City of Kingston
Information Report to Heritage Kingston
Report Number HK-16-004

To: Chair and Members of Heritage Kingston
From: Lanie Hurdle, Commissioner, Community Services
Resource Staff: Paige Agnew, Director, Planning, Building & Licensing Services
Date of Meeting: April 4, 2016
Subject: Application for Heritage Permit under the Ontario Heritage Act
297 King Street East, Market Square HCD (P18-508)
File Number P18-038-2015

Executive Summary:

An application for alteration under Section 42 of the Ontario Heritage Act (File Number P18-038-2015) has been submitted to request approval to install a barrier free access ramp and entrance at 297 King Street East in the Market Square Heritage Conservation District. The existing building is located at the corner of King and Clarence Street and the accessible entrance and ramp is proposed on the King Street frontage. The proposed ramp is located entirely within the City’s right-of-way, and therefore the City is a joint applicant with the owner of 297 King Street East (RioCan Holdings Inc.). All costs associated with the proposed works in the right-of-way will be covered by the owner of 297 King Street East.

The building on the subject property has design and physical value, as well as historical associations and contextual value. Applicable policy in the Market Square Heritage Conservation District Plan encourages modifications that improve accessibility, provided that they are designed in a manner that conserves and is compatible with the heritage attributes of the building. The proposed ramp and railing are intended to blend with existing finishes on the building. The entrance modifications have also been designed to preserve an existing symmetrical glazing pattern to the extent possible.

The proposal also requires Council approval for the encroachment, through a process administered by the City’s Engineering Department. Through the City’s internal technical review process, Engineering provided detailed comments on the proposed installation of the ramp and have no significant concerns. They will bring a report to Council to recommend approval on April 5, 2016.

The Director of Planning may pre-consult with the Committee where deemed necessary due to the complexity of the application, under Section 15 and 16 of the Procedural By-law for Heritage.
April 4, 2016

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The following report is provided for information, prior to a decision from Council pursuant to section 42(4.1) of the *Ontario Heritage Act*. Staff intend to recommend approval of the application at the Council meeting on April 5th, subject to the following design consideration and conditions:

Design considerations:

1. Installation of an accessibility ramp measuring approximately 1.23 metres (4 feet) wide, and 2.29 metres (7 feet 6 inches) in length, with the following characteristics:
   
i. A hand rail, approximately 0.038 metres (1.5 inches) in diameter and 0.91 metres (3 feet) in height, coloured to match the bronze anodized entrance doors;
   
ii. A new barrier-free push button on the handrail;
   
iii. A new landing and step with a maximum height of 0.20 metres (7.87 inches);
   
iv. Ramp and landing material that will blend with the surrounding sidewalk pavers or building materials;
   
v. A tonal contrast strip that will be provided at the top of the ramp and along the step; and

2. New asymmetrical entrance doors installed to align with the existing three part entrance glazing division, measuring approximately 0.97 metres (3 feet 2 inches) and 0.56 metres (1 foot and 10 inches) to match the existing bronze anodized aluminum doors; and

Seven (7) conditions:

1. The ramp and landing material blend with the limestone material on the building at the level of the ramp, and that Planning staff be provided the opportunity to review the material treatment and colouring, prior to selection;

2. That the tonal contrast strip provided at the top of the ramp and step be a shade of grey or black where possible, as opposed to yellow or orange;

3. If feasible, the applicant pursue a lower rise to the step created by the ramp landing (i.e. 0.18 metres or 7.09 inches) for greater accessibility;

4. A 0.05 metre curb be provided on the side of the ramp not provided with a solid guard or enclosure (wall);

5. The required building permit be obtained, and that Planning staff be provided the opportunity to review and comment on building permit drawings;

6. The property owner obtain Council approval for the encroachment, and register the appropriate license agreement; and

7. That expansion anchors be included between the existing building and the ramp to minimize impacts associated with differential settlement.
Recommendation:

This report is for consultation purposes.
Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

Lanie Hurdle, Commissioner, Community Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Gerard Hunt, Chief Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Cynthia Beach, Corporate & Strategic Initiatives  Not required
Denis Leger, Transportation, Facilities & Emergency Services  Not required
Jim Keech, President and CEO, Utilities Kingston  Not required
Desiree Kennedy, Chief Financial Officer & City Treasurer  Not required
Options/Discussion:

Proposal/Background
The building on the subject property at 297 King Street East was constructed in 1923-1924, and is described in the Market Square Heritage Conservation District Plan as “a fine example of Beaux Arts or Neoclassical Revival architecture in Kingston”. The building was constructed for the Bank of Montreal (then “Montreal Bank”) and continues to function as a bank branch today. It is located prominently at the corner of King Street and Clarence Street, adjacent to Springer Market Square. The property was designated under Part V of the Ontario Heritage Act in 1986 and is recognized as having design and physical value, associative value and contextual value.

