

Item 4.3 - Written Submission 3 (Redacted) - H Jaeger - Growing Together Proposal.pdf

Item 4.3 - Written Submission 4 - H. Jaegar - article re 16-20 Queen St N.pdf

Item 4.3 - Written Submission 1 - ACO Letter.pdf

Item 4.3 - Written Submission 2 (Redacted) - H Jaeger.pdf

Preliminary Response to the
November 3, 2023 'Growing Together' Final Draft

Hal Jaeger

November 25, 2023

Response to the November 3, 2023 Growing Together Proposal

Thank you, Growing Together team, for your innovative and hard work on the rezoning of 7 of 10 Kitchener's Major Transit Station Areas.

Please consider the following preliminary recommendations, which are based on a reading of the Growing Together proposal with an eye on the Olde Berlin Town neighbourhood, the neighbourhood in which I live and understand best. While the suggestions address the lands within the Olde Berlin Town neighbourhood, which is largely governed by a heritage district plan, they may be equally applicable in other heritage districts and neighbourhoods.

Regarding the general Zoning Bylaw and Official Plan:

- 1) Review the proposed minimum interior side yard setbacks in conjunction with the permitted projection of balconies, canopies, location of steps and access ramps. These regulations can combine to leave less than 0.45m of passing space, which may direct occupants to routinely trespass onto a neighbour's property and may be insufficient to maintain a property from within one's own lands.
- 2) Express all height limits in metres. Storeys can vary significantly in height and the effect multiplied across multiple storeys can be significant. In providing limits in metres, developers will retain design flexibility as to their choice of the number and height of individual storeys and neighbours and the community can comprehend the outer limits of the built form envelope. Without a determinable limit expressed in metres, how can we be assured that an appropriate transition will be delivered?
- 3) Set the height limits currently defined in storeys as no more than:
 - a) 19.5m for the base height/first setback/physical separation/floor plate reduction of SGA-2, -3, and -4
 - b) 25.5m for the total height of SGA-2
 - c) 37.5m for the second setback/physical separation/floor plate reduction on SGA-3 and-4
 - d) 55.5m for the third setback/physical separation/floor plate reduction on SGA-3 and-4
 - e) 76.5m for the total height of SGA-3
 - f) 109.5m for the fourth setback/physical separation/floor plate reduction on SGA-4
- 4) Set a height limit on the SGA-4 zone. If current economics or engineering are perceived as providing a limit, please at least set that de facto limit, expressed in metres, into the zoning regulations. If a height limit on SGA-4 zones is not acceptable, please consider additional floor plate reductions.

- 5) Apply the built form regulations of SGA-3 to lands zoned INS-2.
- 6) Reconsider the removal of INS zoning on church properties. Alternatively, require a minimum amount of floor space be allocated for one or a combination of the following traditional community-serving uses: Community Facility, Cultural Facility, Day Care Facility, Place of Worship.
- 7) Regarding Parks and Greenspace:
 - a) I continue to be concerned that up-zoning lands in advance of acquiring any needed parkland could place our parkland targets further out of reach.
 - b) Require that front and exterior side yards and boulevards in SGA-1 be required to be predominantly landscaped with living plants, as opposed to hardscaping or fake plants, including carpeting that simulates grass.
 - c) Consider adding a 'Minimum landscaped area' regulation to Table 6-2 for Single Detached, Semi-Detached, and Street Townhouse Dwelling Units in addition to or instead of the 'maximum lot coverage' regulation.
 - d) Reconsider proposed Official Plan Section 15.D.2.25, "As a part of the required parkland dedication, land dedication will be encouraged over alternative forms such as cash-in-lieu for the creation of new public parks", so that the City may assemble larger parks. The parkettes achieved via land dedication do not offer the full range of benefits of a larger park, nor do they offer the City's Parks division the required flexibility to meet our park targets in areas of greatest need. Moreover, the preponderance of smaller parks may increase dramatically if developers choose to create Privately Owned Publicly Accessible Spaces.
 - e) Consider cash-in-lieu of meeting minimum landscaping requirements on Priority Streets so that replacement greenspace can be acquired elsewhere, perhaps consolidated into parks.

8) Regarding Use:

The Olde Berlin Town neighbourhood is presently well-serviced; I do not see that the proposed additional non-residential uses in SGA-1 zones can contribute to a more complete community. Driving more commercial uses into the interior of the neighbourhood could deplete the desired commercial activity from flanking and abutting SGA-2 zones and priority streets, Victoria St N, Ontario St N and Queen St N and reduce the availability of long-term housing units. Alternatively, broadening the range of permitted home occupations in what are presently residential areas could better recognize the existing reality while preserving the residential character sought by the Heritage District Plan (HDP) and avoiding the introduction of potential conflict between neighbours. In seeking to broaden the uses, I request that we be especially mindful of ensuring adequate capacity for servicing (deliveries, garbage pick-up, etc.) and of the transitions between SGA-1 and SGA-2+ zones that are not separated by a laneway or roadway. A

modification of the chart of permitted non-residential uses in SGA zones is included in Attachment A along with a map recommending adjustments.

For the SGA-1 zone, I identify the following possible remedies:

- a) Limiting the commercial uses to those undertaken by a resident of the building, with no more than a single employee or assistant at a time.
- b) Preserving separating distances between uses that might invite conflict over smells, pests, noise, etc. I am particularly thinking of establishments with full-scale kitchens and deep fryers, outdoor patios and outdoor sales.
- c) Removing proposed zoning bylaw amendment Section 4.14.8 c) of the zoning bylaw amendment which would permit restaurant decks and patios in a yard within 30m of a residential zone and SGA-1 zone.
- d) Limiting the operating hours of the commercial uses.
- e) Reducing the maximum floor area of the non-residential uses or setting an alternate limit in terms of percentage floor space of the building.
- f) Prohibiting backlit, electronic or moving signs and limiting signs to a size of no more than 0.75m², and to a location on or within 0.5m of the building, with a maximum height no more than 1.5m above grade.
- g) For SGA-1 or low-rise residential properties that front onto, or share a property line with, an SGA-2 zone along Weber St W, Water St N or Victoria St N, enhance the range of uses to assist with the transition and help the viability of these properties without compromising their heritage value. Recommendations included in Attachment A.

9) Regarding Transitions:

- a) Adjust the “Transition to Low Rise Zones” regulations to read “Minimum ~~rear~~ yard setback where the lot abuts a lot with an SGA-1 zone or a low-rise residential zone -- 7.5m”. I was informed inclusion of ‘rear’ was an error.
- b) Re-insert a second stepback, such as that proposed via the NPR of a 25m maximum building height within 25m of a lot with an SGA-1 zone or a lot with a low-rise residential zone to better address the transition from an SGA-1 or low-rise zone to any abutting zone that permits more than 25.5 metres of height.
- c) Where it is deemed necessary to apply zoning that would produce an inappropriate transition, consider compensatory arrangements. Such arrangements need not apply to pre-existing builds.

10) Interaction with Heritage

The community may be better able to embrace the Growing Together proposal and accept that the proposed zoning does not fully account for the provisions of the Civic Centre Neighbourhood Heritage Conservation District Plan, if the following

statement is inserted into the Official Plan, perhaps after proposed Section 15.D.2.8:

The Civic Centre Neighbourhood Heritage Conservation District Plan (HDP), shall be read with the following substitutions:

<u>Existing language</u>	<u>Proposed substitutions</u>
“policies are proposed”	“policies shall be followed”
“(strongly) discouraged”	“not permitted”
“strongly encouraged”	“required”
“should”	“shall”
“avoid”	“refrain from”

Heritage Planning Staff may have additional suggestions.

The HDP was written as a proposal by a consultant, and the words chosen in that context. When Council adopted the plan, the recommendations and proposals became law. The Growing Together proposal is the opportunity to properly integrate the HDP into our planning framework.

If fully recognizing the HDP is not an option, then, I would recommend additional transitioning regulations. For example, for SGA-2+ zones abutting an SGA-1 or low-rise residential property along the rear property line, a minimum rear yard setback of 18m, for any portion of the build with height in excess of 19.5m, to permit appropriate transition and light. This may be especially needed where the SGA-2 property is to the south of the SGA-1 property. Furthermore, the proposed zoning on heritage resources would need to better align with the existing built form to avoid tension between the restrictions on the built form from the HDP and the more permissive limits offered via zoning. As a measure of last resort, in the absence of sufficient time, the handling of heritage resources could be overtly deferred to a future planning amendment.

A summary of the existing context provided by the HDP from previous submissions by the Olde Berlin Town Neighbourhood Association to the Neighbourhood Planning Review is included as Attachment B.

Attachment A: Modified Uses, Address-Specific Changes and Mapping

Suggested Changes to SGA-1 and SGA-2 uses and a proposed additional category of uses.

