

Heritage Impact Assessment

39 and 51 Church Street, and
69 and 73 Benton Street
Kitchener, Ontario

Prepared For: Church and Benton Limited



EXECUTIVE SUMMARY

The proposed redevelopment of the subject lands involves the construction of a 40-storey mixed-use high-rise building with residential and commercial units, aimed at revitalizing underutilized land and providing additional housing.

The subject lands and their structures at 39 and 51 Church Street and 69 and 73 Benton Street, are located within the Cedar Hill and Schneider Creek Neighbourhood Cultural Heritage Landscape (“CHSC-CHL”) but are not designated or listed on the City of Kitchener Heritage Register and are adjacent to heritage properties and the Victoria Park Heritage Conservation District (“VPA-HCD”).

The redevelopment plans include demolishing the existing structures on the subject lands and incorporating design elements that respect the historic character of the area.

The Heritage Impact Assessment (“HIA”) evaluated potential impacts on adjacent heritage properties, the VPA-HCD, and the CHSC-CHL. The assessment concluded that there will be minimal to moderate impact on heritage resources, with proposed mitigation measures that are capable of addressing potential issues related to shadow impacts, isolation, and the visual character of the area including identified view corridors.

The report also explored alternative development options, recommending the proposed redevelopment plan as the most suitable approach considering heritage conservation and efficient land use.

The introduction of a new mixed-use 40-storey building will bring noticeable changes to the subject lands and neighbourhood in terms of height and massing. However, this aligns with the existing and emerging planning framework for the neighbourhood which does not set maximum building heights. By adopting the recommended mitigation measures in this HIA, we believe the proposed redevelopment can proceed while safeguarding heritage resources, respecting the heritage context, and incorporating commemorative elements to mitigate identified impacts effectively. In a changing area where visual diversity accommodates large apartment blocks without visual decline, the proposal represents another step in the neighbourhood's evolution.

ACKNOWLEDGEMENTS

Land Acknowledgement

As descendants of settlers to Canada, one of our goals is to inspire others to take action to support Indigenous communities. One of the ways we can help achieve this is through creating a meaningful and intentional land acknowledgement. Therefore, we respectfully acknowledge that the City of Kitchener is in the traditional territories / ancestral lands of the Haudenosaunee, Anishnaabe, and Neutral peoples. It is now home to many diverse First Nations, Inuit and Metis people and we are grateful to work on this land.

This territory is governed by two treaties. The first is the **Dish with One Spoon Wampum Belt Covenant of 1701, made between the Anishinaabe and the Haudenosaunee**. The second is Treaty 4 also known as the Simcoe Patent or Haldimand Treaty. An agreement promising land to the Haudenosaunee following their loyalty to the British during the American Revolution. This promised land included approximately 10 kilometres on either side of the Grand River.

We are all treaty people. Many of us have come here as settlers, immigrants, and newcomers in this generation or our generations past. We would also like to acknowledge and honour those who came here involuntarily, particularly those who are descended from those brought here through enslavement.

Research Assistance

We would like to thank the research assistance and support that was provided from members of the local Kitchener community who provided information relating to the history of the property, specifically, the Kitchener Public Library (the Grace Schmidt Room and staff), the University of Waterloo Geospatial Centre, the City of Kitchener archives, and the City of Kitchener heritage planning staff.

BACKGROUND INFORMATION

Owner Information

The City of Kitchener's Heritage Impact Assessment Terms of Reference requires the provision of information on the present owner, including their contact information for the lands and buildings proposed for development and/or site alteration.

The lands and buildings proposed for development are municipally addressed as 39 and 51 Church Street and 69 and 73 Benton Street, Kitchener ("subject lands"), and are presently owned by *Church and Benton Limited*. The development is being proposed care of the owner through *JD Development Group*. Contact information is provided below:

Church and Benton Limited
131 McNabb Street, Suite 201,
Markham, ON, L3R 5V7
Telephone #: 905-479-9898
E-mail: info@jddevelopment.ca

Author

The City of Kitchener's Heritage Impact Assessment Terms of Reference requires the provision of information on the qualified heritage conservation professional completing the Heritage Impact Assessment ("HIA"), including their name, qualifications, and background.

This HIA was prepared by The Biglieri Group Ltd. ("TBG"). TBG is full-service planning, urban / community design, and heritage consulting firm based out of Toronto and Hamilton. TBG recently merged with Bright Past Heritage Consulting Inc. a boutique cultural heritage consulting firm based virtually out of Kitchener that specializes in the conservation and stewardship of cultural heritage resources across Ontario.

Evan Sugden, HBASc, MA, CAHP, RPP, MCIP is the primary author of this HIA, was the President and co-founder of Bright Past and now an Associate and the Heritage Lead with TBG. Mr. Sugden is a registered Heritage Professional with the Canadian Association of Heritage Professionals and a Registered Professional Planner. He holds an Honours Bachelor of Arts and Sciences degree in Geography from Lakehead University and a Master of Arts degree in Planning specializing in heritage conservation from the University of Waterloo. A detailed curriculum vitae is appended to this report as **Appendix A – Author's CV**.

Table of Contents

EXECUTIVE SUMMARY.....	I
ACKNOWLEDGEMENTS.....	II
LAND ACKNOWLEDGEMENT.....	II
RESEARCH ASSISTANCE.....	II
BACKGROUND INFORMATION.....	III
OWNER INFORMATION	III
AUTHOR	III
LIST OF FIGURES.....	VI
LIST OF TABLES.....	VIII
1.0 INTRODUCTION	1
2.0 SITE & SURROUNDINGS.....	4
2.1 SUBJECT LANDS.....	4
51 Church Street.....	5
69 Benton Street.....	11
73 Benton Street.....	16
2.2 ADJACENT & SURROUNDING CONTEXT	23
Heights in the Neighbourhood	33
2.3 HERITAGE CONTEXT	34
3.0 PROPOSAL.....	37
Podium and Tower.....	37
4.0 POLICY & REGULATORY CONTEXT.....	44
4.1 PLANNING ACT.....	44
4.2 PROVINCIAL POLICY STATEMENT.....	44
4.3 PROPOSED PROVINCIAL PLANNING STATEMENT	44
4.4 HERITAGE ACT.....	45
Ontario Heritage Tool Kit.....	46
4.5 A PLACE TO GROW: GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE	47
4.6 REGION OF WATERLOO OFFICIAL PLAN	48
4.7 CITY OF KITCHENER OFFICIAL PLAN & GROWING TOGETHER FRAMEWORK	50
4.8 CITY OF KITCHENER CULTURAL HERITAGE LANDSCAPE STUDY	56
4.9 VICTORIA PARK AREA HERITAGE CONSERVATION DISTRICT	57
4.10 CITY OF KITCHENER URBAN DESIGN MANUAL.....	58
5.0 HISTORY & EVOLUTION.....	59
5.1 TOWNSHIP OF WATERLOO / WATERLOO COUNTY / REGION OF WATERLOO.....	59
5.2 CITY OF KITCHENER (BERLIN)	66
5.3 HISTORY OF THE SUBJECT LANDS	71
Development and Uses	89
Chain of Title	100
39 Church Street.....	101
51 Church Street.....	102

69 Benton Street	103
73 Benton Street	104
5.4 CHARLES BOEHMER DUNKE	105
5.5 BRIEF HISTORY OF ADJACENT HERITAGE PROPERTIES	108
53 Church Street	108
51 Benton Street	110
64 Benton Street	112
79 Benton Street	113
90 Benton Street	115
6.0 HERITAGE IMPACT ASSESSMENT	117
6.1 PRIMER	117
6.2 ALTERATION	117
6.3 SHADOWS	117
6.4 ISOLATION	119
6.5 DIRECT OR INDIRECT OBSTRUCTION OF VIEWS	128
6.6 CHANGE IN LAND USE	133
6.7 LAND DISTURBANCE	134
6.8 DESTRUCTION	135
7.0 CONSIDERATION OF ALTERNATIVES, MITIGATION & CONSERVATION	136
7.1 ALTERNATIVE DEVELOPMENT OPTIONS	136
<i>Alternative Development Option 1: Do Nothing / Leave Lands As Is</i>	136
<i>Alternative Development Option 2: Accommodating Architecture (Stilting or Enveloping)</i>	136
<i>Alternative Development Option 3: Adaptive Reuse</i>	138
<i>Alternative Development Option 4: Relocation</i>	139
7.2 MITIGATION & CONSERVATION OPTIONS	140
7.3 IMPLEMENTATION & MONITORING	142
8.0 CONCLUSIONS	145
9.0 REFERENCES	151

Appendices

Appendix A – Author’s CV

Appendix B – Heritage Impact Assessment Terms of Reference

Appendix C – Chains of Title for Subject Lands

Appendix D – Shadow Study

List of Figures

- Figure 1 - Location Map..... 1
- Figure 2 – Broader Aerial Context Map 24
- Figure 3 - Immediate Aerial Context Map..... 24
- Figure 4 - Map of Mid- to High-Rise Buildings within the Cedar Hill Neighbourhood 34
- Figure 5 - Heritage Context Map..... 36
- Figure 6 – Massing View from Northeast 38
- Figure 7 - Massing View from Southeast..... 38
- Figure 8 - Massing View from Northwest..... 39
- Figure 9 - Proposed Site Plan 40
- Figure 10 - Ground Level Floor Plan 41
- Figure 11 - Rendering looking Northeast 42
- Figure 12 - Rendering looking Southeast (Intersection of Church & Benton St) 42
- Figure 13 – Rendering along Benton St to North 42
- Figure 14 - Rendering of Corner 42
- Figure 15 - Rendering of Western Interface..... 43
- Figure 16 - Rendering of Southwest Corner 43
- Figure 17 - Rendering South along Benton St..... 43
- Figure 18 - Rendering of Southern Interface 43
- Figure 19 - 3D Context View..... 43
- Figure 20 - Figure 6c, ROPA 6 49
- Figure 21 - Official Plan Amendment to Map 2 Urban Structure (Schedule A) 51
- Figure 22 - Official Plan Amendment to Map 3 Land Use (Schedule B)..... 52
- Figure 23 - Official Plan Amendment to Map 4 Protected MTSAs And UGC (Schedule C) 52
- Figure 24 - Official Plan Amendment To Map 9 Cultural Heritage Resources (Schedule E)..... 53
- Figure 25 - Growing Together Supporting Documents March 2024 - Enabling Homes for Generations 53
- Figure 26 - Growing Together Zoning Appendix A (Zoning Grid Schedule 120) 55
- Figure 27 - Haldimand Tract, Ridout Survey 1821..... 60
- Figure 28 - Haldimand Tract Block Divisions 61
- Figure 29 - Beasley Tract (Block 2) Divisional Blocks 62
- Figure 30 - German Company Tract, 1805..... 63
- Figure 31 - 1815 Map of Waterloo Township, German Company Tract Lots and Landowners 64
- Figure 32 - County of Waterloo, 1880 65
- Figure 33 - Township of Waterloo, 1881, Town of Berlin Highlighted 67
- Figure 34 - Township of Waterloo, 1881, Zoomed in on Town of Berlin 67
- Figure 35 - Town of Berlin, 1877 (Approximate Location of Subject Lands within Black Circle) 68
- Figure 36 - Town of Berlin, 1879 68
- Figure 37 - Town of Berlin, 1881 69
- Figure 38 - Town of Berlin, 1908 69
- Figure 39 - City of Berlin, 1912..... 70
- Figure 40 - City of Kitchener, 1923..... 70
- Figure 41 - Joseph Schneider’s 448-Acre Farm on Lot 17, GCT..... 72
- Figure 42 - Town of Berlin, 1853 73
- Figure 43 - Plan 393 and 394 circa 1857-1858 74

Figure 44 - Subject Lands on Plan 393 and 394 circa 1857-1858.....	74
Figure 45 - Tremaine's Map of Waterloo County, 1861	75
Figure 46 - 1875 Bird's Eye View of Berlin (Artist's Rendering)	75
Figure 47 - Map of the Town of Berlin, 1879 (Version A)	76
Figure 48 - Map of the Town of Berlin, 1879 (Version B)	76
Figure 49 - Map of Town of Berlin, 1881 (Showing United Brethren Church)	77
Figure 50 - Bird's Eye View of the Town of Berlin (Artist's Rendering), 1892	78
Figure 51 - Fire Insurance Plan, 1894-1904	79
Figure 52 - City of Berlin, 1919.....	81
Figure 53 - 1923 Engineer's Map of Kitchener	82
Figure 54 - Fire Insurance Plan, 1925	83
Figure 55 - Comparison of Fire Insurance Plans 1894-1904 to 1925	84
Figure 56 - 1968 Topographic Map.....	85
Figure 57 - 1976 Topographic Map.....	85
Figure 58 - 1930 Air Photo	85
Figure 59 - 1945 Air Photo	85
Figure 60 - 1955 Air Photo	86
Figure 61 - 1960 Air Photo	86
Figure 62 - 1975 Air Photo	86
Figure 63 - Air Photo Prior to 1980	86
Figure 64 - 1980 Air Photo	87
Figure 65 - 1985 Air Photo	87
Figure 66 - 1990 Air Photo	87
Figure 67 - 1995 Air Photo	87
Figure 68 - 2000 Air Photo	88
Figure 69 - 2003 Air Photo	88
Figure 70 - 2006 Air Photo	88
Figure 71 - 2009 Air Photo	88
Figure 72 - 2012 Air Photo	89
Figure 73 - 2014 Air Photo	89
Figure 74 - 2016 Air Photo	89
Figure 75 - 2020 Air Photo	89
Figure 76 - House Comparison of 73 Benton Street between 1906 - 2022	104
Figure 77 - City of Berlin First Aldermanic Council, 1912 (C. B. Dunke Circled in Red).....	107
Figure 78 - Visual of Exterior Attributes, 53 Church Street.....	110
Figure 79 - Visual of Exterior Attributes, 79 Benton Street.....	114
Figure 80 - Homage to Residential Component (grey) in Proposal (South Interface).....	121
Figure 81 - Communal Component (yellow) of Proposal (Northeast Interface)	122
Figure 82 - Commercial Component of Proposal and Homage to Building Datum (West Interface)	122
Figure 83 - Homage to the Vernacular Block	123
Figure 84 - Representation of Existing Building Height in Horizontal Datum (looking Southwest)..	123
Figure 85 - Representation of Existing Building Height in Horizontal Datum (looking Northeast)..	124
Figure 86 - Commercial Component of Proposal and Homage to Building Datum	124
Figure 87 - Existing vs. Proposed Interface Scenario with 79 Benton Street	125
Figure 88 - Landscaped and Residential Interface with 79 Benton Street.....	125
Figure 89 - Rendering of Residential Component at Grade Interface with 79 Benton Street	126
Figure 90 - Existing vs. Proposed Interface Scenario with 53 Church Street.....	126

List of Tables

Table 1 - 39 Church Street (City Directory)..... 90
Table 2 - 45 Church Street (City Directory)..... 91
Table 3 - 47 Church Street (City Directory)..... 92
Table 4 - 51 Church Street (City Directory)..... 92
Table 5 - 69 Benton Street (City Directory)..... 93
Table 6 - 73 Benton Street (City Directory)..... 95



1.0

Introduction

1.0 INTRODUCTION

The Biglieri Group Ltd. (“TBG”) was retained by *Church and Benton Limited* (the “Owners”) to prepare a Heritage Impact Assessment (“HIA”) with respect to the properties municipally addressed as 39 and 51 Church Street and 69 and 73 Benton Street, in the City of Kitchener, Ontario (“subject lands”). See **Figure 1** – Location Map.

Figure 1 - Location Map



The subject lands are not listed, or designated properties of cultural heritage value or interest on the City of Kitchener’s Municipal Heritage Register (the “Register”), nor are they located within a Heritage Conservation District (“HCD”).

However, the lands are located within the Cedar Hill and Schneider Creek Neighbourhood Cultural Heritage Landscape. According to City heritage staff, two of the parcels forming the subject lands (i.e., 51 Church Street and 73 Benton Street) are identified as properties of specific interest within the CHSC-CHL for their adjacency to properties listed on the Register.

In addition, the subject lands are located adjacent to 4 listed (non-designated) properties of cultural heritage value or interest and 2 designated properties of cultural heritage value or interest which are across the street within the eastern boarder of the Victoria Park Area Heritage Conservation District (“VPA-HCD”). The 2 designated properties are protected under a Part V designation, through the VPA-HCD.

This HIA is being submitted as a part of a site plan application (“SPA”) required to facilitate the redevelopment of the subject lands at the southern corner of the intersection of Church and Benton Streets.

On November 30, 2021, and then again on June 20, 2023, the Owners attended a pre-application consultation (“PAC”) meeting with the City of Kitchener (the “City”) and agency staff to discuss the redevelopment proposal.

The redevelopment proposal intends to intensify underutilized lands for a compact mixed-use, pedestrian oriented development which will accommodate over 505 residential units, with below grade parking, while adding over 640 square metres of commercial space to the lands.

One of the Province’s primary directives right now is to provide more homes for everyone. A component of the redevelopment proposal is the demolition of the structures on the lands, which currently contains eight rental housing units between the three structures. The resulting development will significantly increase the housing stock on the lands. The intent of the demolitions is to create a building envelope that will maximize the building opportunities within the subject lands.

On August 8, 2022, and July 5, 2023, Bright Past (now TBG) contacted the City to scope the requirements of the HIA. Through discussions with City heritage staff, it was confirmed that the focus of the HIA was on the assessment of potential impacts to the adjacent listed and designated properties at 51, 64, 79, and 90 Benton Street and 53 Church Street and their identified attributes. It was also confirmed that the HIA did not need to address potential impacts on any nearby listed or designated properties such as 54 Benton Street or 43 Benton Street (designated), or 83 Benton Street (listed) which is technically adjacent (due to the irregularity of the lot’s “L-shape” touching the subject lands) but separated by the parcel and structure at 79 Benton Street.

Following recent changes to the City of Kitchener’s planning framework through the “Growing Together” project, TBG again met with staff on April 22, 2024 to discuss the heritage aspects of the complete submission along with the content of the HIA.

This HIA also identifies how the proposed development will impact the proposed CHSC-CHL. In this regard, the focus is on the potential impacts as it relates to the edge of the CHSC-CHL boundary, the view looking southeast down Church Street from the intersection of Church and Benton Street, and the impact the proposal may have on any of the identified features or attributes of the CHSC-CHL. Particular focus is given to the adjacent listed properties at 51 and 79 Benton Street and 53 Church Street.

Lastly, this HIA also addresses the influence and potential impact of the development on the setting and character of the subject lands in relation to the interface with the VPA-HCD across the street along Benton Street, specifically in relation to the adjacent protected heritage properties at 64 and 90 Benton Street.

The purpose of this report is to assess the impacts of the proposed development and recommend mitigative measures, as necessary or alternative development approaches to conserve any potential heritage attributes of the adjacent properties, ensure an appropriate fit within the CHSC-CHL and at the interface with the VPA-HCD, as applicable. The HIA provides conclusions and

recommendations on applicable heritage mitigation, and is based on the City of Kitchener's Heritage Impact Assessment Terms of Reference, which is appended to this report as **Appendix B**.

Note that since the subject lands themselves are not listed or designated heritage properties of cultural heritage value or interest on the City's Register, there are no legal protections in place under the Ontario Heritage Act. Furthermore, through discussion with City staff, and based on the requirements set out in the Ontario Heritage Act, it was determined that evaluations of the properties forming the subject lands and their structures were not required to be evaluated under O. Reg 9/06.

The focus of this HIA, is the impacts to the adjacent heritage resources, the proposed CHSC-CHL, and the eastern interface with the VPA-HCD.



2.0

**SITE &
SURROUNDINGS**

2.0 SITE & SURROUNDINGS

2.1 Subject Lands

The subject lands are municipally addressed as 39 and 51 Church Street and 69 and 73 Benton Street and are located within the Cedar Hill neighbourhood of the City, just east of the easternmost boundary of Downtown Kitchener (“DTK”). The neighbourhood where the lands are located includes a variety of densities, building heights, and land uses. Along the edges of the neighbourhood there are several former residential buildings which have been converted into commercial or mixed-use buildings, and multi-unit rentals. Though the neighbourhood is primarily low-rise and residential in nature, it is unique for its blend of institutional uses (e.g., churches), commercial businesses especially along the periphery of the neighbourhood, and several mid- and high-rise multi-unit residential buildings (e.g., 86 Cedar Street South, 73, 74, and 81 Church Street, and 50 Eby Street South).

Geographically, the subject lands are located on the periphery of the Cedar Hill neighbourhood at the southern corner of Benton and Church Street, north of St. George Street, on the east side of Benton Street and the south side of Church Street, and west of Peter Street. The subject lands make up an area of approximately 0.459 hectares (1.134 acres), with frontages along both Benton Street (approximately 63 metres) and Church Street (64 metres). The depth of the subject lands varies as the four separate parcels lend to an irregular lot shape. Overall, the subject lands represent a large land assembly for the neighbourhood, and are legally described as:

Part of Lot 17, German Company Tract; Part of Lot 3, Plan 205; Part 1, Reference Plan 58R-5235; Part of Lot 19, East Side of Benton Street, Plan 393; and Part of Lot 41, Plan 394; Kitchener; Regional Municipality of Waterloo.

The subject lands are currently developed with three low-rise residential houses and a large surface gravel parking lot. Originally built as single-detached residential homes, the structures on the subject lands have since been converted for into rental housing buildings, with two of the structures each having three rental units and the other containing two rental units. Access to 51 Church Street and 69 Benton Street is provided from both Church and Benton Street. Parking for these two parcels is provided privately to the rear of and beside each of the buildings on a surface parking lot. Access to 73 Benton Street is provided only off Benton Street, with private parking located on a surface parking lot to the rear. There are private garages to the rear of 51 Church Street and 73 Benton Street, which appear to be used for storage rather than vehicles.

The lots themselves are generally flat but are situated on a high point in the City of Kitchener. The lands contain some vegetation in terms of trees, which are mostly located along the property lines internal to and towards the southern limits of the lands. Currently, the subject lands are mostly used for surface parking finished with a mix of gravel and asphalt.

The subject lands contain three single-detached houses converted into residential rental buildings with two to three units a piece. It is apparent that several alterations have been made to the buildings over the years, which are noticeable from outside the buildings, including the closing of

old openings (i.e., windows and doors) and the introduction of new entrances to accommodate the conversion of the buildings for multiple apartment units, and the unitization of the homes for rental purposes, among others. The properties at 51 Church Street and 73 Benton Street both contain outbuildings (detached garages) located to the rear of the main houses; both of which, are in poor condition. All photos are original.

Subject Lands looking East



Subject Lands looking West



Subject Lands looking Southwest



Subject Lands looking North



Lands looking North along Benton St



Lands looking Southeast along Church St



51 Church Street

The building at 51 Church Street is a 2-storey yellow brick building with a large attic space, creating a half level at the top. The structure has been subjected to several alterations over the years, which in our opinion, has altered the original format of the building, particularly the interior layout.

Exterior – 51 Church Street

The house at 51 Church Street is a 2-storey uniformly yellow brick building with large attic space. The house has been converted into 2 apartment units with a glass- and wood-enclosed shared verandah that creates a covered entryway for two individual main doors, one for each unit.

On the outside, the house has had its primary entrance removed and replaced with two separate doors. It appears the chimney has been replaced with a more modern brick version and is no longer functioning to accommodate a working wood-burning fireplace, and another chimney has been removed to the rear. Also, the verandah has been enclosed with glass, and two small unsympathetic additions have been made to the rear clad in vertically oriented vinyl siding. The current colours of the house are yellow / cream for the brick, light blue / grey for the trim elements including the eaves, brown for the stoop steps and roof which is shingled, and white for the doors and door trim. The house features an asymmetrical footprint, with the entrance oriented towards the northeast corner of the house, and the roof is cross-gabled.

The irregular outline or silhouette of the house consists of: tall gables with tall and symmetrically spaced and slightly-arched 1/1 windows on the first and second levels; a paired 1/1 window at the attic level near the peaks of the gables; a front glass- and wood-enclosed shared verandah with recessed balcony above; multi-sloped cross-gabled roof; exaggerated and paired cornice brackets at the ends and centres of the eaves and peaks, respectively; newer wood addition (entrance / mud room) on the southwest façade; remnants of a chimney on the south (rear) façade; a rear dormer / bump-up (addition) on the roof of the rear portion of the structure, which includes a triplet 1:1 window array; and a second covered, but not enclosed, verandah at the southeast (rear) corner of the building, which appears to function as a secondary entrance for the lower unit. There is evidence of some damage to the exterior of the building in the form of mortar cracks and erosion, but generally, the exterior of the building appears to be in fair to good condition.

51 Church St North (Front) Facade



51 Church St West (Side) Facade



51 Church St South (Rear) Facade



51 Church St East (Side) Facade



Interior – 51 Church Street

The interior of the house is where the greatest changes to the structure have occurred. According to the City Directories, the house may have been converted into apartments as early as 1945, transforming the original structure from a single-family home into a duplex dwelling.

The unitization has been designed to accommodate two rental units, one upper and one lower. Entry was gained to the upper unit during the site visits but not the lower. The condition of the upper unit was in generally good condition, except for the attic which has some signs of weather and animal damage. The main alteration comes in the form of the work required to separate the house into two individual units. This included separating the main stairwell from the balance of the house with new walls, which has been re-configured to function as the exterior entrance and steps up to the upper-level unit.

The entrance into the upper unit appears to have utilized the original or part of the original staircase within the house. However, a partition wall has been added alongside the stairwell creating the division between upper and lower units. The original opening for the house is no longer intact, as the upper and lower units are situated side by side within the verandah and utilize newer doors.

Within the upper unit there are wooden elements which appear to be original to the house including: built-in cabinetry; radiators; chandelier; newel post; wood trim and ceiling features; handrail; and some decorative floor and ceiling trim. As well, there is large, tall double wooden door in the upper unit which currently functions as a closet door. This wood door is, according to the current tenant, the original exterior door to the house, which was moved upstairs during the conversion of the original house into apartments. The double wood door features a dark wood finish or patina, cut-outs for rounded arched windows or stained-glass, round decorative knobs and mail slot, and a working mechanical doorbell. The cut-outs for rounded arched windows or stained-glass are filled in with plastic inserts that are intended to look like old darkened stained-

glass. It is likely that the original glass or stained-glass inserts into these door windows was broken during the apartment conversion process or similar intervention.

The attic is tall, and access is provided via a steep and narrow staircase. The attic is unfinished, non-insulated, and appears to have been utilized as a living space for some time, as there is evidence of wallpaper and hooks. Electricity was once available in the attic via knob and tube wiring, which appears to have been disconnected. The attic is not well sealed from the outside, and there are signs of animal access and damage.

51 Church St (Upper Unit) Living Area



51 Church St (Upper Unit) Living Area



51 Church St (Upper Unit) Dining Area



51 Church St (Upper Unit) Kitchen



51 Church St (Upper Unit) Staircase



51 Church St (Upper Unit) Staircase



51 Church St (Upper Unit) 51 Exterior Door Portico



51 Church St (Upper Unit) Attic & Old Wallpaper



51 Church St (Upper Unit) Attic Window



51 Church St (Upper Unit) Attic



51 Church St (Upper Unit) Built-In Cabinet



51 Church St (Upper Unit) Decorative Framing



51 Church St (Upper Unit) Decorative Woodwork



51 Church St (Upper Unit) Original Front Entrance Door



69 Benton Street

The building at 69 Benton Street is a 2-storey red / brown brick building featuring a side gable saltbox roof¹. The saltbox roof line may have been used to cover an extension onto the back of the house. The house has been divided into at least 3 units, with separate entrances from the raised parlour floor. The upper unit has undergone various alterations and additions, including a rear extension and attic conversion. The basement contains mechanical rooms and has a separate entrance. The interior condition is generally poor to fair, with the upper unit being in better shape.