In 2010, Council approved a heritage permit application for entrance modifications to improve accessibility to the Bank of Montreal building. These included replacement of a portion of the exterior step, and entrance door modifications as well as lowering the inside lobby to the level of the sidewalk. The approved modifications were not pursued, due to the low ceiling heights and conflicts with the basement electrical room below.

On November 10, 2015 the applicant participated in a pre-application consultation meeting with City Departments where two options for accessibility upgrades were presented including re-grading the sidewalk or installing a ramp. The ramp was generally preferred from a Building Code and Engineering perspective.

The subject application requests approval to improve the accessibility of the King Street East entrance through the following alterations:

1. Installation of an accessibility ramp measuring approximately 1.23 metres (4 feet) wide, and 2.29 metres (7 feet 6 inches) in length, with the following characteristics:
   i. A hand rail, approximately 0.038 metres in diameter and 0.91 metres (3 feet) in height, coloured to match the bronze anodized entrance doors;
   ii. A new barrier-free push button on the handrail;
   iii. A new landing and step with a maximum height of 0.20 metres (7.87 inches);
   iv. Ramp and landing material will blend with the surrounding sidewalk pavers or building materials;
   v. A tonal contrast strip will be provided at the top of the ramp and along the step; and

2. New asymmetrical entrance doors installed to align within the existing three part entrance glazing division, measuring approximately 0.97 metres (3 feet 2 inches) and 0.56 metres (1 foot and 10 inches) to match the existing bronze anodized aluminum doors.

The proposal will involve the removal of an existing granite step at the threshold of the building. The step has visible cracks and unevenness, and according to the applicant, presents a tripping hazard.

The proposed ramp is located entirely within the City’s right-of-way, and therefore the City is a joint applicant with the owner of 297 King Street East (RioCan Holdings Inc.). All costs
associated with the proposed works in the right of way will be covered by the owner of 297 King Street East.

The proposal is illustrated in a colour rendering provided in Exhibit A. An elevation drawing of the existing and proposed entrance is provided in Exhibit B, and a site plan drawing is provided in Exhibit C. Staff site visit photos taken on December 30, 2015 are provided as Exhibit D. Additional photos of the entrance steps provided by the applicant are provided as Exhibit E.

The Director of Planning may pre-consult with the Committee where deemed necessary due to the complexity of the application, under Section 15 and 16 of the Procedural By-law for Heritage. The following report is provided for information, prior to a decision from Council pursuant to section 42(4.1) of the Ontario Heritage Act. Staff intend to recommend approval of the application at the Council meeting on April 5th, subject to the listed design consideration and conditions.

Reasons for Designation
The property is designated under Part V (By-Law Number 84-172 and 9037) of the Ontario Heritage Act as part of the Market Square Heritage Conservation District.

The statement of significance included in the Market Square Heritage Conservation District Plan is as follows:

“The building has design value or physical value as a fine example of Beaux-Arts or Neoclassical Revival architecture in Kingston from the early 20th century. Constructed between 1923-24, the single-storey, flat-roofed building is symmetrical with a decorative roof cornice, rectilinear bays, large openings and a temple-influenced design at a monumental scale. Typical of the Beau-Arts style, which was popularized by architects trained at the École des Beaux Arts, this building has a smooth-faced limestone exterior with stylized Iconic detailing. This style was a popular choice for banks of the period.

This bank branch has historical or associative value as an example of the work of the Montreal architecture firm of Lawson & Little. The partners, Harold Lawson (1885-1969) and Harold Little (1887-1948), established the firm in 1922. Harold Lawson was born in New York City and educated at the Pratt Institute. Prior to establishing Lawson & Little, Lawson worked for firms in New York and Montreal, including a private practice from 1919. Harold Little was born in London, Ontario and graduated from the McGill University School of Architecture in 1910. Initially, he supervised construction work in Calgary for the Merchants Bank of Canada and later taught in the School of Architecture at McGill University. Lawson & Little designed a number of Bank of Montreal branches across Canada. Following Little’s death in 1949, Lawson joined Randolph C. Betts in the firm of Lawson and Betts. He retired in 1961.

