

# Staff Report



Development Services Department

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**REPORT TO:** Heritage Kitchener

**DATE OF MEETING:** February 6, 2024

**SUBMITTED BY:** Garrett Stevenson, Director of Development and Housing Approvals,  
519-741-2200 ext. 7070

**PREPARED BY:** Jessica Vieira, Heritage Planner, 519-741-2200 ext. 7291

**WARD(S) INVOLVED:** Ward 9

**DATE OF REPORT:** January 18, 2024

**REPORT NO.:** DSD-2024-057

**SUBJECT:** Notice of Intention to Demolish  
1027 King Street East

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## RECOMMENDATION:

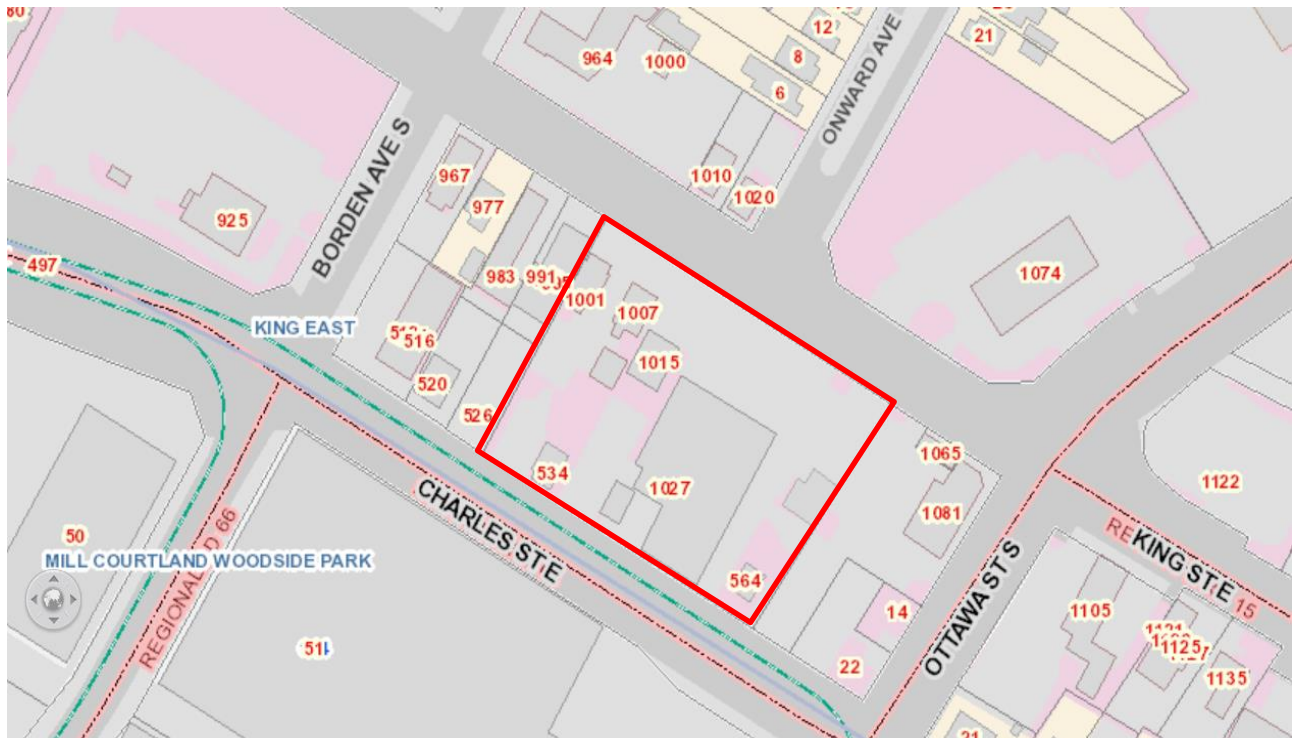
That, in accordance with Section 27(3) of the *Ontario Heritage Act*, the Notice of Intention to Demolish received on January 18, 2024, and dated January 17, 2024 regarding the property municipally addressed as 1027 King Street East, be received for information and that the notice period run its course.

