

	<h2 style="margin: 0;">HERITAGE PERMIT APPLICATION & SUBMISSION REQUIREMENTS</h2> <p style="margin: 0;">Development & Housing Approvals 200 King Street West, 6th Floor Kitchener ON N2G 4V6 519-741-2426; planning@kitchener.ca</p>
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PART A: SUBMISSION REQUIREMENTS

The following requirements are designed to assist applicants in submitting sufficient information in order that their Heritage Permit Application may be deemed complete and processed as quickly and efficiently as possible. If further assistance or explanation is required please contact heritage planning staff at heritage@kitchener.ca.

1. WHAT IS A HERITAGE PERMIT APPLICATION?

The Province of Ontario, through the *Ontario Heritage Act*, has enacted legislation to assist its citizens with the protection and conservation of cultural heritage resources.

Once properties are designated under the *Ontario Heritage Act*, the City is enabled to manage physical change to the cultural heritage resources as a means of protection. The principal mechanism of management is the Heritage Permit Application process, which allows the municipality to review site-specific applications and determine if proposed changes will beneficially or detrimentally affect the reasons for designation and heritage attributes.

As a general rule, the preferred alterations to heritage properties are those that repair rather than replace original heritage attributes, and those that do not permanently damage cultural heritage resources and their heritage attributes. Where replacement of materials or new construction is necessary, these should be compatible with the original. Reversibility is also preferable as this allows for the future reinstatement of heritage attributes.

According to the *Ontario Heritage Act*, no owner of designated property shall alter the property or permit the alteration of the property if the alteration is likely to affect the property's heritage attributes, unless the owner applies to the council of the municipality and receives written consent. This consent is obtained through the approval of a Heritage Permit Application.

Heritage Permit Applications are applicable for all individually designated properties (under Part IV of the *Ontario Heritage Act*) and all properties located within the boundaries of Heritage Conservation Districts (designated under Part V of the *Ontario Heritage Act*).

2. WHEN IS A HERITAGE PERMIT APPLICATION REQUIRED?

Under the Ontario Heritage Act, R.S.O. 1990, any new construction or "alteration" to a property designated under Part IV of the Act (individually designated property) or a property designated under Part V of the Act (within a Heritage Conservation District) requires a Heritage Permit Application. "Alteration" is defined as: "to change in any manner and includes to restore, renovate, repair or disturb." In addition, the approval of a Heritage Permit Application is required for any demolition of a property designated under Part IV or V of the Act. **Please contact Heritage Planning staff directly to confirm if your specific project requires the approval of a Heritage Permit Application.**

Below are some examples of typical Part IV alterations that may require a Heritage Permit Application:

- Addition and/or alteration to an existing building or accessory building
- Replacement of windows or doors, or a change in window or door openings
- Change in siding, soffit, fascia or roofing material
- Removal and/or installation of porches, verandahs and canopies
- Removal and/or installation of cladding and chimneys
- Changes in trim, cladding, or the painting of masonry

- Repointing of brick

Note: Heritage Permit Application requirements differ between Part V designations depending on the policies and guidelines of the respective Heritage Conservation District Plans. Please refer to the City of Kitchener's website at www.kitchener.ca/heritage to download a copy of the relevant Heritage Conservation District Plan (Civic Centre Neighbourhood, St. Mary's, Upper Doon, and Victoria Park Area).

3. WHAT INFORMATION IS REQUIRED WITH A HERITAGE PERMIT APPLICATION?

The information required varies with each application. The intent of the application is to ensure that Heritage Planning staff and, where required, the Heritage Kitchener committee understand the specific details of any proposed changes in order to be sufficiently informed so they may offer advice to the applicant and, where required, to City Council. An incomplete application cannot be processed and the official notice of receipt (as required under the *Ontario Heritage Act*) will not be issued until all of the documents have been submitted. Failure to provide a complete application may result in deferral by Heritage Planning staff or the Heritage Kitchener committee in order to secure additional information, which will delay final approval. At minimum, the following information is required:

Heritage Permit Application Form

The applicant must provide a complete original copy, including signature of the owner, of the Heritage Permit Application Form.

Written Description

The applicant must provide a complete written description of all proposed work. The description should complement drawings, detailed construction plans, photos and any other sketches or supporting information submitted with the application. The written description must include a list and the details of all proposed work including, but not limited to, proposed colours, materials, sizes, etc.

