

Report to London Advisory Committee on Heritage

To: Chair and Members
London Advisory Committee on Heritage

From: Paul Yeoman
Director, Development Services

Subject: Heritage Alteration Permit Application at 556 Wellington Street, West Woodfield Heritage Conservation District

By: Great-West Life Assurance Company c/o GWL Realty Advisors

Meeting on: Thursday September 10, 2020

Recommendation

That, on the recommendation of the Director, Development Services, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* to construct two high-rise buildings on the property located at 556 Wellington Street, within the West Woodfield Heritage Conservation District, **BE REFUSED**.

Executive Summary

Summary of Request

556 Wellington Street is a heritage designated property located within the West Woodfield Heritage Conservation District (WW-HCD). In accordance with Section 42 of the *Ontario Heritage Act*, the property owner has applied for a heritage alteration permit, in response to a Site Plan application pursuant to Section 41 of the *Planning Act*, to allow the construction of two, high-rise buildings on the property.

Purpose and the Effect of Recommended Action

The purpose of this Heritage Alteration Permit application under Section 42 of the *Ontario Heritage Act* is to consider the development within a heritage designated District. The effect of the application may permit the construction of an 18 and 12 storey apartment building, respectively, with a total of 405 residential units and commercial at grade.

Rationale of Recommended Action

Notwithstanding that the development complies with the regulations of the Z.-1 Zoning By-law, the Heritage Alteration Permit application is recommended for refusal for the following reasons:

1. The proposed development does not support the heritage character statement of the West Woodfield Heritage Conservation District.
2. The proposed development does not comply with the principles, goals & objectives, policies and guidelines of the *West Woodfield Heritage Conservation District Plan (WW-HCD Plan)*.

1.0 Site at a Glance

1.1 Location

The property, known municipally as 556 Wellington Street, is bounded by Wolfe and Wellington Streets to the north and west, respectively; Victoria Park is located to the west of the property; and Reg Cooper Square that comprises Centennial Hall, Centennial House and City Hall are all located to the south [Appendix A].

1.2 Cultural Heritage Status

The property at 556 Wellington Street is located within the West Woodfield Heritage Conservation District (WW-HCD), which is designated, pursuant to Part V of the *Ontario Heritage Act (OHA)* in 2009.

Victoria Park – located across from 556 Wellington Street – is a dual-designated property; individually designated under Part IV of the *OHA* (L.S.P.-3311-283), and Part V of *OHA* as part of the WW-HCD.

1.3 Property Description

556 Wellington Street is an ‘L-shaped’ property that is currently undeveloped and used as a surface parking lot. The surrounding area – is primarily supported by the low-rise and low intensity residential character of the WW-HCD, along with mainly mid-rise commercial/institutional uses south edge of the property.

2.0 Description of Proposal

2.1 Heritage Alteration Permit Application

Municipal Council has delegated approval of heritage alteration permit (HAP) applications that do not meet the “conditions for referral” defined in the Delegated Authority By-law (C.P.-1502-129) to the City Planner. As a proposed new building within a heritage conservation district, the HAP application for 556 Wellington Street was determined to meet the “conditions for referral”, thus requiring consultation with the London Advisory Committee on Heritage (LACH) before a decision by Municipal Council on the HAP application is rendered. A heritage alteration permit application (HAP) was submitted by the applicant (Zelinka Priamo Ltd. representing the property owner), and received on February 6, 2020. The HAP application drawings are attached in Appendix C. The London Advisory Committee on Heritage (LACH) will be consulted at its meeting on Thursday, September 10, 2020 regarding this application. The LACH will have a recommendation available to present at the September 21, 2020 meeting of the Planning & Environment Committee. 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.

2.2 Development Proposal

The proposal is to construct a high-rise, mixed-use retail/residential development. The proposal is composed of two separate buildings (12 and 18-storeys in height) on the 6,134m² (66.027 ft²). The proposed building has approximately 80% site coverage site with close to zero-lot line setbacks to the Wellington and Wolf Street right-of-way. The west (18-storey building) has a split 2 and 3 storey podium base with levels above at various step-backs. The east (12-storey building) includes a 5-storey parking garage topped with seven stories of residential units. Between the two towers, there is a total of 405 residential units proposed. Commercial space is in the west building facing Wellington Street, and indoor amenity space is provided to the rear of the west building; no outdoor amenity space is proposed. There are 2 levels of underground parking with a total of 550 parking spaces (including 5-storey parking garage).

The two buildings are separated by an asphalt drive, which provides access to the loading zones for the west building, five levels of above ground parking and main entrance of the east building. All vehicles enter from the Wolfe Street, with access to the above or underground portions of the garage. A 70-degree angular step-back plane has been incorporate into the design of the west building (HIA, p45). The buildings are built to the property lines with minimal separation between the west building and Centennial Hall (approx. 4.55m), and between the east building and 302 Princess Avenue (approx. 2m). The west building setback along Wolfe Street is less than those of adjacent

buildings, maximizing lot coverage. The vehicle access drive and site utilities are positioned on east property line, adjacent to 295 Wolfe Street.

