

Participant Statement, by Gail R. Pool

### **Personal Background**

There are a number of reasons for my participation in this case where I am acting as a concerned citizen, with nothing personal to be gained by acceptance or rejection of this specific development.

As a citizen, however, my voice should be heard as much as any professional experts.

I have also been involved as an advocate for heritage after becoming a Kitchener resident 20 years ago. I have committed a great deal of volunteer time advocating for heritage on several development applications and engaged in various planning projects.

The most recent project, *Growing Together* was a plan that impacted both the Victoria Park and Civic Centre Heritage Conservation Districts.<sup>1</sup> When I engaged with *Growing Together*, heritage concerns were considered. Would HCD rules and guidelines take precedence? The answer was unequivocal: "Additionally, there are two Heritage Conservation Districts that overlap with our PMTSAs and existing secondary plan areas. Those HCD's have additional policies that must be met, regardless of the underlying zoning and land use."<sup>2</sup>

The current proposal at 22 Weber St W would appear to contradict the assuring words of the *Growing Together Plan* and would cause irrevocable harm to heritage conservation districts in general. Will the heritage districts be compromised? The present proposal represents a precedent if accepted. Any demolished property, any vacant lot can be developed in a way that destroys historic, memorable and attractive physical reminders of who we are as a people.

As an academic with a background in anthropology specializing in immigration, urbanization and development, it is clear that the demise of historic low-rise neighbourhoods often leads to negative social problems. Our society must value our historic roots while welcoming immigrants at the same time as the needs of the future are met with new ideas and structures. A city without a history leads to anomie, disorientation and social schism; a city with cultural heritage and the community cohesion is welcoming and desirable.

For this reason, I have spent considerable time in examining the proposal and I conclude that the proposed development contravenes a number of provincial and municipal provisions, including the Provincial Planning Statement 2024; the Region of Waterloo Official Plan; the City of Kitchener Official Plan; the City of Kitchener Urban Design Manual and the Civic Centre Neighborhood Heritage Conservation District Plan

The proposed development does not constitute good planning principally because it is not compatible with the character of the Civic Centre Neighborhood Heritage Conservation District.

The built heritage of the heritage conservation district will not be conserved if the amendments are approved.

I could spend some time discussing the meaning of *compatible*, but simply refer here to various international principles that have relevance in the current case.<sup>3</sup> Instead, I will focus on the documentation that define the idea of a heritage conservation district because the rules outlined in bylaws and policies passed by the City of Kitchener under provincial guidelines and laws would clearly be violated by the proposed built form at 22 Weber Street West.

Unless otherwise noted, all references are to *Civic Centre Heritage Conservation District Plan* as approved by the City of Kitchener as a bylaw in 2007.

### Historical Contextual Issues

The CCHCD is one of the oldest well-preserved neighbourhoods in Kitchener and for that reason alone, it deserves special recognition that goes beyond its legal status as an HCD.<sup>4</sup>

Weber has a high proportion of the oldest heritage homes (CCHCD Plan, p. 2.2). Weber Street contains many of the oldest buildings in the Civic Centre Neighbourhood, making it one of the most important streets in the district from an architectural and historic perspective even though a number of the original buildings have been lost. The streetscape may be more easily comprehended with a composite of the various buildings adjacent to the 22 Weber Street West. Figure 1 shows the streetscape with the proposed 19 storey building.



Figure 1. Streetscape from Queen Street on the right to 48 Weber Street West.

In short, the proposal is completely out of sync with the provisions of the HCD Plan. The following are comments on relevant sections of the HCD Plan where the current proposal is non-conforming.

