

STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG



Report to:	Mayor and Council Members	Priority:	<input type="checkbox"/> High <input checked="" type="checkbox"/> Low
Submitted by:	Dave Johnson Planner II-Heritage Planning and Development Planning djohnson@cobourg.ca	Meeting Type: Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/>	
Meeting Date:	September 1, 2021		
Report No.:	HP-2021-028		
Submit comments to Council			

Subject/Title: Demolition Request & New Dwelling and garage – 277 College St. (Wallace/Ferguson)

RECOMMENDATION:

WHEREAS, Planning and Heritage staff has reviewed the documentation associated with the proposed demolition of a residential dwelling and a garage at 277 College Street and has concluded that the proposed demolition is consistent with the East Heritage Conservation District (HCD) Plan;

AND WHEREAS, Planning and Heritage Staff has reviewed the documentation for the proposed new residential dwelling and garage and has concluded that the proposed re-development plans meet the intent of the East HCD Plan and are sufficient to appropriately demonstrate height, massing, scale and how the buildings integrate into their surrounding cultural heritage context but are insufficient in showing final design details;

NOW THEREFORE, it is recommended that Heritage Permit Application HP-2021-028 as submitted by Christopher Wallace on behalf of Lisa and Gary Ferguson to permit the demolition of the structures at 277 College be endorsed *in principle* for both the demolition and re-development, subject to the submission and approval of updated and more detailed architectural building design plans, all to be completed prior to final approval of a Heritage Permit.

Places: The Town protects, preserves and promotes its natural assets, heritage, arts, culture and tourism.

2. PUBLIC ENGAGEMENT

The Cobourg Heritage Advisory Committee (CHC) operates in accordance with the Advisory Committee and Local Board Policy and Procedures for municipal boards and committees in the Town of Cobourg.

In general, the CHC is comprised of seven (7) members: one (1) member of Council and six (6) citizen members which reflect the diverse interests of the community.

The agenda for a CHC meeting is prepared and distributed to all committee members and is posted on the Municipal Website at least forty-eight (48) hours in advance of the scheduled meeting date, in an electronic format where possible.

Existing heritage legislation does not prescribe public notification or meetings for approval of alterations to designated properties, however the Cobourg Heritage Master Plan and implementing Heritage Conservation District Plans and associated regulations/guidelines underwent extensive public consultation and engagement prior to their approval. Review and approval of Heritage Permits by the Town are undertaken within the context of these documents.

The CHC also receives public delegations and communications/ correspondence from citizens in accordance with the Advisory Committee and Local Board Policy and Procedures for municipal boards and committees in the Town of Cobourg.

3. PURPOSE

To review and approve a demolition request, and new construction featuring a new dwelling and garage on a Part V (Heritage Conservation District) property and associated Cultural Heritage Impact Assessment report and design details for the new dwelling, prepared by Christopher Wallace, OAA, CAHP.

4. ORIGIN AND LEGISLATION

An application for a Heritage Permit was received on, August 18, 2021, from Christopher Wallace on behalf of Lisa and Gary Ferguson to undertake a full demolition of 277 College Street (Residential Dwelling and Garage).

The subject property is located in the East Conservation District designated under Part V of the Ontario Heritage Act and by By-law #27-90 as amended by By-law #118-91 and by By-law #043-2016.

In accordance with Ontario Heritage Act, the 90-day deadline for Council to deal with the application is November 16, 2021.