Both buildings (east and west) are designed in several exterior materials, which are intended to differentiate the base, middle and upper portion of the towers' design. The lower portion of both buildings uses red brick while the midsection uses an EIFS exterior claddings system in various panel colours in dark and light greys and white. The top portion of both buildings is clad in spandrel glass in white and grey. The aboveground parking structure is unclad precast concrete coloured to match the masonry.

According to the *Urban Design Brief* (UDB) and *Heritage Impact Assessment* (HIA), architectural treatment consists of:

- design with step-backs that align with adjacent buildings and incorporate a podium base, that is intended to be in scale with the surrounding buildings;
- uses of materials intended to be similar to those found throughout the WW-HCD;
- the building being divided into smaller bays by brick and other cladding material colour within each bay;
- larger proportions of brick materials being divided by vertical changes (UDB p9)
- an articulated podium intended to relate to the pedestrian scale of the street and to the varying profile of the surrounding neighbourhood;
- a podium designed with vertical divisions, intended to replicate the rhythm of the existing streetscape and allow the building to be more compatible with the scale of the adjacent heritage buildings;
- a decorative cornice on the second and fifth story of the podium base, intended to be compatible with the heritage character of the HCD;
- windows arranged in symmetrical sets of two, four or five windows, intended to be consistent with those found in late 19th and early 20th commercial buildings; and,
- screening the five levels of above ground parking in the east building, intended to improve building compatibility. (Selected excerpts from *Urban Design Brief*, pp9-12 and *HIA*, pp50-60)

2.3 Heritage Impact Assessment (HIA)

A heritage impact assessment (HIA) was submitted by Golder Associates Ltd., dated May 13, 2019, as per Policies of the *Official Plan* (13.2.3.1) and *The London Plan* (586_); its preparation followed the *MTCS Ontario Heritage Toolkit* as a guideline (Ontario, InfoSheet #5).

The HIA concluded that:

the proposed development will have direct and indirect impacts to the West Woodfield HCD in terms of alterations, land disturbances, and shadows. However, design of the proposed development has included elements intended to complement the heritage character of the West Woodfield HCD while following development guidance from the City's Zoning By-law. Direct and indirect impacts from the proposed development can be mitigated through design and construction mitigation practices. Golder therefore recommended to monitor for construction vibration at the property boundaries as per the City's Development and Construction Standards. (Golder, Response, p1)

The London Advisory Committee on Heritage (LACH) was consulted at its meeting on November 13, 2019 regarding the Heritage Impact Assessment and prepared a response that was approved at the December 11, 2020 LACH meeting. The response stated that the "LACH did not agree with or support the findings of the HIA." The LACH "consider[s] the conservation of the heritage character of the West Woodfield Heritage

Conservation District to be fundamental to good land use planning for this site.” The LACH referenced the *West Woodfield Heritage Conservation District Plan* that ‘a new building should be sensitive to, and compatible with, the existing cultural heritage landscape through attention to height, built form, setback, massing, materials and other architectural elements’. LACH concluded, “none of these criteria have been met” by the development proposal.

3.0 Legislative and Policy Framework

Heritage resources are to be conserved and impacts evaluated as/per fundamental policies in the *PPS-2020*, the *Ontario Heritage Act*, *The London Plan* and the *London OP-1989*. Finally, more specific area-based policies and guidelines – part of the *West Woodfield Heritage Conservation District Plan (WW HCD Plan)* – contain both; 1) policies establishing intention, and 2) specific guidelines that provide direction how to achieve conservation of resources, attributes and character.

3.1 Provincial Policy Statement

Heritage conservation is a matter of provincial interest (Section 2.d, *Planning Act*). The *Provincial Policy Statement (PPS-2020)* promotes the wise use and management of cultural heritage resources and directs that “significant built heritage resources and significant cultural heritage landscapes shall be conserved.” (2.6.1) Policy 2.6.3 provides the following direction:

Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will 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

3.2 Ontario Heritage Act

Section 42 of the *Ontario Heritage Act* requires that a property owner not alter, or permit the alteration of, the property without obtaining Heritage Alteration Permit approval. The *Ontario Heritage Act (OHA)* enables Municipal Council to give the applicant of a Heritage Alteration Permit:

- a) The permit applied for;
- b) Notice that the council is refusing the application for the permit; or,
- c) The permit applied for, with terms and conditions attached. (Section 42(4), *Ontario Heritage Act*)

Municipal Council must make a decision on the heritage alteration permit application within 90 days or the request is deemed permitted (Section 42(4), *OHA*).^a

3.3 The London Plan/Official Plan

The London Plan is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). The London Plan policies under appeal to the Local Planning Appeals Tribunal (Appeal PL170100) and not in force and effect are indicated with an asterisk throughout this report. The London Plan policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application.