### **Current HCD Policies**

The majority of buildings in the HCD had great historical and architectural value and so their preservation was important. Just because deterioration had destroyed some heritage buildings should not mean that the remaining buildings should not be preserved. The rules of how that should happen were identified in considerable detail in the Site / Area Specific Policies for the Weber Street Area:

- (a) The protection and retention of existing heritage buildings and their architectural features is strongly encouraged.
- (b) Maintain residential streetscape character through the use of appropriate built form, materials, roof pitches, architectural design and details particularly at the interface between Weber Street and the interior of the neighbourhood;
- (c) Adaptive reuse of existing buildings should be given priority over redevelopment. Flexibility in Municipal Plan policies and zoning regulations is encouraged where necessary to accommodate appropriate adaptive reuse options.
- (d) Where redevelopment is proposed on vacant or underutilized sites, new development shall be sensitive to and compatible with adjacent heritage resources on the street with respect to height, massing, built form and materials.
- (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.
- (f) Design guidelines provided in Section 6.9.2 of this Plan will be used to review and evaluate proposals for major alterations, additions or new buildings to ensure that new development is compatible with the adjacent context.

Source: CCHCD Plan, 3.9-3.10

The above policies in the CCHCD Plan are not only codified in our laws, but they are also identified by heritage principles internationally.<sup>5</sup> The only provisions above that are not violated by proposed plan are a), c) and d) since it is a vacant lot. The guidelines for applying the policies include:

- Any infill development on Weber Street should maintain a strong relationship to the street at the lower levels (2 to 4 storeys) with respect to built form and use.
- Setbacks of new development should be consistent with adjacent buildings. Where significantly different setbacks exist on either side, the new building should be aligned with the building that is most similar to the predominant setback on the street.

- Building facades at the street level should incorporate architectural detail, similar materials and colours, and consistency with the vertical and horizontal proportions or rhythm of adjacent / nearby buildings on the street to establish a cohesive streetscape.
- New development shall have entrances oriented to the street.
- Size, placement and proportion of window and door openings for new buildings or additions should be generally consistent with those on other buildings along the street.
- Any new buildings taller than 3 to 4 storeys should incorporate some form of height transition or stepbacks to minimize the perception of height and shadow impacts to pedestrians on the street and provide more visual continuity. Stepbacks should be a minimum of 2 metres to provide for useable outdoor terraces for the upper levels.
- Any buildings taller than 5 storeys abutting a residential property to the rear should be constructed within a 45 degree angular plane where feasible, starting from the rear property line, to minimize visual impacts on adjacent property owners.
- To minimize impacts on properties to the rear of or flanking Weber Street, a rear yard setback of 15 metres should be maintained for new buildings as well as additions where feasible.
- Locate loading, garbage and other service elements (HVAC, meters, etc.) away from the front façade so they do not have a negative visual impact on the street or new building /addition. Source: CCHCD Plan, 6.31 – 6.32

Are the guidelines above respected in the proposed development? If the HCD guidelines are to have meaning, they need to be considered as policy, as *Growing Together* indicated must be followed. To make sure that compatibility of new developments was clear, the HCD Plan goes into sufficient detail by providing a number of photographs in Section 6.33 as models for appropriate development. It is in this section that the meaning of compatibility becomes clear.

### Section 6.33



Figure 2. Images of appropriate form and texture in the CCHCD Plan, Section 6.33.

These examples are clearly what is intended for new builds (Figure 2).

While HCDs are not frozen in time, it is important to understand why such districts are formed. They have an important role to play in both rural and urban contexts, as outlined in the *Ontario*

*Heritage Act.* In the urban context, both heritage conservation districts and new builds are required not only for growth in population but also for social cohesion. The historic character of city centres puts them in potential conflict with the needs for growth and density in the core of cities. Two examples show how heritage and growth might be accommodated.

### Weber and Young

In this development proposal, two buildings were proposed to be demolished and a third

Below is a comparison exemplifying how the overall design of the proposed development reflects a preferred example outlined in the CCNHCD Plan (2007) particularly as it relates to a corner lot:



More preferred example of development from Section 6.33 of the CCNHCD Plan (CCNHCD, 2007); *(right)* Rendering of proposed development (Source: Facet Design Studios, 2021).

Source: Heritage Impact Assessment Phase II, 50-52 Weber Street West, 56 Weber Street West, and 107 Young Street, City of Kitchener, ON. MHBC, March 1, 2022.

Figure 3. Comparison of CCHCD Plan Guidelines and 50-52 Weber Design

building altered to accommodate a mid-rise apartment building, working within the rules of the CCHCD Plan even though the plan results in the demolition of historic and architecturally significant buildings.<sup>6</sup> Following the strong opposition from heritage advocates, a modified proposal was submitted with attention being paid to the HCD guidelines. The revised Heritage Impact Assessment shows what compatibility really means in a HCD (Figure 3).