Construction and Elevation Drawings

Along with construction elevation drawings (drawn to scale) the applicant may also, **but not in lieu of**, submit a sketch of the proposed work made over a photograph.

Drawings must be drawn to scale and include:

- Overall dimensions
- Site plan depicting the location of existing buildings and the location of any proposed new building or addition to a building
- Elevation plan for each elevation of the building
- Specific sizes of building elements of interest (signs, windows, awnings, etc.)
- Detailed information including trim, siding, mouldings, etc., including sizes and profiles
- Building materials to be used (must also be included in the written description)
- Construction methods and means of attachment (must also be included in the written description)

Some of the above components may be scoped or waived at the discretion of Heritage Planning staff following discussion with the applicant.

Photographs

Photographs of the building including general photos of the property, the streetscape in which the property is located, facing streetscape and, if the property is located at an intersection, all four corners. Photos of the specific areas that may be affected by the proposed alteration, new construction, or demolition must be included.

Electronic copies of construction and elevation drawings, sketches, and photographs, along with hard copies submitted with the application, are encouraged.

Samples

It is recommended that applicants bring samples of the materials to be used to the Heritage Kitchener meeting when their application is to be considered. This may include a sample of the windows, brick, siding, roofing material, as well as paint chips to identify proposed paint colours.

Other Required Information

In some circumstances Heritage Planning staff may require additional information, such as a Heritage Impact Assessment or Conservation Plan, to support the Heritage Permit Application. The requirement for additional information will be identified as early on in the Heritage Permit Application process as possible. Pre-consultation with Heritage Planning staff before formal submission of a Heritage Permit Application is strongly encouraged.

4. WHAT CAN I DO IF MY HERITAGE PERMIT APPLICATION IS DENIED?

City of Kitchener Heritage Planning staff and the Heritage Kitchener committee endeavour to come to solutions for every Heritage Permit Application submitted. Discussions with the applicant and revisions usually result in successful applications.

However, if the municipality refuses your application and you choose not to resolve the issue with a revised application, you have the option of appealing the decision to the Conservation Review Board (for alterations to designated properties under Part IV) or the Ontario Municipal Board (for demolition of property designated under Part IV or for any work to designated property under Part V).

5. IMPORTANT NOTES

Professional Assistance

Although it is not a requirement to obtain professional assistance in the preparation of this information, the applicant may wish to seek such assistance from an architect, architectural technologist, draftsman or others familiar with the assessment of buildings and the gathering together of building documents.

Building Codes and Other By-laws

It is the applicant’s responsibility to ensure compliance with all other applicable legislation, regulations and by-laws. These items include the Ontario Building and Fire Codes, and the City’s zoning and property standards by-laws.

2024 Heritage Permit Application Submission Deadlines	2024 Heritage Kitchener Meeting Dates
November 24, 2023	January 9, 2024
December 29, 2023	February 6, 2024
January 26, 2024	March 5, 2024
February 23, 2024	April 2, 2024
March 29, 2024	May 7, 2024
April 26, 2024	June 4, 2024
-	No July Meeting
June 28, 2024	August 6, 2024
July 26, 2024	September 3, 2024
August 23, 2024	October 1, 2024
September 27, 2024	November 5, 2024
-	No December Meeting

