

Staff Report



Development Services Department

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REPORT TO: Heritage Kitchener

DATE OF MEETING: May 7, 2024

SUBMITTED BY: Garett 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 10

DATE OF REPORT: April 22, 2024

REPORT NO.: DSD-2024-160

SUBJECT: Heritage Permit Application HPA-2024-IV-08
10 Duke Street West
Partial Demolition with Retention of the Front, East Side, and
Portion of West Side Façade and Construction of 45-Storey Mixed-
Use Building

RECOMMENDATION:

That pursuant to Sections 30(2), 33, and 34 of the *Ontario Heritage Act*, Heritage Permit Application HPA-2024-IV-08 for the property municipally addressed as 10 Duke Street West be approved to permit:

1. The partial demolition of the building, excluding the front (south) façade, east side façade, and part of the west side façade; and
2. The construction of a 45-storey mixed-use building with retained portions of the original building integrated into the podium

Subject to the following conditions:

- a) That the final Heritage Impact Assessment be submitted and approved by the Director of Development and Housing Approvals prior to the issuance of the heritage permit;
- b) That the final Conservation Plan, including a Salvage and Documentation Plan and Commemoration and Interpretation Plan, be submitted and approved by the Director of Development and Housing Approvals and the City's Heritage Planner prior to the issuance of the heritage permit;
- c) That the final Temporary Protection Plan, including a Demolition and Stabilization Plan and Structural Assessment Report, be submitted to the

satisfaction of the City's Manager of Development Review and the City's Heritage Planner prior to the issuance of a Heritage Permit;

- d) That the final Risk Management Plan, including the Vibration Monitoring Report, be submitted to the satisfaction of the City's Manager of Development Review and the City's Heritage Planner prior to the issuance of a Heritage Permit;**
- e) That final building elevations be submitted for review to the satisfaction of the City's Manager of Development Review in conjunction with Heritage Planning Staff and Urban Design Staff prior to the issuance of the heritage permit;**
- f) That the final demolition permit be reviewed, and heritage clearance provided by Heritage Planning Staff prior to the issuance of a demolition permit; and**
- g) That the final building permit be reviewed, and heritage clearance provided by Heritage Planning Staff prior to the issuance of a building permit.**

REPORT HIGHLIGHTS:

- The purpose of this report is to present the proposed redevelopment of the subject property municipally addressed as 10 Duke Street West. The redevelopment includes the retention in full of the front and east side façade of the building as well as part of the west side façade, to be integrated into the podium of a new 45-storey mixed-use building.
- The key finding of this report is that though partial demolition is proposed, the majority of the building is to be retained and identified heritage attributes, including the contextual value of the property, will be maintained while allowing for the intensification and use of a currently vacant and under-utilized site.
- There are no financial implications.
- Community engagement included consultation with the Heritage Kitchener Committee. This report supports the delivery of core services.

EXECUTIVE SUMMARY:

Heritage Permit Application HPA-2024-IV-08 applies to the property municipally addressed as 10 Duke Street West, and proposes the partial demolition of the existing building while retaining the entirety of the front and east side façade and a portion of the west side façade to be integrated into the podium of a new 45-storey mixed-use building. The subject property is currently listed as a non-designated property of cultural heritage value or interest on the Municipal Heritage Register. A Notice of Intention to Designate was passed by Council on April 8, 2024, though a designation by-law has not yet been passed. A draft Heritage Impact Assessment (HIA) was completed as part of the site plan application for this proposed work, in addition to a number of other studies including a Conservation Plan with Salvage and Documentation Report and Commemoration Plan and a Stabilization and Demolition Plan with a Structural Assessment Report. Through the completed studies recommendations and strategies have been formed and implemented which will allow for the conservation of the heritage value and significance of the subject property while the new construction takes place. A summary of each of the submitted supporting material is provided in this report.

BACKGROUND:

The Development Services Department is in receipt of Heritage Permit Application HPA-2024-IV-08, which seeks permission for the partial demolition of the building on the property municipally addressed as 10 Duke Street West, where the entirety of the front and east side façade as well as a portion of the west side façade will be retained and incorporated into the podium of a new mixed-use development. The proposed development will be 45-storays in height, with the podium levels containing commercial, office, amenity, and parking while the tower will provide for 499 residential units. The proposed is part of an active site plan application (SP22/104/D/AP).

