

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas P. Eng.,
Managing Director, Development & Compliance Services and
Chief Building Official

Subject: 100 Fullarton Street
Old Oak Properties Inc.

Date: Public Participation Meeting on March 1, 2021

Recommendation

That, on the recommendation of the Director, Development Services the following actions be taken with respect to the application of Old Oak Properties Inc. relating to the property located at 100 Fullarton Street:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on March 23, 2021 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **BY AMENDING** the Downtown Bonus (DA2*D350*B-38) Zone to permit the reconstruction of the Camden Terrace building facades (479-489 Talbot Street) to be constructed on the exterior wall instead of internal to the building.
- (b) The request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **BY AMENDING** the Downtown Bonus (DA2*D350*B-38) Zone to permit the demolition of the heritage designated features of the buildings at 93-95 Dufferin Avenue, **BE REFUSED** for the following reasons:
 - i) The requested amendment is not consistent with the policies of the *Provincial Policy Statement, 2020* that encourage the conservation of significant built heritage resources.
 - ii) The requested amendment is not consistent with the Cultural Heritage policies of The London Plan that encourage the conservation and enhancement of cultural heritage resources in new development.
 - iii) The requested amendment is not consistent with the Cultural Heritage policies of the 1989 Official Plan which encourage the protection, enhancement, and utilization of structures considered to be of cultural heritage value.

Executive Summary

Summary of Request

The requested amendment would permit the demolition of a heritage designated building (93-95 Dufferin Avenue), and allow for the commemorative feature of Camden Terrace (479-489 Talbot Street) to be located on the exterior of the building.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommendation is to revise the original language in the bonus zone to no longer reference phases, as construction is now proposed in a single phase. These references will be replaced with the corresponding addresses. The recommendation is to allow for the Camden Terrace commemorative monument to be located on the exterior face of the building, and also to refuse the demolition of 93-95 Dufferin Avenue and the proposal to reconstruct the north and west facades as commemorative monuments.

Rationale of Recommended Action (regarding Camden Terrace (479-489 Talbot St):

1. The recommended amendment is consistent with the PPS 2020.
2. The recommended amendment conforms to the 1989 Official Plan policies and policies of The London Plan.
3. The recommended amendment facilitates the original intent of the commemoration of Camden Terrace with improved heritage outcomes and the preservation of 93-95 Dufferin Avenue approved in the initial Bonus Zoning in return for increased height and density.

Linkage to the Corporate Strategic Plan

Building a Sustainable City – London’s growth and development is well planned and sustainable over the long term.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

- February 18, 2014 - Zoning By-law Amendment Application (Z-8285)
- September 6, 2016 - Zoning By-law Amendment Application (Z-8617)

1.2 Property Description

The subject site is located along the west side of Talbot Street between Dufferin Avenue and Fullarton Street within London’s Downtown.

1.3 Current Planning Information (see more detail in Appendix D)

- The London Plan Place Type – Downtown
- Official Plan Designation – Downtown
- Existing Zoning – Downtown Bonus (DA2*D350*B-38) Zone

1.4 Site Characteristics

- Current Land Use – Vacant (under construction)
- Frontage – 28 metres
- Depth – 115 metres
- Total Lot Area – 0.6 ha
- Shape – Irregular

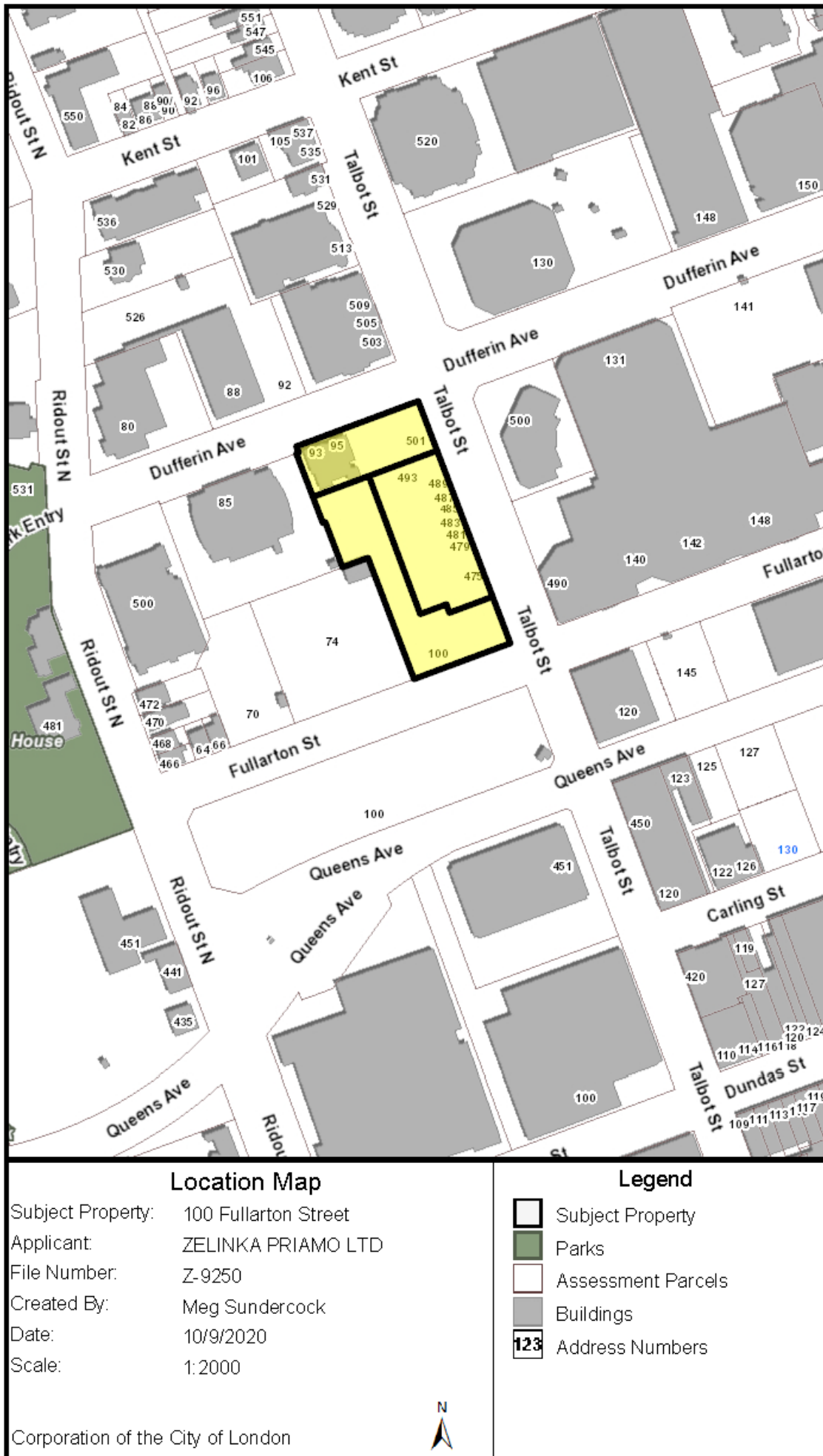
1.5 Surrounding Land Uses

- North – Residential
- East – Residential and Commercial
- South – Vacant (surface parking lot)
- West – Residential and Commercial

1.6 Intensification

- 652 units within the Primary Transit Area

1.7 Location Map



2.0 Discussion and Considerations

2.1 Development Proposal

The approved development on the subject lands consists of a mixed-use apartment building with a 40 storey tower, a 29 storey tower, and a 9 storey podium with commercial uses at grade, and with 6 levels of internal structured parking.

2.2 Planning History

2013 Zoning By-law Amendment Application (Z-8285)

A previous application by Rygar Corporation Inc. pertained only to the lands at 100 Fullarton Street and 475 Talbot Street and did not include 93-95 Dufferin Avenue or 479-489 Talbot Street (Camden Terrace). A report was presented to Planning and Environment Committee on February 18, 2014 that recommended approval of a zoning by-law amendment to establish a bonus zone and allow for a 33 storey mixed-use apartment building with approximately 250 residential units. This application was approved by Council and the by-law came into force on February 25, 2014.

2016 Zoning By-law Amendment Application (Z-8617)

A subsequent application by Rygar Properties Inc. established the current zoning on the subject lands, comprising 100 Fullarton Street, 475-501 Talbot Street, and 93-95 Dufferin Avenue. A report was presented to Planning and Environment Committee on September 6, 2016 that recommended approval of a zoning by-law amendment to establish a new bonus zone for an increased height of up to 129 metres, and increased density of up to 1200 units per hectare, in return for a number of services, facilities, and matters. These include high quality design standards, public space improvements, underground parking, a monetary contribution to public art, and heritage commemoration. The regulations pertaining to heritage conservation of 93-95 Dufferin Ave., and commemoration of Camden Terrace are as follows:

3. *Heritage Conservation (93-95 Dufferin Avenue) The significant attributes of the built heritage resource located at 93 and 95 Dufferin Avenue shall be conserved in the following manner:*
 - a. *The designation of heritage attributes (generally associated with the northerly and westerly facades) of the original building under Part IV of the Ontario Heritage Act.*
 - b. *The complete retention, in-situ, of 93-95 Dufferin until such time as partial removal is necessary to facilitate Phase 3 of the proposed redevelopment.*
 - c. *The incorporation of significant heritage attributes of the original building, including the northern and western facades in situ, into the overall design of Phase 3 of the new development as is depicted in attached Schedule "1" to the amending by-law.*
4. *Heritage Commemoration - Camden Terrace (479-489 Talbot Street)*
 - a. *The documentation and appropriate storage of original materials including brick and exterior masonry work to retain their integrity.*
 - b. *The construction of a commemorative monument which interprets a range of the significant heritage attributes of the Camden Terrace front facade in the manner documented in the January 4, 2016 "Heritage Overview Report" prepared by Stantec Consulting Ltd. and further described in the accompanying August 19, 2016 "Commemoration Overview" letter and shown in attached Schedule "1" to the amending by-law, and which generally includes the following features:*
 - i. *Multi-structure residential row house proportions including six buildings enclosed within three sections, with each containing two terrace residences with mirrored facades;*
 - ii. *With the individual row house sections containing the same proportion of bay windows, doors and upper-storey windows as the original structures.*

- iii. *A uniformed setback from the public sidewalk.*
- iv. *A uniformed eaves line.*
- v. *The use of original building materials salvaged during the demolition of Camden Terrace including stone lintels and original yellow (London) brick.*
- vi. *Other details such as pilasters, drip course, and cornice frieze, high transforms above front entry doors, and half-elliptical lintels on upper storeys.*
- c. *The provision of plaques, interpretive signage and/or other commemorative items which relate to the heritage attributes of the site and includes the following subject matter: site history with an emphasis on 19th century character of the Talbot Street Corridor; the origins and construction of Camden Terrace; and, details regarding the deconstruction and reconstruction of the commemorative monument (facade replication).*
- d. *The provision of clear glazing along the length of the Talbot Street building façade which is east of the commemorative monument so as to maintain public views to the monument in perpetuity.*

Site Plan Approval Application (SPA17-035)

The Site Plan application was submitted by Rygar Properties Inc. on May 12, 2017, and was put on hold due to inactivity until a new submission was made in June of 2019 after Old Oak Properties purchased the site. Final approval was granted on September 11, 2020, and a building permit was issued shortly thereafter. The foundation is currently under construction.

2.3 Requested Amendment

The requested amendment is comprised of two components, being the proposed demolition of 93-95 Dufferin Ave., and the change to the commemoration of the Camden Terrace facades by moving them from the interior to the exterior of the building. The amendment would require a change to the approved bonus zone (B-38) in the Zoning By-law Z.-1 by amending the respective regulations of the existing Downtown Bonus (DA2*D350*B-38) Zone.

With respect to the demolition of 93-95 Dufferin Ave., the existing bonus zone requires the northern and western facades to retain in situ. The applicant has provided a structural engineer's report (attached as Appendix 'E') which opines that the masonry may not be structurally stable enough to withstand the partial demolition of the building and construction as approved, and is instead proposing a commemoration strategy whereby the northern and western facades would be dismantled and rebuilt, akin to the approach taken with the Camden Terrace facades.

The applicant is also proposing to modify the approved bonus zone which requires the Camden Terrace façade commemoration feature to be located internal to the building. They are now proposed to be constructed as part of the functional exterior of the building with operable doors to interior commercial spaces.

2.4 Community Engagement (see more detail in Appendix B)

On October 14, 2020, Notice of Application was sent to all property owners within 120 metres of the subject lands. Six (6) responses were received at the time this report was prepared. Notice of Application was published in The Londoner on October 15, 2020.

2.5 Policy Context (see more detail in Appendix C)

The subject site is currently located in the Downtown designation. The London Plan also identifies the subject site as being in the Downtown Place Type.

Provincial Policy Statement, 2020

The Provincial Policy Statement 2020 (PPS) provides policy direction on matters of provincial interest related to land use and development. Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns of the PPS encourages long-term economic prosperity by maintaining and, where possible, enhancing the viability of downtowns and main streets (1.7.1(d)), and

encouraging a sense of place by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes (1.7.1(e)). Section 2.0 Wise Use and Management of Resources of the PPS speaks to cultural heritage and requires that significant built heritage resources and significant cultural heritage landscapes shall be conserved (2.6.1).

The Ontario Heritage Act

Section 32 (1) of the *Heritage Act* allows for the owner of a designated property to submit an application to Municipal Council to repeal the by-law (or part thereof) designating the property. After consultation with the municipal heritage committee (the London Advisory Committee on Heritage), Council shall consider such an application within 90 days of the receipt of application and may either refuse the application or consent and give notice to repeal the designating by-law (32(2)).