The policies of *The London Plan* found in the Key Directions and ‘Cultural Heritage’ chapter support the conservation of London’s cultural heritage resources. Policy 62_9 of *The London Plan* notes the municipality’s primary initiatives to “Ensure new development is a good fit within the context of an existing neighbourhood”, and Policy 554_3 to “ensure that new development and public works are undertaken to enhance and be sensitive to our cultural heritage resources.” To help implement the identified policies that new development is compatible, Policies *565_ and *594_^b of *The London Plan* provide the following direction:

*(*565_) New development, redevelopment, and all civic works and projects on and adjacent to heritage designated properties and properties listed on the Register will be designed to protect the heritage attributes and character of those resources, to minimize visual and physical impact on these resources...*

*(*594_) 1. The character of the district shall be maintained by encouraging the retention of existing structures and landscapes that contribute to the character of the district.*

2. The design of new development, either as infilling, redevelopment, or as additions to existing buildings, should complement the prevailing character of the area.

3. Regard shall be had at all times to the guidelines and intent of the heritage conservation district plan.

Policy 13.3.6 of the *Official Plan* (OP-1989, as amended) states that “[t]he design of new development, either as infilling or as additions to existing buildings, should complement the prevailing character of the area.” (OP-1989, 13.3.6 ii) Further, Policy 11.1.1 supports the principle of architectural continuity – the transitioning of new development to existing within a heritage context:

v) The massing and conceptual design of new development should provide for continuity and harmony in architectural style with adjacent uses which have a distinctive and attractive visual identity or which are

^a 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.

^b Under appeal.

recognized as being of cultural heritage value or interest. (OP-1989, 11.1.1 v)

3.4 Zoning

The property is currently zoned DA1(1): Downtown Area Zone, with a special provision to allow for a convention centre. Rezoning is not required as the current zone allows for a maximum height of 90m and 100% lot coverage and residential and commercial uses. The design proposal for the application complies with the allowable zoning regulations.

3.5 West Woodfield Heritage Conservation District Plan

The *West Woodfield Heritage Conservation District Plan (WW – HCD Plan)* was designated by By-law No. L.S.P.-3400-254 and came into force and effect on March 9, 2009. The *WW – HCD Plan* provides reasons for district designation, principles, goals & objectives, policies and guidelines to help manage change for the nearly 560 properties located within its boundaries.

The heritage character statement (or reasons for district designation under Part V of the *Ontario Heritage Act*) highlights West Woodfield's residential, park-like setting.

The district presents a well-preserved residential neighbourhood that reflects an era when London moved to the national stage in terms of its manufacturing and wholesaling presence. There is a marked visual consistency to the architecture reflecting a cross-section of high quality architecture from the late 19th and early 20th century; the majority remains residential, with commercial and office uses positively impacting the quality of the streetscape. The shady tree-lined streets and picturesque Victoria Park are the core of West Woodfield. The area has changed over the years, but the character of the streetscape endures. Woodfield [has been called] the heart of historic London. (Excerpts from the *WW HCD Plan*, Section 2.3)

Principles outlined in Section 3.2 of the *WW – HCD Plan*, establish heritage fundamentals derived from *The Venice Charter* (1964). One of these heritage principles – particularly pertinent to this application – is the importance of preserving the traditional setting. A building is intimately connected to its site and to the neighboring landscape and buildings, requiring its neighbours to illustrate the original design intent. When buildings need to change there is a supportive setting that should be maintained (p3.4). The principle of 'preserving traditional setting' would also pertain to new infill development.

Key goals and objectives of the *WW–HCD Plan* reference the buildings, streetscape and land use patterns found in the District.

- ...[T]he essential architectural and streetscape character of the District is maintained and, wherever possible, enhanced.
- ...[E]nsure new development and alterations are sensitive to the heritage attributes and details of the District...
- Maintain and enhance the visual, contextual and pedestrian oriented character of the streetscape and public realm.
- Maintain the low-density residential character of the District as the predominant land use, while recognizing that certain areas of the District already have or are intended for a wider range of uses.
- ...[C]onsider and mitigate the potential impacts of non-residential or higher intensity residential uses on the heritage character of low-density residential areas.