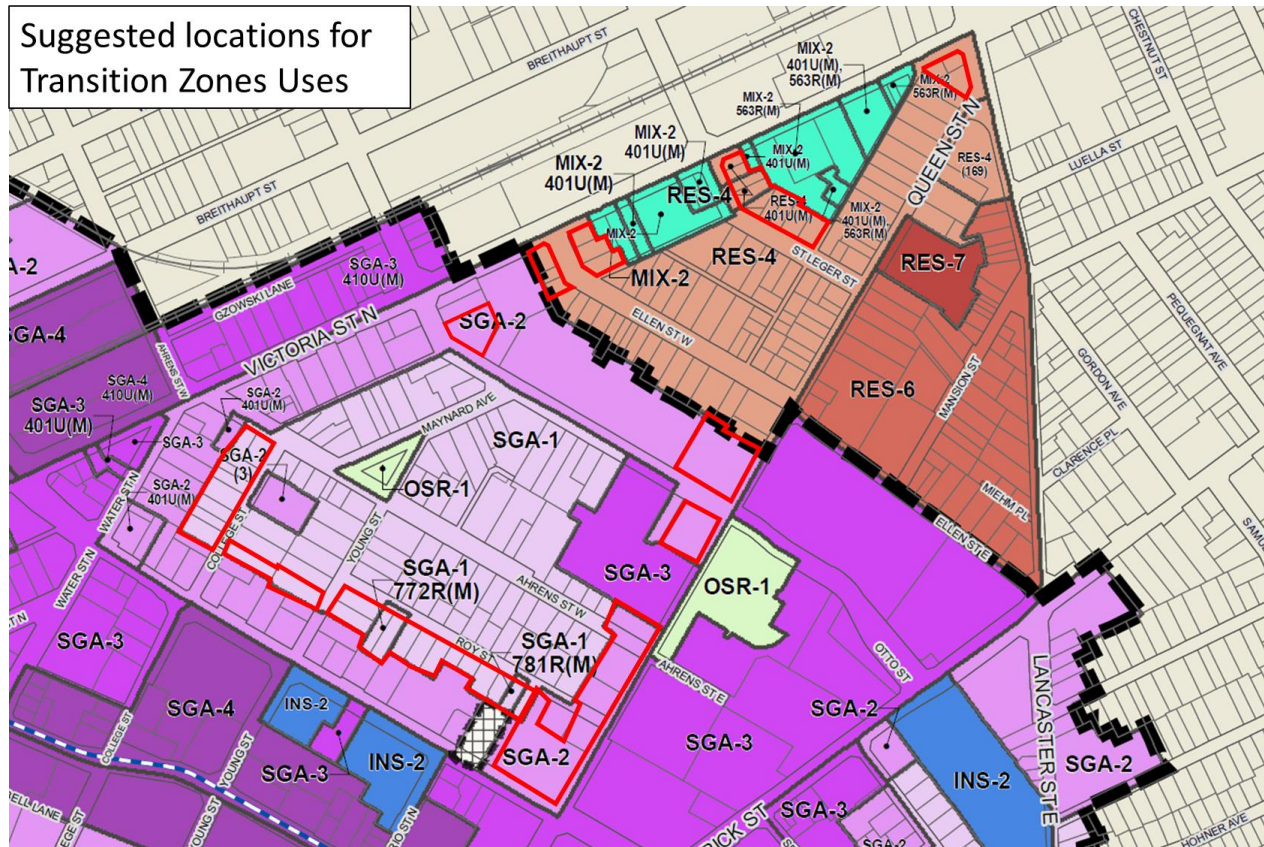
Use	SGA-1¹	SGA-2²	Transition Zone Uses
Home Occupations			
<i>Home occupation</i>	Y	Y	Y
Community Uses			
<i>Adult education school</i>	N	Y	N
<i>Community facility</i>	∕N	Y	Y
<i>Cultural facility</i>	∕N	Y	Y
<i>Day care facility</i>	Y	Y	Y
<i>Elementary school</i>	N	Y	N
<i>Hospital</i>	N	N	N
<i>Place of worship</i>	∕N	Y	Y
<i>Post-secondary school</i>	N	Y	N
<i>Secondary school</i>	N	Y	N
<i>Social service establishment</i>	∕N	Y	Y
Commercial Uses			
<i>Artisan's establishment</i>	Y	Y	Y
<i>Brewpub</i>	∕N	Y	N
<i>Catering services establishment</i>	N	Y	Y
<i>Commercial entertainment</i>	N	Y	N
<i>Commercial parking facility</i>	N	∕N	N
<i>Commercial school</i>	Y	Y	Y
<i>Conference, convention, or exhibition facility</i>	N	N	N
<i>Craftsperson shop</i>	Y	Y	Y
<i>Financial establishment</i>	∕N	Y	N
<i>Fitness centre</i>	Y	Y	Y
<i>Health clinic</i>	∕N	Y	Y
<i>Hotel</i>	N	Y	N
<i>Light repair operation</i>	Y	Y	Y
<i>Office</i>	Y	Y	Y
<i>Payday loan establishment</i>	∕N	Y	N
<i>Pawn establishment</i>	∕N	Y	N
<i>Personal services</i>	Y	Y	Y
<i>Pet services establishment</i>	Y	Y	Y
<i>Print shop</i>	Y	Y	Y
<i>Restaurant</i>	∕N	Y	N
<i>Retail</i>	Y	Y	N
<i>Veterinary services</i>	∕N	Y	N
Creative Industry Uses			
<i>Biotechnological establishment</i>	N	∕N	N
<i>Computer, electronic, data processing or server establishment</i>	N	Y	Y
<i>Creative products manufacturing</i>	N	Y	N
<i>Research and development establishment</i>	N	∕N	N

¹ Must be operated by resident of building, no more than one non-resident assistant/employee at a time. Any signs are limited to no more than 0.75m² in size, attached to the building or within 0.5m of the building, no more than 1.5m above grade. No backlit, electronic or moving signs.

² May require front-in, front-out parking and loading.

Suggested Locations for Transition Zone Uses (outlined in red on map below)

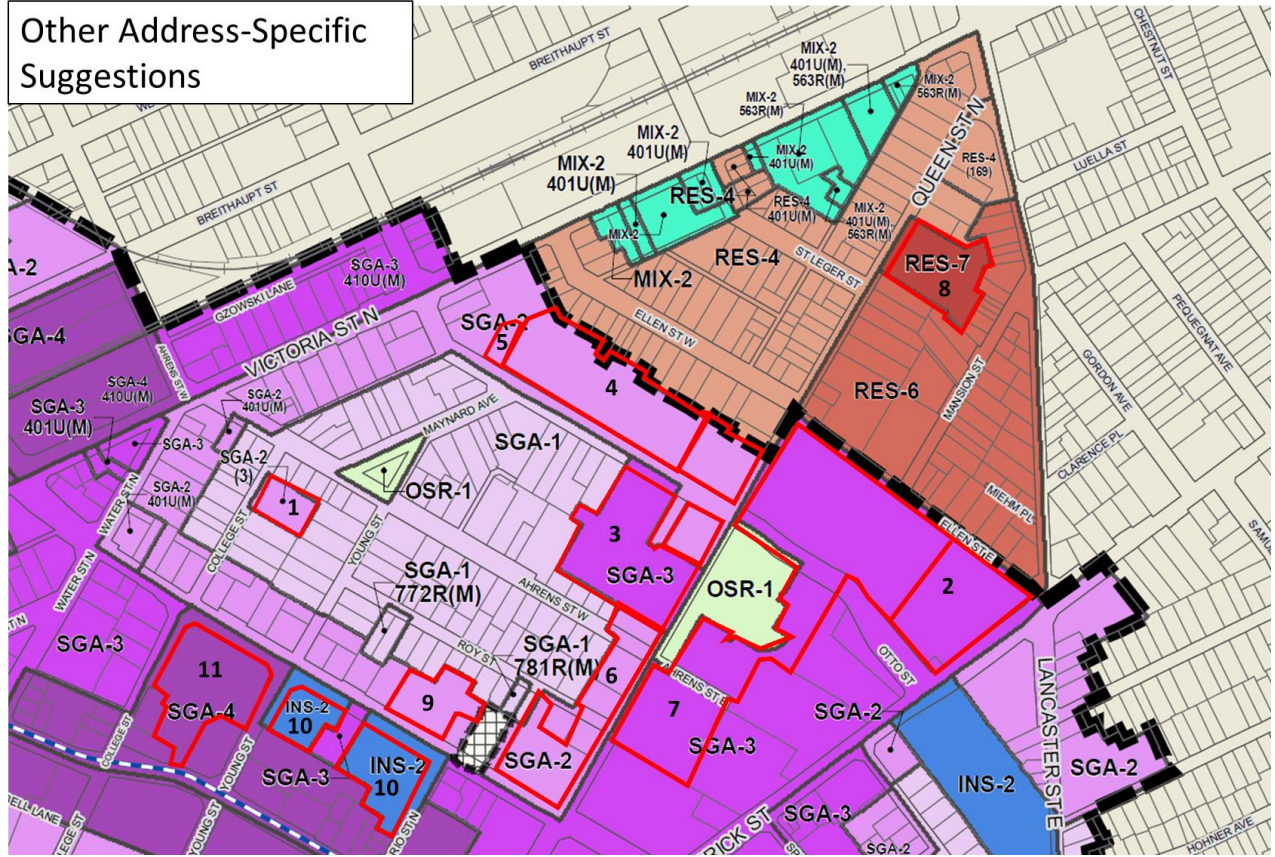
#	Address	Proposed Zone	Requested Change(s)
1	87&91 Ahrens St W	SGA-1	Transition Zone Uses
2	94-120 (even) and 95 College St		Transition Zone Uses
3	47-61 Ellen St W (both sides)	RES-4	Transition Zone Uses
4	7 Lancaster St E	RES-4	Transition Zone Uses
5	64 Margaret Ave	SGA-2	Transition Zone Uses
6	68-116 Queen St N (even)	SGA-2, -3	Transition Zone Uses
7	194 Queen St N	RES-4	Transition Zone Uses
8	23-65 Roy St (odd)	SGA-1	Transition Zone Uses
9	14-46 St Leger St (odd)	RES-4	Transition Zone Uses
10	231 Victoria St N	RES-4	Transition Zone Uses
11	341&343 Victoria St N	RES-4	Transition Zone Uses
12	106, 109, 113 Young St	SGA-1, -2	Transition Zone Uses



Other Address-Specific Suggestions (outlined in red on map below)

#	Address	Proposed Zone	Requested Change(s)
1	119 College St	SGA-2 (3)	SGA-1 uses, as in above chart. Insert Special Regulation: "The existing build preceded the HDP and the 2024 amendments to the Official Plan and Zoning Bylaw."
2	200 Frederick St	SGA-3	Maximum height of 25m, within 50m of the Ellen St E property line and a maximum height of 50m elsewhere, to limit shadow impact.
3	11 Margaret Ave/100 Queen St N	SGA-3	SGA-2 uses, as in above chart. Match height limit to existing build. Insert Special Regulation: "The existing build preceded the HDP and the 2024 amendments to the Official Plan and Zoning Bylaw."
4	30-40 Margaret	SGA-2	SGA-1 zone. Special Regulations to permit the OMB built-form regulations. The property is at the outer boundary of the SGA and abuts a low-rise residential area.
5	54 Margaret Ave	SGA-2	SGA-1 zone. The property is at the outer boundary of the SGA and abuts a low-rise residential area.
6	54-116 Queen St N (even)	SGA-2, -3	Maximum podium or base height of no more than 14m and minimum front yard setbacks of 4.5m, to preserve setting.
7	73-101 Queen St N (odd)	SGA-3	Maximum podium or base height of no more than 14m and minimum front yard setbacks of 4.5m, to preserve setting. Maximum height of 25m, within 25m of the Queen St N property line and within 50m of the Ellen St E property line and a maximum height of 50m elsewhere, to limit shadow impact.
8	175 Queen St N	RES-7	Insert Special Regulation: "The existing build preceded the HDP and the 2024 amendments to the Official Plan and Zoning Bylaw."
9	32 Weber St W	MIX-3, RES-3 Office	Retain Special Regulation 133R. Permit division of the property along the line parallel to Roy St, 30 metres from the Roy St street line, if owner requests. No vehicular access to Roy St, whether consolidated with 41 and/or 51 Roy St or not.
10	35&37 Weber St W	INS-2	Adopt built form regulations of SGA-3.
11	80 Young St	SGA-4	SGA-3, for the first 50m south of Weber St W, or a site-specific provision to limit height to SGA-3 limit in the first 50m south of Weber St W to 50m, to limit shadow impact on the north side of Weber St W.
12	Lands to the south of the Heritage District	INS-2, SGA-3, SGA-4	Additional measures to reduce or address the shadow burden on neighbours to the north.