Proposed Scope of Work

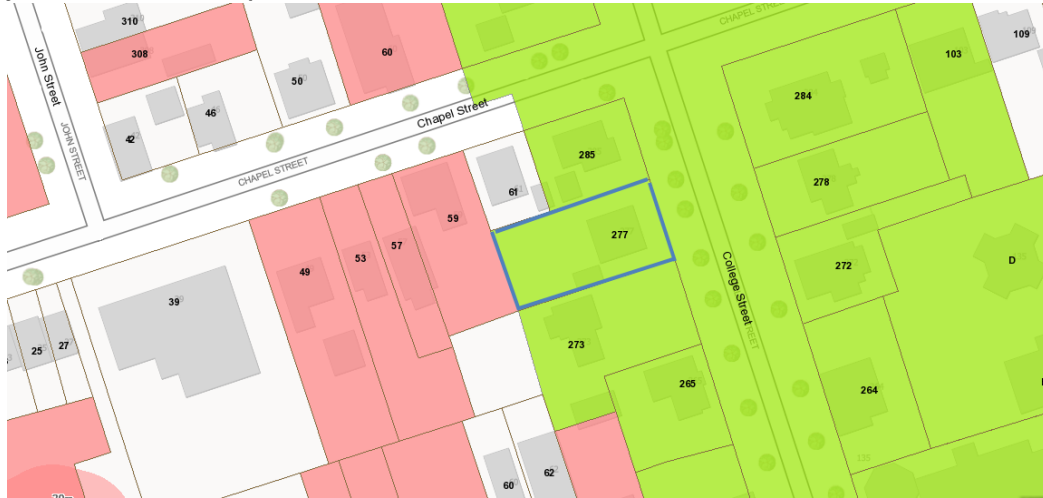
1. Demolition of a District designated structure (Dwelling and Garage) – **See Appendix 1 Cultural Heritage Impact Assessment (CHIA).**
2. New dwelling and garage construction – **See Appendix 1 - CHIA, Appendix 2 – Design Plans, and Appendix 3 – Updated Site Plan**

Please **see Appendix 1 – CHIA** for photo's of the subject property.

5. BACKGROUND

Geographic Context

The subject property at 277 College St. is located on the west side of College St. just south of Chapel St.



Above: The subject property is shown outlined in blue within the context of the East Heritage Conservation District (indicated in green). The properties shaded in pink are listed on the Municipal Heritage Register but are not formally designated.

Historical and Architectural Context

Staff would normally give a historical and architectural overview in this space; however, one is not available at this time for either property based on our files. Please refer to **Appendix 1 - CHIA**.

6. ANALYSIS

The Town of Cobourg's Heritage Master Plan was adopted by Council in 2016 to direct conservation and management of the Town's heritage resources. As part of this project, the existing Heritage Conservation District guidelines for all of the Town's Heritage Conservation Districts designated under Part V of the Ontario Heritage Act were reviewed, and Heritage Conservation District Plans were prepared. The East Heritage Conservation District Plan was adopted by By-law 043-2016 on May 24th, 2016.

The Plan contains policies and guidelines for conservation and the management of growth and change in the East Heritage Conservation District. Policies are requirements that must be followed when undertaking alterations to buildings or changes to properties. Guidelines are best-practice suggestions to be considered when undertaking alterations to buildings or changes to properties.

The following section of this report provides excerpts from the East Heritage Conservation District Plan that are relevant to the evaluation of the proposed scope of work.

8.0 Demolition and removal of buildings and structures

Building demolition is not prohibited by the Ontario Heritage Act, but it will be actively discouraged within the East Heritage Conservation District. Property owners are encouraged to work with existing heritage buildings, altering and adding to them in a sympathetic manner, rather than demolishing and building anew.

8.1 Demolition of buildings and structures

Policies

- a) The demolition of buildings and structures that contribute to the architectural or historic character or heritage attributes of the district shall not be permitted. Exceptions may only be considered:
 - i. In extenuating circumstances such as natural disasters (e.g., fire, flood, tornado, and earthquake),
 - ii. Where there is a greater public interest served, as determined by Council, through the demolition of the building or structure, or
 - iii. Where it is determined through a Heritage Impact Assessment that the building is not a contributing structure to the heritage character of the District.
- b) Further to 8.1.a.i), other extenuating circumstances shall generally constitute those situations where public health and safety is considered to be compromised and the Town of Cobourg's Chief Building Official has received structural assessment advising that a building or structure is beyond repair and has been determined to be unsafe. The structural assessment must be prepared by a professional engineer with expertise and experience in heritage buildings and structures.

The property owner shall demonstrate that all other options have been investigated including: preservation; rehabilitation; restoration; retro-fitting; re-use; mothballing; etc. and that they are not viable options.

