

Staff Report



Development Services Department

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REPORT TO: Heritage Kitchener

DATE OF MEETING: August 2, 2022

SUBMITTED BY: Garrett Stevenson, Manager of Development Review, 519-741-2200 ext. 7070

PREPARED BY: Deeksha Choudhry, Heritage Planner, 519-741-2200 ext. 7291

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: July 21, 2022

REPORT NO.: DSD-2022-379

SUBJECT: Addendum to Report DSD-2022-321
Heritage Permit Application HPA-2022-V-015
22 Weber Street West
Construction of a New 19-Storey Residential Building

RECOMMENDATION:

For information

REPORT:

Report no. DSD-2022-321, dated June 29, 2022, as prepared for the August 2, 2022 Heritage Kitchener meeting, outlines the staff recommendation to refuse Heritage Permit Application HPA-2022-V-015, proposing to construct a nineteen-storey tower on the subject property municipally addressed as 22 Weber Street West. The subject property is located within the Civic Centre Neighborhood Heritage Conservation District (CCNHCD) and is designated under Part V of the *Ontario Heritage Act*.

In reviewing the application, staff need to determine the conformity of the proposed development with the policies and guidelines included in the CCNHCD Plan. One of the policies analysed in Report DSD-2022-321 includes:

“Any building taller than 5 storeys abutting a residential property to the rear should be constructed within a 45-degree angular plane where feasible, starting from the rear property line, to minimize visual impacts on adjacent property owners.”

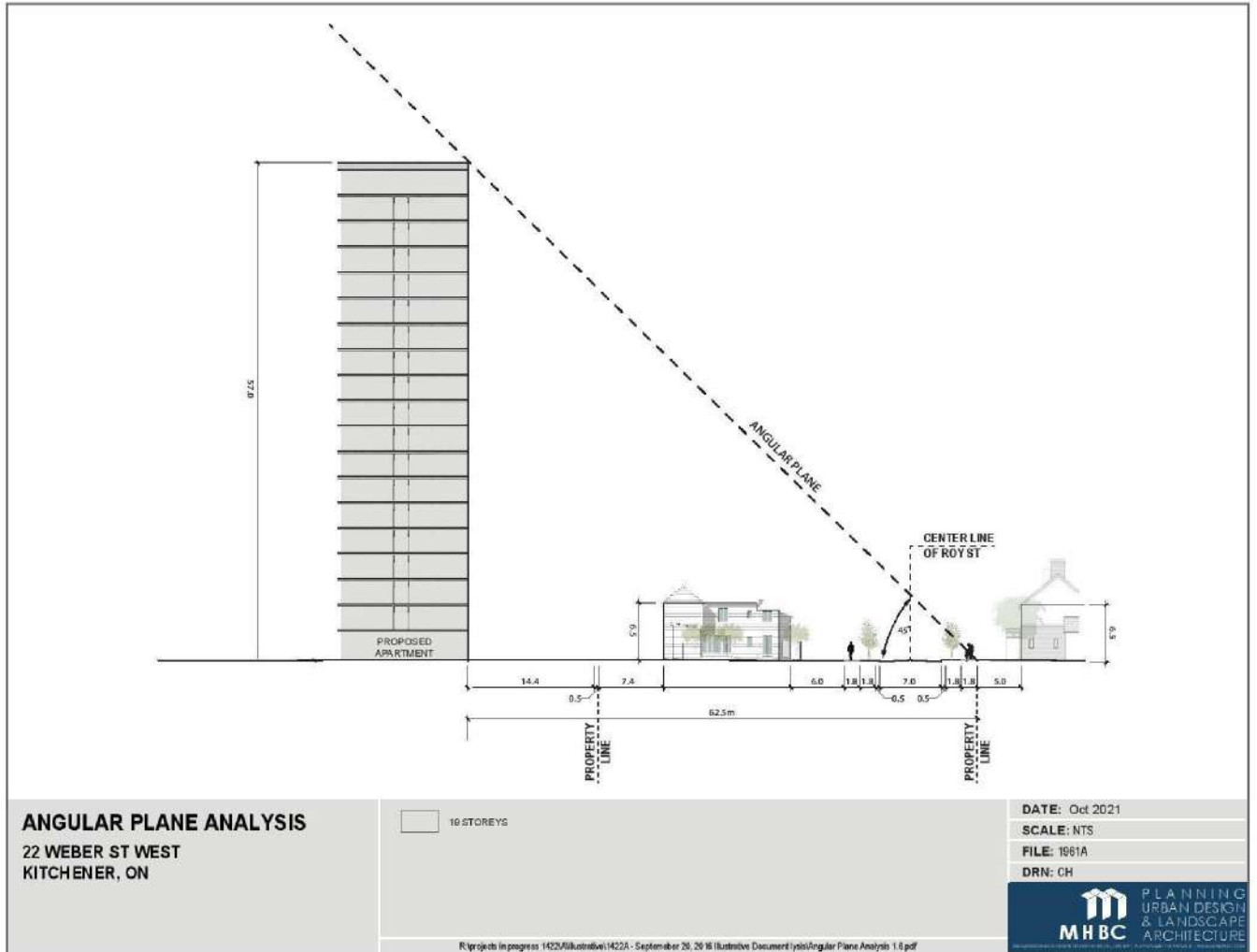
In Report DSD-2022-321 it was incorrectly stated that:

“The HIA includes that the angular plane analysis has been taken from the centre of Roy Street, as opposed to the rear property line.”