10 Duke Street West is currently listed as a non-designated property of cultural heritage value or interest on the Municipal Heritage Register. A motion to publish a Notice of Intention to Designate the subject property under Part IV of the *Ontario Heritage Act* was passed by Council on April 8, 2024. Council resolved the following:

"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, as outlined in Development Services Department report DSD-2024-133."

The Notice of Intention to Designate was published on April 12, 2024. Though a designating by-law has not yet been passed by Council, the conditional approval of the site plan requires that the designating by-law be passed under Part IV of the Ontario Heritage Act prior to Site Plan Approval. It is anticipated that the designating by-law will go before Council on May 27, 2024, and passed within the requisite 120 day timeframe of the ad being published. Through the designing by-law, the design and physical, historical and associative, and contextual value of 10 Duke Street West will be recognized. A summary of the Ontario Regulation 9/06 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

The heritage attributes identified in the proposed Statement of Significance to accompany the designating by-law are as follows:

- 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.

REPORT:

The subject property is located on the north-west corner of the Duke Street West and Queen Street North intersection, within the City Commercial Core of the City of Kitchener, Region of Waterloo. At present it contains a vacant three-storey commercial brick building, constructed c. 1949 in the Colonial Revival architectural style.



Figure 1: Location Map of Subject Property



Figure 2: Front (South) Facade of Subject Property

Proposed Development

The proposed redevelopment contemplates the construction of a new 45-storey mixed-use building on site, with the retained front and side façades of the existing building on 10 Duke Street West integrated into the podium. The podium will continue to support commercial uses, in addition to office, amenity, and parking spaces. The remaining levels of new construction will accommodate 499 residential units.

The applicants worked with Heritage Planning Staff and their retained heritage consultants in the design of the podium. It will be setback and lifted from the retained facades, creating greater visual separation between the heritage resource and the new construction to ensure that attention is directed towards the heritage resource and its prominence along the street front is maintained, in addition to preserving a pedestrian scale. The proposed surrounding material will be clear or neutral glazing, which keeps the new construction complementary to but distinct from the original building.



