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Memo to: Heritage Planning Staff via email to delegation@kitchener.ca
From: Architectural Conservancy of Ontario North Waterloo Region Branch
Date: January 7, 2024
Subject: Heritage Kitchener Agenda for January 9, 2024, Item 4.3 Growing Together - Heritage Implementation Measures, DSD-2024-009

The Architectural Conservancy of Ontario North Waterloo Branch (ACONWR) has a long history of supporting heritage building conservation going back to 1980 locally and 1933 provincially. The ACO advocates for the retention, refurbishing and reuse of the province's cultural heritage architecture and places of natural beauty. Our purpose in making this submission is to ask:

- 1) How HCD policies intended to preserve heritage can be maintained when SGA2 and SGA3 zoning policies are proposed within them, allowing to 12 and 25 storey buildings; and
- 2) How to preserve HCD heritage when they are surrounded by SGA4 zoning that allows unlimited height.

We supported the development of heritage conservation districts (HCDs) in Kitchener and we are hopeful that the integrity of these districts will be maintained for the many benefits that they provide. Of course, there will be changes in these districts over time. Most HCDs have provisions for the possibility of development within them. In a number of cases provincially, HCDs have undergone development that does not conform to the policies that were intended to preserve them.

We appreciate there is an urgent need for more housing and that the increased density should be made where rapid transit is present. The City of Kitchener's Growing Together Plan recognizes the need and it also states that the policies of the HCDs on



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either side of the downtown (Civic Centre HCD and Victoria Park HCD) will be maintained.

When the Secondary Plan was discussed some four years ago, we submitted a 14-page memo outlining what changes should be made ([ACONWR 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, May 20, 2020](#)). In that memo we made a number of suggestions. 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 HCDs were meant to protect, residents have good reason to wonder about the future of their neighbourhood, with the result of introducing instability into the HCD. Property owners inside HCDs are restricted in the renovations they are allowed to make. Detailed plans often come before the Heritage Kitchener Advisory Committee for approval. They are required to conform to the HCD policies and they hired consultants at considerable personal expense. Having modern builds that do not conform to these policies is a double standard that creates conflict, where rules apply strictly when you are a heritage



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property owner, but if a developer wants to build a modern condo inside the HCD, heritage policies are sometimes disregarded.

The Growing Together proposal significantly impacts heritage resources that enhance our economy through the economic benefits of tourism and by reducing conflict when proposals are brought forward. It is important that zoning regulations complement the heritage requirements of a district plan, so that property owners and developers can feel confident in the predictability of future decision-making regarding land-use matters.

Uncertainty occurs when zoning increases the intensification of an area, heritage buildings are neglected and later demolished with taller buildings taking their place. Demolition itself puts neighbouring properties at risk, creating a domino effect, reaching well beyond the boundaries of redeveloped properties.

The Victoria Park HCD and Development

We are aware that the Victoria Park HCD Plan identifies the Queen Street South area as one which is designated for higher density and that new buildings may be expected. The Plan also states that “It is important that new buildings conserve and enhance the historic character of the Area. With innovative design, a compatible and exciting integration of new and old can be achieved” (City of Kitchener, 1995 [Victoria Park Area Heritage Conservation District Park Plan](#), p. 66). The Plan provides a heritage appropriate example of a 7-storey building at 290 Queen, not yet built in 1995. Features deemed appropriate are: 1) street trees to soften the impact of the new building; 2) low street façade to integrate with old residences; gables that mirror the historic architecture of the neighbourhood (not constructed when built); and 3) balconies which animate the building and street (also not built). When the building was completed, the surface treatment was red brick that did complement many heritage buildings in the HCD.



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The section of the HCD Plan on New Building outlines 14 key policies to be followed along Queen Street in the Victoria Park HCD. Two of these are noteworthy in given the Growing Together proposal to have tall buildings inside the HCD:

Density: Every effort shall be made to blend new high rise buildings with neighbouring low rise residences. This could include varied building heights and elevations and the breaking up of building mass.

Height: Design treatments to lessen the perception of height in new high rise development shall be considered, such as façade setback, mansard roofs, gables and varying building finishes and textures. (Victoria Park Heritage District Plan, p. 68).

In the next section, we outline some recent changes in the Victoria Park HCD. Not all have conformed to the policies that are designed to preserve the heritage of the conservation district.

51 and 53 David Street

Two properties at 51 and 53 David Street became derelict over time from a lack of care by the property owner, who subsequently tore them down. While a 12-storey building was initially proposed by the developer, heritage concerns were voiced, resulting in a 6 storey building ([The Record](#), “Developer ordered to fix up or demolish derelict David Street homes”, January 30, 2014).

242 Queen Street South

When there was a fire at 242 Queen Street South that housed ROOF (Reaching Our Outdoor Friends), the policies of the HCD were carefully followed and a new building was proposed following the VPHCD Plan:

“The Victoria Park HCD Plan contains specific policies that direct the development of properties with new buildings. It specifically addresses Queen Street South on this subject and includes the following statement: ...a main goal is to ensure that new development enhance the historic and civic character of



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Queen Street South. This will be achieved in large part through appropriate urban design such that the building style, profile, massing and materials complement the special historic character of Queen Street South" (City of Kitchener, Heritage Permit Application 200007 v- 1- 242 Queen Street South Proposed Construction of New Building, DTS 07-051).