- ...[P]rotect key heritage attributes, while allowing greater latitude for potential alterations or redevelopment, intended for non-residential or higher intensity residential uses
- Ensure that infill development or redevelopment is compatible with the heritage character and pedestrian scale of the District. (excerpts from the *WW HCD Plan*, Section 3.1)

To support and implement goals and objectives of the *WW-HCD Plan*, select policies most pertinent to this application include the following:

- “The WW HCD was developed primarily as a single family residential area. Setbacks of original heritage buildings, particularly in the residential area, are relatively uniform at the individual street level, as are building height and scale. To maintain the general consistency of the land uses and development pattern in the District, the following policies are proposed:
 - (a) Maintain the residential amenity and human scale by ensuring that the low-density residential land use character remains dominant.
 - (b) New land uses that are out of keeping with the general residential character of the District, or would have a negative impact on it, are discouraged.
 - (c) Higher intensity uses or redevelopment opportunities shall be focused outside of the residential district and in areas designated for intensification.” (*WW-HCD Plan*, 4.1)

Sections 5.10, 8.1, and 8.2 more specifically outline heritage guidelines for new and infill construction. Those relevant to this application are as follows:

- “...ensure any potential development is respectful of the heritage character of the District yet is not too restrictive to the potential of the site.” (*WW-HCD Plan*, 5.10.2)
- “Establish maximum heights in [the area] related to uses of adjacent properties...three stories adjacent to the houses on Wolfe and Princess, rising to 8 to 10 stories facing Dufferin and Wellington, to be confirmed by shadow studies.” (*WW-HCD Plan*, 5.10.2)
- “Any future changes to existing buildings that are taller than 6 floors, or for the design of new buildings taller than 3 floors, should be required to provide an adequate transition to neighbouring building types and heights, as well as being sensitive to the quality of the elevation contributed to the rest of the street.” (*WW-HCD Plan*, 8.1.9)
- “[N]ew buildings must be designed to be compatible with the heritage characteristics of the West Woodfield Neighbourhood to help retain the overall visual context of the area.” (*WW-HCD Plan*, 8.2.3)
- “Where redevelopment is proposed on vacant or underutilized sites, new development shall be sensitive to and compatible with adjacent heritage resources on the street with respect to height, massing, built form and materials.” (*WW-HCD Plan*, 8.2.7.3)

The development proposal is subject to Site Plan Approval (SPA19-046) which also includes public site plan review (i.e. a public participation meeting – PPM) in accordance with the provisions within the *WW-HCD* (Section 5.10.2, Policy 5.4a). A PPM is required specifically for the development of vacant parcels within the HCD to provide an opportunity for community input and awareness of potential changes.

In order to support the character of the District and implement the above principles, goals and objectives, policies and guidelines of the *WW-HCD Plan*, heritage alteration permit approval (HAP) is required for alterations to, and new infill development on,

properties designated in the District. Heritage alteration permit approval is required prior to issuance of a Building Permit.

4.0 Analysis

With any new development on a vacant lot, there is an opportunity to provide for new uses, increase commercial potential, housing supply and affordable possibilities, and to fill-in a ‘tooth’ of the urban fabric that is visually absent. Outside of heritage concerns, infill development should first be guided by good planning and urban design practices and issues around ‘good fit’ – essentially to demonstrate that the new development is sensitive to, and compatible with, the existing and planned context. Regarding this very point, the proposed high-rise development does not demonstrate fit with the existing or planned context, or to use heritage terminology, conserve cultural heritage value or interest.

The *Provincial Policy Statement (PPS-2020)* states that significant built heritage resources and their attributes shall be conserved. Key here are the terms ‘significant’ and ‘conserve’. At 556 Wellington Street, the significance of the property and surrounds has already been established, being designated under Part V of the *Ontario Heritage Act (OHA)*. Note that the adjacent Victoria Park is included within the West Woodfield Heritage Conservation District (WW-HCD), and is also designated as an individual property under Part IV of the *OHA*. Its inclusion within the WW-HCD attests to how integral it is to the District – historically and physically to its character. The term ‘conserved’ is directed to ensuring that the cultural heritage value or interest of designated properties and the WW-HCD as a whole is retained, and if need be, through the application of mitigative measures. Questions relevant to this HAP that shape the analysis include:

1. Is the design of the proposed development responsive to the immediate heritage context and its character?
2. Does the development conserve the designated heritage properties and does it respect their scale, form, and heritage design?
3. Does the proposed development transition appropriately to the adjacent properties and district neighbourhood?
4. Does the proposed development create unacceptable negative impacts that are not sufficiently mitigated?

With regards to the above questions, key issues regarding this heritage alteration permit application have to do with the following: district character; height, scale, form, and massing; adjacencies and transitioning between existing and new; and, negative impacts such as isolation of Park from the District, diminished views and extensive shadowing.

4.1 District Character

The intent of the *West Woodfield Heritage Conservation District Plan (WW-HCD Plan)* (as considered in all parts – its goals, objectives, policies and guidelines) is to maintain the predominantly low-density, residential character of the current District. The *WW-HCD Plan* does recognize that there are some areas of West Woodfield where other uses and forms of development may be appropriate. Yet the focus remains on land use goals and objectives that primarily support this low-density residential character while mitigating the potential impacts of non-residential or higher intensity residential uses (*WW-HCD Plan*, 3.1). Further, development pattern policies identified in the *WW-HCD Plan* are also consistent with land use goals and objectives by ensuring that the low-density, residential land use character remains dominant, and that new land uses are consistent with the general residential character of the District (*WW-HCD Plan*, 4.1).