Exterior – 69 Benton Street

The exterior of the structure at 69 Benton Street is comprised of a mix of brick, stone and / or concrete, and vinyl siding. The current colours of the house at 69 Benton Street are red / brown for the brick, navy blue for the upper portion of the front bump-out, white / cream-coloured trim and windows, and grey foundation.

The structure at 69 Benton Street has been converted into multiple rental housing units, evident in features such as the saltbox roof covering a rear extension, randomly placed and sized windows, symmetrical brick chimneys on both sides, a mix of brick and vinyl siding, large stone lintels, multiple entrances and openings accommodating unitization, boarded or covered window openings, wide overhanging eaves with evenly spaced brackets, and a primary entrance through the side of the portico into a front 2-storey rectilinear bump-out facing Benton Street.

Overall, the house at 69 Benton Street exhibits a more utilitarian or functional design, prioritizing practicality over adherence to specific aesthetic principles.

¹ The saltbox roof is an asymmetrical roof design that contains one side that slopes all the way down to the height of the first floor and is generally used to cover a single-story extension onto the back of the house.

Based on historical research below, the building may have been converted into multiple rental housing units (at least 3) within 10 years of it being constructed, and there are several features which illustrate this conversion: a saltbox roof, likely covering an extension onto the back of the house; randomly placed and sized windows; generally symmetrical brick chimneys on either side; blended brick construction with newer alterations that now include vinyl siding; large stone lintels; multiple entrances and openings placed randomly to accommodate unitization; boarded or covered window openings; wide over-hanging eaves with multiple evenly spaced brackets; and a primary entrance through the side of the portico into a front 2-storey rectilinear bump-out towards Benton Street.

69 Benton St West (Front) Facade



69 Benton St North (Side) Facade



69 Benton St East (Rear) Facade



69 Benton St South (Side) Facade



Interior – 69 Benton Street

According to the City Directories, the original house may have been converted into a multiple unit apartment building after only 10 years as a single-family home. The records appear to show the conversion into apartments as early as 1928. The conversions are evident in the interior of the house at 69 Benton Street.

In this regard, the interior has been converted into at least 3 units. All the units have a primary entrance from grade through a slightly raised parlour floor, which functions only as a landing for the 3 units. Access was granted to the upper and the lower units during the site visit.

The upper unit is in the best condition, but has been retrofit through a series of remodels, additions, and alterations. The main floor of the upper unit is not level and there are several different levels to the floors depending on the room. The finishes are newer, including the floors, and it does appear as though some of the original windows are intact. Some of the interior doors and openings on the upper floor appear to be original but are built into an asymmetrical floor plan ostensibly a result of trying to fit an independent unit into the upper level. To the rear of the upper unit, is where the saltbox roof line appears to show a rear addition attached to what would have likely been the original main wall of the building. The attic has also been converted into a living space with modern doors custom fit with corner cut-outs to accommodate the sloping roofline. Oddly, the privacy for the upper unit is limited as the stairwell to reach the unit is open to both the unit itself and the landing area / parlour floor, which is shared by the other tenants in the building. There is a glass door at the upper level to help create a separation internally for the upper-level tenant.

The basement of the house contains both the mechanical rooms for the apartment, which have been retrofit to accommodate multiple units, including an old furnace, and washing machines. The electrical panel has been updated into a breaker panel.

In the basement, you can see some of the supporting beams for the upper levels, which consist, or large 8-inch cut wood beams.

The basement unit, which was vacant at the time, features a low ceiling height, and a variety of irregularly shaped rooms and closets. The basement is dark, and likely not up to code, with much of the floorplan appearing as an afterthought in a manner ostensibly designed to fit another rental unit. There is one other entrance / exit to the basement unit which is accessed via stairwell to the outside. The stairwell was steep, irregular, and cold.

No access was granted to the ground-level unit, but when looking at its main door from the parlour floor, it appears as a business rather than a residential unit.

The interior of 69 Benton Street is obviously not original but may feature some remnant original components such as doors and door hardware, the upper-level stair railing and newel posts, and the radiators. It was unclear if the chimneys were attached to fireplaces, as the ground floor unit was not accessed. Overall, the interior condition 69 Benton is poor to fair, with the best conditions demonstrated in the upper unit.

69 Benton St (Upper Unit) Landing



69 Benton St (Upper Unit) Kitchen & Dining



69 Benton St (Upper Unit) Dining Area & Other



69 Benton St (Upper Unit) Bedroom in Addition



69 Benton St (Upper Unit) Floor Height Difference



69 Benton St (Upper Unit) Attic



69 Benton St Staircase between Upper Unit and Ground Floor



69 Benton St (Basement) Boiler System



69 Benton St (Basement) Landing



69 Benton St (Basement Unit) Living Area & Kitchen



69 Benton St (Basement Unit) Bedroom



69 Benton St (Basement Unit) Separate Staircase & Entrance



73 Benton Street

The building at 73 Benton Street is a 1.5-storey brick building featuring unsympathetic alterations to the façade to accommodate its conversion into 3 or more units.

Exterior – 73 Benton Street

The house at **73 Benton Street** is a 1.5-storey vernacular brick building. The house has been converted into 3-unit apartment building and shows multiple indications of unitization. Out of all the buildings on the subject lands, the structure at 73 Benton Street is in the worst condition, both externally and internally.

The current colours of the house at **73 Benton Street** are light blue / grey for brick, which is painted, cream-colour for some of the trim elements including the eaves, dark blue or grey for some of the decorative work around the front bay window eaves and cornice brackets, and a bright blue metal roof. The foundation is grey and the front porch was painted a dark blue, but the paint is mostly peeled off. It is noted that the original brick colour was yellow, which is exposed in some locations along the façades.

The house features an asymmetrical footprint, with the primary entrance oriented towards the northwest corner, and a cross-gabled roof. All windows on the house are contemporary rectangular windows that have been fit into original arched openings.

The house at 73 Benton Street shows signs of deterioration and unsympathetic alterations to the exterior.

Based on historical photos of the house, several original features, such as finials, vergeboarding, window shutters, and certain window and door openings, have been removed or bricked over, respectively (shown in history below). Additionally, new openings have been created in the brickwork to accommodate the conversion of the house into multiple units, and various external fixtures have been added to support individual gas lines, electrical systems, and HVAC installations.

The irregular outline or silhouette of the house consists of elements of both original structure and apartment conversion including: a large bay window to the front along Benton Street with exaggerated eaves and decorative, paired cornice brackets; modern rectangular 1:1 windows that have been fit into original arched window openings; exhaust inserts that have been cut into and retrofit directly into the front façade of the structure, likely as part of a contemporary HVAC system; a side covered porch with balcony above in the northwest corner; some newer and randomly placed windows along the sides; original window openings that are often paired, but which are now retrofit with inserts to accommodate rectangular windows, venting, and HVAC components; bricked over entrances and openings; multiple hydro meters and related gas lines; and newer upper level deck and stairs added to provide independent access to the upper-level unit, which also includes a cut opening not original to the house.

There is evidence of some damage to the exterior of the building in the form of mortar cracks and erosion, brick cracks, and holes or openings around doors/windows, and generally, the exterior of the building appears to be in poor to fair condition.

73 Benton St West (Front) Facade



73 Benton St North (Side) Facade



73 Benton St East (Rear) Facade



73 Benton St South (Side) Facade



Interior – 73 Benton Street

The interior of the house is where the greatest changes to the structure have occurred. According to the City Directories, the house may have been converted into apartments as early as 1943, transforming the original structure from a single-family home into multi-unit apartment building, with at least 3 units. It is noted that there may have been 4 units at one point, due to the presence of 4 separate hydro meters.

Access to the main floor unit and the basement and the upper-level units was granted during the site visit. The house has been extensively altered and converted to accommodate multiple rental units, and very little evidence of the original interior exists.

Generally, all the units were in poor condition, with the basement showing severe signs of mold, mildew, and rot. The upper unit showed several symptoms of damage, both tenant and landlord caused. It also appeared as though there was a fire on the main floor near the retrofit gas fireplace that has been inserted into the upper level. There are signs of burning and soot around the vent. All the kitchens, ceilings, and doors are contemporary. In the basement, there was some evidence of early machine-cut nails.

73 Benton St (Upper Unit) Storage & Damage



73 Benton St (Upper Unit) Bathroom



73 Benton St (Upper Unit) Hallway & Damage



73 Benton St (Upper Unit) Balcony Access



73 Benton St (Upper Unit) Balcony View



73 Benton St (Upper Unit) Balcony Deck



73 Benton St (Upper Unit) Exposed Eaves



Benton St (Upper Unit) Exposed Brick & Lath & Plaster



73 Benton St (Upper Unit) Fire Damage



73 Benton St (Ground Floor Unit) Retrofit Gas Fireplace



73 Benton St (Ground Floor Unit) Living & Bedroom Areas



73 Benton St (Ground Floor Unit) Kitchen



73 Benton St (Ground Floor Unit) Bathroom



73 Benton St (Ground Floor Unit) Staircase to Basement Unit



73 Benton St (Basement) Laundry Area



73 Benton St (Basement) Breaker Panels & Work Area



73 Benton St (Basement) Floor & Baseboard Heating



73 Benton St (Basement) Bedroom & Damage



73 Benton St (Basement) Mould



2.2 Adjacent & Surrounding Context

The subject lands are located within and at the western periphery of the Cedar Hill neighbourhood of the City, at the northern corner of a block that is bounded by Church Street to the north, Peter Street to the east, St. George Street to the south, and Benton Street to the west. The area encompassing the "Cedar Hill neighbourhood" differs between sources (e.g., Google, Kitchener's Interactive Mapping Application, and the Neighbourhood Association Maps), but is generally bounded by Benton Street, Courtland Avenue East, Charles Street East, and Stirling Avenue South.

Some maps show the neighbourhood extending as far west as Queen Street South along St. George Street, just north of Courtland Avenue East (see Figure 2 and 3 below).

Figure 2 – Broader Aerial Context Map

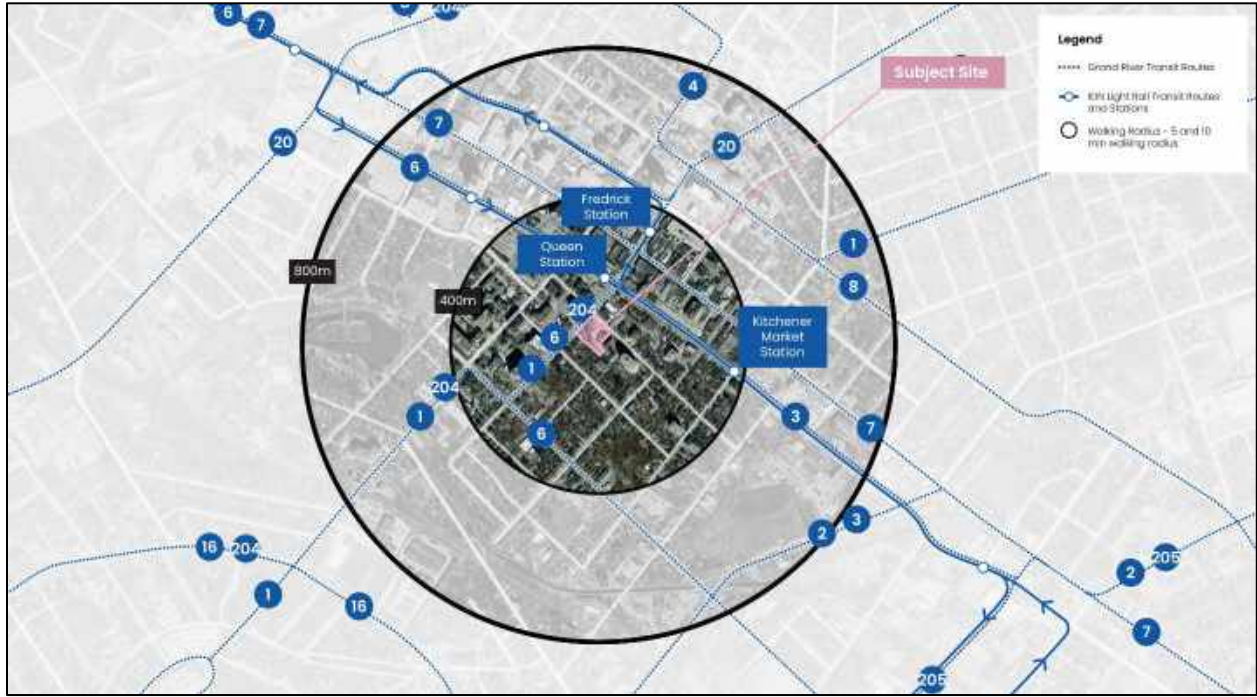


Figure 3 - Immediate Aerial Context Map



Source: VuMap, 2024

This is an area located just south of Downtown Kitchener on a raised area, with an eclectic range and mix of uses from low- to high-rise residential, institutional uses (many churches), some commercial uses, and a wide variety of both surface and higher order transit options.

The area contains several heritage properties, and just west of the subject lands is the eastern border of the Victoria Park Heritage Conservation District. Several streets internal to the Cedar Hill neighbourhood are quite narrow, but Church Street where it abuts the subject lands and Benton Streets are wider. The following section provides an overview of the lands immediately adjacent to the subject lands and nearby.

To the immediate **north** is the right-of-way (“ROW”) for Church Street, which is a local street with an ultimate planned ROW width of 18 metres between Benton Street and Cedar Street. Today, the ROW along the section of Church Street that runs adjacent to the subject lands is just over 15-metres-wide. Across the street, on the north side of Church Street, is 51 Benton Street. This property is the location of the Benton Medical Centre, a listed, non-designated property of potential cultural heritage value or interest. The structure at 51 Benton Street is a 2-storey brick building and was previously the Schreiter Sandrock Funeral Home. Generally, buildings along Church Street, north of the subject lands, are comprised of a range and mix of uses from service commercial to institutional to single-family and apartment residential. Building heights range from 2 to 8 storeys in height.

Further to the north, on the other side of 51 Benton Street, is 43 Benton Street. The property at 43 Benton Street, is 2-storey red brick designated heritage property, and was the birthplace of former Prime Minister William Lyon MacKenzie King. Further to the north is the intersection of Charles Street E and Benton Street, which contains tracks for the 301 “ION” Light Rail Transit (“LRT”) line. Approximately 225 metres from the subject lands is the intersection of Benton Street and King Street East.

It is at this intersection where Benton Street ends and Frederick Street begins. As well, this is the location of the Frederick LRT Station Stop and Downtown Kitchener, which serves as a major employment centre and a focal area for region-wide public services as well as commercial, recreational, arts and cultural and entertainment uses.

Furthermore, the Queen LRT Station Stop is located approximately 125 metres to the northwest from the subject lands, placing the lands within a 5-minute walk of LRT stations. See below site visit photos.

Benton Medical Centre at 51 Benton St North of and Adjacent to Subject Lands



View looking North Down Benton St from Church St



View North Down Benton St at Intersection with Church West Side



51 Benton St Italianate Structure



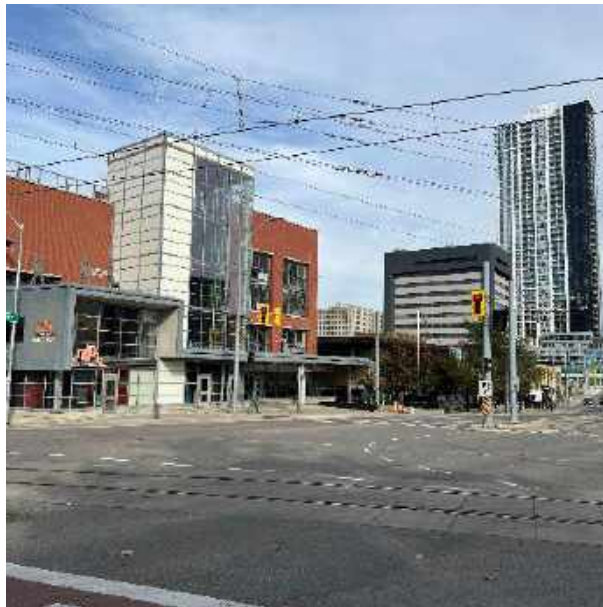
St. Matthews Lutheran Church Northwest of Lands at 54 Benton St



43 Benton St (MacKenzie King Manor) North of Subject Lands



Intersection of Benton St & Charles St E with LRT Tracks



To the immediate **east** of the subject lands is 53 Church Street, and the current location of a place of worship called the Martin Luther Church, a listed, non-designated property of potential cultural heritage value or interest. Buildings and uses east of the subject lands are generally comprised of institutional, single-family residential, and apartment residential buildings. Heights of buildings on the south side of Church Street between Benton Street and Peter Street vary, ranging from 2 to 19-storeys in height, with the tallest buildings being “Wellington Place” a 19-storey multi-unit residential building, and 74 Church Street, an 8-storey multi-unit residential building. Buildings east

of the subject lands are clad in a mix of materials from brick in different colours, to stone and concrete, to stucco. Generally, the lands east of the subject lands are representative of a more established residential neighbourhood, albeit, with a unique range of building heights atypical to an established low-rise residential neighbourhood. Other than Church Street, the exceptions in taller building heights are generally located along existing major streets like Benton Street and Cedar Street South. For example, 86 Cedar Street South contains a 14-storey multi-unit residential tower and 87-94 Cedar Street South contains a 3-storey (4-storey street appearance) mid-rise stacked townhouse development. Other tall buildings are proposed at 95-101 Cedar Street South. Internally, but still oriented towards the edge or periphery of the neighbourhood to the east is 50 Eby Street South, a 9 to 10-storey multi-unit residential building.

View looking Southeast down Church St



Church East of Subject Lands at 53 Church St



View Northeast from back of Subject Lands with Existing Tower in View



Low and Mid-Rise Building along Church St



View from East along Church St looking West



Mid-Rise Building (Cedar Hill Court) at 73 Church St



Tall Building (Wellington Place) at 81 Church St



To the immediate **south** of the subject lands are a range and mix of uses and building heights, making up the southern edge of the block described above. To the immediate south is the location of Robert J Dyck Architect & Engineering Inc., a professional services office established in a 2.5-storey vernacular brick house built between 1926 – 1927 at 79 Benton Street. This property is a listed, non-designated property on the City's Register. Just south of 79 Benton Street is 83 Benton Street, another listed, non-designated property on the City's Register.

The building at 83 Benton Street is a 2-storey late 19th century brick house. The house at 83 Benton Street is technically located adjacent to the subject lands due to the irregularity of the lot shape, but the building is separated along the street by 79 Benton Street. As such, it was agreed that 83 Benton Street need not be assessed as part of this HIA.

Further south still is the ROW of St. George Street, which provides frontage for a variety of low-rise residential houses and a 4-storey mid-rise multi-unit residential building.

Adjacent Property at 79 Benton St South of Subject Lands



Buildings South of Subject Lands along Benton St



Six-unit Apartment Building at 87 Benton St Destroyed by Fire (Now Demolished)



Colourful Townhouses South of Subject Lands along Benton St (Site of Proposed High-Rise)



Houses Along St. George St South of Subject Lands



To the immediate **west** of the subject lands is greatest variation in building typology and uses. Adjacent to the subject lands is the Benton Street ROW, which is a regional road with an ultimate planned ROW width of over 26 metres between Frederick Street and Courtland Avenue. Today, the ROW along the section of Benton Street that runs adjacent to the subject lands is just over 20-metres-wide. This section of Benton Street is also the eastern limits of the Victoria Park Heritage

Conservation District, meaning that most of the properties along the west side of Benton Street are designated properties on the City's Register under Part V of the Ontario Heritage Act.

To the northwest of the subject lands on the north corner of the intersection of Church and Benton Streets is the St. Matthews Lutheran Church at 54 Benton Street. This designated church building was constructed in 1914 of light brown brick. The building is a single storey but has a street appearance of at least 4 storeys, and features a prominent rose window, and other large stained-glass windows.

Directly across the street from the subject lands to the west is 64 Benton Street. This property contains a 15-storey high-rise, multi-unit residential condominium building built sometime between 1975 and 1980, known as the "Benton Condos".

To the southwest of the subject lands on the north corner of the intersection of Benton and St. George Streets is the Benton Street Baptist Church. The current church was constructed in 1965, with the cornerstone being laid on April 3, 1966. Further to the southwest is the Arrow Lofts building, an 8-9-storey, multi-unit residential condominium building that was adapted from the former Arrow Shirt factory. Further to the southwest is the site of "The Bow", a 16-storey multi-unit, high-rise apartment building at 120 Benton Street.

Further to the west of the subject lands, a diverse range of building uses and heights can be observed. This includes a mix of low and high-rise residential buildings, commercial establishments, and even institutional structures like the Historic St. Paul's Lutheran Church at 137 Queen Street South. If one continues even further to the west, towards the southwest from the subject lands and near the intersection of David and Joseph Streets, they will encounter the beginning of Victoria Park, also known as "Willow River Park," along with the Charles Street bus terminal.

View West along Church St from Subject Lands



View West from Parking Lot on Subject Lands



Arrow Lofts at 112 Benton St & The Bow at 120 Benton St



Benton St Baptist Church & Arrow Lofts Interface



Benton St Baptist Church & 64 Benton Condominiums



Interface between Benton St Baptist Church & 64 Benton Condominiums



Continuation of Church St Uses looking West



Uses Southwest from Subject Lands along Benton St



Heights in the Neighbourhood

Building heights in the Cedar Hill neighbourhood include a mix of low-rise, mid-rise, and high-rise built forms. Although the predominate build heights are low-rise, there are several mid-rise and tall buildings scattered throughout the Cedar Hill neighbourhood, predominantly along major streets, including Regional roads such as Benton Street, Charles Street East, and Courtland Avenue East, as well as City Arterials like Queen Street East, and Major Community Collectors like Cedar Street South and Stirling Avenue South.

Church Street, on the other hand, boasts the most unique configuration of building heights, featuring the tallest building in the neighbourhood just down the road from the subject lands along an existing local road. **Figure 4** provides a visual representation of this distinctive arrangement.

Figure 4 - Map of Mid- to High-Rise Buildings within the Cedar Hill Neighbourhood



Source: Google Maps, 2023

Beyond the Cedar Hill neighbourhood, as you move closer to the Downtown area, particularly to the north and northwest, there is a noticeable increase in the presence of tall buildings. The subject lands are located within the northwest corner of the Cedar Hill neighbourhood and are therefore situated at the edge of this transition.

2.3 Heritage Context

The subject lands are not listed or designated properties cultural heritage value or interest on the City of Kitchener Heritage Register, nor are they located within a Heritage Conservation District or within a Heritage Corridor as set out on Map 11 Integrated Transportation System of the City's Official Plan. The area showcases a mix of construction dates, building typologies, and heights, blending early and late housing styles, high-rise structures, and institutional buildings.

The lands are located within the Cedar Hill Neighbourhood Cultural Heritage Landscape study area as described in Kitchener's 2014 Cultural Heritage Landscape Study (approved by Council in 2015) and are now part of the combined Cedar Hill and Schneider Creek Neighbourhood Cultural Heritage Landscape ("CHSC-CHL") on the Official Plan Amendment to Map 9 Cultural Heritage Resources (Schedule E) via the Growing Together framework.

The CHSC-CHL is not a designated (protected) Heritage Conservation District, but is, to our understanding, now subject Policies 12.C.1.50 to 12.C.1.53 in the new Growing Together framework recently approved by Council. According to these policies, the Cedar Hill and Schneider Creek Neighbourhood features priority locations at gateways that highlight the area's unique topography and local streetscapes.

Notably, the intersection of Benton Street at Church Street looking to the southeast is identified in Policy 12.C.1.51(g). Corner properties at these intersections (such as the subject lands) are of specific cultural heritage interest. Future development should consider transitions in a way that preserves and enhances these views and the characteristic streetscape, particularly where heritage buildings are located. Notwithstanding, Growing Together Policy 12.C.1.51, our understanding is that there are no specific attributes identified or associated with the view at the intersection of Benton Street at Church Street looking to the southeast.

Generally, most of the lands within and immediately around Downtown Kitchener are associated with a potential Cultural Heritage Landscape, and any development generally triggers a review of the potential cultural heritage value or interest. Reportedly, the structure at 157-159 Benton Street approximately 395 metres to the south at the northeast corner of Benton Street and Martin Street, is the oldest house in the Benton, Cedar, Courtland, and Mill Street area, built around 1879.

According to City heritage staff, two of the parcels forming the subject lands (i.e., 51 Church Street and 79 Benton Street) were identified as properties of specific interest within the Cedar Hill Neighbourhood CHL (original Cultural Heritage Landscape Study) for their adjacency to properties listed on the Register.

The subject lands are located adjacent to 4 listed (non-designated) properties of potential cultural heritage value or interest and are across the street from 2 designated properties of cultural heritage value or interest and the eastern boarder of the Victoria Park Heritage Conservation District ("VPA-HCD"). The 2 designated properties are protected under the Part V Designation By-law 96-91, through the VPA-HCD.

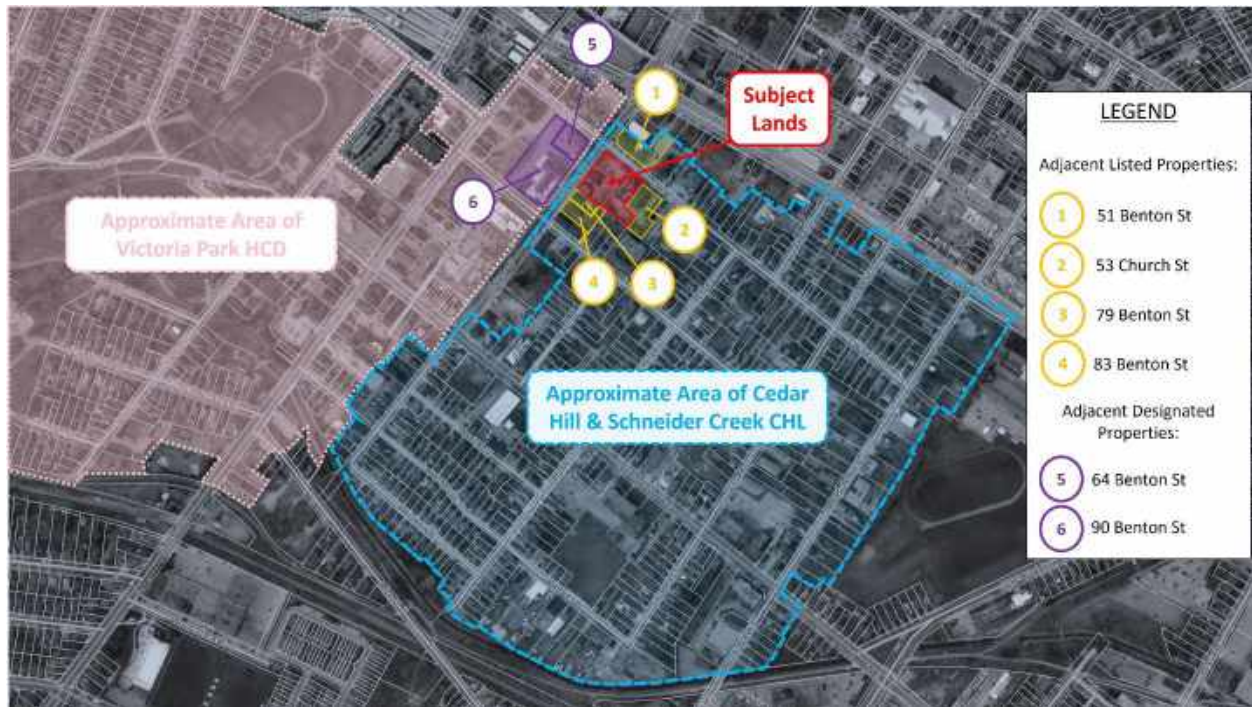
Through discussions with City heritage staff, it was confirmed that the focus of the HIA was on the assessment of potential impacts to the adjacent listed properties at 51 and 79 Benton Street and 53 Church Street, and the adjacent designated properties at 64 and 90 Benton.

