

Heritage Vaughan Committee Report

DATE: Wednesday, October 20, 2021

WARD(S): 1

**TITLE: DEMOLITION OF EXISTING NON-CONTRIBUTING BUILDING
AT 9929 KEELE STREET, AND CONSTRUCTION OF A FIVE
STOREY MIXED RESIDENTIAL BUILDING, MAPLE HERITAGE
CONSERVATION DISTRICT**

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek Heritage Vaughan Committee support and recommendation to the Committee of the Whole to **refuse** the Heritage Permit application under Section 42 of the *Ontario Heritage Act* to demolish the existing non-contributing buildings at 9929 Keele Street and the construction of a five-storey mixed residential building a property located in the Commercial Core of the Maple Heritage Conservation District.

Report Highlights

- The subject property is a non-contributing property located within the Maple Heritage Conservation District
- The proposed replacement structure does not meet the Objectives, Policies and Guidelines of the Maple HCD Plan
- The proposed replacement building is over 3 meters higher than the permitted height of 11.8 meters and does not meet the architectural and site plan guidelines, as outlined in the MHCD Plan

Recommendations

THAT the application to demolish the existing structures and construct the proposed five-storey commercial-residential building exceeding 15.5 meters in height (not including the rooftop mechanical level) BE DENIED.

Background

The subject property at 9929 Keele Street (shown in Attachment 1) is located within the Commercial Core area of the MHCD and is identified as a potential redevelopment property within the District. It is subject to the Maple HCD Plan and the policies of Section 4.6 and the guidelines in Section 9.5.3.

The property was developed circa 1990-1994 when a number of individual properties were merged, and the houses located on these properties (described in the submitted CHIA report, see Attachment 2) were demolished to make way for the current strip malls on the site.

There are no identified Heritage Attributes for this property, but it is noted in the MHCD Study and the Inventory excerpt that its deep setback from the street is an attractive presence, with alternating volumes suitable in material, scale and form to the village setting (see Attachment 3). The mature trees along Keele Street are also mentioned as a sympathetic element of the property.

Previous Reports/Authority

None.

Project Proposal Synopsis

The applicant proposes to demolish both strip mall structures on site and to construct a five-storey commercial-residential building taller than 15.5m with an additional utility penthouse of 4.5m in height – the total height of the proposed structure is ± 20 m. The proposed frontage is 132.91m long and features 14 “store front” units, 6 of which are residential units on the main floor fronting onto Keele Street. Refer to Attachment 7 for the proposed site plans, elevation drawings and floor plans.

The current composition of the site is considered to be moderately sympathetic but is also identified as an area of potential development within the District. However, the proposed replacement structure is incompatible in height, massing and scale and is not compatible with the MHCD Plan, as the review of policies below will discuss.

Analysis and Options

All new development must conform to the policies, objectives and supporting guidelines within the Maple Heritage Conservation District Plan.

The following is an analysis of the proposed demolition of the existing Heritage building located at 9929 Keele Street according to the MHCD Plan guidelines.

2.4 Statement of Objectives in Designating the District

2.4.1 Overall Objective

To ensure the retention and conservation of the District’s cultural heritage resources and heritage character, and to guide change so that it contributes to, and does not detract from, the District’s architectural, historical, and contextual character.

2.4.4 Objectives for Landscape/Streetscape

To facilitate the introduction of, as well as conservation of, historic landscape treatments in both the public and private realm. To preserve trees and mature vegetation, and encourage the planting of species characteristic of the District, where possible. Native urban-tolerant trees are preferred; however, non-indigenous species with compatible forms and characteristics should be allowed in recognition of the harsher urban conditions that now exist. To introduce landscape, streetscape, and infrastructure improvements that will enhance the heritage character of the District.

2.4.5 Objectives for New Development

To ensure compatible infill construction that will enhance the District's heritage character and complement the area's village-like, human scale of development, while promoting densities sufficient to secure the District's future economic viability. To guide the design of new development to be sympathetic and compatible with the heritage resources and character of the District while providing for contemporary needs.

The key objectives for new development within Maple Heritage Conservation District emphasizes that change is to be guided so that it contributes to – and to not detract from – the Village of Maple's architectural, historical and contextual character. Two further objectives focus on new infill construction that enhances and complements the area's "village-like human scale" and the retention of trees and mature vegetation.

