

Staff Report



Development Services Department

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REPORT TO: Heritage Kitchener

DATE OF MEETING: September 5, 2023

SUBMITTED BY: Garrett Stevenson, Interim Planning Director, 519-741-2200 ext. 7070

PREPARED BY: Jessica Vieira, Heritage Planner, 519-741-2200 ext. 7041

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: August 11, 2023

REPORT NO.: DSD-2023-367

SUBJECT: Heritage Permit Application HPA-2023-V-015
30-40 Margaret Avenue
New Building – Townhome Development

RECOMMENDATION:

THAT pursuant to Section 42 of the *Ontario Heritage Act*, Heritage Permit Application HPA-2023-V-015 be approved to permit the construction of eight blocks of townhome dwellings, an amenity space, and an internal roadway system with two access points onto Margaret Avenue, on the property municipally addressed as 30-40 Margaret Avenue, in accordance with the plans and supplementary information submitted with the application and subject to the following condition:

1. That the final Heritage Impact Assessment and Cultural Heritage Protection Plan (Brief) be submitted and approved by the Director of Planning prior to the issuance of a Heritage Permit;
2. That final samples of the building materials and colours be submitted for review by Heritage Planning staff in conjunction with Urban Design prior to the issuance of a building permit; and
3. That the final building permit drawings be reviewed, and heritage clearance provided by Heritage Planning staff prior to the issuance of a building permit.

REPORT HIGHLIGHTS:

- The purpose of this report is to present the proposed development of the subject property, located within the Civic Centre Neighbourhood Heritage Conservation District.
- There are no financial implications with this report.
- Community engagement included consultation with the Heritage Kitchener Committee.
- This report supports the delivery of core services.

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

EXECUTIVE SUMMARY:

Heritage Permit Application HPA-2023-V-015 proposes the construction of a new townhome development on the property municipally addressed as 30-40 Margaret Avenue. The proposed development will include eight (8) townhome blocks in addition to an internal roadway, surface visitor parking, and an amenity space. The subject property is designated under Part V of the *Ontario Heritage Act* and is located within the Civic Centre Neighbourhood Heritage Conservation District. It is currently vacant. A draft Heritage Impact Assessment (HIA) was completed by MHBC Planning Ltd. which evaluated the proposed development and determined that there will be negligible impact to adjacent properties and the HCD.

BACKGROUND:

The Development Services Department is in receipt of Heritage Permit Application HPA-2023-V-015 seeking permission for the construction of eight (8) blocks of townhomes, an amenity space, and an internal road system on the property municipally addressed as 30-40 Margaret Avenue. The subject property is currently designated under Part V of the *Ontario Heritage Act*, being located within the Civic Centre Neighbourhood Heritage Conservation District (CCNHCD). It formerly contained several significant mansions; the original homes had fallen into a state of disrepair and were demolished at different points during the 1980's and 1990's. At present 30-40 Margaret Street represents the largest vacant lot in the HCD and is the most discernable opportunity for infill development within the area. Due to its location within the CCNHCD and status under the *Ontario Heritage Act*, a heritage permit is required to facilitate the construction.



Figure 1: Location Map of Subject Property

REPORT:

The subject property is located on the northeast side of Margaret Avenue, in between the Margaret Avenue and Queen Street North intersection to the southeast and the Margaret Avenue and Victoria Street North intersection to the northwest.

Heritage Impact Assessment

As part of the development planning process, a heritage impact assessment (HIA) was required with the submission of a complete site plan application. A draft HIA dated December 7, 2022 and prepared by MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC) on behalf of Activa was presented to the Heritage Kitchener Committee on February 7th, 2023. Some members voiced their approval of the proposed development, citing appreciation for the established relationship between the proposed buildings and the street as achieved through entrances fronting onto Margaret Avenue and the short walkways leading to the entrances. Others raised concerns regarding the appropriateness of the design of the buildings in the context of the CCNHCD and the associated plan policies. The flat roofline in particular was highlighted, as it is a style not common to the area. With consideration to these and staff comments, a revised HIA dated June 22nd, 2023, has been submitted and is currently under review (**Appendix B**).