This addendum report is to clarify and correct that statement. The angular plane analysis as included in the Heritage Impact Assessment (HIA) for 22 Weber Street West, which can be seen in the image below (excerpt from the HIA), shows that the angular plane analysis has been taken from the front

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Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

lot line of the property on the opposite side of Roy Street (and not the center line of the street as noted in Report DSD-2022-321).



Heritage Planning staff's recommendation to refuse Heritage Permit Application HPA-2022-V-015 remains unchanged with this addendum report.

PREVIOUS REPORTS/AUTHORITIES:

- DSD-2022-321 – HPA-2022-V-015 – 22 Weber Street West
- *Ontario Heritage Act, 2021*

APPROVED BY: Garrett Stevenson, Manager of Development Review

REPORT TO: Heritage Kitchener

DATE OF MEETING: August 2, 2022

SUBMITTED BY: Rosa Bustamante, Director of Planning, 519-741-2200 ext. 7319

PREPARED BY: Deeksha Choudhry, Heritage Planner, 519-741-2200 ext. 7291

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: June 29, 2022

REPORT NO.: DSD-2022-321

SUBJECT: Heritage Permit Application HPA-2022-V-015
22 Weber Street West
Construction of a New 19-Storey Residential Building

RECOMMENDATION:

That pursuant to Section 42 of the *Ontario Heritage Act*, Heritage Permit Application HPA-2022-V-015 be refused to construct a new 19-storey residential building on the property municipally addressed as 22 Weber Street West, in accordance with the supporting information submitted with the application.

REPORT HIGHLIGHTS:

- The purpose of this report is to present staff's recommendation on the proposed construction of a new 19-storey residential building detailed in HPA-2022-V-015.
- The key finding of this report is that the consideration of this heritage permit application is premature at this time and staff do not have enough information to determine whether the proposed development conforms to the policies used to review new development within the Civic Centre Neighborhood Heritage Conservation District.
- There are no financial implications associated with this report.
- Community engagement includes posting this report and associated agenda in advance of the meeting and consultation with the Heritage Kitchener Committee.
- This report supports the delivery of core services.

EXECUTIVE SUMMARY:

Heritage Permit Application HPA-2022-V-015 proposes the construction of a new nineteen-(19) storey residential building in the Civic Centre Neighborhood Heritage Conservation District. An Official Plan Amendment and a Zoning By-law Amendment for the proposed development were submitted in 2020. These applications have been appealed and are now under consideration by the Ontario Land Tribunal. A Site Plan Application has not yet been submitted. Due to this, the zoning, land use, and design of the proposed development have not been finalized and approved. Therefore, staff do not have enough information to recommend approval of the subject heritage permit application.

BACKGROUND:

The Development Services Department is in receipt of Heritage Permit Application HPA-2022-V-015 (Attachment A) seeking permission to construct a new 19-storey residential building on the property municipally addressed as 22 Weber Street West (Fig 1).