Should Council not make a decision within that 90 days, the application will be deemed to be approved.

The 1989 Official Plan

The subject site is currently designated Downtown. The urban design objectives in the Downtown designation encourage a high standard of design (4.1.2.(i)) and allow flexibility for individual design creativity and innovation (4.1.2.(ii)). They do however also require that new development should be designed to provide for continuity and harmony in architectural style with adjacent uses that have a distinct or attractive visual identity, or are recognized as being of architectural or historic significance (4.1.2.(vi)). It also recognizes that Council, under the policies of Chapter 13, Heritage Resources Policies, may designate buildings of cultural value or interest and these buildings may be zoned to protect existing structures under the provisions of Chapter 13 and the regulations of Zoning By-law (4.1.6.(x)).

Chapter 13 – Heritage Resources Policies provide additional policies regarding properties, buildings, and structures of cultural heritage value or interest, and in conjunction with the *Ontario Heritage Act*, provide the necessary framework for the protection and enhancement of the City's heritage resources. The policies in this section of the Plan are to achieve the protection of heritage resources which contribute to the identity and character of the City (13.1.(i)), encourage the protection, enhancement, restoration, maintenance, and utilization of buildings and structures within the city that are considered to be of cultural heritage value (13.1.(ii)), and encourage development to be sensitive to, and in harmony with the City's heritage resources (13.1.(iii)).

Under the *Ontario Heritage Act*, Council is granted the authority to recognize and protect heritage properties, structures, buildings, and portions of buildings through designation. This ensures any future changes to a property are in keeping with its character (13.2.). The criteria for designation include a property or building's architectural significance, historical significance, and contextual importance (13.2.2.). Where heritage buildings are designated under the *Ontario Heritage Act*, no alteration, removal, or demolition shall be undertaken which would adversely affect the reasons for designation, except in accordance with the *Ontario Heritage Act*. To ensure a greater degree of protection to designated heritage buildings and the features of a building or structure deemed to have particular heritage value, Council may enter into agreements with property owners (13.2.3.(i)).

The London 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 London Plan provides Key Directions (54_) to be considered in reviewing applications that provide direction and focus, which serve as a foundation to the policies of the Plan. Each direction encompasses a variety of strategies intended to guide planning and development over the twenty year planning horizon. Due to the nature of the proposed amendment, Direction #3: Celebrate and support London as a culturally rich, creative, and diverse city (57_), Direction #7: Build strong, healthy and attractive neighbourhoods for everyone (61_), and Direction #8: Make wise planning decisions (62_), are most applicable in this context, which present the following strategies:

(57_)

7. *Protect our built and cultural heritage to promote our unique identity and develop links to arts and eco-tourism in the London region.*
9. *Revitalize London's downtown, urban main streets, and their surrounding urban neighbourhoods to serve as the hubs of London's cultural community.*

(61_)

5. *Protect what we cherish by recognizing and enhancing our cultural identity, cultural heritage resources, neighbourhood character, and environmental features.*

(62_)

6. *Ensure that all planning decisions and municipal projects conform with The London Plan and are consistent with the Provincial Policy Statement.*
7. *Plan for sustainability – balance economic, environmental, and social considerations in all planning decisions.*
8. *Think “big picture” and long-term when making planning decisions – consider the implications of a short-term and/ or site-specific planning decision within the context of this broader view.*

The London Plan also provides clear direction for cultural heritage resources within the City Building Policies section. Policy 529_7 in the Culturally Rich and Diverse City subsection encourages the protection and celebration of the community's cultural and natural heritage resources to allow current and future generations the opportunity to identify with and enjoy the cultural experiences and spaces the city has to offer.

The subsequent Cultural Heritage subsection provides addition direction in this regard, to conserve London's cultural heritage resources so they can be passed on to our future generations (554_2), and to ensure new development is undertaken to enhance and be sensitive to cultural heritage resources (554_3). The general cultural heritage policies state that all efforts should be made to protect cultural heritage resources in the event of emergency or threat and other unanticipated situations or discoveries (564_).

Where an individual property is designated under Part IV of the *Ontario Heritage Act*, no alteration, removal, or demolition shall be undertaken that would adversely affect the reasons for designation, except in accordance with the *Ontario Heritage Act* (587_). Should City Council permit the demolition of a designated property, the City will ensure mitigation measures are undertaken, including a detailed documentation of the cultural heritage features to be lost, and may require the salvage of materials exhibiting cultural heritage value for the purpose of re-use or incorporation into the proposed development (591_).

3.0 Financial Impact/Considerations

There are no direct financial expenditures associated with this report.

4.0 Key Issues and Considerations

Through the circulation process there were substantial concerns or issues raised by internal departments based on the proposal submitted, and there were seven (7) responses from the public regarding this application. The section below identifies key issues and considerations in detail.

4.1 Issue and Consideration # 1 – Form (93-95 Dufferin Avenue)

Through the 2016 amendment that established the bonus zone under which the development was approved, the designating by-law and bonus zone identified the northerly and westerly facades of the building as being of architectural and historical importance. Through the redevelopment of the subject site, the heritage building was to remain as a whole until such time as construction commenced. As part of the overall construction project, the northern and western facades were to be braced and remain in situ while the remaining portions of the heritage building were removed and the new building was constructed behind them, incorporating the two facades into the overall structure of the new building.

The applicant has provided a structural engineer's report which has identified a high likelihood of failure.

During construction, the Owner retained a structural engineer to assess the structural value of the building who completed a report (attached herein as Appendix 'E') that states the masonry in the facades is in poor condition and the act of bracing the walls and demolishing the remainder of the building "is seen as a very expensive exercise with a high potential for failure". The Owner has therefore prepared as-built drawings and a conservation strategy for dismantling the facades by removing each attribute individually for recording and storage, and re-constructing the facades in their entirety reusing these salvaged materials. The applicant also proposes to prepare an interpretation plan through the Site Plan Approval process, including two interpretive plaques.

The requested proposal to demolish the heritage designated features has triggered the requirement for a Heritage Demolition Permit, as well as a Zoning By-law Amendment to modify the regulations of the bonus zone.

During the 2016 rezoning, staff worked at length with the applicant to achieve a development that responded appropriately to its context within the downtown and comprising multiple properties with cultural heritage attributes. The result was a development proposal that both incorporated those heritage features and contributes positively to the skyline and streetscape of the downtown. The bonus zone permitted an increase in height to 129 metres and a density of up to 1200 units per hectare in return for quality building and site design, underground parking, a contribution to public art, the incorporation of the Camden Terrace facades, and the heritage designation of 93-95 Dufferin Avenue. The design of the building has since been approved through the Site Plan Approval process, and the bonus agreement recognizing the above matters has been registered on title. The policies regarding building design and contribution to the downtown are less pertinent to this aspect of the application since they are decided matters of Council. The use, intensity, and form of development previously approved as part of the current Bonus zoning remain largely unchanged. The proposed demolition of the heritage resource at 93-95 Dufferin Avenue is presently at issue.

Provincial Policy Statement, 2020 (PPS)

The Provincial Policy Statement 2020 (PPS) provides policy direction on matters of provincial interest related to land use and development. Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns of the PPS encourages long-term economic prosperity by maintaining and,

where possible, enhancing the viability of downtowns and main streets (1.7.1(d)), and encouraging a sense of place by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes (1.7.1(e)). Section 2.0 Wise Use and Management of Resources of the PPS speaks to cultural heritage and requires that significant built heritage resources and significant cultural heritage landscapes shall be conserved (2.6.1).

1989 Official Plan

The objectives of the 1989 Official Plan are clear in stating that where properties of cultural heritage value are threatened, the policies present in the Plan provide the framework for the protection and enhancement of heritage resources. These policies were analyzed in detail during the 2016 zoning by-law amendment that granted the development permissions for the subject property, and resulted in the designation of the northerly and westerly facades of 93-93 Dufferin Avenue based on the criteria outlined in the *Ontario Heritage Act* and articulated in policy 13.2.2., being of architectural, historical, and contextual significance. This designation under Part IV of the *Heritage Act* results in a prohibition from alteration, removal, and demolition that would adversely affect these reasons (heritage attributes) for designation.

However, the *Heritage Act* does grant the property owner the ability to submit an application to Municipal Council for the repeal of the designating by-law and allow for the demolition of a designated structure. Neither the *Act* nor the 1989 Official Plan contain criteria for the evaluation of such an application. However, the evaluation criteria for the designation of a heritage resource is available as a contextual foundation for the intent of the policies in the *Ontario Heritage Act* and the 1989 Official Plan.

These criteria – being the architectural, historical, and contextual significance of a property or structure, do not include an exception for structural deficiency. The structural capacity of a building is not a consideration when evaluating whether a structure should be designated, and is therefore not deemed to be a compelling factor in the repeal of a designating by-law. The introduction to Chapter 13: Heritage Resources Policies acknowledges that properties of cultural heritage value may be threatened by neglect, obsolescence, redevelopment, and the lack of financial means necessary for protection or rehabilitation, and further states that the policies therein provide the necessary framework for their protection and enhancement.

As such, the proposal for the demolition of designated heritage features identified in the approved bonus zone and provided in part, in return for additional building height and density, is not compliant with the policies of the 1989 Official Plan.

The London Plan

The London Plan was not in force during the original 2016 zoning by-law amendment and its policies were not considered. However, The London Plan provides relevant direction on this new application, especially regarding cultural heritage.

Key Direction #7 requires the protection and enhancement of cultural heritage resources, which is further expanded upon in the policies of the Cultural Heritage section of the Plan. The proposal to demolish the designated features of 93-95 Dufferin Avenue does not conform to these policies nor their intent to conserve and enhance this heritage resource (554_2, 554_3).

This section of the Plan impresses the importance of conservation and states that all efforts should be made to protect cultural heritage resources in the event of unanticipated situations or discoveries (564_). The documentation provided by the applicant constitutes an unanticipated discovery, in that the structural stability of the building masonry was not assessed during the time of the initial rezoning nor when it was designated. However, the structural integrity of a building or structure does not factor into the reasons for designation and has no bearing on the architectural and historical importance of the designated features. The report by the owner's engineer

refers to the proposal for bracing the walls as an expensive exercise with a high probability of failure – such an exercise would constitute “all efforts” as required by policy 564_.

Key Direction #8 provides additional guidance when considering planning applications, requiring conformity with the PPS and official plan, and considering the broader implications of planning decisions in a long-term context. Granting permission to not follow through on one of the items required through the bonus zone for which additional height and density was granted may establish a precedent in the downtown, not only with respect to how bonus zones are implemented, but also regarding the treatment of heritage designated properties throughout the city. Demolishing heritage designated attributes on the basis that they exhibit issues with structural integrity would establish the foundation for additional applications to be brought forward in kind, and allow for financial matters to determine the outcome of designation processes when they are not considered as part of the designation criteria under the *Ontario Heritage Act*. This permission would contravene policies 554_, 564_, and 567_, which (as noted above) all require the conservation of cultural heritage resources, as well as policy 587_, which also states that no alteration, removal, or demolition shall be undertaken that would adversely affect the reasons for designation, except in accordance with the *Ontario Heritage Act*.

Despite the applicant’s proposal to reconstruct the façades, this would still require the repeal of the designating by-law and would constitute a commemoration, not conservation, as is required by the policies identified previously. Similar to the reconstruction of the Camden Terrace facades (479-489 Talbot Street), the request to demolish and reconstruct the facades at 93-95 Dufferin Avenue would result in it no longer being considered a cultural heritage resource by nature of its removal from the City’s Inventory of Heritage Resources. The only mechanism for requiring the commemoration of both Camden Terrace and 93-95 Dufferin Avenue is the bonus zone that was established after a lengthy review and consideration process, which determined that 93-95 Dufferin Avenue was of cultural heritage significance. The designation of the Dufferin Avenue building and the commemoration of the Talbot Street facades were, together, considered in return for the increased height and density permissions. As such, this application does not conform to the policies and intent of The London Plan.

4.2 Issue and Consideration # 2 – Form (Camden Terrace Commemoration)

The second component to this Zoning By-law Amendment is the alteration to the commemoration of Camden Terrace. As noted above, the facades are no longer protected by the cultural heritage policies of The London Plan or the 1989 Official Plan, but the commemoration is regulated under the Zoning By-law as per the approved bonus zone:

3. *Heritage Commemoration - Camden Terrace (479-489 Talbot Street)*
 - a. *The documentation and appropriate storage of original materials including brick and exterior masonry work to retain their integrity.*
 - b. *The construction of a commemorative monument which interprets a range of the significant heritage attributes of the Camden Terrace front facade in the manner documented in the January 4, 2016 "Heritage Overview Report" prepared by Stantec Consulting Ltd. and further described in the accompanying August 19, 2016 "Commemoration Overview" letter and shown in attached Schedule "1" to the amending by-law, and which generally includes the following features:*
 - i. *Multi-structure residential row house proportions including six buildings enclosed within three sections, with each containing two terrace residences with mirrored facades;*
 - ii. *With the individual row house sections containing the same proportion of bay windows, doors and upper-storey windows as the original structures.*
 - iii. *A uniformed setback from the public sidewalk.*
 - iv. *A uniformed eaves line.*

- v. *The use of original building materials salvaged during the demolition of Camden Terrace including stone lintels and original yellow (London) brick.*
- vi. *Other details such as pilasters, drip course, and cornice frieze, high transforms above front entry doors, and half-elliptical lintels on upper storeys.*
- c. *The provision of plaques, interpretive signage and/or other commemorative items which relate to the heritage attributes of the site and includes the following subject matter: site history with an emphasis on 19th century character of the Talbot Street Corridor; the origins and construction of Camden Terrace; and, details regarding the deconstruction and reconstruction of the commemorative monument (facade replication).*
- d. *The provision of clear glazing along the length of the Talbot Street building façade which is east of the commemorative monument so as to maintain public views to the monument in perpetuity.*

At the time of the 2016 rezoning that established the bonus zone, the interior portion of the building fronting Talbot Street was intended to be an open lobby in association with the residential component of the building.

