



I'm Hal Jaeger, and I serve on the Neighbourhood Association Heritage and Development Committee. I would like to thank Activa for reaching out to the neighbours so generously. There is much to be admired in the proposed build: the handsome design, the selected materials, the care for the contiguous neighbours along Ellen St.



The analysis of how the proposal conforms to the Heritage District Plan, which I will abbreviate to HDP, as defined by the Terms of Reference, is simplified because the HDP includes Site Specific Policies – requirements – for 30-40 Margaret, as opposed to general, district-wide guidelines that might require interpretation. The HDP also includes Site Specific Guidelines which I believe deserve extra regard, because they come under the umbrella of Site Specific Policy h) which states:

Site Specific Policies of Interest (page 3.11 of HDP)

(a) New development on the east side of Margaret Avenue shall maintain the overall residential character of the neighbourhood

(c) Redevelopment should be of a height, siting and design which will prevent it from encroaching on lower density dwellings located on Ellen and [Margaret]

(d) Development proposals shall establish a strong, pedestrian oriented street edge that is consistent with the residential character of the District, through the use of appropriate setbacks, height, architectural features and building articulation.

(h) Design guidelines provided in Section 6.9.1 of this Plan will be used to review and evaluate proposals for additions or new buildings to ensure that new development is compatible with the adjacent context.

“Design guidelines will be used to review and evaluate proposals ... to ensure that new development is compatible with the adjacent context.”

Beyond Policy h), I agree with Sandra Parks that the proposed build lacks compliance with Policies a), c), and d). I will add only a few arguments.

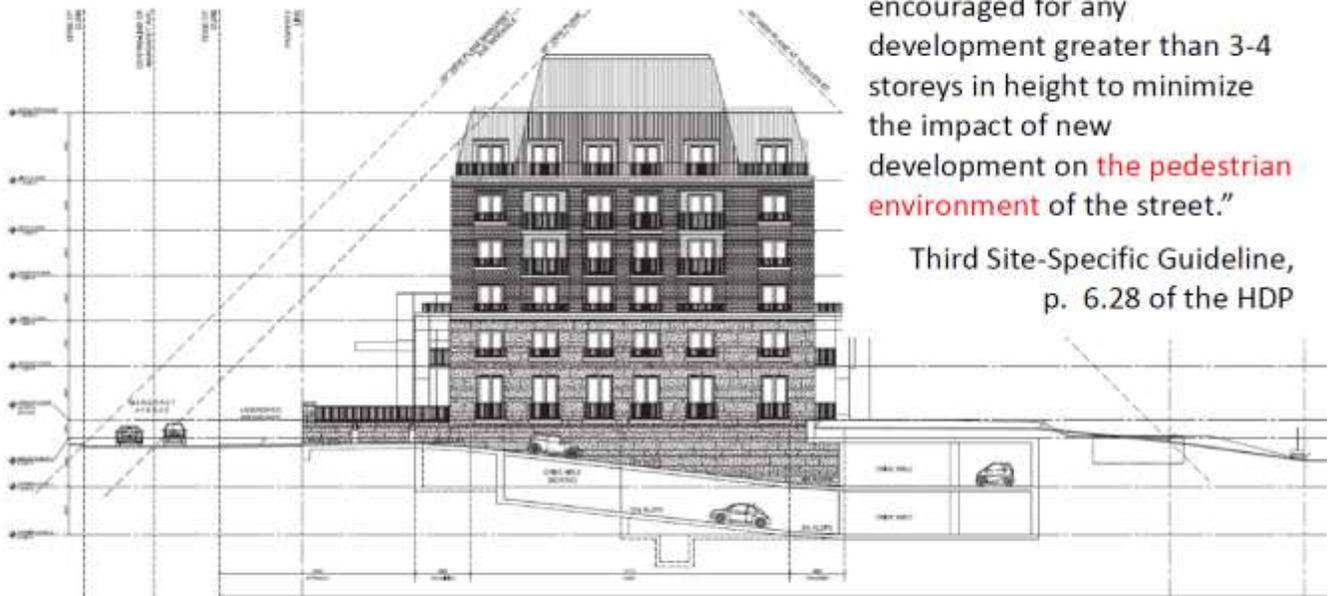
A stepback, “means the horizontal distance the portion of the building above the base is recessed from the façade of the base.”