The Maple HCD Plan policies for new construction are outlined in Section 4.6 with the following:

4.6.1 Design Approach

- a) *The design of new buildings will be products of their own time, but should reflect an historic architectural style either traditionally found in the District or reflective of traditional commercial architecture.*
- b) *A design approach that reduces the actual and perceived scale of large developments will be pursued.*
- c) *New buildings will respect adjacent residential and historic properties.*
- d) *The façade of new buildings will be no taller than 3 storeys, with a maximum height of 11.8 metres.*
- e) *New building construction in the District will conform with the Guidelines found in Section 9.5.3.*

The proposed new development does not meet any of the above criteria. It proposes a 5 storey building at 15.5 meters in height, almost 4 meters above the permitted maximum height for new construction in the Maple HCD Commercial Core, and taller than either of the adjacent properties. The proposed frontage of 132.91 meters without any breaking up of the scale or massing does not reduce the actual or perceived height.

The design of the building does not reflect a traditional village architectural style of Maple or elsewhere in Vaughan. While it references the style of “Vernacular Town Shop” referenced in Section 9.1.2 of the MHCD Plan, it does not specifically claim inspiration from any pictures of Vaughan downtown buildings. The only link offered for the proposal’s choice in architectural design is that of a successful design in Unionville – however, Cultural Heritage staff notes that Unionville does not have the specific height limit that the MHCD Plan has. It is also noted that photographs of historic and surviving Town Shops were not built in such extended long rows. At most, the record show blocks of three shops together, such as in the Thornhill Commercial Area on Yonge Street.

The proposed development borrows most significantly from the Village Shop, as shown in Section 9.1 of the MHCD Plan. However, staff notes serious concerns with the execution of the style: the proposed building is taller than what is shown in the MHCD Plan example, and the proposed style does not extend to the whole of the design, making it a hybrid-design inappropriate for the Village of Maple.

The policies of Section 4.6 lastly state that new construction shall conform to the Guidelines of Section 9.5.3 regarding development in the Commercial Core. Section 9.5 speaks to the design guidelines of the District, with the overall goals that new development be designed in a style that is consistent with the vernacular heritage of the community. New development should be in one particular style – not a hybrid of several heritage style – and overall should show “good manners” to the surrounding area.

9.5.3.2 Objectives for guidelines for new development

Overall Objectives

- ☐ *Ensure that new development respects and enhances existing heritage character and resources.*
- ☐ *Respect the historic residential areas.*

9.5.3.6 Scale and Massing

Scale and massing shall respect the character of the historic Village.

Guidelines:

Maximum façade height of 3 storeys with a maximum building height of 11.8 metres.

- ☐ *Height and massing should respect the 1 to 2- storey residential properties when they are adjacent. Mansard roofs are not suitable.*
- ☐ *A high quality of commercial and “store front” design is recommended. Visibility along the commercial ground floor in terms of composition of windows, entryways and materials is encouraged.*
- ☐ *All buildings and commercial units fronting onto a primary or secondary street must have an entrance fronting the primary or secondary street.*

The subject property is identified as having potential for intensification in accordance with the MHCD Plan. However, the current proposal does not meet the massing, scale or design requirements of the Plan and is not compatible.

The proposed new development does not respect the historic residential areas, nor does it enhance the existing heritage resources in Commercial Core area. The proposed five-storey design is significantly taller by 2 meters or more than the three-storey properties to the north and south of the 9929 Keele Street. The proposed building would be taller than any other structure in the MHCD, with a proposed façade longer than any other structure in the District. For comparison, the George Bailey Public School (9600 Keele Street) is the longest façade existing in the District at 65 meters, and the proposed structure is more than twice that length at 132.9 meters. The only building in the general area with a longer façade than the proposed construction is Vaughan City Hall, which is 140 meters. City Hall also has a façade height of a little over 16 meters. It must be noted that Vaughan City Hall is outside of the MHCD boundary.

In short, the proposed building is only 7m narrower than the Vaughan City Hall, and the overall massing including the mechanical is 4m taller than the Vaughan City Hall. Considering that the proposed set back from the street is under 3 meters from the property line, the result is a proposed building that is massively out of proportion in the core of the Maple Heritage Conservation District.

9.5.3.7 Architecture Style

Historic buildings in the Commercial Core consist of a mix of purpose-built commercial structures and house-form residential. Some residential buildings had storefronts added after construction, even at a very early date. Most of the buildings, even purpose-built ones, had gable roofs, although some had “false fronts” to mimic flat roofed town commercial buildings.

New buildings should reflect one of these heritage styles, particularly in its street-front aspect.

Guidelines:

New buildings should reflect a suitable local heritage style. Use of a style should be consistent in materials, scale, detail, and ornament.