## REPORT HIGHLIGHTS:

- The purpose of this report is to present the proposed demolition of the property municipally addressed as 1027 King Street East, presently listed as a non-designated property of cultural heritage value or interest on the Municipal Heritage Register, as a Notice of Intention to Demolish dated January 17<sup>th</sup>, 2024 has been submitted (Attachment A).
- The key finding of this report is that the Art Deco style tower is the only remaining component of the property which demonstrates cultural heritage value or interest. While its demolition would be considered an adverse impact as it results in the removal of original heritage fabric that possesses design/physical value, mitigation measures including salvage, documentation, and commemoration have been or are proposed to be implemented. Council should let the notice period run its course as designation is not recommended.
- There are no financial implications associated with this report.
- Community engagement included consultation with the Heritage Kitchener Committee.
- This report supports the delivery of core services.

## BACKGROUND:

The Development Services Department is in receipt of a Notice of Intention to Demolish the existing building located on the property municipally addressed as 1027 King Street East, which is listed as a non-designated property of cultural heritage value or interest on the City's Municipal Heritage Register. The subject property was listed by City Council on February 1<sup>st</sup>, 2010, and a copy of the associated Statement of Significance for the property can be found in Attachment B. The building is known as the former home of the Onward Manufacturing Company, which operated in this location from 1916 until approximately 1980.



**Figure 1: Location Map of 1001-1027 King Street East and 534-564 Charles Street East**

An Official Plan Amendment and Zoning By-law Amendment that included the subject property was previously submitted to the City in 2022 and have received approval from Kitchener Council. The purpose of the amendments was to redesignate the lands to 'Mixed Use Corridor with Special Policy Area 10', rezone the lands to 'High Intensity Mixed Use corridor Zone (MU-3) with Special Regulation Provision 544R, 788R, and Holding Provision 100H, and increase or reduce various permissions including the maximum Floor Space Ratio, parking rates, and property setbacks.

A Site Plan Application (Sp23/075/K/CD) has now been submitted, proposing the redevelopment of the site with a mixed-use building containing two towers, 11 and 29 storeys in height, as well as a four-storey podium. The demolition of the existing building is required to facilitate this construction.

## **Ontario Heritage Act Provisions**

Part IV, Section 27(9), of the *Ontario Heritage Act* provides certain protections to properties listed as non-designated property on the City's Municipal Heritage Register:

### ***Restriction on demolition, etc.***

*(9) If a property that has not been designated under this Part has been included in the register under subsection (3), the owner of the property **shall not demolish or remove a building or structure on the property** or permit the demolition or removal of the building or structure unless the owner gives the council of the municipality **at least 60 days notice in writing of the owner's intention to demolish** or remove the building or structure or to permit the demolition or removal of the building or structure. 2019, c. 9, Sched. 11, s. 6.*

*(11) The notice required by subsection (9) shall be accompanied by such plans and shall set out such information as the council may require. 2019, c. 9, Sched. 11, s. 6.*

A Notice of Intention to Demolish dated January 17, 2024 has been received by Heritage Planning Staff (Attachment A). The Notice was accompanied by a revised Heritage Impact Assessment (HIA) and Salvage, Documentation, and Commemoration Plan, prepared by MHBC Planning and dated January 2024 (Attachment C and D, respectively). Both are in their draft stage and have not yet received approval from the Director of Development and Housing but are sufficient to consider the Notice complete.

In accordance with the Act, Council has 60 days to act, if it so chooses, on the Notice of Intention to Demolish. The 60 days provides Council with the time it requires to issue a Notice of Intention to Designation as a means of preventing the demolition.

### **REPORT:**

The subject property (Figure 2) is located on the south side of King Street East and north side of Charles Street East, between the Ottawa Street South intersection to the east and the Borden Avenue South intersection to the west. Several properties were merged on title in 2020 to create the existing 1.60-acre parcel currently subject to the site plan application. However, at the time it was listed on the Municipal Heritage Register, 1027 King Street East was an individual property (Figure 3). As such, though the site is occupied by nine structures, the former Onward Manufacturing Company building is the only identified heritage resource. The development proposal includes the demolition of all structures on the site. Those that are not subject to heritage review and are non-residential are exempt from demolition control.