It was also confirmed that the HIA did not need to address potential impacts on any nearby listed or designated properties such as 54 Benton Street or 43 Benton Street (designated), or 83 Benton Street (listed). The property at 83 Benton Street is technically adjacent (due to the irregularity of the lot's "L-shape" touching the subject lands) but separated by the parcel and structure at 79 Benton Street (see **Figure 5: Heritage Context Map**).

Note that the figure below is intended to illustrate the adjacent designated and listed heritage properties near the subject lands. It does not show a comprehensive list of all listed or designated properties on the map extents. It also shows the approximate boundaries of the VPA-HCD and the Cedar Hill and Schneider Creek Neighbourhood Cultural Heritage Landscape, noting that these boundaries may be imprecise due to scaling.

Additionally, the figure does not indicate areas excluded from the Part V designation for the VPA-HCD, which includes 112 Benton Street; 24, 26, 30, 34 Courtland Avenue East; 22, 35 Courtland Avenue West; 82 Heins Avenue; 25, 163 Joseph Street; 13-15 Oak Street; 202, 214, 307, 560 Queen Street South; 23 Roland Avenue; 17, 43, 76 Schneider Avenue; 100 Water Street South; 150 Water Street South; and 73 Heins Avenue.

Figure 5 - Heritage Context Map





TOWER COMPONENT
L5 - L40 RESIDENTIAL UNITS

UPPER PODIUM
L3 & L4 RESIDENTIAL UNITS

3.0

Proposal

3.0 PROPOSAL

The owners are proposing a redevelopment of the subject lands to construct a new high-rise building with mixed residential and commercial uses. The building is proposed to be 40 storeys tall featuring a 4-storey podium. Along the western and northwest edges of the podium, there will be commercial units at street level, while the southern edge will have six townhouse units. The redevelopment plan includes three levels of underground parking and no above-ground parking.

In total, the project will provide 505 new residential units, and over 618 square metres of commercial space on the ground floor. Vehicular access will be available from Church Street, situated between the existing church at 53 Church Street and the podium.

The main objective of the redevelopment is to revitalize an underutilized and partially vacant land assembly in the urban area of the City within a Protected Major Transit Station Area. The aim is to create additional housing for the neighbourhood with densities that support public transit, all within walking distance of an existing transit station.

To achieve the most efficient building envelope and form, the existing structures on the subject lands will be demolished. A site plan control application is necessary to facilitate the redevelopment proposal and bring the mixed-use high-rise building to fruition on the subject lands.

Since the subject lands are located adjacent and near to heritage properties and fall within the CHSC-CHL, the development applications must be accompanied by a Heritage Impact Assessment (HIA).

Podium and Tower

The podium of a tall building can help anchor the tower and defines the pedestrian experience at the street. Its location and height can also help to frame and create a positive relationship to the street. The podium of the proposed building has been carefully designed to include a mix of horizontal and vertical elements, to reinforce a human scale.

With respect to heritage, one of the elements adopted in the podium design has been a horizontal banding at the theoretical datum line representative of the historic building heights along the east side Benton Street and the south side of Church Street. This banding is introduced into the podium using articulation, materiality, and colour, and provides an homage to the roof lines of the building still existing along these sections of the street and the ones that are proposed to be removed as part of the redevelopment.

To the north (interface with Church Street), the building is proposed to be set back from Church Street by between 1.6 and 2.1 metres (post widening) from the property line to the main outer wall of the podium. Pre-road widening, the podium would be set back about 5 metres from the existing edge of the street. The tower is proposed to be stepped back between 4 and 5 metres from the Church Street frontage (post widening) and more than 3.0 metres from the podium along Church Street.

To the east (interface with 53 Church Street), the tower will be stepped back more than 7.5 metres from the podium to create separation from the church at 53 Church Street, and the distance between the property line to the nearest main building wall will be at least 20 metres and more than 27 metres between property line and the tower. The closest distance between the edge of the church at 53 Church Street and the tower component will be more than 27.5 metres. Furthermore, the northwest corner of the podium has been cut to create enhanced sight lines for pedestrians and traffic at the corner of Benton and Church Street and to reduce the pinch at this intersection.

To the south (79 Benton Street interface), the building is proposed to be set back between about 6 to just over 8 metres from the main outer wall of the podium to the property line. The tower will be stepped back an additional 20 + metres from the southern edge of the podium. The nearest distance between the main outer walls of the existing structure at 79 Benton Street and the podium of the proposed building is more than 14.5 metres. When coupled with the tower step back, this distance will be nearly 35 metres.

To the west (interface with Benton Street), the building is proposed to be set back between 0 and 0.5 metres from the property line to the main outer wall of the podium (post road widening). Pre-road widening, the podium would be set back more than 3.5 metres. The tower is proposed to be stepped back by about 6.5 metres from the Benton Street frontage nearest to the intersection with Church Street and about 6.4 metres nearest to the southwest corner (post widening), and more than 5.7 metres from the edge of the podium along Benton Street.

The site plan, elevation drawings, and renderings below help visualize the proposal in greater detail (see **Figures 6 - 9**).

Figure 6 – Massing View from Northeast

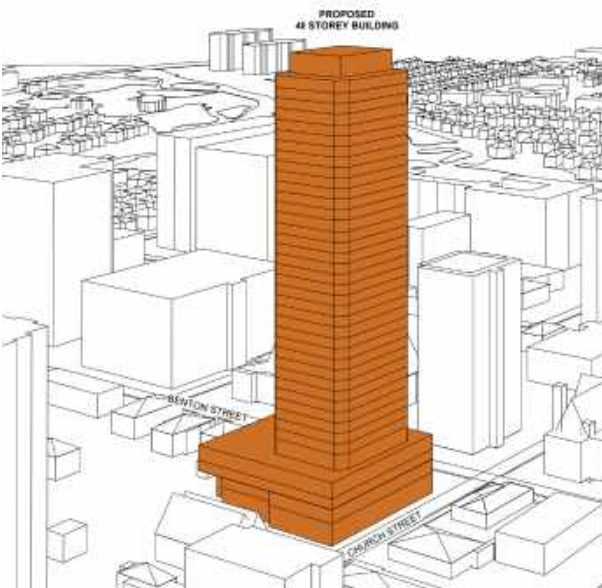


Figure 7 - Massing View from Southeast



Figure 8 - Massing View from Northwest

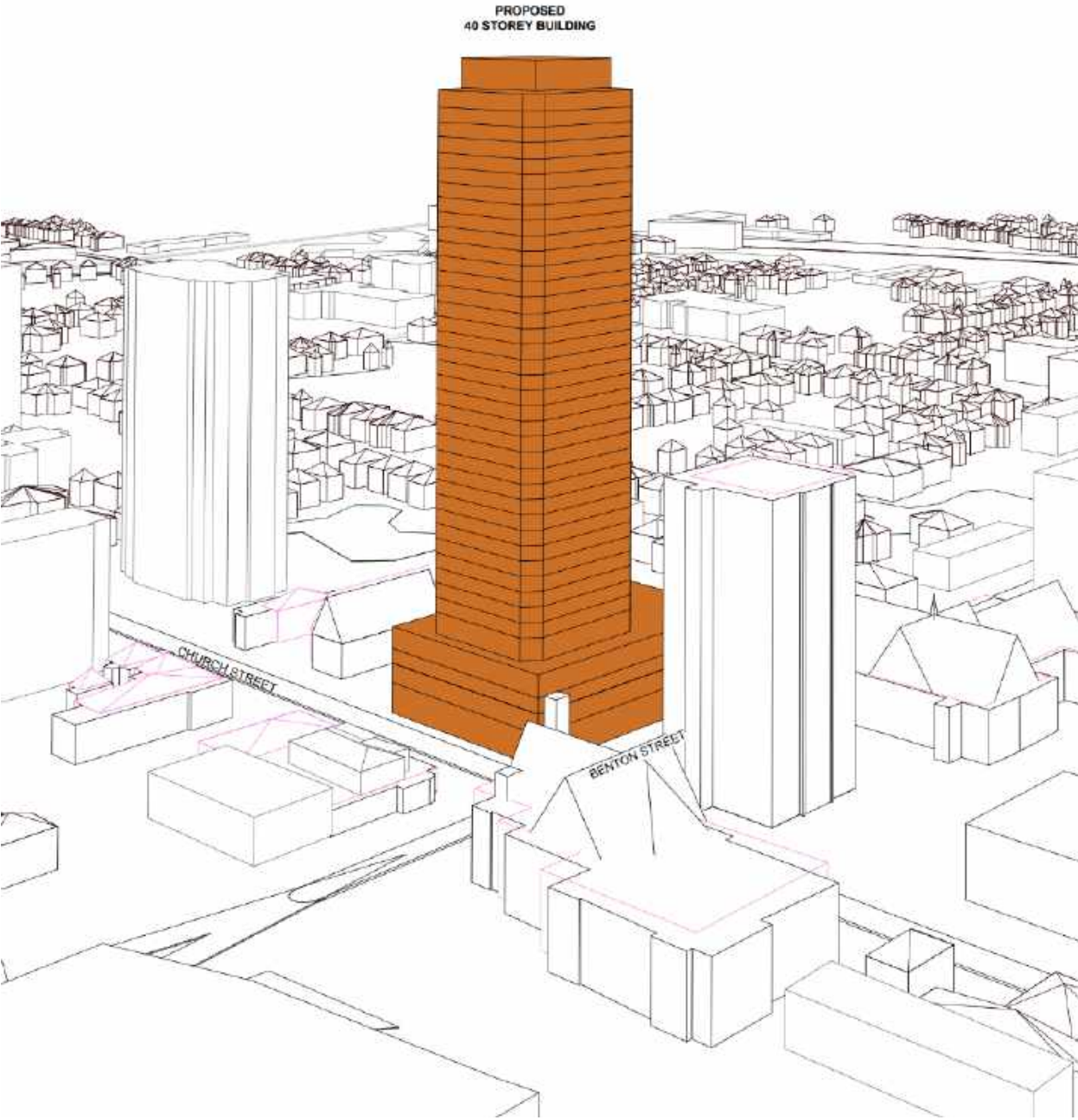


Figure 11 - Rendering looking Northeast



*Figure 12 - Rendering looking Southeast
(Intersection of Church & Benton St)*



Figure 13 - Rendering along Benton St to North



Figure 14 - Rendering of Corner



Figure 15 - Rendering of Western Interface



Figure 17 - Rendering South along Benton St



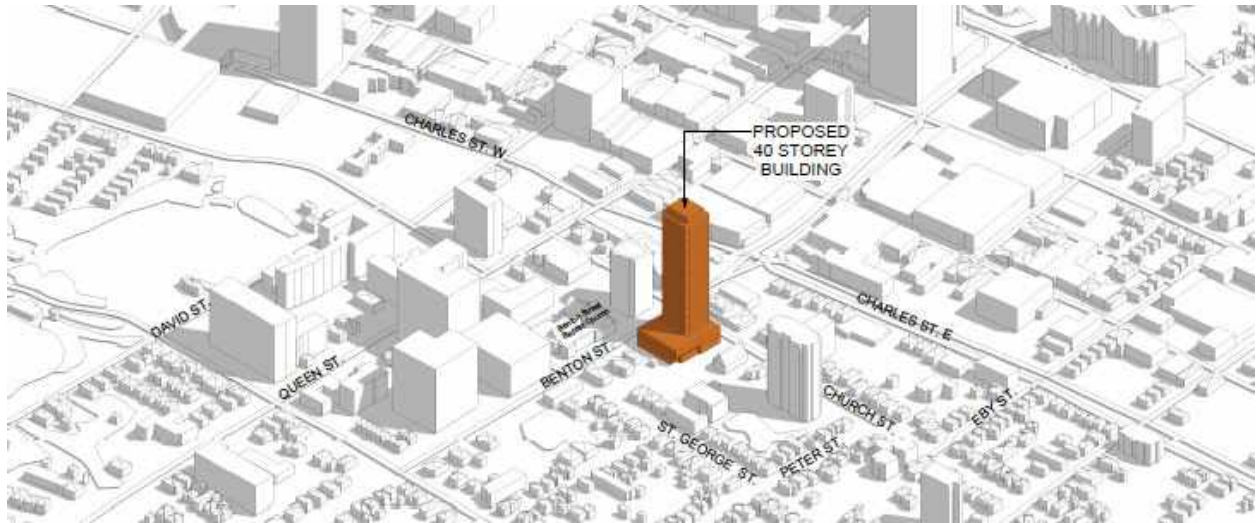
Figure 16 - Rendering of Southwest Corner



Figure 18 - Rendering of Southern Interface



Figure 19 - 3D Context View





4.0

Policy & Regulatory Context

4.0 POLICY & REGULATORY CONTEXT

4.1 Planning Act

The Planning Act, R.S.O. 1990, c. P.13 (the “Planning Act”) is provincial legislation that sets out the ground rules for land use planning in Ontario. It describes how land uses may be controlled, and who may control them. The Planning Act includes several sections that speak to matters relating to cultural heritage, including those matters of provincial interest in Section 2, which among other matters, states that:

The Minister, the council of a municipality, a local board, a planning board, and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

(d) the conservation of features of significant architectural, cultural, historical, archaeological, or scientific interest; [...].

In order to refine the matters of provincial interest described in Section 2 of the Planning Act, policy statements are issued on matters relating to municipal planning that are of provincial interest. In this regard, the in-force 2020 Provincial Policy Statement was prepared, which sets the rules for land use planning in Ontario.

4.2 Provincial Policy Statement

The 2020 Provincial Policy Statement (“PPS”) covers policies about managing growth, using, and managing natural resources, protecting the environment, and public health and safety. The PPS provides policy direction on matters of provincial interest including the wise use and management of cultural heritage resources.

Section 2.6 of the PPS provides specific policy direction with respect to cultural heritage and archaeology. Specifically, Policy 2.6.1 provides that significant built heritage resources and significant cultural heritage landscapes shall be conserved.

4.3 Proposed Provincial Planning Statement

The Ministry of Municipal Affairs and Housing (“MMAH”) is currently consulting on an updated proposed Provincial Planning Statement (ERO # 019-8462) that incorporates feedback received through the previous consultation on the earlier proposed Provincial Planning Statement (ERO #019-6813). The 2024 Proposed Provincial Planning Statement (dated April 10, 2024) includes policies for an integrated province-wide land use planning policy document, that would replace the existing Provincial Policy Statement and A Place to Grow: Growth Plan for the Greater Golden

Horseshoe combining certain aspects of those two policy documents into new policy document proposed as the “Provincial Planning Statement”.

Through the updated proposed Provincial Planning Statement, the government is proposing policies grouped under five pillars: generate an appropriate housing supply, make land available for development, provide infrastructure to support development, balance housing with resources, and implementation.

Under the theme of “balancing housing with resources”, the updated proposed Provincial Planning Statement proposes updates to the cultural heritage policies to align with Ontario Heritage Act amendments introduced through recent Bills (e.g., Bill 108 and Bill 23). In this regard, Section 4.6 (Cultural Heritage and Archaeology) of the updated proposed Provincial Planning Statement, the focus is now on conserving protected heritage properties, which is a defined term. Accordingly, under the updated proposed Provincial Planning Statement, protected heritage properties are those:

- designated under Part IV or VI of the Ontario Heritage Act;
- property included in an area designated as a heritage conservation district under Part V of the Ontario Heritage Act;
- property subject to a heritage conservation easement or covenant under Part II or IV of the Ontario Heritage Act;
- property identified by a provincial ministry or a prescribed public body as a property having cultural heritage value or interest under the Standards and Guidelines for the Conservation of Provincial Heritage Properties;
- property with known archaeological resources in accordance with Part VI of the Ontario Heritage Act;
- property protected under federal heritage legislation;
- and UNESCO World Heritage Sites.

Under the updated proposed Provincial Planning Statement, the subject site would not meet the definition of a protected heritage property.

The updated proposed Provincial Planning Statement is not yet in force and effect, and this section was provided for reference only to the emerging new planning framework.

Generally, in our opinion, the updated proposed Provincial Planning Statement removes the language around conserving properties “listed” on a municipal register, in favour of conserving properties that already have some form of legal protection.

4.4 Heritage Act

The Ontario Heritage Act, R.S.O. 1990, c. O.18 (the “Heritage Act”), is provincial legislation that sets out the ground rules specifically for the protection of heritage properties and archaeological sites in Ontario. The Heritage Act came into force in 1975, and has been amended several times, including in 2005 to strengthen and improve heritage protections in Ontario, amended again in recent years through Bill 108 in July 2021, in November 2022 through Bill 23, and in December 2023 through Bill 139.

Under the Heritage Act, O. Reg. 9/06 sets out the criteria for determining cultural heritage value or interest for properties that may be designated under Section 29 of the Heritage Act, which were amended following Bill 23 through O. Reg. 569/22.

Bill 23 received Royal Assent on November 28, 2022, and has now been enacted as Chapter 21 of the Statutes of Ontario, 2022.

The Ontario Heritage Act (OHA) enables the protection of properties and districts under Part IV and Part V designations and provides the legislative bases for applying heritage easements to real property.

Ontario Heritage Tool Kit

The Ontario Heritage Tool Kit (“OHTK”) is a series of guides designed to help understand the heritage conservation process in Ontario. The OHTK guides explain the steps to undertake the identification and conservation of heritage properties using the Ontario Heritage Act. They also describe roles community members can play in municipal heritage conservation, as participants on municipal heritage committees, or through local research conducted by groups with an understanding of heritage.

Following recent amendments to the Heritage Act, the OHTK was updated to assist users understand the changes. Some changes to the Heritage Act came into effect as O. Reg. 385/21 on July 1, 2021, but the OHTK drafts dated May 2021 were never finalized. Notwithstanding, the May 2021 draft of the OHTK are still posted on the Environmental Registry of Ontario (ERO # 019-2770), and as such, are helpful in understanding the revisions being considered by the Province.

The original OHTK consist of five documents. The document entitled “Heritage Resources In The Land Use Planning Process” and specifically Info Sheet #5: Heritage Impact Assessments and Conservation Plans are the most applicable to this HIA and set out the high-level types of negative impacts to be considered. These negative impacts include, but are not limited to:

1. **Destruction** of any, or part of any, significant heritage attributes or features;
2. **Alteration** that is not sympathetic, or is incompatible, with the historic fabric and appearance;
3. **Shadows** created that alter the appearance of a heritage attribute or change the viability of a natural feature or plantings, such as a garden;
4. **Isolation** of a heritage attribute from its surrounding environment, context, or a significant relationship;
5. Direct or indirect obstruction of significant views or vistas within, from, or of built and natural features;
6. **A change in land use** such as rezoning a battlefield from open space to residential use, allowing new development or site alteration to fill in the formerly open spaces; and
7. **Land disturbances** such as a change in grade that alters soils, and drainage patterns that adversely affect an archaeological resource.

The May 2018 draft OHTK document entitled, “Designating Heritage Properties” is also relevant to this HIA as it describes what designation is and how it works to protect cultural heritage properties,

and how designation can work to conserve the heritage value of a property by managing alterations and supporting ongoing maintenance and conservation, among other matters.

4.5 A Place to Grow: Growth plan for the Greater Golden Horseshoe

A Place to Grow: The Growth Plan for the Greater Golden Horseshoe, 2019 (the “Growth Plan”) came into effect as of May 16, 2019, replacing the previous 2017 Growth Plan. All decisions made on or after May 16, 2019 in respect of the exercise of any authority that affects a planning matter must conform with the Growth Plan, subject to any legislative or regulatory provisions providing otherwise.

Subsequently, on August 28, 2020, the Growth Plan was amended by Growth Plan Amendment No. 1. The Growth Plan provides a framework for implementing the Province’s vision for managing growth across the Greater Golden Horseshoe (GGH) to the year 2051 and supports the achievement of complete communities.

The subject lands are located within the GGH, and therefore, the policies of the Growth Plan apply.

The Guiding Principles, which are important for the successful realization of the Growth Plan, are set out in Section 1.2.1. Key principles relevant to the proposal include:

- supporting a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households; and
- conserving and promoting cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Métis communities.

In this regard, Section 4.2.7 of the Growth Plan sets out the policy framework for cultural heritage resources within the GGH. Specifically, Policy 4.2.7.1 states that *cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.*

In the GGH, the focus for growth and development is generally directed to settlement areas with a priority on intensification, focused within strategic growth areas, including urban growth centres and major transit station areas, as well as brownfield sites and greyfields.

Settlement areas are urban areas and rural settlements within municipalities (such as cities, towns, villages, and hamlets) that are: a) built up areas where development is concentrated, and which have a mix of land uses; and b) lands which have been designated in an official plan for development in accordance with the policies of this Plan.

The subject site is located within the City of Kitchener, which is a settlement area, and is within a Strategic Growth Area. Strategic Growth Areas are areas within settlement areas, nodes, corridors, and other areas that have been identified by municipalities or the Province to be the focus for accommodating intensification and higher-density mixed uses in a more compact built form. Strategic growth areas include urban growth centres, major transit station areas, and other major opportunities that may include infill, redevelopment, brownfield sites, the expansion or conversion of existing buildings, or greyfields. Lands along major roads, arterials, or other areas with existing

or planned frequent transit service or higher order transit corridors may also be identified as strategic growth areas.

Considering these factors, the subject lands are intended for growth and intensification but given their adjacency to listed properties of potential cultural heritage value or interest must consider, a balanced approach between the growth and heritage conservation directives set out in the Growth Plan.

4.6 Region of Waterloo Official Plan

The Region of Waterloo Official Plan (ROP) is the guiding document for the Region's growth until 2031, currently being reviewed for planning until 2051.

The subject lands are in the City of Kitchener, and the ROP policies apply to the proposed redevelopment, requiring conformance.

Waterloo Region aims to create a livable community with diverse employment opportunities and easy access to services. Cultural heritage elements contribute to the region's character, and the ROP implements a planned community structure based on nodes, corridors, and development areas connected by transportation networks.

The subject lands are within the Urban, Built-Up Area of the ROP's Map 3a.

The ROP emphasizes growth in urban areas, particularly through reurbanization in existing built-up areas. Reurbanization includes infill, intensification, adaptive reuse, and redevelopment.

The subject lands are within a Major Transit Station Area, making them a focal point for intensification and redevelopment, both forms of reurbanization.

The ROP's general development policies prioritize the conservation of cultural heritage resources and support the adaptive reuse of historic buildings.

Policy 3.G.13 in Section 3.G of the ROP requires Heritage Impact Assessments for proposed developments involving designated or non-designated heritage resources listed on the Municipal Heritage Register.

Region of Waterloo Official Plan Review

The Region of Waterloo recently reviewed the Regional Official Plan (ROP) to guide long-term growth until 2051.

ROP Amendment 6 (ROPA 6) was adopted on August 18, 2022, and approved with modifications by the Ministry of Municipal Affairs and Housing (MMAH) on April 11, 2023. ROPA 6 includes policies for growth and development until 2051, with twelve modifications made by the MMAH.

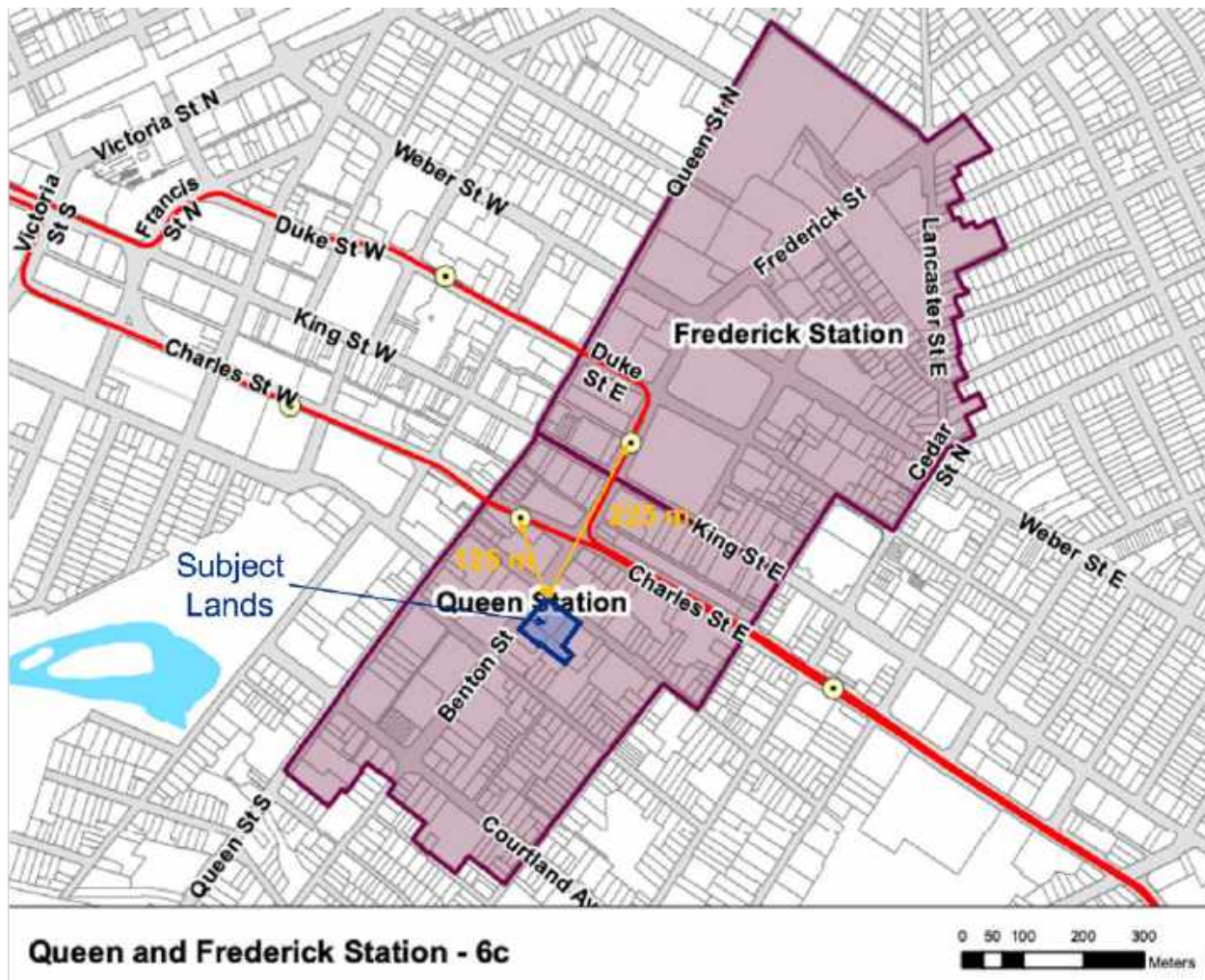
Two objectives of ROPA 6 are to accommodate new residents, jobs, and housing units while developing 15-minute neighbourhoods.

ROPA 6 is the first phase of a two-phase process to update the ROP, including policies regarding cultural heritage resources in the second phase.

Conserving and promoting cultural heritage resources, supporting Indigenous communities, and adaptive reuse of built heritage resources are guiding principles in ROPA 6.

Changes in ROPA 6 include delineating Urban Growth Centre (UGC) boundaries and identifying Major Transit Station Areas (MTSAs) aligned with ION LRT stations. The subject lands are within the Queen and Frederick Station MTSAs according to Figure 6c of ROPA 6 (see **Figure 20**).

Figure 20 - Figure 6c, ROPA 6



Considering these factors, the subject lands are intended for reurbanization, but given their adjacency to other heritage properties and their location within the CHSC-CHL, this assessment must balance heritage conservation with regional land use planning and growth directives.

Bill 150, the Planning Statute Law Amendment Act, 2023, passed on December 5, 2023, enacted the Official Plan Adjustments Act, 2023 ("Bill 150"). This Act reversed the Ministerial changes to the ROP for 12 municipalities, including Waterloo Region, except in specific circumstances like

ongoing construction or contravention of existing provincial laws and regulations. The intent was to ensure Ministerial decisions align with the Province's goal of building 1.5 million homes while maintaining public trust.

