

# Staff Report



Development Services Department

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**REPORT TO:** Heritage Kitchener

**DATE OF MEETING:** September 3, 2024

**SUBMITTED BY:** Garrett 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 9

**DATE OF REPORT:** August 12, 2024

**REPORT NO.:** DSD-2024-369

**SUBJECT:** Draft Heritage Impact Assessment (HIA) for 39 & 51 Church Street  
and 69 & 73 Benton Street

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## RECOMMENDATION:

For information.

## BACKGROUND:

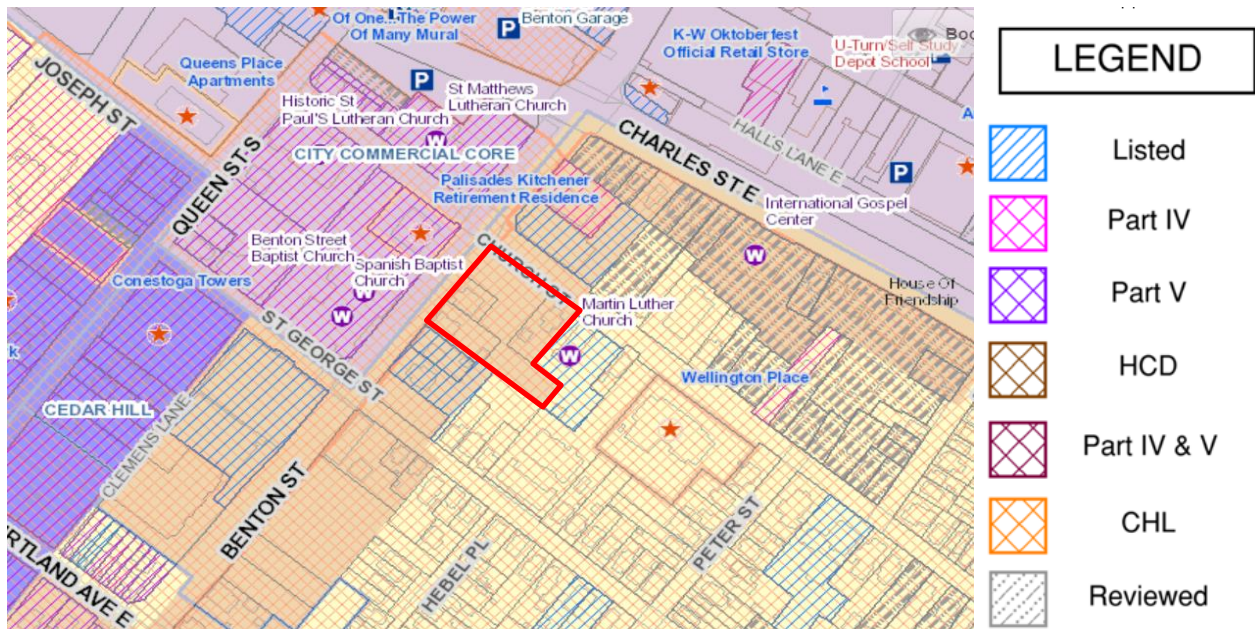
The Development and Housing Approvals Division is in receipt of a draft Heritage Impact Assessment (HIA) prepared by Biglieri Group on behalf of Church and Benton Limited, the Owners of the properties municipally addressed as 39 & 51 Church Street and 69 & 73 Benton Street.