Page 20 of Section 3 - Definitions of City of Kitchener Zoning By-Law.

Following the official definition, the top of a porch does not constitute a stepback, and the façades of the two proposed buildings extend without a stepback from the ground floor to the top of the fifth floor.



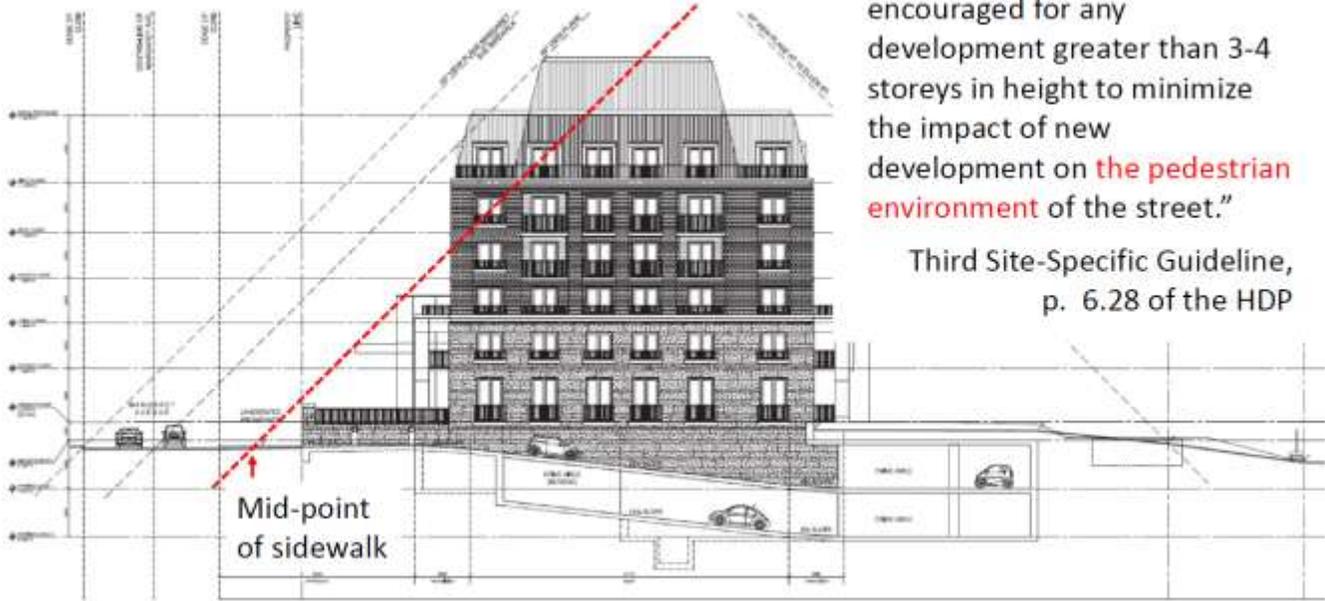
A stepback, according to our zoning bylaw, “means the horizontal distance the portion of the building above the base is recessed from the façade of the base.” Following the official definition, the top of a porch does not constitute a stepback, and the façades of the two proposed buildings extend without a stepback from the ground floor to the top of the fifth floor.



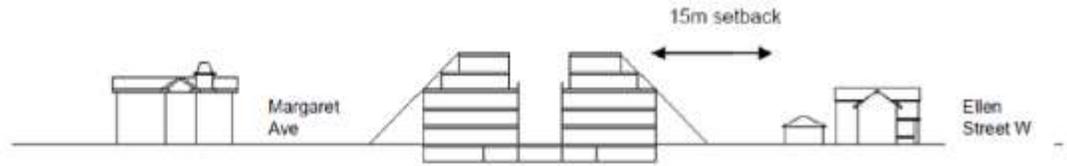
“Building setbacks are encouraged for any development greater than 3-4 storeys in height to minimize the impact of new development on **the pedestrian environment** of the street.”