Regional and local planning staff discussed the Provincial modifications to the ROP, submitting feedback to the Ministry of Municipal Affairs and Housing by December 7, 2023. On February 20, 2024, Bill 162, the Get It Done Act, 2024 ("Bill 162") was introduced in the Ontario legislature. Now in its Third Reading, Bill 162 is intended to accelerate the construction of transit, housing, and infrastructure projects to support Ontario's growing population while making life more affordable for families and businesses across the province. Bill 162 proposes amendments to a number of different statutes, including the Official Plan Adjustments Act, 2023 to modify a number of official plans and official plan amendments and to retroactively re-enact these changes.

Whereas Bill 150 reversed certain provincial decisions on official plans affecting 12 municipalities, including Waterloo Region through the Table to section 1 of Bill 150, Bill 162 aims to replace this table with a new one.

As of now, our understanding is that ROPA 6 is not yet in force and effect but remains an adopted document. Notwithstanding the status of Bill 162, the subject lands should be considered under the emerging framework set out in ROPA 6, as it was adopted by Regional Council through By-law No. 22-038.

4.7 City of Kitchener Official Plan & Growing Together Framework

The City of Kitchener Official Plan ("OP") establishes goals, policies, and frameworks for managing land use and its impacts on the city's environment. It plays a crucial role in decision-making and future planning.

The current OP was approved in November 2014, with subsequent amendments and updates, and its appeals withdrawn from the Ontario Land Tribunal ("OLT"). However, certain parts of the OP are deferred for further consideration, and generally the OP must be updated to plan for the new 2051 planning horizon.

On March 19, 2024, Kitchener City Council unanimously approved the "Growing Together" framework, aiming to address the housing crisis and accommodate the City's growth, particularly around the ION LRT system. The plan aligns with Ontario's planning framework, emphasizing intensification around transit, and focuses on certain Major Transit Station Areas ("MTSAs") identified by the Region of Waterloo.

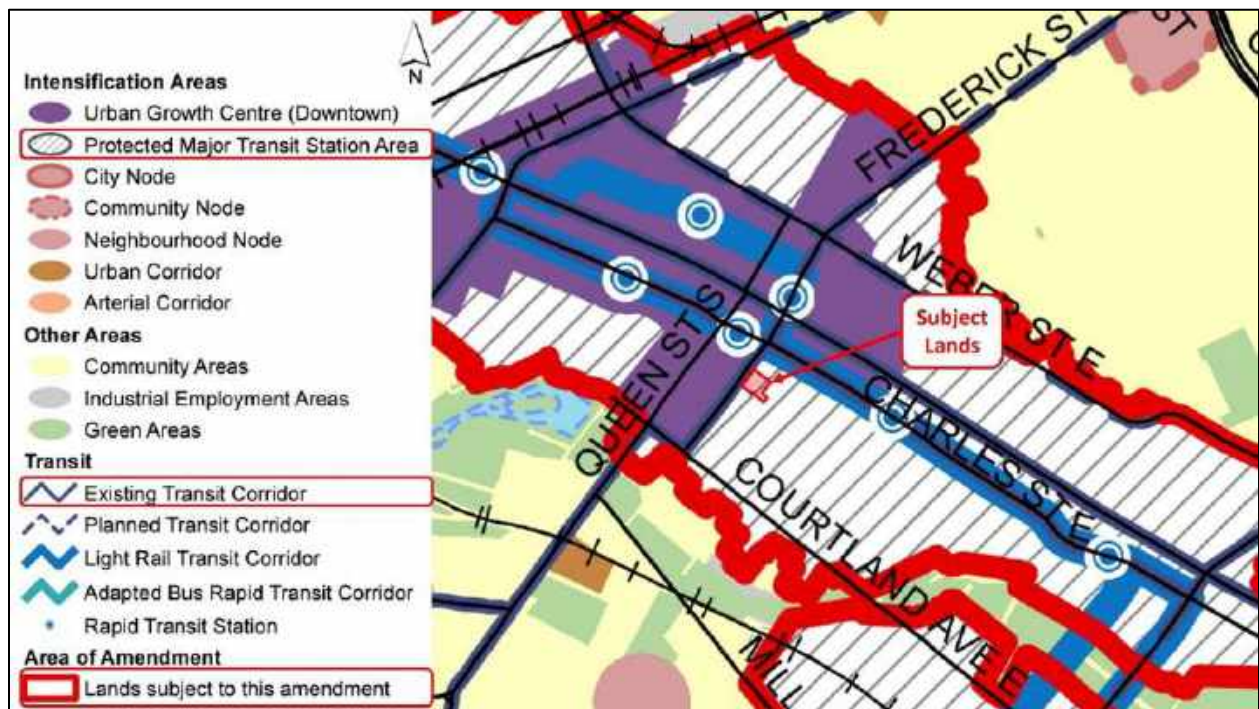
The Growing Together framework is intended to assist in the creation of over 100,000 new homes, including at least 20,000 "missing middle" homes, and incorporates an inclusionary zoning policy to ensure affordable housing in new developments, potentially providing 4,500 affordable units. The Growing Together project is the continuation of the City's ongoing planning review process that began with Planning Around Rapid Transit Stations (PARTS) and advanced through the Neighbourhood Planning Review (NPR) project. This includes the Cedar Hill and Schneider Creek neighbourhood planning review, which to our understanding, has been wrapped up with the Growing Together project.

The plan introduces new zoning rules allowing various housing types without density maximums or parking minimums and promotes a mix of uses and flexible built form regulations. The project's extensive community engagement received international recognition, with over 1,400 people engaged through various channels.

Our understanding is that the Growing Together framework consolidates several planning documents, such as the Cedar Hill Secondary Plan and PARTS, into a City-initiated Official Plan Amendment (OPA23/016/K/JZ). This amendment aims to implement a land use planning framework for seven of the City's Protected Major Transit Station Areas. It includes amendments to the Urban Structure, Land Use, Specific Policy Areas, and Cultural Heritage Resources mapping and text. The proposed amendment is detailed in the Official Plan Amendment, as outlined in Report DSD-2024-128, Attachment 'A'.

Under the new Growing Together framework, the subject lands are identified within a Protected Major Transit Station Area ("PMTSA") and are found along an Existing Transit Corridor on Official Plan Amendment to Map 2 Urban Structure (Schedule A). Furthermore, the subject lands are designated as *Strategic Growth Area C* on Official Plan Amendment to Map 3 Land Use (Schedule B) and are located within the Queen and Frederick MTSA on Official Plan Amendment to Map 4 Protected MTSA's And UGC (Schedule C). Lastly, the subject lands are included within the Official Plan Amendment to Map 9 Cultural Heritage Resources (Schedule E) and are located within the Cedar Hill and Schneider Creek Neighbourhood Cultural Heritage Landscape on that amended Schedule. See below figures for visual reference.

Figure 21 - Official Plan Amendment to Map 2 Urban Structure (Schedule A)



MTSAs are intended as areas set out to support transit and rapid transit by providing an area within which to focus growth; providing connectivity to the transit system; achieving a mix of

residential, office, institutional, and commercial development, wherever appropriate; and having streetscapes and a built form that is pedestrian-friendly and transit oriented. PMTSAs are a subset of MTSAs where the Council-approved inclusionary zoning policy framework can be implemented.

Figure 22 - Official Plan Amendment to Map 3 Land Use (Schedule B)



Figure 23 - Official Plan Amendment to Map 4 Protected MTSAs And UGC (Schedule C)

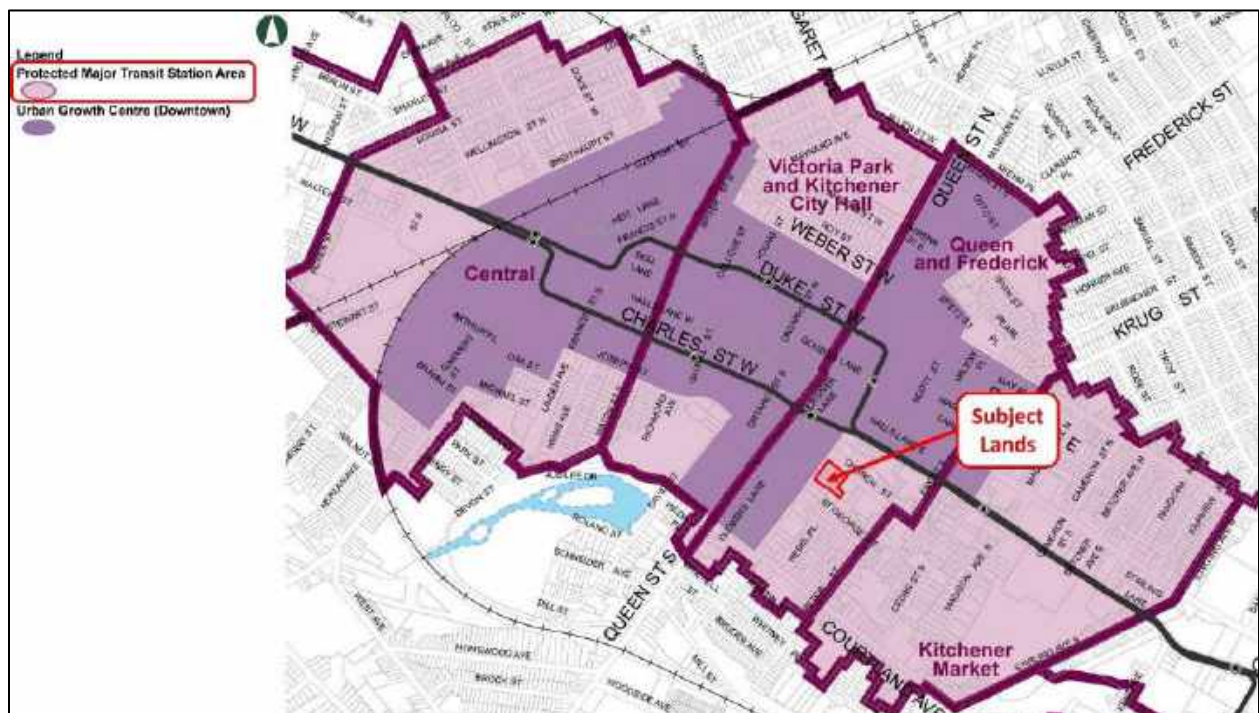


Figure 24 - Official Plan Amendment To Map 9 Cultural Heritage Resources (Schedule E)

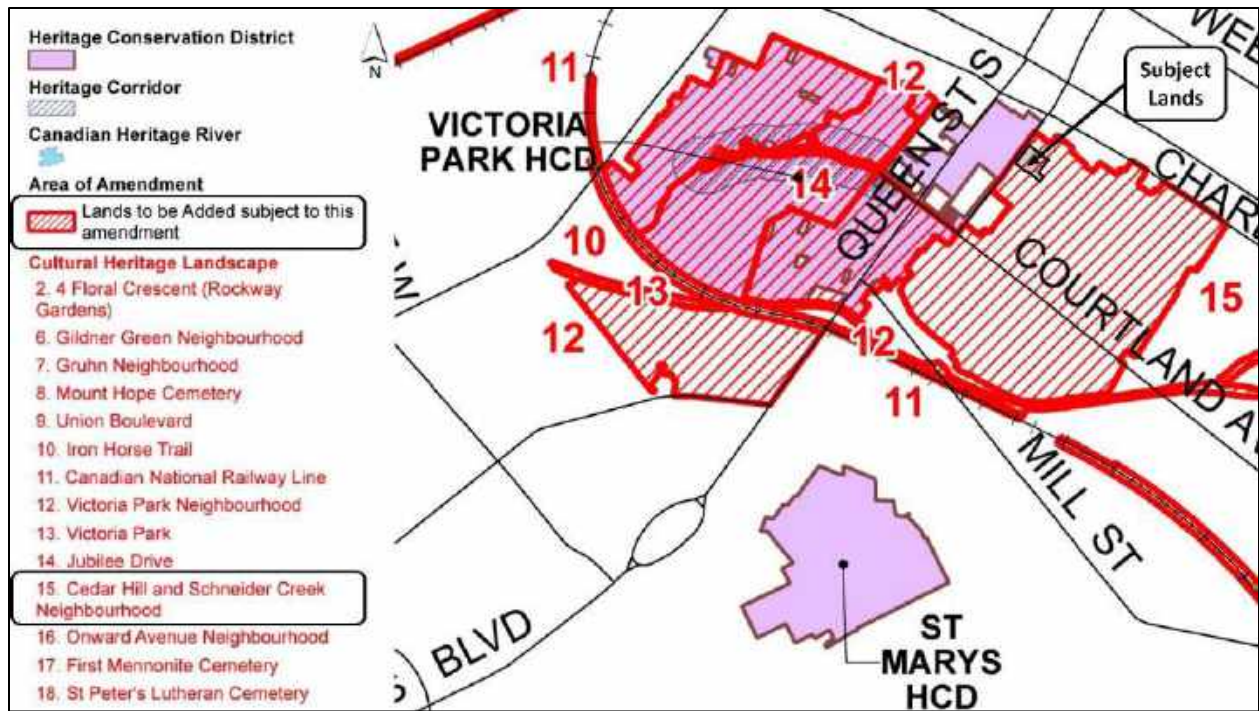
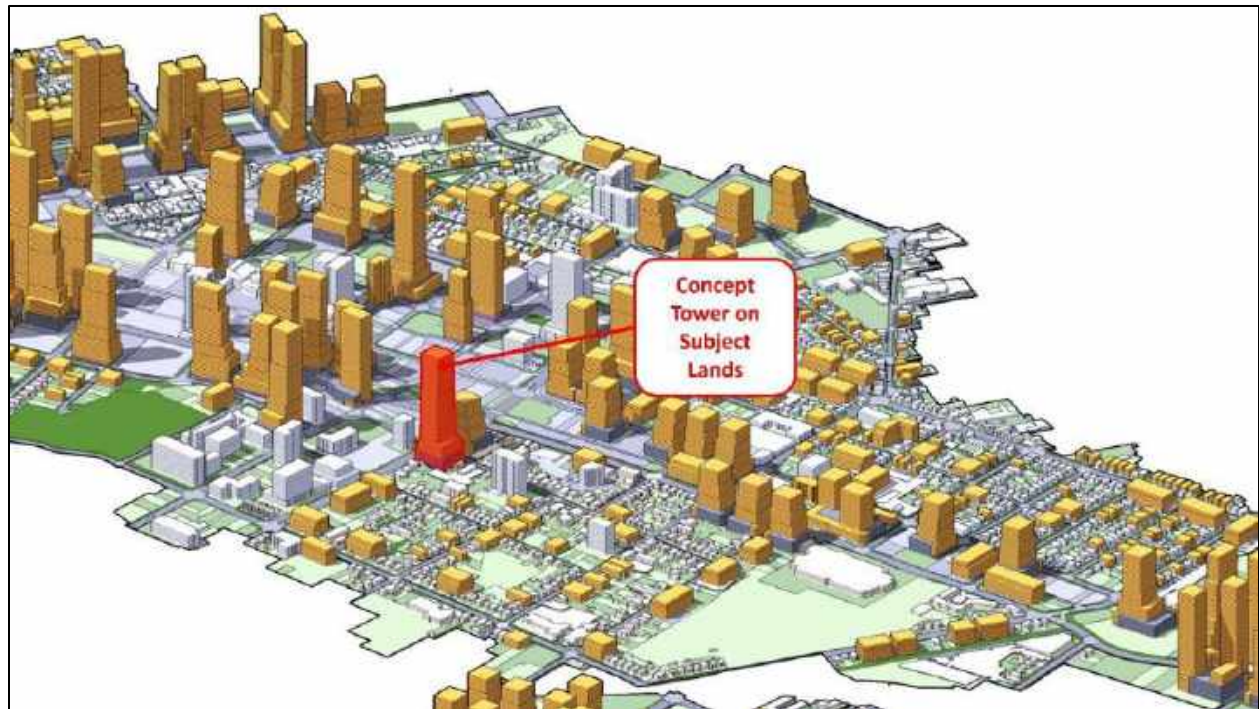


Figure 25 - Growing Together Supporting Documents March 2024 - Enabling Homes for Generations



The Growing Together framework amends Part C, Section 3.C.2 of the OP by adding new policy 3.C.2.18, which among other PMTSAs, states that the Queen and Frederick Protected Major

Transit Station Areas shall be planned to achieve a minimum density of 160 residents and jobs combined per hectare. According, Strategic Growth Area C (which the subject lands are designated) is subject to new policies stemming from the Queen and Frederick PMTSA.

The *Strategic Growth Area C* land use designation is intended to accommodate significant intensification at high density. Lands designated *Strategic Growth Area C* are generally centrally located within Intensification Areas and/or represent redevelopment opportunities at higher density.

It is anticipated that some areas within the *Strategic Growth Area C* land use designation will require the assembly of lands for development, something that the ownership group has achieved with the subject lands.

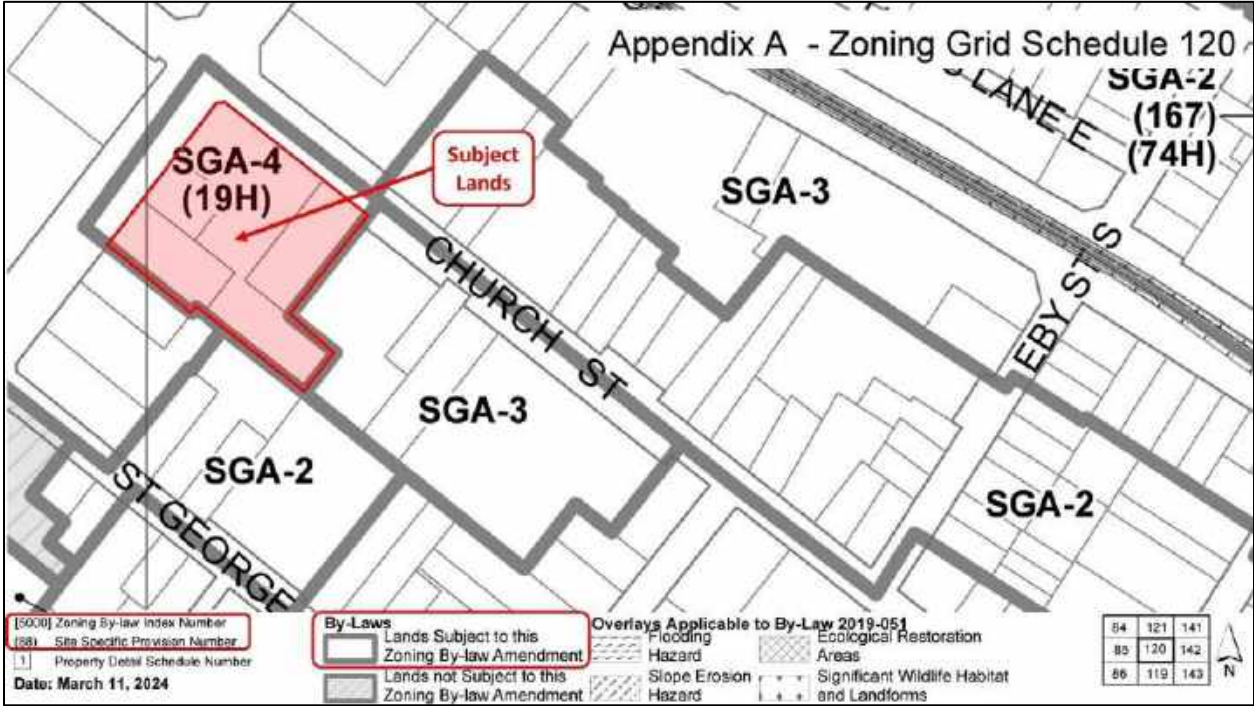
Specifically, Growing Together Policies 15.D.2.74 to 15.D.2.77 state that permitted uses within the area may align with those allowed in the *Strategic Growth Area B* designation. Accordingly, the land use permissions include residential uses and compatible commercial uses such as retail, commercial entertainment, restaurants, financial establishments, hotels, and light repair operations. Other allowed uses include personal services, offices, exhibition and conference facilities, health-related uses such as health offices and clinics, institutional uses like hospitals, daycare facilities, religious institutions, community facilities, educational establishments, social service establishments, and studio and artisan-related uses.

Additionally, for lands designated as *Strategic Growth Area C*, there is no specified maximum building height, although the implementing zoning regulations could impose limitations on building heights. In cases where the implementing zoning sets a maximum building height in accordance with specific policies, the City reserves the right to consider site-specific increases to the permitted building height as outlined in Policy 15.D.2.5.

Furthermore, all development and redevelopment within these areas will be subject to a minimum Floor Space Ratio (FSR) of 2.0. The implementing zoning may include transition regulations aimed at facilitating and permitting lands to eventually meet this minimum FSR requirement. These regulations are designed to guide and manage urban growth within the designated areas effectively, ensuring alignment with broader planning objectives and goals.

In this regard, the subject lands have been rezoned Strategic Growth Area Four Zone “SGA-4 (19H)” through the Growing Together framework care of the Growing Together Zoning By-law Amendment for lands within PMTSAs via Appendix A (Zoning Grid Schedule 120) – see below.

Figure 26 - Growing Together Zoning Appendix A (Zoning Grid Schedule 120)



The SGA-4 Zone is also referred to as the High-Rise Growth Zone. The purpose of this zone is to create opportunities for high-density growth in both mid and high-rise forms. The SGA-4 zone permits a wide mix of residential and non-residential uses. This zone applies to lands designated *Strategic Growth Area C* in the City of Kitchener Official Plan. Multiple dwelling buildings are permitted in the SGA-4 zone as-of-right along with a wide variety of commercial uses. Accordingly, the proposed mixed-use commercial / residential building is permitted on the lands as-of-right.

Table 6-5 sets out the regulations for multiple dwellings, mixed use buildings, and non-residential buildings. Zoning regulations stipulate a minimum building base height of 3 storeys and a maximum of 6 storeys, with a minimum floor space ratio of 2.0. Additionally, buildings must have a minimum ground floor height of 4.5 meters along the street line. There is no maximum building height.

Holding Provision 19H in By-law 2019-51 imposes height restrictions on buildings and structures in specific zones (SGA-4), based on altitude specifications from a land use assessment report. These restrictions remain until either a detailed NAV Canada assessment is completed and incorporated into a development agreement, or the Region completes an airport master plan update, leading to the removal of the restriction. Holding Provision 19H is not necessarily applicable to this HIA.

Based on the foregoing, the subject lands are located within a Strategic Growth Area, forming part of the Queen and Frederick MTSA, which permits the proposed mixed-use development with no height or density limits, but with certain design standards that must be adopted for tower separation. Furthermore, as part of the Growing Together framework staff supporting documents from March 2024, a tower has been conceptualized on site, demonstrating how the *Strategic Growth Area C* and SGA-4 zone on the subject lands could be buildout, and reaffirming the intent for the lands in the fullness of time.

Policy 11.C.1.35 states that new development or redevelopment within Cultural Heritage Landscapes must support, maintain, and enhance their major characteristics as defined in the City's 2014 Cultural Heritage Landscapes document. Additionally, they should promote the adaptive reuse of existing buildings, ensure compatibility with the existing neighbourhood, including the streetscape and built form, and respond appropriately to the design, massing, and materials of adjacent and surrounding buildings.

4.8 City of Kitchener Cultural Heritage Landscape Study

In 2014, the City of Kitchener initiated a phased project to identify and protect Cultural Heritage Landscapes ("CHLs"). The first phase involved creating an inventory and approving the Kitchener Cultural Heritage Landscape Study ("KCHLS"), which identified 55 significant CHLs, including residential neighbourhoods. The second phase focused on identifying the specific attributes that make these CHLs significant and engaging with property owners for preservation measures.

CHLs in Kitchener represent the historical relationship between people and the surrounding landscape, including built heritage, natural features, and archaeological sites. These landscapes, such as parks, main streets, and neighbourhoods, have buildings, structures, and landscape elements that collectively hold historical value.

The subject lands are part of the Cedar Hill Neighbourhood CHL ("L-NBR-10"), which stands out for its adaptation to topography and elevation. This neighbourhood has a range of residential and institutional structures from the mid-19th to late-20th centuries, with unique features such as terraced residential buildings, retaining walls, multiple stairs to front entrances, steep driveways, and framed long views.

The Cedar Hill Neighbourhood CHL has no legal protections under the Ontario Heritage Act ("OHA"), but it encompasses a distinct and historically rooted neighbourhood and is now part of the City's broader policy framework through the Growing Together Official Plan Amendment.

Its location on a height of land attracted higher-quality homes, and over time, larger lots were divided, leading to the filling of properties with later housing types. The neighbourhood incorporates institutional uses, such as churches and schools, as well as some apartment buildings, contributing to its diverse character.

The Cedar Hill and Schneider Creek Neighbourhood Cultural Heritage Landscape ("CHSC-CHL") have both been included as one large formalized CHL on Map 9 of the Official Plan, as shown on Schedule 'E' through the new Growing Together framework. Though not a designated Heritage Conservation District under the OHA, the inclusion of the CHSC-CHL, is now subject to Official Plan Policies 11.C.1.35 (Design in Cultural Heritage Landscapes) and Policies 12.C.1.50 to 12.C.1.53 pertaining to the CHSC-CHL on Map 9, also discussed previously.

The data sheet for the Cedar Hill Neighbourhood CHL highlights how the distinctive array of building types, land uses, and building heights generates a significant visual variety in the surroundings. This variety contribute to the Cedar Hill Neighbourhood's diverse character. The description goes on to state how, the "visual variety is strong enough to permit the presence of massive mid-twentieth century apartment blocks without undue visual deterioration."

The topography, including steep slopes, adds further interest to the area. Buildings are terraced into the slopes, requiring retaining walls, stairs, and steep driveways. The neighbourhood's narrow streets and lack of boulevards place major trees within yards, emphasizing the front façades of houses. Long views are possible, particularly to the west, showcasing the visual variety and the renovation and modification of earlier buildings.

In the KCHLS the Cedar Hill Neighbourhood CHL is categorized as a cultural heritage landscape of considerable value and significance (Level 2). This determination is based on the City's evaluation, which identified significance that relates to its historic themes, cultural heritage value, historical integrity, community value, and opportunity for regional significance. It generally contributes to the historical understanding of Kitchener, defines the character of the area, and has a distinctive sense of space.

The HIA will assess the potential impacts of the proposal on the identified attributes of the Cedar Hill Neighbourhood CHL, with a specific focus on the identified gateway view at the intersection of Benton and Church Street looking southeast.

4.9 Victoria Park Area Heritage Conservation District

The Victoria Park Area Heritage Conservation District Plan ("VPA-HCD") was created to preserve and enhance the historical buildings, landscapes, and character of the Victoria Park Area in Kitchener. The plan was initiated in response to recommendations made in the Victoria Park Neighbourhood Secondary Plan adopted in 1981. It was approved by City Council as designating By-law No. 96-91 in 1996.

The VPA-HCD focuses on education rather than strict regulations, aiming to assist property owners in preserving the area's historic character. It encourages the maintenance and care of historic residences and Victoria Park, with small-scale building work being common. However, larger projects within the district require approval from Kitchener City Council.

The subject lands are not located within the VPA-HCD but are across the street from it.

The goals of the VPA-HCD plan are to conserve and maintain the historic buildings, landscapes, and streetscapes of the area while enhancing its visual appeal. The plan also aims to embrace community diversity, involve the community in decision-making processes, and preserve the heritage character of the residential areas while promoting the economic potential of Queen Street South.

The VPA-HCD identifies several building typologies, including Queen Anne and Berlin Vernacular architectural styles, row houses, and churches. The area's streetscapes, which include tree-lined streets, park vistas, entrance gates, and small landscape areas, contribute to its unique character. The plan provides guidelines for conserving and enhancing the streetscapes, emphasizing the importance of street trees, street signs, and streetlights.

While the subject lands are outside the VPA-HCD, the assessment will focus on potential impacts at the interface along Benton Street, particularly with respect to designated properties within the district and adjacent to the subject lands. The assessment will consider impacts to the streetscape

and potential interface-related impacts to properties to 64 and 90 Benton Street, which are adjacent to the subject lands, along the Benton Street interface. Other general impacts assessed include shadowing, isolation, and changes in land use.