Figure 3: Rendering of Front (South) and Side (East) of Proposed Development



Figure 4: Architectural Drawing of East Side Façade of Proposed Development

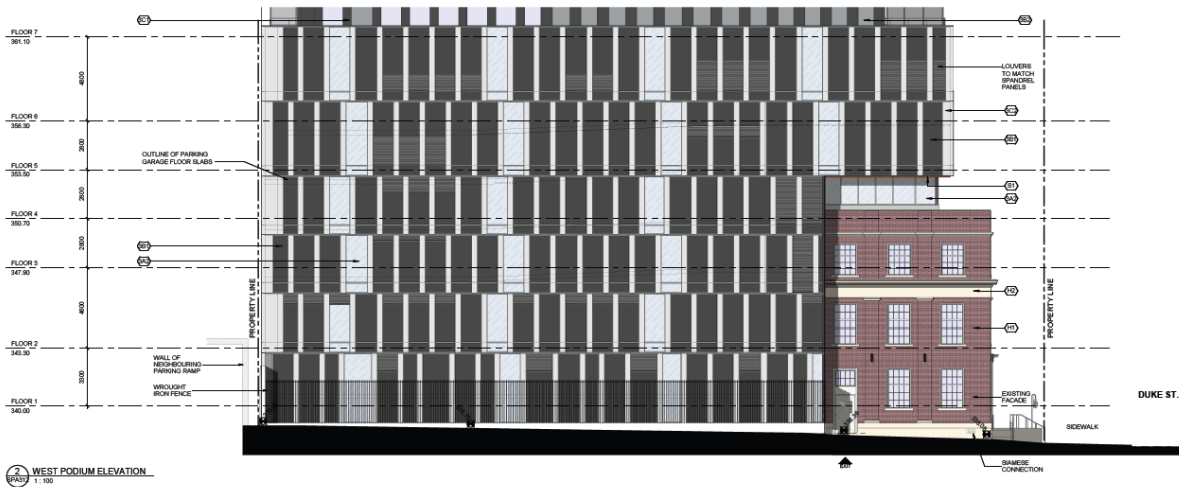


Figure 5: Architectural Drawing of West Side Façade of Proposed Development

The following sections provide a summary of the studies and plans requested as part of the development process. The intent of these key documents are to provide a detailed explanation of the work proposed, the methodology involved to carry out the work proposed, and how the protection and conservation of the identified heritage resource will be ensured during the duration of the work being undertaken.

Draft Heritage Impact Assessment

McCallum Sather was retained by the applicants to complete a Heritage Impact Assessment (HIA) for the proposed planning application. The HIA is intended to both identify cultural heritage resources involved in the planning application and determine potential impacts that may result due to the proposed development, as well as provide recommended mitigation measures.

The HIA completed by the heritage consultants and revised January 2024 established that the subject property is a significant cultural heritage resource and meets the criteria for

designation, with both exterior and interior heritage attributes being identified. The analysis of potential impacts as a result of the proposed development was completed using the framework provided by the Ministry of Heritage, Sport, Tourism, and Culture Industries *Info Sheet #5 Heritage Impact Assessments and Conservation Plans*. A summary is provided below.

Impact	Analysis
Destruction of any, or part of any, significant heritage attributes or features.	Partial demolition is proposed, though the majority of the exterior envelope is being proposed so this impact is determined to be minor. The majority of exterior heritage attributes will remain. While significant change is proposed to the interior, interior heritage attributes have been identified, documented, and are proposed to be salvaged and reused in the new construction.
Alteration that is not sympathetic, or incompatible, with the historic fabric and appearance.	Partial demolition is proposed, though the majority of the exterior envelope is being proposed so this impact is determined to be minor. The new construction incorporates setbacks and stepbacks as well as complementary material so that it is distinguishable but distinct from the original building.
Shadows created that alter the viability of a heritage attribute or an associated natural feature or plantings, such as a garden.	A shadow impact analysis has been done and found that there are some shadows cast on the adjacent properties at 49 Queen St N and 30-32 Duke St W/141 Ontario St N. These properties are listed as non-designated properties of cultural heritage value or interest on the municipal heritage register. The duration of the shadows cast is minimal and this impact is considered to be minor. Shadow impacts have been minimized through the use of appropriate setbacks and reduction of the tower floor plate.
Isolation of a heritage attribute from its surrounding environment, context or a significant relationship.	The original building remains in-situ and the new construction has been setback from the old. As such there are no impacts.
Direct or indirect obstruction significant views or vistas within, from or of built and natural features.	No significant views or vistas were identified with, to, or from the subject property. As the original building is remaining in place, the street-front facades are being retained in

	their entirety, and the new construction has been setback from the old, visibility of the original building is maintained.
A change in land use where the change in use may impact the property's CHVI;	The original use as office space is being maintained. Though additional uses such as residential and amenity spaces are to be added.
Land disturbances such as a change in grade that alters soils and drainage patterns which may adversely affect a cultural heritage resource.	There are no proposed changes in grade level. Potential land disturbances that may occur with the construction process are to be mitigated through propose stabilization and monitoring through all phases of the project. This includes vibration monitoring and regular inspections. Should unexpected damage occur, work is to halt and a discussion with qualified professionals will occur on how remediation might be approached.

The draft HIA made the following recommendation to mitigate the impacts of the proposed development:

- The new building should use setbacks on the east façade at ground level to give a clear buffer and more visual prominence to the existing building.
- Measured drawings and photographs of the existing building should be prepared.
- A condition assessment of any affected heritage attributes and heritage conservation drawings for construction prepared by a qualified consultant reflecting construction methodology in accordance with the conservation standards outlined in Section 3.3.
- Monitoring of the existing building throughout the entire project should be done by a qualified professional in order to proactively address unforeseen complications.
- Repairs to the original building, if needed, are to be completed with compatible materials and methods as per best practices.
- Alterations should be completed in such a way that it does not cause irreparable loss of original fabric and in the future, alterations can be taken down or changed back without negative impact to the original.
- Salvage and store any demolished heritage attributes for reuse in the new construction wherever possible. These elements should be incorporated in visible areas including, but not limited to, exterior and/or interior side of entryways, vestibules, lobby and amenity spaces.
- 10 Duke Street West is recognized for its design, contextual, historical and associative values. We recommend designation of the proposed retained facades of the Economical Insurance building built in 1949 as it satisfies the criteria for designation as per Ontario Regulation 9/06.