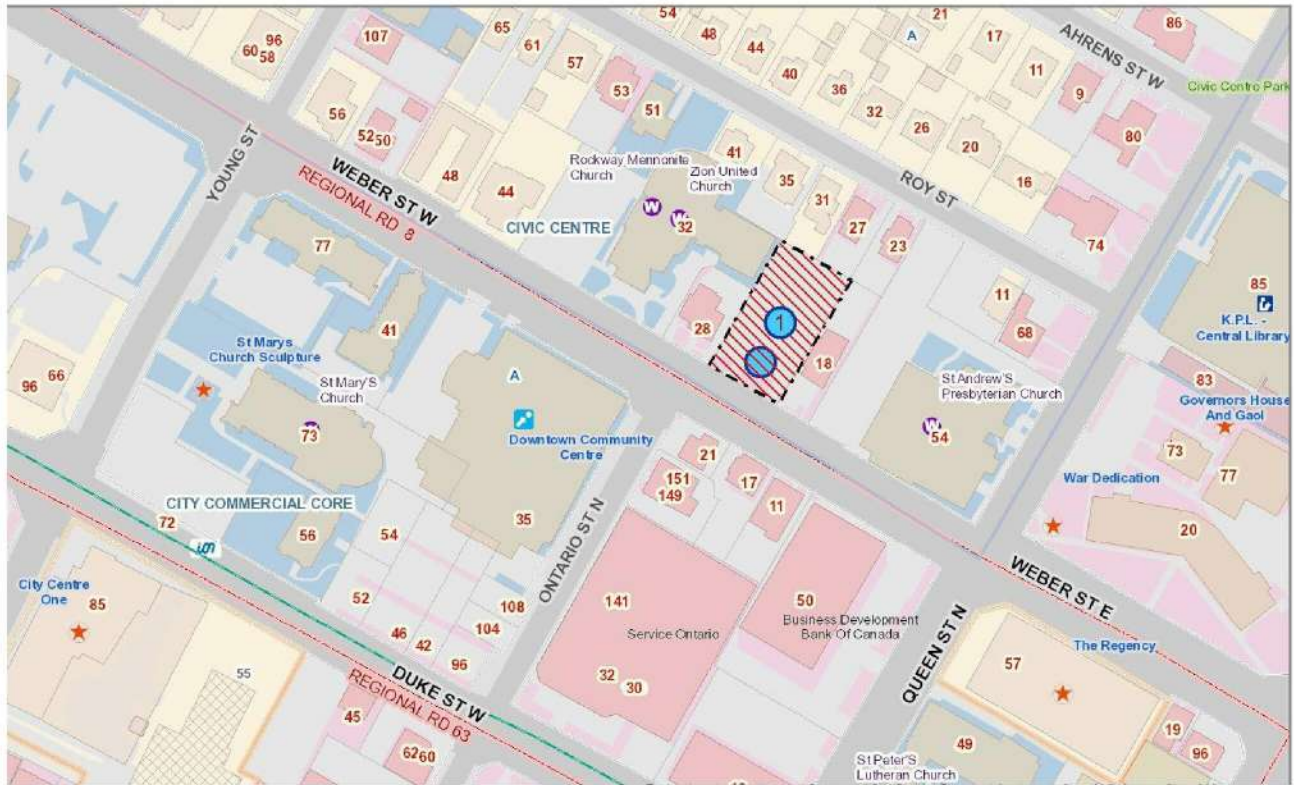


Figure 1: Location Map of 22 Weber Street West

REPORT:

The subject property is municipally addressed as 22 Weber Street West and is located on the north side of Weber Street West between Young Street and Queen Street North (Fig. 2). The subject property is currently being used as a surface parking lot.



Figure 2: 22 Weber Street West, 2022

The subject property is located within the Civic Centre Neighborhood Heritage Conservation District (CCNHCD) and is designated under Part V of the *Ontario Heritage Act*.

Civic Centre Neighborhood Heritage Conservation District

The CCNHCD is an important historical residential neighborhood that can be linked to several key periods in the development of the City of Kitchener. This neighborhood helps tell the story of Kitchener's phenomenal growth at the turn of the 19th century and of the development of its extensive industrial sector. Almost two-thirds of the existing houses were built between 1880 and 1917 and were mostly occupied by owners, managers, or workers for some of the key industries that defined the community at the turn of the century.

The heritage attributes of the CCNHCD include:

- Its association with important business and community leaders during a key era of development in Kitchener;
- A wealth of well maintained, finely detailed buildings from the late 1800s and early 1900s that are largely intact;
- A number of unique buildings, including churches and commercial buildings, which provide distinctive landmarks within and at the edges of the District;

- A significant range of recognizable architectural styles (Queen Anne, Berlin Vernacular, Italianate, etc.) and features including attic gable roofs, decorative trim, brick construction, porches, and other details, associated with the era in which they were developed;
- The presence of an attractive and consistent streetscape linked by mature trees, grassed boulevards and laneways; and
- Hibner Park, Kitchener's second oldest city park, in the centre of the District.

Proposed Development at 22 Weber Street West

The proposed development involves the construction of a new nineteen (19)-storey multiple residential building on the subject property (Fig. 3). This building is proposed to have a total of 162 units, and 24 parking spaces.



Figure 3: Proposed front (south) elevation.

There are a number of proposed materials for this construction:

- White stone cladding with glass panels for the podium;
- Mixed Red Brick for the upper levels;
- Glass spandrel panels, and clear curtain wall glazing with clear anodized aluminum.

Matters before the Ontario Land Tribunal

The current zoning and official plan designation for the site do not permit the proposed development. A Zoning By-law Amendment (ZBA) application and an Official Plan Amendment (OPA) application were submitted to the City in 2020. Supporting studies, plans, and documents were submitted in support of the application, including a draft Heritage Impact Assessment (HIA), a Shadow Study, proposed design renderings, a proposed site plan, conceptual floor plans, and an Urban Design Brief. Before a decision could be made

by Kitchener City Council with respect to the OPA and ZBA applications, the Applicant appealed both for non-decision. These OLT appeals have not been withdrawn or resolved, and accordingly, the zoning and land use of the subject property has not been finalized or approved.

Site Plan Application

Through the Site Plan review process, heritage planning staff have the opportunity to implement urban design policies from the Official Plan and Urban Design Manual, as well as the policies and guidelines within the CCNHCD to ensure that any new development has appropriate massing, is compatible, and respects the character of the area. As part of the Site Plan review process, staff can include a number of cultural heritage conditions as part of a conditional approval letter that need to be fulfilled at various stages of development. This allows for a comprehensive review of the proposed development to ensure the final concept is compatible and sympathetic with the character of the area.

An informal site plan was submitted to the City as part of the ZBA and OPA application, and a second informal site plan was submitted as part of this heritage permit application. The applicant has not submitted a formal site plan application pursuant to section 41 of the Planning Act for review by the City. Once a site plan application is submitted, elevations, landscaping, and other features of the site plan application may change through the site plan review process which may result in changes to or resubmission of the heritage permit. Without a formally submitted site plan, the heritage permit application is premature.

Draft Heritage Impact Assessment for 22 Weber Street

A draft HIA (November 2021) has been submitted to the City with the heritage permit application (Attachment B). The HIA assessed potential impacts of the proposed development on the CCNHCD, and immediate adjacent heritage resources. The draft HIA concluded that the proposed development will not result in any adverse impacts related to obstruction, isolation, change in land use, or shadows. The proposed development is considered a neutral impact to the adjacent heritage resources within the CCNHCD, located along Weber Street West and Roy Street. At this time, the HIA is still in the draft stage and has not been approved by the Director of Planning.