Subsequent development made the excellent heritage preservation of 242 Queen Street South meaningless.

256 and 262 Queen Street South

Despite 242 Queen Street South being rebuilt in 2007 with the HCD policies in place, when a development at the neighbouring properties was proposed next to it, a compromise was made to preserve significant heritage buildings at 256 and 262 Queen Street South and build an 11-storey high rise behind them. At the time, there were representations residents of Victoria Park about the lack of attention to HCD policies. ACONWR President Marg Rowell spoke at both the Heritage Kitchener and City Council meetings regarding the proposed demolitions of heritage houses at 242-262 Queen Street South in the VPHCD. She stated:

Heritage Districts are created after much consultation with area residents and with the expertise from city planning staff and a paid consultant. The boundaries are carefully and thoughtfully delineated in order to provide for the preservation of the built architecture and stability for an area deemed worth protecting and conserving. When proposals come forward that involve the demolition of some of the historic built fabric of a district you are, in effect, eating away at the very thing that the district plans were meant to protect ([ACONWR 2018, ACO Newsletter, Fall, p. 7](#)).

The position of the ACO North Waterloo Region Branch is to avoid demolition in HCDs and preserve the heritage character that the HCD was designed to protect. The Plan is following important policies that "heritage shall be preserved" at provincial, regional and



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municipal laws and bylaws that heritage shall be preserved. The proposed zoning by Growing Together to allow even higher builds is not consistent with the Victoria Park HCD Plan, as outlined in the section on New Building, p. 66ff.

HCD Policy and Growing Together

Should the SGA2 and SGA3 zoning be allowed in the HCD, developers will continually propose increased density inside the HCDs in the downtown area. They may want to see the demolition of existing heritage buildings rather than follow HCD policies. A recent demolition at 178 Queen is a case in point. A significant heritage property that was occupied by businesses as recently as 2016 became vacant, was boarded up and sold about 2018 and demolished in 2023. The properties on either side are at risk, particularly Bullas Glass at 16 Joseph which has been vacant since at least 2005. Residents of the HCD and heritage advocates will ask how the Growing Together proposals are consistent with heritage policies. This tension would be decreased if the zoning provisions inside HCDs was aligned with Growing Together.

The ACONWR proposes most strongly that the proposal for SG2 and SG3 zoning that allows up to 8-storey and 25-storeys has no place within an HCD. These zoning categories are grossly inconsistent with HCD policies. If SG2 and SG3 are not allowed, 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. Zoning regulations must be aligned with HCD Plans and their heritage requirements. Planning staff must ensure that SG2 and SG3 zoning not be within HCDs so that the heritage character of HCDs be preserved.



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Zoning Adjacent to the HCDs

The ACONWR also believes that the Growing Together plan for unlimited height (SGA4) has an impact on the HCD. We realize that the Victoria Park and Civic Centre HCDs are almost entirely within the MTSA spheres. The Planning Act indicates that 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. While zoning bylaws may designate certain properties for higher intensification, if this contravenes the District Plan provisions, the Ontario Heritage Act indicates that the HCD plan prevails.

The ACONWR suggests that buildings of unlimited height on the North side of Joseph between Linden and Queen will compromise the heritage value of the entire HCD. We propose that zoning regulations bordering Heritage Conservation District Plans should have greater setback, step back and height restrictions. In short, a building with no height restriction on the edge of an HCD has a negative effect on the low rise buildings inside the HCD. Restricting that height would help preserve the heritage district character. A current example of how that can be accomplished may be seen on the zoning in the Manulife Parking lot bounded by Francis/Water and Charles/Joseph. On the Joseph Street side of that area extending about 50 metres, is a special provision, 104R:

Notwithstanding Section 16A.2 of this by-law, within the lands zoned D-5 on Schedules 84 and 85 of Appendix "A", described as Lots 124 to 130 inclusive, Registered Plan 375, the maximum building height shall be 10 metres. (By-law 92-232, S.9) (Amended By-law 2003-163, S.53, [d])

If this type of zoning were applied all along Joseph Street adjacent to the HCD, a more appropriate transition to the low-rise residential area in the HCD would be accomplished. A few years ago, a development proposal was "floated" for the block and included lower building heights along the Joseph Street side, but there was nothing



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further done with the preliminary planning. If that provision were applied around the Victoria Park and Civic Centre HCDs, heritage value would be more fully preserved. In short, the City of Kitchener is at great risk of seeing the HCDs in the downtown core shrink over time with inappropriate development within and adjacent to them and are compromised by buildings of unlimited height adjacent to and inside them. Clear guidelines within and around these HCDs are needed. A recent study by the Ontario ACO on heritage conservation districts makes that important point on the economic and cultural benefits of clear rules for heritage conservation:

HCDs promote revitalization and stabilization of areas, which create more certainty and which, in turn, encourage investment. Investors prefer to put their funds to work where there is long term stability. Investors shy away from sketchy areas in decline — unless they buy properties for a bargain when the area is undervalued and gamble on the area improving. Establishing an HCD in a declining area is a potential way to reverse the decline ([Architectural Conservancy of Ontario, *Benefits of a Heritage Conservation District*, p. 2](#)).

Respectfully submitted,

Marg Rowell, President

Gail Pool, Communications Coordinator

ACO North Waterloo Branch