Alternative development options, including retention of the building in full, was explored during the planning process and is discussed in the draft Heritage Impact Assessment. This option was determined to not be feasible given the size of the site, the relative size and

position of building on site, and the construction and load-bearing capabilities of the existing building which would limit what could be built at the rear of the property or on top of the existing building. Relocation of the building was also explored but determined to not be a desirable approach due to the loss of the contextual value that would result.

Draft Conservation Plan

A draft Conservation Plan (CP) dated April 25, 2022, revised January 2024, and prepared by McCallum Sather has been submitted to the City. The intent of the CP is to address how identified heritage resources and attributes will be conserved using appropriate conservation principles. This includes an assessment and documentation of existing conditions and recommendations for short, medium, and long-term conservation measures. Short-term measures usual involves any conservation work to be undertaken prior to construction, medium-term measures relate to activities during and immediately following the completion of construction, and long-term measures consist of monitoring and conservation to be done for the life of the development. These measures have been summarized from the CP in the table below.

Conservation Measure Type	Measure
Short-term	<ul style="list-style-type: none"> • Salvage of identified interior and exterior elements. • Partial demolition of the heritage building including stabilization of the retained façades, as outlined in the stabilization plan. • Hoarding and protection for demolition and construction, including the installation of a temporary entry door and plywood cover at the front entrance, cornice and carved corbel brackets, and building corners. • Moisture integrity and protection of building envelope (ongoing measure to be implemented in the short term and executed through the medium and long term). • Monitoring implementation (ongoing measure to be implemented in the short term and executed through the medium and long term).
Medium-term	<ul style="list-style-type: none"> • Minor patching, repointing, or pinning with salvaged materials as needed. • Repair of masonry and limestone mortar joints or other limestone elements. • Front door restoration or replacement. • Restoration by replacement of any identified elements with significant damage or deterioration greater than the possible scope of repair. Where repair is not feasible and replacement can not be completed with salvaged material, like-for-like material shall be found.

	<ul style="list-style-type: none"> • Basement window infill using similar textured but lighter-toned limestone, set back to show the previous existence of the openings. • Window replacement using new models that are compatible in appearance and character with the structures original windows. Existing windows are not original and detract from the cultural value of the building. • Cleaning of masonry and limestone.
Long-term	<ul style="list-style-type: none"> • Maintenance including routine clean up. • Monitoring of the condition of the building. • Warranty inspection and condition assessment inspections.

Other recommendations of the conservation include the re-installation of interior heritage elements, the installation of signage that is contemporary but compatible and easily reversible in design, and the installation of exterior lighting that complement the architectural details of the building while increasing safety and security.

Salvage and Documentation

Salvage and Documentation has been included as part of the prepared Conservation Plan. It provides an inventory of the built heritage fabric that can be salvaged from the subject property before or during the partial demolition. Items identified for salvage are as follows:

Item #	Item Description	Original Location	Proposed Location
1	Red Flemish brick	North Facade - As highlighted in Figure 17	A dedicated controlled and monitored storage room in the corner of a parking level.
2	Brick voussoirs	North Facade - As highlighted in Figure 17	A dedicated controlled and monitored storage room in the corner of a parking level.
3	Two stone sills	North Facade - As highlighted in Figure 17	A dedicated controlled and monitored storage room in the corner of a parking level.
4	Part of the stone band between 2nd and 3rd floors	North Facade - As highlighted in Figure 17	A dedicated controlled and monitored storage room in the corner of a parking level.
5	Part of the stone band below the parapet	North Facade - As highlighted in Figure 17	A dedicated controlled and monitored storage room in the corner of a parking level.
6	Pilasters capitals and base & Corner cornice piece (1)	North Facade - As highlighted in Figure 17	A dedicated controlled and monitored storage room in the corner of a parking level.
7	Solid panels of white roman travertine stone	Entrance Lobby along Duke Street	A dedicated controlled and monitored storage room in the corner of a parking level.
8	Solid brass convector grilles	Entrance Lobby along Duke Street	A dedicated controlled and monitored storage room in the corner of a parking level.