The subject properties have no status under the *Ontario Heritage Act*, being neither designated nor listed as a non-designated property of cultural heritage value or interest. They were also not identified on the Kitchener Inventory for Historic Buildings. However, the subject properties are adjacent to a number of heritage resources, including:

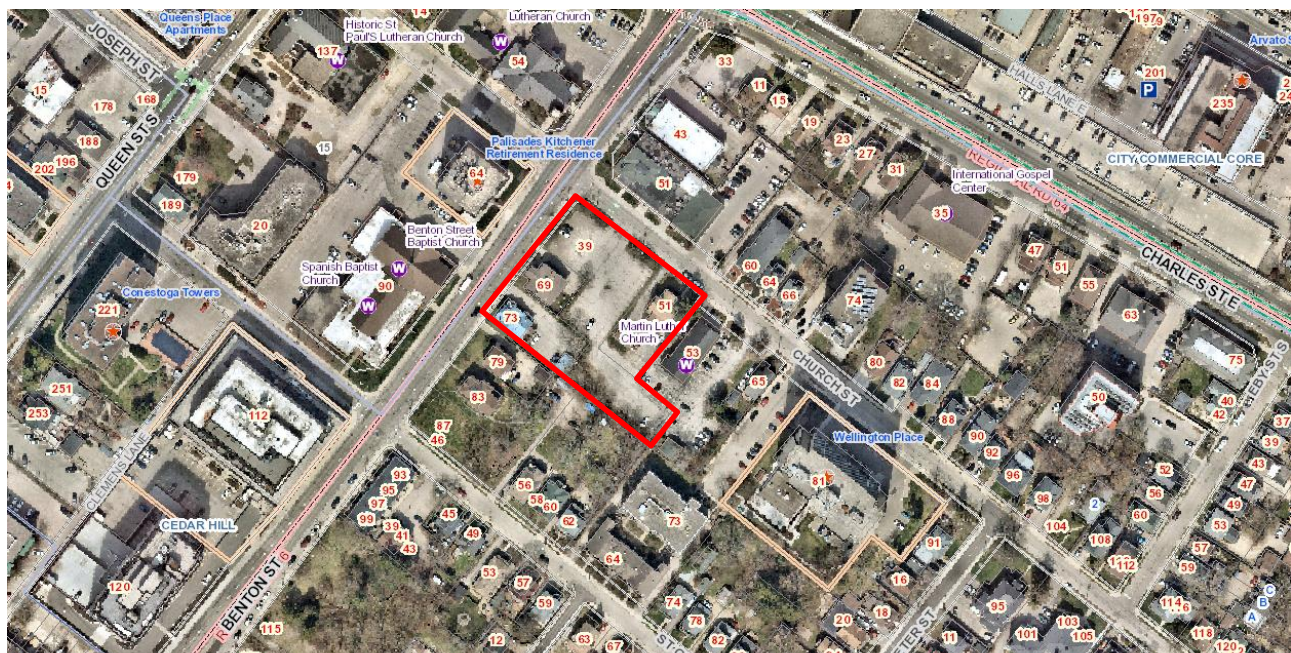
- 90 Benton St – designated under Part V of the Ontario Heritage Act and located within the Victoria Park Heritage Conservation District. District Significance A.
- 64 Benton Street – designated under Part V of the Ontario Heritage Act and located within the Victoria Park Heritage Conservation District.
- 51 Benton Street - listed as a non-designated property of cultural heritage value or interest on the City's Municipal Heritage Register
- 79 Benton Street - listed as a non-designated property of cultural heritage value or interest on the City's Municipal Heritage Register
- 83 Benton Street - listed as a non-designated property of cultural heritage value or interest on the City's Municipal Heritage Register
- 53 Church Street - listed as a non-designated property of cultural heritage value or interest on the City's Municipal Heritage Register

\*\*\* This information is available in accessible formats upon request. \*\*\*  
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

The subject properties are also located within the Cedar Hill Neighbourhood Cultural Heritage Landscape (CHL), as defined in the Kitchener Cultural Heritage Landscape Study approved by Council in 2015. It should be noted that the first phase of Growing Together, approved by Kitchener City Council on March 18<sup>th</sup>, 2024, includes Official Plan Amendments which identify the Cedar Hill Neighbourhood CHL boundaries and provides area-specific policies which relate to new development or redevelopment. In particular the policies identify properties at notable intersections, including that of Benton Street and Church Street, as being a Property of Specific Cultural Heritage Landscape Interest, and state that in such locations consideration must be given to transition in built forms to protect and enhance views and local streetscape characteristics of the neighbourhood.