Other Address-Specific Suggestions



Attachment B: Civic Centre Neighbourhood Heritage Conservation District Plan (HDP)

Direction

Olde Berlin Town is a neighbourhood originally constructed between 1870 and 1930, where “[a]lmost two-thirds of the existing houses were built between 1880 and 1917” (p. 2.3, HDP). The existing low-rise heritage houses (Group A, B, and C houses) make up 91.4% of the buildings in the Heritage District and have:

1. a height at the peak of the roof of under 10 m (compared to a proposed limit of 11 m);
2. a height at the eaves of under 7 metres and sloped roofs which permit light to reach neighbouring properties;

The land use goal identified by the HDP is to

“Maintain the low-density residential character of the Civic Centre Neighbourhood Heritage Conservation District as the predominant land use, while recognizing that certain areas of the District already have or are intended for a wider range of uses” (p 3.2).

A guiding principle regarding land use is to

“Preserve Traditional Setting - A building is intimately connected to its site and to the neighbouring landscape and buildings. Land, gardens, outbuildings and fences form a setting that should be considered during plans for restoration or change. An individual building is perceived as part of a grouping and requires its neighbours to illustrate the original design intent. When buildings need to change there is a supportive setting that should be maintained” (p. 3.4, HDP).

The HDP “Encourag[es] individual building owners to understand the broader context of heritage preservation, and recognize that buildings should outlive their individual owners and each owner or tenant should consider themselves stewards of the building for future owners and users” (p. 3.1). Individual property owner buy-in as well as cooperation and support from the Planning Department and the City of Kitchener is required to foster and maintain this partnership of preserving the buildings and the context that supports them.

I note that ‘compatible with’ is not synonymous with ‘the same as’. I propose that two built forms and settings be deemed compatible if

1. the presence of one does not compromise the other,
2. the two can co-exist indefinitely, and
3. either could emerge in the presence of the other.

The Economical Building: Why Conservation?

article by Karl Kessler

Superb interior woodwork and plasterwork rendered in intricate classical motifs. Polished stone, terrazzo floors, paneling, staircases, transoms, even a washroom with marble partitions. All original and in great condition.

All this and more make the 1916 former Economical Mutual Fire Insurance Co. building, 16-20 Queen St. N., the finest surviving work of architect W.H.E. Schmalz, who the Waterloo Region Hall of Fame calls “the Twin Cities' dean of architects.”



Architectural details inside Schmalz and Knechtel's former Economical Mutual Fire Insurance Co., 16-20 Queen St. N., as they appear today. By author.

Here, hands of the highest skill applied generations of knowledge towards fashioning stone, wood, plaster, brick, steel, and concrete into foundations, frames, facades, rooms, finishes, and decorations of architectural merit, bearing the marks of a lineage reaching back to ancient precedents.

But most of it – roughly 90% – is slated for demolition (its recently heritage-designated street facade will remain) to make way for a condominium tower. The development proposal includes a plan to salvage some of the interior elements for installation and display in a public space within the new building.



The Economical, 1920s. Courtesy of Economical Insurance.



The largely unchanged exterior, 2012. By author.

Conservation – of natural or built environments, of ecosystems, of urban or rural spaces, of cultures and their creations – pairs mindsets and actions that nurture the benefits of avoiding undue waste or destruction; of living within limits; of working with what works; of cherishing the good in what we’ve inherited.

Architectural Conservancy Ontario (ACO), mandated “through education and advocacy, to encourage the conservation and reuse of structures, districts and landscapes of architectural, historic and cultural significance, to inspire and benefit Ontarians,” contends what we have maintained from the outset, and what the initial Cultural Heritage Impact Assessment of the development proposal stated: that 16-20 Queen is worthy of conservation intact.

“We contend that demolishing rather than reusing this building is a mistake – an avoidable, substantial waste of both culture and material.”

We contend that mischaracterizing 16-20 Queen – or other architecture of such proficiency, utility, and durability – as a significant obstacle to intensification goals (as it recently has been) scapegoats reasonable conservation goals in principle.

We contend that one of the following indicated is due: EITHER a rebalancing of current development decision-making and urban planning priorities towards outcomes tangibly shaped by a broader understanding of cultural stewardship, OR a redefinition of concepts such as “cultural heritage,” which are used to describe things including exemplary architecture, and which imply the collective interest and involvement of community.

In This Newsletter

The still-unfolding story of 16-20 Queen follows a similar arc to that of W.H.E. Schmalz’s greatest architectural accomplishment: the 1924 Kitchener City Hall, demolished in 1973 amid controversy and heated debate in favour of the Market Square/Oxlea Tower development. Our spring 2021 issue included an assessment of 16-20 Queen, and its future. This fall issue highlights a few of its creators, and some other designs they wove into our urban fabric, including the city hall.

In images and text, we explore a few interrelated strands of our ever-growing web of local artisanship, to consider what has been lost alongside what is about to be. Many of the featured images are previously unpublished.

In early 2021, when 16-20 Queen was marked for removal, ACO advocated strenuously for its survival: meeting with the owners, appealing to Heritage Kitchener and Kitchener City Council, conducting research, publishing articles, responding to media interview requests, initiating dozens of conversations. Along the way, Economical Insurance, which is celebrating 150 years in 2021, shared early photographs of the 1916 building with ACO, and has generously permitted their inclusion in this newsletter.

For context and comparison, we’ve also included a sampling of *Kitchener-Waterloo Record* photographs (now at the University of Waterloo Library) taken at the Schmalz-designed city hall just before and during its 1973 demolition. The interiors among these are an especially rare record of perhaps the most famous public building in our 220 years of local settler history.

Our aim is to further demonstrate the irreplaceable excellence of 16-20 Queen, and to urgently call for the best stewardship of not just this building, but of representative local culture, material or intangible, of the past, the present, and the future.



A protester opposing the demolition of Kitchener City Hall, 1973. Courtesy of University of Waterloo Library, Special Collections & Archives; Kitchener-Waterloo Record Photographic Negative Collection – SCA98-GA68, 73-891



The soaring main office space at Economical in the 1940s, just prior to its division into two floors. In 2021, much survives of the finishes shown here. Courtesy of Economical Insurance.

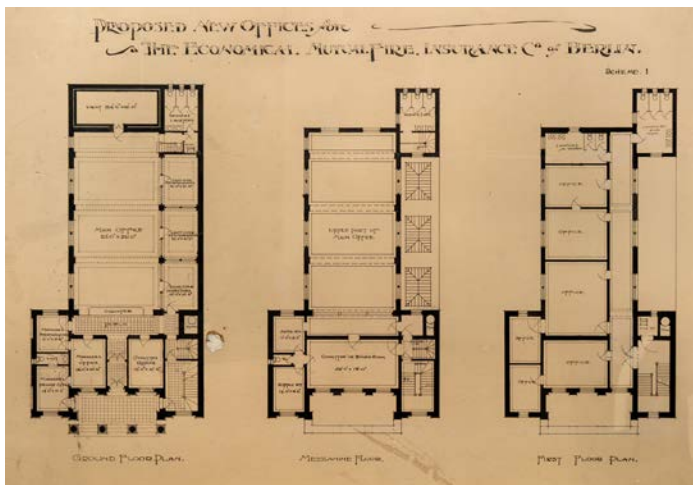


Two Big Commissions for One Young Architect

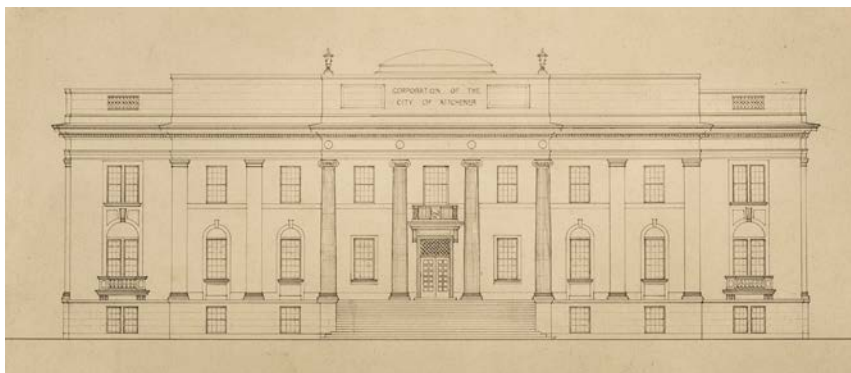
Berlin/Kitchener's William H.E. Schmalz (1890-1981) learned architectural drawing and cartography at The Royal Military College of Canada, served with the Royal Canadian Horse Artillery, worked at the venerable Toronto architectural firm Darling and Pearson, and, at some point, studied architecture at University of Toronto. By 1917 he was advertising as a Kitchener architect.