Figure 6: Inventory of Salvaged Material (Excerpt from Conservation Plan)

Some of the reclaimed material is proposed to be kept in a controlled and monitored storage room on site, to be used for future required repairs and maintenance of the building. Other

interior elements are recommended to be incorporated into the new vestibule and shared lobby of the building.

Commemoration and Interpretation Plan

The draft Conservation Plan has also included a Commemoration and Interpretation Brief. The focus of the commemoration strategy for 10 Duke Street lies in the retention and incorporation of the front, east side, and partial west side façades of the original building into the new construction. However, a heritage plaque is also proposed to be installed within the front landscaped area long the Duke Street façade. The location is to be publicly accessible and will provide viewers with information about the site's history and significance. The exact design and content of the plaque is still in the draft stage.



Figure 7: Proposed Content of the Commemorative Plaque

Draft Structural Assessment and Retention Plan

A Structural Assessment and Retention Plan has been completed by John G. Cooke & Associates Ltd, dated November 17th, 2023 and most recently revised March 28, 2024. The report includes a visual assessment and inspection of the building on the subject property to determine existing conditions and structure. The findings of this report were used to inform detailed design and construction approach of the new development. Sketches of key typical

details identified during inspection are included in Appendix A of the Structural Assessment and Retention Plan.

A retention approach (stabilization plan) forms the second part of the submitted plan. This section details the proposed method to retain the existing south, east, and partial west façades in-situ during construction of the new building. The existing structural steel framing of the retained walls will be further supported with new temporary steel bracing and lateral support members, the later of which may be removed once the loads are transferred to new floors to be installed.

Recommendations to disconnect material and conduct the partial demolition is also included. The portions of the existing façade to remain are proposed to be separated from those to be demolished by way of saw-cutting, as an appropriate mortar joint line the exterior wythe. After it is recommended that the wall ends be temporarily capped with plywood and a membrane, to mitigate water infiltration or other damage until the ends are permanently tied into the new building envelope. Saw-cutting is also the recommended methodology to separate the portion of floor slabs to be demolished from those that are to remain.

The specific sequencing of the demolition and stabilization is provided in Section 5.1 of the Structural Assessment and Retention Plan.

Risk Management Plan

A Risk Management Plan dated April 4, 2024 has been prepared on behalf of the applicants by John G. Cooke & Associates Ltd. The intent of the Risk Management Plan is to identify potential physical risks to the original building that may occur during the construction period and provide a response or strategy to be implemented to mitigate said risks.

The Risk Management Plan details risks that may result from construction activities, including impact or spill damage, fire, or work performed not in accordance with approved plans. It also identifies vibration risks, weather risks, and other risks such as vandalism or schedule delays. The detailed response to each risk identified is provided in Section 6: Risk Assessment Table of the Risk Management Plan. It also identifies which parties involved in the proposed project should be contacted and what their responsibilities would be should an identified risk occur.

Vibration Monitoring Plan

While completed as a separate report, the Vibration Monitoring Plan forms part of the Risk Management Plan. It identifies that overall, vibration from excavation is expected to be relatively minimal, with general vibration from other construction stemming from equipment use. The Vibration Monitoring Plan recommends proceeding within the following limits for construction, to mitigate effects on the historic building including any possible deteriorated material or sensitive finishes:

- 3 mm/s for vibrations less than 10 Hz
- 3 to 8 mm/s for vibrations between 10 to 50 Hz, to be interpolated linearly
- 8 to 10 mm/s for vibrations between 50 to 100 Hz, to be interpolated linearly, and
- 10 mm/s for vibrations above 100 Hz

Monitoring is recommended to be implemented through the placement of two tri-directional digital seismographs, to be securely affixed to the façade.