Through the Site Plan process, this internal space was rearranged with respect to the location of elevators, internal parking, and the space was proposed to be used for commercial purposes instead of a lobby. To ensure consistency with the bonus zone and to respect the original character of the facades, they were proposed as three pairs - with four grouped south of the main entrance and two to the north, constructed against the wall separating the commercial spaces from the internal parking structure. This was generally consistent with the original locations of the buildings as the four units to the south were constructed with stoops and front stairs given the natural slope of Talbot Street from the high point at Dufferin Avenue, down to Fullarton Street. It is noted that the roofs and dormered windows were not included in this reconstruction proposal due to the height of the interior space.

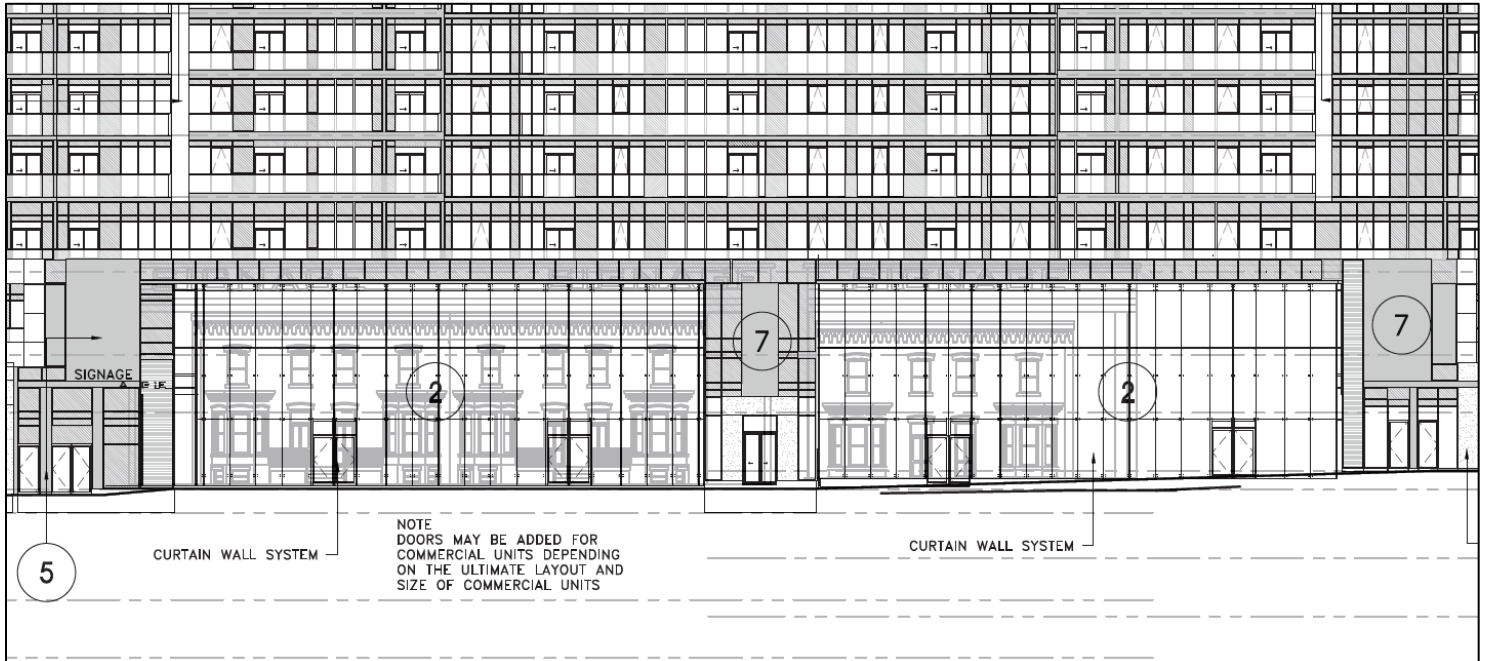


Figure 1: Approved Easterly Elevation (Talbot Street)

The bonus agreement entered into between the City and the owner contained provisions to implement regulation 3.(d) of the bonus zone requiring the facades to continue to be visible to the public. This included restrictions on items such as structures, signage, and furniture to ensure visibility from the public right of way is maintained in a substantial and meaningful way.

In order to maintain public views to the facades the applicant is now proposing to locate them on the exterior of the main building. The initial application included renders showing 8 townhouses where the original building only contained 6. Through detailed

design review and coordination with the applicant, the proposal has been amended to include only the original 6 facades.



Figure 2: Proposed Easterly Elevation (Talbot Street)

Through the shift to the exterior wall of the building, the applicant is now also proposing the replication of the roof line and dormered windows. The proportions have shifted to accommodate four of the six facades north of the entrance, and two to the south to maintain the couplets. As the doors are now intended to be operable and open into the interior commercial units, the original stoops are not being replicated to ensure barrier-free access to the units – this has resulted in the doors being located at grade, and due to the slope of Talbot Street, locating four facades to the north results in a lesser change to the door locations.

Policy 591_ of The London Plan states that where a property listed on the Register is to be demolished, the City may require the salvage of materials exhibiting cultural heritage value for the purpose of re-use or incorporation into the proposed development. The 1989 Official Plan also permits the City to enter into agreements with property owners to protect features of a building with heritage value. There are, however, no policies in either plan that specifically address the proposed change to a heritage commemoration as required by a bonus zone.

The recommended amendment is consistent with the intent and purpose of the approved bonus zone in that it maintains public views to the façades, maintains the significant heritage attributes including the rowhouse proportions, mirrored facades, cornices, eaves, and lintels, and further contributes to the context of the facades by including the roof and windows on the upper storey. While the stoops and door locations are no longer a true recreation, the design is deemed to be an appropriate and minor deviation that conforms to the policies of The London Plan, the 1989 Official Plan, and the Zoning By-law.

4.3 Issue and Consideration # 3 – Use and Intensity

1989 Official Plan and The London Plan

Both the 1989 Official Plan and The London Plan contain policies regarding the use of land in the Downtown designation and Downtown Place Type, respectively, for mixed-use apartment buildings. The proposed use and intensity were approved during the 2016 rezoning and the applicant is not requesting an amendment to these matters. As such, the development as proposed is of an appropriate use and intensity.

Conclusion

The requested amendment to amend the Downtown Bonus (DA2*D350*B-38) Zone to permit the demolition of the designated heritage buildings at 93-95 Dufferin Avenue does not conform to the policies of the PPS 2020, nor with the City of London 1989 Official Plan or The London Plan.

However, the requested amendment to allow for the Camden Terrace facades to be constructed on the exterior wall of the building is consistent with the PPS 2020, the City of London 1989 Official Plan and The London Plan in that it continues to implement the intent and purpose of the original provisions of the Downtown Bonus (DA2*D350*B38) Zone.

Prepared by: Meg Sundercock, BURPL
Site Development Planner, Development Services

Recommended by: Paul Yeoman, RPP, PLE
Director, Development Services

Submitted by: George Kotsifas, P. Eng.
Managing Director, Development and Compliance
Services and Chief Building Official

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 Development Services.

cc: Michael Tomazincic, MCIP, RPP, Manager, Current Planning

February 22, 2021
MS\mt

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Appendix A

Bill No. (number to be inserted by Clerk's Office)
2021

By-law No. Z.-1-21 _____

A by-law to amend By-law No. Z.-1 to rezone a portion of an area of land located at 100 Fullarton Street

WHEREAS Old Pak Properties Inc. have applied to rezone and area of land located at 100 Fullarton Street as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Section Number 4.3 of the General Provisions Bonus Zones is amended by replacing the existing provisions with the following:

B-(38) 100 Fullarton Street

This bonus zone is intended to facilitate a development design which includes three new mixed-use apartment buildings ranging from 39m to 129m in height, with a maximum density of 1200 units per hectare across the overall site. The proposed development consists of three building portions, including: Building A (addressed at 495 Talbot Street), a 39m building with 92 residential units and 610m² of commercial space, Building B (addressed as 110 Fullarton Street), a 128.85m building with 349 residential units and 660m² of commercial space, and Building C (addressed as 99 Dufferin Avenue), a 101.5m building with 262 residential units and 660m² of commercial space. The proposed development shall be implemented through one or more agreements in return for the provision of the following services, facilities, and matters:

1. A building design which, with minor variations at the discretion of the Managing Director, Planning and City Planner, is consistent with the Site Plan and Illustrations attached as Schedule "1" to the amending by-law (variations may include, but are not limited to, the reduction of above-grade structured parking in lieu of additional underground parking and/or the reduction of the total number of parking spaces and variations in the proposed unit types).
2. High Design Standards

Specifically, the building design referred to in Clause 1 above, and shown in the various illustrations contained in attached Schedule "1" of the amending by-law, is being bonused for the following features which serve to support the City's objectives of promoting a high standard of design for buildings constructed in prominent locations such as the Downtown, as outlined in Chapter 11 of the Official Plan and the Downtown Design Guidelines:

Overall Design Features

- a. A modern architectural design that utilizes vision glass and spandrel glass (window-wall) as the primary form of cladding, contains a low proportion of exposed concrete, and uses clear glass balcony barriers, all of which serve to mitigate the overall visual building mass and provide a light and refined appearance in the city skyline.

Podium Design

- a. Incorporates architectural details that creates a prominent and distinctive base including ceramic panels skirting the face of the second and third floor terraces.
- b. A ground floor ceiling height that is appropriate for a range of commercial uses, with the façade comprised primarily of floor-to-ceiling vision glazing for views into and out of the building contributing to an animated streetscape.
- c. Separate and direct exterior entrances to commercial uses on the ground floor to animate the pedestrian realm from the city sidewalk.
- d. Permanent architecturally integrated canopies above the first floor to architecturally differentiate the building base and provide overhead protection from natural elements.

Tower Design

- a. Point tower forms with floor-plates no greater than 1,000m².
- b. Clad primarily in vision glass and spandrel glass (window-wall) panels.
- c. Includes horizontal projecting balconies and vertical precast end panels to create articulation and variation in the massing of the facades.

Building Caps

- a. A visually interesting building top and distinguishable cap of a design quality that will contribute positively to London's skyline.
- b. The use of building step-backs and variation in massing to define the building cap with mechanical elements completely concealed within the overall architectural design of the top of the buildings.

3. Heritage Conservation (93-95 Dufferin Avenue)

The significant attributes of the built heritage resource located at 93 and 95 Dufferin Avenue shall be conserved in the following manner:

- a. The designation of heritage attributes (generally associated with the northerly and westerly facades) of the original building under Part IV of the *Ontario Heritage Act*.
- b. The complete retention, in-situ, of 93-95 Dufferin until such time as partial removal is necessary to facilitate Building C of the proposed redevelopment.
- c. The incorporation of significant heritage attributes of the original building, including the northern and western facades in situ, into the overall design of Phase 3 of the new development as is depicted in attached Schedule "1" to the amending by-law.

4. Heritage Commemoration - Camden Terrace (479-489 Talbot Street)

- a. The documentation and appropriate storage of original materials including brick and exterior masonry work to retain their integrity.
- b. The construction of a commemorative monument which interprets a range of the significant heritage attributes of the Camden Terrace front facade in the manner documented in the January 4, 2016 "Heritage Overview Report" prepared by Stantec Consulting Ltd. and further described in the accompanying August 19, 2016 "Commemoration Overview" letter and shown in attached Schedule "1" to the amending by-law, and which generally includes the following features:
 - i. Multi-structure residential row house proportions including six buildings enclosed within three sections, with each containing two terrace residences with mirrored facades;
 - ii. With the individual row house sections containing the same proportion of bay windows, doors, and upper-storey windows as the original structures.

- iii. A uniformed setback from the public sidewalk.
 - iv. A uniformed eaves line.
 - v. The use of original building materials salvaged during the demolition of Camden Terrace including stone lintels and original yellow (London) brick.
 - vi. Other details such as pilasters, drip course, and cornice frieze, high transforms above front entry doors, and half-elliptical lintels on upper storeys.
- c. The provision of plaques, interpretive signage and/or other commemorative items which relate to the heritage attributes of the site and includes the following subject matter: site history with an emphasis on 19th century character of the Talbot Street Corridor; the origins and construction of Camden Terrace; and, details regarding the deconstruction and reconstruction of the commemorative monument (facade replication).
 - d. The provision for the commemorative monument to be constructed on the exterior wall of the building facing Talbot Street so as to maintain public views to the monument in perpetuity.

5. Urban Plaza/Forecourt

- a. The provision of a publicly accessible urban plaza/forecourt along the Talbot Street frontage which is generally located in the vicinity of the primary entrance to the Talbot Street building (Phase 1), east of the commemorative monument as shown in attached Schedule "1" to the amending by-law.
- b. The provision of two-storey vision glass panels along portions of the Talbot Street building facade that front the urban plaza/forecourt to maintain views to active ground floor uses and the commemorative monument.

6. Parking Strategy

- a. A minimum of 4 levels of underground parking.
- b. Any necessary above grade structured parking is to be located to rear of the proposed building(s) and screened from the street by commercial and/or residential uses.

