

Thoughts on the proposal at 435-451 Ridout Street

Construction Related Impacts not yet determined

The Heritage Impact Assessment does not provide substantive proof that the heritage designated structures on or adjacent to the subject property able to withstand the anticipated disturbance during construction including excavations, vibrations, foundations, etc. While the HIA states that these buildings will not be **permanently** damaged and/or at risk as a result of the nearby construction, the investigations have not actually been carried out to confirm that this will or will not be the case. In fact, Section 5.1 of the HIA states:

It is clear that additional studies will be required to assist in the mitigation of adverse impacts to the heritage buildings of the Ridout Complex. Through consultation with the City of London's Heritage Planner and Planning team a holding provision will be placed on the property to ensure the following studies are completed:

- *Building Conditions Assessment Report, assessment is required before and after construction and should be subject to a peer review.*
- *Vibration Study, to assist in determining the level of vibration that would be acceptable to avoid negative impacts during construction.*
- *Heritage Conservation Plan, this should address the heritage attributes in the interior of the buildings as well as exterior features.*
- *Arborist Report, to effectively determine the impacts on vegetation and assist with tree preservation or replacement.*
- *Implementation and Monitoring*

Building Condition Assessment Report and Vibration Study

The three heritage buildings are owned by the proponent and access should be available for a building condition review at this time. Eldon House is a public property and arrangements to meet with the Board to discuss the proposal had not yet happened at the time of the application. The HIA indicates that there will be no permanent damage to these buildings but as noted above there has been no detailed study to confirm that this would be the case. The Consultant recommended as follows:

- *Building Conditions Assessment Report, assessment is required before and after construction and should be subject to a peer review.*
- *Vibration Study, to assist in determining the level of vibration that would be acceptable to avoid negative impacts during construction.*

Both of these studies should be completed as the part of the application process with the cooperation of the Owner and the Eldon House board to facilitate any necessary on-site analysis and all information, including the peer review should be shared with the City.

Mitigation Measures

The Mitigation Measures in the HIA include two requirements:

- *Establish a 40 metre buffer, or the maximum possible, between construction activities and structures identified as cultural heritage resources during the construction phase for the properties located at:*
 - 435 Ridout Street North
 - 441 Ridout Street North
 - 451 Ridout Street North
 - 481 Ridout Street (Eldon House)
 - 468 Ridout Street North
 - 470 Ridout Street North
 - 472 Ridout Street North
 - 466 Ridout Street North

- *Monitor vibration on adjacent identified cultural heritage resources before and after the construction phase is completed.*

It is not clear how the 40 metre buffer was established BEFORE the detailed studies have been completed. This separation distance may not be achievable given the proximity of the proposal to the existing heritage structures. The determination of this buffer zone should await the detailed building condition review as well as the vibration study findings.

At a minimum, the applicant should be required to carry out the recommended studies and the HIA should be updated to include information about these investigations and the potential impacts on the heritage structures BEFORE the application proceeds further. Otherwise, whether (or not) there could be permanent impacts on the heritage structures both on the property and neighbouring Eldon House would remain unknown. Experience has shown in London and elsewhere that excavations immediately adjacent to heritage structures can be problematic and can endanger the heritage structures on or near excavations for new foundations. Establishing a 40m buffer to monitor during construction is not sufficient as by the time any adverse effects are identified at the time of excavation, it may be too late (or deemed financially unfeasible). There is a risk that the priority 1 protected heritage features at one or both National Historic Sites could be irrevocably damaged or demolished to accommodate this development proposal.

Heritage Conservation Plan

The proposal is focussed on the new development and does not really address the redevelopment of the subject property as a whole. Given that these heritage structures and the historic nature of the site are of the highest priority in the Heritage District Plan, shouldn't any redevelopment centre on these buildings as a key component of the overall plan rather than be left as an after-thought?

The approach seems to be obtain development approvals for the "new" now and figure out what to do with the "old" at some later date. The fate of these buildings relies upon a continued use into the future and the need to have a plan for these heritage structures is included in the HIA recommendations as follows:

Develop a plan, timeline and budget for the conservation and use of the Ridout Block Buildings at 435, 441 and 451 Ridout Street.