Conformity with the CCHNCHD Policies

The CCNHCD Plan contains policies for new buildings within the district, as well as for area-specific policies and guidelines in the CCNHCD.

Section 3.3.3 of the CCNCHCD Plan includes the following broad policies for new buildings:

- (a) New buildings will respect and be compatible with the heritage character of the Civic Centre Neighborhood, through attention to height, built form, setback, massing, material, and other architectural elements such as doors, windows, roof lines; and
- (b) Design guidelines provided in Section 6.6 of this Plan will be used to review and evaluate proposals for new buildings to ensure that new developments is compatible with the adjacent context.

There are also site-specific policies within the CCNHCD, which are meant to guide alterations and new development. Section 3.3.5.2 contains policies relevant to the Weber Street Area, which are:

- (a) The protection and retention of existing buildings and their architectural features is strongly encouraged.
- (b) Maintain residential streetscape character through the use of appropriate built form, materials, roof pitches, architectural design and details particularly at the interface between Weber Street and the interior of the neighborhood;
- (c) Adaptive re-use of existing buildings should be given priority over redevelopment. Flexibility in Municipal Plan policies and zoning regulations is encouraged where necessary to accommodate appropriate adaptive reuse options;
- (d) Where redevelopment is proposed on vacant or underutilized sites, new development shall be sensitive to and compatible with adjacent heritage resources on the street with respect to height, massing, built form, and materials.
- (e) Any buildings proposed over 5 storeys in height may be required to undertake shadow studies where they abut existing residential uses, to demonstrate that they will not unreasonably impact on access to sunlight in rear yard amenity areas.
- (f) Design guidelines proposed Section 6.9.2 of this Plan (this is a typo in the Plan, the section number is 6.9.4) will be used to review and evaluate proposals for major alterations, additions, or new buildings to ensure that new development is compatible with the adjacent context.

The conformity of the proposed development with the policies within Section 6.9.4 has been summarized in the table below.

Design Guideline	Conformity of the Proposed Development
<p><i>Any infill on Weber Street should maintain a strong relationship to the street at the lower levels (2 to 4 storeys) with respect to built form and use.</i></p>	<p>The HIA states that the “proposed development includes a large front entrance with glazing and masonry facing Weber Street West. This front entrance has been emphasized at the pedestrian level through the use of a 2-storey masonry podium.”</p> <p>Since a site plan application has not been approved for this application, the design of the podium might be subject to change. At this time, staff do not have enough or clear information regarding whether the proposed development will maintain a strong relationship to the street at the lower level.</p>
<p><i>Setbacks of new development should be consistent with adjacent buildings. Where significantly different setbacks exist on either side, the new building should be aligned with the building that is most similar to the predominant setback on the street.</i></p>	<p>18 Weber Street West and 28 Weber Street West are adjacent to the subject property. 18 Weber Street West has a setback of 12.6 metres and 28 Weber Street West has a setback of 7.2 metres.</p> <p>The site plan that has been included in the draft HIA that has been submitted with this heritage permit application shows a setback of approximately 2.5 metres. The site plan that was submitted with the Zoning By-law Amendment Application shows a setback of approximately 0.8 metres.</p>
<p><i>Building facades at the street level should incorporate architectural detail, similar materials and colours, and consistency with the vertical and horizontal proportions or rhythm of adjacent/nearby buildings on the street to establish a cohesive streetscape.</i></p>	<p>The proposed development includes a contemporary design with a 2-storey masonry podium and upper storeys of glass curtain wall and red brick.</p> <p>Detailed building elevation review occurs at the site plan review stage and the City has not received a site plan application. At this time, staff are unable to comment on whether the proposed development would establish a cohesive streetscape.</p>
<p><i>New development shall have entrances oriented to the street</i></p>	<p>The entrance to the proposed development is oriented towards Weber Street West.</p>

<p><i>Size, placement, and proportion of window and door openings for new buildings or additions should be generally consistent with those on the other buildings along the street.</i></p>	<p>According to the draft HIA submitted with this heritage permit application, the proposed design “includes various sizes of rectangular and square shaped windows and balconies in a consistent rhythm”.</p> <p>Detailed building elevation occurs at the site plan review stage and the City has not received a site plan application. As such, staff do not have enough information at this time to determine whether the proposed development satisfies this guideline.</p>
<p><i>Any new buildings taller than 3 to 4 storeys should incorporate some form of height transition or setbacks to minimize the perception of height and shadow impacts to pedestrians on the street and provide more visual continuity. Setbacks should be minimum of 2 metres to provide for useable outdoor terraces for the upper levels.</i></p>	<p>According to the renderings included in the draft HIA, a portion of the upper storeys have a setback from the podium, specially on the front façade.</p> <p>Detailed building elevation occurs at the site plan review stage and the City has not received a site plan application. Since there is no approved site plan for this application, the proposed design is subject to change. As such, staff do not have enough information at this time to determine whether the proposed development satisfies this guideline.</p>
<p><i>Any buildings taller than 5 storeys abutting a residential property to the rear should be constructed within a 45-degree angular plane where feasible, starting from the rear property line, to minimize visual impacts on adjacent property owners.</i></p>	<p>The HIA includes that the angular plan analysis has been taken from the centre of Roy Street, as opposed to the rear property line.</p> <p>The rear yard setback will be determined in consideration of the CCNHCD angular plane analysis, applicable zoning requirements, and tall building guidelines at the site plan review stage.</p> <p>As such, staff do not have enough information to determine if the proposed angular plane analysis is sufficient at this time.</p>
<p><i>To minimize impacts on properties to the rear of or flanking Weber Street, a rear yard setback of 15 metres should be maintained for new buildings as well as additions where feasible.</i></p>	<p>The proposed rear yard setback of the proposed development is 15.9 m, as shown in the site plan that was submitted with this application.</p> <p>The rear yard setback will be determined in consideration of the CCNHCD angular plane analysis, applicable zoning</p>