His father was managing director at Economical Mutual Fire Insurance when the company commissioned W.H.E. to design its new headquarters, the three-storey office block at 16-20 Queen, in partnership with prominent Berlin architect Charles Knechtel (profiled in this newsletter). It was among W.H.E.'s earliest assignments.

Edwardian in form with mainly classical ornamentation, it's a showcase of "Twin Cities" artisanship and building craft, inside and out. It also foreshadows the 1924 city hall that W.H.E. would design with involvement from B.A. Jones, another local architect, in the grand but simplified classicism of the late Beaux Arts, a popular style for civic architecture in the early twentieth century.



LEFT: W.H.E.'s c.1915 plan drawing, "Proposed New Offices for The Economical Mutual Fire Insurance Co. of Berlin, Scheme 1." By author, photo of drawing at University of Waterloo Library, Special Collections & Archives; W.H.E. Schmalz Collection – SCA243-GA244, Series 2, File 23. RIGHT: The former Economical, 2012. By author.



Elevation drawing from W.H.E.'s entry to the Kitchener City Hall design competition, 1921. Note the differences between it and the completed building. By author, photo of drawing at University of Waterloo Library, Special Collections & Archives; W.H.E. Schmalz Collection – SCA243-GA244, Series 1, File 2.

Schmalz and Jones' Kitchener City Hall, 1973. Courtesy of University of Waterloo Library, Special Collections & Archives; Kitchener-Waterloo Record Photographic Negative Collection – SCA98-GA68, 73-884

TOP LEFT PHOTO: W.H.E. Schmalz as a young man. Courtesy of Ken Seiling Waterloo Region Museum; 2014.006.001.011



Economical's main office ceiling, c. 1920 and 2012, an enduring catalogue of classical motifs in plaster: Ionic capitals, Greek key, acanthus, imbricated laurel leaves, egg and dart, bead and reel. TOP: photos courtesy of Economical Insurance. BOTTOM: photos by author.

Over a prolific 50-year career, Schmalz went on to design numerous commercial, institutional, residential and religious buildings, locally and beyond. Another downtown example is 48 Weber St. W., the c. 1930 Windermere Apartments. Boarded shut in 2015 following years of owner neglect, it was then purchased, renovated, and reopened as residences.

But of all his works, the former Economical comes the closest to the architectural ambition and execution of his magnum opus, Kitchener City Hall. In addition to having the same lead architect, each building owes its high-grade interior and exterior to some of the same local firms, including the Interior Hardwood Company (profiled in this newsletter).



Two views of the same location at Economical, c. 1920 and 2012. LEFT: photo courtesy of Economical Insurance. RIGHT: photo by author.



Similar arrangement of high-relief decorative plasterwork in the 1916 Economical boardroom (top image) and 1924 Kitchener City Hall council chamber (bottom images). Garland and guilloche mouldings framed the council chamber ceiling, while today the Economical still has its laurel and fruit-and-flower garlands, as well as egg and dart, leaf and flower, dentil, and Vitruvian scroll mouldings. TOP: by author. BOTTOM: courtesy of University of Waterloo Library, Special Collections & Archives; Kitchener-Waterloo Record Photographic Negative Collection – SCA98-GA68, 73-886



A grand stairway under a domed skylight led to the Kitchener City Hall council chamber, 1973. Note the ever-present decorative plaster, along with iron banisters, brass handrails, polished marble dado panels and Corinthian pilasters. Today, the former Economical at 16-20 Queen contains one of our region's last interiors of similar style and extent. Courtesy of University of Waterloo Library, Special Collections & Archives; Kitchener-Waterloo Record Photographic Negative Collection – SCA98-GA68, 73-886



What To Do?

If the proposal for this .23 acre lot were indifferent to the cultural and architectural value of the existing building, a principled challenge might take on a more familiar shape. But it's not indifferent. In fact it proposes to celebrate and enhance the building by salvaging some interior elements, demolishing all but its front, and reinstalling the salvage for public view in the new building. The plan has also come to be described as a compromise between the aims of the development proponents and conservation proponents.

By this reasoning, an intact artefact, in good condition and considered to have high cultural value or artistic merit, could be better served by its own destruction than by the established practices integral to the cultural sectors we've created for its stewardship, i.e., conserving the very thing itself.

Applied to architecture, this approach to material culture spells ruin on a large scale. But while we challenge its conservation logic, we must reckon with the financial dynamics that propel it forward in our world of limited space and differing aims.

Consideration of what our built fabric means, and what we want and need from it, often occurs in the wake of priorities that supersede such questions. These questions must instead precede our decision making, or our cityscape may take shape through market forces alone.

If we disagree when "facadism," as it's often called, is proposed not only as a good choice but as inevitable in order to meet development targets, then we must continue speaking to how a selective conservation approach can benefit any environment, and to why our built environment is worthy of the same good stewardship as any cherished work of mind, heart, and hand.

As of this writing, demolition has not begun at 16-20 Queen.

Acknowledgements

Many thanks for their excellent assistance with accessing materials for this newsletter: Jennifer Cooper and Carolyn Keery, Economical Insurance; Ulrich Frisse, Historical Branding Solutions (on behalf of Economical Insurance); Nick Richbell, University of Waterloo Library Special Collections and Archives; Karen Ball-Pyatt and Chiara Fallone, Kitchener Public Library; Stacy McLennan, Ken Seiling Waterloo Region Museum; Charlotte Woodley, Region of Waterloo Archives; rych mills.



ARCHITECTURAL
CONSERVANCY
ONTARIO

**SUBMISSION to the City of Kitchener Planning Division regarding
PROPOSED SECONDARY PLANS & their effect on
Heritage Conservation Districts, Established Neighbourhoods
& Individually Designated (Part IV) Properties**

by ACO North Waterloo Region branch (ACO NWR)

*The City's cultural heritage resources provide a link to the past and are an expression of the **City's culture and history**. They contribute in a **very significant** way to the City's identity and unique character. While Kitchener's cultural heritage resources are important from a **historical and cultural** perspective, they are also of **social, economic, environmental and educational value**. They help to instill civic pride, foster a sense of community, contribute to tourism and stimulate the building renovation industry.*

Preamble, Section 12: Cultural Heritage Resources, City of Kitchener Official Plan

INTRODUCTION

Through advocacy and direct action, the Architectural Conservancy of Ontario (ACO) has been a leader in preserving Ontario's architectural and environmental heritage since 1933, with 20 branches currently operating in the province. The local **ACO North Waterloo Region branch**, formed in 1980, encourages the **conservation and re-use of structures, districts and landscapes of architectural, historical and cultural significance** through **education and advocacy**. We speak on behalf of about 100 local members in the communities of Kitchener, Waterloo, Wellesley, Wilmot and Woolwich.

Our purpose in making this submission is twofold. First, residents of three of the four City of Kitchener Heritage Conservation Districts (HCDs)¹ and several of the established, predominantly central, neighbourhoods² have asked our branch to make **recommendations** to the Planning Division regarding the **effect proposed Secondary Plans (SP) may have on their neighbourhoods**, including commenting on their submissions to the City. Second, while we may be commenting on specific neighbourhoods, these same **observations apply more widely** to all properties of cultural heritage value in Kitchener, including individually designated Part IV properties, Listed properties, and properties located within Cultural Heritage Landscapes (CHL), whether they have recognized heritage status (protection) or not.

VALUE OF OUR BUILT HERITAGE

One of the most significant changes in society ACO NWR branch has seen since its inception has been a vast increase in the number of **people who care deeply about our built heritage and shared history**. Even if they live in a newer neighbourhood, many people now see our community's heritage buildings as reinforcing their **sense of place, belonging and well-being**; providing quality, variety and meaning to their lives.

The story of Kitchener's post-war development has shown that, where our built heritage has been valued and cared for, **social and economic benefits have been generated** for everyone, creating desirable, distinctive and economically successful places. Where its potential has **not been recognized**, where it has been degraded or destroyed, the quality of people's lives has been **impoverished and opportunities stifled**.

¹ Civic Centre Neighbourhood HCD, Upper Doon HCD & Victoria Park Area HCD

² Central Frederick (pending), Doon-Pioneer Park, Mount Hope-Breithaupt, Mill-Courtland, Olde Berlin Town & Victoria Park

One measure of **how the City of Kitchener values our built heritage** are the quantity and scope of heritage programs undertaken by staff and volunteers, including:

- Individual Designations under Part IV of the *Ontario Heritage Act*, including many City-owned properties
- designation of Heritage Conservation Districts
- Listing properties of cultural heritage value on the Municipal Heritage Register, which began as an Inventory of Historic Buildings more than 40 years ago
- identifying, evaluating & conserving Cultural Heritage Landscapes
- processing Heritage Permit Applications for Designated Properties
- processing Planning Applications, including requiring Heritage Impact Assessments & Conservation Plans, for projects which include, or are adjacent to, properties with identified or potential cultural heritage value
- funding & implementing the Heritage Grant Program
- funding & implementing the Heritage Tax Refund Program
- creation of the Mike & Pat Wagner Heritage Awards
- developing walking tour brochures of a number of neighbourhoods in the City - appreciated even more in these days of social distancing
- installing heritage interpretive plaques throughout the City, sometimes in partnership with community groups
- installing industrial artifacts throughout the City
- creation in 1979 & ongoing support of a municipal heritage advisory committee
- hiring & providing resources to dedicated heritage planning staff for more than 30 years
- providing information & support to heritage property owners
- plus many more

This can also be seen in the **research undertaken in the Secondary Plan process:**

- Cultural Heritage Resources sections within most of the SPs
- Cultural Heritage Resources Map, to become part of the Official Plan
- inclusion of Cultural Heritage Landscapes in SPs
- Cultural Heritage Landscape Implementation for Cultural Heritage Landscapes within the KW Hospital SP Area
- Lower Doon & Homer Watson Park Candidate Cultural Heritage Landscape Evaluation
- City of Kitchener Urban Design Manual - Residential Infill in Central Neighbourhoods

Thank you to staff for all the work you do!