7. Site Landscaping/Public Realm

Landscaping used to enhance the appearance of building setback and yard areas by:

- a. A continuous row of planting along the western lot line of the property currently known as 93 Dufferin Avenue.
- b. Raised concrete planters along Talbot Street and Dufferin Avenue and Fullarton Street, to define the interface of the subject site and the public right of way and to function as informal seating, as approved by the City through the site plan process.
- c. Shade trees in the raised concrete planters.
- d. The incorporation of non-asphalt materials and paving patterns into pedestrian sidewalks and pathways adjacent to the proposed buildings as approved by the City through the site plan process.

8. Public Art Contribution

- a. The contribution of funding for public art in the amount of \$250,000 to be provided during the site plan approval process.
- b. Such public art will be established through a process that is consistent with the City's public art policy as applicable, to the satisfaction of the Manager of Culture and The City Planner, and ensuring input from the developer.

The following special regulations apply within the bonus zone:

- a) Regulations:
 - i. Density: 1200 units per hectare (Max.)
 - ii. Height: 129 metres (Max.)

iii. Setback for Residential 0 metres Component of Buildings: (Min.)

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the Planning Act, R.S.O. 1990, c. P13, either upon the date of the passage of this by-law or as otherwise provided by the said section.

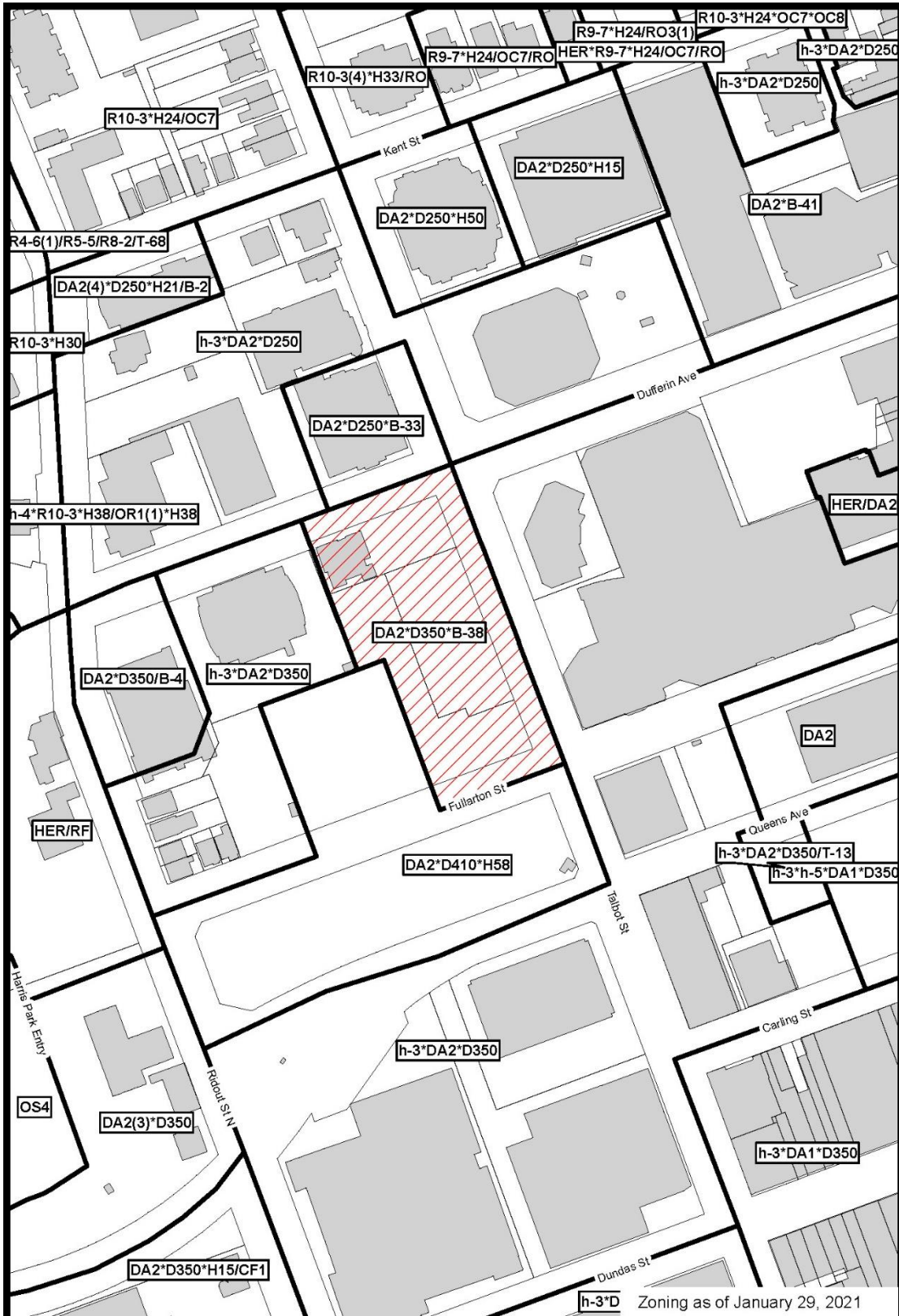
PASSED in Open Council on March 23, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – March 23, 2021
Second Reading – March 23, 2021
Third Reading – March 23, 2021

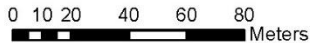
AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



File Number: Z-9250
 Planner: MS
 Date Prepared: 2021/02/09
 Technician: rc
 By-Law No: Z.-1-

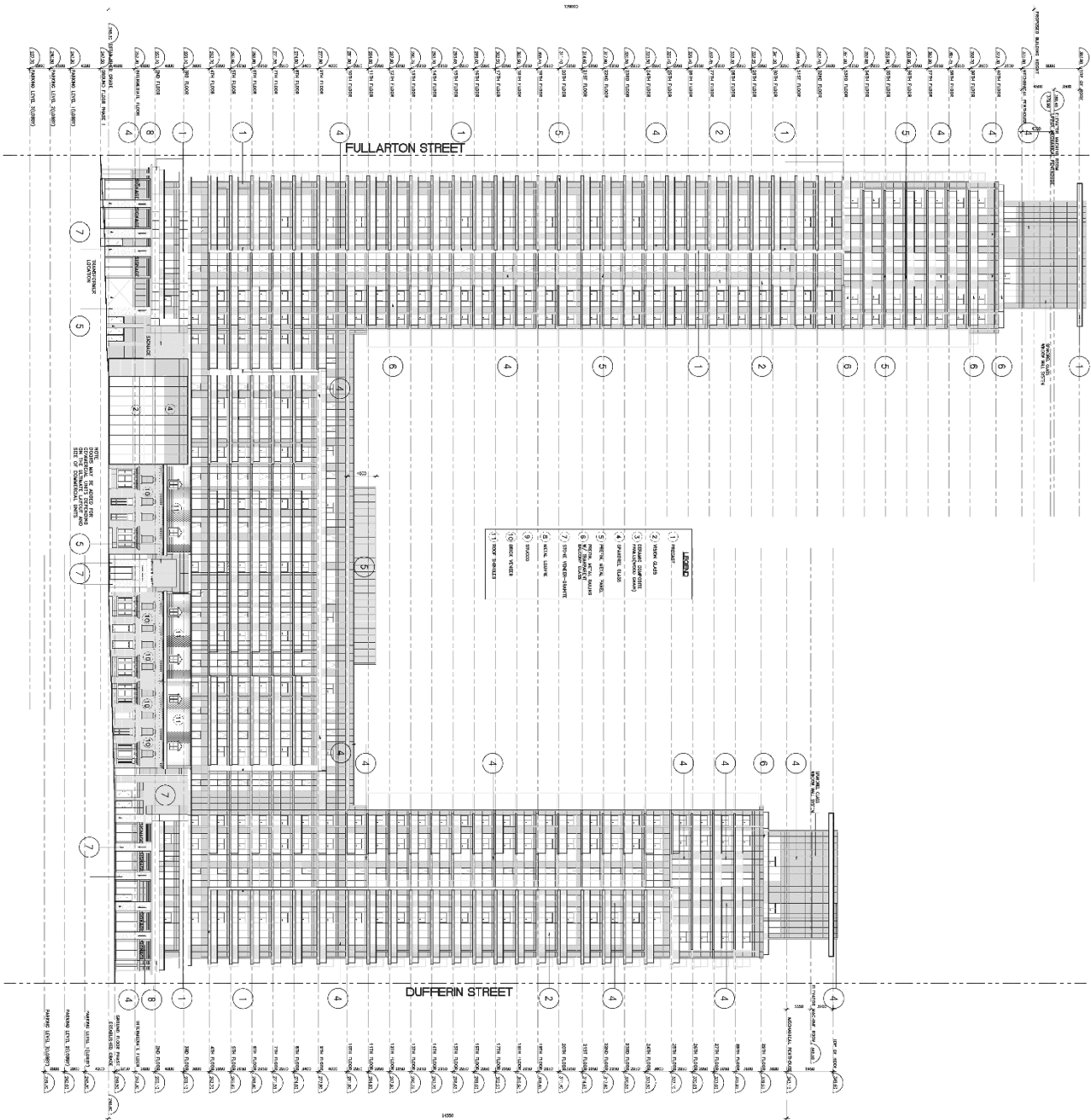
SUBJECT SITE 

1:2,000

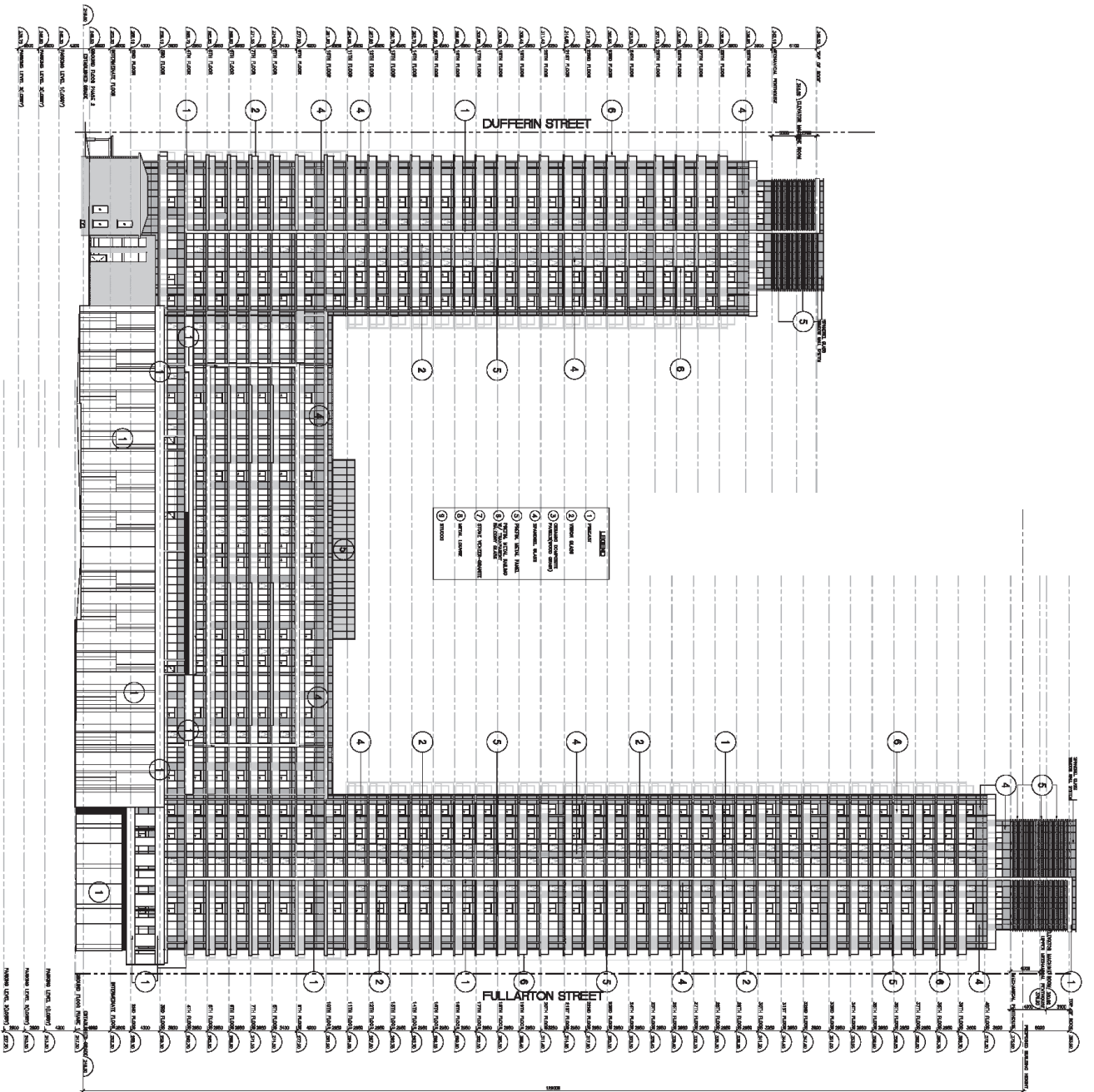


Schedule "1"

