacts of the proposed demolition and extended parking lot on the cultural heritage value and attributes of the Downtown as identified in the *Downtown HCD Plan* (particularly within the area of the subject property), and to make recommendations to mitigate any adverse impact that may arise. Conclusions of the HIA state that: “the subject property was determined to have no cultural heritage value, however, properties to the north, east, and west of the property are identified to have cultural heritage significance.” (p i) Recommendations focus almost exclusively on the potential impacts of demolition on surrounding heritage buildings most impacted, particularly 350 Talbot, 123 and 124-127 King Street:

“... the primary recommendation of this report [is] that prior to commencement of site preparation construction and demolition activities, that measures be implemented in accordance with established principles such as *The Standards and Guidelines for the Conservation of Historic Places in Canada* and the City of London policy and by-laws, to protect surrounding heritage properties from

^a Note that ordinarily Municipal Council must respond to a notice of intent to demolish a heritage designated property within 90-days, or the request is deemed consented. During this 90-day period, the London Advisory Committee on Heritage (LACH) would be consulted and, pursuant to Council Policy, a public participation meeting would be held at the Planning and Environment Committee.

construction/demolition activity and any vibrations that may result from that. A site plan control application [should] be submitted to the satisfaction of the City to obtain approval for the layout of the proposed surface parking lot of the subject site. (p15)

4.0 Analysis

Demolition of buildings on properties in the Downtown Heritage Conservation District – as well as the development or expansion of surface parking lots – is discouraged. However, based on the ranking afforded the building on the property at 120 York Street, the building has no heritage significance, therefore demolition of the building does not result in a loss of an identified cultural heritage resource. Zoning is also in place for the requested use as an accessory parking lot. Moreover, downtown parking studies have concluded there is a need for a modest number of future parking spaces (particularly in the area surrounding 120 York Street) due to the loss of surface parking lots from anticipated increases in high-rise, infill development in the Downtown.

Mitigation is an important component of any demolition activity involving cultural heritage resources. The HIA submitted with the demolition request recommends strategies to mitigate against potential damage (e.g. vibration, flyout of construction debris, structural compromise), particularly to 350 Talbot, 123 and 124-127 King Street. However, strategies such as vibration monitoring, pre- and post-structural assessments and construction buffering are deemed excessive in this situation, given that the building at 120 York Street is currently freestanding, in the middle of a parking lot, and is not adjacent to any other structure. Upon further consideration, the above forms of mitigation measures are not being required for this demolition (above demolition contractor requirements). If this application was resulting in the construction of a new tower, there would be more concern with regards to potential impacts due to excavation vibration and the construction of footings.

Mitigation can also take the form of enhanced design that makes new development more compatible with the surrounding heritage context. In this instance, the overall quality in and around 120 York Street lacks cohesion in the urban fabric due primarily to the predominance of surface parking, vacant lots and some inconsistencies in how buildings address the street wall. The extension of the parking lot at 120 York Street, and the fact that it is a corner property, simply exacerbates this condition. Mitigation through enhanced design is a crucial component of Site Plan Approval for this application to newly pave the entirety of the property. Guidelines in Section 6.2.6 – Undeveloped Lands and Parking Lots – provide clear direction, and should be implemented to ensure compliance with the *Downtown HCD Plan*. As/per these guidelines, the surface parking lot design can achieve compliance by defining the street edges of the parking lot (particularly at the corner) with substantial plantings, including shrubs and trees, along with landscape buffering and screening that are considered through Site Plan Control Approval.

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 heritage conservation districts is considered on a case-by-case basis. In some situations, the removal of fragments within the urban fabric may be allowed for limited circumstances. In this instance, the building on the subject property is not considered to have historical or architectural significance, and does not significantly contribute to the heritage character of the District.

Based on the review and analysis of relevant legislation and policies along with the implementation of enhanced landscape design, heritage staff is satisfied that there will be minimal adverse impacts to adjacent heritage designated properties and to the urban fabric within the Downtown Heritage Conservation District as a result of the requested demolition and proposed expanded surface parking lot.

Prepared by:	Laura E. Dent, M.Arch, PhD, MCIP, RPP Heritage Planner
Submitted by:	Michael Pease, MCIP, RPP Manager, Development Planning
Recommended by:	Paul Yeoman Director, Development Services
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from City Planning and Development Services.	