The HIA determines that the proposed development conforms to the majority of the policies and guidelines of the CCNHCD Plan. It identifies adverse impacts as being limited to the removal of two (2) trees from the subject lands. Mitigation measures include tree replacement in the landscaped areas between the buildings and along the boundaries of the subject land. It also recommends construction fencing be erected during construction, and points of entry and storage of materials and equipment be located away from 54 and 12 Margaret Avenue to deter dust, debris, or other accidental damage from occurring. The table below has been included in the HIA and summarizes the impacts of the proposed development to the CCNHCD (**Figure 2**).

Impact	Level of Impact (None, Negligible, Minor, Moderate or Major)	Analysis
Destruction or Alteration of Heritage Attributes	Negligible.	The proposed development will remove two (2) trees from the existing 20 trees on site, one of which is in poor condition/ dead.
Shadows	No.	The proposed development will not result in shadows that negatively impact the CCNHCD including landscape features (i.e. mature trees) due to the limited height of the building in addition to its proposed setbacks. There are also no significant landscape features identified adjacent to the subject lands that would require review for potential adverse impacts due to shadowing.
Isolation	No.	The proposed development will not isolate adjacent heritage buildings or features but rather create a fluid streetscape.
Direct or Indirect Obstruction of View	No.	The proposed development will not negatively alter the view of the western elevation of the Church of the Good Shepherd eastwardly along Margaret Avenue. It will also not affect the scenic view of the designated wrought iron fence along Margaret Avenue and Queen Street. The coach house was specifically constructed to the rear and not intended as a building of significant

		views. The proposed development does not obstruct the view of the eastern façade of 54 Margaret Avenue as this was not intended to be the significant view and is currently obstructed from view by vegetation. The proposed development will not obstruct the view of rear elevations of adjacent properties to the rear of the subject lands as they were not intended to be viewed (see Sub-section 7.3.1).
A Change in Land Use	No	The land use on the subject lands will remain for residential purposes.
Land Disturbances	No.	The proposed development is approximately 29.8 metres from the adjacent coach house, 17.8-28 metres from properties to the rear along Ellen Street. The new construction will be approximately 9.8 metres from the dwelling at 54 Margaret Avenue which is sufficient distance to not anticipate impacts of vibrations as a result of construction (see sub-section 7.3.2). Drainage and grading should be appropriate based on an approval of an adequate drainage and grading plan.

Figure 2: Summary Table of Impacts to the CCNHCD

A full review of the site plan application has been completed and condition approval has been issued for the site plan dated April 25th, 2023 (**Figure 3**). The full review resulted in some changes to the design of the elevation of the townhome blocks, the most notable being the fenestration. These changes are reflected in the revised drawings submitted July 31st, 2023 (**Figure 4** and **Appendix C**).

