

Staff Report



Development Services Department

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REPORT TO: Heritage Kitchener

DATE OF MEETING: April 2, 2024

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

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

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: March 11, 2024

REPORT NO.: DSD-2024-133

SUBJECT: Notice of Intention to Designate 10 Duke Street West under Part IV
of the Ontario Heritage Act

RECOMMENDATION:

That pursuant to Section 29 of the *Ontario Heritage Act*, the Clerk be directed to publish a Notice of Intention to Designate the property municipally addressed as 10 Duke Street West as being of cultural heritage value or interest.

REPORT HIGHLIGHTS:

- The purpose of this report is to request that Council direct the Clerk to publish a Notice of Intention to Designate the property municipally addressed as 10 Duke Street West under Part IV of the *Ontario Heritage Act*.
- The key finding of this report is that that the property municipally addressed as 10 Duke Street West meets the criteria for designation under Ontario Regulation 9/06 (amended by Ontario Regulation 569/22) and has been confirmed to be a significant cultural heritage resource. The property is recognized for its design/physical, historical/associative, and contextual value.
- There are no financial implications.
- Community engagement included informing residents by posting this report with the agenda in advance of the Heritage Kitchener meeting, consulting, and collaborating with the owner regarding the recommendations of the Heritage Impact Assessment (HIA), and consultation with Heritage Kitchener. In addition, should Council choose to give notice of its intention to designate, such notice will be served to the Owner and Ontario
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on the north-west corner of the Duke Street West and Queen Street North intersection. At present, the property contains a vacant three storey

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commercial brick building, constructed c. 1949 in the Colonial Revival architectural style. The property is approximately 0.55 acres in size and is within the City Commercial Core of the City of Kitchener, Region of Waterloo.



Subject Area Map – 10 Duke Street West

10 Duke Street West is currently part of an active Site Plan Application (SP22/104/D/AP) which proposes the redevelopment of the site with a new mixed-use building 45 storeys in height. The podium level will contain commercial, office, amenity, and parking spaces and 499 residential units within the remaining levels. The redevelopment will retain the entire principal (south) façade, the entire east façade, and a portion of the west façade.

The subject property is currently listed as a non-designated property of cultural heritage value or interest on the Municipal Heritage Register and is adjacent to two other listed properties and a property now designated under Part IV of the Ontario Heritage Act. As such the submission and approval of a Heritage Impact Assessment (HIA) was made a requirement of this site plan. The resulting HIA has been prepared by McCallum Sather on behalf of VanMar Development Incorporated, and the first draft was brought to the Heritage Kitchener Committee for review and comment in November 2021. No major concerns were identified with the proposal at this time. The most recent revision of the HIA is dated January 2024 and forms Attachment A of this report.

The HIA includes an assessment of the property against the criteria for designation as provided by Ontario Regulation 9/06 (amended through Ontario Regulation 569/22). The assessment concluded that the property meets sufficient criteria for designation and should be recognized for its design/physical, historical/associative, and contextual value.

REPORT:

Identifying and protecting cultural heritage resources within the City of Kitchener is an important part of planning for the future, and helping to guide change while conserving the buildings, structures, and landscapes that give the City of Kitchener its unique identity. The City plays a critical role in the conservation of cultural heritage resources. The designation of property under the *Ontario Heritage Act* is the main tool to provide long-term protection of cultural heritage resources for future generations. Designation recognizes the importance of a property to the local community; protects the property's cultural heritage value; encourages good stewardship and conservation; and promotes knowledge and understanding about the property. Designation not only publicly recognizes and promotes awareness, but it also provides a process for ensuring that changes to a property are appropriately managed and that these changes respect the property's cultural heritage value and interest.

10 Duke Street West is recognized for its design/physical, historical/associative, and contextual values. It satisfies five of the nine criteria for designation under Ontario Regulation 9/06 (amended by Ontario Regulation 569/22). A summary of the criteria that is met or not met is provided in the table below.

Criteria	Criteria Met (Yes/No)
1. 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.	Yes
2. The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.	No
3. The property has design or physical value because it demonstrates a high degree of technical or scientific achievement.	No
4. 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
5. 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.	Yes
6. 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.	No
7. The property has contextual value because it is important in defining, maintaining or supporting the character of an area.	Yes
8. The property has contextual value because it is physically, functionally, visually, or historically linked to its surroundings.	Yes
9. The property has contextual value because it is a landmark.	Yes

Design / Physical Value

10 Duke Street West has design and physical value, being a representative example of the Colonial Revival architectural style for a commercial building. The building was constructed c. 1949 and features: rectangular plan; red flemish brick; eleven bays along the front Duke Street elevation and rear elevations, and six bays on the short elevations to the East and West separated by shallow brick columns with limestone capitals and base; segmentally flat window openings with brick voussoirs and stone sills; main entrance door with window surround, transom and entablature; limestone band between 2nd and 3rd and the parapet at the roof line.