July 31, 2020
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- Appendix A Maps
- Appendix B Images
- Appendix C Heritage Impact Assessment (AECOM, Oct 2019)

Sources

- AECOM. 2019, October. *Heritage impact assessment, 120 York Street, London, Ontario.*
- Corporation of the City of London. n.d. Property files: 120 York Street.
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Western Libraries, London Air Photo Collection, 1922-1968 scans and geo-referenced imagery

1967 (1:12,000), Available Online.

1965 (1:12,000), Available Online.

1955 (1:15,700), Available Online.

1950 (1:12,000), Available Online.

1942 (1:12,000), Available Online.

Appendix A – Maps

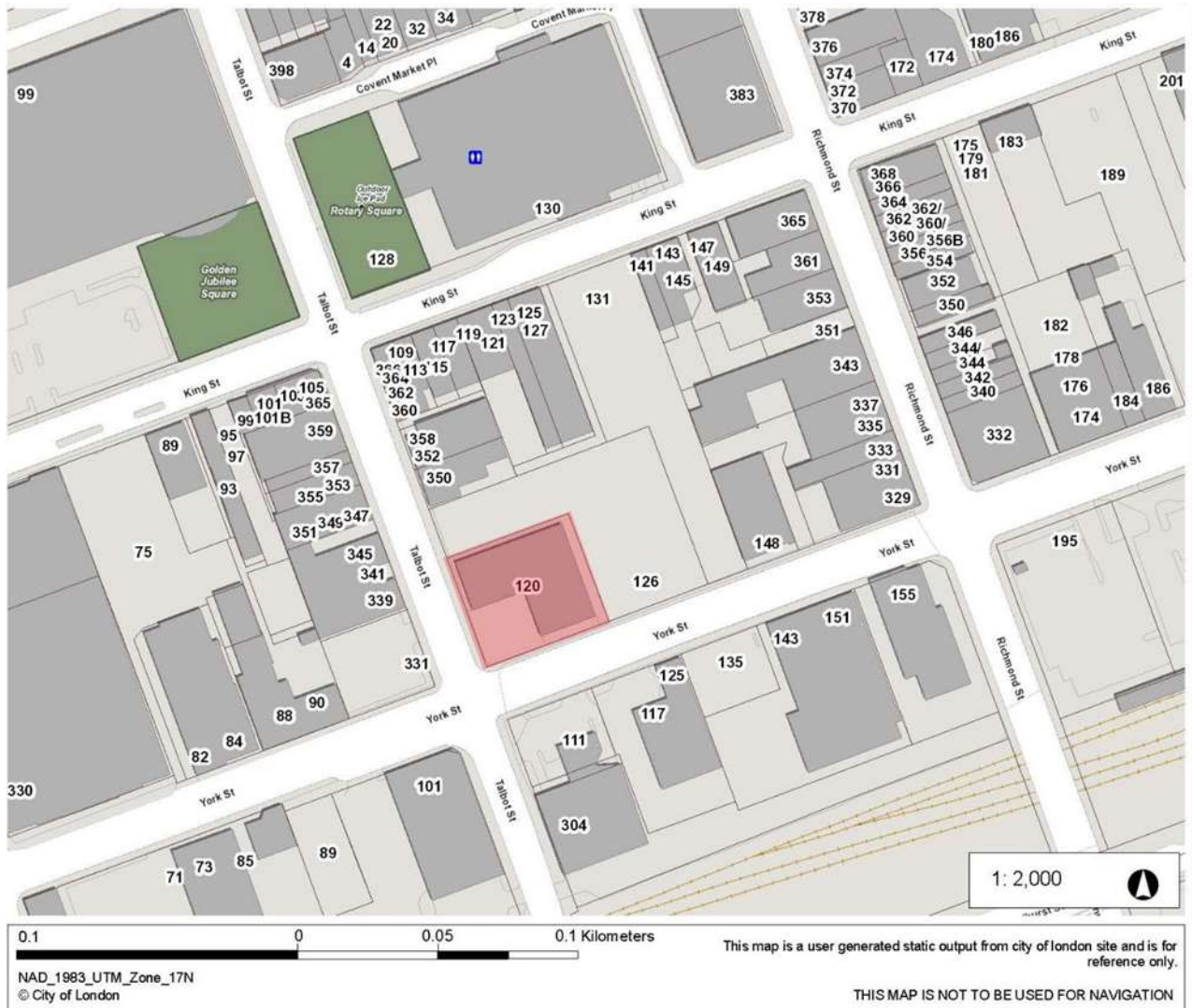


Figure 1: Property location of 120 York Street – intersection of Talbot and York Streets



