

January 8, 2024

Heritage Planning Staff

Via email to [delegation@kitchener.ca](mailto: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:

<b>Existing Language</b>	<b>Substitution</b>
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).

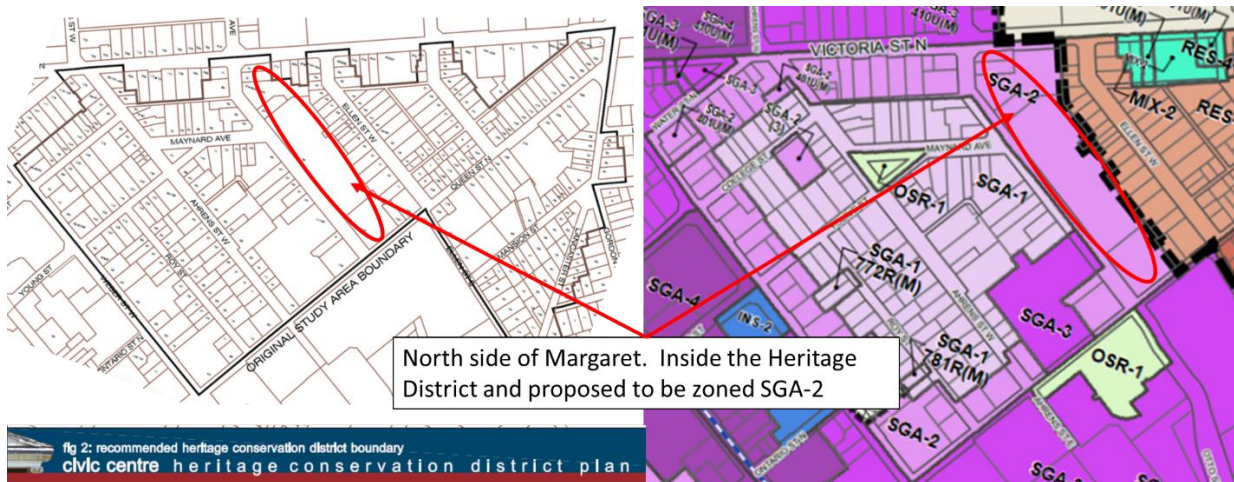
Address(es)	Civic Centre HDP direction	Growing Together proposal
139, 143, 153-165, 181-189 Queen St N (odd), 29-111 Lancaster St E (odd), 21-53 (odd) and 44-64 (even) Mansion St	R-5/R-6 zoning with max. height of 10.5m (P. 1, Figure 5)	RES-6 zoning with max. height of 25m
30-54 Margaret Ave (even)	R-8 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, 1913.



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