Noting the above, the proposed development is not responsive to its heritage context. It does not reflect the dominant low-density, residential land use character (lot patterning, overall form, architectural styling and details). It is not compatible with the smaller, highly, detailed scale and character of the Park and residential District's Victorian heritage character. The overall form and massing of the development severs the historical and contextual relationship between the Park and residential area to the east, through diminished views and eroding of physical connections. In this regard, the impacts of the development on the character and quality specifically of Victoria Park (as understood and experienced as a whole place, public good and amenity) have not been considered.

There are several design measures stated in the *Urban Design Brief and Heritage Impact Assessment* intended to mitigate the impact of the scale and form of the proposed development, and enhance its compatibility with the heritage character of the area: articulated podium design with cornice, the use of similar materials, façade divisions that replicate the existing streetscape, and window arrangement consistent with those found in late 19th and early 20th commercial buildings.[°] DS-heritage staff finds these measures to be insufficient to mitigate the dominant scale of the development. The application of a podium (such as in this design) is customary in high-rise design and the treatment of its exterior is no more unique. It is not clear in the HIA as to what makes the proposed development compatible with West Woodfield's character. As such, consideration is necessary to understand precisely what character the development is attempting to be compatible with and what the heritage attributes are that make-up that character. It is unconvincing that this development's design has translated the residential character of West Woodfield into an architectural vocabulary and modern expression of a high-rise, in a meaningful, site-specific manner.

4.2 Height, Scale, Form, and Massing

The current zoning permissions on the identified site allows for a maximum height of 90m and 100% lot coverage. However, based on the WW-HCD, the scale of the proposed development in relation to adjacent properties on Wolfe Street and Princess Avenue need to ensure compatibility with, and transition to, the low-rise, highly detailed scale and heritage character of the District. The *WW-HCD Plan* (5.10.2) suggests 3-stories rising to 8-10 stories in height at this location (i.e. 556 Wellington Street); however, there is some latitude provided in the *WW-HCD Plan* for increased heights and density for redevelopment purposes (i.e. infill and vacant lots).

The use of an architectural vocabulary that relies on a podium base, mid-section and cap – along with step-backs – can be successful in supporting a pedestrian scale and mitigating impacts of high-rise development at the street level. This mitigative approach however, is much more effective in a typical downtown setting that is dominated by abutting mid to high-rise buildings. In similar comments from the LACH regarding this issue, members noted that, “the podium has been designed to fit in with the height of the surrounding streetscape but it is part of the appearance of a very large, bulky and dominant building; t]his building will be eminently visible from a distance, that is from Victoria Park, which will negate the desired effect of the podium.”

As mentioned in Section 3.4, rezoning is not required for the associated site plan application for this development, as the current zone allows for a maximum height of 90m and 100% lot coverage and residential and commercial uses. Description of the proposed development in the *Urban Design Brief and Heritage Impact Assessment* acknowledges that the “scale of the proposed development is larger and taller than the

[°] In an Ontario Municipal Board decision (no. PL141140), the Board's view was that “there must be more than materiality” for the proposed development to conserve the heritage attributes of adjacent buildings [57].

surrounding HCD”, and that “this scale is the outcome of careful adherence to these zoning by-law requirements.” It should be noted that height and lot coverage are established as maximums not minimums; there is a wide range of heights and coverage that would adhere to these zoning requirements.

Noting the above, the proposed transition in height of the new development, particularly the rear 12-storey building, is not compliant with the policies and guidelines of the *WW HCD Plan* (5.10.2). These policies and guidelines help to ensure that the impact of the new development is mitigated in relation to the predominantly low-density, residential character of the District’s Victorian architecture and landscape. The resultant scale, massing and form of the proposed development could be further mitigated through a reduction in height and increase setbacks and step-backs to existing abutting heritage properties. As submitted, the proposed development does not conserve the designated heritage properties and does not respect their scale, form and heritage design.

4.3 Adjacencies and Transitioning

The *WW-HCD Plan* guidelines address fit and compatibility of new development particularly in relation to adjacencies and transitioning to surrounding properties.

- “[...]the design of new buildings taller than 3 floors, should be required to provide an adequate transition to neighbouring building types and heights...”
- “...new development [on vacant lots] shall be sensitive to and compatible with adjacent heritage resources on the street with respect to height, massing, built form and materials.” (*WW HCD Plan*, 8.1.9; 8.2.7.3)

On this property, a three-storey height is recommended adjacent to the houses on Wolfe Street and Princess Avenue (*WW HCD Plan*, 5.10.2). On this matter, the architectural vocabulary for the proposed development relies on a 5-storey podium base, which is intended to mitigate the scale and massing of both high-rise buildings, and to relate to the pedestrian scale of the street and to the varying profile of the surrounding neighbourhood. The proposed design also includes a decorative cornice on the second and fifth story of the podium base, intended to be compatible with the heritage character of the HCD. The proposed 5-storey podium may be considered effective in transitioning to adjacent properties and in supporting a pedestrian realm with the applied cornice detailing and lowering the perceived scale at street level.