- c) Where Council considers an application for demolition under 8.1.a.ii), financial impact shall not be the sole reason in determining that demolition is a greater public interest.
- d) Should a heritage permit for demolition of a building that contributes to the heritage character or heritage attributes of the District be submitted to the Town, the following conditions shall be met:

- i. The property owner shall retain an appropriately qualified heritage professional to evaluate the potential loss to the cultural heritage value of the District in support of the demolition request of a heritage building, in the form of a heritage impact statement/assessment.
- ii. It shall be required that the property owner shall provide drawings for a new building / site landscaping with the heritage permit application. In extenuating circumstances where demolition has been required as a result of natural disaster or public safety concerns, once a building has been demolished and the property is considered to be in a stable and safe state the property owner shall submit the required heritage permit application for a new building and / or site landscaping within six months of site clearance.
- iii. A record of the building or the remains of the building through photography and/or measured drawings may be required as a condition of demolition approval, at the discretion of Town Planning Staff and/or the Heritage Committee.

Within two years of that submission, or as mutually agreed upon by the property owner and the Town of Cobourg (but in no case greater than 5 years), if new construction has not been completed, the provisions of the Ontario Heritage Act shall apply with respect to contraventions of the Act.

Discussion

Prior to Council's adoption of the East Heritage Conservation District (HCD) Plan in 2016, Heritage Permit applications were primarily evaluated against the Town of Cobourg's Heritage Conservation District Guidelines and Parks Canada's Standards and Guidelines for the Conservation of Historic Places in Canada. The East Heritage Conservation District Plan provides the same level of heritage conservation using best practices as expressed in the Standards and Guidelines for the Conservation of Historic Places in Canada, while continuing with a similar management of future change and potential new development within the East Heritage Conservation District Plan as the previous Heritage Conservation District guidelines. The East Conservation District Plan is also consistent with the 2005 changes to the Ontario Heritage Act, the 2020 Provincial Policy Statement and the Ontario Heritage Toolkit.

Pre-consultation with the proponent was conducted by Planning and Heritage staff on an on-going basis through 2020 to present day. Given that the property is located within the East HCD, the HCD plan outlines the justification that is required to have a district designated structure demolished, including the preparation of a Cultural Heritage Impact Assessment (CHIA) to determine if the structure is a contributing structure to the overall HCD (Christopher Wallace Architect, dated August 18, 2021). Furthermore, per the justification required new construction design plans were also submitted. These documents are affixed to this report as **Appendix 1 – Cultural Heritage Impact Assessment & Appendix 2 – Design Plans**

Demolition

The CHIA submitted by the applicant provides an assessment of the East HCD, a detailed overview of the background and history of the subject property, a statement of cultural heritage value and significance of the District, an overview of the architecture of the district, a height & scale assessment, building material evaluation, an overview of regulatory documents, description of proposed development, impacts on adjacent heritage properties, and conclusions and recommendations. Contained with the report are renderings of the proposed new dwelling and garage, please see below for further discussion. The CHIA notes the location of the development is within the East Heritage Conservation District, and there are important heritage resource immediately abutting to the north and south of the subject property (265 & 273 College St.).

The CHIA indicates that in the authors view the existing house is minimally similar to an Ontario Cottage, however, differs in many ways and fails to meet the defining characteristics of that architectural typology. The CHIA makes the case that in fact, the current dwelling at 277 College not only is not contributing to the overall District, but it is also having a negative contribution to the East Heritage Conservation District. The author fairly notes that indeed, this is a perfectly economical and pleasant accommodation, however, this is not what is at issue. While not explicitly stated in an O/Reg 9/06 evaluation, the author provided a detailed evaluation of the current dwelling and its negative contribution to the East District overall.

The CHIA found that property does not contribute to and does not exhibit significant design or physical value and that the only aspect of the current dwelling that links it to the District is the use of red brick. The CHIA notes that there is little to no design or physical value of 277 College St. Furthermore, there is limited to no historical, associative and contextual value of the property in its current form and the property is not a landmark or contains landmark qualities or attributes.

Staff would recommend that a Temporary Preservation Plan (TPP) be prepared prior to the submission of Plans for a Building Permit in order to ensure that there is no inadvertent damage done to the abutting properties at 265 & 277 College Street during construction.