Third Site-Specific Guideline,
p. 6.28 of the HDP

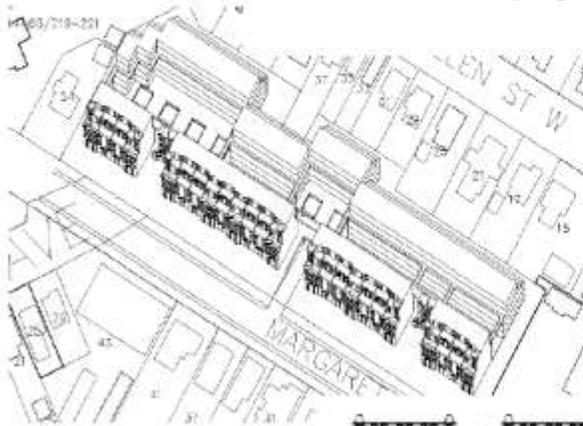
As to the HIA’s angular planes analysis, one plane starts at the curb edge on the south side of Margaret. The other at the centreline of the street. But the third Site-Specific Guideline states “Building setbacks are encouraged for any development greater than 3-4 storeys in height to minimize the impact of new development on the **pedestrian environment** of the street.”



I've added the red angular plane originating at the centre of the pedestrian environment, the sidewalk. This angular plane makes contact with the façade of the proposed building just below the top of the fourth floor. Moreover, as was stated previously, the guideline does not refer to angular planes in assessing conformity with the policies. The guideline calls for setbacks, multiple setbacks.



Site sections through proposed infill development on Margaret Avenue. Note 15m rear yard setback, 3 storey height at street and maximum 5 storey height mid block. Step back at 45 degrees above third floor.



Illustrations on page 6.29 and 6.30 of the HDP



The illustrations that follow the site-specific guidelines show one mode of adhering to the HDP.

We see stepbacks at 45 degrees above the third floor which permit light into the neighbourhood and minimize the perceived height difference between the 5 storey building and the two to two and a half-storey neighbours.

We see the stepback line up with the eaves of the depicted neighbourhood house.

We can imagine the walkways connecting the ground floor residences to the sidewalk, mirroring the cadence and character of the street.

Adjacent lands are defined as "those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan."

Provincial Policy Statement (2014) Policy 2.6. 1 and 2.6.3

"Adjacent - lands, buildings and/or structures that are contiguous or that are directly opposite to other lands, buildings and/or structures, separated only by a laneway, municipal road or other right-of-way."

Page A-1, Part F, Kitchener's Official Plan

2. 4 Documentation of the subject properties to include:

2. 5 An outline of the proposed development, its context, and how it will impact built heritage resources and cultural heritage landscapes (buildings, structures, and site details including landscaping). In particular, the potential visual and physical impact of the proposed development on identified heritage attributes of the subject property, neighbouring properties, the Civic Centre Neighbourhood Heritage Conservation District and the Margaret Avenue streetscape shall be assessed.

Page 2 of Terms of Reference for HIA, p. 119 of HIA

Perhaps we see less consideration of the impact on the streetscape and facing homes across Margaret, as required by the Terms of Reference, because of a focus on a limited interpretation of 'adjacent' properties.

The HIA cites the Provincial Policy Statement and then focuses on the 'contiguous' properties.

But the second half of the definition, includes "or as otherwise defined in the municipal official plan", which, in this case, includes lands "directly opposite ..., separated only by a municipal road." Moreover, the Terms of Reference call for an even wider vantage point: "neighbouring properties, the Civic Centre Neighbourhood Heritage Conservation District and the Margaret Avenue streetscape."

The 17 adjacent properties identified in the HIA



The HIA acknowledges the depicted heritage inventory.

The minimum context to be considered, as per the Terms of Reference



Broadening the vantage point, as required, brings in at least this additional set of properties. Properties that also need to be considered to ensure a compatible build.



The houses backing onto 30-40 Margaret on Ellen St W



We appreciate the effort to not encroach on Ellen.



Please ensure that due care is also applied to Margaret, which is vulnerable due to the presence of two large Group D buildings.



A final word as to why many neighbours want adherence to the HDP.

We are all bound to preserve aspects of our homes for the benefit of the wider community. We count on each other and the HDP to guarantee the context that makes our contributions sensible.