SCOPE OF SUBMISSION

We will begin our submission with a few general comments about the **value of HCDs and CHLs**, the requirement for **SPs to complement HCD Plans and recognize CHLs in the Official Plan (OP)**, how the *Ontario Heritage Act* affects the implementation of municipal bylaws, and about protecting other heritage properties, such as **established neighbourhoods** and **individually designated properties**, then ACO NWR branch will **comment** on several proposed Secondary Plans and the **submissions** neighbourhood groups made to City Council on December 9, 2019.

VALUE OF HERITAGE CONSERVATION DISTRICTS

The *Ontario Heritage Act* gives municipalities the **responsibility** to identify, evaluate and conserve resources that have lasting cultural heritage value or interest in their community. HCDs offer a way to protect, **over the long term**, areas that have important and/or identifiable historic and architectural resources. The ability to designate HCDs is provided under Part V of the *Ontario Heritage Act*. **Further guidance** regarding HCD evaluation and designation is provided by the City of Kitchener Official Plan (12.C.1.13 to 12.C.1.16).

HCDs are created **after much consultation** with area residents and with expertise from City planning staff and paid consultants. The **boundaries are carefully and thoughtfully delineated** in order to preserve our built heritage and provide stability for an area deemed worth protecting and conserving, often one thought to be under threat in future.

When proposals come forward that could destroy the very thing that Districts were meant to protect, area residents have good reason to **wonder about the future** of their neighbourhood. It has the result of **introducing instability into an area**.

The City of Kitchener's HCDs (Civic Centre Neighbourhood, St. Mary's, Upper Doon, Victoria Park Area) have **proven successful** in preserving the integrity of areas that have important and identifiable cultural heritage significance. Our new proposed SPs **must support this process of preservation**, not provide ways to undermine it.

SECONDARY PLANS MUST COMPLEMENT HCD PLANS

When **zoning regulations complement the heritage requirements** of a District Plan, property owners and developers can feel **confident in the predictability of future decision-making** regarding land-use matters.

When the opposite is true, when zoning increases the intensification of a property with heritage protections beyond the existing (e.g., building height), this compromises District Plans, often resulting in **demolition of heritage properties by neglect**, preservation of only façades of heritage properties, or erosion of the context of heritage properties. This then negatively affects neighbouring properties, **creating a domino effect**, reaching well beyond the boundaries of the redeveloped property.

For example, a developer may argue for increased density from the existing on a property based on zoning (proposing the demolition of existing heritage buildings), while neighbours and heritage advocates counter-argue based on the District Plan provisions. **This tension would be decreased** if the zoning was better aligned with the District Plan. The heritage district would be less at risk, the community would be afforded more harmony, Planners and Council would be freed of the need to address such difficult decisions, and developers would know where they stand.

<p><u>ACTION:</u> ensure SPs and zoning regulations complement HCD Plans and their heritage requirements</p>

The City of Kitchener OP provides guidance on **additional conservation measures** the municipality may use to conserve our built resources. Such as:

Conservation Measures

12.C.1.19. In addition to listing and designating properties under the *Ontario Heritage Act*, the City may use and adopt **further measures to encourage the**

protection, maintenance and conservation of the City’s cultural heritage resources including **built heritage** and **significant cultural heritage landscapes** . . . These may include, but are not limited to . . . by-laws and agreements pursuant to the Planning Act (**Zoning By-law** . . .)

In this way, the Official Plan provides the rationale for **zoning regulations to complement the heritage requirements** of a District Plan.

ACTION: use the Zoning By-law to ensure regulations complement Heritage Conservation District Plans and their heritage requirements

Another idea would be to use the **Holding Provisions** section of the OP (17.E.13.1.e) as an additional measure to satisfy the policies of the District Plan related to cultural heritage conservation.

ACTION: use Holding Provisions to ensure to Council’s satisfaction that cultural heritage conservation policies are followed

The Zoning By-law, REINS, PARTS and the proposed SPs all **suggest that possible future uses** of some heritage properties could be more intensive than what’s there now. But District Plans are clear in saying: “There may be **rare occasions** where **infill development** or **limited integrated redevelopment** is possible in the future or where redevelopment is required **due to loss of buildings through fire, severe structural decay**, . . . or other **catastrophic events**.”³ All of these Planning documents have been **designed in case** these “catastrophic events” occur, **to give flexibility** so that appropriate rebuilding can take place, **not the other way around, not specifically to allow redevelopment**.

But developers don’t see it that way. They see a potential redevelopment site and consider its heritage protections last. This is the appropriate time and method to send the message that **our built heritage must be protected**.

ACTION: make clear statements to the effect that intensification of Zoning designations of heritage properties give flexibility so that appropriate rebuilding can take place in case of catastrophic events, not the other way around, not specifically to allow redevelopment

ONTARIO HERITAGE ACT

The purpose of creating a HCD is to **protect and manage the heritage character** of the neighbourhood as the community evolves. The District Plans provide clear guidance regarding appropriate alteration activities.

The *Ontario Heritage Act* states:

Consistency with heritage conservation district plan

- 41.2 (1)** Despite any other general or special *Act*, if a heritage conservation district plan is in effect in a municipality, **the council of the municipality shall not**,
- (a) carry out any public work in the district that is contrary to the objectives set out in the plan; or
 - (b) pass a by-law for any purpose that is contrary to the objectives set out in the plan.**

³ *City of Kitchener Civic Centre Neighbourhood Heritage Conservation District Plan*, August 2007, pgs 3.7-3.8

Conflict

(2) In the event of a conflict between a heritage conservation district plan and a municipal by-law that affects the designated district, the plan prevails to the extent of the conflict, but in all other respects the by-law remains in full force.

Though proposed Secondary Plans, and through them the Zoning Bylaw, may designate certain properties with higher intensification, **if this contravenes the District Plan provisions**, the *Ontario Heritage Act* says, “the plan prevails to the extent of the conflict”.

ACTION: ensure SPs and zoning regulations complement Heritage Conservation District Plans and their heritage requirements in order to be in compliance with the *Ontario Heritage Act*

VALUE OF CULTURAL HERITAGE LANDSCAPES

The Province of Ontario, through the Provincial Policy Statement, requires that **significant CHLs be conserved**. The Regional Official Plan directs area municipalities to **designate significant CHLs in their OPs** and establish policies addressing their conservation and undertake proper planning. And the City of Kitchener OP states that these **CHLs be listed on the Municipal Heritage Register and conserved**.

Kitchener’s **award-winning report**, *Cultural Heritage Landscapes*, identified 12 established residential neighbourhoods as CHLs, including the four existing HCDs. “Each of these neighbourhoods expresses a **high degree of heritage integrity** and are representative of planning concepts and housing styles of the period in which they were developed,” explained the report. “Within these neighbourhoods, there is an enormous variety of housing designs. . . None of these neighbourhoods are likely to be constructed again, so **any loss or depreciation of these neighbourhoods would be a significant loss to Kitchener’s portfolio of heritage resources.**”⁴

SECONDARY PLANS MUST RECOGNIZE CHLS

The other eight neighbourhoods which include identified CHLs deserve some heritage status and protection, **sooner rather than later**, by recognizing them in the OP and developing strong guidelines in the SPs to ensure these established neighbourhoods thrive.

ACO NWR is concerned that reference to the full **Mount Hope/Breithaupt/Gildner/Gruhn Neighbourhood** CHL was removed from the KW Hospital/Midtown SP. Similarly, the **Central Frederick Neighbourhood** CHL was removed from the King Street East SP. Another example is the **Rockway Neighbourhood, Gardens & Golf Course** CHL, with only the tiny sliver of **Floral Crescent** included on Map 9a, but not mentioned in the Section 16 document. We understand that only parts of a CHL may be within a SP boundary, but waiting until the perfect time to introduce these protections means **more time for built heritage resources to be lost or irreparably altered**.

ACTION: ensure SPs include protection of CHLs, even if this means a fractured approach to their implementation

The proposed SP policies outline some **existing protection tools** such as Heritage Impact Assessments (HIA), required for development applications having the potential

⁴ *City of Kitchener Cultural Heritage Landscapes*, December 2014, pg 11

to impact property of Specific Cultural Heritage Landscape Interest. Whether a CHL is identified in a SP or not, Part IV, Part V and Listed properties within those CHLs already had this protection under the *Ontario Heritage Act* and the Official Plan.

What is **troubling to ACO NWR are the limitations** the proposed SP policies suggest for properties located within a CHL which do not already possess heritage status. For these properties, proposed SP policies say the HIA “may be scoped and limited in review to assess visual and contextual impact.” The OP states **CHLs must be listed on the Municipal Heritage Register**. Our interpretation is that this means every property within a CHL identified in the OP should be considered a Listed property, with the same protections as other Listed properties.

ACTION: ensure CHLs are listed on the Municipal Heritage Register, with every property within the CHL, at minimum, a Listed property

Every property has some cultural heritage value, but not every one is given heritage status, which offers some protection under provincial, regional and municipal rules. Those rules provide a framework, a process where we can identify, evaluate and choose to protect, or not, properties in our municipality.

In its introduction, the City of Kitchener’s Terms of Reference for Heritage Impact Assessments states, “A Heritage Impact Assessment is a study to determine the impacts to known and **potential** cultural heritage resources within a defined area proposed for future development.”

If the terms of reference of a HIA are scoped, this limits its ability to examine the impact of development on **potential** cultural heritage properties.

The OP states (12.C.1.4. and 12.C.1.5.): “The City acknowledges that not all of the city’s cultural heritage resources have been identified. Accordingly, a property **does not have to be listed or designated** to be considered as having cultural heritage value or interest. Through the processing of applications submitted under the Planning Act resources of **potential** cultural heritage value or interest **will be identified, evaluated** and considered for listing or designation.”

Why limit the power of the HIA by omitting key sections on some projects? This is an opportunity that shouldn’t be passed up to truly evaluate the cultural heritage **potential** of properties that are located within a CHL. Chances are good that the potential is there simply by its proximity to other heritage properties.

ACTION: ensure all HIA Terms of Reference require the full scope to identify, evaluate and protect resources of potential cultural heritage value or interest within CHLs

ESTABLISHED NEIGHBOURHOODS & INDIVIDUALLY DESIGNATED PROPERTIES

Kitchener has over 65,000⁵ individual properties, but only 230 are Listed on the Municipal Heritage Register, just over 1,000 are located in Heritage Conservation Districts and fewer than 90 are Individually Designated under Part IV of the *Ontario Heritage Act*. Many of these properties are threatened with redevelopment. **It is a limited resource that is gradually being lost**. Help us protect the few resources we have.