	requirements, and tall building guidelines at the site plan review stage.
<i>Locate garbage and other service elements (HVAC, meters, etc.) away from the front façade so they do not have a negative visual impact on the street of new building/addition.</i>	<p>The site plan that has been submitted with the heritage permit application shows servicing to the rear of the property.</p> <p>Staff are unsure at this time whether this would be implemented in the final design as detailed engineering design occurs as part of the site plan review process.</p>

Heritage Planning Comments

In reviewing this application, heritage planning staff make the following comments:

- The subject property municipally addressed as 22 Weber Street West is located within the CCNHCD and is designated under Part V of the *Ontario Heritage Act*;
- The subject property is currently used as a surface parking lot;
- The City received ZBA and OPA applications for the proposed development, which were appealed and are now under consideration by the OLT;
- A formal Site Plan Application has also not been submitted to the City for consideration;
- At this time, due to the zoning, land use, and the design of the site not being approved, staff do not have enough information to recommend approval of this heritage permit application.

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 Heritage Kitchener committee meeting.

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

PREVIOUS REPORTS/AUTHORITIES:

- *Ontario Heritage Act, 2021*

- *Planning Act, 2021*

APPROVED BY: Justin Readman, General Manager, Development Services

ATTACHMENTS:

Attachment A – Heritage Permit Application HPA-2022-V-015

Attachment B – Draft Heritage Impact Assessment (HIA) for 22 Weber Street West



HERITAGE PERMIT APPLICATION & SUBMISSION REQUIREMENTS

Planning Division – 200 King Street West, 6th Floor
 P.O. Box 1118, Kitchener ON N2G 4G7
 519-741-2426; planning@kitchener.ca

PART A: SUBMISSION REQUIREMENTS

The following requirements are designed to assist applicants in submitting sufficient information in order that their Heritage Permit Application may be deemed complete and processed as quickly and efficiently as possible. If further assistance or explanation is required please contact heritage planning staff at heritage@kitchener.ca.

1. WHAT IS A HERITAGE PERMIT APPLICATION?

The Province of Ontario, through the *Ontario Heritage Act*, has enacted legislation to assist its citizens with the protection and conservation of cultural heritage resources.

Once properties are designated under the *Ontario Heritage Act*, the City is enabled to manage physical change to the cultural heritage resources as a means of protection. The principal mechanism of management is the Heritage Permit Application process, which allows the municipality to review site-specific applications and determine if proposed changes will beneficially or detrimentally affect the reasons for designation and heritage attributes.

As a general rule, the preferred alterations to heritage properties are those that repair rather than replace original heritage attributes, and those that do not permanently damage cultural heritage resources and their heritage attributes. Where replacement of materials or new construction is necessary, these should be compatible with the original. Reversibility is also preferable as this allows for the future reinstatement of heritage attributes.

According to the *Ontario Heritage Act*, no owner of designated property shall alter the property or permit the alteration of the property if the alteration is likely to affect the property's heritage attributes, unless the owner applies to the council of the municipality and receives written consent. This consent is obtained through the approval of a Heritage Permit Application.

Heritage Permit Applications are applicable for all individually designated properties (under Part IV of the *Ontario Heritage Act*) and all properties located within the boundaries of Heritage Conservation Districts (designated under Part V of the *Ontario Heritage Act*).

2. WHEN IS A HERITAGE PERMIT APPLICATION REQUIRED?

Under the Ontario Heritage Act, R.S.O. 1990, any new construction or "alteration" to a property designated under Part IV of the Act (individually designated property) or a property designated under Part V of the Act (within a Heritage Conservation District) requires a Heritage Permit Application. "Alteration" is defined as: "to change in any manner and includes to restore, renovate, repair or disturb." In addition, the approval of a Heritage Permit Application is required for any demolition of a property designated under Part IV or V of the Act. **Please contact Heritage Planning staff directly to confirm if your specific project requires the approval of a Heritage Permit Application.**

Below are some examples of typical Part IV alterations that may require a Heritage Permit Application:

- Addition and/or alteration to an existing building or accessory building
- Replacement of windows or doors, or a change in window or door openings
- Change in siding, soffit, fascia or roofing material
- Removal and/or installation of porches, verandahs and canopies
- Removal and/or installation of cladding and chimneys
- Changes in trim, cladding, or the painting of masonry
- Repointing of brick

Note: Heritage Permit Application requirements differ between Part V designations depending on the policies and guidelines of the respective Heritage Conservation District Plans. Please refer to the City of Kitchener's website at www.kitchener.ca/heritage to download a copy of the relevant Heritage Conservation District Plan (Civic Centre Neighbourhood, St. Mary's, Upper Doon, and Victoria Park Area).