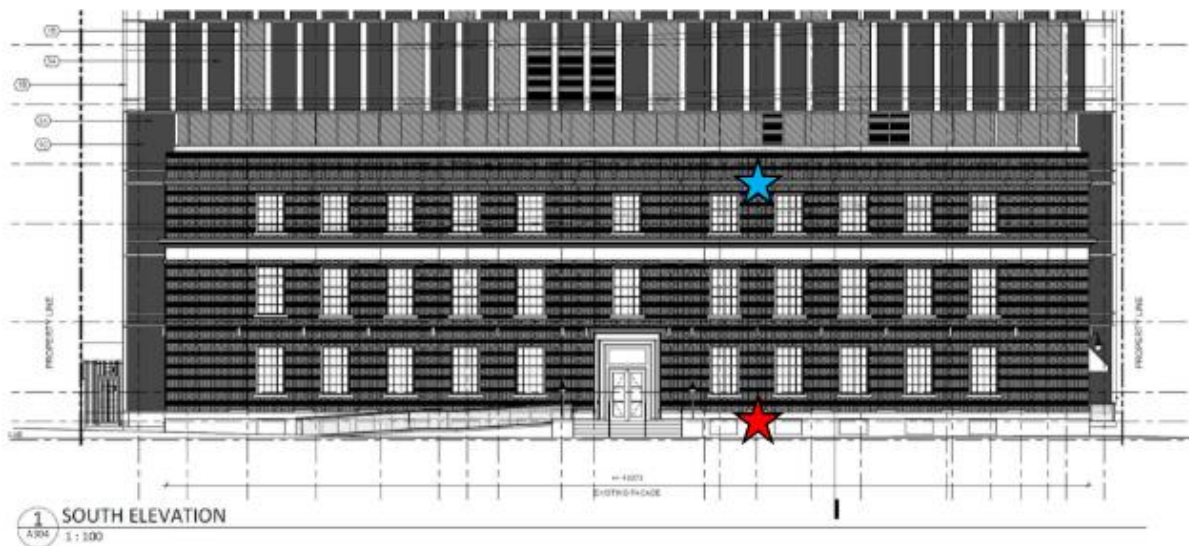


Figure 8: Proposed Locations of Vibration Monitors

Should the monitors report an exceedance event, an automated email will be sent to the contractor, property owner, and appropriate consultants. Should the exceedance not be the result of disturbing the monitoring equipment or very localized activity around it, and the consultant considers the exceedance to be significant, then the site will be reviewed for damage that may have resulted and construction activity will be modified to avoid further harm.

Heritage Planning Comments

In reviewing this application, Heritage Planning Staff note the following:

- The existing building is currently listed as a non-designated property of cultural heritage value or interest on the City's Municipal Heritage Register;
- A Notice of Intention to Designate was published on April 12, 2024, to designate the existing building;
- The designating by-law to be passed by Council will ensure that the façade and heritage attributes of the building will be protected in the case of future applications;
- Retention of the building in full was explored during the planning process. However, the size of the lot and the size and position of the building drastically reduce the feasibility of new construction at the rear of the site. Further, the existing building was not constructed to and cannot support the addition of 40 storeys above it while remaining structurally stable without serious and costly intervention which may impact the integrity of the existing façades.
- While facadism is not a preferred practice in heritage conservation, in the context of this proposed development it is the approach that balances interests while allowing for the intensification of the site. The entirety of the front and east side façades as well as a portion of the west side façade will be integrated into the podium and will allow for the retention of most identified heritage attributes as well as maintain the contextual significance of the building.

- The submission of supporting plans and studies, summarized in the report above, details the specifics on how the identified heritage resource and attributes will be adequately protected and conserved pre-construction, during construction, and after construction activities. The submission of these documents is a requirement to be completed prior to any activity commencing on site, prior to the issuance of final site plan approval, and/or prior to the issuance of the final heritage permit.

Heritage Planning Staff have also assessed the proposed work against the best practices and guidelines from the following provincial documents.