**Figure 1: Map of Subject Properties and Surrounding Heritage Resources**



**Figure 2: Aerial View of Subject Properties**

As of the date of this report, the subject properties are developed with three single-detached residential houses and a large surface gravel parking lot. All three structures have been converted into rental housing, and currently provide a total of eight units.

The subject properties are part of an active Site Plan Application (SP24/050/C/AP) that has been submitted to the City. Due to the presence of the surrounding heritage resources, the draft Heritage Impact Assessment (HIA) was identified as a required component for a complete application. The Site Plan Application proposes the construction of a new mixed development 40-storeys in height with a 4-storey podium and three levels of underground parking. The ground floor will have commercial and townhome units, while the tower will contain 499 1-to-3-bedroom dwelling units. This provides a total of 505 dwelling units within the proposed development.

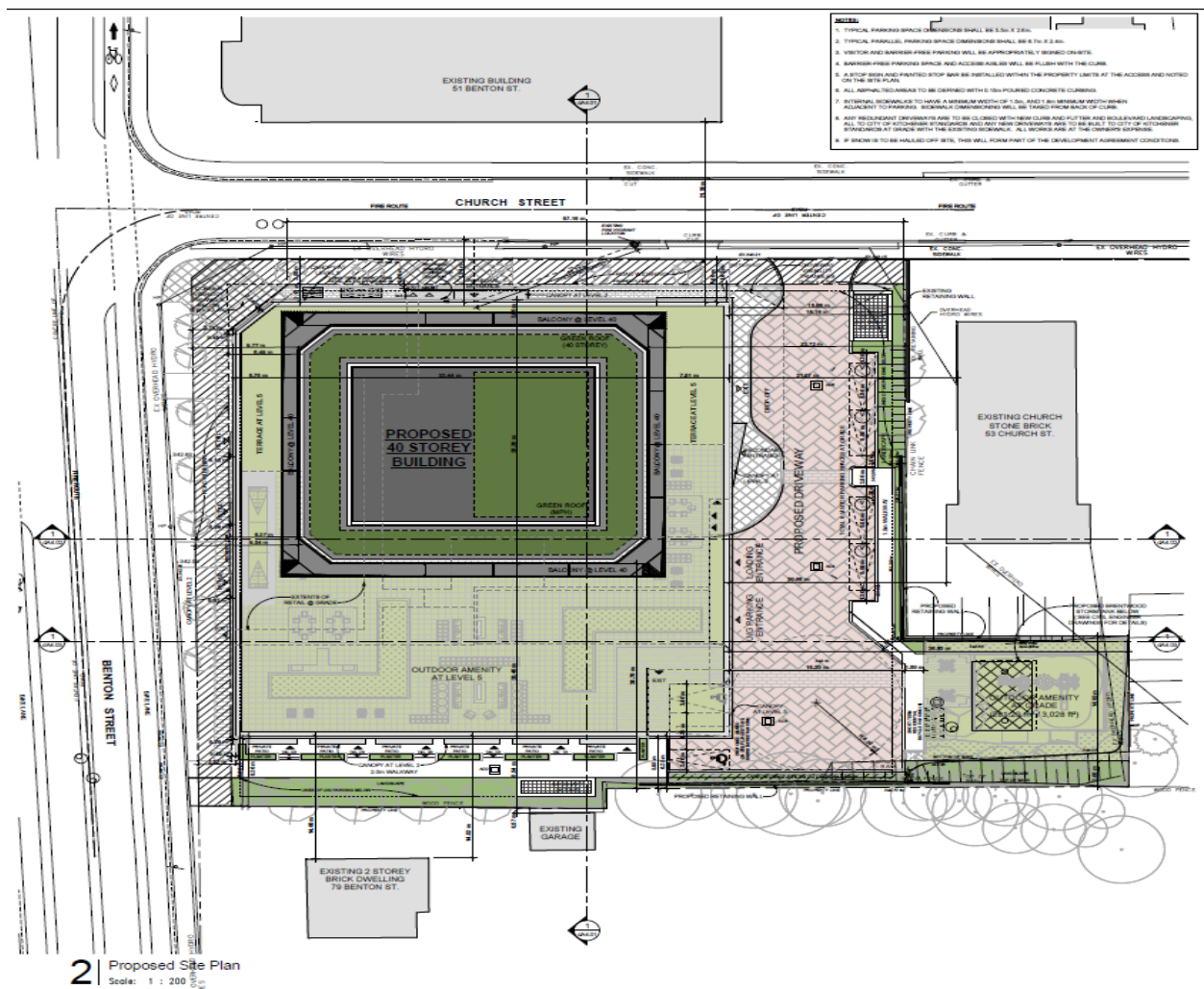


Figure 3: Proposed Site Plan



**Figure 4: Renderings of Proposed Mixed-Use Development**

**REPORT:**

*Impact Assessment*

The draft HIA assessed the potential impact of the proposed development on applicable adjacent heritage properties, the interface with the Victoria Park Area Heritage Conservation District (VPAHCD) along Benton Street, and the Cedar Hill CHL using the subsections established by the Ontario Heritage Toolkit. A summary of the impact assessment is provided below.

<b>Impact</b>	<b>Analysis</b>
<b>Alteration</b> that is not sympathetic or is incompatible with the historic fabric and appearance	No alteration is proposed to adjacent designated heritage properties or listed properties. Therefore, there are no impacts associated with alterations.

<p><b>Shadows</b> created that alter the appearance of a <i>heritage attribute</i></p>	<p>A shadow study has been prepared to assess anticipated shadow impacts of the proposed development on surrounding heritage resources. The impacts are minor and not expected to adversely affect heritage attributes, with no new shadows cast on 79 Benton Street and minimal shadows cast on 53 Church and 51 and 64 Benton. Minimal shadows will be cast on 90 Benton as well, which contains stained-glass windows which are a shadow-sensitive attribute. New shadows that result from the proposed development are confined to a maximum one-hour time period during the spring equinox and as such are anticipated to have a negligible effect.</p>