⁵ Statistic provided 19 Feb 2020 by Information Technology-GIS staff, “If Right of Way category is excluded (roads, walkway blocks, etc.) then the ballpark figure would be 65,000 remaining parcels.”

Those 230 Listed properties are the result of the **re-evaluation of the Heritage Kitchener Inventory of Historic Buildings**. In the past 15 years, of those original 800 properties, some were Listed, some were properties in HCDs, some were demolished, a few were individually Designated, but **many heritage buildings in established neighbourhoods**, were either not recommended for Listing or Council chose not to List them. These are the properties we mean when we write, “every property has some cultural heritage value, but not every one is given heritage status.” As we pointed out in the introduction, **society’s values evolve**; perhaps it’s time we develop a process to re-examine those properties which have been deemed not worthy.

ACTION: ensure HIA Terms of Reference require the full scope to re-evaluate and protect resources of potential cultural heritage value or interest, specifically properties previously listed on the Heritage Kitchener Inventory of Historic Buildings

Many of these same ideas can be applied to the SPs which do not affect HCDs, but do cover **established neighbourhoods**, many containing **individually designated (Part IV) and Listed properties**. What affect will new proposed zoning designations have on existing built heritage resources? Are appropriate transitions provided?

ACTION: when proposing a SP for established neighbourhoods and those containing individually designated (Part IV) and Listed properties, consider the affect new proposed zoning designations will have on existing built heritage resources and the provision of appropriate transitions

One tool used in some of the proposed SPs which we feel should be used universally when reviewing an established neighbourhood is a **map of existing built heritage resources**.⁶ These maps visually represent the locations of identified heritage resources, making them more accessible to more people.

ACTION: provide mapping of existing built heritage resources for all proposed SP reviews

CIVIC CENTRE NEIGHBOURHOOD HERITAGE CONSERVATION DISTRICT

The Civic Centre Neighbourhood HCD is of **considerable significant cultural heritage value** given the heritage attributes found within its architecture, streetscape and historical associations. The designation of the Civic Centre Neighbourhood as a HCD was **meant to protect and preserve the heritage assets and character that exist in the area**. The District Plan provides the planning framework to ensure that future change within the district is both complementary to, and compatible with, the heritage attributes of the area.

The **Olde Berlin Town Neighbourhood Association submission** regarding the proposed Secondary Plans for the Civic Centre neighbourhood is as **comprehensive, well researched and thought out** as you will find anywhere. It is available online at:

<https://oldeberlintown.ca/wp-content/uploads/2019/11/28Nov19UpdatedResponse.pdf>

⁶ See [Proposed Cedar Hill & Schneider Creek Secondary Plan](#) & [Lower Doon Neighbourhood Planning Review](#)

ACO NWR branch **particularly appreciates** its use of quotes from the District Plan, such as:

*“Maintain the **low-density residential character** of the Civic Centre Neighbourhood Heritage Conservation District as the predominant land use, while recognizing that certain areas of the District already have or are intended for a wider range of uses.”⁷*

*“**Preserve Traditional Setting** - A building is intimately connected to its site and to the neighbouring landscape and buildings. Land, gardens, outbuildings and fences form a setting that should be considered during plans for restoration or change. An individual building is **perceived as part of a grouping** and requires its neighbours to illustrate the original design intent. When buildings need to change there is a supportive setting that should be maintained.”⁸*

As has been mentioned previously in this submission, the **Olde Berlin Town document points out**, “The owners’ enjoyment may be diminished if the overall character, features and zoning of the neighbourhood that supports these uses is removed or compromised. We do not believe it prudent to expect owners to continue to be good stewards of their own property, if the property and neighbourhood no longer provide enjoyment.”

Their submission has **three important goals**:

1. promote **internally consistent zoning**, to ensure uniform protections and benefits under the law, under similar circumstances, while respecting the existing rights and circumstances of individual property owners;
2. ensure **zoning supports the heritage district plan** and does not incentivize owners to detract from the neighbourhood context thereby compromising existing uses;
3. establish **rules for transitioning** to more intensive zones within and around the neighbourhood.

The submission provides very detailed, specific suggestions for Planning staff. ACO NWR branch **suggest these be taken very seriously**. We particularly appreciate the ideas behind these suggestions:

- #9 that Regulation 13.3. from existing Secondary Plan be retained: “In order to obtain the necessary input to plan on a neighbourhood level, the City shall establish **Liaison Committees** in neighbourhoods for which Secondary Plans are being prepared. Participation on such Liaison Committees shall be open to all residents and property owners within a planning neighbourhood and other interested parties.”
- #12 that Secondary Plan regulation 16.D.9.15 be strengthened by adding “New development or redevelopment within or adjacent to the Heritage District **is to be compatible** with the context and character of the existing neighbourhood.” We are concerned that the term “overall” within the clause “overall, be compatible with the context and character of the existing neighbourhood” of OP policy 11.C.1.34 d) renders the requirement less meaningful.
- #18 that the portion of **Queen Street** in the district between Weber St W and Margaret Ave **be recognized as integral to the heritage district**. Unlike Victoria St N, Queen St N is not a Mixed Use Corridor. This portion of Queen St is listed as a “Major Collector Road”, unlike Victoria and Weber, which are Regional Roads.

⁷ City of Kitchener Civic Centre Neighbourhood Heritage Conservation District Plan, August 2007, pg 3.2

⁸ ibid, pg 3.4

In addition, after consulting with Olde Town Berlin representatives, we also suggest the following:

ACTION: that any zoning provision that permits greater height or FSR on a property than the existing heritage building may not be used as justification for the demolition of that heritage building

ACTION: while the Olde Berlin Town Neighbourhood Association submission may be specific to the Civic Centre neighbourhood, the overall principles listed above can be applied to all heritage districts

One point of clarification, the **Civic Centre Cultural Heritage Landscape is not numbered or identified** on Proposed Map 9A Detail indicating Cultural Heritage Resources to be protected by the Official Plan. There may be a reason for this, or perhaps just a minor error.

ACTION: show the Civic Centre CHL on Proposed Map 9A Detail indicating Cultural Heritage Resources to be protected within the OP

VICTORIA PARK AREA HERITAGE CONSERVATION DISTRICT

We reviewed the presentation made by Victoria Park residents to the December 9, 2019, Council meeting seeking resident input on the Secondary Plan process.

Established in 1896 by the Town of Berlin, now the City of Kitchener, Victoria Park is located on land which had belonged to Lot 17 of the German Company Tract purchased by Joseph Schneider, one of the first Pennsylvania-German farmers in the area. The road Schneider built to link his farm to the main road through the area, now King Street, was first named Schneider Road. When Joseph sold land for the park, named in honour of then British monarch, Queen Victoria, Schneider Road became Queen St S. Today it leads past the fine **Mennonite Georgian farmhouse, c 1816, a National Historic Site** restored to the mid-19th century period. Schneider extended the road beyond his farm, west to Wilmot Township where lumber from his sawmill was needed for housing for immigrants from Germany arriving in the area from the mid-1820s.

Victoria Park was designed in the **English Landscape style**. Its main feature is a freshwater lake dredged from Schneider's mill pond and fed by a small watercourse from the north, Schneider Creek. Many of the residences built around the lake date to the opening of the Park and reflect late Victorian and early 20th century styles. Housing on adjoining streets are more modest dwellings built for workers and their families employed by the industries nearby.

Over the years, development has been vigorous on all sides. Despite its proximity to the City core, it has **remained largely intact** with its Victorian-era architecture and streetscapes.

The Victoria Park Area HCD provides residents a **measure of security** that the area will be **protected from inappropriate and intrusive developments**. Any SP for the area should have zoning provisions that respect the District Plan.

ACTION: ensure SPs and zoning regulations complement HCD Plans and their heritage requirements

Many residents are **concerned about protecting established neighbourhoods** from the intensification that the region is experiencing. “Many people think we are growing too fast and that we need to slow down,” commented one resident. “Our established neighbourhoods are being **unduly pressured by developers**, and planning staff agree to their plans because density targets will then be met.”

“We in Victoria Park worry that infill and **high rise development surrounding us will have very negative impacts**,” explained residents. “It is essential to have **buffers to protect low-rise historic districts**. Low-rise historic districts near downtown Kitchener are valuable because they give **a sense of who we are and our history**.”

ACTION: ensure Secondary Plans and zoning regulations provide appropriate transitions between high- and low-density areas

We point to several specific examples from the presentation.

In the current SP review, a large area bounded by Linden Ave, Michael St and Victoria St S has been **proposed to be rezoned from Neighbourhood Institutional to Mix 3** (medium to high rise), now containing low rise residential and a church. Residents believe allowing Mix 3 would **significantly change the character** of this part of the neighbourhood inside the HCD.

ACTION: ensure Secondary Plans and zoning regulations respect the existing character of the Victoria Park Area HCD

The lots at the corner of David and Joseph Sts are now a parking lot (City-owned) and two low rise residential buildings (20 David St is City-owned). While this area is zoned Mix 2 (medium rise), the lower **heights of the existing buildings are compatible with the majority of Victoria Park**. Residents don't believe a Mix 2 designation is appropriate, with a possible allowable height of six storeys to replace the existing. As well, since this area is **adjacent to the Park** itself, it would **significantly change the character of the open space**. An alternative, since two of the three lots are City-owned, would be to incorporate these into the Park itself.

ACTION: ensure Secondary Plans and zoning regulations do not allow encroachment onto the open space character of the Park, consider enlarging the Park where possible

Quite often, when interpreting the HCD Plan, consultants and developers point out that the Queen St S area has already had development, as if that's **justification for more high rises** to be built there. ACO NWR agrees that this area has seen a good deal of development, and **for that reason we should limit future redevelopment**.