A compromise was essential in order to maintain the character of the streetscape in form and texture. An Arts and Crafts heritage building was saved while two other buildings are to be replaced by compatible low-rise buildings, as per the CCHCD guidelines.

### Margaret Avenue

A very old section of Margaret Avenue between Queen and Victoria had lapsed into disrepair and the entire street on the East side had been demolished while trees had been allowed to grow. The CCHCD Plan proposed ideas and diagrams on how compatible development might be accomplished. The design below identifies various setback and height guidelines that

conform to the CCHCD Plan (see Figures 4 and 5).

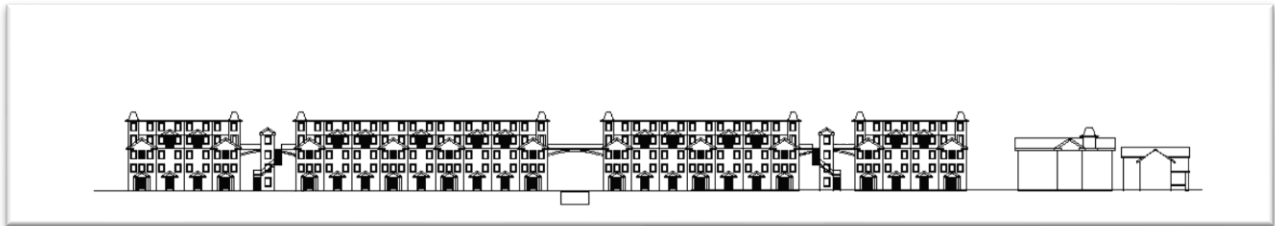


Figure 4. Elevation on Margaret Avenue looking north to proposed low-rise redevelopment. Height of buildings to be similar to existing building heights of three storeys near the street, up to five storeys mid-block.