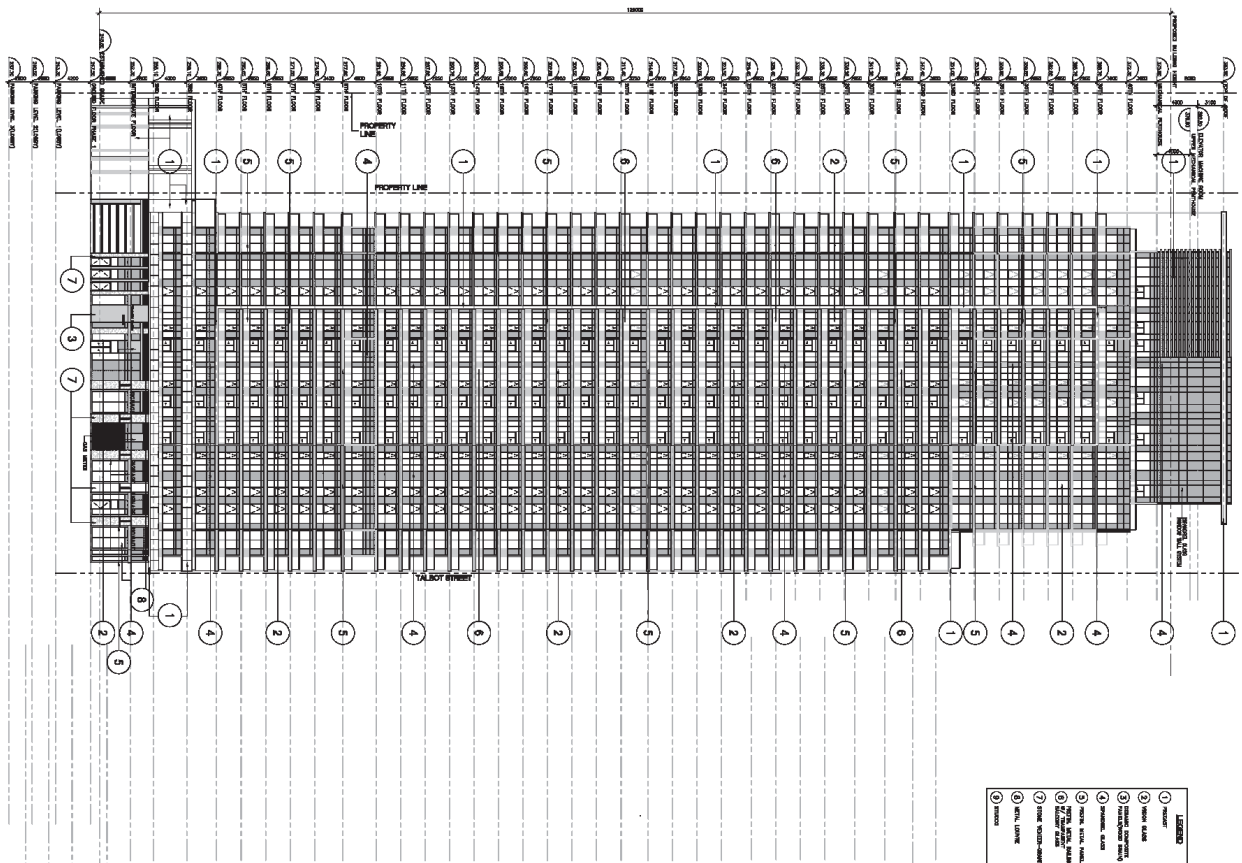
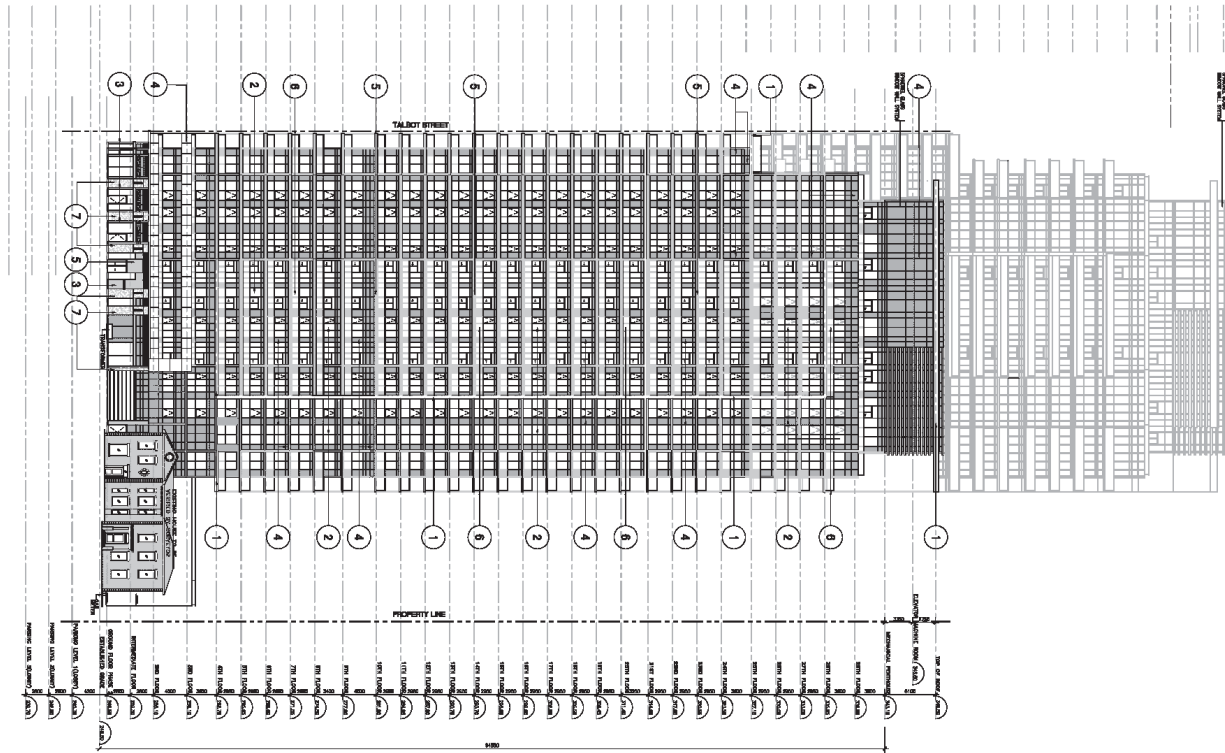
East Elevation (Talbot Street)



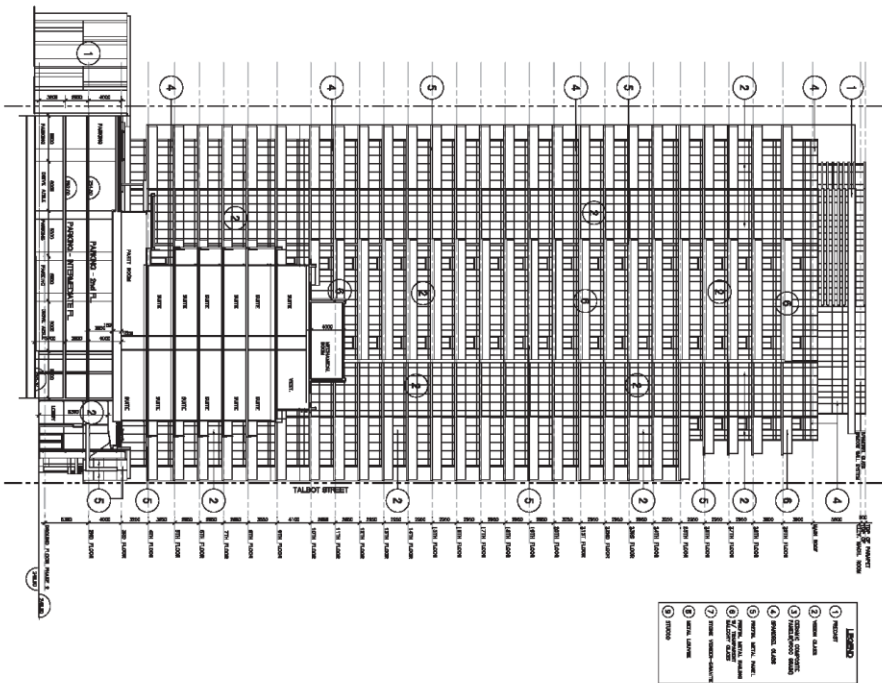
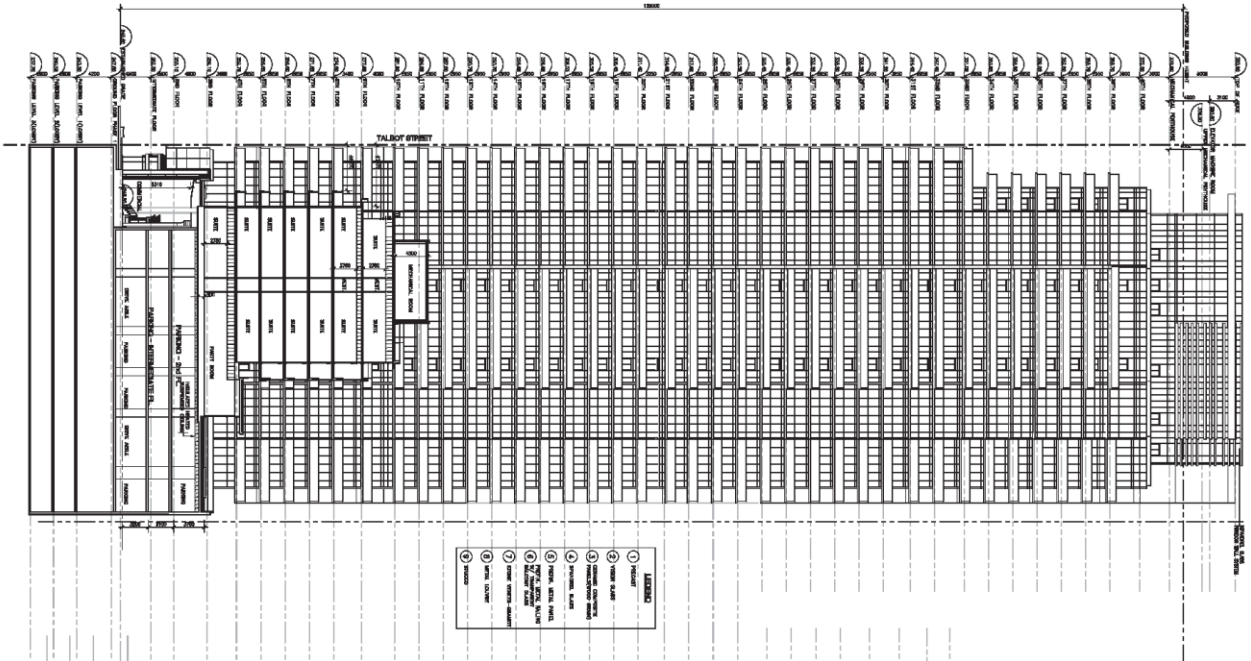
West Elevation



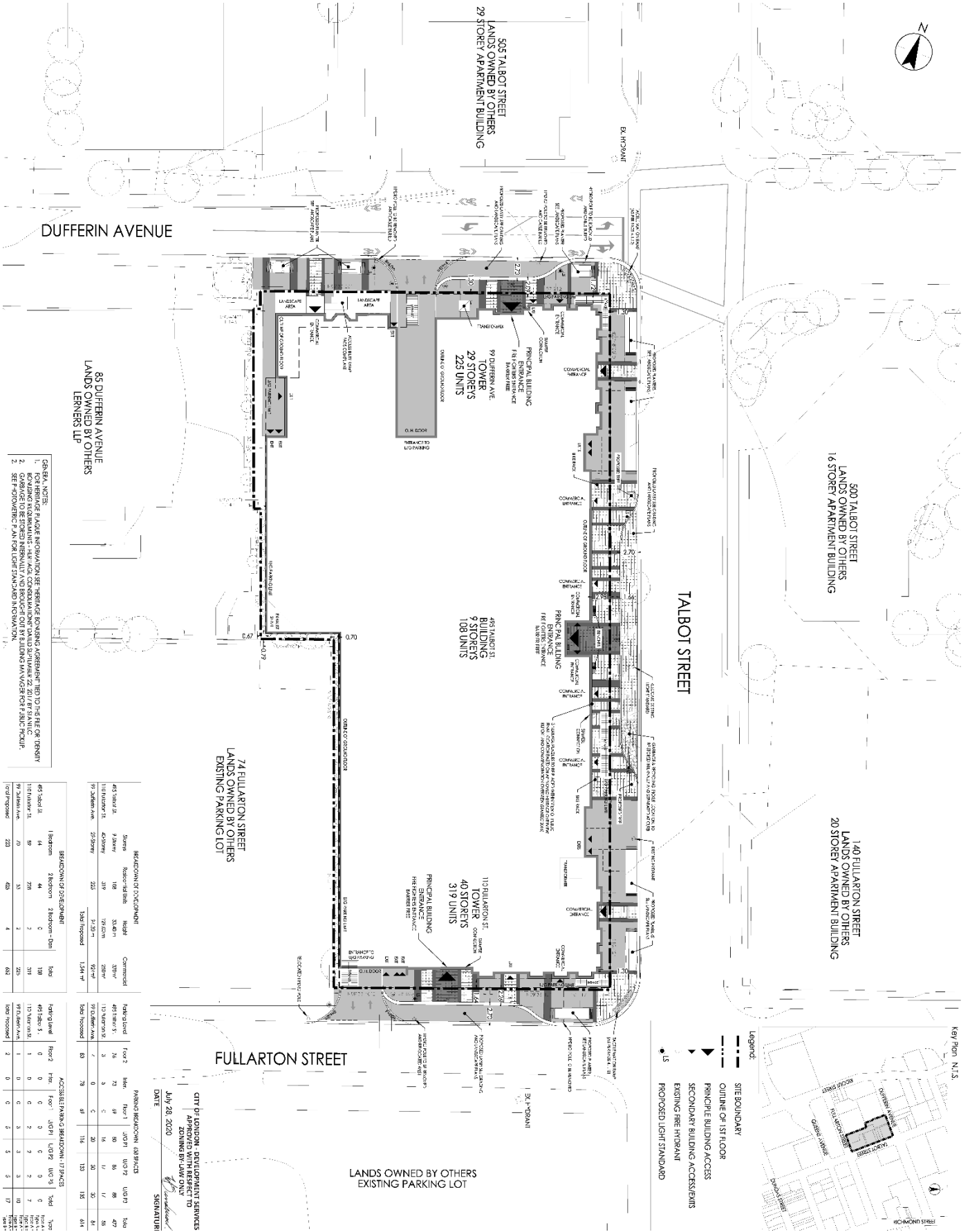
North and South Elevations



Cross Sections



Site Plan



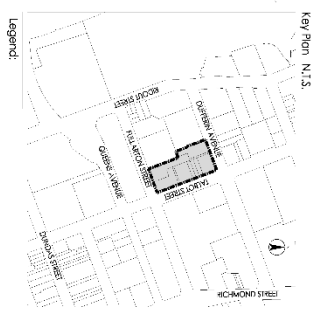
- GENERAL NOTES:
1. FOR HERBAGE FLAQUE INFORMATION SET HERBAGE HOUSING AGREEMENT TO THE TITLE OR DENSITY
 2. FOR HERBAGE FLAQUE INFORMATION SET HERBAGE HOUSING AGREEMENT TO THE TITLE OR DENSITY
 3. FOR HERBAGE FLAQUE INFORMATION SET HERBAGE HOUSING AGREEMENT TO THE TITLE OR DENSITY
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 10. FOR HERBAGE FLAQUE INFORMATION SET HERBAGE HOUSING AGREEMENT TO THE TITLE OR DENSITY