The proposed demolition has been evaluated against the East Heritage Conservation District Plan, specifically the policies related to demolition of buildings and structures. It is my conclusion that, although the Heritage Conservation District Plan dissuades demolition, the proposal has been sufficiently justified through the Cultural Heritage Impact Assessment, per the requirements of the HCD Plan. The property in its current state, was constructed in the 1950s before the Province and Municipality had any guiding documentation for suitable and sensitive infill construction. Given the vintage of the current dwelling, there is no information within the original LACAC property reports that were prepared in the 1980s for this property. There is also no information pertaining to the property in Robert Mikel's *Cobourg: The Spirit of Place*, which supports the conclusions of the CHIA that the subject property does

not exhibit any cultural heritage value and is indeed contributing negatively to the East Heritage Conservation District.

New Build

Roof: Proposed to be asphalt shingle in dark grey or black

Cladding: front – cast stone – ashlar in polar (off-white)
Rear – polar (off-white)

Doors: Solid wood with natural stain – measurements TBD

Windows: Wood (pre-finished exterior) in black – measurements TBD

Exterior Trim: Wood, Hardi-board in medium grey

Porch/Verandah: wood in medium grey

Foundation: cast stone in polar (off-white)

Garage

Roof: Asphalt shingles

Cladding: Board and Batten

Doors: TBD

Windows: TBD

In summary, the intent of the proposed work at 277 College Street is to replace the existing single detached house with a new single detached house with a new garage. The CHIA concludes that the existing building is a good candidate for replacement as it is not only not contributing to District, but also negatively contributing to the District.

The proposed new two storey residence will be similarly located on the lot, will maintain a favourable relationship to the street, and will be compatible in scale and proportion to the neighbourhood and the abutting properties to the north and south. The proposed new dwelling will be set back at or slightly behind the current dwelling in order to satisfy the Zoning By-law provisions for front yard setbacks (see **Appendix 3 – Updated Site Plan**). The proposed design approach for the new building is keeping with good heritage practice in that the new building is a modern take on a generic vernacular form. Finally, the CHIA concludes that, while there is nothing wrong with existing dwelling at 277 College Street when it is looked at in isolation, however, the current dwelling being centrally located within the East HCD it is in the greater public interest that the dwelling be replaced with a structure more in character with broader HCD and the character defining features outlined in the East HCD Plan.

The proposed demolition and new dwelling and garage has been evaluated against the East HCD Plan, specifically the policies related to demolition of

building and structures. It is my conclusion that while municipal staff and the HCD Plan generally dissuade demolition, the proposal has been suitably justified through the Cultural Heritage Impact Assessment, as per the requirements of the East HCD Plan. Given the present structure was likely constructed in the 1950s, it does not conform with the HCD Plan and has been determined to be a negative contributor to the District and there is no information contained within the original LACAC property reports. In my opinion the District will be better served by the new dwelling and will enhance this section of the street with a dwelling that is more in keeping with the character defining features of the District. Furthermore, this new dwelling has walked the fine line between distinguishing the old and new, whereby the new dwelling is a modern take on a generic Ontario Vernacular structure.

In summary, I believe the proposed demolition and re-construction is in keeping with good heritage practices, and that the new building will be sympathetic to the attributes and character of the East HCD while being of its own time. In addition to the Heritage Permit, the owners will be required to apply for a Building Permit and Plumbing Permit through the Building Department.

7. FINANCIAL IMPLICATIONS/BUDGET IMPACTS

N/A

8. CONCLUSION

While Planning and Heritage Staff generally dissuades demolition within the Heritage Conservation Districts, the owner has provided sufficient justification through a Cultural Heritage Impact Assessment to recommend the demolition and re-development of a dwelling and garage at 277 College St. The proposal is consistent with good heritage principles, is sympathetic to the heritage attributes and character of the neighbourhood, and meets the policies and guidelines as set out in the East Heritage Conservation District Plan. Additional details are required on the proposed replacement buildings prior to permitting the current structure's demolition in accordance with the policies of the HCD.