3. WHAT INFORMATION IS REQUIRED WITH A HERITAGE PERMIT APPLICATION?

The information required varies with each application. The intent of the application is to ensure that Heritage Planning staff and, where required, the Heritage Kitchener committee understand the specific details of any proposed changes in order to be sufficiently informed so they may offer advice to the applicant and, where required, to City Council. An incomplete application cannot be processed and the official notice of receipt (as required under the *Ontario Heritage Act*) will not be issued until all of the documents have been submitted. Failure to provide a complete application may result in deferral by Heritage Planning staff or the Heritage Kitchener committee in order to secure additional information, which will delay final approval. At minimum, the following information is required:

Heritage Permit Application Form

The applicant must provide a complete original copy, including signature of the owner, of the Heritage Permit Application Form.

Written Description

The applicant must provide a complete written description of all proposed work. The description should complement drawings, detailed construction plans, photos and any other sketches or supporting information submitted with the application. The written description must include a list and the details of all proposed work including, but not limited to, proposed colours, materials, sizes, etc.

Construction and Elevation Drawings

Along with construction elevation drawings (drawn to scale) the applicant may also, **but not in lieu of**, submit a sketch of the proposed work made over a photograph.

Drawings must be drawn to scale and include:

- a) Overall dimensions
- b) Site plan depicting the location of existing buildings and the location of any proposed new building or addition to a building
- c) Elevation plan for each elevation of the building
- d) Specific sizes of building elements of interest (signs, windows, awnings, etc.)
- e) Detailed information including trim, siding, mouldings, etc., including sizes and profiles
- f) Building materials to be used (must also be included in the written description)
- g) Construction methods and means of attachment (must also be included in the written description)

Some of the above components may be scoped or waived at the discretion of Heritage Planning staff following discussion with the applicant.

Photographs

Photographs of the building including general photos of the property, the streetscape in which the property is located, facing streetscape and, if the property is located at an intersection, all four corners. Photos of the specific areas that may be affected by the proposed alteration, new construction, or demolition must be included.

Electronic copies of construction and elevation drawings, sketches, and photographs, along with hard copies submitted with the application, are encouraged.

Samples

It is recommended that applicants bring samples of the materials to be used to the Heritage Kitchener meeting when their application is to be considered. This may include a sample of the windows, brick, siding, roofing material, as well as paint chips to identify proposed paint colours.

Other Required Information

In some circumstances Heritage Planning staff may require additional information, such as a Heritage Impact Assessment or Conservation Plan, to support the Heritage Permit Application. The requirement for additional information will be identified as early on in the Heritage Permit Application process as possible. Pre-consultation with Heritage Planning staff before formal submission of a Heritage Permit Application is strongly encouraged.

4. WHAT CAN I DO IF MY HERITAGE PERMIT APPLICATION IS DENIED?

City of Kitchener Heritage Planning staff and the Heritage Kitchener committee endeavour to come to solutions for every Heritage Permit Application submitted. Discussions with the applicant and revisions usually result in successful applications.

However, if the municipality refuses your application and you choose not to resolve the issue with a revised application, you have the option of appealing the decision to the Conservation Review Board (for alterations to designated properties under Part IV) or the Ontario Municipal Board (for demolition of property designated under Part IV or for any work to designated property under Part V).

5. IMPORTANT NOTES

Professional Assistance

Although it is not a requirement to obtain professional assistance in the preparation of this information, the applicant may wish to seek such assistance from an architect, architectural technologist, draftsman or others familiar with the assessment of buildings and the gathering together of building documents.

Building Codes and Other By-laws

It is the applicant’s responsibility to ensure compliance with all other applicable legislation, regulations and by-laws. These items include the Ontario Building and Fire Codes, and the City’s zoning and property standards by-laws.

2022 Heritage Permit Application Submission Deadlines	2022 Heritage Kitchener Meeting Dates
November 26, 2021	January 4, 2022
December 17, 2021	February 1, 2022
January 21, 2022	March 1, 2022
February 25, 2022	April 5, 2022
March 25, 2022	May 3, 2022
April 29, 2022	June 7, 2022
-	No July Meeting
June 24, 2022	August 2, 2022
July 29, 2022	September 6, 2022
-	No October Meeting
September 23, 2022	November 1, 2022
-	No December Meeting