Bedroom	2 Bedroom	2 Bedroom - Den	3 Bed
45	44	0	108
69	78	2	319
71	35	2	229
225	265	4	662

Sherry	Residential/Hotel	Hotel	Commercial
189	319	207	319
110	192	92	92
99	225	134	134

Bedroom	2 Bedroom	2 Bedroom - Den	3 Bed
45	44	0	108
69	78	2	319
71	35	2	229
225	265	4	662

CITY OF LONDON - DEVELOPMENT SERVICES
 APPROVED WITH RESPECT TO
 ZONING BY-LAW ONLY
 DATE: July 28, 2020
 SIGNATURE: [Signature]



- Legend:
- SITE BOUNDARY
 - OUTLINE OF 1ST FLOOR
 - PRINCIPLE BUILDING ACCESS
 - SECONDARY BUILDING ACCESS/EXITS
 - EXISTING FIRE HYDRANT
 - PROPOSED LIGHT STANDARD

Appendix B – Public Engagement

Community Engagement

Public liaison: On October 14, 2020, Notice of Application was sent to all property owners within 120 metres of the subject site and those who previously made public comment during the 2016 rezoning. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on October 15, 2021.

Six (6) replies were received

Nature of Liaison: The purpose and effect of this zoning change is to amend the existing Bonus Zone to allow for alternative heritage commemoration measures for 93-95 Dufferin Avenue and Camden Terrace (479-489 Talbot Street). Possible change to Zoning By-law Z.-1 **FROM** a Downtown Bonus (DA2*D350*B-38) Zone **TO** a Downtown Bonus (DA2*D350*B- (_)) Zone. The amendment would permit the demolition and reconstruction of the façade of 93-95 Dufferin Avenue rather than retention in situ; and, the reconstruction of the Camden terrace façade on the exterior of the building on Talbot Street instead of internal to the building.

Responses: A summary of the various comments received include concern for the demolition of the heritage designated features of 93-95 Dufferin Avenue, and a number of comments expressing concern regarding parking and site design matters for the overall development.

Responses to Public Liaison Letter and Publication in “The Londoner”

Written	
Architectural Conservancy of Ontario c/o Kelley McKeating, President 1017 Western Road London ON	AnnaMaria Valastro 1 - 133 John Street London ON
DLN Group Inc. c/o David L. Nuttall 703-500 Talbot Street London ON	Niels and Wendy Petersen 1601 – 505 Talbot Street London ON
Pam and Ron Casey 2405 – 505 Talbot Street London ON	Tyrrel de Langley 601 Talbot Street London ON



Architectural Conservancy Ontario – London Region Branch
Grosvenor Lodge
1017 Western Road
London, ON N6G 1G5

November 4, 2020

Meg Sundercock – msundercock@london.ca
Site Development Planner
Development Services
City of London

Re: File Z-9250 – 100 Fullarton Street

Dear Ms. Sundercock:

On behalf of the London Region branch of Architectural Conservancy Ontario (ACO London), I am writing to express opposition to the requested zoning by-law amendment for 100 Fullarton Street which will impact 93-95 Dufferin Street and 475-501 Talbot Street (the former Camden Terrace).

Background

As you know, the double house at 93-95 Dufferin Street has significant cultural heritage value. Of Italianate (93) and Classical Revival (95) style, it is believed to have been designed by Samuel Peters (London's first City Engineer). Mr. Peters lived in 93 Dufferin Street from approximately 1868 to 1882. Later on, Colonel John Walker (Member of Parliament in 1874; Middlesex County Registrar) lived there.

The extensive heritage attributes of 93-95 Dufferin Street are summarized as follows in the designation by-law:

- Form and scale of a significant portion of the double house, including the northerly and westerly facades;
- Buff brick;
- Demonstration of the Italianate style in 93 Dufferin Avenue: shallow hipped roof; paired wooden eave brackets; balanced proportions of street-face façade in three bays in the upper and lower storey; window and door openings, including robust lugsills and lintels with a gentle peak; wide, six panel single leaf door with rounded arch fan light transom above, and framed with wooden fluted pilasters and trim; a flat-roofed front porch supported by a cornice containing an entablature with modillions and plain frieze, itself supported on square columns set on masonry plinths; brickwork detailing on street-facing and westerly facades including quoining, a plain frieze, and stringcourse; window



openings with robust lugsills and capped with vertical-laid brick flat-arches on original building westerly façade;

- Double storey bay window, acting as a bridge between 93 and 95 Dufferin Avenue;
- Demonstration of the Classical Revival style in 95 Dufferin Avenue: temple front façade and peaked roof form; round window with laurel wreath surround, set in gable pediment with scalloped siding and wood dentilled trim; oval window with keystone frame; paired wooden eave brackets; brickwork detailing, including quoining, a plain frieze, and stringcourse; window sills and lintels with a gentle peak; blocks above entry doorway

City Council’s decision to permit the demolition of Camden Terrace at 475-501 Talbot Street (and to not pursue its designation under Part IV of the Ontario Heritage Act – despite strong evidence of its cultural heritage value) was controversial, and came only after considerable debate and discussion. The requirement for the property-owner to carefully dismantle the façade and then to reconstruct it within the lobby of the new building was a key element in Council’s eventual decision to approve the demolition and the proposed development on the property now known as 100 Fullarton Street.

Our Concerns

Our concerns can be summarized as follows:

- In our opinion, approval of the requested by-law amendment as it pertains to 93-95 Dufferin Street would be contrary to Section 1.7.1(e) of the 2020 Provincial Policy Statement (PPS) which states that “Long-term economic prosperity should be supported by ... conserving features that help define character, including built heritage resources and cultural heritage landscapes”.
- Approval as it pertains to 93-95 Dufferin Street would also be contrary, in our opinion, to Sections 2.6.1 and 2.6.3 of the PPS which state that “Significant built heritage resources and significant cultural heritage landscapes shall be conserved” and that “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”.
- There are examples, in Toronto, Montreal, and elsewhere, of heritage buildings being conserved in their entirety within large-scale new developments. Our opinion is that conservation of at least the northern and western façades of 93-95 Dufferin Street, in situ (as required by the bonus by-law), would enhance the proposed development and should be viewed by the property-owner as an opportunity for design excellence rather than an inconvenience.
- Bonusing was negotiated by the city as a trade-off in return for certain commitments by the then-owner of this property when permission was granted to demolish Camden Terrace and when site plan approval was granted.



- The bonusing was granted subject to conditions set out by the city, and commitments made by the property-owner, which included the “complete retention, in situ, of 93-95 Dufferin until such time as partial removal is necessary to facilitate Phase 3 of the proposed redevelopment” and the “incorporation of significant heritage attributes of the original building, including the northern and western facades, in situ, into the overall design of Phase 3 of the new development” and – with respect to the former Camden Terrace – “construction of a commemorative monument” which essentially required the reconstruction of the original façade using the original building materials that were salvaged during its demolition. The commemorative monument was to be placed inside the east lobby of the new building with “clear glazing along the length of the Talbot Street building façade which is east of the commemorative monument so as to maintain public views to the monument in perpetuity”.
- If the current property-owner no longer wishes to abide by the agreed-on conditions, then it would be appropriate in our opinion for the city to rescind the bonusing that was previously granted and also to rescind any approvals that were conditional on the agreed-on commitments being met.

With respect to the Camden Terrace commemoration, it may be reasonable to permit the property-owner to place the commemorative monument on the exterior of the east side of the building facing Talbot Street. This accommodation should be subject to all of the criteria set out in Sections 4b and 4c of the relevant bonus zone by-law (B-38). This should include a requirement that the commemorative monument retain the proportions of the original building which included six (not eight) terrace residences.

Finally, we would observe that certain documents referred to in the bonus zone by-law are not easily accessible to the public. These include Schedule 1 to the amending by-law, the January 4, 2016 "Heritage Overview Report" prepared by Stantec Consulting Ltd., and an August 19, 2016 "Commemoration Overview" letter. In conjunction with this request for public input, it would have been helpful for these documents to have been made available to interested parties. In addition, the October 14, 2020 public notice regarding this planning application does not appear to have been posted to the city Web site. For ease of sharing such documents and for general transparency, our opinion is that such notices should be posted to the city Web site.

We appreciate your taking our comments into consideration. If you have any questions regarding our submission, please contact me.

Sincerely,

Kelley McKeating
President, Architectural Conservancy Ontario – London Region

Copy: Arielle Kayabaga, Councillor for Ward 13 (akayabaga@london.ca)
Kyle Gonyou, Heritage Planner (kgonyou@london.ca)

Architectural Conservancy Ontario – London Region Branch
Grosvenor Lodge, 1017 Western Road, London ON N6G 1G5
Telephone: 519-645-0981 | Fax: 519-645-0981 | Web: www.aoolondon.ca | E-mail: info@aoolondon.ca

The past. Our present. Your future.



Sundercock, Meg

From: [REDACTED]
Sent: Tuesday, November 3, 2020 4:23 PM
Subject: [EXTERNAL] heritage alert: Camden Terrace yet again !!!
Importance: High

Please circulate widely

Hello

It like a recurring nightmare and frustrated by a Mayor that is a developers' dream.

Old Oak Properties which purchased the lands where Camden Terrace once stood now wants to demolish the only building that was designated heritage on the site - 93-95 Dufferin Ave.

They have an entire city block to build and can't figure out how to incorporate one heritage building. What's worse is they are required to retain the original bricks of Camden Terrace to be used in rebuilding the Camden Terrace façade. Those bricks were never reclaimed because these developers know that city hall and council are 'jelly' when it comes to standing up for heritage in this city and upholding the principles of the London Plan. Thousands of Londoners participated in the forming of the London Plan and it was all for nothing.

The London Plan clearly states:

_554 - 3. Ensure that new development and public works are undertaken to enhance and be sensitive to our cultural heritage resources.

562_ Strategies will be developed to promote the adaptive re-use or repurposing of existing built heritage assets to support green building design to reduce demand on natural resources.

563_ In conformity with the Urban Regeneration policies in the Our City part of this Plan, initiatives will be taken to support the adaptive re-use of cultural heritage resources to facilitate economic revitalization of neighbourhoods and business areas.

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. 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.

Stick to the Plan and stop making a mockery of public engagement.

If you oppose the demolition of 93-95 Dufferin Ave, please speak up and send your comments directly to council at lmorris@london.ca. Heritage preservation has become one of the biggest issues in London today, so remind council that heritage matters and not just the profits of developers and city hall.

Here is my reply:

Dear Members of Council.

Re: the demolition request of 93-95 Dufferin St.

NO, NO and Again NO

Simple as that.

Please speak up today.

AnnaMaria Valastro

[REDACTED]

Special Note: This information is NOT available online so members of the public unless they received a paper notice, there is no avenue to review electronically.

Sundercock, Meg

From: DAVE NUTTALL [REDACTED]
Sent: Monday, October 19, 2020 7:53 PM
To: Sundercock, Meg
Cc: [REDACTED]
Subject: [EXTERNAL] 100 Fullerton Street

File: Z-9250

Have received the latest zoning amendment app. by Zelinka Priamo Ltd. in regard to the current development underway fronting Talbot Street and ask the following;

- 1) have always thought the proposed facade of Camdem Terrace should have been on the exterior of the building and not the interior so pleased to see this change made.
- 2) Giving there is plenty of room fronting Talbot Street for this modification why has there been almost next to nothing planned for landscaping in front of the new facade. 500 Talbot across the street has plenty of landscaping and so do the two buildings just north of Dufferin St. east side of Talbot owned by Old Oaks Dev.

Considering the original proposed facade for Camdem Terrace was planned to be inside the building there should now be plenty of room on the exterior to include more landscaping. What is shown in the building renderings is just a waste of money and space as nothing will grow and someday any natural planted tree will be replaced by steel trees now outlined in the core area.