Figure 2: Aerial image of property located at 120 York Street and surrounds

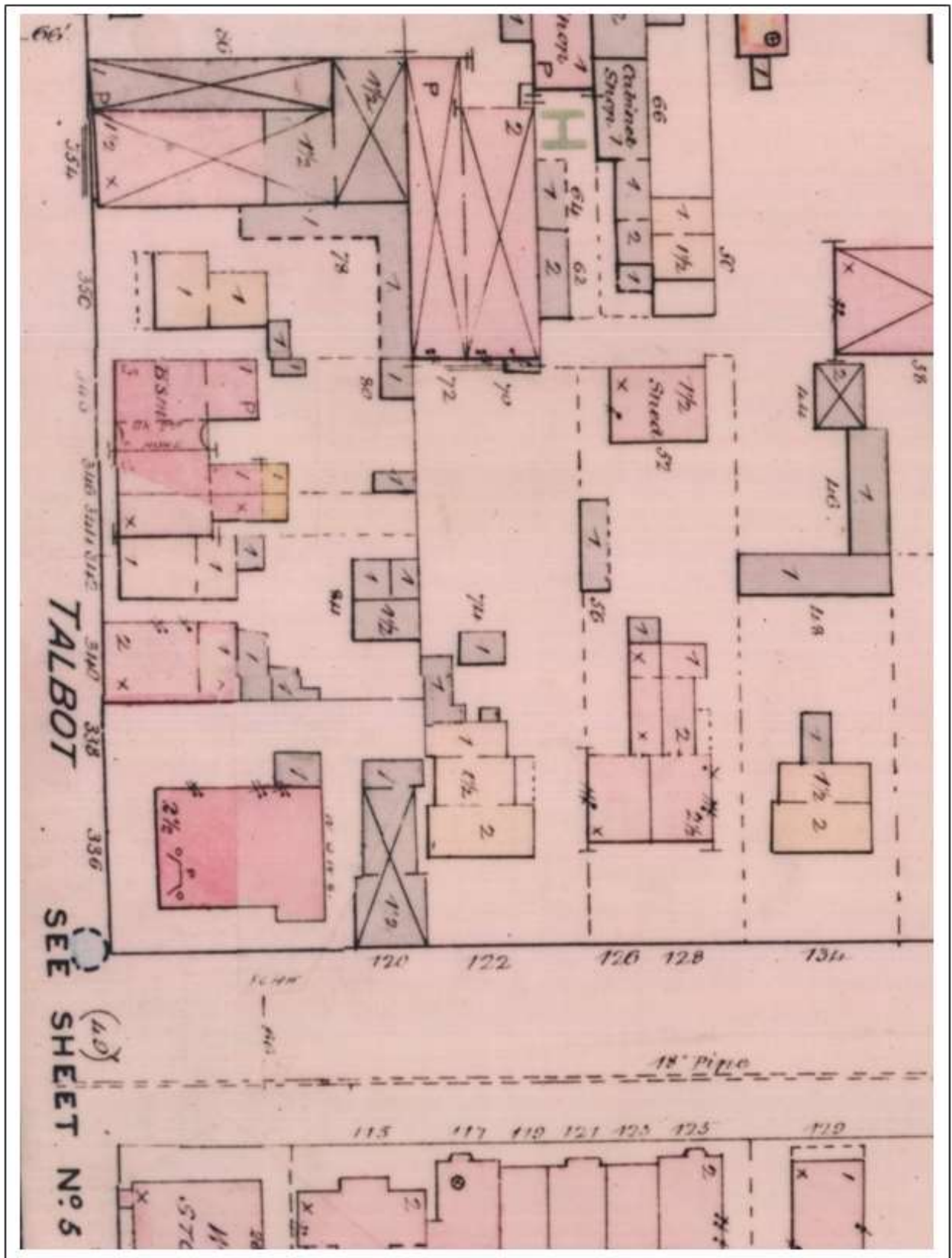


Figure 3: Collection of properties in 1881/rev1888 currently comprising 120 York Street