6. HOW DO I PROCEED WITH SUBMITTING MY HERITAGE PERMIT APPLICATION?

- a) Heritage Planning Staff are available to meet with applicants and review all documentation prior to formal submission. Often Heritage Planning staff can assist you with historical and architectural information that might help with your proposed changes.
- b) Formal submission of a Heritage Permit Application with all supporting documentation (written description, construction drawings, sketch plans, scale drawing, photographs) to Heritage Planning staff are due approximately five (5) weeks prior to a Heritage Kitchener meeting (see schedule for submission deadlines and committee meeting dates).
- c) Upon confirmation of the submission of a complete application, including the owner's signature and all supporting documentation, Heritage Planning staff will issue a Notice of Receipt, as required by the *Ontario Heritage Act*, to the Applicant.
- d) Heritage Planning staff determine whether the Heritage Permit Application may be processed under delegated authority approval without the need to go to Heritage Kitchener and/or Council. Where Heritage Permit Applications can be processed under delegated authority approval without the need to go to Heritage Kitchener and Council, Heritage Planning staff will endeavour to process the application within 10 business days.
- e) Where Heritage Permit Applications are required to go to Heritage Kitchener, Heritage Planning staff prepare a staff Report based on good conservation practice and the designating by-law, or the guidelines and policies in the Heritage Conservation District Plan. Preparation of the staff Report may require a site inspection.
- f) Heritage Kitchener Meeting Agenda, including staff Report, circulated to Committee members prior to Heritage Kitchener meeting. Staff Report circulated to applicant prior to meeting.
- g) Heritage Permit Application is considered at Heritage Kitchener meeting. Heritage Planning staff present staff Report and Recommendations to Heritage Kitchener. Applicants are encouraged to attend the Heritage Kitchener meeting in order to provide clarification and answer questions as required. Failure to attend the Heritage Kitchener meeting may result in a deferral in order to secure additional information, which would delay consideration of the Heritage Permit Application. Where the applicant, Heritage Planning staff, and Heritage Kitchener support the Heritage Permit Application, the application may be processed under delegated authority and approved by the Coordinator, Cultural Heritage Planning. Where the applicant, Heritage Planning staff and/or Heritage Kitchener do not support the Heritage Permit Application, the staff report with recommendation and Heritage Kitchener recommendation will be forwarded to Council for final decision.
- h) Where the staff report with recommendation and Heritage Kitchener recommendation are forward to Council for final decision, Council may:
 1. Approve the Heritage Permit Application;
 2. Approve the Heritage Permit Application on Terms and Conditions; or,
 3. Refuse the Heritage Permit Application.
- i) Within 30 days of receiving Notice of Council's Decision, the applicant may appeal the decision and/or terms and conditions to the Conservation Review Board or Local Planning Appeal Tribunal (LPAT).

7. SPECIFIC REQUIREMENTS FOR NEW CONSTRUCTION, ALTERATIONS AND ADDITIONS TO DESIGNATED PROPERTY

Information presented in the Heritage Permit Application should indicate an understanding of the reasons for designation and heritage attributes of the designated property and, if applicable, the surrounding area, including the following:

Setting

1. Positioning of the heritage building or structure on the property
2. Lot size related to building size
3. Streetscape (relationship to other properties and structures on the street)

Building Details

1. Proportion and massing
2. Roof type and shape
3. Materials and detailing
4. Windows and doors:
 - Style
 - Proportions
 - Frequency or placement
5. Relationship of the heritage building to other buildings on the lot and to the streetscape

Heritage Attributes

The following applies where a Heritage Permit Application includes work on heritage attributes:

Windows and Doors

The applicant should consider in order of priority:

1. Repairing or retrofitting the existing units (information on how to make older windows more energy efficient is available from Heritage Planning staff)
2. Replacing the units with new units matching the originals in material, design, proportion and colour
3. Replacing the units with new units that are generally in keeping with the original units

If historic window units are proposed to be replaced the application should include the following:

- Description of the condition of the existing units
- Reasons for replacing the units
- Description of the proposed new units

If approval to replace historic window units is given, the following action should be considered:

- A sample of a window removed should be stored on site in case a future owner wishes to construct a replica of the original
- The masonry opening and/or door framing should not be disturbed
- Exterior trim should match the original

Roofing

The application should include:

- Description of proposed roofing material to be applied
- If there is a request to install a different roofing material, the applicant may wish to investigate what the original material might have been

Masonry Work

The application should include:

- A description of the proposed work, materials (type/style of brick, type of mortar mix, etc.) and methods of repair and application
- Outline the reasons for the work

Signage

The application should include:

- A general written description of the proposed signage to be installed
- A scale drawing of the signage with dimensions, materials, methods of construction, colours and means of attachment (the means of attachment should be arranged to anchor into joints between historic masonry units or into wood building elements)
- Type of illumination, if applicable

Awnings

The application should include:

- A sketch view of the proposed awning – perhaps over a photo
- A scale drawing of the awning on the building with dimensions, materials, operating mechanism, method of construction, colours and means of attachment (the means of attachment should be arranged to anchor into joints between masonry units or into wooden building elements)
- Type of illumination, if applicable.

8. SPECIFIC REQUIREMENTS FOR DEMOLITION

Information presented in the Heritage Permit Application should describe the existing conditions, including the existing setting and existing heritage attributes, of the designated property and the surrounding area, specifically as they relate to the building proposed for demolition. The Heritage Permit Application should provide a detailed rationale for the demolition, including an assessment of the current condition of the building, and a cost comparison identifying the difference in cost to repair and restore the building versus cost to demolish and construct a new building.

9. HERITAGE CONSERVATION PRINCIPLES

The Heritage Permit Application must demonstrate how the proposed work (e.g., alteration, new construction or demolition) is consistent with the designating by-law for individual properties (Part IV) or the Heritage Conservation District Plan for properties within a Heritage Conservation District (Part V designation). In addition, the Heritage Permit Application must demonstrate how the proposed work is consistent with the Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada* (available at www.historicplaces.ca/en/pages/standards-normes.aspx).

For more information on Heritage Planning in the City of Kitchener please contact our heritage planning staff at heritage@kitchener.ca.