This building has historical or associative value because of its association with the Bank of Montreal. The institution, first called Montreal Bank, was founded by nine merchants intent on establishing a bank in Lower Canada. The first branch opened on November 3, 1817, and in 1822, the Legislature of Lower Canada granted it a charter under the name ‘Bank of Montreal’. The bank was involved in financing many of Canada’s early infrastructure projects including the Lachine Canal (1821-25), the first railway from Champlain to St. Lawrence (1832-36), the Grand
Trunk Railway from Quebec to Sarnia (1850s), and later the Canadian Pacific Railway’s cross-Canada line (1881).

The building has contextual value because its 20th century design contributes to the evolved character of the Market Square District. This building replaced an earlier collection of commercial block buildings, namely a 3-storey stone building at 22/24 Market Street, a 3-storey brick druggist building at 303 King Street East by William Coverdale (north corner of Market and King Streets), and a 2-storey brick building at 299 and 301 King Street East (west corner of Clarence and King Streets).

Key exterior attributes that embody the heritage value of 297 King Street East and contribute to the heritage character of the Market Square Heritage Conservation District include:

- The ashlar-faced limestone, symmetrically organized facades, with three centrally placed and oversized openings on each façade; and
- The decorative treatment of the stone, characterized by Ionic stone pilasters framing the large window and door openings, the door lintels, the entablature and the crest above the front entrance.”

Previous Approvals
P18-508-123-2010  Replacement of a portion of the exterior step to provide a portion of the entrance at grade for an accessible entrance

P18-508-095-2009  Replacement of the roof, repointing of chimneys and relocation of interior attic/roof access

Comments from Agencies and Business Units
The following internal departments were circulated on this application:

Building: A building permit application is required for the proposed scope of work. Complete technical construction drawings are required for permit review; a full review will be completed upon permit application submission. Based on a review of the details provided with the OHA permit application the ramp will require a 50 millimetre high curb on the side of the ramp not provided with a solid guard or enclosure (wall).

Property Standards: No concerns.

Fire: No comments.

Utilities Kingston: No concerns. The applicant is reminded to contact Ontario One Call for locates prior to excavation.

Engineering: There are no concerns with the proposed installation of the ramp as discussed with the applicant. The property owner is required to obtain Council approval on April 5th for the encroachment of the proposed ramp within the public right-of-way. A staff report will be prepared seeking an amendment to the City's By-Law Number 2004-107, "A By-Law to Protect the City's Highways from Unauthorized Encroachments". A condition of the by-law amendment will be the requirement for the registration of a license agreement, in a form satisfactory to the City Solicitor, which will outline the conditions of the encroachment including but not limited to;
design features, insurance, allocation of any future reconstruction costs, etc. The applicant will be provided the opportunity to review the license agreement in advance of the Council report to satisfy themselves of their interest in proceeding. The ramp will be subject to an annual encroachment fee which will be determined through the license agreement.

Municipal Accessibility Advisory Committee: 1. A step height of 7.09 inches is recommended for the rise to the ramp landing to meet the Provincial Regulation for the Design of Public Spaces (DoPS) 2. The diameter of the handrails should be between 30 and 40 millimetres (1.18-1.57 inches). 3. The bottom rail of the guard on the road side of the ramp should be limited to less than 50 millimetres (2 inches) above the surface of the ramp or edge guard protection should be provided to ensure cane detectability. 4. The colour of the handrails and frame should be highly contrasting to the background. 5. The power door operator should be located on the frame of the handrail at the north end of the handrail adjacent to the building. 6. A minimum 50 millimetre (2 inches) wide bright contrasting colour strip is recommended across the top of the ramp and around the top of the step down to the paver surface.

Legal Services: No concerns.

Built Heritage Analysis
Staff reviewed the proposal in relation to the Market Square Heritage Conservation District (HCD) Plan, and the associated statement of significance for the subject property.

Policy in the Market Square HCD Plan emphasizes the importance of universal accessibility within the HCD. Policy with respect to storefronts (page 13) states that: “Alterations to buildings to allow for barrier free access shall be designed in a manner that conserves and is compatible with the heritage attributes of the building.”

The proposed ramp and railing is intended to be compatible with the building on the subject property by blending with existing colours and finishes. As indicated on the drawings provided, the railing material will be coloured to match the bronze anodized entrance door frame. This dark colouring also meets accessibility criteria by contrasting with the colour of the building and, therefore, having a higher visibility. The concrete ramp material can be coloured to match either the sidewalk pavers or the building materials. Staff have included a condition in the recommendation indicating the ramp material should match the material at the base of the building. This condition is intended to ensure the ramp will blend and be compatible with the existing building materials at the level of the ramp. This treatment is illustrated in the rendering provided in Exhibit A.