500 Talbot spends a considerable amount of money and time to maintain its natural features so why can't this new development reciprocate with their own natural features.

There appears to be plenty of room from the building setback to the property line leaving more than enough room for an oversized public walkway. If this style of development continues along Talbot Street someday there will be nothing but pavement and concrete in an area the City is attempting to promote residential occupancy.

Plenty of people now walk this area including many with Dogs and I'm sure natural features in lieu of concrete would be far better received by everyone living in the area. This is not downtown Dundas Street and should receive better forms of development for long term residential uses.

Thank you for your attention to this matter.

DLN GROUP INC.
703-500 Talbot Street
London, Ontario N6A 2S3
[REDACTED]
David L. Nuttall

Sundercock, Meg

From: [REDACTED]
Sent: Wednesday, October 21, 2020 11:20 AM
To: Sundercock, Meg; Kayabaga, Arielle
Subject: [EXTERNAL] Application: 100 Fullerton Street.

We are owners / residents of a unit at the Azure at 505 Talbot Street and moved from Niagara to here January 2019. We love being in the inner city and all the close amenities we can enjoy while living here but the traffic and congestion seem to be getting worse with time. The growth of high rise accommodations with the new 100 Fullerton and the soon to be started even higher complex on Ridout (the old Molson complex) will further aggravate this situation. It is not just traffic but these complexes do not provide visitor parking and any public parking in the area is very limited. During morning and afternoon rush hours Talbot Street is already congested from Dundas to Oxford with employees of the larger commercial building in the area and others using the street as an alternate cross city thoroughfare.

Also with likely further congestion with the planned downtown loop and accompanying area upgrades what is the city looking at doing to resolve the very likely traffic and parking problems? Hopefully somebody is looking at the big picture with all this development that is underway.

We are fully in favour of the many improvements planned for the area and the quality and appearance of the new structures planned but are very concerned with the problem outlined above.

Respectfully,

Niels & Wendy Petersen [REDACTED]

Unit 1601 - 505 Talbot Str. (The Azure)

Sundercock, Meg

From: Pam Casey [REDACTED]
Sent: Monday, October 26, 2020 3:35 PM
To: Sundercock, Meg
Cc: Kayabaga, Arielle; 'Ron Casey' [REDACTED]
Subject: [EXTERNAL] File Z- 9250 comments and concerns

Importance: High

Dear Meg and Arielle:

We are writing regarding File: Z-9250 Property – 100 Fullarton Street

My husband and I currently reside at 505 Talbot Street – The Azure. We have questions and concerns about the development that is located south of where we live.

We have received by mail the Zoning By-law Amendment for the property and have issues with reading the site concept. We have also researched on the City of London development projects and are not able to find this particular document on the website. Is it possible for you – Meg – to send a digital copy of the site concept?

One concern with the proposal lay with the visibility on the street. Currently at the Azure we do not have a spot for contractors to park their vehicles and if they do park in our drop off area in front of the building then visibility comes into play for pedestrians and cars alike on Talbot Street and it's difficult to see leaving our parking garage which faces Talbot . We hope that this will not be repeated with the new development.

Currently what is the vision of Old Oak as it pertains to both Talbot and Dufferin Streets? We can anticipate traffic issues and pedestrians' issues with cars and deliverers and contractors parked in front of the building.

Pam and Ron Casey
The Azure – Unit #2405
505 Talbot Street London ON

[REDACTED]

The time to act is NOW! We all need to reduce our carbon footprint by 50%

Sundercock, Meg

From: Tyrrel de Langley [REDACTED]
Sent: Saturday, November 7, 2020 3:42 PM
To: Sundercock, Meg
Subject: [EXTERNAL] 93 and 95 Dufferin - comments to support demolition

Dear Ms. Sundercock,

As a resident of North Talbot residents association I have received numerous emails from our association requesting my voice be added to oppose this demolition request. No doubt you will have received many of these from my neighbours. In this particular instance I in-fact support the demolition of these properties to allow the developer to fully develop the site and maximize the opportunity for rejuvenation of downtown. It is these investments that will truly bring residents back to the core and reignite the vibrancy that a city's downtown requires to thrive.

An example is the Azure development. I recollect considerable opposition from the Association, yet this has brought a significant influx of residents who live and shop downtown, and provides a charming cafe on the ground floor that has been very busy with long-term residents, students, and even police and fire crews in regular attendance. It's an example of how strategic development by developers can be of benefit to London and in particular to its downtown.

Best regards,

Dr. Tyrrel de Langley
601 Talbot Street
London

Agency/Departmental Comments

Upper Thames River Conservation Authority

The subject lands are not regulated by the UTRCA and a Section 28 permit application will not be required. The UTRCA has no objections to this application.

London Hydro

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

Appendix C – Policy Context

The following policy and regulatory documents were considered in their entirety as part of the evaluation of this requested land use change. The most relevant policies, by-laws, and legislation are identified as follows:

Provincial Policy Statement

- 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns
 - 1.7 Long-Term Economic Prosperity
 - 1.7.1 e
- 2.0 Wise Use and Management of Resources
 - 2.6 Cultural Heritage and Archaeology
 - 2.6.1
 - 2.6.3

1989 Official Plan

- Properties of Cultural Heritage Value or Interest
 - 13.1.(i)(ii)(iii) Objectives
 - 13.2 Built Heritage
 - 13.2.1. Inventory of Cultural Heritage Value or Interest
 - 13.2.2. Criteria for Designation
 - 13.2.3. Alteration, Removal or Demolition

The London Plan

- Our Strategy
 - 55_ Direction #1 Plan for a strategically prosperous City of London
 - 57_ Direction #3 Celebrate and support London as a culturally rich, creative, and diverse city
 - 61_ Direction #7 Build Strong, healthy and attractive neighbourhoods for everyone
 - 62_ Direction #8 Make wise planning decisions

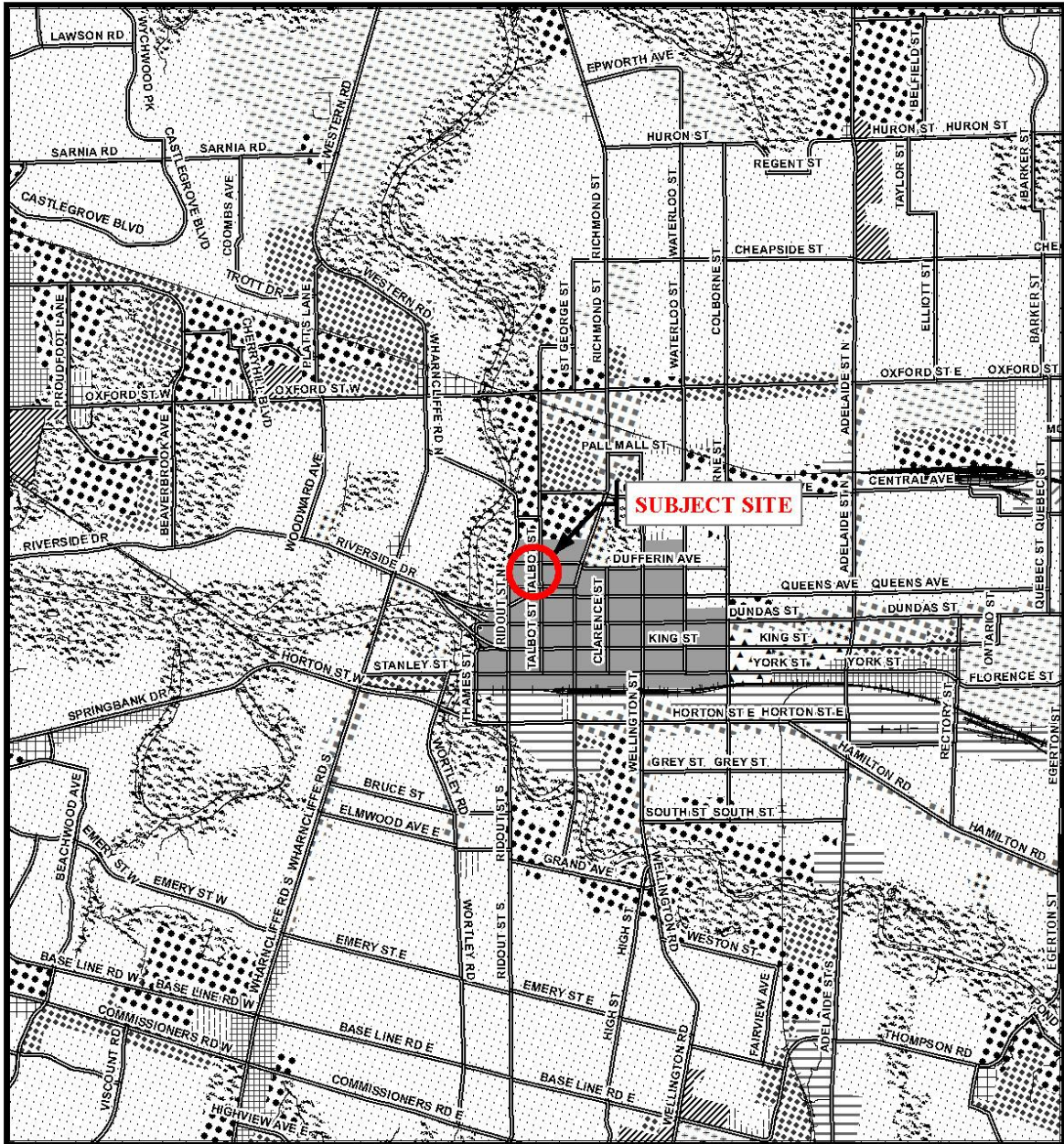
- Culturally Rich and Diverse City
 - 529_(7) What Are We Trying to Achieve?

- Cultural Heritage
 - 554_ What Are We Trying to Achieve
 - General Cultural Heritage Policies
 - 564_ Sustainability
- Design
 - 566_ - 569_
 - Individual Heritage Properties
 - 583_ - 591_

- Downtown Place Type
 - Specific Policies for the Downtown Place Type
 - 805B_

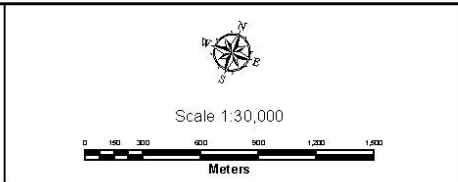
Appendix D – Relevant Background

Additional Maps

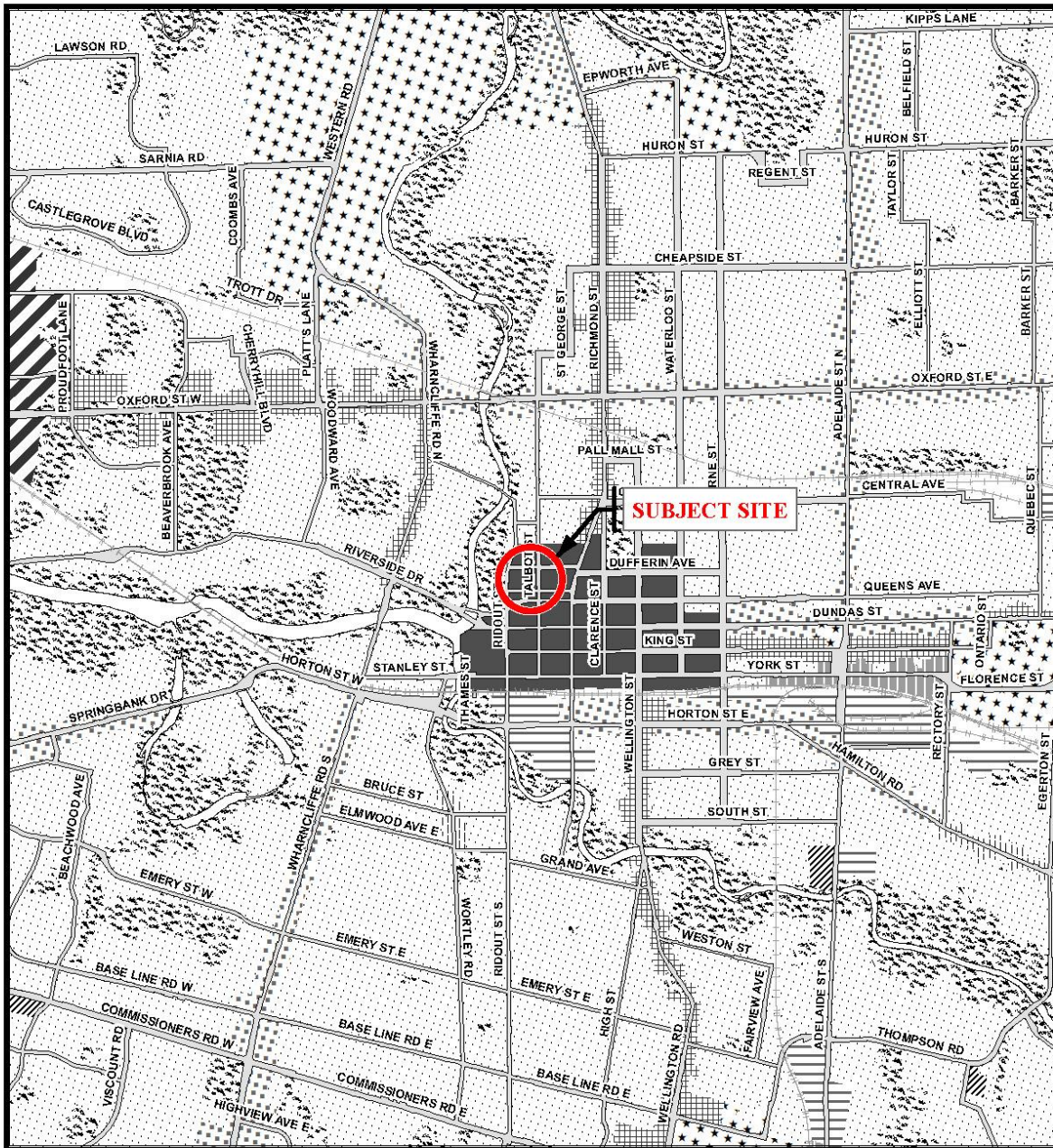


Legend	
	Downtown
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	Low Density Residential
	Office Area
	Office/Residential
	Office Business Park
	General Industrial
	Light Industrial
	Regional Facility
	Community Facility
	Open Space
	Urban Reserve - Community Growth
	Urban Reserve - Industrial Growth
	Rural Settlement
	Environmental Review
	Agriculture
	Urban Growth Boundary
	Enterprise