6. HOW DO I PROCEED WITH SUBMITTING MY HERITAGE PERMIT APPLICATION?

- a) Heritage Planning Staff are available to meet with applicants and review all documentation prior to formal submission. Often Heritage Planning staff can assist you with historical and architectural information that might help with your proposed changes.
- b) Formal submission of a Heritage Permit Application with all supporting documentation (written description, construction drawings, sketch plans, scale drawing, photographs) to Heritage Planning staff are due approximately five (5) weeks prior to a Heritage Kitchener meeting (see schedule for submission deadlines and committee meeting dates).
- c) Upon confirmation of the submission of a complete application, including the owner's signature and all supporting documentation, Heritage Planning staff will issue a Notice of Receipt, as required by the *Ontario Heritage Act*, to the Applicant.
- d) Heritage Planning staff determine whether the Heritage Permit Application may be processed under delegated authority approval without the need to go to Heritage Kitchener and/or Council. Where Heritage Permit Applications can be processed under delegated authority approval without the need to go to Heritage Kitchener and Council, Heritage Planning staff will endeavour to process the application within 10 business days.
- e) Where Heritage Permit Applications are required to go to Heritage Kitchener, Heritage Planning staff prepare a staff Report based on good conservation practice and the designating by-law, or the guidelines and policies in the Heritage Conservation District Plan. Preparation of the staff Report may require a site inspection.
- f) Heritage Kitchener Meeting Agenda, including staff Report, circulated to Committee members prior to Heritage Kitchener meeting. Staff Report circulated to applicant prior to meeting.
- g) Heritage Permit Application is considered at Heritage Kitchener meeting. Heritage Planning staff present staff Report and Recommendations to Heritage Kitchener. Applicants are encouraged to attend the Heritage Kitchener meeting in order to provide clarification and answer questions as required. Failure to attend the Heritage Kitchener meeting may result in a deferral in order to secure additional information, which would delay consideration of the Heritage Permit Application. Where the applicant, Heritage Planning staff, and Heritage Kitchener support the Heritage Permit Application, the application may be processed under delegated authority and approved by the Coordinator, Cultural Heritage Planning. Where the applicant, Heritage Planning staff and/or Heritage Kitchener do not support the Heritage Permit Application, the staff report with recommendation and Heritage Kitchener recommendation will be forwarded to Council for final decision.
- h) Where the staff report with recommendation and Heritage Kitchener recommendation are forward to Council for final decision, Council may:
 1. Approve the Heritage Permit Application;
 2. Approve the Heritage Permit Application on Terms and Conditions; or,
 3. Refuse the Heritage Permit Application.
- i) Within 30 days of receiving Notice of Council's Decision, the applicant may appeal the decision and/or terms and conditions to the Conservation Review Board or Local Planning Appeal Tribunal (LPAT).

7. SPECIFIC REQUIREMENTS FOR NEW CONSTRUCTION, ALTERATIONS AND ADDITIONS TO DESIGNATED PROPERTY

Information presented in the Heritage Permit Application should indicate an understanding of the reasons for designation and heritage attributes of the designated property and, if applicable, the surrounding area, including the following:

Setting

1. Positioning of the heritage building or structure on the property
2. Lot size related to building size
3. Streetscape (relationship to other properties and structures on the street)

Building Details

1. Proportion and massing
2. Roof type and shape
3. Materials and detailing
4. Windows and doors:
 - Style
 - Proportions
 - Frequency or placement
5. Relationship of the heritage building to other buildings on the lot and to the streetscape

Heritage Attributes

The following applies where a Heritage Permit Application includes work on heritage attributes:

Windows and Doors

The applicant should consider in order of priority:

1. Repairing or retrofitting the existing units (information on how to make older windows more energy efficient is available from Heritage Planning staff)
2. Replacing the units with new units matching the originals in material, design, proportion and colour
3. Replacing the units with new units that are generally in keeping with the original units

If historic window units are proposed to be replaced the application should include the following:

- Description of the condition of the existing units
- Reasons for replacing the units
- Description of the proposed new units

If approval to replace historic window units is given, the following action should be considered:

- A sample of a window removed should be stored on site in case a future owner wishes to construct a replica of the original
- The masonry opening and/or door framing should not be disturbed
- Exterior trim should match the original

Roofing

The application should include:

- Description of proposed roofing material to be applied
- If there is a request to install a different roofing material, the applicant may wish to investigate what the original material might have been

Masonry Work

The application should include:

- A description of the proposed work, materials (type/style of brick, type of mortar mix, etc.) and methods of repair and application
- Outline the reasons for the work

Signage

The application should include:

- A general written description of the proposed signage to be installed
- A scale drawing of the signage with dimensions, materials, methods of construction, colours and means of attachment (the means of attachment should be arranged to anchor into joints between historic masonry units or into wood building elements)
- Type of illumination, if applicable

Awnings

The application should include:

- A sketch view of the proposed awning – perhaps over a photo
- A scale drawing of the awning on the building with dimensions, materials, operating mechanism, method of construction, colours and means of attachment (the means of attachment should be arranged to anchor into joints between masonry units or into wooden building elements)
- Type of illumination, if applicable.