<p><b>Isolation</b> of a <i>heritage attribute</i> from its surrounding environment, context, or a <i>significant relationship</i></p>	<p>There will be minimal to no isolation impact on the VPAHCD as the development is located across the street and respects the historical character of the area through complementary and compatible design. There may be minor to moderate isolation of 79 Benton Street when viewed in a northerly direction due to differences in massing and setbacks. There may be similar minor isolation-related impacts to 53 Church Street, primarily related to the visibility of the church on the property along the street.</p>
<p><b>Direct or indirect obstruction</b> of <i>significant views or vistas</i> within, from, or of built and natural features</p>	<p>The proposed development will have a minor to moderate impact on the entrance view looking southeast down Church Street from the intersection of Benton and Church. Design considerations have been implemented to reduce anticipated impacts and improve a broken frontage that is the result of vacancies in the subject properties.</p>
<p><b>Change in land use</b> where the use relates to the cultural heritage significance of a site, such as rezoning a battlefield from open space to residential use so that new development fills in the formerly open space</p>	<p>There is no significant land use typology impacts anticipated as a result of the proposed development. While the area historically featured residential and institutional uses, various commercial businesses have been introduced over time, particularly at corner locations where Benton approaches Charles and King Street East. Therefore, the mixed-use nature of the proposed building aligns well with the mixed-use character of the neighbourhood.</p>
<p><b>Land disturbances</b> such as a change in grade that alters soils and drainage patterns which than adversely affect an archaeological resource</p>	<p>The proposed development is not anticipated to result in any land disturbance impacts beyond what would have already occurred over the 140-year period which the site has been developed and disturbed. Notwithstanding, given the historic cemetery located on the subject lands (exhumed in 1876), there is still the possibility that human remains may be found during construction. As such the HIA recommends a Ground-Penetrating Radar scan be complete prior to excavation.</p>