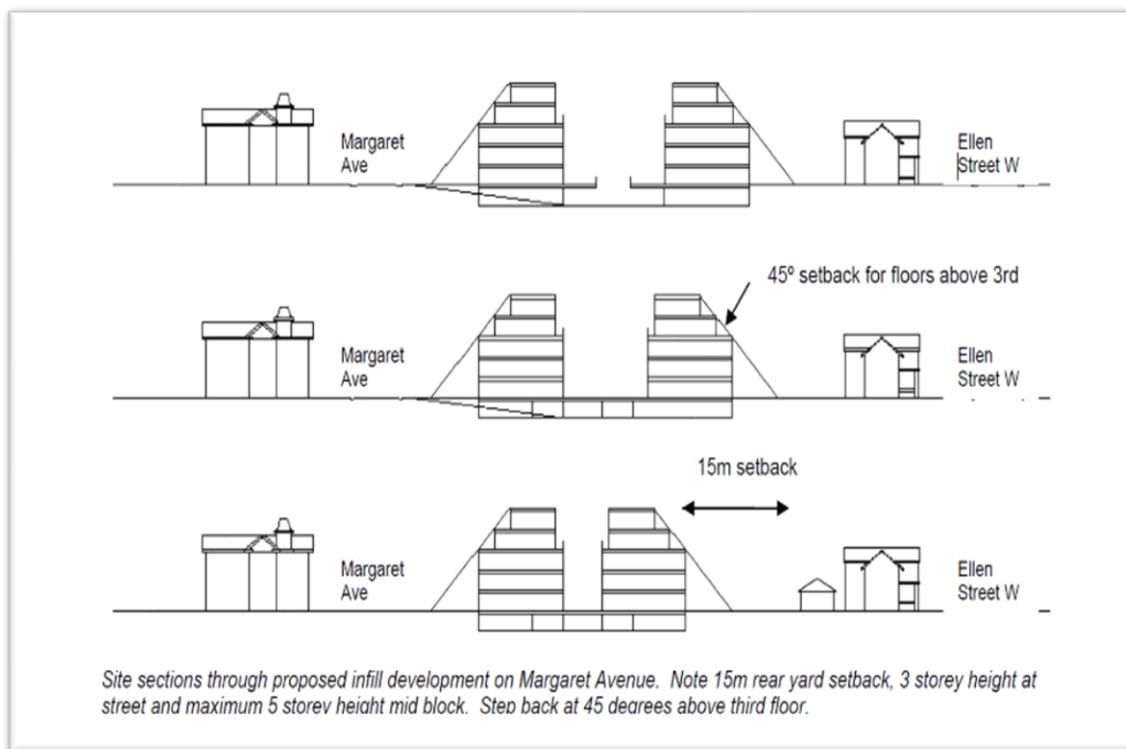


Figure 5 Civic Centre HCD Plan, p. 6.30

The above sketch shows an appropriate angular plane analysis which aligns with compatibility and “...limit shadowing on the public realm and adjacent properties as per the City of Kitchener’s Urban Design Guidelines.<sup>7</sup> Following the CCHCD guidelines very closely, a proposed development was made in 2023 that demonstrates how such guidelines can be followed and also maintain the character of an HCD.<sup>8</sup>

The Margaret development follows the rules and it was accepted by the City of Kitchener.

The sketch below shows angular plane analysis from the developer at 22 Weber St W (see Figure 6), with additional 45 degree lines based at different locations. The proposed line (a

dashed black line) is taken from the front yard property line of the property on the far side of Roy Street. If the angular plane analysis is to have meaning, it must be struck from the adjacent property line, as per CCHCD guidelines:

“Any buildings taller than 5 storeys abutting a residential property to the rear should be constructed within a 45 degree angular plane where feasible, starting from the rear property line, to minimize visual impacts on adjacent property owners” CCHCD Plan, 6.94.