The Guiding Principles in the Conservation of Historical Properties

The Guiding Principles in the Conservation of Historical Properties, prepared by the Ministry of Citizenship and Multiculturalism and endorsed by the Ontario Heritage Trust, provide a framework for decision making in architectural conservation, so that interventions respect or minimize affects on character, features, and context. The proposed work complies with the eight principles; in particular the following are met.

- *Respect for documentary evidence* – do not base restoration on conjecture. Conservation work should be based on historical documentation, such as historical photographs, drawings and physical evidence.
- *Respect for the original location* – do not move buildings unless there is no other means to save them. Site is an integral component of a building. Any change in site diminishes heritage value considerably.
- *Respect for historical material* – repair or conserve rather than replace building materials and finishes, except where absolutely necessary. Minimal intervention maintains the historical content of the resource.
- *Legibility* – new work should be distinguishable from old. Buildings should be recognized as products of their own time, and new additions should not blur the distinction between old and new.

The Standards and Guidelines for the Conservation of Historic Places in Canada

The Standards and Guidelines for the Conservation of Historic Places in Canada is a pan-Canadian collaboration between different federal, provincial, and territorial governments. While it does not constitute legislation, it does provide sound and practical guidance to achieve good conservation practice. It is a tool that has been adopted by many governing bodies of different scales. The proposed work for 10 Duke Street West complies with the following general standards identified within the document:

- Standard 1 – Conserve the heritage value of an historic place. Do not remove, replace or substantially alter its intact or repairable character defining elements. Do not move a part of an historic place if its current location is a character-defining element.
- Standard 3 – Conserve heritage value by adopting an approach calling for minimal intervention.
- Standard 4 – Recognize each historic place as a physical record of its time, place and use. Do not create a false sense of historical development by adding elements from other historic places or other properties, or by combining features of the same property that never coexisted.

- Standard 7 – Evaluate the existing condition of character-defining elements to determine the appropriate intervention needed. Use the gentlest means possible for any intervention. Respect heritage value when undertaking an intervention.
- Standard 8 – Maintain character-defining elements on an ongoing basis. Repair character-defining elements by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of character-defining elements, where there are surviving prototypes.
- Standard 9 – Make any intervention needed to preserve character-defining elements physically and visually compatible with the historic place and identifiable on close inspection. Document any intervention for future reference.

The proposed work also complies with a number of the detailed guidelines relating to the conservation, rehabilitation, and restoration of built elements.

Additional Comments

Further, Heritage Planning Staff are generally in agreement with the findings and conclusions of the revised Heritage Impact Assessment (HIA) dated November 22, 2021 and most recently revised January 2024. Though some of the building is proposed to be demolished, the majority is conserved and will be integrated into the new development, protecting identified heritage attributes and maintaining the contextual significance of the site. Further, portions of the building are proposed to be salvaged and stored to be used in the continued upkeep and maintenance of the building. Heritage Planning Staff agree with the measures outlined in the HIA and are of the opinion that the recommended measures, in addition to other identified conditions, will be sufficient in appropriately protecting, conserving, and integrating the heritage resource.

The approval of an application under the *Ontario Heritage Act* is not a waiver of any of the provisions of any legislation, including but not limited to the requirement of the Ontario Building Code and Kitchener's Zoning By-law. In this regard, the applicant is advised that full site plan approval and a building permit are still required.

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 has been consulted.

PREVIOUS REPORTS/AUTHORITIES:

- Ontario Heritage Act, 1990
- Draft Heritage Impact Assessment (HIA) 10 Duke Street West
- Notice of Intention to Designate 10 Duke Street West

REVIEWED BY: Garrett Stevenson, Director of Development and Housing Approvals

APPROVED BY: Justin Readman, General Manager, Development Services

ATTACHMENTS:

Attachment A – Heritage Permit Application HPA-2024-IV-08

Attachment B – Heritage Impact Assessment

Attachment C – Cultural Heritage Conservation Plan

Attachment D - Structural Assessment and Retention Plan

Attachment E – Risk Management Plan

Attachment F – Vibration Monitoring Plan