4.10 City of Kitchener Urban Design Manual

Kitchener's Urban Design Manual ("UDM") is a guiding document that promotes responsible and sustainable city building practices. It emphasizes diversity, creativity, and design excellence to enhance both private development and public spaces. The manual is divided into three parts: objectives and guidelines for land use (Part A), supplementary guidelines (Part B), and detailed design standards (Part C). It serves as a valuable resource for developers, City staff, the public, and political leaders, providing guidance and accountability for community changes.

In Kitchener, design integration encompasses an understanding and respect for the City's history. This involves acknowledging and appreciating cultural heritage assets and recognizing how new developments contribute to the City's ongoing evolution. The manual acknowledges how it is important to embrace innovative approaches that may deviate from traditional methods.

The UDM places significant emphasis on conserving cultural heritage in new construction. It provides guidelines for street design, suggesting creative alignments to enhance focal points and heritage assets. Access and location considerations prioritize parks, open spaces, and natural and cultural heritage. The manual offers strategies for conserving cultural heritage resources through preservation, rehabilitation, and restoration.

New developments should seamlessly integrate with existing heritage resources, utilizing contrasting materials that honor the integrity of the heritage site. Development near cultural heritage resources must be compatible and demonstrate high-quality urban design, particularly in terms of views, streetscape character, and material selection. Lighting, streets, signage, parking, public works facilities, grading, and other features should be designed to respect the integrity and character of cultural heritage resources.

Signage and public art should be mindful of building scale, heritage context, and neighbourhood character. Conserving and celebrating cultural and natural heritage resources is crucial to promoting diversity, reflecting the city's history, and enhancing urban exploration. The manual also emphasizes the importance of preserving established neighbourhood fabric and contributing to the continuity of cultural heritage landscapes.

The heritage impact assessment and the mitigation and conservation options section of this report consider the applicable design guidelines outlined in the UDM.



5.0

**History &
Evolution**

5.0 HISTORY & EVOLUTION

5.1 Township of Waterloo / Waterloo County / Region of Waterloo

The subject lands are located within the City of Kitchener, which is one of seven municipalities forming the upper tier Regional Municipality of Waterloo (the “Region”). Until 1973, the Region was formerly called Waterloo County.

According to the Region of Waterloo (2022), the mapping and sale of lands in the area forming the Region began in the late 1700s, shortly after the American War of Independence. The land which would become Waterloo Township was first defined within a ribbon-shaped tract that formed part of a large purchase in 1784. An Indigenous military and political leader named Joseph Brant or “Thayendanegea”, a Loyalist² from present-day New York (USA), was one of the earliest settlers to the area. As a Loyalist, Joseph Brant was closely associated with the British during the American Revolution, and his loyalty persisted following the revolution in the latter half of the century (Allen and Conn, 2019).

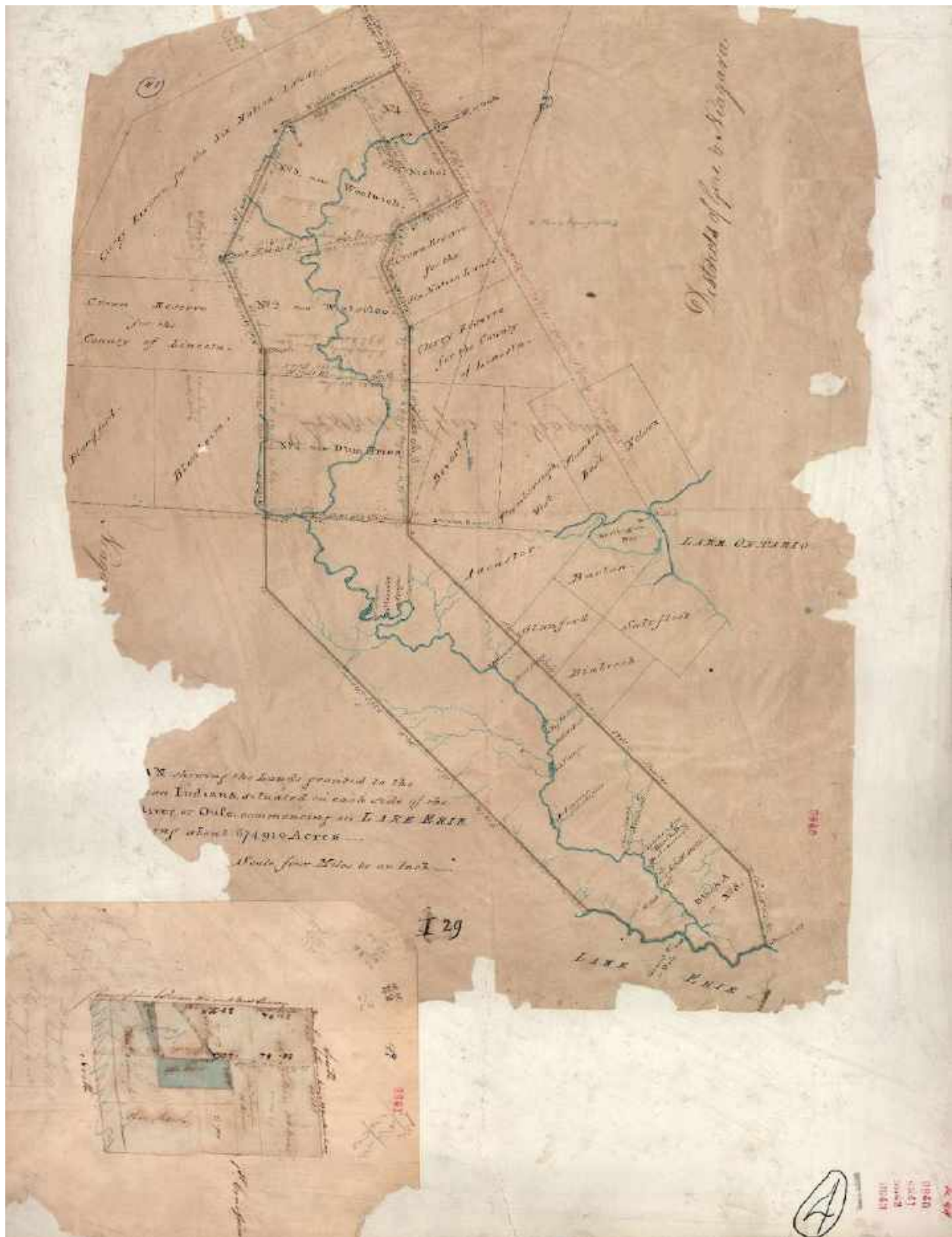
In an act of appreciation and in recognition of their war efforts during the American Revolution, Joseph Brant, and members of the Six Nations Confederacy, were granted a land treaty by the Governor-in-Chief of the former Province of Quebec, Sir Frederick Haldimand (McLaughlin & Jaeger, 2007). The intent of the land treaty was to reward the loyalty of Joseph Brant and the Six Nations Confederacy, and to replace the hunting grounds that they had lost in New York following the American War of Independence. The treaty was granted in 1784 and became known as the “Haldimand Tract”, generally comprising about 10 kilometres on each side the Grand River from its source to its mouth at Lake Erie.

According to the Ministry of Indigenous Affairs (2018), the British had purchased land from the Mississauga peoples and then issued the Haldimand Proclamation. The Proclamation granted the Haldimand Tract to Joseph Brant and the Six Nations in recognition of their support of the Crown during the American Revolution. In 1793, the Simcoe Patent, or Treaty 4, was later issued to clarify several matters, including the extent of the land grant made to the Six Nations (Ministry of Indigenous Affairs, 2018).

The Haldimand Tract was first surveyed by Augustus Jones in 1791. By 1821 a formal survey of the Haldimand Tract was prepared by Thomas Ridout, who at the time, was the Surveyor-General of Upper Canada. The Ridout Survey depicts the lands granted to the Six Nations, under the Haldimand Proclamation of 1784 (see **Figure 27: Haldimand Tract, Ridout Survey 1821**).

² Loyalists were American colonists who supported the British during the American Revolutionary War (1775–1783).

Figure 27 - Haldimand Tract, Ridout Survey 1821



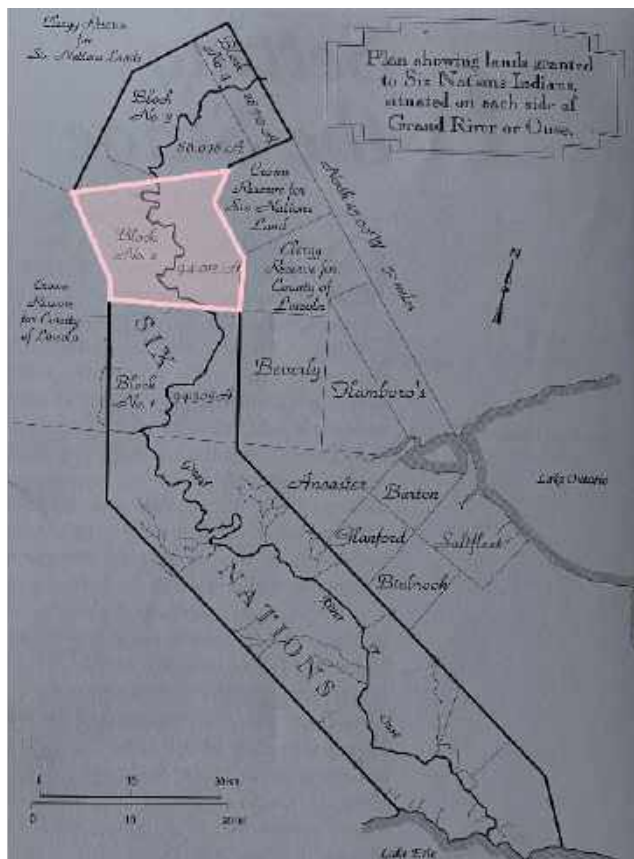
Source: University of Waterloo (n.d.[b])

The Haldimand Tract was originally intended to remain with the Six Nations as a perpetual reserve (Bloomfield & Waterloo Historical Society, 2006). However, according to McLaughlin & Jaeger (2007), the permanency of the Haldimand Tract became an almost immediate controversy, as Joseph Brant began to work on the division and disposition of the land. Brant claimed that white settlement had adversely impacted the Indigenous' ability to hunt, and an agrarian society would be the only course moving forward. "In the end, it was finally determined that the land would be surveyed and sold by the government on behalf of the Six Nations (McLaughlin & Jaeger, 2007 p. 21).

In the last decade of the 18th century, the Haldimand Tract was divided into four smaller Blocks of land, with Block 2 eventually becoming Waterloo Township. On November 25, 1796, Joseph Brant drew a deed for 37,701 hectares (93,160 acres) on Block 2 of the Six Nations lands in favour of three prominent Upper Canada businessmen: Richard Beasley; John Baptiste Rousseau; and James Wilson (McLaughlin & Jaeger, 2007 p. 21). Richard Beasley (ostensibly) purchased Block 2 through a mortgage in the amount of £8,887 (provincial currency at the time) and assumed the interest of his partners John Baptiste Rousseau; and James Wilson (McLaughlin & Jaeger, 2007). The divisional blocks can be found on **Figure 28** below, which illustrates the lands granted to the Six Nations for the Haldimand Tract on each side of the Grand River, based off the original 1792 survey (Beasley Tract / Block 2 highlighted in Pink). Block 2 would become what is sometimes referred to as the "Beasley Tract".

Figure 28 - Haldimand Tract Block Divisions

Source: Bloomfield & Waterloo Historical Society, 2006 p. 20



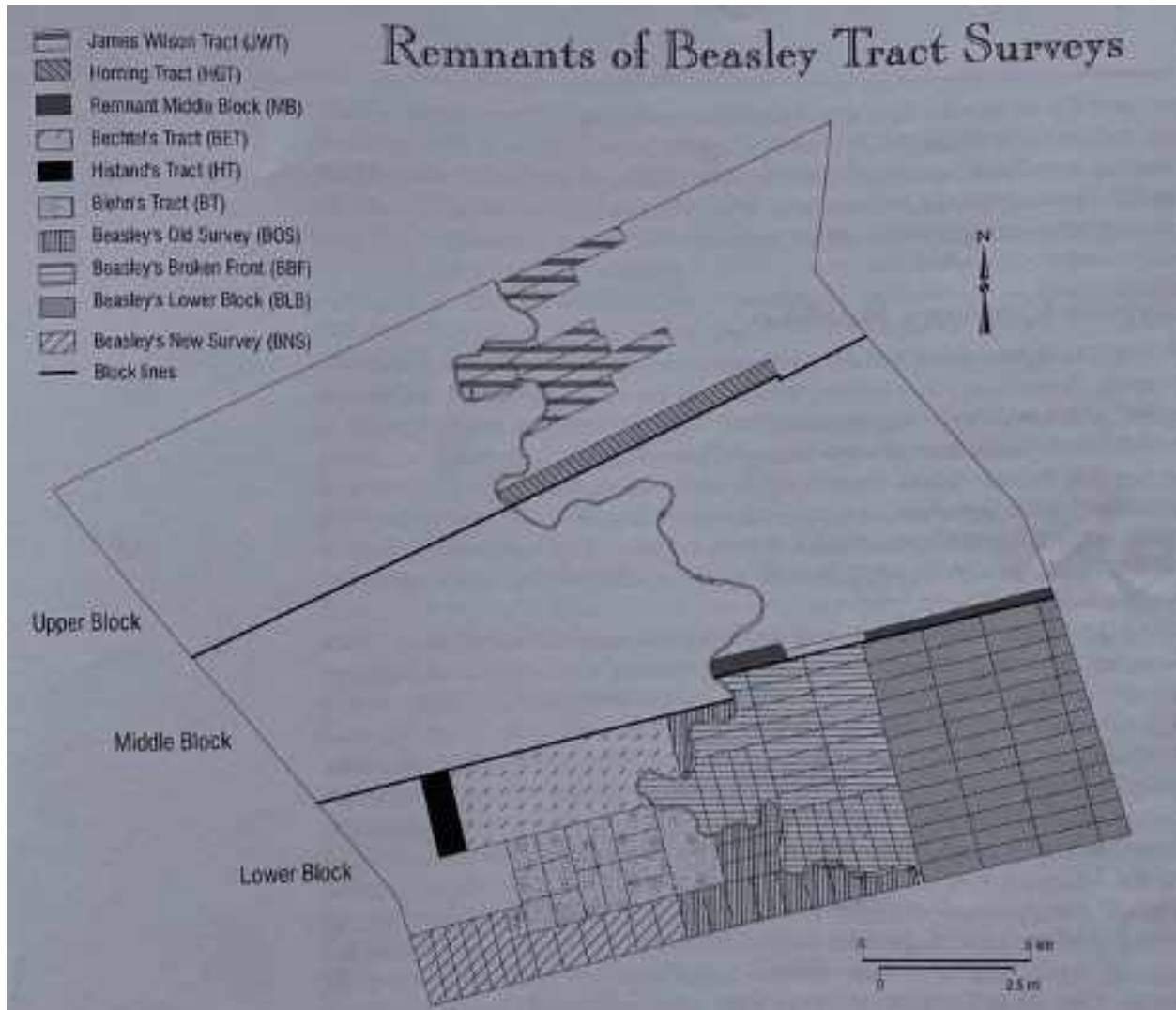
Due to the policies in Upper Canada at the time, the sale was halted by the government. Then in 1798, a Crown grant was drawn for Block 2 and the title was registered, transferring the land from Joseph Brant and the Six Nations to Richard Beasley and partners.

According to Bloomfield & Waterloo Historical Society (2006 p. 20), "the Blocks were referred to by their numbers until 1816, when Block 1 became Dumfries Township (later divided into North and South), Block 2 became Waterloo Township, and Blocks 3 and 4 became Woolwich and Nichol Townships".

The transfer of Block 2 from Joseph Brant and the Six Nations to Richard Beasley and partners was not smooth. The entire purchase price for Block 2 had not been paid upfront by Beasley leaving Joseph Brant and the Six Nations with an encumbrance on the land (Bloomfield & Waterloo Historical Society, 2006 p. 20).

To clear the encumbrance, Beasley tried to prorate the payment due for smaller portions of the tract. In doing so, the land was divided into three smaller parts: Lower; Middle; and Upper Blocks. These smaller Blocks were surveyed by Richard Cockrell (Bloomfield & Waterloo Historical Society, 2006 and Hayes, 1997); see **Figure 29: Beasley Tract (Block 2) Divisional Blocks**.

Figure 29 - Beasley Tract (Block 2) Divisional Blocks



Source: Bloomfield & Waterloo Historical Society, 2006 p. 21

The current City of Kitchener would eventually develop in the Middle Block of the former Beasley Tract, as shown in Figure 20.

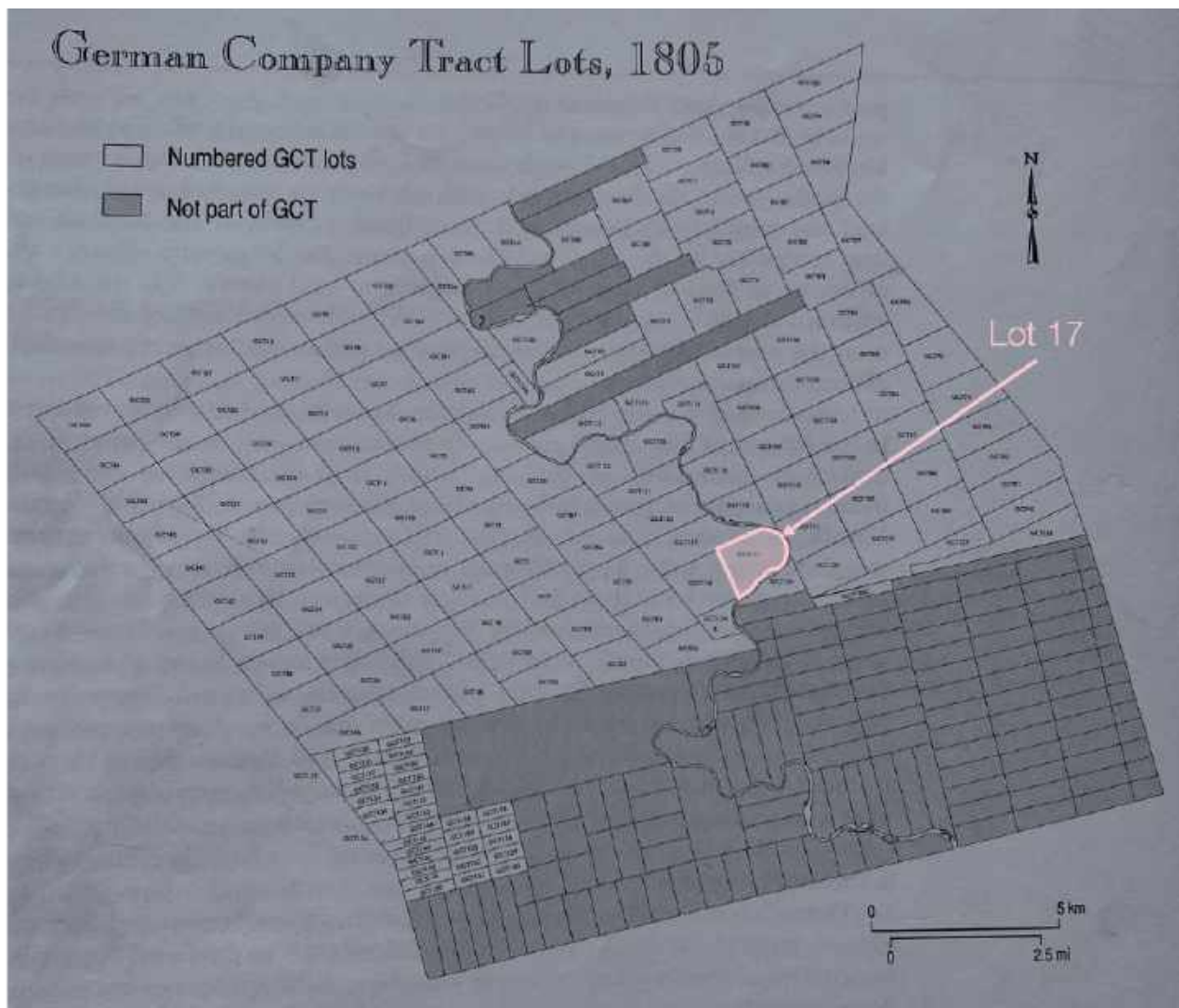
One of the solutions agreed upon to relive the land of all encumbrances was the bulk sale of land to a group of German Mennonites mainly from Lancaster County, Pennsylvania. This group would form what would become "The German Company." It was calculated that a sum of £10,000 would be needed to pay off the interest and principal amount owed (Bloomfield & Waterloo Historical Society, 2006). During this time, the German Mennonite farmers were scouting farmland in the

area. Several of them went back to Pennsylvania and returned with their families the following year to buy and settle the land (Hayes 5, 1997).

To raise the £10,000 needed to purchase the land, the Pennsylvanian farmers, led by Sam Bricker and Daniel Erb, established an association to acquire the land (i.e., The German Company). In November 1803, a formal agreement was made between Beasley, Sam Bricker and Daniel Erb, and payment of £10,000 was made transferring 24,281 hectares (60,000 acres) to the Pennsylvania Mennonites.

The tract of land purchased by the German Company would become known as the German Company Tract ("GCT"), with the deed for the land granted to the German Company and its shareholders in July 1805 (Eby, 1978) (see **Figure 30: German Company Tract, 1805**).

Figure 30 - German Company Tract, 1805



Source: Bloomfield & Waterloo Historical Society, 2006 p. 24

Due to a variety of factors, the settlement of the German Company Tract lands was slow. This stagnation was exacerbated by the War of 1812 in North America and the Napoleonic Wars in

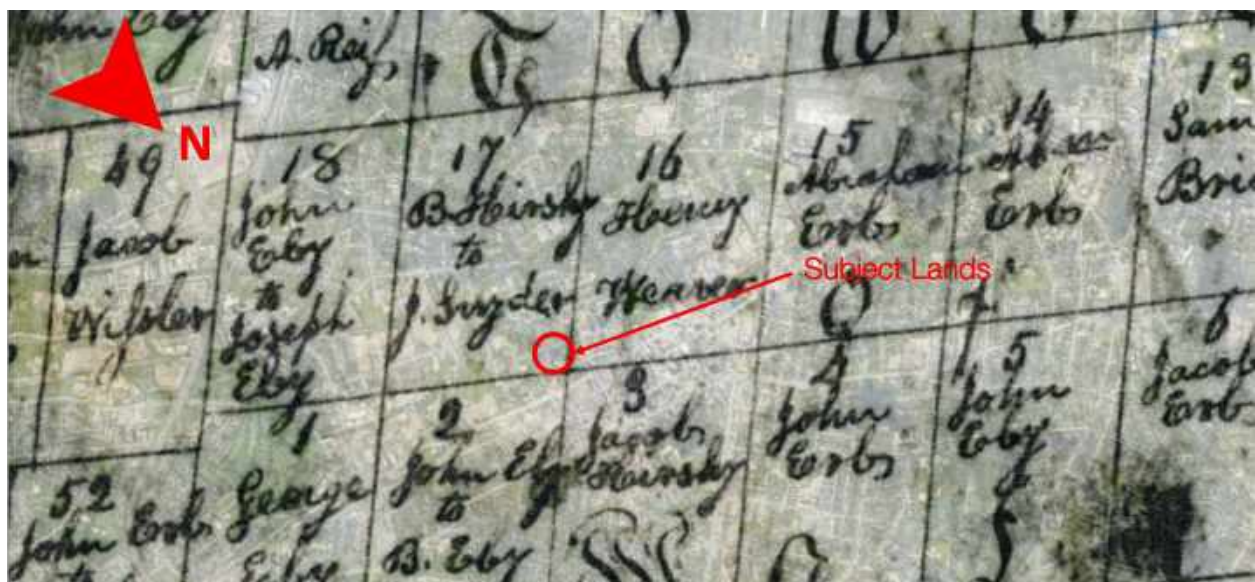
Europe, which prevented many settlers from relocating to join their relatives. By 1815, settlement of the German Company Tract finally lands began to speed up, with additional Pennsylvania Mennonite settlers, German-based settlers, and later English, Irish and Scottish settlers. Several settlers from England, Scotland and Ireland also came to the area by assisted immigration and colonization schemes (Bloomfield & Waterloo Historical Society, 2006 p. 55).

According to Bloomfield & Waterloo Historical Society (2006) and Uttley (1975), the German Company Tract was surveyed into 128 lots of 181.3 hectares (448 acres) each and 32 lots of 33.6 hectares (83 acres) each. No restriction was placed on the number of lots a member of the GCT might buy. According to Bloomfield & Waterloo Historical Society (2006), each shareholder's lot was randomly selected so that all would be given an equal and fair chance to win the best lots. Around 1805, the pledge by the GCT to purchase the lands from Beasley was made good, when Samuel Bricker, John Bricker, and Daniel, John, and Jacob Erb drove the balance of the funds to Niagara, after which, the Government saw to it that the Six Nations were paid in full and clear deed issued.

According to Uttley (1975), by 1805, the lands that would make up Kitchener (Berlin) were Lots 1 (George Eby), 2 (John Eby), 3 (Jacob Herschey), part of 4 (John Erb), part of 15 (Abraham Erb), 16 (Henry Weaver), 17 (Benjamin Herschey), and 18 (John Eby).

In 1816 the lands would become Waterloo Township, named in honour of the battle that ended the Napoleonic Wars in Europe. The map below shows Waterloo Township with the Grand River and names of the original German Company Tract landowners circa 1815 (see **Figure 31: 1815 Map of Waterloo Township with German Company Tract Lots and Landowners**). The German Company Tract parcel that would eventually play home to the subject lands, was Lot 17, first owned by Benjamin Herschey (sometimes recorded as Hershey, Heirly or Heinsly) who later transferred it to Joseph Schneider, a person sometimes referred to as the founder of Kitchener (previously Berlin). According to Uttley (1975), "the first stones in the city's foundation were laid in South Queen Street, in 1807, by Joseph Schneider."