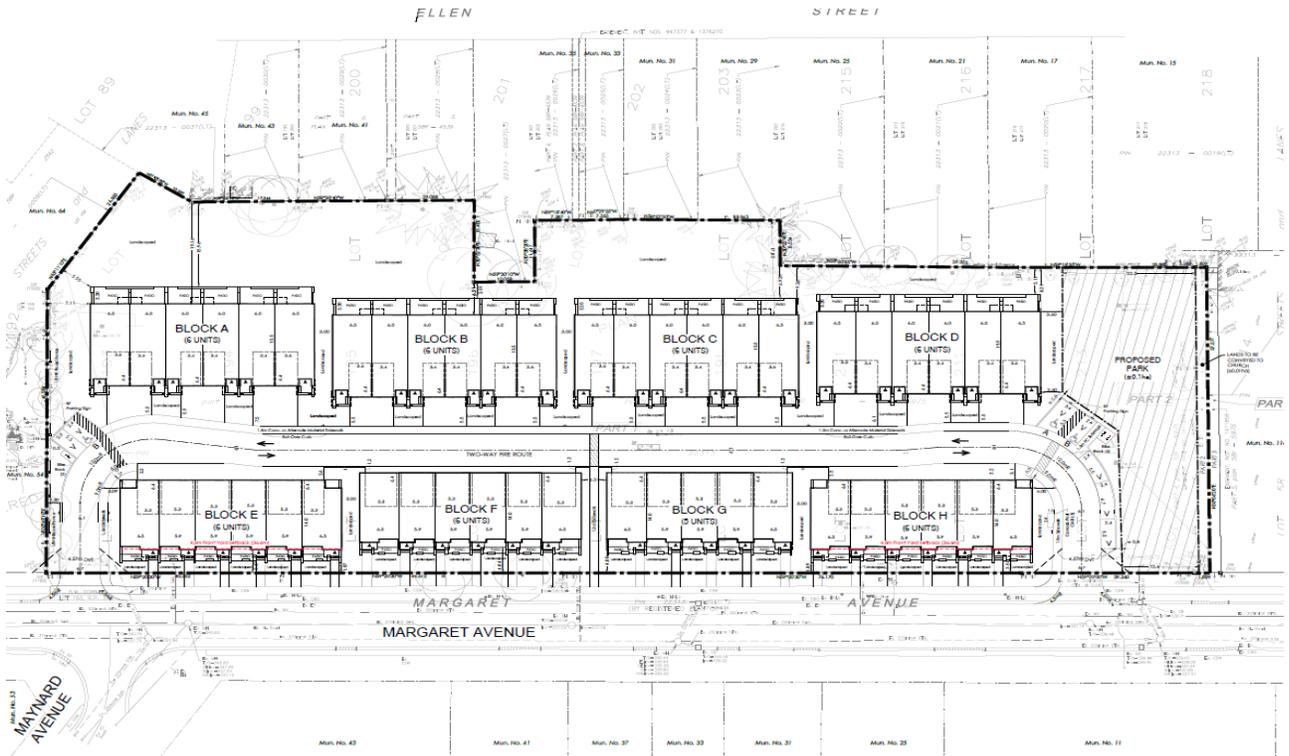


Figure 3: Site Plan



Figure 4: Revised Front Elevation

As part of conditional approval, cultural heritage conditions were included to ensure that the proposed development would not have adverse impacts on adjacent properties. A Cultural Heritage Protection Plan (Brief) is one of these conditions, and is to include the following:

- Pre-Construction Inspection Report of 54 Margaret Avenue;
- Hoarding plan / specifications for the installation of construction fencing;
- Monitoring of the adjacent heritage structures and conducting regularly scheduled inspections at critical stages of construction to ensure no new damage has occurred;
- Specification of other mitigation measures identified by the heritage consultant to be implemented pre and during construction; and
- Explanation as to why this proposal does not necessitate a vibration monitoring program with confirmation from the Consultant Engineer.

The CHPP and the HIA is to be approved by the Director of Planning as a condition of final site plan approval. These two documents will serve to identify the measures to be undertaken to ensure no negative impacts to identified heritage resources and attributes and to integrate the proposed development in a manner consistent with recognized heritage conservation principles and practices.

Proposed Construction

The application is proposing the construction of eight (8) townhome blocks, with four blocks (23 units) fronting onto the Margaret Avenue streetscape. The other four blocks front onto the proposed internal roadway. The new development will result in a total of 47 dwelling units and 54 parking spaces. Seven (7) of the parking spaces are surface visitor parking, while the rest are internal and housed within the townhomes. An internal roadway is proposed to span almost the full width of the site, with vehicular access provided via two different points along Margaret Avenue. A sidewalk runs adjacent to the internal road, with a third pedestrian access point proposed in the centre of the site. An amenity space in the form of a parkette is proposed in the east portion of the site (**Figure 5**). Per the HIA, it is proposed that the parkette be named after a previous land-owner in order to commemorate the subject lands former historical associations. It is also proposed that remaining foundation stones from the original mansions of the site be incorporated into the park design.



Figure 5: Rendering of Proposed Parkette

Each townhome block is to be comprised of 5-6 units, 3 storeys in height. The townhomes directly along Margaret Avenue have a 3.47 metre setback, which allows for landscaping opportunities in the front yard in addition to ground-floor patio spaces. The townhomes are proposed to have a flat roof to accommodate rooftop patios as well. The design incorporates traditional elements in a contemporary manner. This includes windows with mullions and transom windows and sidelites at the entrance. The materials and colour palette proposed include brick, wood, copper in shades that are appropriate for the character of the area (**Figure 6**)



Margaret Towns - Proposal



Light cream / buff brick veneer



Dark grey / black natural wood siding



Weathered copper metal siding



Warm natural wood

Figure 6: Proposed Materials to be Used in the Townhome Development

Civic Centre Neighbourhood Heritage Conservation District Plan

The CCNHCD Plan contains policies and guidelines that regulate the following:

- Development patterns and land use, with the intention of maintaining the low-density residential character of the area; and
- The construction of new buildings, including details such as height, massing, setback, architectural elements, and materials used.