As recommended by the Consultant:

- *Heritage Conservation Plan, this should address the heritage attributes in the interior of the buildings as well as exterior features.*

With respect to integrating the old with the new, Consultant also recommended:

- *Continue to utilize high quality materials such as brick inspired by the Ridout Buildings and glazing as the primary materials of the proposed new building to achieve compatibility with the existing heritage context.*
- *Continue to utilize the podium and point tower massing as proposed which provides the optimal scale and mass for integration of this scale of building into the historic context*

The Heritage Conservation Plan together with any associated revisions to the proposal should be prepared as part of the application process so that the proposal can include how the existing structures will be restored, reused and incorporated into the overall site.

Flood Related Impacts

Section 2.2.3 in the HIA is remiss in its lack of historical references to flooding in the City of London. This is particularly important as the property lies just north of the Forks where the north branch is constrained by:

- berms on the west side of the Thames to protect Petersville/Blackfriars
- two bridges immediately downstream to the south (at Queen and Dundas/Riverside) and
- Blackfriars Bridge to upstream to the north

The City London declared a state of climate emergency and one of the most significant risks to the Forks of the Thames area of the city is flooding. Recent record rainfall is a reminder that a significant portion of the lower section of the property behind the existing buildings is located within the floodplain. The current mapping used for the OP designation and/or Zone boundaries might not adequately reflect climate change related changes in flood elevations and/or the increased frequency storm events. Has URTRA commented on this mapping?

What is known is that the lower level of the property, Harris Park and lands further to the north on the east side of the Thames currently provide a significant amount of flood storage for this section of the Thames River. While the Planning Justification Report and the current zone mapping indicate that the proposed development would be located outside of the floodplain, elsewhere it is noted that bank stabilization will be required in the northeast section in close proximity to Eldon House. Other reports

indicate that floodproofing will be required for the new structure below a certain elevation suggesting that this hazard presents a risk at the proposed building location.

The HIA does not appear to consider what threats to the heritage structures and grounds could occur as a result of any intrusion by new development into areas that have or might serve as a stormwater retention/detention area at this critical junction of the Thames River.

Has any recent modelling of the flood-related impacts occurred which take climate change into account? From a heritage perspective, will the construction of the proposed building within or in very close proximity to the currently mapped floodplain have the potential for detrimental impacts upstream within Harris Park due to higher floodwaters? If so, will these higher floodwaters cause and/or create the possibility of erosion along the steep bank that protects Eldon House?

Detrimental of Shading on Mature Vegetation including protected landscaping at Eldon House

The HIA notes that Eldon House is a National Historic Site and that:

Character defining elements that contribute to the heritage value include (amongst other things) the:
grandeur of the estate, emphasized by landscaping and landscape features which include an arbour and fencing

It is acknowledged by the Consultant that there will be negative impacts being:

View of the sky from the south side of the house, increased shadowing, potential impact on the health of mature and ornamental vegetation on the property

This is problematic given that Eldon House faces to the south toward the proposed development. Its mature and ornamental vegetation is an integral part of the setting for Eldon House.

What will the view be from veranda and upper windows at Eldon House which looks to the south? Will the scene be one of tranquil landscaped garden or will visitors be looking at a modern apartment block? Will the grounds still be suitable for afternoon teas intended to take guest back in time or will they instead feel watched from above, lessening the appeal of this experience? Will the scale of the proposed development not just overshadow but overwhelm the grandeur of the Eldon House estate within its current settling?

Similarly, the Consultant has also concluded that the City-owned Harris Park adjacent to Eldon House will also be negatively impacted as follows:

View of the sky from the south and east sides of the development, potential for increased shadowing and adverse impact on mature vegetation

The mature vegetation in question is along the steep bank which protects Eldon House from the floodplain below. It is essential for the longevity of this heritage site to protect this bank from erosion. Any shading which compromises the health of the vegetation along this steep embankment could potentially compound the threat of erosion. Furthermore, the dense vegetation along the bank helps to enclose the gardens and grounds at Eldon House, sheltering the site from the westerly winds and providing a buffer from modern day activities in the park below.

This is not just about the access to sunlight and the view. The historic setting and timeless atmosphere of Eldon House is the main draw for visitors. The serving of high tea and other socials on the grounds are an important means of generating revenue at this historic site.

The Consultant acknowledges that there will be negative impacts from shading on the mature vegetation in the vicinity of the development, notably along the steep bank between Harris Park and Eldon House as well as the protected landscaping within this estate. There has not yet been any consultation with the Eldon House Board regarding the potential impacts at this site and/or any of the items suggested in HIA as mitigation strategies.