Appendix B – Images



Image 1: North east view of existing building and parking on the property as seen from intersection of Talbot and York Streets (2019-02-14)



Image 2: Detail of Talbot Street façade of building on the property, view facing east (2019-03-13)

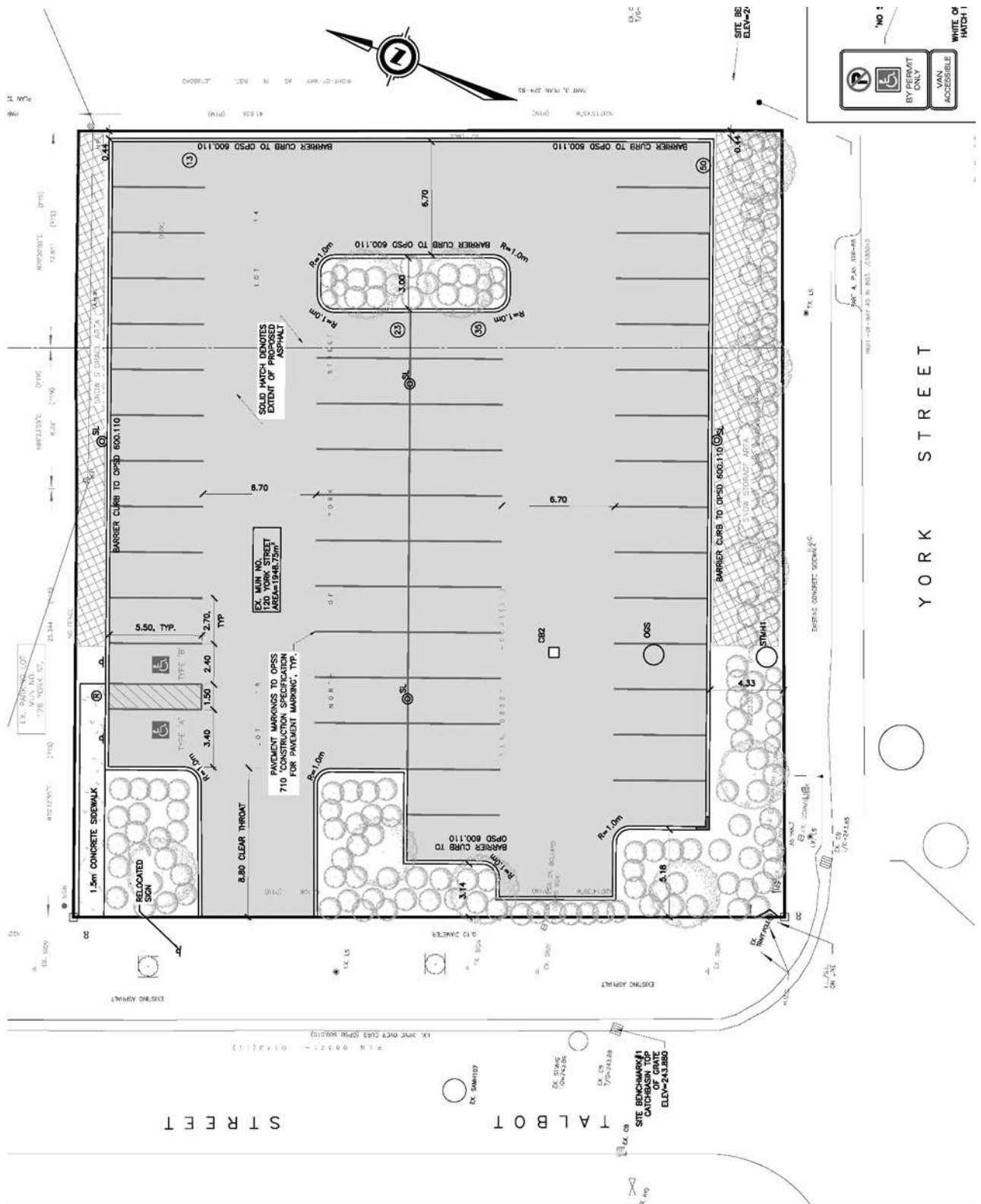


Image 3: Site plan of proposal indicating parking layout and landscaping (stamped 2020-03-13).