	<h2 style="margin: 0;">HERITAGE PERMIT APPLICATION & SUBMISSION REQUIREMENTS</h2> <p style="margin: 0;">Planning Division – 200 King Street West, 6th Floor P.O. Box 1118, Kitchener ON N2G 4G7 519-741-2426; planning@kitchener.ca</p>
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STAFF USE ONLY

Date Received:	Accepted By:	Application Number:
		HPA-2021-

PART B: HERITAGE PERMIT APPLICATION FORM

1. NATURE OF APPLICATION

- Exterior Interior Signage
 Demolition New Construction Alteration Relocation

2. SUBJECT PROPERTY

Municipal Address: 22 Weber Street West Kitchener

Legal Description (if know): Plan 360 Pt Lot 5

Building/Structure Type: Residential Commercial Industrial Institutional

Heritage Designation: Part IV (Individual) Part V (Heritage Conservation District)

Is the property subject to a Heritage Easement or Agreement? Yes No

3. PROPERTY OWNER

Name: 30 Duke Street Limited

Address: 1001-30 Duke Street West

City/Province/Postal Code: Kitchener Ontario N2H 3W5

Phone: [REDACTED]

Email: [REDACTED]

4. AGENT (if applicable)

Name: Dan Currie

Company: MHBC Planning

Address: 200-540 Bingemans Centre Drive

City/Province/Postal Code: Kitchener Ontario N2B 3X9

Phone: [REDACTED]

Email: [REDACTED]

5. WRITTEN DESCRIPTION

Provide a written description of the project including any conservation methods proposed. Provide such detail as materials to be used, measurements, paint colours, decorative details, whether any original building fabric is to be removed or replaced, etc. Use additional pages as required. Please refer to the City of Kitchener Heritage Permit Application Submission Guidelines for further direction.

There is no existing building, the lands are vacant. The submitted HIA provides details on the development and its conformity with the CCNHCD

6. REVIEW OF CITY OF KITCHENER HERITAGE PERMIT APPLICATION SUBMISSION GUIDELINES

Describe why it is necessary to undertake the proposed work:

The lands are currently vacant. The proposal is for a multi-storey, multiple unit residential building.

Describe how the proposal is consistent with the Part IV individual designating by-law or the Part V Heritage Conservation District Plan:

A Heritage Impact Assessment has been completed that reviews conformity of the proposed development with the Civic Centre Neighbourhood Heritage Conservation District Plan.

Describe how the proposal is consistent with Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada* (www.historicplaces.ca/en/pages/standards-normes.aspx):

N/A

7. PROPOSED WORKS

a) Expected start date: 2023 Expected completion date: 2025

b) Have you discussed this work with Heritage Planning Staff? Yes No

- If yes, who did you speak to? Leon Bensason; Victoria Grohn

c) Have you discussed this work with Building Division Staff? Yes No

- If yes, who did you speak to? _____

d) Have you applied for a Building Permit for this work? Yes No

e) Other related Building or Planning applications: Application number _____

8. ACKNOWLEDGEMENT

The undersigned acknowledges that all of the statements contained in documents filed in support of this application shall be deemed part of this application. The undersigned acknowledges that receipt of this application by the City of Kitchener - Planning Division does not guarantee it to be a 'complete' application. The undersigned acknowledges that the Council of the City of Kitchener shall determine whether the information submitted forms a complete application. Further review of the application will be undertaken and the owner or agent may be contacted to provide additional information and/or resolve any discrepancies or issues with the application as submitted. Once the application is deemed to be fully complete, the application will be processed and, if necessary, scheduled for the next available Heritage Kitchener committee and Council meeting. Submission of this application constitutes consent for authorized municipal staff to enter upon the subject property for the purpose of conducting site visits, including taking photographs, which are necessary for the evaluation of this application. The undersigned acknowledges that where an agent has been identified, the municipality is authorized but not required to contact this person in lieu of the owner and this person is authorized to act on behalf of the owner for all matters respecting the application. The undersigned agrees that the proposed work shall be done in accordance with this application and understands that the approval of this application under the *Ontario Heritage Act* shall not be a waiver of any of the provisions of any by-law of the City of Kitchener or legislation including but not limited to the requirements of the Building Code and the Zoning By-law. The undersigned acknowledges that in the event this application is approved, any departure from the conditions imposed by the Council of the City of Kitchener or from the plans or specifications approved by the Council of the City of Kitchener is prohibited and could result in a fine being imposed or imprisonment as provided for under the *Ontario Heritage Act*.

Signature of Owner/Agent: _____ Date: 3/29/2022

Signature of Owner/Agent: _____ Date: _____

9. AUTHORIZATION

If this application is being made by an agent on behalf of the property owner, the following authorization must be completed:

I / We, _____, owner of the land that is subject of this application, hereby authorize Dan Currie to act on my / our behalf in this regard.

Signature of Owner/Agent: _____ Date: March 29, 2022

Signature of Owner/Agent: _____ Date: _____

The personal information on this form is collected under the legal authority of Section 33(2), Section 42(2), and Section 42(2.2) of the Ontario Heritage Act. The information will be used for the purposes of administering the Heritage Permit Application and ensuring appropriate service of notice of receipt under Section 33(3) and Section 42(3) of the Ontario Heritage Act. If you have any questions about this collection of personal information, please contact the Manager of Corporate Records, Legislated Services Division, City of Kitchener (519-741-2769).

STAFF USE ONLY

Application Number: _____

Application Received: _____

Application Complete: _____

Notice of Receipt: _____

Notice of Decision: _____

90-Day Expiry Date: _____

PROCESS:

Heritage Planning Staff: _____

Heritage Kitchener: _____

Council: _____