<b>Destruction</b> of any or part of any <i>significant heritage attributes or features</i>	No demolition is proposed to adjacent designated heritage properties or listed properties. Therefore, there are no impacts associated with demolition.
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### *Summary of Implemented Considerations to Reduce Impacts*

While the draft HIA makes several recommendations to be implemented to mitigate impacts, other considerations have already been included in the proposal to mitigate measures. This includes but is not limited to the following:

- Tower treatments were applied to reduce shadow impacts as much as feasible, including stepbacks from the podium.
- Isolation impacts on the adjacent listed property at 79 Benton Street and 53 Church Street were mitigated through site configuration, setbacks that reflect the setbacks of adjacent heritage resources, interface enhancements, and the implementation of design principles which consider the surrounding heritage character such as adopting a horizontal banding at the historical roofline datum. The HIA also identifies additional considerations that were made during the design of the podium of the building such as the slopped roof element of the townhome units, which pays homage to the typical peaked roofs of the surrounding residential buildings and churches. Through these design considerations the characteristics of the surrounding area are respected, and visual compatibility can be achieved.
- The entrance view looking southeast along Church Street at the intersection of Church and Benton will be protected through the incorporation of setbacks as well as a corner cut-out, which helps ensure that views are not pinched and that sight lines are maintained from a wider variety of angles.



**Figure 5: Representation of Historical Height in Horizontal Datum Line**



Figure 6: Characteristic Elements of Surrounding Area Reflected in Development Design

## *Recommendations and Conclusions of the HIA*

Alternative development options were explored within the draft HIA, including accommodating the existing architecture either through stilting or enveloping, adaptive re-use, relocation of the existing buildings, or development via low-rise infill. These alternative options were not recommended given that the subject properties have no status under the Ontario Heritage Act and would not allow for maximum land use efficiency or a development that supports long-term planning considerations.

The draft HIA recommended the following mitigation measures:

- Potential commemoration to acknowledge historical existence of a potential cemetery on 39 Church St as well as the association of Charles Boehmer Dunke with 73 Benton Street.
- Potential salvage of materials from 51 Church Street.
- Scanning for human remains prior to or during excavation. Should remains be discovered all work would cease and the relevant authorities should be notified immediately.
- Documenting and archiving the structures on the subject lands before, during, and after construction.
- Developing a Cultural Heritage Protection Plan (CHPP) to protect adjacent heritage resources.
- Maintaining proposed setbacks, tower step back, podium elements, residential component at grade, and enhanced landscaping treatments as depicted in the architectural drawings to integrate the new development with the surrounding heritage context.
- Maintain proposed tower floor plate, vertical breaks, softening, twisting, and articulation of tower edges to minimize shadowing on adjacent and nearby heritage resources.

The applicant will be in attendance at the September 3<sup>rd</sup>, 2024 meeting of the Heritage Kitchener Committee to answer any questions or concerns. It should be noted that this HIA is still in its draft stage. Heritage Planning Staff have reviewed the draft HIA to provide detailed comments to the application to address areas that require further assessment or discussion. At this time, Heritage Planning Staff are also seeking the Committee's input and comments.

A copy of the draft HIA has been included as **Attachment A** in this report.

### **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.

**PREVIOUS REPORTS/AUTHORITIES:**

- Ontario Heritage Act, R.S.O 1990

**APPROVED BY:** Garrett Stevenson, Director of Development and Housing Approvals

**ATTACHMENTS:**

Attachment A – Draft Heritage Impact Assessment (HIA) – 39&51 Church Street and 69 & 73 Benton Street