At the rear, the development is nearly ‘butt-up’ against the heritage home at 302 Princess Avenue, with not much more than 2m between the 12-storey high-rise parking/residential structure and the 2 ½ -storey heritage home. The rear of other Wolfe Street properties will similarly be impacted with 295 Wolfe Street being adjacent to rear servicing and parking access with no buffering. Overall, the Wolfe Street podium façade (at the rear portion) reflects the utility of a parking garage as does the façade that is adjacent to Princess Avenue; both facades are not compatible with the heritage character of the District.

4.4 Mitigation of Negative Impacts

The Ontario Ministry Heritage Tool Kit (InfoSheet #5), identifies a number of possible negative impacts on cultural heritage resources. Relevant to this application are impacts of: a) shadowing that could alter the appearance of a heritage attribute or changes the viability of a natural feature; b) isolation of heritage attributes from their surrounding environment, context or a significant relationship; and, c) direct or indirect obstruction of significant views or vistas within, from, or of a built and natural feature (p3). DS-Staff’s opinion is that the proposed development is not responsive to: a) the negative impacts of shadowing; b) the obstruction of views to and from Victoria Park, and impacts of obstruction on properties at this park-edge of the WW-HCD; and, c) the ‘perceived isolation’ of Victoria Park from the District.

Golder Associates' response to heritage staff's Memo (July 2019) did not address obstruction of views and vistas, stating that there are no significant views identified within the *West Woodfield HCD Plan* (Golder, Response, p4). No specific views were identified in the *WW HCD Plan*, however, views and their integration with streetscape and landscaping as part of the character of West Woodfield is described in the *WW-HCD Plan* (9.1). Particularly noted is the potential 'loss of views' where zoning permits higher buildings, with the suggestion that studies evaluate potential loss of views should be conducted and measures be taken to mitigate the potential effects (4.3(d); 8.2.3). Within the context of the Victorian styling prominent in the district and character of the Park, the framing of views is also important as it provides viewing opportunities from the heritage homes to the gardens [and by association, the Park]. Although no specific views were identified in the Victoria Park designating by-law, this is certainly not unusual given the date of the by-law being prior to 2005. As a Victorian-styled park, the Victoria Park Restoration Master Plan (2005) identified focal points, entrances and gateways to the park as important elements to re-establish the unique status of the Park – providing interesting destination points within the concept of a heritage strolling park and future revitalization plans. Visual connections between specific heritage buildings and Victoria Park and specific views across Victoria Park have been noted as important in City documents.

Regardless of there being no protected views cited in the *WW-HCD Plan*, the design of the new development should be responsive to the potential loss of views; views that are integral to the Park and Victorian character of the district are worthy of further consideration and study. On this note, an Ontario Municipal Board decision (no.PL141140) has interpreted views as evidence where none were specifically protected, and considered that generally views are worthy of safeguarding against the encroachment of tall and imposing new development. "There is value in preserving views of [...] heritage buildings to the extent possible while developing on a site that abuts such structures." [54]

'Visual obstruction' of heritage resources is associated with the above-mentioned concept of the viewscape. Obstruction, whether physical or visual, can be understood as a barrier, which isolates heritage resources from their relationship with Victoria Park and vice versa (particularly at the western edge of the WW HCD along Waterloo Street); this relationship is mutually supportive and is integral to the character of both the WW HCD and Victoria Park. The new development at 556 Wellington Street – due to its form, scale and height – separates and isolates the western edge of the District from the Park which is not only a Part IV designated property, but a resource of West Woodfield as well. This isolation affects the quality of the environment and, more broadly, Londoners' experience of their City. The MTCS InfoSheet #5 (p3) does not precisely identify 'visual obstruction' as a negative impact, but notes that the list is not limited to the (8) mentioned impacts and allows for other impacts to be identified. Further, City policies do not specifically note visual obstruction, but do place importance on relationships and the concept of connectivity and view corridors. Staff recognizes that new development at 556 Wellington Street considers the pedestrian experience at grade directly near on the subject site. However, staff note that the development is not responsive to the broader impacts on the potential loss and obstruction of views due to the scale of the development and the resultant pedestrian experience and quality of the environment as a whole.

Finally, three-day shadow studies were prepared for the Site Plan Application drawing package. These days are intended to represent extreme conditions and are illustrated for (5) times during the day (10:00AM, 12noon; 2:00PM, 4:00PM, and 6:00PM). Based on these studies, there appears to be limited impacts of shadowing on Victoria Park. However, there is notable shadowing of properties particularly those on the north-side of

Wolfe St and south side of Princess Avenue on March 21st 10AM, 12, 2, and 4PM; June 21st 4 and 6PM; and, Sept 21st 10AM, 12 and 2PM). There is extensive shadowing on these properties in and around March 21st at 6:00PM and Sept 21st 4 and 6PM).