ACTION: ensure Secondary Plans and zoning regulations limit development on Queen St S within the HCD boundary in order to protect the heritage character of the area

We are also concerned that **part of the Victoria Park Neighbourhood CHL** is not included on Map 9a, that section of the CHL and Heritage Conservation District bounded by Benton St, Courtland Ave E, David St, Joseph St, Queen St S and Charles St E, plus three properties on Oak St closest to Victoria St S. **These are the properties most at risk from future development**.

ACTION: ensure the SPs and Map 9a include the complete Victoria Park Neighbourhood Cultural Heritage Landscape in their protections

CEDAR HILL & SCHNEIDER CREEK

We have heard **concerns from residents** in the Mill Courtland Woodside Park neighbourhood about substantial changes in this proposed SP through removal of three residential areas on the north end, and the addition of a transit station and industrial lands on the south. **There will no longer be a Mill Courtland Woodside Park neighbourhood as we know it today.**

While the Queen St S properties and Mill Courtland areas will become part of other SPs, there is some **concern for the Woodside Park Neighbourhood** which will not be part of a SP. It is characterized by low rise residential and historic Woodside Park including the Harry Class pool, a Part IV designated property.

ACTION: protection of the Woodside Park Neighbourhood should be considered within a SP in the event of future development/redevelopment

The entire Cedar Hill & Schneider Creek (CHSC) neighbourhood is part of the Major Transit Station Area, **an area of designated intensification**. This will put pressure on CHSC and **all downtown neighbourhoods**. The SPs are intended to provide for a range and mix of uses and identify intensification opportunities in support of ION while **'protecting the established character of the existing neighbourhoods'**. Residents believe this is not the same as protecting the built urban fabric, and fear it could lead to **substantial demolition of existing building stock** and replacement with inappropriate developments.

ACTION: ensure SP provides a range and mix of uses, while protecting the established character of the existing neighbourhood

The SP proposes **two significant CHLs** within its boundaries:

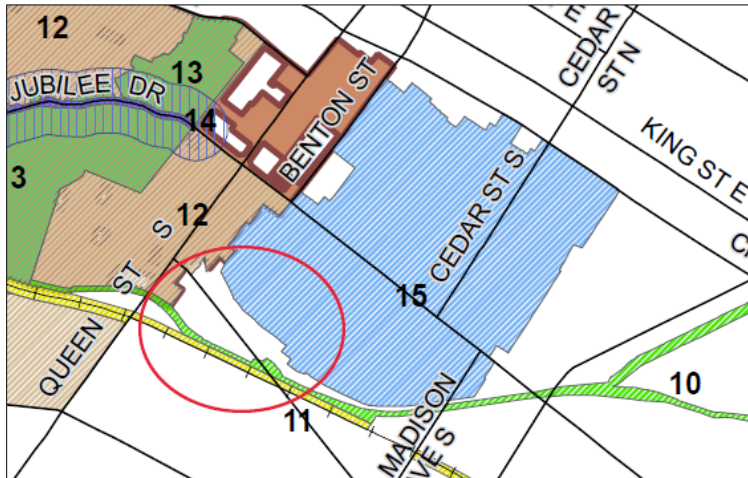
- Cedar Hill & Schneider Creek Neighbourhood CHL
- Iron Horse Trail CHL

The Secondary Plan identifies unique features of the CHL including **Priority Locations** at gateways that facilitate views into and out of the neighbourhoods and accentuate the **unique topography of Cedar Hill**. These and other features are provided with protection measures to maintain the qualities and characteristics of the area.

Specific policies have also been suggested for the Official Plan through the *Design in Cultural Heritage Landscapes* section. Regarding new development or redevelopment, the City will ensure that CHL features are supported and maintained (11.C.1.34). These are supportive actions for conservation of the neighbourhood. **For additions and/or alternations** proposed for built cultural heritage resources, the City has identified some **prescriptive principles** to be followed (11.C.1.35). The four principles speak to **conservation of building parts**, however, the principles would be clearer and strengthened by referencing national and provincial conservation guidelines.⁹ **These are valuable and available tools whether a property or building is designated or not.**

⁹ e.g., *The Standards and Guidelines for the Conservation of Historic Places in Canada*, Parks Canada: 2010

ACTION: ensure Policies 11.C.1.34 and 11.C.1.35 reference national and provincial conservation standards and guidelines to inform protection measures for additions and/or alterations of built cultural heritage resources



Cultural Heritage Landscapes are vulnerable due to exposure of lands at the edges. The area circled in red, at left on Map 9a Detail, for example, is characterized by unique placement of historic single detached dwellings **surrounded on all sides by identified cultural heritage resources:** Victoria Park Heritage Conservation District and CHL, the Cedar Hill Schneider Creek CHL and the

Iron Horse Trail CHL. The **view from Queen St S shows the unique character of the residential cluster** and the gateway to Mike Wagner Green along Mill St. Within this turn-of-the-century neighbourhood is a designated home (45 Mill St), as well as two homes identified as having cultural heritage value in 2010 (19 and 25 Mill St), but not listed on the Municipal Heritage Register. The area is to be rezoned medium density in the proposed SP. **Instead of being celebrated for its unique features and garnering protection through alignment with the adjacent heritage areas as a cultural heritage resource or landscape, the neighbourhood is faced with demolition of six properties at its centre.** The historic homes are to be replaced with a proposed 10- or 12-storey development of 176 units. Demolition will destroy the neighbourhood qualities and characteristics. In this situation, **infill development behind the homes would have been more appropriate.**

ACTION: ensure the cultural heritage landscape features of Mill St be connected to Victoria Park, Schneider Creek and the Iron Horse Trail and provided protection

The 'scoped HIA study' approach for the proposed development on Mill St, for example, eliminated the requirement for historical research and statements of significance for 19 and 25 Mill St, which left the properties vulnerable and ultimately subject to demolition. The impact to 45 Mill St, a Part IV designated property, is substantial. **The lack of protection will result in demolition of its original neighbourhood context and historic references, and allow a new development that exceeds current and proposed secondary plan zoning in size and scope.**

ACTION: ensure HIA Terms of Reference require the full scope to identify, evaluate and protect resources of potential cultural heritage value or interest within CHLs

While the Iron Horse Trail CHL is noted as a resource in the SP, there is no further reference. While the plan is still in progress, it would be worth **noting the Iron Horse Trail's unique features in each neighbourhood area.**

ACTION: ensure the Iron Horse Trail is referenced in the SPs, with its Statement of Significance as a whole, as well as its characteristics and features within each neighbourhood and localized protection measures

LOWER DOON

The story of community planning and development in this neighbourhood has been **controversial**, to say the least. The 1976 SP designated many of the **historic streets, such as Old Mill Dr and Pinnacle Dr**, as low density residential. This was reinforced in the 2004 Community Plan which **focused on single detached dwellings**, minimum 50-foot wide lots, placing permitted semi-detached, duplex and townhouse (not exceeding two stories) **developments in specific locations away from the heritage areas**, and specifying that **more intensive uses must be "compatible in form and height with the low density character of the neighbourhood."**

With the growth of Conestoga College, **immense pressure** has been placed on this neighbourhood. One continuing theme that was highlighted at the February 4, 2020, community consultation was that **"Heritage attributes/character of the neighbourhood is being affected** by high number of student rental houses."

ACTION: ensure low density residential continues to be the desired built form in the Lower Doon SP, while balancing the needs of students

Residents of **Old Mill Dr and Pinnacle Dr** have asked ACO NWR to emphasize the heritage character of their neighbourhood. These two streets seem to contain the **largest number of individual properties with cultural heritage value** in Lower Doon, though few have been provided with heritage status or, therefore, protection.

ACTION: ensure that, before the Lower Doon SP is completed, re-evaluation of the individual cultural heritage value of the historic houses on Old Mill Dr and Pinnacle Dr be carried out and appropriate protections be provided

A **positive step** has been the preparation of the 2019 Cultural Heritage Landscape Evaluation of Lower Doon. In addition to the already identified CHLs, Doon Golf Course, Homer Watson House and Mill Park Dr, **two additional CHLs have been proposed** by the consultant, **Homer Watson Park and Willow Lake Park.**

ACTION: ensure identified CHLs are recognized and provided with appropriate protections in the Lower Doon Secondary Plan

ACTION: though this action is not a SP issue, we would also suggest following through with the conservation recommendations of the report

CENTRAL FREDERICK SP - PENDING

The Central Frederick Neighbourhood is on the pending list for its SP review. Much of the Central Frederick Neighbourhood Cultural Heritage Landscape is located in this neighbourhood, some of it extends into the King East Neighbourhood, where the SP

review is currently underway minus any protections for this CHL, and into the Auditorium Neighbourhood, which is not scheduled for review in the near future. **These conditions leave this CHL in limbo.**

ACTION: ensure SPs include protection of Cultural Heritage Landscapes, even if this means a fractured approach to their implementation

CONCLUSION

ACO helps and encourages people to **nurture our built heritage** as an integral part of life today and as a foundation for tomorrow. This will help to create places where our **rich past is made a vital and living part of the future**. We want to help the community make well informed, timely decisions that make better places for people to live in, work and visit.

Kitchener has its own unique culture and heritage. Our places, spaces and stories are **integral to our identity**. To paraphrase the Official Plan, Kitchener's cultural heritage resources **are** important from a **historical and cultural** perspective, they **are** of **social, economic, environmental and educational value**. They **do** help to instill civic pride, foster a sense of community, contribute to tourism and stimulate the building renovation industry.

We hear the **same complaint over and over again from residents**, "The process is the problem - developers purchasing blocks of homes causing disruption to neighbourhoods, requesting more than permitted zoning, FSR, height, coverage, etc."

ACO North Waterloo Region branch welcomes a **full discussion of the issues**. Over the past 40 years of our branch's existence, we have seen many heritage properties destroyed and many saved, the latter, in part through our efforts. We know our communities well and have been involved in the creation of HCDs, which we believe are **the core of Kitchener's heritage and history**. HCDs need to have significant, strong and consistent consideration when development is proposed within and adjacent to them.

Please consider these ideas that emphasize a stable sense of place, that encourage a viable and secure community, all ideas contained within our Official Plan.