Staff have conveyed to the applicant’s agent and architect that policy in the Market Square HCD Plan with respect to materials encourages new exterior features to be of comparable quality to the heritage attributes and materials of the associated building (page 12). The applicant was encouraged to consider a granite veneer for the ramp, similar to the existing step, or a stone veneer. The applicant’s architect has indicated that a reinforced concrete ramp and landing would be more durable than stone veneer (which can break off from the concrete substrate from salts and snow clearing) or granite (which would be installed in several pieces that can move independently of each other and may cause tripping hazards). Staff noted in their review that the HCD is characterized by an evolution in building materials, from stone, to brick, to more
The proposed modifications to the entrance door, resulting in an asymmetrical opening, were reviewed alongside the statement of significance for the property. Staff noted in their review that the symmetry of the building is noted as an attribute, although the entrance glazing and anodized aluminum framing itself is not an original feature of the building. The applicant’s agent has conveyed that the proposed new doorways were intended to maintain as much as the existing vertical exterior mullions and sidelight glazing as possible so that the three part glazing divisions would be maintained from top to bottom. A wider entrance is required to meet accessibility guidelines. Staff are not recommending a modification to the doorway, as the modifications do not appear to affect the overall symmetry of the building and do not substantially alter the existing oversized, glazed opening.

City Engineering staff have conveyed to the applicant that the property owner is required to obtain Council approval for the encroachment of the proposed ramp within the public right-of-way. As part of the internal technical review for the heritage permit, Engineering staff also commented on the preferred installation of the ramp in relation to the sidewalk pavers, and Planning staff understand that any additional modifications will not result in visible modifications to the ramp. Appropriate expansion joints around the ramp structure will be used when interfacing with the existing building and sidewalk pavers to minimize impacts associated with differential settlement. A condition has been included in the recommendation to emphasize this point.

A representative from the Municipal Accessibility Advisory Committee provided comments on the proposed plans, and a number of recommendations have been incorporated into the proposed design. These modifications include darkening colour of the handrails and frame to be highly contrasting to the building behind, moving the power door operator onto the frame of the handrail adjacent to the building instead of on the door frame, and applying a contrasting strip across the top of the ramp and around the top step. Staff understands that the Integrated Accessibility Standard for the Design of Public Spaces specified in Ontario Regulation 191/11 (the “Integrated Accessibility Standard”) applies to the public sidewalk on the subject property, but that the ramp providing access into the Bank of Montreal building is only required to meet the Ontario Building Code at this time. Staff encouraged the applicant to comply with the Integrated Accessibility Standard where feasible. For example, the step created by the ramp landing is noted to be a maximum of 0.20 metres (7.87 inches) on the drawings provided, which meets the Ontario Building Code; however, the applicant’s architect has confirmed that a lower height will be pursued where feasible to meet the Integrated Accessibility Standard. A condition has been included in the recommendation to specify this intention.

The Integrated Accessibility Standards require that a minimum 1.5 metre path of travel be maintained within a public right-of-way. Staff from the City’s Engineering Department have confirmed that a path of travel of 1.6 metres is maintained between the edge of the existing tree grate and the back of the curb. Therefore, the Integrated Accessibility Standards will continue to be met with the introduction of the ramp.
Existing Policy/By-Law:


By-Law Number 2013-141 – Procedural By-Law for Heritage

By-Law Number 84-172 and 9037 (OHA designation by-law for the Market Square Heritage Conservation District)

The Market Square Heritage Conservation District Plan

Notice Provisions:

Pursuant to Section 42(3) of the *Ontario Heritage Act (OHA)*, notice of receipt of a complete application has been served on the applicant.

Accessibility Considerations:

The application was circulated to a representative of the City’s Municipal Accessibility Advisory Committee for review and comment.

Financial Considerations:

All costs associated with the construction of the ramp will be the responsibility of the applicant.

Contacts:

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Stacey Forfar, Manager, Development Approvals 613-546-4291 extension 3253

Amy Didrikson, Intermediate Planner 613-546-4291 extension 3288

Other City of Kingston Staff Consulted:

The application has been circulated to internal departments for review and comment.

Exhibits Attached:

Exhibit A  Colour Rendering of Proposal
Exhibit B  Elevations Illustrating Existing and Proposed Entrance
Exhibit C  Site Plan of Proposal
Exhibit D  Staff Site Visit Photos
Exhibit E  Applicant Photos of Existing Entrance Step
Bank of Montreal
297 King Street East, Kingston
Proposal for Barrier-free Accessibility

Existing Facade

Proposed Barrier-free Ramp

Renaissance Corporation Architect