- ☐ *Do not use hybrid designs that mix elements from different historical styles.*
- ☐ *Use authentic materials. In most cases this means brick, with stone sills and brick or stone lintels.*
- ☐ *Use Section 9.1 for preliminary guidance on styles.*
- ☐ *Use Section 9.2 for further preliminary guidance on details of design and construction*
- ☐ *It is highly recommended that owners engage design professionals skilled in heritage work for new buildings in the District.*

The applicant states that inspiration is derived from the Village Commercial Shop style, which is typically brick, with a main floor shop and two upper floors for residential or

other use. However, the proposed building does not specifically identify design inspiration from known or historical styles in the MHCD or elsewhere in Vaughan: it suggests connection to a design permitted in another Heritage Conservation District that does not have specific new construction height limits as the MHCD does.

The proposed structure is a hybrid of architectural styles with contemporary detailing, particularly in its upper stories that are clearly modern and contemporary forms which incorporate spandrel glass. Neither is permitted in the MHCD.

The applicant has reduced the number of commercial units available on the ground floor to introduce six double-storey residential units at grade. The design attempts to incorporate residential units behind a superficial aesthetic of the village store façade. Since the Village Commercial Shop style does not incorporate residential living on its street-facing main floor elevation, this is not an acceptable residential model.

9.5.3.8 Storefronts

As noted under Architectural Style, above, historic commercial buildings may have been purpose-built or converted from residences. This is typical of a village commercial streetscape, and differentiates it from shopping areas in larger towns and cities. As a result, there is a variety of heritage precedents available for the design of new shopfronts. Historical conversions of residential buildings to commercial use often inserted a large window opening, perhaps on only one side of a central door, rather than full width storefront. More recent conversions often leave the original residential window openings in place, if the business doesn't require large display windows.

Guidelines:

- ☐ *Storefront design should reflect local historic precedents. Design elements within any chosen precedent should be consistently applied.*
- ☐ *Full-width porches are appropriate elements in storefront design.*
- ☐ *Retractable awnings are appropriate. Rigid awnings and fixed canopies are inappropriate.*
- ☐ *Use of traditional wood and glass construction for storefronts is encouraged.*
- ☐ *If modern materials are used, they should be detailed to replicate traditional designs in scale, proportion and architectural effect. For example, the use of wood trim at jambs, posts, and panels can enhance the heritage effect of standard storefront and glazing systems.*
- ☐ *Both Preservation Briefs and Architectural Conservation Notes have information on heritage storefronts. See Section 9.3.2.*

The proposed storefronts do not have porches, awnings, do not use traditional wood and glass details, and do NOT replicate local commercial units that historically existed in Maple or elsewhere in Vaughan as a whole. Although the proposed design is clearly “of its time”, this contemporary aesthetic on such large scale does not fit with the objectives and the requirements of the MHCD Plan.

9.8.1 Heritage Buildings Inappropriate Materials

The proposed structure employs a material palette (see Attachment 10) that is generally complementary to the colours and textures of the MHCD, with a few notable exceptions:

1. the top-most level, despite being set back from the facades of the building, is clad in all-glass with spandrel units that are explicitly called out in the MHCD Plan (pg.122 “*spandrel glazing on the building will not be permitted*”)) as being an Inappropriate Material
2. the proposed Precast Panels, also called out in the MHCD Plan (pg.135 “*Pre-cast concrete panels or cast-in-place concrete*”), as Inappropriate Materials) are used throughout the building

The proposed building is illustrated in Attachment 11 and shows streetscape renderings as well as flat-on colour elevations. It is easy to see the overwhelming scale of this proposal in relation to the immediate neighbours as well as to the larger surroundings (see Attachment 6 for the Site Plan): the footprint as well as the volumetric massing showcases this proposal as potentially the largest built structure within the Maple Heritage Conservation District.

9.7.1 Planting

No heritage permits are required for planting activities, but voluntary compliance with the guidelines in this Section can help maintain and enhance the natural heritage of the Maple and its valley. Suitable new planting and management of existing flora are a primary means of ensuring the health of the entire ecosystem:

- ☐ *plants contribute to stormwater and groundwater management*
- ☐ *erosion control*
- ☐ *provide habitat and nutrition for wild fauna.*

Guidelines:

- ☐ *Maintain health of mature indigenous tree by pruning and fertilizing.*
- ☐ *Over time, remove unhealthy, invasive and non-indigenous species.*
- ☐ *Site buildings and additions to preserve suitable mature trees.*
- ☐ *Protect and preserve mature trees during construction.*

The Districts objectives for landscapes are to preserve trees and mature vegetation, and encourage the planting of species characteristic of the District, where possible – and to introduce landscape, streetscape, and infrastructure improvements that will enhance the heritage character of the District.