Thank you for your consideration,

Marg Rowell
President, ACO NWR

Submitted electronically: Monday, May 25, 2020

From: aco.nwr@gmail.com

To: Tina Malone-Wright, Senior Planner, Policy, secondaryplans@kitchener.ca

Cc: Councillor Debbie Chapman, debbie.chapman@kitchener.ca (St. Mary's HCD, Victoria Park HCD, Cedar Hill & Schneider Creek, King Street East)

Councillor John Gazzola, john.gazzola@kitchener.ca (Heritage Kitchener)

Councillor Sarah Marsh, sarah.marsh@kitchener.ca (Civic Centre Neighbourhood HCD, Central Frederick, King Street East)

Councillor Christine Michaud, christine.michaud@kitchener.ca (Upper Doon HCD, Lower Doon Neighbourhood)

Leon Bensason, Coordinator, Cultural Heritage Planning,
leon.bensason@kitchener.ca

January 8, 2024

Heritage Planning Staff

Via email to delegation@kitchener.ca

RE: Growing Together - Heritage Implementation Measures, DSD-2024-009

Thank you, Heritage Planning Staff, for reviewing the Growing Together proposal from a heritage lens. The designation of additional buildings in December 2023 was a valuable step forward. The Growing Together project now presents a long-awaited opportunity to protect heritage, respect property rights, and facilitate development decisions in accordance with objective criteria.

Having reviewed the Growing Together proposal with an eye on the Olde Berlin Town neighbourhood, the neighbourhood in which I live and understand best, I remain concerned that the Growing Together proposal leaves conflicts between heritage requirements and zoning permissions. I believe these conflicts present uncertainty in planning and may contribute to the erosion of heritage resources. Two quick examples. Yes, we were successful in preserving the façade of Economical Insurance, at 16-20 Queen St N. But we failed to protect the interior. Yes, we preserved 107 Young St. But we also agreed to the demolition of heritage resources at 50-52 and 56 Weber St W. Beyond the destruction of individual resources, I believe each compromise signals our openness to further losses.

I've approached the challenge between zoning and heritage requirements in a number of ways, over the years, since the launch of the Secondary Plan Review in 2018.

I first suggested that zoning be aligned with the existing heritage resource we are trying to conserve. I received the sensible rebuttal that, in the unfortunate event of a tornado, why would we not want to redevelop in ways that are compatible with the remaining heritage resources?

I then suggested that the overlaying heritage directives be integrated into the zoning via special regulations. This could guarantee that zoning permissions implemented after the establishment of the District Plan are achievable and consistent with the Plan. I believe this could save Planning Staff, Council, developers and neighbours from a needlessly expensive and time-consuming process. In response, I was told integrating zoning and heritage would be too time-consuming. I am uncertain that this argument adequately appreciates the time of all involved, but I returned to the search for a solution acceptable to Planning Staff.

Now I suggest that we insert a clarifying statement into the Official Plan along the following lines,

“The Civic Centre Neighbourhood Heritage Conservation District Plan shall be read with the following substitutions:

Existing Language	Substitution
policies are proposed policies	shall be followed
(strongly) discouraged	not permitted
strongly encouraged	required
should	shall
avoid	refrain from”

and so forth.

This could save us from the argument that ‘the District Plan merely offers recommendations, and thus decisions that go against its recommendations are still lawful.’ As we know, the District Plan was written as a proposal by a consultant, and the words chosen in that context. As I see it, when Council adopted the Plan, the recommendations and proposals became law. A clarifying statement in the Official Plan could put an end to the question of semantics. I have yet to hear back on this latest suggestion.

In light of my preceding statements, and to avoid potential misunderstandings, I ask that the following four statements in Staff Report DSD-2024-009 be removed or revised.

1. *“The key finding of this report is that the proposed Official Plan policy and zoning by-law changes are not anticipated to result in loss of cultural heritage resources”* (P. 1, bullet #2). The attached “Submission to the City of Kitchener Planning Division regarding Proposed Secondary Plans” by ACO North Waterloo Region argues that zoning limits in excess of the existing built form subject heritage resources to increased redevelopment pressures. I offer the following examples in which the Growing Together proposal does not align with the Civic Centre Heritage District Plan (HDP).

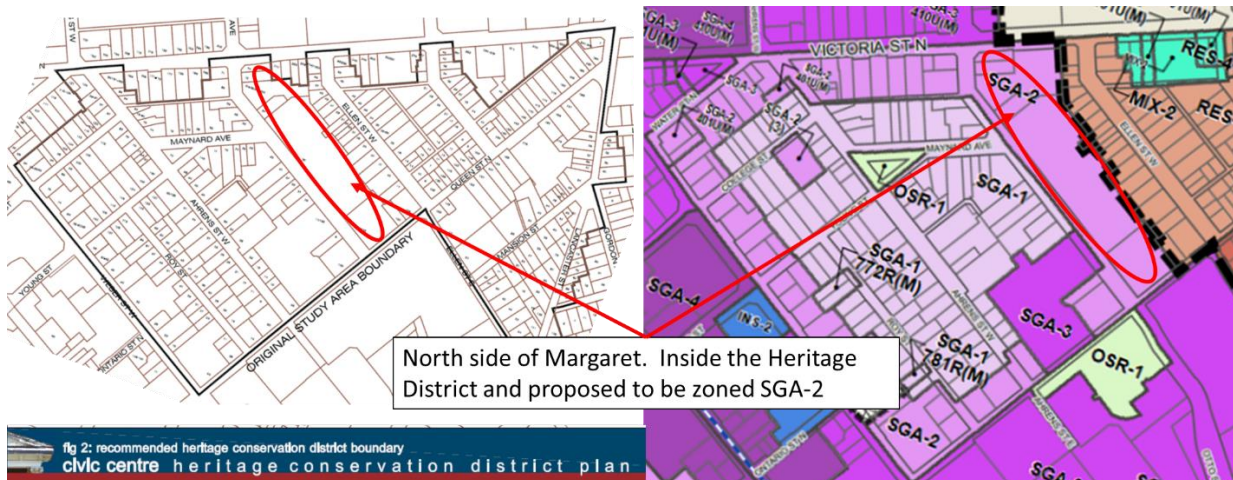
Address(es)	Civic Centre HDP direction	Growing Together proposal
139, 143, 153-165, 181-189 Queen St N (odd), 29-111 Lancaster St E (odd), 21-53 (odd) and 44-64 (even) Mansion St	R-5/R-6 zoning with max. height of 10.5m (P. 1, Figure 5)	RES-6 zoning with max. height of 25m
30-54 Margaret Ave (even)	R-8 zoning, with max. height of 16.5m via special regulation (P. 51, Figure 5)	SGA-2 zoning with max. height of 8 storeys. While a limit of 25.5m may be assumed, no limit in metres is provided.
18-84 Weber St W (even)	Site/Area Specific Policy (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."	

2. *"In November 2023 three drop in sessions were held and materials were posted on the Growing Together engage page for the community and stakeholders to review draft Official Plan and Zoning By-law amendments. These amendments included proposed policy changes intended to further cultural heritage conservation measures. Community engagement also includes consultation with the Heritage Kitchener Committee"* (P. 1, bullet #4).

The statement may suggest that this Staff Report addresses community feedback. I do not see the comments I submitted and copied to heritage planners on November 28, 2023 (attached) as being addressed. Were my comments received and considered? Were they perceived as baseless? If not, how does the Report address the concerns raised?

3. *"The exterior areas of the Civic Centre Neighbourhood HCD – primarily those properties which front onto Weber Street – are proposed to be zoned SGA-2."* (P. 8, Par. 2, Sentence 1).

The Staff Report does not mention that the north side of Margaret, which is located in the interior of the Civic Centre Heritage District, is also proposed to be zoned Strategic Growth Area -2, which would permit greater height and a broad array of commercial uses. I fear the omission could lead uninformed members of the community or Council to misunderstand the situation.



4. *“Recent development applications that have been received by the City and reviewed by Heritage Planning Staff and Heritage Kitchener have demonstrated that, through the heritage review process, significant redevelopment and the construction of tall-buildings can be undertaken in a manner that still protects and conserves our cultural heritage resources. Examples include **16-20 Queen Street North** and **88 Queen Street South**” (P. 9, Par. 2, Sentences 7 and 8.)*

Kitchener’s decision as to 16-20 Queen St N was to retain the facade only, despite clear exposition of the heritage value of the interior in terms of both architecture and local history (See attached article by K Kessler, published in ACO Newsletter Volume 17, Number 2). While I grasp that the compromise of retaining only the facade respects property rights and supports intensification, the record demonstrates that the heritage review process was unable to fully preserve a leading heritage resource.

Superb interior woodwork and plasterwork rendered in intricate classical motifs. Polished stone, terrazzo floors, paneling, staircases, transoms, even a washroom with marble partitions. All original and in great condition. All this and more make the 1916 former Economical Mutual Fire Insurance Co. building, 16-20 Queen St. N., the finest surviving work of architect W.H.E. Schmalz, who the Waterloo Region Hall of Fame calls “the Twin Cities' dean of architects.” --Karl Kessler



Schmalz and Jones' Kitchener City Hall, 1973.



Architectural details inside Schmalz and Knechtel's former Economical Mutual Fire Insurance Co., 16-20 Queen St. N., as they appear today. By author.

In light of the above, I request two remedies:

- a) that a thorough review of the compliance of the Growing Together proposal with the direction of the Civic Centre and Victoria Park HDPs be undertaken and that the Growing Together proposal be revised accordingly, and
- b) that the transitions proposed by the Growing Together proposal in both built form and use be addressed via a heritage lens, to ensure ongoing compatibility. Please devote particular attention where neighbouring builds could result in substantial shadowing of the rooftop plane. I suggest shadow impact studies based on the maximum building envelope permitted under the proposed zoning be shared publicly well in advance of Council's final decision on the Growing Together proposal.

I addressed these matters more fulsomely in my attached submission to the Growing Together team which I copied to heritage planners on November 28, 2023. I include a copy of that message with these comments. The sections most salient to heritage concerns can be found in Items 8, 9, and 10.

Please deliver to Council a recommendation that ensures more certainty in planning and better safeguards of heritage.

Thank you for your consideration,

Hal Jaeger