

Staff Report



Development Services Department

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REPORT TO: Heritage Kitchener

DATE OF MEETING: June 6, 2023

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

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

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: May 8, 2023

REPORT NO.: DSD-2023-223

SUBJECT: Notice of Intention to Designate 97 Victoria Street North under Part IV of the Ontario Heritage Act

RECOMMENDATION:

That pursuant to Section 29 of the *Ontario Heritage Act*, the Clerk be directed to publish a Notice of Intention to Designate the property municipally addressed as 97 Victoria Street North as being of cultural heritage value or interest.

REPORT HIGHLIGHTS:

- The purpose of this report is to request that Council publish a Notice of Intention to designate 97 Victoria Street North under Part IV of the *Ontario Heritage Act*.
- The key finding of this report is that 97 Victoria Street North meets the criteria for designation under Ontario Heritage Act Regulation 9/06 (amended by 569/22) and has been confirmed to be a significant cultural heritage resource.
- There are no financial implications.
- Community engagement included informing residents by posting this report with the agenda in advance of the Heritage Kitchener meeting, consulting and collaborating with the owner regarding the recommendations of the Heritage Impact Assessment (HIA), and consultation with Heritage Kitchener. In addition, should Council choose to give notice of its intention to designate, such notice will be served to the Owner and Ontario Heritage Trust, and published in the local newspaper.
- This report supports the delivery of core services.

BACKGROUND:

The property municipally addressed as 97 Victoria Street North is located on the south side of Victoria Street North near the intersection of Victoria Street North and Weber Street West. The building was built circa 1927 in the Industrial Vernacular style of architecture and is currently listed as a non-designated property of cultural heritage interest or value on the

City's Municipal Heritage Register. Additionally, it is also located within the Warehouse District Cultural Heritage Landscape.

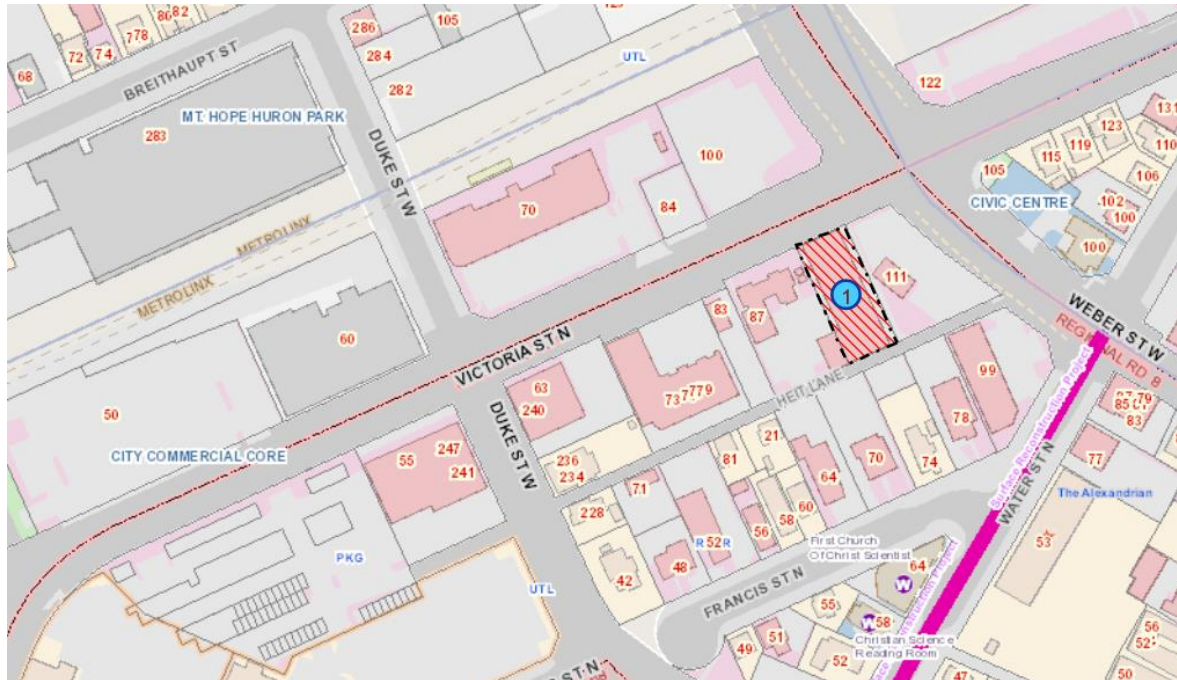


Figure 1: Location Map for 97 Victoria Street North.