CITY OF LONDON
 Department of
 Planning and Development
 OFFICIAL PLAN SCHEDULE A
 - LANDUSE -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-9250
 PLANNER: MS
 TECHNICIAN: RC
 DATE: 2021/02/09



Legend

- | | | |
|------------------------|--------------------------|---|
| Downtown | Future Community Growth | Environmental Review |
| Transit Village | Heavy Industrial | Farmland |
| Shopping Area | Light Industrial | Rural Neighbourhood |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management Resource Recovery Area |
| Urban Corridor | Commercial Industrial | Urban Growth Boundary |
| Main Street | Institutional | |
| Neighbourhood | Green Space | |

This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON

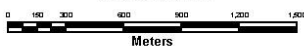
Planning Services /
Development Services

**LONDON PLAN MAP 1
- PLACE TYPES -**

PREPARED BY: Planning Services



Scale 1:30,000

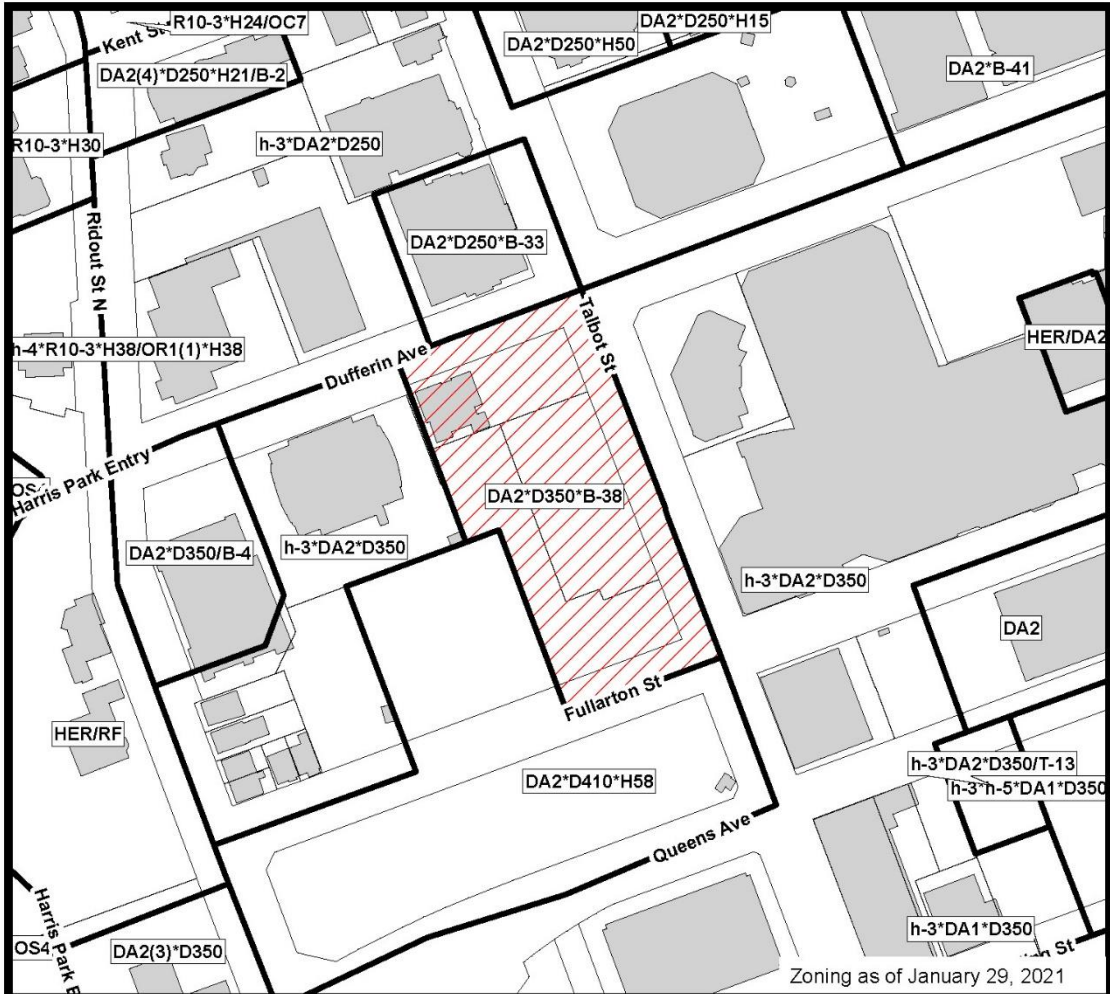


File Number: Z-9250

Planner: MC

Technician: RC

Date: February 9, 2021



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

1) **LEGEND FOR ZONING BY-LAW Z-1**

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | |
| R7 - SENIOR'S HOUSING | OS - OPEN SPACE |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | CR - COMMERCIAL RECREATION |
| R9 - MEDIUM TO HIGH DENSITY APTS. | ER - ENVIRONMENTAL REVIEW |
| R10 - HIGH DENSITY APARTMENTS | |
| R11 - LODGING HOUSE | OB - OFFICE BUSINESS PARK |
| DA - DOWNTOWN AREA | LI - LIGHT INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | GI - GENERAL INDUSTRIAL |
| CSA - COMMUNITY SHOPPING AREA | HI - HEAVY INDUSTRIAL |
| NSA - NEIGHBOURHOOD SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| BDC - BUSINESS DISTRICT COMMERCIAL | UR - URBAN RESERVE |
| AC - ARTERIAL COMMERCIAL | |
| HS - HIGHWAY SERVICE COMMERCIAL | AG - AGRICULTURAL |
| RSC - RESTRICTED SERVICE COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| SS - AUTOMOBILE SERVICE STATION | TGS - TEMPORARY GARDEN SUITE |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | RT - RAIL TRANSPORTATION |
| OR - OFFICE/RESIDENTIAL | "h" - HOLDING SYMBOL |
| OC - OFFICE CONVERSION | "D" - DENSITY SYMBOL |
| RO - RESTRICTED OFFICE | "H" - HEIGHT SYMBOL |
| OF - OFFICE | "B" - BONUS SYMBOL |
| | "T" - TEMPORARY USE SYMBOL |

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

**ZONING
BY-LAW NO. Z-1
SCHEDULE A**



THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

FILE NO:

Z-9250

MS

MAP PREPARED:

2021/02/09

rc

1:2,000

0 10 20 40 60 80

Meters



JABLONSKY, AST AND PARTNERS
Consulting Engineers

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Email jap@astint.on.ca

February 28, 2020

Old Oak Properties
200 – 150 Dufferin Avenue
London, ON N6A 5N6

Attn: Mr. Ryan Peel
Chief Construction Office

Re: 100 Fullarton Street
Heritage Façade at 93-95 Dufferin Avenue
Our File No. 19169, 19170

Dear Sir,

We are in receipt of Exp Services Inc. report dated February 12, 2020 on the “Structural Integrity” of building façade which is to be saved and integrated to the new development.

The following is a summary of Exp observations:

1. Exterior masonry is significantly weather with substantial mortar loss.
2. Prior sandblasting will cause rapid deterioration of brick.
3. The foundation of both sides of perimeter bricks is of “brick and rubble” in advance state of deterioration.

In a view of above findings, we will strongly recommend to dismantle the old deteriorated façade and replace it with “new masonry” matching the original architectural appearance.

Trusting that above is of use.

Yours very truly,

JABLONSKY, AST AND PARTNERS
CONSULTING ENGINEERS

P.F.Ast, P. Eng.

cc: S. Vitiello
A. Heilbrunn



P.F. Ast, P.ENG D. Tari, P.ENG M. Shiu, P.ENG R. Asman, P.ENG
J.N. Vivian, P.ENG R.J. Watson, P.ENG C.J. Slama, P.ENG R. Martinez, P.ENG G. Minski, CET

Associated Office: Ferta Engineering Consultants Ltd., #165, 1209 - 59 Avenue S.E., Calgary, Alberta T2H 2P6
Tel: (403) 259-5325 Fax: (403) 255-5549 Email: fruch.pagnotta@ferta.ca



EXP Services Inc.
15701 Robin's Hill Road
London, ON N5V 0A5
Telephone: (519) 963-3000
Facsimile: (519) 453-1551

February 12, 2020

LON-00017412-BS

Ryan Peel,
Chief Construction Officer,
Old Oak Properties,
200-150 Dufferin Avenue,
London, Ontario
N6A 5N6

**Building Masonry Assessment
93-95 Dufferin Avenue,
London, Ontario**

Introduction

This letter summarizes the results of an assessment of the structure at 93-95 Dufferin Avenue. The purpose of the assessment was to evaluate the structural integrity of the portion of the building to be retained for historical purposes. It is proposed to demolish the structure and retain the exterior facades for incorporation into the new development. This essentially consists of retaining the exterior structural brick walls on the north and west sides of the building.

The assessment consisted of an examination of the building by a structural engineer familiar with preservation of heritage buildings, and included a test cut through the exterior brick wall.

The assessment was undertaken on February 10, 2020.

Observations

EXTERIOR

The building is in excess of 150 years old. An original structure comprises the northwest section of the building. Two subsequent additions of different construction comprise the east and southeast sections of the building. In general, the original portion is of more robust construction than the additions.

The exterior masonry is significantly weathered with substantial mortar loss. There are areas where the original masonry has been replaced with different brick and mortar. The repaired areas do not match the original construction. It is suspected that parts of

the building were sandblasted in the past to improve the exterior appearance. Sandblasting clay brick removes the original exterior fused face of the brick which exposes the softer interior of the unit and contributes to accelerated weathering. In addition, modern mortar is usually much harder than the old soft lime mortars used in the nineteenth century and can cause accelerated deterioration of the older brick through differential seasonal movement of the original and repaired areas of the wall.

INTERIOR

The original building has a brick foundation. The brick was found to be very soft and could be crumbled with hand pressure. In general, clay brick is known to perform poorly below grade and is subject to deterioration from moisture and freeze/thaw cycles. Over time, the brick weakens from weathering and will eventually crumble.

The north foundation wall at the addition has masonry on rubble foundation as well as benched brick. There are areas of missing mortar and cracked or crumbling brick. There are areas of previous repairs which can contribute to accelerated deterioration as discussed previously.

TEST CUT

A section of brick was removed from the east wall near the front of the building. In this area, the wall has two wythes of brick. The exterior brick was found to be very soft during the cutting process. The mortar bond between the bricks was poor and there was essentially no mortar bond between the brick wythes.

The two layers of brick are joined by header bricks in every sixth course, generally spaced two bricks apart.

Over time, the two wythes move differently as the inner layer is subject to relatively consistent moisture and temperature, while the outer layer is subjected to much greater temperature and moisture variation. The differential movement of the two layers of brick weakens the bond between the walls and can break the header bricks, the effect being more pronounced higher up the wall. Walls with three wythes such as the original part of the building, would have the same issue.

Discussion

The building in its current condition shows signs of aging and deterioration. The existing masonry walls are deteriorated due to age and exposure, as well as original construction techniques and workmanship. The exterior facade has also been altered through repairs. Due to the existing conditions of the foundations and the walls above extensive restoration and structural bracing would be needed if the walls were expected to remain in place during the planned construction at the site. Due to the condition of the brick coupled with the noted poor mortar to brick bond, attempts to brace the wall are likely to cause additional damage to the wall.

If the wall was successfully braced, and subsequently a major restoration was performed you would still be left with a wall comprised of deteriorated elements that would require ongoing restorative maintenance.

The prospect of successfully bracing these walls is seen as a very expensive exercise with a high potential for failure. A more durable and sustainable solution would be to scan and catalogue the existing structure and to systematically dismantle it for reconstruction. This would result in a structurally sound exterior that can be reconstructed to match the original building reutilizing the best of the original elements, or new architecturally matching materials. The reconstructed walls would be constructed on a proper foundation. The rebuilt structure would aesthetically match the original structure and be more stable and durable into the future.

Conclusion

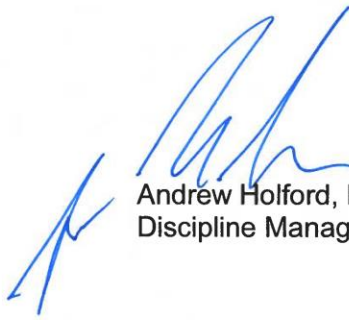
We trust this meets your current requirements. Should you have any questions regarding this report, please feel free to contact this office.

Yours truly,

EXP Services Inc.



Barry Webster, P.Eng.
Senior Project Engineer



Andrew Holford, P.Eng.
Discipline Manager, Building Science



Interior Face of Masonry Wall



Test Cut showing Mortar between Wythes



Exterior View of East Wall and Test Cut



Test Cut showing Interior Brick Wythe