Section 9.5.3 states that “*Existing mature trees should be preserved, and new tree planting should be designed to reflect the traditional village pattern. Trees should be planted in front of and beside new buildings and, where possible, behind them. Even when planted in an island in a parking area, these trees will contribute to the village character*”

As currently presented, the proposed development will not preserve the existing, mature 30 year old trees planted along the front of the site. Of the 14 trees existing, 13 will be removed, with the exception of 1 Burr Oak that is located within the Regional right of way.

Policy Framework and Background

The Maple Heritage Conservation District was passed by Council and approved by the then OMB in 2007. The Maple Heritage Conservation District (MHCD) Plan allows for a height of 3 stories or equivalent of 11.8 meters in the Commercial Core area of the District. The restriction of height in the MHCD area is a key component.

In 2005, the *Ontario Heritage Act* was updated, and Section 41.2 confirms that in the event of a conflict between a heritage conservation district plan and a municipal by-law that affects the designated district, the HCD Plan prevails to the extent of the conflict.

The 2010 Vaughan Official Plan states clearly in Section 6.3.2.3. :

“To conserve Heritage Conservation Districts by approving only those alterations, additions, new developments, demolitions, removals and public works in accordance with the respective Heritage Conservation District Plans and the policies of this Plan. When there is a conflict between the policies of the Heritage Conservation District Plan and the policies of this Plan, the Heritage Conservation District Plan shall prevail.”

Discussion of Justification

The properties on either side of 9929 Keele Street were subsequently initially under these guidelines and the later streetscape guidelines that were developed in 2006. The properties to the south (9901-9907 Keele Street) were approved through Site Plan DA.02.002, before the creation of the Maple Heritage District, and the building permit was approved in December 2005. The design incorporated the existing heritage structure on the property into the design and is 3 stories high and is, at it's highest, 14.35 meters in height.

The building north of the subject property, 9973 Keele Street, is three storeys with a very high, pitched roof and is approximately 13.1 metres in height. This property was developed through Site Plan DA.05.060 (approved on September 25, 2006) and was in keeping to the existing Official Plan and streetscape guidelines in force at the time.

In consideration of the existing higher heights of the above buildings and the 4-storey building located on 2396 Major Mackenzie within the MHCD boundary (all approved prior to enactment of the MHCD or through the Ontario Municipal Board at the time), staff proposed a four storey building with a maximum height 12.2m as an acceptable built form that can be supported by staff, however the proposal was refused by the applicant.

Financial Impact

There are no financial impacts to this application.

Broader Regional Impacts/Considerations

There are no broader regional impacts or considerations.

Conclusion

As currently proposed, the submitted development does not meet criteria for new construction in the Maple Heritage Conservation District. It is contrary to the District's policies and guidelines in height, scale, massing and design. While the opportunity to develop this property is identified in the MHCD Study and Plan, all such development is subject to the policies and guidelines of the MHCD. Therefore, Cultural Heritage staff does not support this Heritage Permit application as proposed, as it is contrary in most elements to the objectives, policies and guidelines of the Plan.

Further, the required changes in design cannot be mitigated through additional conditions of approval.

Should the Council decide to refuse this Heritage Permit application under Section 42 of the *Ontario Heritage Act*, it does not imply that the development applications related to this property (OP.21.016, Z.20.043) will be prematurely refused. By refusing the Heritage Permit application as proposed, the applicant will have the opportunity pending further collaboration with Cultural Heritage staff to resubmit a more appropriate design at a later date.

For more information, please contact: Katrina Guy, Heritage Coordinator, ext. 8115

Attachments

- Attachment 1 – 9929Keele – Location Map
- Attachment 2 – 9929Keele – CHIA
- Attachment 3 – 9929Keele – MHCD Inventory: Property excerpt
- Attachment 4 – 9929Keele – 1988 Aerial Map
- Attachment 5 – 9929Keele – MHCD Plan: Commercial Core Map
- Attachment 6 – 9929Keele – Proposed Site Plan
- Attachment 7 – 9929Keele – Proposed Architectural Set
- Attachment 8 – 9929Keele – Arborist Report
- Attachment 9 – 9929Keele – Landscape Plan
- Attachment 10 – 9929Keele – Materials Sample Board
- Attachment 11 – 9929Keele – 3D renderings

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