Per the Statement of Significance associated with the listing of 1027 King Street East, the building was recognized for its design/physical, historical/associative, and contextual values. Identified heritage attributes included all elements related to the construction and Industrial Vernacular architectural style of the building, as well as all elements related to the context, including the relationship of the original building to King Street and Onward Avenue.



Figure 2: Front Facade of 1027 King Street East



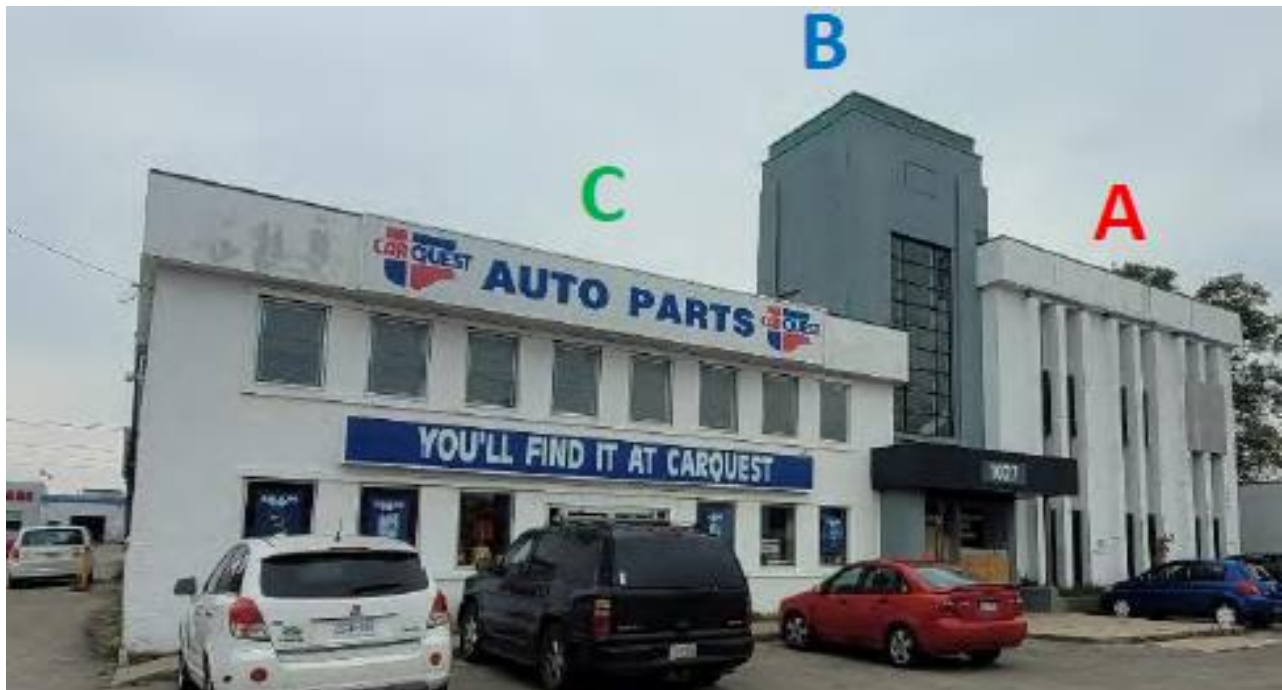
Figure 3: Parcel Division at the Time of Listing (2010)



Section 29 of the Ontario Heritage Act enables municipalities to pass by-laws for the protection (designation) of individual properties that have cultural heritage value or interest. Heritage designation is a protection mechanism with long-term implications for the alteration and demolition of a cultural heritage resource. Ontario Regulation 9/06 of the *Ontario Heritage Act*, now amended by Ontario Regulation 569/22, prescribes the criteria for determining property of cultural heritage value or interest. The regulation requires that, to be designated, a property must meet two or more of nine set criteria. The criteria can be broadly grouped into the categories of Design / Physical Value, Historical / Associative Value, and Contextual Value.