5.0 Conclusion

Compatibility and sensitivity to the broader surrounding heritage context and character is an important component of any infill proposal within a heritage conservation district. In case of this heritage alteration permit application, with adjacencies also to a nationally significant heritage attribute being Victoria Park. Based on the previous review and analysis it is the opinion of DS-Staff that the proposed development at 556 Wellington Street:

- is not responsive to the immediate heritage context and its character;
- it does not conserve the designated heritage properties and does not respect their scale, form and heritage design;
- it does not appropriately transition to the adjacent properties and district neighbourhood; and,
- it creates unacceptable negative impacts that are not sufficiently mitigated.

Based on the applicant's *Urban Design Brief and Heritage Impact Assessment*, the appropriateness and compliance of the proposed development with the *West Woodfield Heritage Conservation District Plan (WW-HCD)* is predicated on meeting zoning requirements and on a design approach that mitigates the massing, scale and form of the development, and sensitively transitions to the heritage character of the District and adjacent heritage resources (i.e. District and Park).

However, the proposed development does not conform to the reasons for designation (character) of the District, nor with the principles, goals, objectives, policies and guidelines of the *West Woodfield Heritage Conservation District Plan (WW-HCD Plan)*. It does not conform to the direction of the policies of *OP-1989* and *The London Plan* for cultural heritage resources, and is inconsistent with the direction of the *Provincial Policy Statement (2020)* as it does not conserve the heritage attributes that contribute to the cultural heritage value or interest of significant built heritage resources.

Although the development proposal meets zoning requirements, the resultant massing, scale and form that results from maximizing site coverage and volume, is entirely at odds with the character of WW-HCD and adjacency to Victoria Park. A development proposal cannot proceed to permit issuance without compliance with the Building Code Act, which requires a review of the West Woodfield Heritage Conservation District and the issuance of Heritage Alteration Permit.

Based on the above, this heritage alteration permit application should be refused.

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.	

August 28, 2020
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Appendix A Property Location
Appendix B Images
Appendix C Drawings: Issued for SPA (April 15, 2020)

Sources

Corporation of the City of London. n.d. Property files: 556 Wellington Street.
Corporation of the City of London. (2019, Jul 2). *City of London register of cultural heritage resources*. London, ON: Author.
Corporation of the City of London. (2016, consolidated 2019, Nov 13). *The London plan*. London, ON: Author.
Corporation of the City of London. (2008, August). *West Woodfield heritage conservation district plan*. London, ON: Author.
Corporation of the City of London. (1989). *The 1989 Official Plan*. London, ON: Author.
Corporation of the City of London. *Zoning By-law No.Z.-1 (Section 20)*. London, ON: Author.
Dent, L. E. (2019, November 26). Memo, 556 Wellington Street (SPA19-046), 2nd Submission Review Comments, Heritage Impact Assessment (addendum) – Heritage Commenting.
Dent, L. E. (2019, July 11). Memo, 556 Wellington Street (SPA19-046) Heritage Impact Assessment – Heritage Commenting.
Golder Associates Ltd. (2019, September 26). Response re: 556 Wellington Street, City of London, Ontario.
Golder Associates Ltd. (2019, May 13). *Heritage impact assessment, 556 Wellington Street, City of London, Ontario*.
International Council on Monuments and Sites. 1964. *The Venice Charter*.

LACH Working Group (2019, December 11). Response of LACH Working Group to item 5.4 on the Nov 13th 2019 agenda regarding the heritage impact statement (Golder Associates May 13th, 2019) for 556 Wellington St.

Ontario Heritage Act, (2019, c. 9, Sched. 11). Retrieved from e-Laws website
<https://www.ontario.ca/laws/statute/90o18>

Ontario Municipal Board (OMB). *CHC MPAR Church Holdings Inc. v. Toronto (City)*. no. PL141140, 23 Dec 2015.

Ontario Ministry of Culture. (2006). *Heritage resources in the land use planning process, information sheet series*. "InfoSheet #5, Heritage impact assessments and conservation plans." Ontario: Queen's Printer for Ontario.

Ministry of Municipal Affairs and Housing. (2020). *Provincial policy statement, 2020*. Ontario: Queen's Printer for Ontario.

Turner Fleischer Architect (2020, April 15). Drawings: Issued for SPA, 556 Wellington Street, London, ON: Architect.

Turner Fleischer and Zelinka Priamo Ltd (2019, April 29). Urban design brief, 556 Wellington Street, London, ON: Zelinka Priamo Ltd.

Victoria Park Restoration Master Plan (2005).