The CCNHCD Plan also speaks to site specific areas, including Margaret Avenue (Section 3.3.5.3). The policies of this section require, but are not limited to, the following:

- New development on the east side of the street to maintain the overall residential characteristic of the neighbourhood;

- Development to be of a height, sitting, and design that prevents encroachment on lower-density dwellings located along Ellen and Ahrens Street;
- Parking to be underground, with the exception of visitor parking spaces; and
- Strong pedestrian-oriented street edges be created through the use of appropriate setbacks, height, architectural features, and building articulation.

Section 6.9.1 contains design guidelines for Margaret Avenue. Policy 3.3.5.3 (h) requires that these guidelines be used in the evaluation of proposed developments for properties within this site-specific area. The design guidelines encourage new development to:

- Create a strong relationship with the street;
- Have appropriate setbacks to minimize impacts to adjacent properties while maintaining the character of the streetscape;
- Incorporate appropriate building setbacks to maintain the human scale of the neighbourhood and create usable outdoor spaces;
- Incorporate a high degree of building articulation and architectural detail to create interest and compatibility with existing buildings;
- Create transitions in building width and massing in order to be more representative of the single-family nature of the neighborhood;
- Use appropriate material such as brick and stone;
- Place parking underground or at the rear of new development to keep it out of view of the street; and
- Retain and incorporate healthy trees to create desirable amenity spaces and help unify the new development with the existing heritage landscape.

The intention of these policies is to guide proposed change and development to ensure that it is appropriate for and maintains the character of the HCD.

Heritage Staff Comments

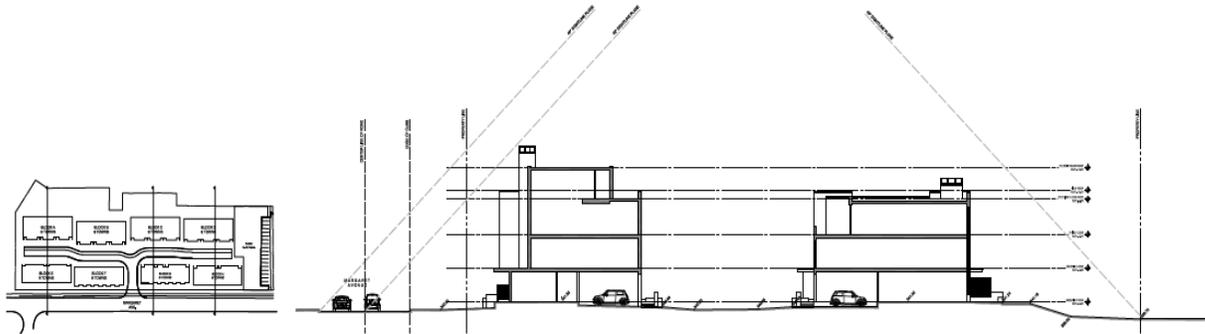
Heritage Planning Staff are generally in agreement with the findings and conclusions of the updated Heritage Impact Assessment (HIA) dated June 22nd, 2023. It should be noted that the development as proposed is mostly in compliance with the existing site specific land use and zoning regulations relative to floor space ratio, building height, and setbacks. These regulations were approved by Council through a public planning process after the CCNHCD Plan policies and guidelines were prepared, and directly relate to the eventual withdrawal of the appeal to the HCD and approval of the designating bylaw by the Ontario Municipal Board.

In reviewing this application in comparison to the policies and guidelines of the CCNHCD Plan, Heritage Planning Staff note the following:

- Per the CCNHCD Plan, a key characteristic of the area includes the range of recognizable architectural styles and features that are associated with the era in which they were developed. The proposed design of the building is reflective of the current time. Further, the CCNHCD Plan states that the synthesis of building elements that combine to create a recognizable architectural style is usually considered to be the stylistic prerogative of individual properties. While the CCNHCD Plan has documented the styles that are prominent within the HCD, there is no policy or guideline which limits new development to these styles.
- Visual consistency to the architecture in the neighbourhood is achieved through the repetition of features such as front porches, projecting bays, and recurring window

forms and details. The proposed design reflects some of these features in the incorporation of transoms and sidelites, chimneys, fenestration with mullions, and a porch-interpretation created by a cantilevered balcony over the front entrance.