### **Heritage Impact Assessment**

Due to its status as a non-designated property of cultural heritage value or interest on the Municipal Heritage Register, a draft Heritage Impact Assessment has been prepared by MHBC Planning. The initial draft was submitted in November 2021, and the study has gone through several revisions, with the most recent occurring in January 2024. The purpose of the draft HIA was to evaluate 1027 King Street East against the criteria of Ontario Regulation 9/06, determine potential impacts to the cultural heritage resource as a result of the proposed redevelopment, and recommend appropriate mitigation measures. The initial draft of the HIA was presented to the Heritage Kitchener Committee on January 4<sup>th</sup>, 2022. No comments or concerns were identified by the Committee at this time.



**Figure 4: Division of Building Per the HIA (photograph provided by MHBC)**

The evaluation divided the building into three different sections, referred to as Section 'A', Section 'B', and Section 'C'. It determined that Section 'A' and 'C' met two of the nine criteria for designation, well Section 'B' met three. A summary of the evaluation is provided in the table below, copied from the draft HIA.

Ontario Regulation 9/06	1027 King Street E
The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, material, or construction method.	Only section 'B' is considered representative of a particular architectural style (Art Deco). All other portions of the building (Sections 'A' and 'C') have been extensively altered and features have been removed. As a result, Sections 'A' and 'C' have not retained their heritage integrity and are not considered representative of a particular architectural style.
The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.	No.
The property has design or physical value because it demonstrates a high degree of technical or scientific achievement.	No.
The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization, or institution that is significant to a community.	Yes. Directly associated with the Onward Manufacturing Co. from approximately 1914 to at least the 1980s. Also associated with Theodore A. Witzel.
The property has historical or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.	No.
The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.	Unknown. The architect of the building (and its various additions) is unknown but could be added to the historic record should the information become available in the future.
The property has contextual value because it is important in defining, maintaining or supporting the character of an area.	No.
The property has contextual value because it is physically, functionally, visually, or historically linked to its surroundings.	Yes. The view of the property looking south along Onward Avenue has been identified as a view of cultural heritage value or interest in the City of Kitchener Cultural Heritage Landscape Study.

The property has contextual value because it is a landmark.	No.
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Though the draft HIA established that the building satisfied criterion for designation, it does not recommend that the property be designated under the *Ontario Heritage Act*. It suggests that Sections 'A' and 'C' of the building have been altered to the extent that they have lost their heritage integrity, and states that as they have no significant design/physical value, their demolition could be classified as being a negligible impact. The demolition of Section 'B' was identified as being an adverse impact, as this section has design/physical value as a representative and rare example of the Art Deco architectural style and having retained the majority of its heritage attributes.

Alternative development approaches were considered within the draft HIA, including redevelopment of the site in a manner that allowed for the retention, integration, and restoration of Section 'B' of the original building. A structural assessment was undertaken by Strike, Baldinelli and Monix on June 22, 2021 to determine the viability of this approach. The assessment, found in Appendix C of the draft HIA, determined that it would be incredibly difficult to stabilize and redevelop the existing structure to comply with present-day building codes and requirements, due to the age, material, and construct of the tower.

The draft HIA concludes that as the retention of the existing tower is not feasible, the demolition of all buildings and structures on the property is the preferred development option. The recommended mitigation measures provided includes photographic documentation of the property and building, as well as salvage and commemoration.

### **Documentation, Salvage, and Commemoration Report**

An initial draft Documentation, Salvage, and Commemoration Report was prepared and submitted by MHBC Planning in November 2021. The report has undergone several revisions, with the most recent being in January, 2024. The purpose of this study is twofold: the first intent is to record and document the known history, buildings, and structures identified as having cultural heritage value or interest on the subject property. The second intent is to identify historic materials that may be salvaged, reused, and/or interpreted in the proposed new development as commemoration.

Documentation is provided within this report in the form of measured architectural drawings and a photo map and photographs. The photographs capture both the interior and exterior.

Figure 5 below is an excerpt from the draft report which identifies what items are recommended for salvage. Items categorized as A have significant heritage value, while items categorized as B have modest heritage value.