Figure 1: Front (South) Facade of Subject Property



Figure 2: East Side Facade of Subject Property

Character defining interior elements are concentrated within the building core and include: the existing stair railings with black metal spindles and newel posts with brass railing; wall grilles; marble ceilings and walls within the main entrance lobby, two-toned terrazzo flooring with marble accents at thresholds, and ceramic tiles in washroom.

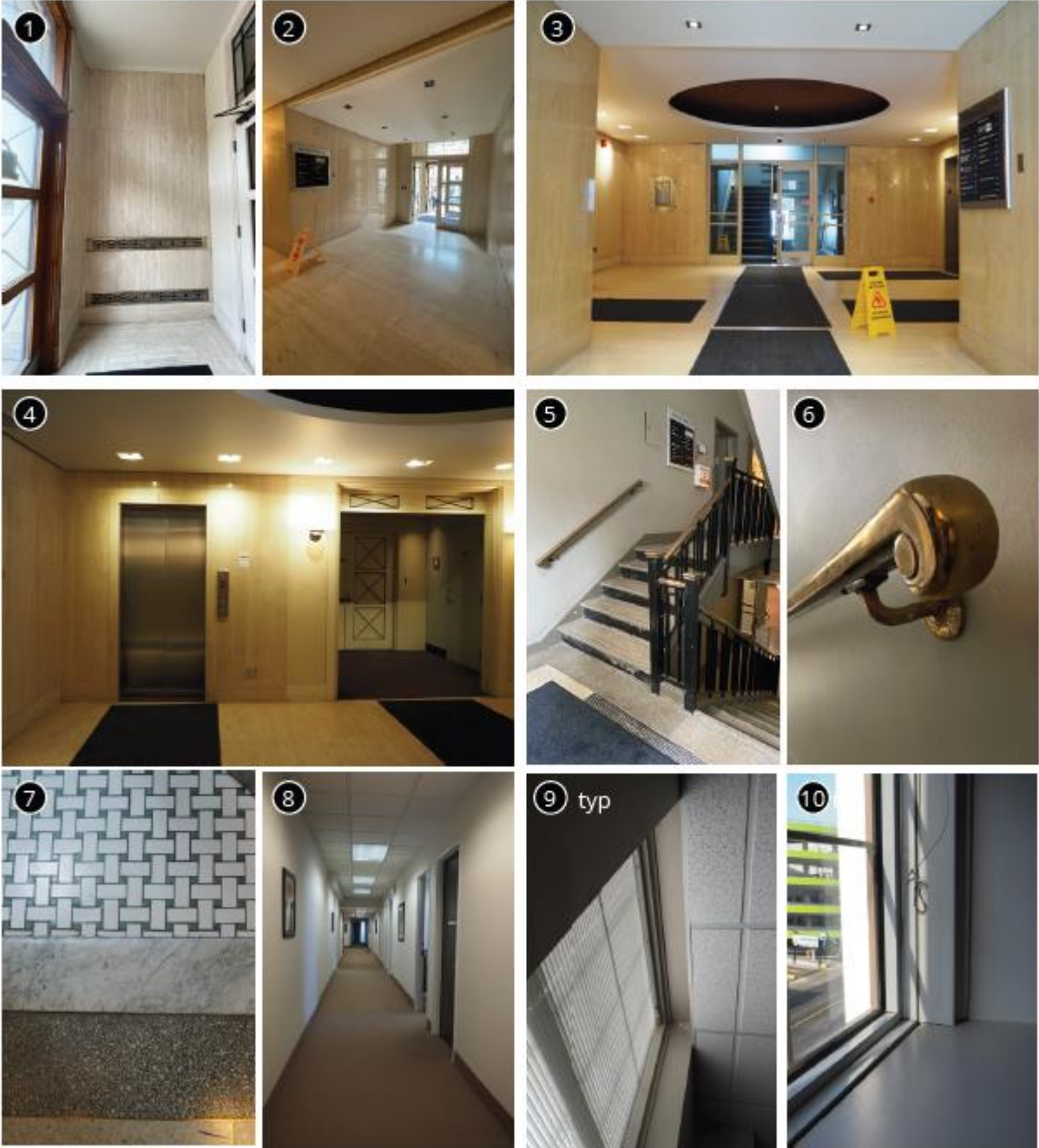


Figure 3: Character Defining Interior Attributes

Historical / Associative Value

The subject property demonstrates historical and associative value due to its connection to the history of insurance in Kitchener and due to the original owner and use of the property. 10 Duke Street was the fifth office building in Kitchener of the Economical Mutual Fire Insurance Company.