Appendix A – Location

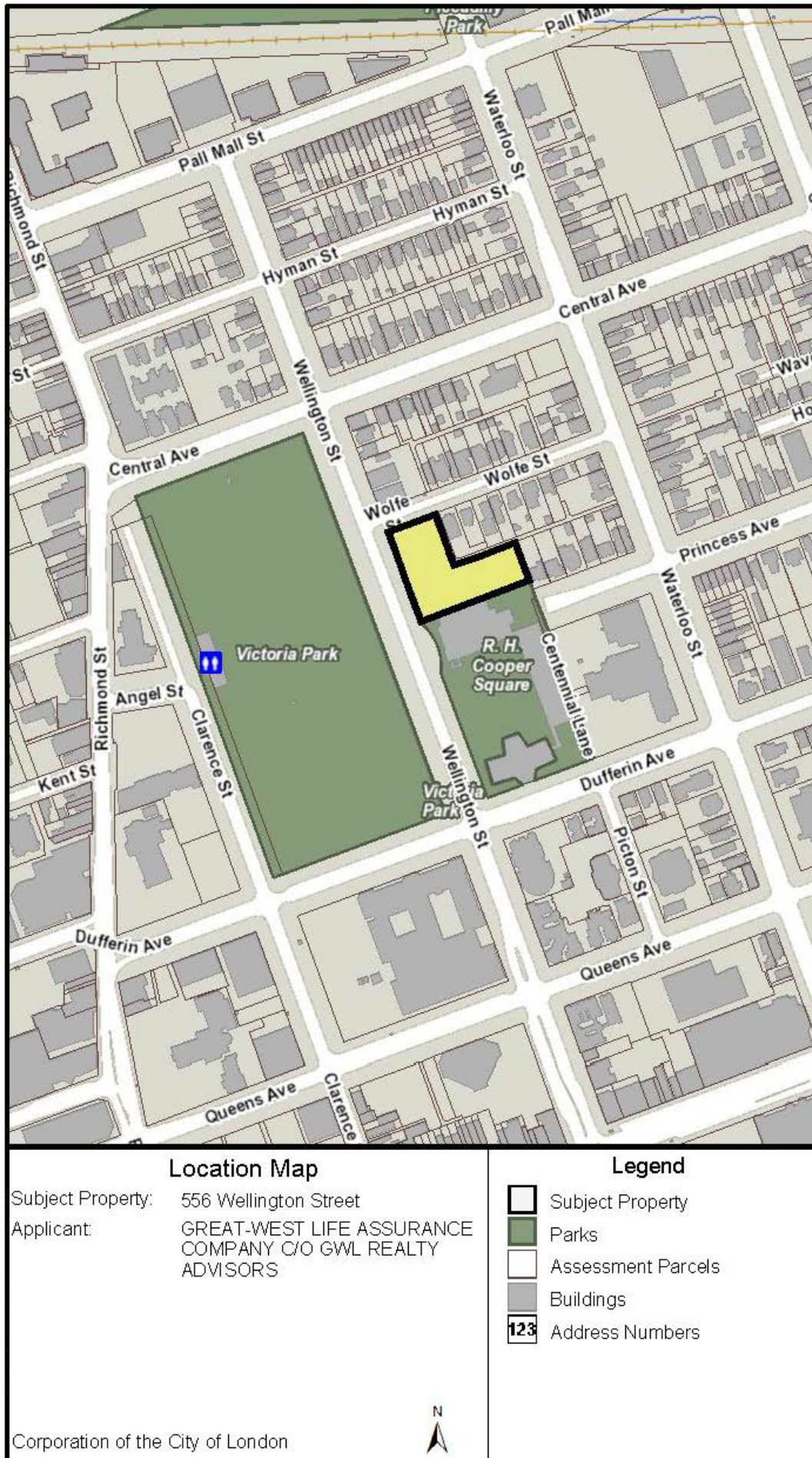


Figure 1: Location of the subject property at 556 Wellington Street in the West Woodfield Heritage Conservation District.

Appendix B – Images



Image 1: Photograph of subject site, view south east (August 24, 2020)



Image 2: Photograph of subject site, view south east (August 24, 2020)



Image 3: Photograph of subject site, view to east (August 24, 2020)



Image 4: Photograph of subject site, view north-east (August 24, 2020)



Image 5: Photograph of Victoria Park, view north along Wellington Street (August 24, 2020)



Image 6: Photograph of Victoria Park, view west from Wellington Street (August 24, 2020)



Image 7: Photograph of Victoria Park, view south along Wellington Street (August 24, 2020)



Image 8: Photograph of adjacent properties – Centennial Hall (August 24, 2020)



Image 9: Photograph of adjacent properties – 295 & 297 Wolfe Street (August 24, 2020)



Image 10: Photograph of adjacent properties – 560 Wellington Street (August 24, 2020)



Image 11: Photograph of adjacent properties – 300 Princess Street (by K. Gonyou)



Image 12: Photograph of Princess Street – streetscape (August 24, 2020)



Image 13: Photograph of Wolfe Street – streetscape (August 24, 2020)



Image 14: Photograph of Wolfe Street – streetscape (August 24, 2020)

Appendix C – Drawings Issued for Site Plan Approval – April 15, 2020

Attached separately