The submission and approval of a Heritage Impact Assessment (HIA) was made a requirement of a proposed Site Plan, Severance of Land, and Minor Variance applications that were submitted to the City in 2022 for 83-97 Victoria Street North. Since 83 Victoria Street North has no heritage status, only 97 Victoria Street North was assessed in the HIA. The HIA dated December 2, 2022, prepared by LHC Heritage Planning and Archaeology was submitted to the City in support of these applications and was presented to the Heritage Kitchener Committee at its January 3, 2023, meeting. These applications related to the retention of the existing structures at 83 and 97 Victoria Street North, adding a third storey to the existing structure at 97 Victoria Street North, and also a one-storey addition attached towards the rear of the existing building.

More information on the proposed changes and redevelopment are outlined in Staff Report DSD-2023-222 titled *97 Victoria Street North Proposed Third-storey Addition and Existing Building Alterations*, also on the June 6, 2023 Heritage Kitchener Agenda.

The draft HIA confirmed that the existing building at 97 Victoria Street North meet designation criteria under Ontario Regulation 9/06 (amended by 569/22) and would be eligible for designation under Part IV of the *Ontario Heritage Act*. The designation of the existing building was made a condition of the site plan approval for the proposed development.

REPORT:

Identifying and protecting cultural heritage resources within the City of Kitchener is an important part of planning for the future, and helping to guide change while conserving the buildings, structures, and landscapes that give our City its unique identity. The City plays a critical role in the conservation of cultural heritage resources. The designation of property

under the *Ontario Heritage Act* is the main tool to provide long-term protection of cultural heritage resources for future generations. Designation recognizes the importance of a property to the local community; protects the property's cultural heritage value; encourages good stewardship and conservation; and promotes knowledge and understanding about the property. Designation not only publicly recognized the promotes awareness, it also provides a process for ensuring that changes to a property are appropriately managed and that these changes respect the property's cultural heritage value and interest.

The property municipally addressed as 97 Victoria Street North is recognized for its design/physical, historical/associative and contextual values. It satisfies 4 out of the 9 criteria of *Ontario Regulation 9/06*. The evaluation, as included in the HIA, has been summarized in the Table below (Table 1).

Criteria	Criteria Met	Justification
1. The property has design value or physical value because it,		
i. is a rare, unique, representative, or early example of a style, type, expression, material, or construction method,	Yes	<p>The Property is a representative example of a building developed using the industrial vernacular architectural style.</p> <p>The building on the Property was erected c. 1927 to serve an industrial purpose for the Mitchell Button Company who occupied the site for over four decades. Although the Property is a later addition to Kitchener's Warehouse District CHL, it nonetheless is a representative example of Kitchener's early 20th century industrial core.</p> <p>The Property's symmetry, decorative parapet over its primary façade, shallow buttressing, and rectangular shape are representative aspects that reflect this building style.</p>
ii. displays a high degree of craftsmanship or artistic merit, or	No	<p>The Property does not display a high degree of craftsmanship or artistic merit. Despite being a representative example of the industrial architectural style that was common in Kitchener in the early 20th century, the building exhibits vernacular and simple building methods common at the time of construction.</p>
iii. demonstrates a high degree of technical or scientific achievement.	No	<p>The Property does not demonstrate a high degree of technical or scientific achievement. It was constructed using common building methods at the time of construction.</p>