- The CCNHCD Plan identifies a buildings overall size and shape as perceived from the street as having the most apparent influence on the character of the district. The proposed townhomes are three (3) storeys in height, and the massing is proportioned through setbacks and articulations to be reflective of the single-family residential dwellings that are the dominate use and building form within the area.
- The building height, in combination with the rear and side yard setbacks, will ensure that there is no encroachment on adjacent buildings. The building is in keeping with the height of buildings within the HCD and maintains the human scale of the area.



SECTION BB

Figure 7: Drawing from Revised HIA Illustrating Angular Plane Analysis

- The proposed use of the land remains residential, which continues the original and historical use of the property. The proposed use maintains the low-density character of the Civic Centre Neighbourhood and is appropriate for the context of the area.
- The proposed cladding utilizes materials and colours that are appropriate for and similar to those found within the HCD, including brick veneer, natural wood siding and soffits, and wood doors;
 - The submission of the final samples of the building materials and colours for review is a condition of approval of this Heritage Permit Application.
- Parking spaces are housed internally within the townhomes, and the garages do not front onto Margaret Avenue. Surface parking is limited to seven visitor spaces that are located to the side and rear side of the subject lands.
- A strong relationship between the buildings and the street is created through the orientation of the entrances towards Margaret Avenue, the short **walkways** leading to the entrances, and the front-yard patio spaces on Blocks E-H.
- Within the Civic Centre, windows and doors are used to create unique features and provide more character through the incorporation of decorative frames, mullions and muntin's, lintels and sills, transoms, and more. The applicants worked with Heritage Planning staff to create more traditional style windows that are reflective of the decorative designs and detailing found within the HCD.

- Section 6.9.5 of the CCNHCD Plan identifies preferred examples for compatible development within the Civic Centre Neighbourhood. Some of these identified case studies are depicted below (**Figure 8**). The preferred examples display a good relationship to the street, sensitivity to scale, massing, and built form, appropriate interpretation of rooflines, and appropriate window placement. Massing is generally broken up into smaller units through building articulation and variation in building materials. Similarities between the preferred examples and the proposed buildings include the incorporation of chimneys, comparable fenestration, and the use of brick material. A flat-roof design is shown in some of these examples. The proposed buildings also establish a pedestrian-oriented street edge and are an appropriate size and massing so as to maintain the ~~human~~-scale of the neighbourhood.

Further, Heritage Planning Staff would note that per the HIA, there is no anticipated negative impacts to adjacent properties, including 54 Margaret Avenue and 12 Margaret Avenue / 116 Queen Street North, as constituted by the Ontario Heritage Toolkit. The adverse impacts of the proposed development are limited to the removal of some mature trees. Landscaped areas are proposed in the front yard of each unit in addition to (the rest of the site). The front yards have enough soil volume to accommodate the planting of new small-sized trees.

The approval of an application under the *Ontario Heritage Act* is not a waiver of any of the provisions of any legislation, including but not limited to the requirement of the Ontario Building Code and Kitchener's Zoning By-law. In this regard, the applicant is advised that full site plan approval and a building permit are still required.



Figure 8: Preferred Examples From the CCNHCD Plan

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City’s website with the agenda in advance of the Council / Committee meeting.

CONSULT – The Heritage Kitchener Committee will be consulted regarding the subject Heritage Permit Application.

PREVIOUS REPORTS/AUTHORITIES:

- *Ontario Heritage Act*
- *Civic Centre Neighbourhood Heritage Conservation Plan*
- *DSD-2023-057 Draft Heritage Impact Assessment (HIA) 30-40 Margaret Avenue*

APPROVED BY: Justin Readman, General Manager, Development Services Department

ATTACHMENTS:

Attachment A – Heritage Permit Application

Attachment B – Revised Heritage Impact Assessment

Attachment C – Revised Elevation Drawings