Figure 31 - 1815 Map of Waterloo Township, German Company Tract Lots and Landowners

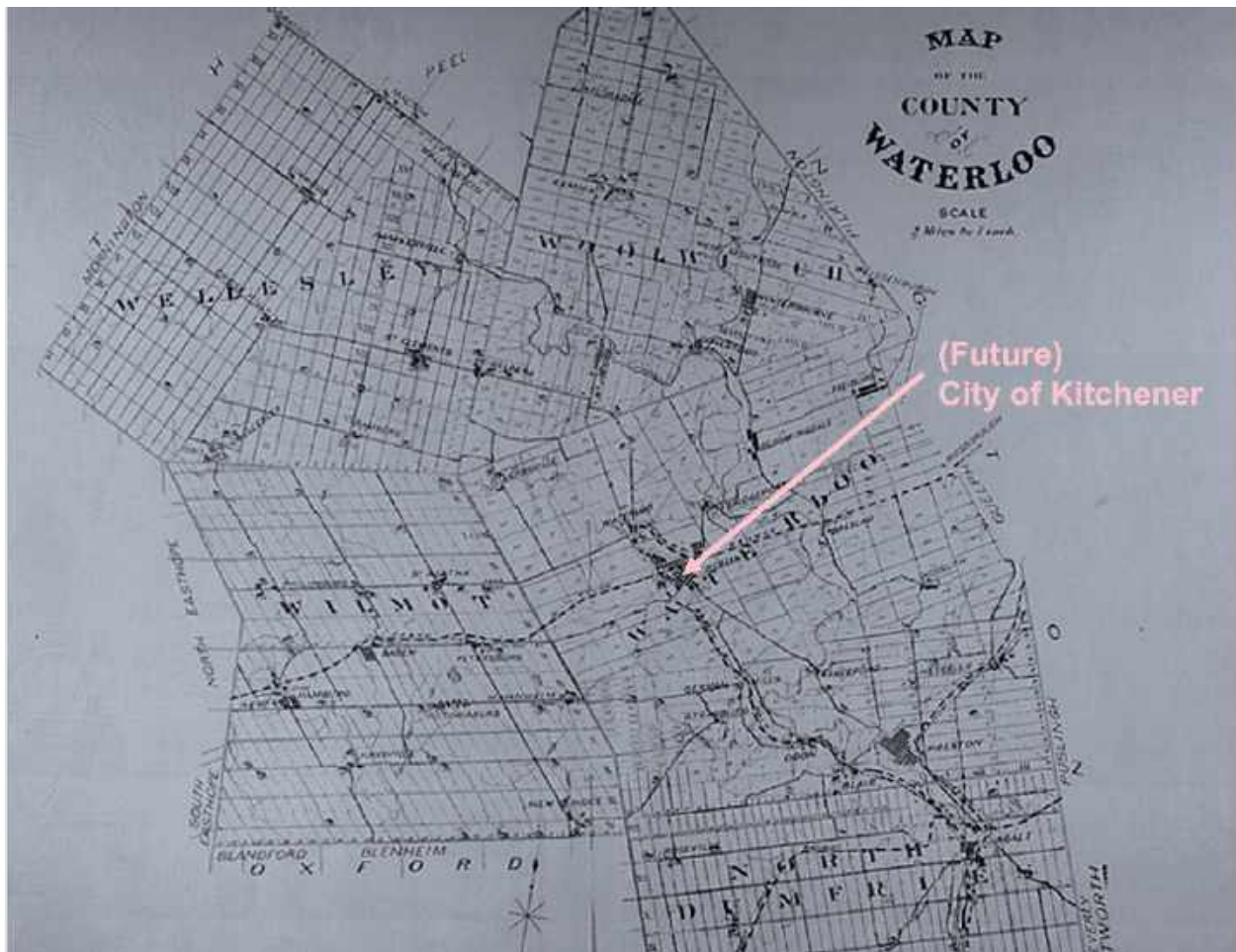


Source: University of Waterloo, n.d.

In 1838, plans were announced to form a new District of Wellington from parts of Halton County in the Gore District and parts of Simcoe County in the Home District. The 1838 act provided that the new Wellington District should be re-designated as the County of Waterloo for electoral reasons as well as for land registration and militia purposes (Bloomfield & Waterloo Historical Society, 2006).

The Municipal Act of 1849 abolished all districts in Upper Canada and replaced them with administrative counties or unions of small counties starting in 1850. When Wellington District reached a population of 15,000, a petition by two-thirds of the reeves dissolved the union by order-in-council, abolishing Wellington District in favour of the County of Waterloo. In 1850, another act provided for the municipal incorporation of each township listed in the new County of Waterloo, formally establishing Waterloo Township as a separate municipality. The County of Waterloo was created in 1849, and was further refined in 1852, being subdivided into the three separate Counties of Waterloo, Wellington, and Grey. The new County of Waterloo consisted of the smaller townships Waterloo, Wilmot, Woolwich, Wellesley, and North Dumfries. According to Bloomfield & Waterloo Historical Society (2006 p. 114) the first provisional Waterloo County Council convened in Waterloo Township in May 1852, and the new County of Waterloo was official proclaimed in January 1853. A map of this new County of Waterloo is provided below circa 1880 (see **Figure 32: County of Waterloo, 1880**).

Figure 32 - County of Waterloo, 1880



Source: McGill University, 2001

5.2 City of Kitchener (Berlin)

The subject lands are located in the City of Kitchener, forming a part of the original Lot 17 of the GCT. The original Indigenous settlers to the area would have had their own name for what would eventually become Kitchener. The first colonial settlers referred to the area as “Sand Hills”, and the community was called “Ebytown” (Uttley, 1975). Then, before it was Kitchener, the area was known as “Berlin”.

According to Uttley, the assumption is that the name Berlin was given in the summer of 1833 by a Bishop Eby and Joseph Schneider, with the first official description made on a deed by Mr. Gaukel; a sort of homage to Berlin, Germany.

Kitchener was officially incorporated into a village in 1853, a town in 1870 and then a city in 1912. In 1916, due in part to growing negative sentiment towards Germans (with Berlin as the County’s capital) during the First World War, two hundred businessmen petitioned Berlin City Council to change the name of the City. The name “Kitchener” was finally chosen in 1916 in commemoration of Horatio Herbert Kitchener, first Earl of Khartoum and of Broome, a senior British military officer and colonial administrator. Today, Horatio Herbert Kitchener is known both as a hero and an anti-hero, the later stemming from his expansion of concentration camps during the Second Boer War.

Much of Kitchener was settled by German Mennonites, who succeeded in commerce and agricultural. According to H. J. Schneider et al. (1897), in 1806 Benjamin Eby, later known as Bishop Eby, was the first person to settle on the territory that is now Berlin. Eby was followed closely by other early settlers including Joseph Schneider, and Jacob and Joseph Shantz.

The extension of the Grand Truck Railway in 1856 provided a means of transport for goods, materials, and people both into and out of the area, and help speed up the area’s settlement and growth. Subsequent growth was fueled by industry and manufacturing for a wide variety of goods including leather products, furniture, shirts, and collars, felt footwear and buttons, and food related businesses, among others. The other great industry which lent to the growth of Kitchener was insurance. Between 1880, Berlin’s population increased from 3,900 to over 12,000 by 1906 (News Record, 1906).

A detailed history of the City of Kitchener is not required according to the scoped Terms of Reference. However, the following figures provide a visual history of the Town of Berlin through to its incorporation as the City of Berlin, and then its renaming as the City of Kitchener between 1881 and 1923. Over the years, the maps show how the City grew and intensified, with a large focus of growth along the Grand Truck Railway line, and the downtown, especially at the intersections of King and Queen Streets. The maps also show the creation of Victoria Park (now also referred to as “Willow River Park”) (Dhillon, 2022).

Figure 33 - Township of Waterloo, 1881, Town of Berlin Highlighted



Source: McGill University, 2001

Figure 34 - Township of Waterloo, 1881, Zoomed in on Town of Berlin



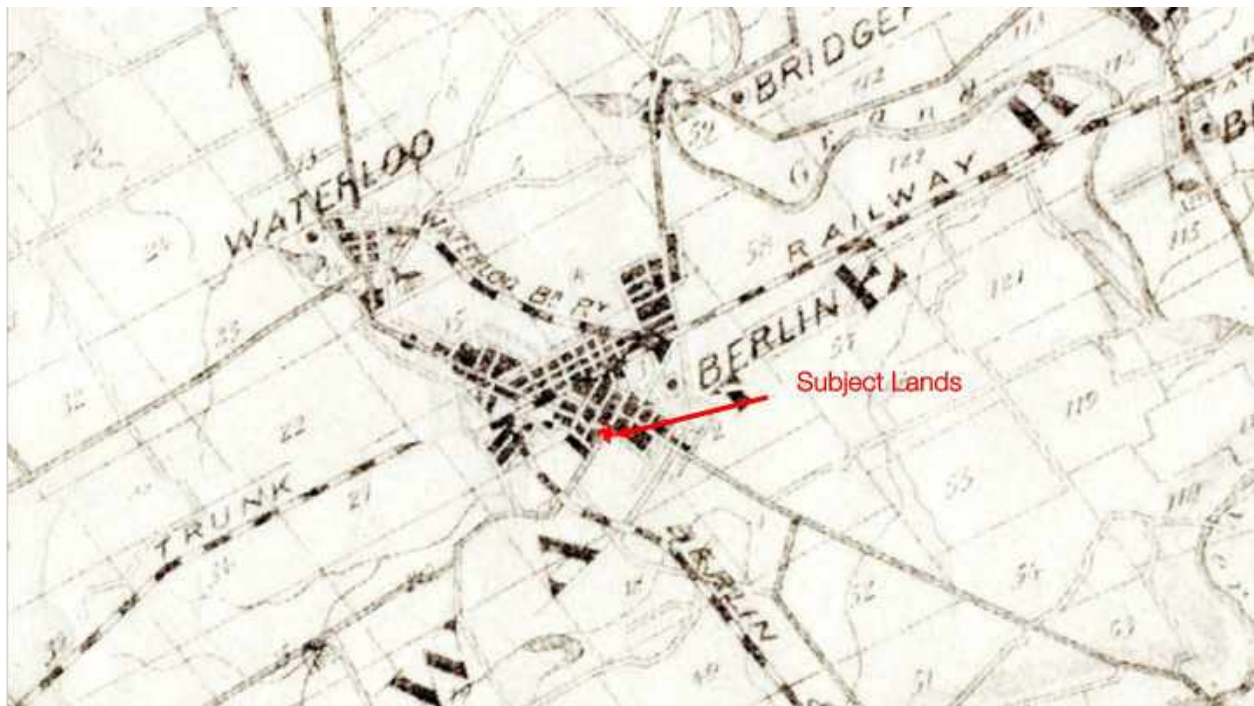
Source: H. Parsell & Co. & Walker & Miles p. 25

Figure 35 - Town of Berlin, 1877 (Approximate Location of Subject Lands within Black Circle)



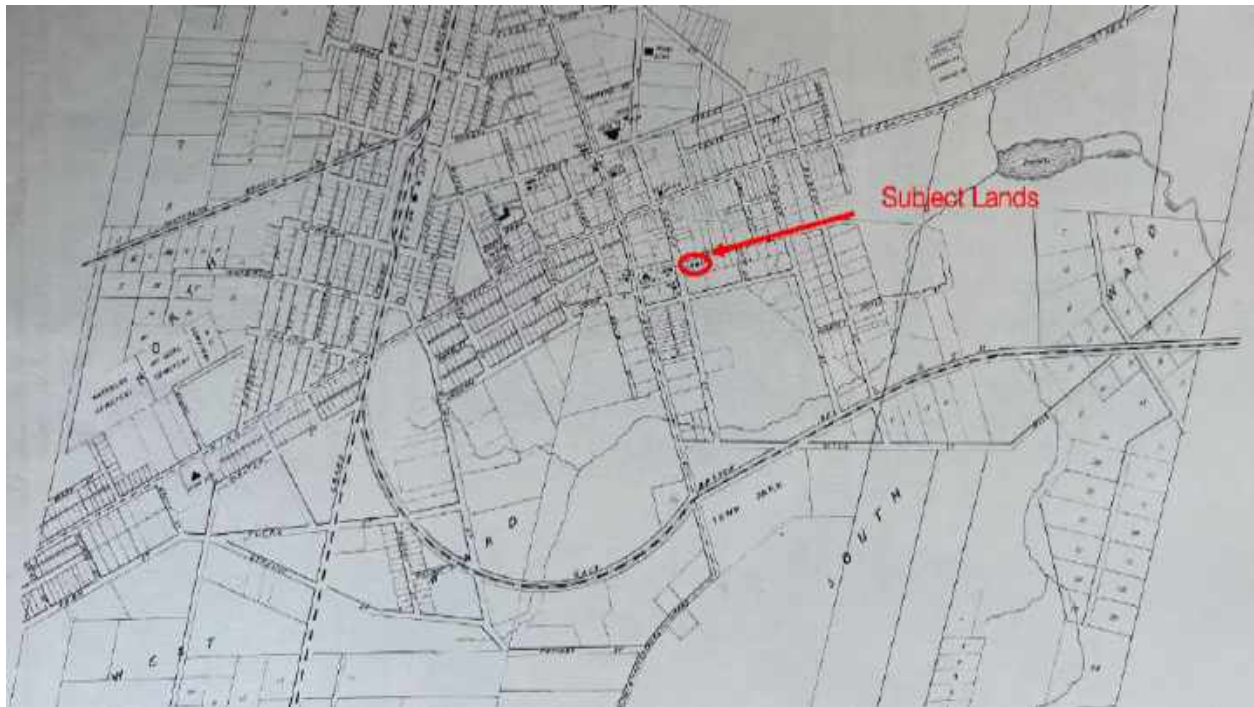
Source: University of Waterloo, n.d.

Figure 36 - Town of Berlin, 1879



Source: University of Waterloo, n.d.

Figure 37 - Town of Berlin, 1881



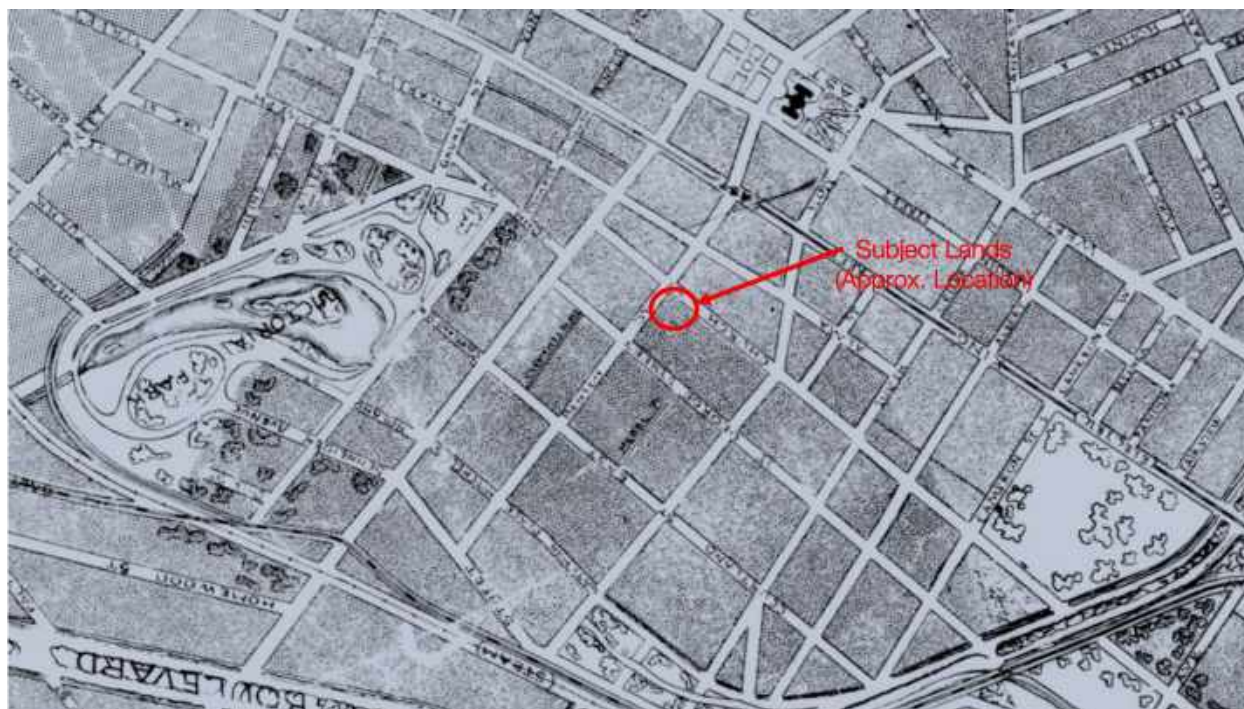
Source: University of Waterloo, n.d.

Figure 38 - Town of Berlin, 1908



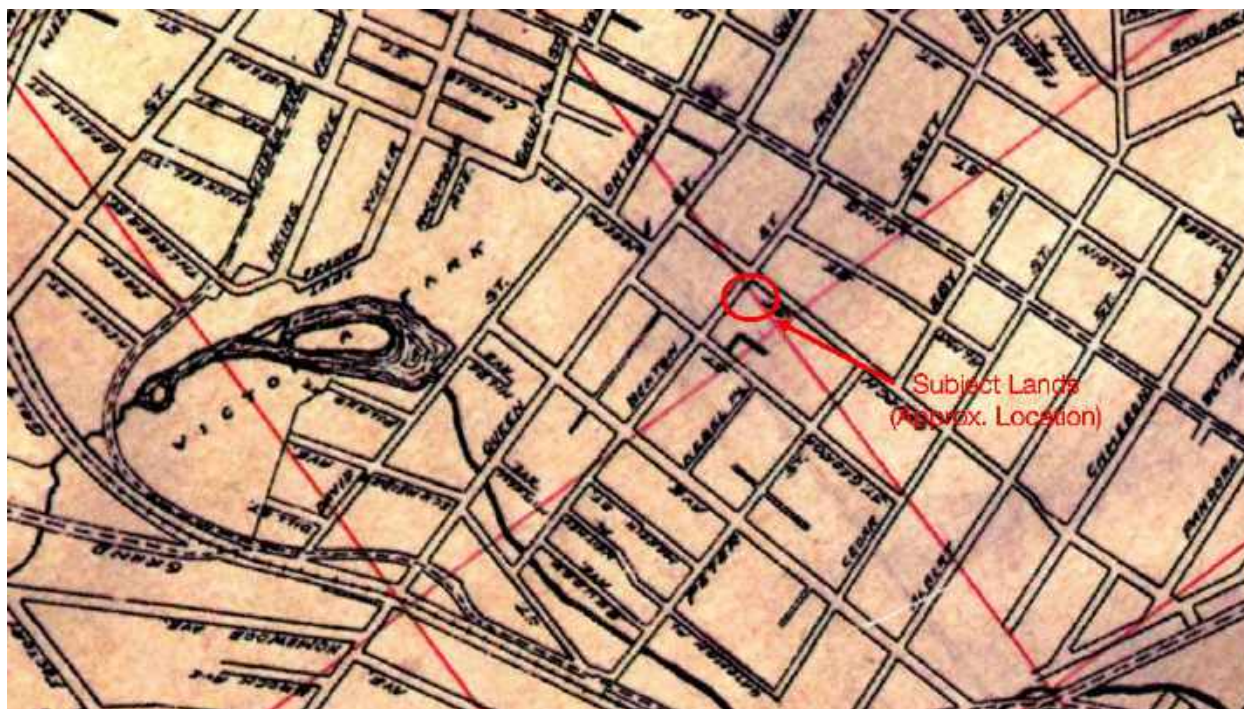
Source: University of Waterloo, n.d.

Figure 39 - City of Berlin, 1912



Source: University of Waterloo, n.d.

Figure 40 - City of Kitchener, 1923



Source: University of Waterloo, n.d.

5.3 History of the Subject Lands

The subject lands are situated along the western periphery of the Cedar Hill Neighbourhood, along the western edge of the Cedar Hill Cultural Heritage Landscape, and within the newly combined Cedar Hill and Schneider Creek Neighbourhood Cultural Heritage Landscape via the Growing Together framework.

Cedar Hill is located south of the original downtown core and was part of the original village survey. What makes this neighbourhood unique is its elevated position in the city. The height of land in Cedar Hill stands out in the mostly flat City of Kitchener, as there are very few elevated areas from a topographic perspective. According to the City of Kitchener (2014c), this location would have been desirable for higher-quality homes due to the pleasant breezes and reduced presence of insects during the summer months.

The Cedar Hill neighbourhood encompasses a diverse mix of uses, ranging from larger historic homes to smaller residences that emerged during the population growth of the late 19th and early 20th centuries. Additionally, the neighbourhood includes various institutional uses such as churches and schools and several mid- and high-rise apartment buildings.

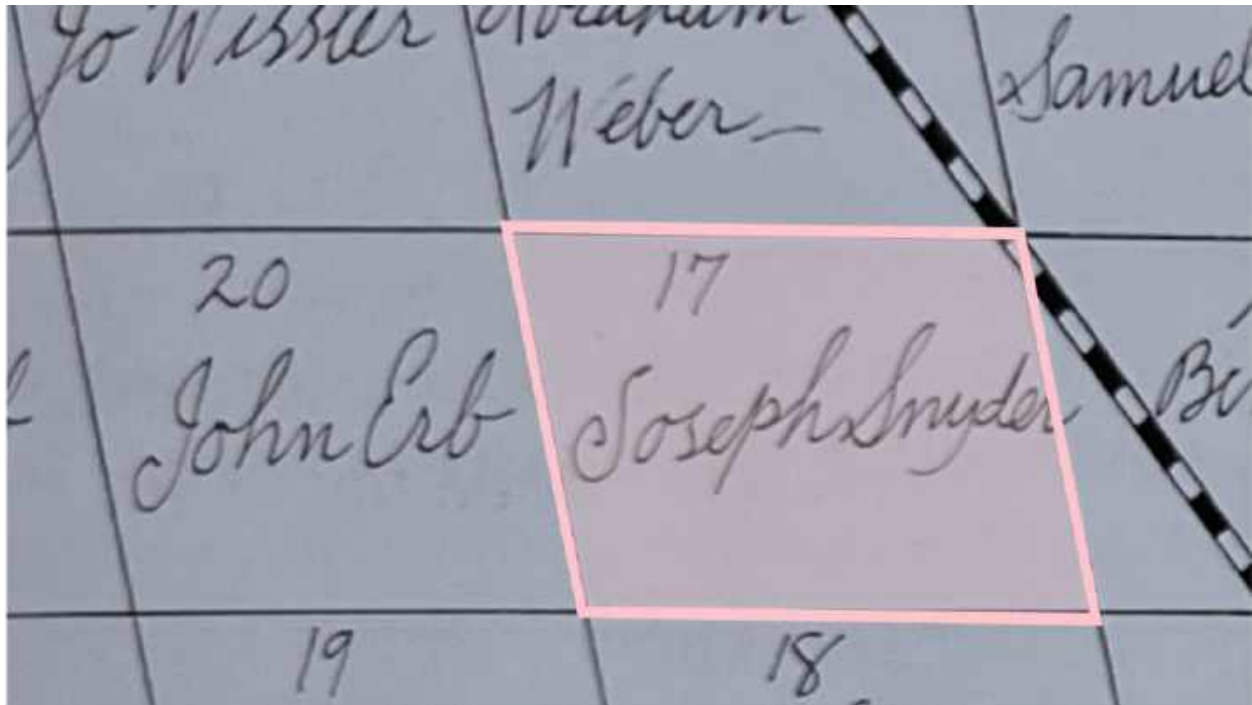
The subject lands are currently municipally addressed as 39 and 51 Church Street and 69 and 73 Benton Street. Over time, there have been changes in the assigned addresses, including a different set of numbers at the beginning of the 20th century and consolidation or deletion of other municipal addresses.

Previously, the subject lands were associated with up to seven different municipal addresses (now deleted), including 45 and 47 Church Street. It is important to note that not all of these addresses necessarily had separate structures, as some may have been related to rental unit numbers or served other purposes.

Originally, the subject lands were part of Lot 17 of the GCT, which was originally purchased by Benjamin Herschey of the German Company. Mr. Herschey eventually sold Lot 17 to Joseph Schneider who is often referred to as the founder of the City.

Mr. Schneider built a log cabin on the east side of Queen Street (formerly Schneider Road) and cut a road to the Walper house and beyond to King Street (Uttley, 1975). **Figure 41** shows a portion of a hand drawn map with the GCT lots and their owners circa 1820, with Joseph Schneider's 448-acre farm on Lot 17 being corner-cut by King Street (formerly "the Great Road").

Figure 41 - Joseph Schneider's 448-Acre Farm on Lot 17, GCT



Source: Mills, 1996 p. 5

By 1853, Berlin had a population of 1,000 when it was officially incorporated as a Village. The first Village Council was elected in 1854, and held their first meeting on January 7, 1854 (Uttley, 1975). The first Council consisted of one Reeve (Dr. John Scott), and four Councillors (Henry Stroh, Gabriel Bowman, Enoch Ziegler, and George Jantz).

As part of the Village incorporation, a man named William Benton was named as constable. It was William Benton, who the street ("Benton Street") was named after (Uttley, 1975 p 108). Church Street was named for its cluster of churches that developed along it as Kitchener evolved over the years.

At around the same time, some of the street around the downtown core had started to take shape, and some development near the location of the subject lands became evident. **Figure 42** illustrates the approximate location of the subject lands in red, and shows footprint of a building to the southeast, which is labelled as "Methodist Chapel". Ostensibly, this is the location of what is now 53 Church Street.

Figure 42 - Town of Berlin, 1853



Source: University of Waterloo, n.d.

The Methodist Chapel depicted in Figure 33 was the result of the growth of the Wesleyan Methodist Mission which was opened in Berlin in 1841 as a charge of the Guelph Circuit (Uttley, 1975 p. 67). The Berlin Mission bought a plot of land at the corner of Church and Benton Streets large enough for their chapel and a cemetery, who then built a frame church capable of seating 120 people. According to Mills (2002), this cemetery was the first Methodist cemetery, and the chapel, now located on what is now 53 Church Street, was the Village of Berlin's first Methodist chapel.

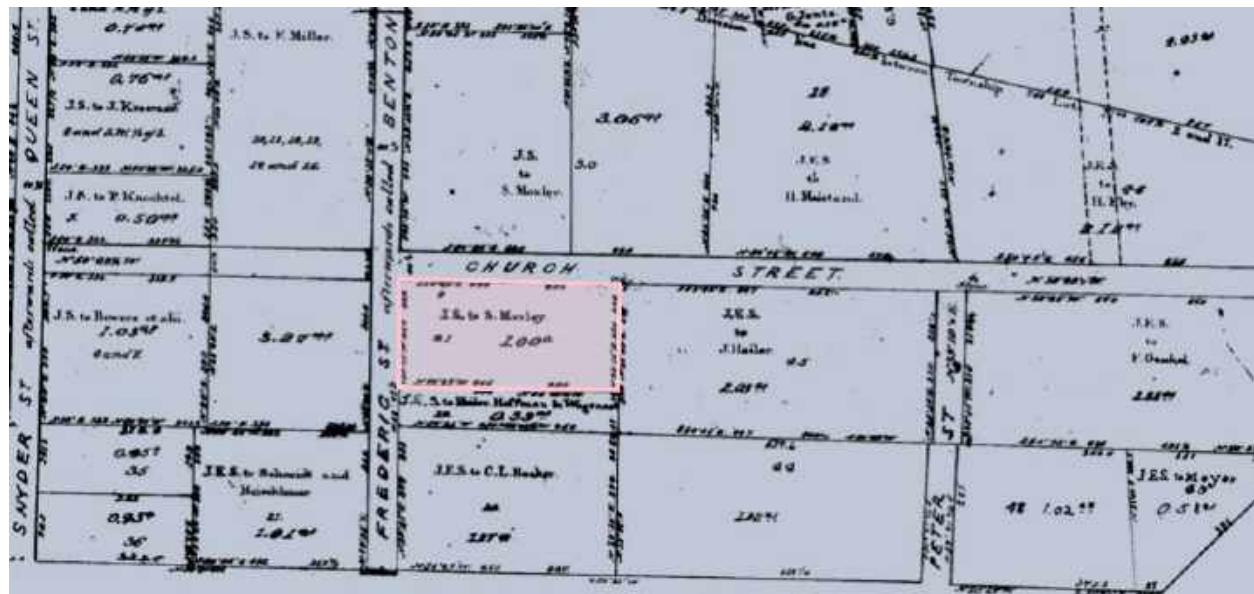
Between 1857 and 1858, Lot 17 of the GCT was subdivided through Plans 393 and 394. The subject lands would become part of Lot 19 on the east side of Benton Street on Plan 393; and part of Lot 41 on Plan 394 (see **Figure 43** and **Figure 44**). The subject lands can be seen highlighted in pink, which shows the transfer from J.S. (ostensibly Joseph Schneider) to an S. Moxley.

Figure 43 - Plan 393 and 394 circa 1857-1858



Source: OnLand (1857-58)

Figure 44 - Subject Lands on Plan 393 and 394 circa 1857-1858



Source: OnLand (1857-58)

Tremaine's Map of the County of Waterloo circa 1861, shows the growth of the Village of Berlin. Although the map does not reflect the exact street network at the time or the Plan of Surveys (393 and 394), it does show the breakdown of Joseph Schneider's farm on Lot 17 of the GCT (see Figure 45).