The Economical Mutual Fire Insurance Company (now known as Economical Insurance) was founded in Berlin (now Kitchener) in 1971. The purpose of the company was to provide protection against the devastation and hardship caused by fire, lightning, and other natural disasters. 10 Duke Street was the fifth location of the Economical Mutual Fire Insurance Company in Kitchener, superseding the location at 16-20 Queen Street North as headquarters in 1949. The building operated as headquarters for 40 years, until 1989. The decision to build on the subject property was led by the company's seventh president, Senator William D. Euler.

William D. Euler was a distinguished citizen of Waterloo County. He taught public school for six years, established a business college, and acquired an interest in the Kitchener News Record before eventually becoming president of the company. He also had an active and distinguished political career, beginning as Berlin Alderman, being appointed Mayor of Berlin from 1913-1914, and then becoming Member of Parliament in 1917 and successfully remained in this role through seven consecutive general elections. He was appointed Minister of National Revenue, Minister of Trade and Commerce, and then to the Senate of Canada in 1935. In 1961 he became the first Chancellor of Waterloo Lutheran University (now Wilfrid Laurier University).

The subject property also has the potential to contribute to an understanding of the community, as it is linked to the rapid expansion of the company which was a result of the rapid growth of the Canadian economy in the post-World War II era. Its operations also yield information related to business operations within the City during this era.

Contextual Value

The building is located in-situ, in a prominent location on the north side of Duke Street West between Ontario Street to the west and Queen Street North to the east. The property is physically and visually linked to the streetscape in terms of scale and material. It supports and maintains the character of the streetscape and area, being located within the City Commercial Core and in proximity to a number of other historic commercial buildings, including 16-20 Queen Street North which is the fourth office of the Economic Mutual Fire Insurance Company. Due to its location on a corner lot on a prominent street, its distinctive Colonial Revival characteristics, and its main entrance fronting directly onto Duke Street West the building can also be classified as a landmark.

Heritage Attribute List

The heritage value of 10 Duke Street West resides in the following attributes identified below:

- Exterior elements related to the Colonial Revival architectural style of the building, including:
 - Red Flemish brick;
 - Rectangular plan;
 - 11 bays along Duke Street and 6 bays along Queen Street;
 - Segmentally flat windows openings with brick voussoirs;
 - 8/12 windows with limestone sills;
 - Main entrance door with door surround, transom and entablature;
 - The limestone band between 2nd and 3d floors; and
 - The parapet along the roofline.

- Interior elements including:
 - Brass elements: Stair railings, newel post caps and wall grilles; and,
 - Roman Travertine tile in vestibule entrance and lobby.

- Elements related to the contextual value of the subject property and its status as a landmark, including:
 - Prominent location at the intersection of Duke Street West and Queen Street North;
 - Balanced front and side façades; and
 - The massing of the building fronting onto both Duke Street West and Queen Street North.

Forthcoming Heritage Permit Application

Should Council choose to publish a Notice of Intention to Designate, Heritage Planning Staff will be returning to the Heritage Kitchener Committee with two heritage permit applications; one for the partial demolition of the building, and one for the new construction for the 45-sotrey mixed use building.

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 council / committee meeting.

CONSULT and COLLABORATE – Heritage Planning staff have consulted and collaborated with the applicant and owner regarding designation under the *Ontario Heritage Act*. Designation was made a condition of site plan approval, subject to consideration by the Municipal Heritage Committee and Council.

Section 29(2) of the *Ontario Heritage Act* requires Council to consult with the Municipal Heritage Committee (Heritage Kitchener) before giving notice of its intention to designate a property. Heritage Kitchener will be consulted via circulation and consideration of this report (see INFORM above). Members of the community will be informed via circulation of this report to Heritage Kitchener and via formal consideration by Council. In addition, should Council choose to give notice of its intention to designate, such notice will be served on the property owner and the Ontario Heritage Trust, and published in the local newspaper (The Record). Once notice has been served, the owner has the right of appeal to the Ontario Land Tribunal. It should be noted that should Council decide not to proceed with a Notice of Intention to Designate, that the building will remain on the City's Municipal Heritage Register until January 1, 2025, after which it will be removed according to the changes enacted by Bill 23. Once removed, it cannot re-listed on the Register again for five (5) years, i.e. January 1, 2030.

PREVIOUS REPORTS/AUTHORITIES:

- Ontario Heritage Act, R.S.O 1990

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

ATTACHMENTS

Attachment A – Heritage Impact Assessment, 10 Duke Street West, McCallum Stather