Item	Quantity	Category	Location	Photo
Eureka Terazzo Tile	1	A	Interior (Section B) Ground floor	
Exterior Column	1	B	Exterior (front, Section B)	
Door/Window Entry Frame and Cornice	1	B	Exterior (front, Section B)	
Exterior Cladding (concrete)	(selection in good condition)	B	Exterior (front, Section B)	

**Figure 5: Excerpt from Draft Report Identifying Recommend Items for Salvage**

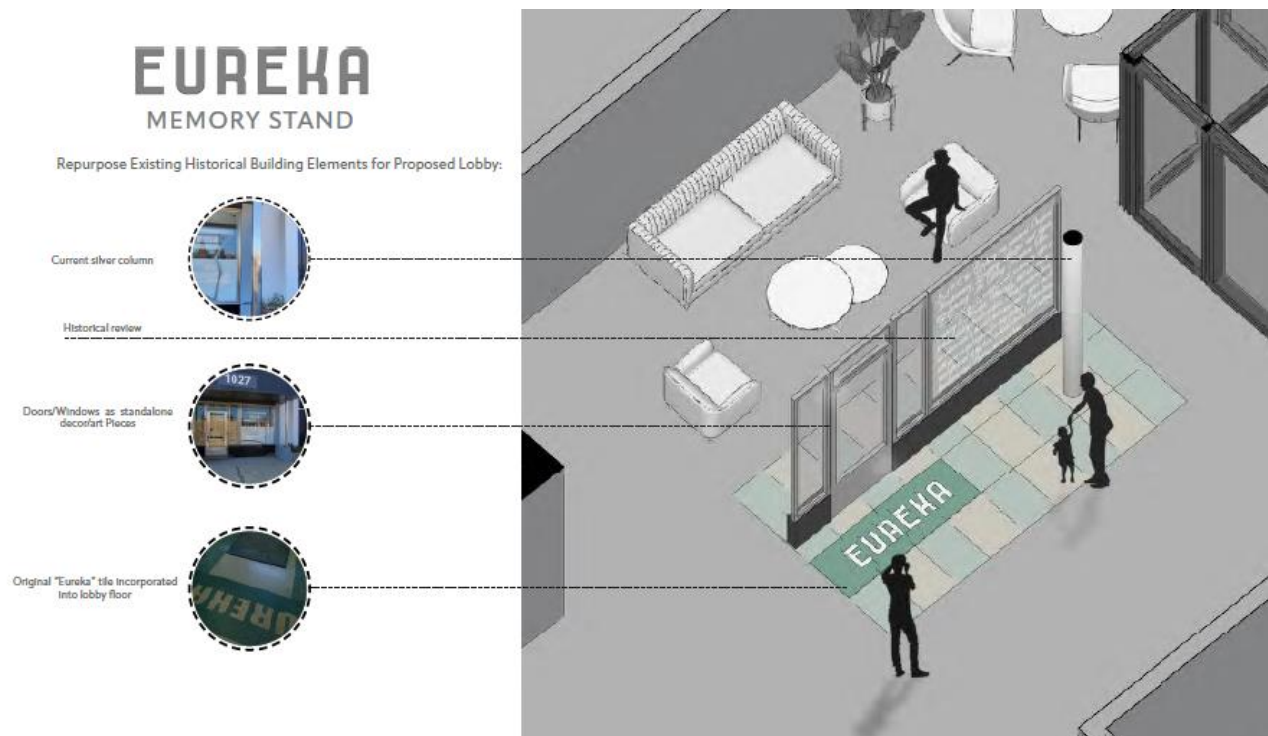
The items identified for salvage are to be removed using hand tools to avoid damage. They will be stored indoors off-site, wrapped with tarps and on wood pallets until their re-use. Should any of the recommended materials not be salvageable, it is recommended that the commemorative displays detailed below include additional images and text which communicate the features of the building that have been removed.

### Interior Commemoration

The Eureka Terazzo Tile, exterior column, and door/window entry frame and cornice are proposed to be reused to create an interior display (Figure 6). The salvaged window is proposed to include two photographs (Figure 7 and 8) as well as the following text:

*“The property on which you stand is the former location of the Onward Manufacturing Company. The Onward Manufacturing Company was started by Theodore Adam “Ted” Witzel (b. 1875). The company became the first in Canada to manufacture Onward and Triumph brand vacuums. Ted Witzel obtained exclusive rights to manufacture and sell the “Eureka” brand vacuum cleaner in 1909. The features of this display, including the “Eureka” tile were extracted from the building formerly in this location. During World War II, the Onward Manufacturing Company shifted production to manufacture arms and ammunition. After the war, the company expanded again to manufacture barbeques and developed brands such as Broil King.”*