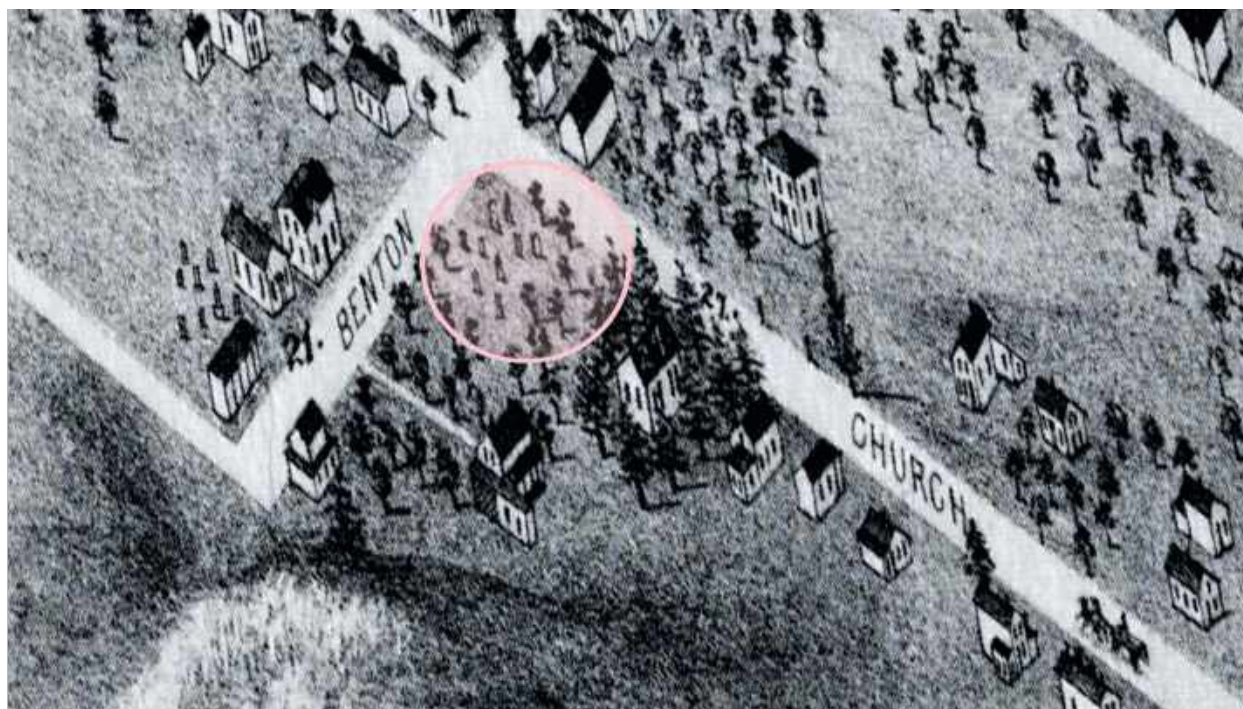
Figure 45 - Tremaine's Map of Waterloo County, 1861



Source: Tremaine, 1861

By 1875, the subject lands showed their first signs of development on maps. In an artist's rendering of Berlin circa 1875, you can see the Wesleyan Methodist Mission's cemetery on the subject lands which have their approximate location highlighted in pink. There are no other structures on the lands at this time (see Figure 46).

Figure 46 - 1875 Bird's Eye View of Berlin (Artist's Rendering)



Source: Collishaw & Preston (1979)

In 1870, the growing Village of Berlin was incorporated into a town, with the first mayor being Dr. William Pipe. Dr. Pipe is described as a self-made man, a woodturner, and physician (K. McLaughlin 1912). According to Uttley (1975), the Methodists were a progressive group, and the Methodist Mission Board sold their first chapel to the United Brethren in the latter half of the 1800s. However, the cemetery was kept up until 1876, when it was sold to P. E. W. Moyer's father, William Moyer. Uttley notes that there were fifteen beech trees in the cemetery at the time (1975 p. 69).

Following the exhumations, all remains were transferred to the Mount Hope Cemetery, and the former cemetery land was sold for building lots. (Uttley, 1975 p. 69). In the 1879 map shown in **Figure 47**, you can see that there is now a church marked with the initials "U. B. Ch", which stands for "United Brethren Church", and more clearly spelled out in **Figure 48**.

Figure 47 - Map of the Town of Berlin, 1879 (Version A)



Source: University of Waterloo (n.d.)

Figure 48 - Map of the Town of Berlin, 1879 (Version B)



Source: University of Waterloo (n.d.)

The United Brethren Church had a presence at 53 Church Street for quite a while, appearing on maps up to at least 1904. This is illustrated in **Figure 49** (1881 map of the Town of Berlin) and later in this report, on an 1892 artist's rendering of the Town of Berlin (bird's eye view).

Figure 49 - Map of Town of Berlin, 1881 (Showing United Brethren Church)



Source: H. Parsell & Co. & Walker & Miles (1881) p. 30

Figure 50 provides an artist's rendering of the Town of Berlin circa 1892, showing a second bird's eye view of the subject lands. For the first time, there are now structures appearing on the subject lands numbered in pink. Based on available land records and research, the numbered structures on Figure 41 correlate to: 1) 51 Church Street; 2) 45 Church Street (now demolished); and 3) 39 Church Street (now demolished).

The other two houses depicted along Benton Street on Figure 41, are not structures on the subject lands, and at least one (furthest south) is likely 83 Benton Street. Based on the 1892 Bird's Eye View of the Town of Berlin and the description on how the cemetery was kept until 1876, it is likely that the house at 51 Benton Street (today's address) would have been built sometime between 1877 and 1892, making the structure around 130 to 145 years old.

Figure 50 - Bird's Eye View of the Town of Berlin (Artist's Rendering), 1892



Source: Victoria Park Historical Committee, 2015

The Fire Insurance Plan ("FIP") depicted in **Figure 51**, is a historical document dating back to the period between 1894 and 1904. FIPs provided valuable information about buildings and properties within cities and towns, including their construction materials, layout, use, and fire protection features. The maps were typically colour-coded and included key details such as the type of construction (e.g., brick, wood), the number of stories, property boundaries, locations of fire hydrants, and even the presence of specific fire hazards like hazardous materials or storage.

The Fire Insurance Plan of 1894-1904 provides a visual representation of the subject lands, with existing structures outlined in red. Upon examining the 1894-1904 FIP, it is evident that the lands encompassed both standing structures (presently located at 51 Church Street and 73 Benton Street) and demolished ones (previously at 45 Church Street now merged as 39 Church Street).

What adds intrigue is that the municipal addressing on the 1894-1904 FIP differs from the present-day system, showing a change in the assigned addresses. In comparison to the current addresses of 51, 45, and 39 Church Street, which were formerly known as 23, 21, and 17 Church Street, respectively. We also observe that today's 73 Benton Street was previously referred to as 31 Benton Street. Notably, the 1894-1904 FIP serves as the earliest map to indicate the presence of a structure at 73 Benton Street (then known as 31 Benton Street). This finding allows us to estimate the time of its construction to be between 1893 and 1904, making the existing house approximately 118 to 129 years old.

Figure 51 - Fire Insurance Plan, 1894-1904



Source: Goad, 1904

Based on the 1894-1904 FIP, the following notes are provided with respect to 51 Church Street (then 23 Church Street) and 73 Benton Street (then 31 Benton Street):

51 Church Street (then 23 Church Street)

- 2-storey brick structure with 1.5-storey rear bump-out (red = brick)
- Windows along the west side of building.
- A single window to the rear of the building.
- Two windows on the east side of the building.
- Verandah at the northeast corner of the building facing Church Street.
- Wooden Cornice (represented by dashed line around edge of structure).
- Generally rectilinear building lines, but irregular in shape.

73 Benton Street (then 31 Benton Street)

- 1.5-storey brick structure with 1.5-storey brick bump-out to the rear and a second 1-storey wood bump-out also to the rear.
- Windows along both the north and south faces of the building.
- Main portion of the building facing Benton Street (less the rear bump-outs) is symmetrical in shape, with rectilinear building lines.
- Bay window at the front facing Benton Street.
- Verandah at the northwest corner of the building facing Benton Street.

- Verandah at the south side of 1.5-storey brick bump-out facing southern side yard.
- Windows or entrances indicated by “x” on the north building face.

There is also a 2-storey rectangular brick and stone building with a hipped roof to the rear of either 51 Church Street (then 23 Church Street) or 73 Benton Street (then 31 Benton Street), which is no longer existing today.

An image of the house formerly erected at 39 Church Street (then 17 Church Street) has been recovered and shows what once a 2-storey Italianate house circa 1874.

House at 39 Church Street (now Demolished)



Source: News Record, 1906

In 1912, Berlin was incorporated as a City, and the first Aldermanic Council was formed. On the Council, was W. H. Schmalz as Mayor, W. D. Euler as Reeve, and 18 members of Council. The Councillors were J. Winterhalt, C. Kranz, J. H. Schnarr, N. B. Detweiler, C.B. Dunke, W. Pieper, G.G. Bucher, J. R. Schilling, W. O. Kneehel, H. A. Hagen, E. W. Clement, J. S. Schwartz, F. H. Rohleder, C. H. Mills, D. Gross Jr, N. Asmussen, W. V. Uttley, and H. A. Dietrich.

At the time the City was incorporated, one of the first City Aldermen (Councillor) was Charles Boehmer Dunke. Mr. Dunke, at the time, resided at 73 Benton Street (then 31 Benton Street) – in the house that still exists on the subject lands.

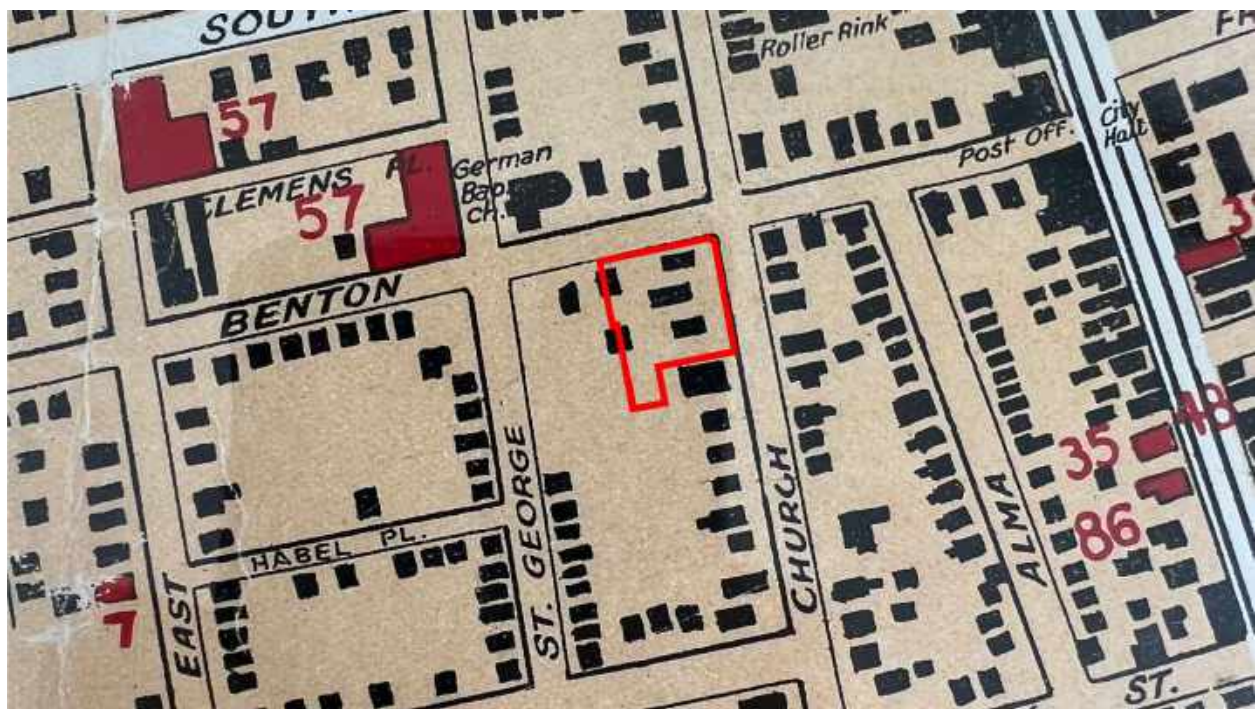
Mr. Dunke would have served on Berlin City Council during the first part of the First World War. Due in part to growing negative sentiment towards Germans (with Berlin as the County’s capital) during

the First World War, two hundred businessmen petitioned Berlin City Council to change the name of the City. The name “Kitchener” was finally chosen in 1916 in commemoration of Horatio Herbert Kitchener, first Earl of Khartoum and of Broome, a senior British military officer and colonial administrator.

A map of the City of Berlin circa 1919, shows the subject lands outlined in red with the existing structured pictured thereon (see **Figure 52: City of Berlin, 1919**). The map is not to scale, so the existing lot boundaries do not perfectly align with the existing lot boundaries today, and slightly cut through two of the structures.

The structure furthest south along Benton Street, is likely 73 Benton Street, which would have been the house of Mr. Dunke and wife Emma L. Weaver. Mr. Dunke owned it and resided there until his death in 1937, after which, the property and home were transferred to his wife, Emma L. Weaver.

Figure 52 - City of Berlin, 1919



Source: M. S. Boehm & Company Ltd. (1919)

A photo of the Dunke house is provided in the image below, showing the house as it was (ostensibly) at around 1906.

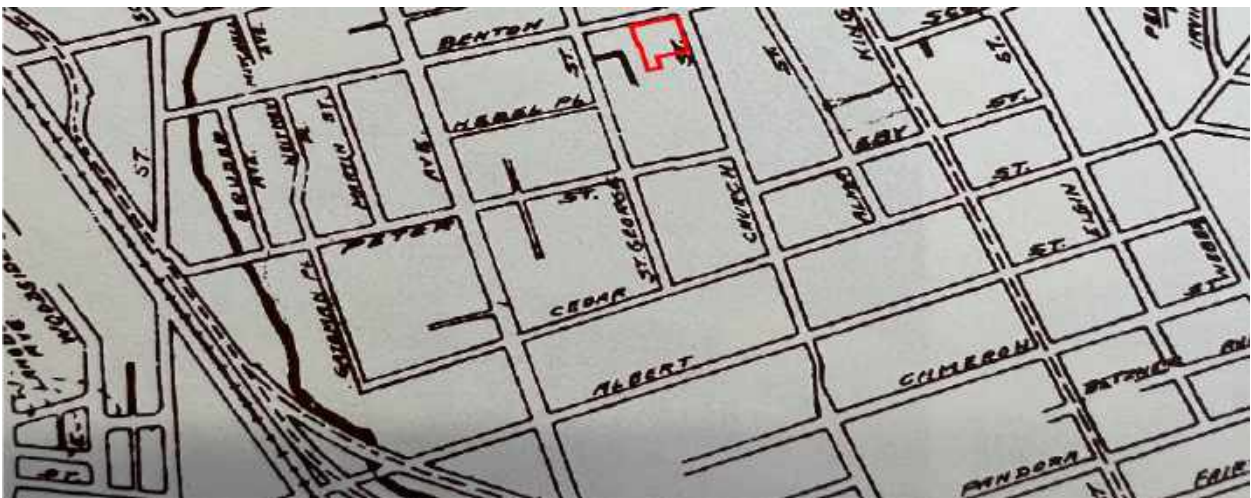
Dunke Residence, circa 1906



Source: *News Record*, 1906

By 1923, the street network started to take the shape of Kitchener's modern network, save for some streets, like Alps Road for example, which would eventually be assumed by other roads in the Downtown. On **Figure 53**, the subject lands are illustrated in red outline atop a City engineering plan from that year.

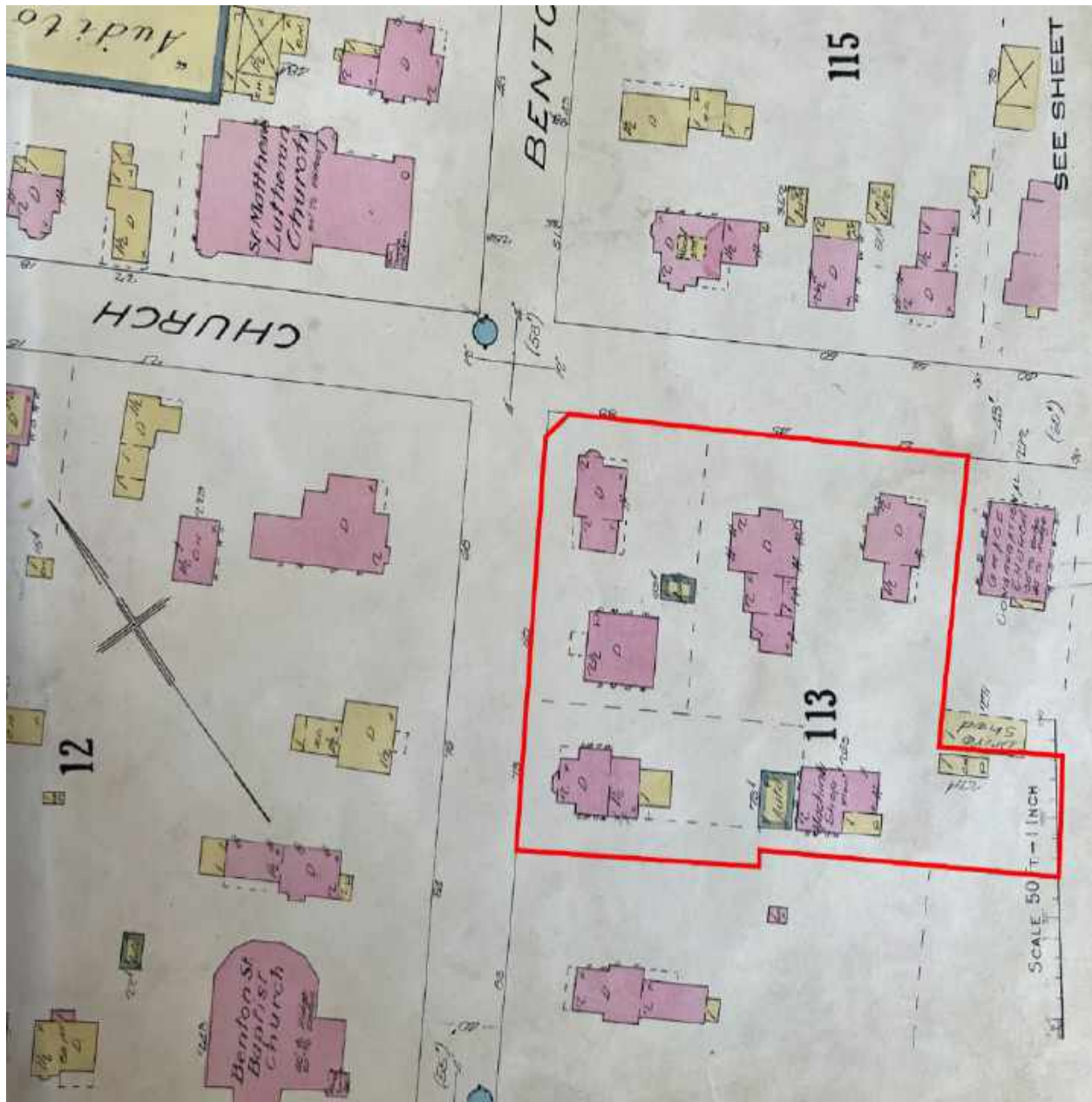
Figure 53 - 1923 Engineer's Map of Kitchener



Source: *Collishaw & Preston* (1979)

Halfway through the 1920s, Kitchener was in a period of economic prosperity. The subject lands and the structures thereon are illustrated on a 1925 FIP, which shows new information related to the development of the lands. One of the notable changes is the introduction of the current municipal addressing, and the other is the construction of the house at 69 Benton Street. Based on the FIP, the house at 69 Benton Street would have been constructed in the 21-year-period between 1904 and 1925, placing the age of the house at around 97 to 118 years old. The 1925 FIP is provided in **Figure 54**, with the subject lands outlined in red. It is noted that the City Directories indicate that a “new house” was constructed here in 1918. Based on the directory information, 69 Benton Street is likely to have been constructed in 1918, making it 104-years-old.

Figure 54 - Fire Insurance Plan, 1925



Source: Underwriters' Survey Bureau Ltd. (1925)

Figure 55 compares the two available FIPs between 1894-1904 and 1925 to provide a visual illustration of the structures on the subject lands and the changes over that 21-to-31-year period. A summary of the changes to the subject lands is provided below:

- Construction of house at 69 Benton Street along with a stone-veneered auto garage to the rear (northeast corner of lot).
- Introduction of 1-storey brick addition to rear of house at 39 Benton Street (now demolished).
- Filling in of the verandah on the south side of the house at 73 Benton Street with brick.
- A 1-storey stone-veneered auto garage has been constructed at 73 Benton Street in front of the west façade of the 2-storey rectangular brick and stone building to the rear of 73 Benton Street. This structure is now labelled as a “Machine Shop” and shows a rear addition in the southeast corner as being made of wood. It is unclear if this structure forms part of 73 Benton Street given the placement of the garage, but it is possible.

Figure 55 - Comparison of Fire Insurance Plans 1894-1904 to 1925



Source: Goad, 1904

Source: Underwriters' Survey Bureau Ltd. (1925)

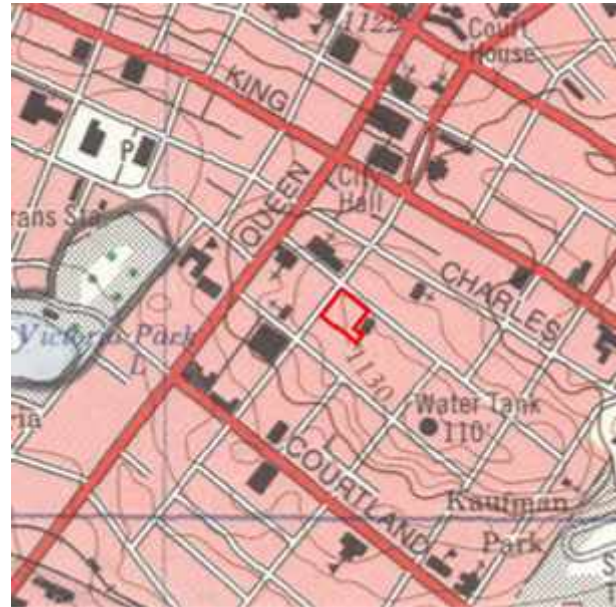
The topographic maps below in **Figure 47** and **Figure 48** are from 1968 and 1976, respectively. The topographic maps do not show any structures on the subject lands (outlined in red) but do show the church to the east along Church Street, and the borders of Downtown Kitchener at the time, which are shaded in grey on the 1968 topographic map. These maps demonstrate the urbanization of Kitchener in the latter half of the 1900s.

Figure 56 - 1968 Topographic Map



Source: Department of Energy, Mines and Resources, 1968

Figure 57 - 1976 Topographic Map



Source: Department of Energy, Mines and Resources, 1976

The following series of aerial photographs provides visual history of the subject lands between 1930 and 2020 and provides chronological visuals of the development on the subject lands from their use as lots with single-detached residential dwellings to their current use as single-detached residential lots and surface parking. By 1973 the house at 45 Church Street had been demolished, followed by the house at 39 Church Street around 1981, according to the City of Kitchener directories and the below images.

Figure 58 - 1930 Air Photo



Source: University of Waterloo, 2013

Figure 59 - 1945 Air Photo



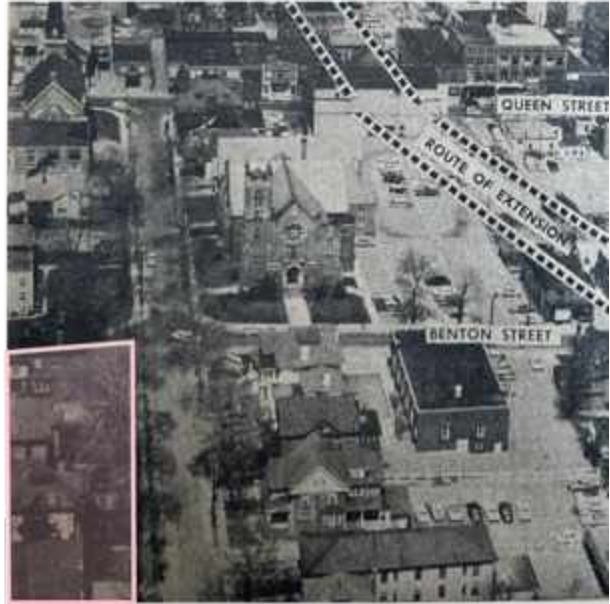
Source: University of Waterloo, 2013

Figure 60 - 1955 Air Photo



Source: University of Waterloo, 2013

Figure 61 - 1960 Air Photo



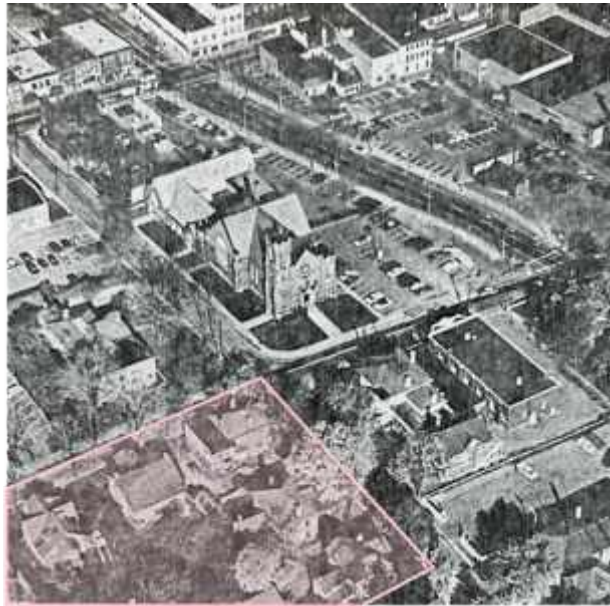
Source: Kitchener-Waterloo Record, 1960

Figure 62 - 1975 Air Photo



Source: Kitchener Public Library, 1975

Figure 63 - Air Photo Prior to 1980



Source: Kitchener-Waterloo Record, 1980

Figure 64 - 1980 Air Photo



Source: Kitchener Public Library, 1980

Figure 65 - 1985 Air Photo



Source: Kitchener Public Library, 1985

Figure 66 - 1990 Air Photo



Source: Kitchener Public Library, 1990

Figure 67 - 1995 Air Photo



Source: Kitchener Public Library, 1995

Figure 68 - 2000 Air Photo



Source: Waterloo Region, 2000

Figure 69 - 2003 Air Photo



Source: Waterloo Region, 2003

Figure 70 - 2006 Air Photo



Source: Waterloo Region, 2006

Figure 71 - 2009 Air Photo



Source: Waterloo Region, 2009

Figure 72 - 2012 Air Photo



Source: Waterloo Region, 2012

Figure 73 - 2014 Air Photo



Source: Waterloo Region, 2014

Figure 74 - 2016 Air Photo



Source: Waterloo Region, 2016

Figure 75 - 2020 Air Photo



Source: Waterloo Region, 2020

Development and Uses

The following provides a highlight of some of the uses, businesses, institutions, and names associated with the subject lands over the years, based on the available City directories, from 1912, when the first “City” directory was published, until 2014, when they were discontinued. Before the City directory, there were other earlier directories going as far back as about 1860, but they tend to show less detailed information. For the earlier years, a chain of title has been provided

for the subject lands. The names that appear in the below tables sometimes represent the owner of the property, but many of the listings shown below represent tenants, as the subject lands have been largely converted into multiple rental units over time. A detailed chain of title has also been provided below, which breaks down the land ownership from the original Crown patent to present.

The following tables also include deleted addresses which have either been merged on title, or which have been deleted (i.e., 45 and 47 Church Street).