Criteria	Criteria Met	Justification
2. The property has historical or associative value because it,		
i. has direct associations with a theme, event, belief, person, activity, organization, or institution that is significant to a community,	Yes	The Property has direct associations with Walter Mitchell and his company called the 'Mitchell Button Company' which operated within Kitchener for nearly 55 years. By direct extension of the Property's manufacturing use, the Property is directly connected with the theme of the City's industrial expansion that occurred throughout the early 20 th century.
ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or	No	The Property does not yield, or have the potential to yield, information that contributes to an understanding of a community or culture.
iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.	No	The Property does not demonstrate or reflect the work or ideas of an architect, artist, builder, designer or theorist who is significant to the community. The industrial vernacular building was built using common materials and methods at the time of construction. The Property's architect and/or general contractor are unknown.
3. The property has contextual value because it,		
i. is important in defining, maintaining, or supporting the character of an area,	Yes	<p>The Property is important in defining, maintaining, and supporting the character of the area.</p> <p>The Property is a former industrial building that contributes to the City's 'Warehouse District' CHL. This area is defined by its industrial commercial development that occurred during the early 20th century and the concurrently built industrial vernacular structures.</p> <p>Because the Property was developed as an industrial building that was architecturally similar to other industrial properties within</p>

Criteria	Criteria Met	Justification
		the Warehouse District, it helps to define its neighbourhood. In addition, the Property acts as a visual gateway into the Warehouse District because of its position at the edge of the district.
ii. is physical, functionally, visually, or historically linked to its surroundings, or	Yes	<p>The Property is functionally and historically linked to its immediate surroundings.</p> <p>In addition to its presence among the greater Warehouse District CHL that creates a link, the Property is directly adjacent to the City's primary rail junction. This connection is important because the Warehouse District's growth and development is connected to the ability for manufactured goods to be transported via the railway. Accordingly, the Property is directly connected to the neighbouring railway.</p> <p>In addition, the Property is among the first within the Warehouse District CHL that is seen by eastbound rail and vehicular traffic. Accordingly, it is a symbolic gateway into Kitchener's Warehouse District.</p>
iii. is a landmark.	No	<p>The Property is not a landmark. The MCM defines 'landmark' as</p> <p>...a recognizable natural or human-made feature used for a point of reference that helps orienting in a familiar or unfamiliar environment; it may mark an event or development; it may be conspicuous...</p> <p>The Property does not meet this criterion.</p>

Table 1 – Cultural Heritage Evaluation as included in the draft HIA.

Design/Physical Value

The existing building is a unique example of the Industrial Vernacular architectural style and is in good condition (Fig. 2 & 3). The existing building is a two-storey “L” shaped building on a concrete foundation with symmetrical design and features the following:

- The building has a flat roof and symmetrical design on a concrete foundation;

- The front façade has a shaped parapet with brick columns and six-over-six original windows with brick headers and concrete sills;
- The sides of the building have been divided into 9 bays with 3 windows on each floor of the bay and shallow buttressing between the windows. ;
- The red, yellow and beige brick construction. The difference in brick is due to two additions that were added after the original construction. The first addition, comprising of yellow brick, is attached to the east section of the building's rear elevation. This addition matches the two-storey height and rhythm of the existing structure, dividing the rear elevation into three bays (Fig. 4). Another addition was added to the building's southeast elevation, this time situated towards the westmost section. This addition is also two storeys in height and shares the matching fenestration pattern of the original building, but it is of a different colour (beige) and is not arranged into bays using shallow buttresses (Fig. 5). A third, single storey concrete was also constructed, which gave the existing building it's current "L" shape.
- Except for the windows on the front façade, all other windows on the building are not original. Moreover, the window openings have been somewhat infilled and clad with vertical siding. However, the window openings still have the flat-headed soldier brick course along with the concrete sills.

In addition to these features, this building has been recognized as a contributing industrial property that supports the character of the City's Warehouse District Cultural Heritage Landscape. Furthermore, this building acts as a visual gateway into the Warehouse District due to its position at the edge of the district.



Figure 2: East (side) façade of 97 Victoria Street North.