As noted above, the HIA recommends that the following additional study is required:

- *Arborist Report, to effectively determine the impacts on vegetation and assist with tree preservation or replacement.*

Mitigation measures outlined in the HIA further recommends the following:

- *Retain the services of a qualified arborist to undertake a review of the shadow impact plan to determine the longterm health of the mature tree canopy on the Eldon House and adjacent Harris Park. If concerns are identified with the long term health of the tree canopy, retain the services of a landscape architect to identify a planting plan for shade tolerant species of trees to maintain the tree canopy in the long term.*

Before the application proceeds, it is important to obtain the Arborist Report. This report should determine what non-shade tolerant vegetation is expected to no longer thrive and/or survive on the property's north side as well as along the steep bank in Harris Park and/or within the Eldon House gardens? In particular, what species will be affected and in what number and/or size of specimens? Are any of these species at risk and/or rare and/or deemed significant by the City of London tree by-laws? Do any non-shade tolerant species at risk provide habitat for any at risk and/or rare species? Is the proposal to transition to shade tolerant plantings acceptable and/or achievable?

Removal of Educational Uses from Zoning

The proposed Zoning By-law Amendment removes the following as permitted uses:

“adult secondary schools; ancillary residential and/or hostels and accommodations, together with permitted uses in the RF Zone; commercial schools; community colleges; elementary schools; hospitals; private schools; recreational buildings; secondary schools; stadia; supervised residences; universities;”

No justification is provided in the Planning Justification Report (no mention at all in fact) for removing an educational institution in its various forms from the zoning. This proposed change removes both an historic and current land use from the subject property. There are many examples in London and elsewhere of a wide range of educational institutions in commercial-type buildings.

Why eliminate the present use of a private school at this location which dates back as early as 1887 based on the HIA and is a proven compatible land use with the heritage structures? Why restrict options for continuation of and/or similar future uses within the heritage structures and/or new buildings which are currently undetermined?

Removal of Height Restrictions and Bonussing

The current zoning limits the height of construction on the property to the height of the existing structures. Based on information provided, the tallest structure on the property is 3 storeys or an approximate 12m above grade at the street level. This means that any variance proposed on this property is not the suggested variance from 35 storeys (90m) to 40 storeys (123.9m) via implementation of the bonussing provisions in the London Plan but rather a variance from the current 12 metres.

In other words, a variance to a height approximately 10 times higher than currently allowed at this National Historic Site. No where is the rationale for a substantial increase from the current height limitation (12 m) addressed in the Planning Justification Report or how this monumental change in height ***“will provide for continuity and harmony in architectural style with adjacent uses that are of architectural or historical significance.”***

Rather the planning report centres on the rationale for bonussing. There appears to be an assumption that the height restriction of 90m permitted elsewhere in the downtown should be a starting point for the analysis at this property. Is this a false premise?

The recognition of the subject property as a National Historic site includes:

Viewscales on the complex as a whole from surrounding streets.

I am wondering whether there any heritage related studies dating back to the National Historic Site designation, heritage designation and/or construction of the existing addition in the 1970s which sets out the rationale for the height limit to what is now the current condition? ***Was this height restriction part and parcel of this recognition and included in the Zoning By-law to specifically protect the view of the designated structures in Ridout Street Complex and Eldon House? Has this been investigated?***

Conclusion

The HIA concludes that there will be potential direct and indirect impacts to the Ridout Street Complex and Eldon House and recommends:

In order to mitigate the potential direct and indirect impacts to identified cultural heritage value described within this report, the mitigation strategies described in this report should be considered in further project refinements and approaches. Details related to the exterior design, the streetscape character, and the future re-use of the heritage structures should be considered in depth as a part of the proposed project in order to mitigate impacts, and conserve the cultural heritage value of the property.

Upon further design refinement, this HIA should be updated in order to capture any design alterations or changes that have been made to the proposed site plan or tower design to reflect the heritage conservation efforts as a part of the proposed development. Continued consultation with City of London Heritage Planning staff is encouraged as a follow-up step in order to ensure that the significant heritage attributes and cultural heritage value of the property will be

conserved as a part of the proposed development. Due to the extensive cultural heritage value of this property, collaboration with Heritage Planning staff will ensure that the mitigation strategies will be appropriately identified and undertaken in order to preserve and enhance the heritage value of the site.

As noted above it is proposed in the HIA that these reports be deferred and that a Hold Zone be used to prohibit development until the detailed studies are completed. However, the City staff indicated that the Hold zone approach is not satisfactory.

It would seem premature to move forward in the application process BEFORE the studies have proven that there would be no permanent detrimental impacts on the designated heritage structures of the Ridout Street complex and Eldon House.

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