8. SPECIFIC REQUIREMENTS FOR DEMOLITION

Information presented in the Heritage Permit Application should describe the existing conditions, including the existing setting and existing heritage attributes, of the designated property and the surrounding area, specifically as they relate to the building proposed for demolition. The Heritage Permit Application should provide a detailed rationale for the demolition, including an assessment of the current condition of the building, and a cost comparison identifying the difference in cost to repair and restore the building versus cost to demolish and construct a new building.

9. HERITAGE CONSERVATION PRINCIPLES

The Heritage Permit Application must demonstrate how the proposed work (e.g., alteration, new construction or demolition) is consistent with the designating by-law for individual properties (Part IV) or the Heritage Conservation District Plan for properties within a Heritage Conservation District (Part V designation). In addition, the Heritage Permit Application must demonstrate how the proposed work is consistent with the Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada* (available at www.historicplaces.ca/en/pages/standards-normes.aspx).

For more information on Heritage Planning in the City of Kitchener please contact our heritage planning staff at heritage@kitchener.ca.

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STAFF USE ONLY

Date Received:	Accepted By:	Application Number:
		HPA-

PART B: HERITAGE PERMIT APPLICATION FORM

1. NATURE OF APPLICATION

- Exterior Interior Signage
 Demolition New Construction Alteration Relocation

2. SUBJECT PROPERTY

Municipal Address: 58-60 Ellen Street East & 115 Lancaster Street East, Kitchener, ON

Legal Description (if know): Part Lot 3 Plan 417 Kitchener as in 1273756; Kitchener

Building/Structure Type: Residential Commercial Industrial Institutional

Heritage Designation: Part IV (Individual) Part V (Heritage Conservation District)

Is the property subject to a Heritage Easement or Agreement? Yes No

3. PROPERTY OWNER

Name: [REDACTED]

Address: [REDACTED]

City/Province/Postal Code: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

4. AGENT (if applicable)

Name: Matthew Muller

Company: John MacDonald Architect Inc.

Address: 195 King Street West, Suite 202

City/Province/Postal Code: Kitchener, ON N2G 1B1

Phone: 519-579-1700

Email: matthew@johnmacdonaldarchitect.ca

5. WRITTEN DESCRIPTION

Provide a written description of the project including any conservation methods proposed. Provide such detail as materials to be used, measurements, paint colours, decorative details, whether any original building fabric is to be removed or replaced, etc. Use additional pages as required. Please refer to the City of Kitchener Heritage Permit Application Submission Guidelines for further direction.

As outlined in the Conditional Approval of Site Plan Application, issued by the City of Kitchener in May 2023, the proposed development includes the renovation and revitalization of the existing building at 58-60 Ellen Street East/115 Lancaster Street East. The subject property is currently divided into a six-unit multiple dwelling and construction of an adjoined three storey addition. The new addition is proposed to create an additional three units resulting in an eleven-unit multiple dwelling building. In 2022, a Heritage Impact Assessment and Conservation Plan was submitted to the City. This heritage permit application includes documents to address comments provided by City staff and reflect the revised design in the Conditional Approval of Site Plan Application. A memo for the revised Heritage Impact Assessment and Conservation Plan, a Cultural Heritage Protection Plan/Temporary Action Plan for the subject property and adjacent properties and Documentation and Salvage Report are attached.

6. REVIEW OF CITY OF KITCHENER HERITAGE PERMIT APPLICATION SUBMISSION GUIDELINES

Describe why it is necessary to undertake the proposed work:

The proposed development includes the revitalization of a heritage building at a high-profile intersection in the Civic Centre neighbourhood. The proposed addition to the building would ensure a reasonable return on investment while ensuring that the effort to provide functional and quality rental housing is worthwhile. The proposed use and scale of use of the proposed development is permitted within the existing OP and area zoning and supports the goals of the City of Kitchener's Secondary Plan for Land Use within the Civic Centre Neighbourhood for medium density multiple dwelling units and is a permitted use within the City's Zoning By-law (2019-051) for residential (R5) multiple dwellings.

Describe how the proposal is consistent with the Part IV individual designating by-law or the Part V Heritage Conservation District Plan:

The proposed development includes the revitalization of a heritage building at a high-profile intersection in the Civic Centre neighbourhood. The proposed addition to the building would ensure a reasonable return on investment while ensuring that the effort to provide functional and quality rental housing is worthwhile. The proposed use and scale of use of the proposed development is permitted within the existing OP and area zoning and supports the goals of the City of Kitchener's Secondary Plan for Land Use within the Civic Centre Neighbourhood for medium density multiple dwelling units and is a permitted use within the City's Zoning By-law (2019-051) for residential (R5) multiple dwellings. A Cultural Heritage Protection Plan/Temporary Protection Plan (attached) for the subject property and adjacent properties has been developed to ensure that the properties are protected throughout the construction process.