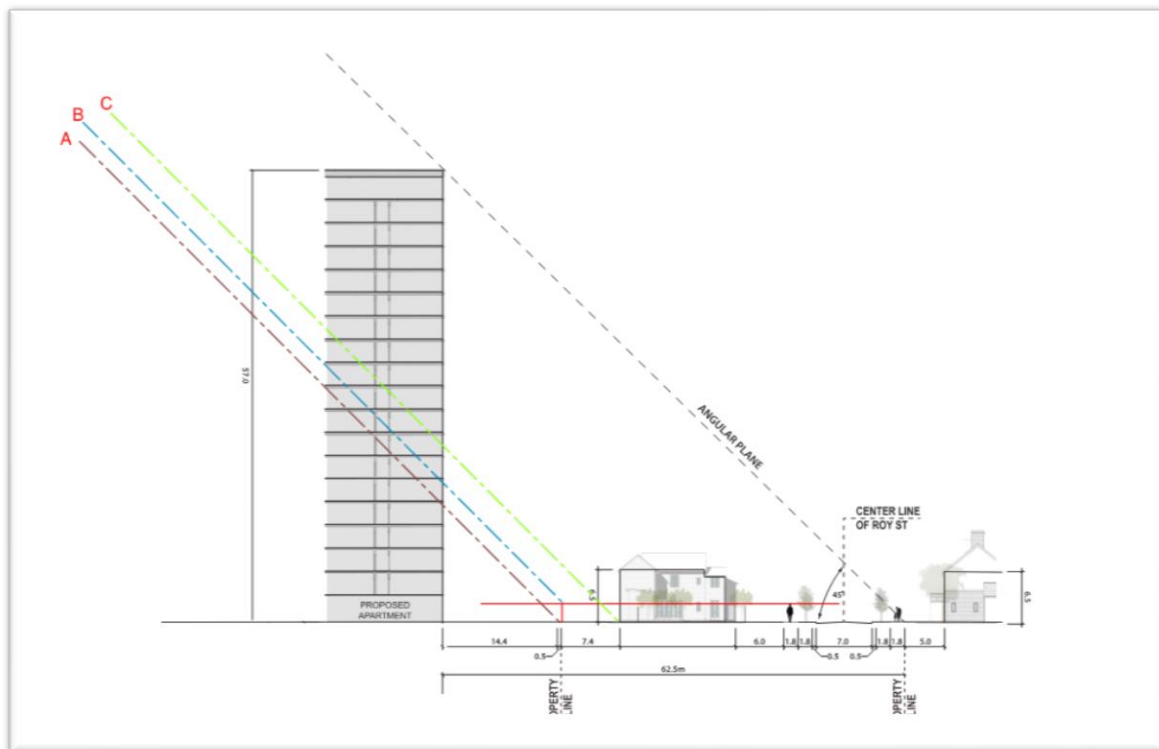


Figure 6. Angular Plane Analysis with different base starting points

If the angular plane followed the HCD guidelines, the height of 22 Weber Street West would be limited to a range from 5 to 8 storeys, which would be in line with the streetscape described above (lines A, B, or C in Figure 6). The plan provides a considerable amount of detail in suggesting new builds that would be compatible with the heritage district character. It even provides sketches of height and setbacks as well as landscaping. The current plan does not provide meaningful space for vegetation which might mitigate some of the compatibility issues identified above. If heritage conservation plans are to be meaningful, they must be followed.

## Summary

Should the proposed development be approved, the heritage of our city centres will be confined to single buildings or a small number of heritage builds. We have legislation and numerous policies to protect built heritage and the current proposal does not protect existing heritage as required in the HCD Plan, with the City of Kitchener *Official Plan*, the Regional *Official Plan*, the *Provincial Planning Statement 2024*, the *Planning Act* and the *Ontario Heritage Act*.

In short, the requested Official Plan Amendment and Zoning By-law Amendment should be rejected.

## Endnotes

---

<sup>1</sup> City of Kitchener, *Growing Together, Attachment G\_Engagement Summaries*.

<sup>2</sup> Ibid.

<sup>3</sup>For a general discussion, see Roha W. Khalaf, “Architectural compatibility beyond the eye of the beholder,”

*Journal of Cultural Heritage Management and Sustainable Development*. Vol. 6 No. 3, pp. 238-254. <https://doi.org/10.1108/JCHMSD-07-2015-0028>. Various sources use the notion of compatibility when analysing historic/cultural/architectural contexts as:

a) Compatible use means a use that respects the cultural significance of a place. Such a use involves no, or minimal, impact on cultural significance (Australia Burra Charter); b) Means a use that involves no change to the significant fabric or attributes, changes, which are substantially reversible, or changes which require minimal impact (In Australia Centennial Parklands Conservation Management Plan 2003); c) For historic properties, replacement or new features that are sensitive to the properties’ historic character and matches the original feature in items such as material, size, shape, design, scale, color and craftsmanship (Design Guidelines for Department of Defense Historic Buildings and Districts; US Department of Defense, 2008) . The ICOMOS Charter, [Principles for the analysis, conservation and Structural Restoration of Architectural Heritage](#) provides an extensive guideline for architectural heritage conservation. The wording more relevant in the current development proposal is: “3.7 The choice between ‘traditional’ and ‘innovative’ techniques should be weighed up on a case-by-case basis and preference given to those that are least invasive and most compatible with heritage values, bearing in mind safety and durability requirements.”

<sup>4</sup> See the description of buildings on many streets in the core of Kitchener in the early 1800s by Jacob Stroh, “Reminiscences of Berlin (Now Kitchener),” *Waterloo Historical Society*, 18<sup>th</sup> Annual Report, 1930: 175-207. Many familiar names are mentioned, including David Weber, after which the street was named.

<sup>5</sup> Aysin Sev; Ozgen, Aydan; Basarir, Bahar “Design Criteria for High-Rise Buildings in Historical Cities: The Case of Istanbul.” The Council on Tall Buildings and Urban Habitat Conference, Seoul, October 10-12, 2011.



---

<sup>6</sup> Architectural Conservancy of Ontario North Waterloo Region Branch, “Just say ‘NO’ to the demolition of 50-52, 56 Weber St W & 107 Young St.” Presentation to Heritage Kitchener, January 7, 2020.

<sup>7</sup> City of Kitchener *Urban Design Manual*, 0.1.2.4.

<sup>8</sup> *Scoped Heritage Impact Assessment, 30-40 Margaret Avenue, City of Kitchener*. MHBC, 2022.