**Figure 6: Rendering of Proposed Interior Commemorative Feature**



**Figure 7: Photograph of Original Building to be Included in Interior Commemorative Feature**



**Figure 8: Photograph of Company Logo to be Included in Interior Commemorative Feature**

### Exterior Commemoration

Two commemorative features are proposed for the exterior. The first is a timeline with dates and text that communicate the history of the Onward Manufacturing Company (Figure 9). The associated text proposed for the timeline commemoration piece can be found on page 26 of the draft HIA.



**Figure 9: Rendering of Proposed Commemorative Timeline**

The second commemorative feature is an Art Deco style mural reminiscent of Section B of the original building (Figure 10). The mural is designed within a tall and rectangular portion of the building and includes a series of concentric circles and geometric shapes indicative of the art and design movements of the Art Deco period.



**Figure 10: Rendering of Proposed Commemorative Art Deco Style Mural**

### **Council's Options**

Under the Ontario Heritage Act, Council does not have the authority to approve or refuse an owner's Notice of Intention to Demolish. Rather, Council's options include the following:

1. Request further information.
2. Receive the Notice of Intention to Demolish, allowing the notice period to run its course, at the end of which the Building Division may issue a demolition permit as early as May 16, 2022.
3. Council may issue a Notice of Intention to Designate, at which point Council would have the authority to deny demolition.

### **Heritage Planning Staff Comment**

Heritage Planning Staff provide the follow comments with regard to Council's options noted above.

Heritage Planning Staff are of the opinion that sufficient information have been received to consider the request. Staff are in agreement with the conclusions of the evaluation against Criteria 9/06 within the draft Heritage Impact Assessment, which establishes that the primary

significance of the building lies in its historical association with the Onward Manufacturing Company and Theodore A. Witzel, and that Section 'B' is the only part to have retained enough of the original features to have design/physical value.

Per the structural assessment completed by Strik, Baldinelli and Monix which forms part of the draft HIA, the retention of the portion of the building that still possesses tangible heritage value is not feasible. The Art Deco style tower relies on the adjacent portion of the buildings for structural stability. Were it to be retained, large steel columns and bracing would be required to bring it to up to the current Ontario Building Code standards. This would alter the appearance of the tower and therefore impact its heritage integrity. Further, the hollow clay blocks used in the construction of the tower are likely no longer manufactured, being created before the current codes which prescribe the required compressive strength of masonry units.

As the retention of the structure is not a viable option, documentation, salvage, and commemoration are appropriate mitigation measures. The proposed interior and exterior commemoration features are sufficient to capture the intangible heritage values and interests of the site, that being the association with the Onward Manufacturing Company and Theodore A. Witzel. The salvaged material incorporated within the proposed features in addition to the design of the proposed features encapsulates the design and physical value. The contextual value is also respected, as the terminating view from the Onward Axis will be of the proposed Art Deco mural and memory wall.

In consideration of the above, it is Heritage Planning Staffs opinion that no action to designate 1027 King Street East is required. Of Council's available options, it is recommended that Option 2 be the appropriate course of action to pursue, that being Council review the Notice of Intention to Demolish and allow the notice period to run its course.

#### **STRATEGIC PLAN ALIGNMENT:**

This report supports the delivery of core services.

#### **FINANCIAL IMPLICATIONS:**

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

#### **COMMUNITY ENGAGEMENT:**

INFORM – This report has been posted to the City's website with the agenda in advance of the Heritage Kitchener Committee meeting.

CONSULT – Heritage Kitchener will be consulted regarding the subject Notice of Intention of Demolish.

**PREVIOUS REPORTS/AUTHORITIES:**

- *Ontario Heritage Act*
- *Planning Act*

**APPROVED BY:** Justin Readman, General Manager, Development Services

**ATTACHMENTS:**

- Attachment A – Notice of Intention to Demolish
- Attachment B – 1027 King Street East Statement of Significance
- Attachment C – Draft Heritage Impact Assessment
- Attachment D – Draft Documentation, Salvage, and Commemoration Report