Describe how the proposal is consistent with Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada* (www.historicplaces.ca/en/pages/standards-normes.aspx):

The proposed development is consistent with the Standard's and Guidelines for the Conservation of Historic Places in Canada as outlined by Parks Canada as the conservation of the heritage building retains the existing exterior form and will protect the heritage resource by undertaking maintenance and conservation of the building's existing materials. Further, the proposed development will not isolate any identified heritage attributes or obstruct/detract from the visibility and legibility of the property from the surrounding environment, context or any significant relationship. The proposed new construction is distinct and legible from the historical structure and is placed to the rear of the property, allowing the views to the historical structure to remain intact and legible. Further discussion on the proposed project and conservation methods were included in the 2022 HIA and CP and are elaborated on in the HIA/CP Revision Memo and CHPP/TPP and Documentation and Salvage Plan.

7. PROPOSED WORKS

- a) Expected start date: Summer 2025 Expected completion date: 2026
- b) Have you discussed this work with Heritage Planning Staff? Yes No
 - If yes, who did you speak to? Deeksha Choudry - Heritage Planner
- c) Have you discussed this work with Building Division Staff? Yes No
 - If yes, who did you speak to? _____
- d) Have you applied for a Building Permit for this work? Yes No
- e) Other related Building or Planning applications: Application number _____

8. ACKNOWLEDGEMENT

The undersigned acknowledges that all of the statements contained in documents filed in support of this application shall be deemed part of this application. The undersigned acknowledges that receipt of this application by the City of Kitchener - Planning Division does not guarantee it to be a 'complete' application. The undersigned acknowledges that the Council of the City of Kitchener shall determine whether the information submitted forms a complete application. Further review of the application will be undertaken and the owner or agent may be contacted to provide additional information and/or resolve any discrepancies or issues with the application as submitted. Once the application is deemed to be fully complete, the application will be processed and, if necessary, scheduled for the next available Heritage Kitchener committee and Council meeting. Submission of this application constitutes consent for authorized municipal staff to enter upon the subject property for the purpose of conducting site visits, including taking photographs, which are necessary for the evaluation of this application. The undersigned acknowledges that where an agent has been identified, the municipality is authorized but not required to contact this person in lieu of the owner and this person is authorized to act on behalf of the owner for all matters respecting the application. The undersigned agrees that the proposed work shall be done in accordance with this application and understands that the approval of this application under the *Ontario Heritage Act* shall not be a waiver of any of the provisions of any by-law of the City of Kitchener or legislation including but not limited to the requirements of the Building Code and the Zoning By-law. The undersigned acknowledges that in the event this application is approved, any departure from the conditions imposed by the Council of the City of Kitchener or from the plans or specifications approved by the Council of the City of Kitchener is prohibited and could result in a fine being imposed for under the *Ontario Heritage Act*.

Signature of Owner/Agent:  Date: October 1, 2024
Signature of Owner/Agent:  Date: _____

9. AUTHORIZATION

If this application is being made by an agent on behalf of the property owner, the following authorization must be completed:

I / We, _____, owner of the land that is subject of this application, hereby authorize _____ to act on my / our behalf in this regard.

Signature of Owner/Agent: _____ Date: _____
Signature of Owner/Agent: _____ Date: _____

The personal information on this form is collected under the legal authority of Section 33(2), Section 42(2), and Section 42(2.2) of the Ontario Heritage Act. The information will be used for the purposes of administering the Heritage Permit Application and ensuring appropriate service of notice of receipt under Section 33(3) and Section 42(3) of the Ontario Heritage Act. If you have any questions about this collection of personal information, please contact the Manager of Corporate Records, Legislated Services Division, City of Kitchener (519-741-2769).

STAFF USE ONLY

Application Number: _____

Application Received: _____

Application Complete: _____

Notice of Receipt: _____

Notice of Decision: _____

90-Day Expiry Date: _____

PROCESS:

Heritage Planning Staff: _____

Heritage Kitchener: _____

Council: _____