Figure 3. Front Façade of 97 Victoria Street North



Figure 4: First Addition towards the rear of the property. Source: Draft HIA



Figure 5: Second Addition towards the side-rear of the original building (no buttresses on the section after the chimney) Source: Draft HIA

Historical/Associative Value

The historic and associative value relate to the original owner, original use and present owner. William E. Mitchell of the Mitchell Button Company had been operating his company from 21 Gaukel Street until the acquisition of this property on 14 April 1927. Photographic evidence and tenancy documentation found in the city directories suggests that Mitchell had the structure on the subject property shortly after taking lot ownership from M.B. Shantz – real estate broker. This property was given to Shantz by Charles A. Kern – who also granted portion of this property to Ernest Denton on July 29, 1924. Per the registry, it appears as though Mitchell, along with the Canada Permanent Trust Company, retained ownership of the Property and leased it to the Mitchell Button Company for \$5,400.00 yearly. In 1967, the Mitchell Button Company would retain ownership of the Company. William's son took over the Company in 1915 but the Mitchell Button Company operated out of this site for 41 years.

The existing use of the building is for The Working Centre's Worth a Second Look Furniture and Housewares store and St. John's Kitchen.

This building is also historically important as it was part of the buildings that were built at a time when Kitchener was undergoing rapid industrial development. Many of these industrial buildings – such as the Michael Button Company Building and the Kaufman Rubber Company Building were built between 1910 and 1930s in response to Kitchener's emerging economy.

Contextual Value

The contextual values relate to the contribution that the building makes to the continuity and character of the Victoria Street North streetscape and the warehouse district. The building is historically linked to its surroundings within the warehouse district.

The Warehouse District is defined by the industrial commercial development that occurred during the early 20th century and the concurrent built industrial vernacular structures.

Heritage Attributes

The heritage attributes of this building are:

- All elements related to the Industrial Vernacular architectural style of the building, including:
 - Two-storey height;
 - Symmetrical northwest (primary) façade;
 - Flat roof with shaped parapet on the northwest (primary façade);
 - Shallow buttresses that define distinct bays along each of the building's elevations;
 - Brick construction comprising of red, yellow, and beige brick;
 - Original window openings with soldier course brick headers and concrete sills;
 - Six-over-six windows on the northwest (primary) façade; and
 - Chimney set in stretcher bonded, yellow brick with concrete banding.
- All elements related to the contextual value, including:
 - Location of the building and contribution that it makes to the continuity and character of the Victoria Street North streetscape and the Warehouse District; and
 - The link to the surrounding Warehouse District.

Some of the proposed changes by the applicant do modify the heritage attributes of the building. However, the draft HIA does suggest mitigation measures to ensure minimal adverse impact to the cultural heritage value of the buildings including:

- *That the project team, in consultation with the City of Kitchener, review alternatives for replacement of the original windows on the front façade.*
 - The windows need to be replaced so that the building can meet net-zero building requirements. Staff is working with the applicant to review alternative window design for the front façade so that an appropriate window replacement style can be chosen. All other windows are not original and are proposed to be replaced.
- *That a Conservation Plan (CP) be prepared by a qualified heritage professional to minimize the potential for unintended impacts resulting from project consultation.*
 - The submission and approval of a CP has been made a condition of final site plan approval.

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 and COLLABORATE – Heritage Planning staff have consulted and collaborated with the applicant and owner regarding implementation of the recommendations of the HIA, including designation under the *Ontario Heritage Act*. The owner has confirmed their support for designation subject to consideration by Heritage Kitchener and Council.

Section 29(2) of the *Ontario Heritage Act* requires Council to consult with the Municipal Heritage Committee (Heritage Kitchener) before giving notice of its intention to designate a property. Heritage Kitchener will be consulted via circulation and consideration of this report (see INFORM above). Members of the community will be informed via circulation of this report to Heritage Kitchener and via formal consideration by Council. In addition, should Council choose to give notice of its intention to designate, such notice will be served on the property owner and the Ontario Heritage Trust, and published in the local newspaper (The Record). Once notice has been served, the owner has the right of appeal to the Ontario Land Tribunal.

PREVIOUS REPORTS/AUTHORITIES:

- *Ontario Heritage Act, 2022*
- *DSD-2023-222. HPA-2022-IV-008*

APPROVED BY: Justin Readman, General Manager, Development Services

ATTACHMENTS:

Attachment A – Proposed Statement of Significance for 97 Victoria Street North