Table 1 - 39 Church Street (City Directory)

39 Church Street (City Directory)	
Year(s)	Associated Person, Business, or Institution
1912 - 1913	Arthur B. Pollock
1918	Arthur B. Pollock & Irene Heimpel
1919 - 1926	W. H. Meisner
1927 - 1928	Mrs. F. H. Haviland
1929 - 1936	Alice Gingrich
1938 - 1943	Hazel Dingwall
1945 - 1952	Edythe Emery (Dorothy O'Connor, 1947)
1953	Vacant
1954	Dorothy Walter & Christine Galley
1955 - 1957	Mrs. R. Stevenson & Mrs. M. Harker
1958	Mrs. R. Stevenson & Vacant Unit
1959 - 1960	No Data (Directory Refers to 61 Benton)
1961 -1962	Mrs. R. Stevenson
1963	Vacant

1964 - 1965	Bernard Bester
1966	John Moyer
1967	A. J. Le Blanc
1968	S. K. Jacklin
1969	Peter Jackson
1970	Mrs. B. Jackson
1971 - 1972	R. C. Armstrong
1973	Vacant
1974 - 1976	C. Sweitzer
1977 - 1981	M. Omer
1982 - Present	House Demolished - No Data

Table 2 - 45 Church Street (City Directory)

45 Church Street (City Directory)	
Year(s)	Associated Person, Business, or Institution
1912	Mrs. J. J. Woelfle
1913	Augusta Woelfle
1918	Augusta Woelfle, Elmina Woelfle, Pauline Woelfle, & Woelfle Bros. (Machinists)
1919 - 1942	Woelfle Family & Woelfle Bros. (Machinists)
1943	Woelfle Family & Acme Machine Co. Ltd.
1945 - 1947	Woelfle Family
1948 - 1952	Woelfle Family & Canadian Homes & Kitchens

1953 - 1955	Woelfle Family & Kitchener Police Department (Traffic Division)
1956	Woelfle Family
1957 - 1958	Woelfle Family & A. Lord (Refractories & Accessories)
1959 - 1972	P. K. Woelfle
1973 - Present	House Demolished - No Data

Table 3 - 47 Church Street (City Directory)

47 Church Street (City Directory)	
Year(s)	Associated Person, Business, or Institution
1912 -1958	No Data
1959 - 1960	A. Lord Supply Company
1961	Morrice Antique & Furniture Repair
1962	North American Colour Crete Ltd.
1963 - Present	No Data

Table 4 - 51 Church Street (City Directory)

51 Church Street (City Directory)	
Year(s)	Associated Person, Business, or Institution
1912 - 1943	Benjamin Musselman
1945 - 1949	Mrs. M. Moser & A. H. Wellein
1950 - 1953	F. L. Barber & A. H. Wellein
1954 - 1964	Fred Musselman & Herbt Helm
1965	F. K. Musselman & Edith E. Elliot

1966	F. K. Musselman & J. Cuturic
1967 - 1969	F. K. Musselman & Gordon Wolfe
1970	Mrs. H. O. Musselman & Gordon Wolfe
1971 - 1974	Willbur Brubacher & W. D. Brubacher
1975 - 1976	E. Brubacher & S. Snow
1977 - 1981	W. Poll, D. Constant, & S. Snow
1982	S. Snow
1983 - 1999	M. Dias & House of Prestige (Business)
2000	House of Prestige (Business), D. Lambert, & C. Justy
2001	D. Lambert, & C. Justy
2002 - 2004	D. Lambert, & M. Cote
2005 - 2006	L. Moses
2007 - 2014	S. Casselman
2015 - Present	Directories Discontinued (House Currently Tenanted)

Table 5 - 69 Benton Street (City Directory)

69 Benton Street (City Directory)	
Year(s)	Associated Person, Business, or Institution
1912 - 1913	No Data
1918	Directory Notes "New House"
1919 - 1927	Mrs. R. W. Boehmer
1928 - 1948	William H. Meisner, A. F. Maisner (1940 - 1943), A. C. Meisner (1945), & G. Hathaway (1946 - 1948)

1949 - 1953	Mrs. E. Meisner, G. Hathaway, & Elmer B. Hyatt
1954	Mrs. E. Meisner, Roger S. Fick, & Elmer B. Hyatt
1955 - 1956	Mrs. E. Meisner, B. Pollock. Fick, & Elmer B. Hyatt
1957	Mrs. E. Meisner, Elam Martin. Fick, & Elmer B. Hyatt
1958	M. L. Holmes, Ronald Pellar, & Elmer B. Hyatt
1959	John Vollans, Ronald Pellar, & Elmer B. Hyatt
1960 - 1961	Ronald Pellar, John Klassen, Mrs. M. Weber
1962 - 1963	R. Dunsmore, Mrs. M. Weber, & LeRoy Seftel
1964	R. Dunsmore, Mrs. M. Weber, & Rudolph Queda
1965	J. Hammermuller, P. Buckheidt, & Vala Lowdes
1966 - 1967	Antonio Morgado, Francisco Vala, Jose Corvalho, Carlos Simoes
1968	Antonio Morgado, Francisco Vala, Jose Corvalho, Natalie Alves
1969	Jose Calisto, Luis Morgado, Francisco Vala, & Donna Densmore
1970	Jose Calisto & V. C. Veves
1971	Jose Calisto, V. Calisto, & J. Alves
1972	Jose Calisto, Sprung, & Valdemai Calisto
1973	Jose Calisto & Valdemai Calisto
1974	Jose Calisto, B. Neves, J. Fatima
1975 - 1976	Jose Calisto, B. Neves, A. Silveira
1977 - 1978	Jose Calisto, V. Neves, J. Guterres, & Valar Masonry (Business)

1979	Jose Calisto, A. Gil, A. Lopes, M. Duarte
1980 - 1986	Kitchener Observation and Detention Centre, & Casatta Limited (1980 - 1982)
1987 - 1988	Hope Harbour & V. Calisto
1989 - 1990	V. Calisto
1991	Casatto Limited (Business), V. Calisto, & L. Valil
1992 - 1996	Casatto Limited (Business) & Napco Investments Ltd. (Business)
1997 - 2011	Casatto Limited (Business)
2012	No Data
2013 - 2014	G. Thompson
2015 - Present	Directories Discontinued (House Currently Tenanted)

Table 6 - 73 Benton Street (City Directory)

73 Benton Street (City Directory)	
Year(s)	Associated Person, Business, or Institution
1912 - 1936	Charles B. Dunke
1937	Emma L. Dunke
1939	Emma L. Dunke & I. G. Imrie
1940	R. S. Bearhope & Frank Medlagel
1942	Frank Medlagel
1943 - 1945	G. Waever & R. Tanner
1946 - 1953	H. W. Martin & J. D. Peppler

1954 - 1956	H. W. Martin, Frank Medlagel, & Mrs. Theresa Prust
1957 - 1962	Frank Medlagel, & Mrs. Theresa Prust
1963 - 1964	Mrs. Theresa Prust & Vacant Units
1965	Mrs. Theresa Prust & Peter Schweizer
1966	Mrs. Theresa Prust & Edward Mitchell
1967	Mrs. Theresa Prust & A. M. Possmeyer
1968	Mrs. Theresa Prust & Robert Staher
1969 - 1970	Mrs. Theresa Prust
1971 - 1973	Mrs. Theresa Prust & M. Kovacs
1974 - 1980	Mrs. Theresa Prust & Vacant Units
1981 - 1983	H. Prior & Vacant Units
1984 - 1986	H. Prior H, A. Sauder, & D Awender
1987	H. Prior H & A. Sauder
1988	P. Blanchette & Vacant Units
1990 - 1991	Vacant
1992	Waterloo Wellington Insurance Agencies Inc. (Business)
1993 - 1994	Waterloo Wellington Insurance Agencies Inc. (Business) & Birthright (Business)
1995	Birthright (Business), Westmount Financial Services (Business), & V. Kavelman
1996	Birthright (Business) & V. Kavelman
1997	Birthright (Business), M. Delarosbil, & M. McArdle

1998	Birthright (Business), M. Delarosbil, & M. Doucette
1999	Birthright (Business) & Vacant Units
2000	Greenpeace, D. Ford, & C. Lucas
2001	M. Theriault, C. Chamberlain, & R. Casselman
2002	M. Theriault & C. Chamberlain
2003	M. Theriault, M. MacIntyre, & G. Henrich
2004	J. McCoy, E. Koerner, & K. Winteringham
2005	E. Koerner & Vacant Units
2006 - 2008	E. Koerner & S. Casselman
2009	E. Koerner & Vacant Units
2010	E. Koerner, Z. Jalloh, & R. Kimmich
2011	E. Koerner & M. Lavigne
2012	No Data
2013	Barbara L. Butts
2014 - Present	No Data & Directories Discontinued (House Currently Tenanted)

According to the City Directories, the houses at 39 and 45 Church Street were demolished in 1982 and 1973, respectively. Another address, 43 Church Street contained some entries between 1959 and 1962, but there are no records of a fourth structure along Church between the intersection with Benton and the church / chapel at 53 Church Street. It is possible this address was assigned separately to one of the units in either 39 or 45 Church Street, or there was a mis-recording or error in the Directories.

Overall, there have been a wide variety of people, businesses, and institutions associated with each of the three structures at 51 Church Street, and 69 and 73 Benton Street. Based on the above directory information, the 51 Church Street was converted into a 2-unit apartment building by about 1945. The house at 69 Benton Street was converted into a 3-unit apartment building by about 1928, with a possible 4th unit. The house at 73 Benton was converted into a 2- to 3-unit apartment building by about 1939.

Each of the three structures at 51 Church Street, and 69 and 73 Benton Street have contained commercial businesses or institutional uses over the years, including the Kitchener Observation and Detention Centre at 69 Benton Street in the 1980s.

Based on the foregoing, it is apparent that the many different uses and various tenants have left a lasting mark on the buildings, with various alterations, renovations, additions, and destruction removing most of the original building integrity, and leaving the structures in a variety of conditions.

Based on the site visit, the noted alterations, renovations, additions, and destruction, and the variety of tenants and uses that came and went over time, the originality of all three existing structures has been lost. The structure at 51 Church Street is in the fairest condition, but the conversion of the structure on the inside has resulted in a loss of the building's original layout. The structures at 69 and 73 Benton have seen numerous interior changes over the years, and it is now difficult to visualize how they would have functioned as a single-family home.

Photos of the existing conditions of the subject lands and the interior of the buildings are provided above in Section 2.0 of this report.

The follow street view photos have also compiled and assembled to provide a brief time lapse of the subject lands between 2009 and 2020. These images illustrate that there has been very little change to the structure between 2009 and 2023, with the recognizable differences being the exterior colour selection and trim colour, which change slightly during this time.

2009 Street View, 51 Church



Source: Google Street View, 2009

2009 Street View, 69 / 73 Benton



Source: Google Street View, 2009

2011 Street View, 51 Church



Source: Google Street View, 2011

2011 Street View, 69 / 73 Benton



Source: Google Street View, 2011

2015 Street View, 51 Church



Source: Google Street View, 2015

2015 Street View, 69 / 73 Benton



Source: Google Street View, 2015

2016 Street View, 51 Church



Source: Google Street View, 2016

2016 Street View, 69 / 73 Benton



Source: Google Street View, 2016

2019 Street View, 51 Church



Source: Google Street View, 2019

2019 Street View, 69 / 73 Benton



Source: Google Street View, 2019

2020 Street View, 51 Church



Source: Google Street View, 2020

2020 Street View, 69 / 73 Benton



Source: Google Street View, 2020

Chain of Title

In addition to the historical directory research, chains of title were prepared for each of the four parcels forming the subject lands by Lisa Leva, a professional title searcher with over 35 years experience and a registered member of the Ontario Association of Professional Searchers of Records (“OAPSAR”).

The chains of title for each of the four parcels are appended to this report as **Appendix C**.

The chains of title trace the sequential transfers of title from the current owner back to the original Crown patent. It is noted that the land registry records for these lots are based on the best available information provided through OnLand and several other sources, many of which contain scanned copies of hand-written script that can be difficult to glean. As such, the appended chains of title are based on the best information available at the time of writing, and some names and transfer may be slightly off due to illegible script and availability of information. As well, sometimes the chain of title information branches off or breaks into two or multiple tracks of land transfers. The reason for this is not always known, but sometimes those multiple tracks relate to conveyances, severances, or grants that are associated with the lineage of the current address. In those cases, the separate tracks are highlighted in a different colour. Lastly, sometimes the dates associated with the names may include a wide date range and not account for all grants / transfers within that range.

The purpose of examining the chains of title is to determine the ownership history of the subject lands in relation to their current parcel configuration. It is important to note that the earliest owners, are often notable individuals in the community, but yet may not have a direct association with the current parcel fabric or structures on the lands, since early ownership was typically for much larger lots and concessions and owners did not always build homes before subdividing or re-selling. Additionally, the chain of title and directories may not always align due to inconsistent record keeping or other factors such as differences between tenants and owners.

Generally, the chains of title trace back to the original largest piece of land, in this case, the Beasley Block, and then focus on the ownership progression to the current owners of the current parcel fabric, which are subdivisions of the larger original parcels and typically much smaller (like the subject lands).

Interestingly, the available chains of title do not indicate the transfer of a 1-acre portion of land to S. Moxley between 1857 and 1858, as depicted on Plans 393 and 394, where J.S. (presumably Joseph Schneider) transferred the subject lands to an S. Moxley. It is possible that the historical records are incomplete or that the documentation regarding this transfer is illegible. Sometimes, there are gaps in the chains of title over the years. However, according to the Waterloo Generations website (2022), Samuel Moxley is said to have sold a 1-acre parcel of land to the Trustees of the Wesleyan Methodist Church in Kitchener for \$1 in 1842. The website describes the current location of Trinity United Church (54 Benton Street) as the site of this transaction. However, this information does not align with Plans 393 and 394, as the timing and location differ.

Additionally, according to the 100th anniversary book of St. Matthews Evangelical Lutheran Church (2004), the church trustees purchased portions of the subject lands – 39 Church Street, 45 Church Street, and 51 Church Street – in 1963, 1964, and 1999, respectively. The records indicate that 39 Church Street was acquired for \$19,500 and 45 Church Street for \$26,000, both properties being used as parking lots at the time. The property at 51 Church Street was purchased for \$179,000 and was occupied by a tenant at the time of acquisition.

Of particular relevance is the ownership history of 51 Church Street, 69 Benton Street, and 73 Benton Street when they were still single-family homes before being converted into multiple rental units. According to available information, Benjamin Musselman resided at 51 Church Street for approximately 31 years, the Boehmer family owned and lived at 69 Benton Street for about 8 years, and Charles Boehmer Dunke owned and lived at 73 Benton Street for around 26 years (potentially longer). There are slight discrepancies between the City Directories and the chain of title regarding the timing of ownership and the residence of the Boehmer family at 69 Benton Street.

Notably, Charles Boehmer Dunke, the owner of 73 Benton Street, was a prominent businessperson, landowner, and respected member of the community, as referenced in various local historical books.

The following provides a more specific story for each of the parcels that comprise the subject lands.

39 Church Street

The parcel at 39 Church Street no longer contains any structures and is currently a gravel parking lot.

The location was initially identified as a historic cemetery in an artist's rendering of Berlin circa 1875. The cemetery was the Wesleyan Methodist Mission's cemetery, and according to Mills (2002), may have been the first Methodist cemetery in the City tied to a chapel that was on or near the parcel. However, the cemetery was only kept up until 1876, when it was sold to William Moyer. According to Uttley (1975 p. 69), the cemetery was exhumed in 1876 and all remains were transferred to the Mount Hope Cemetery. After the exhumations, the land was divided and sold as building lots, which were subsequently built out for single-detached homes. As mentioned previously, the parcel was also assigned different addresses over the years, all of which are now consolidated under the 39 Church Street address.

Over the years, 39 Church Street changed ownership multiple times and experienced various uses. Two of the historic owners of 39 Church Street are inductees into the Waterloo Region Hall of Fame: Arthur B. Pollock who owned a house at 39 Church Street (from 1912 to 1918) and John Moyer who owned it in 1966.

According to the Waterloo Region Hall of Fame, Arthur B. Pollock, attended Berlin High School and later worked in New York as a bookkeeper and clerk. In 1907, recognizing the potential of the phonograph as a central musical device in households, Pollock returned to Berlin and established "The Pollock Manufacturing Company" to produce the "Pollock Talking Machine." Initially operating from a carriage house at 68 Benton Street, the company later moved to a factory on Victoria Street. In 1909, Alex Welker joined the company as an engineer and production manager. In 1917, the Phonola Company was incorporated, and an additional plant was opened in Elmira for manufacturing phonograph cabinets. By 1925, the Berlin plant was renamed Pollock-Welker Ltd. In the same year, the Grimes Radio Corporation was established for radio set production. In 1933, all three organizations merged under the name Dominion Electrohome Industries Limited. Arthur B. Pollock, a prominent citizen, passed away in 1951 (Waterloo Region, 2021).

According to the Waterloo Region Hall of Fame, John Moyer, born in Waterloo in 1913, excelled in bowling and baseball. He achieved championships in bowling, including the Canadian Singles Five-Pin Bowling Championship and the Eastern Canada Championship in 1958. In baseball, Moyer was a star pitcher for Waterloo's Senior County Baseball League, leading his team to victory in the Inter-County and Ontario Baseball Championships in 1939. He also represented the Canadian Army team in 1943 (Waterloo Region, 2021).

Since Mr. Pollock and Mr. Moyer lived at 39 Church Street, all of the structures have since been demolished (circa 1982).

The property was also previously owned by the St. Matthews Evangelical Lutheran Church, who purchased it in 1963 for \$19,500 as an investment. In the 100th anniversary pamphlet of the church, it noted as being a parking lot at that time. In 2021, the church sold it to the current owners (Church and Benton Ltd.).

The association with the St. Matthews Evangelical Lutheran Church was transactional in nature, as the site remained a parking lot from their time of purchase to the date of sale and continues as a parking lot to this day.

In summary, the property at 39 Church Street was once associated with the Wesleyan Methodist belief and organization, and with two Waterloo Region Hall of Fame inductees, Arthur B. Pollock and John Moyer who lived at 39 Church Street; all of which held some significance in the community at the time. However, this association ceased when the nearby Wesleyan Methodist Mission chapel and cemetery were removed and exhumed in 1876. The same is true of any association with Mr. Pollock and Mr. Moyer, whose houses have since been demolished.

51 Church Street

The chronology of 51 Church Street reveals a series of ownership and occupancy changes over the years. From 1912 to 1943, the property was ostensibly owned by Benjamin Musselman, a teamster that passed away in the house on December 11, 1942. In 1970, the property was owned

by Willbur Brubacher from 1971 to 1974. Willbur Brubacher was a member of the Calvary United Church and the Senior Citizens Glee club. There were a variety of other owners over the years, but the Musselman and the Brubacher family name sometimes have historic significance within the City of Kitchener or Waterloo. However, in this instance the Musselmans and the Brubachers who owned 51 Church Street were not identified as people whose contributions or impact on the community were widely recognized or extensively documented, nor are they listed in the Region of Waterloo's Hall of Fame.

The structure at 51 Church Street was constructed sometime between 1877 and 1892, making the structure around 130 to 145 years old.

In 1999, the property was purchased by the St. Matthews Evangelical Lutheran Church for \$179,000 as an investment, and the 100th anniversary pamphlet described the house as being rented at that time. In 2021, the church sold it to the current owners (Church and Benton Ltd.).

The house was never used by the St. Matthews Evangelical Lutheran Church as a clergy house.

There is no discernible connection between the house at 51 Church Street and the neighbouring church at 53 Church Street. The association with the St. Matthews Evangelical Lutheran Church was transactional in nature, as the house was purchased with tenants in it, which is still the case today even after its sale to the current owners.

The structure has been subjected to several alterations over the years, which has altered the original format of the building, particularly the interior layout. Today, the house exists as a two-unit rental apartment building, with one upper and one lower unit.

69 Benton Street

The history of 69 Benton Street spans several decades. In 1918, a new house was noted in the directory. From 1919 to 1927, Mrs. R. W. Boehmer resided at the address. The ownership changed hands multiple times over the years, with most occupants appearing to be tenants, none of which were identified as people whose contributions or impact on the community were widely recognized or extensively documented, nor are they listed in the Region of Waterloo's Hall of Fame.

In addition to having multiple tenants over the years, the structure also served a commercial purpose having been the location of several business over the years and a couple of one-off public service type uses. This included the Jose Calisto, V. Neves, J. Guterres, & Valar Masonry business from 1977 – 1978, the Kitchener Observation and Detention Centre from 1980 - 1986, and Casatta Limited (another business) from 1980 to 2011.

The house at 69 Benton Street ostensibly dates back to around 1918, making it approximately 104 years old.

Over the years, the property has been converted into multiple rental housing units. Various alterations and additions have been made to accommodate this change, including a saltbox roof covering a rear extension, randomly placed and sized windows, symmetrical brick chimneys on both sides, a combination of brick and vinyl siding, large stone lintels, multiple entrances and openings to accommodate unitization, boarded or covered window openings, wide overhanging

eaves with evenly spaced brackets, and a primary entrance through the side of the portico into a front 2-storey rectilinear bump-out facing Benton Street.

The property's history includes a conversion from a single-family home to a multiple unit apartment building around 1928. Today, the interior condition ranges from poor to fair, with the upper unit being in relatively better shape.

73 Benton Street

The property at 73 Benton Street contains a structure that was once the home of Charles Boehmer Dunke (a.k.a., C. B. Dunke) who was the owner and resident of 73 Benton Street during the first half of the 20th century. Alongside his wife Emma L. Dunke, they lived in the house when it served as a single-family residence. Mr. Dunke, born in 1861, was a merchant who owned and operated a grocery store on King Street in downtown Kitchener for almost 50 years. He passed away in 1937 at the age of 76, shortly after his retirement.

Mr. Dunke was an Alderman on the first City of Berlin Council and witnessed significant changes in the city, including the establishment of paved streets, the construction of the street railway, and the introduction of waterworks. He also played a role in the transformation of the grocery business. As a member and trustee of the Benton St. Baptist Church, he owned several buildings along King Street, collectively referred to as the "Dunke Block."

Today, the building at 73 Benton Street has been converted into a 3 or 4-unit rental building and shows signs of deterioration and unsympathetic alterations to the exterior. The building at 73 Benton Street is now around 118 to 129 years old and is in poor condition both externally and internally. Several original features, such as finials, vergeboarding, window shutters, and certain window and door openings have been removed or bricked over. Additionally, new openings have been created in the brickwork to accommodate the conversion of the house into multiple units, and various external fixtures have been added to support individual gas lines, electrical systems, and HVAC installations. A comparison of the house at 73 Benton as it was in 1906 and 2022 is provided below, which shows the changes to the house from a single-family home with decorative accent and window shutters, to today's 3-unit apartment building conversion.

Figure 76 - House Comparison of 73 Benton Street between 1906 - 2022



Source: News Record, 1906



Source: Google Maps, 2020

As can be seen, the relationship of the house to the street has also changed, with the earlier image showing a yard and walkway, and the more recent image showing a wide driveway and paved parking area for tenants. The house at 73 Benton Street is in the poorest condition among all the buildings on the subject lands, both externally and internally. The interior has undergone significant modifications, leaving little evidence of the original structure and floor plan. The units are in a poorly maintained, with the basement exhibiting severe mold and rot, and the upper unit showing damage caused by both tenants and landlords, including signs of a fire.

Overall, the house presents a mix of original and altered elements, and its overall condition is rated as fair to poor. The surviving features at 73 Benton Street include the original shell and some of the original silhouette, but mostly the house is no longer representative of the original design, particularly on the inside. Extensive alterations have been made to the building, resulting in unsympathetic changes to its original craftsmanship. The building has been extensively modified, expanded, damaged, and reconfigured internally, reflecting the shift from a single-family home to a multi-unit rental building and the subsequent alterations made to accommodate tenants and repairs over the years.

A thorough examination of both the exterior and interior elements confirms that multiple alterations and changes have occurred, resulting in a farrago of constructed elements and materials. These alterations have accumulated over time under various owners and tenants.

5.4 Charles Boehmer Dunke



Charles Boehmer Dunke
Source: McLaughlin, 1912

Charles Boehmer Dunke, often written as “C. B. Dunke”, was the owner and resident of 73 Benton Street in the earlier half of the 20th Century. Mr. Dunke lived in the house with his wife Emma L. Weaver (a.k.a., “Emma L. Dunke”) when it was still a single-family residence.

Born in 1861 to Reinhardt Dunke (father) and Magdalena “Lena” Boehmer (mother), Mr. Dunke was a merchant who owned and operated a grocery store along King Street in downtown Kitchener for nearly 50 years. Mr. Dunke passed away in the house at 73 Benton Street in 1937 at the age of 76, shortly after his retirement just a year before.

Mr. Dunke’s grocery store was established along King Street in 1887, and according to the Kitchener Daily Record (1937), “had the distinction of having been in business longer than any other King St. merchant.”

Mr. Dunke was on the first City of Berlin Council as an Alderman and would have lived through many changes in the City. According to the Kitchener Daily Record (1937):

When he first opened his store King St. was a gravel road, he saw the first pavement constructed, the street railway built, and the waterworks established. When he was of the younger merchants, streets and stores were lighted by coal oil lamps and each night at sundown businessmen of the day paused a moment watching for the lamp lighter to make his rounds.

Mr. Dunke also experienced a great revolution in the grocery business since the day when he opened his store. At that time farmers dealings with the store were all in the way of trading. Today, although not eliminated, this system has been greatly curtailed.

Outside Dunke Grocery Store (King Street)



Source: Moulton & Walker, 2005

Inside Dunke Grocery Store (King Street)



Source: Moulton & Walker, 2005

Figure 77 - City of Berlin First Aldermanic Council, 1912 (C. B. Dunke Circled in Red)



Source: McLaughlin, 1912

As a Councillor starting in 1912, Mr. Dunke would have been on City Council for at least 4 years from 1912 to 1915. Mr. Dunke would have sat on Council, likely prior to the name change from Berlin to Kitchener by referendum in May and June 1916.

Mr. Dunke was also a member and trustee of the Benton St. Baptist Church, and a landowner of several buildings along King Street, sometimes referred to as the “Dunke Block”.

5.5 Brief History of Adjacent Heritage Properties

The following provides a brief history of the listed and designated heritage properties identified as properties to be assessed as part of this report via the scoped Terms of Reference. The below histories are not intended to be comprehensive, as the histories of the below properties are already well documented through City records and the designating by-laws. Instead, these histories are intended to serve as contextual reference with respect to the Cedar Hill neighbourhood and development near the corner of Benton and Church Streets.

53 Church Street

The property municipally addressed as 53 Church Street is the current location of a place of worship called the Martin Luther Church. The property at 53 Church Street is adjacent to the 51 Church Street, one of the parcels forming the subject lands in the northeast corner. According to the City of Kitchener's records, the existing church was built in 1921 in a vernacular architectural style with Romanesque influences. This listed, non-designated property, has been recognized by the City of Kitchener for its design, contextual, historical, and associative values.

Martin Luther Church at 53 Church Street, circa 2022



Source: Original Photo

The property at 53 Church Street has been the site of some form of place of worship since at least 1841, when the Wesleyan Methodist Mission open their Chapel at this location with a cemetery just to the west. Over the years, this property has seen various congregations come and go starting with the Wesleyan Methodist's (between 1841 – 1868) and including the United Brethren Church (between 1898-1907); the Grace Congregational Church (between 1907-1921); Grace Tabernacle

(between 1921-1935); the Mennonite Brethren (between 1935-1953); the Bethel Evangelical Lutheran (between 1953-1966); and Martin Luther Evangelical Church (present) (City of Kitchener, 2012). According to the City of Kitchener (2012) the current structure may have been constructed around 1921.

The church is generally rectilinear in shape, and the design is focused around a steeply pitched front gable roof, tall windows with round arched tops, and buttresses with pinnacles at the front gable. The focus for the windows appears to be more utilitarian and for symmetry than it does ornamental. There does not appear to be any remarkable stained-glass windows. The church structure is separated from the structure at 51 Church Street by about 8.7 metres and has a front yard setback of about 2.5 metres, according to the City of Kitchener's online interactive mapping application.

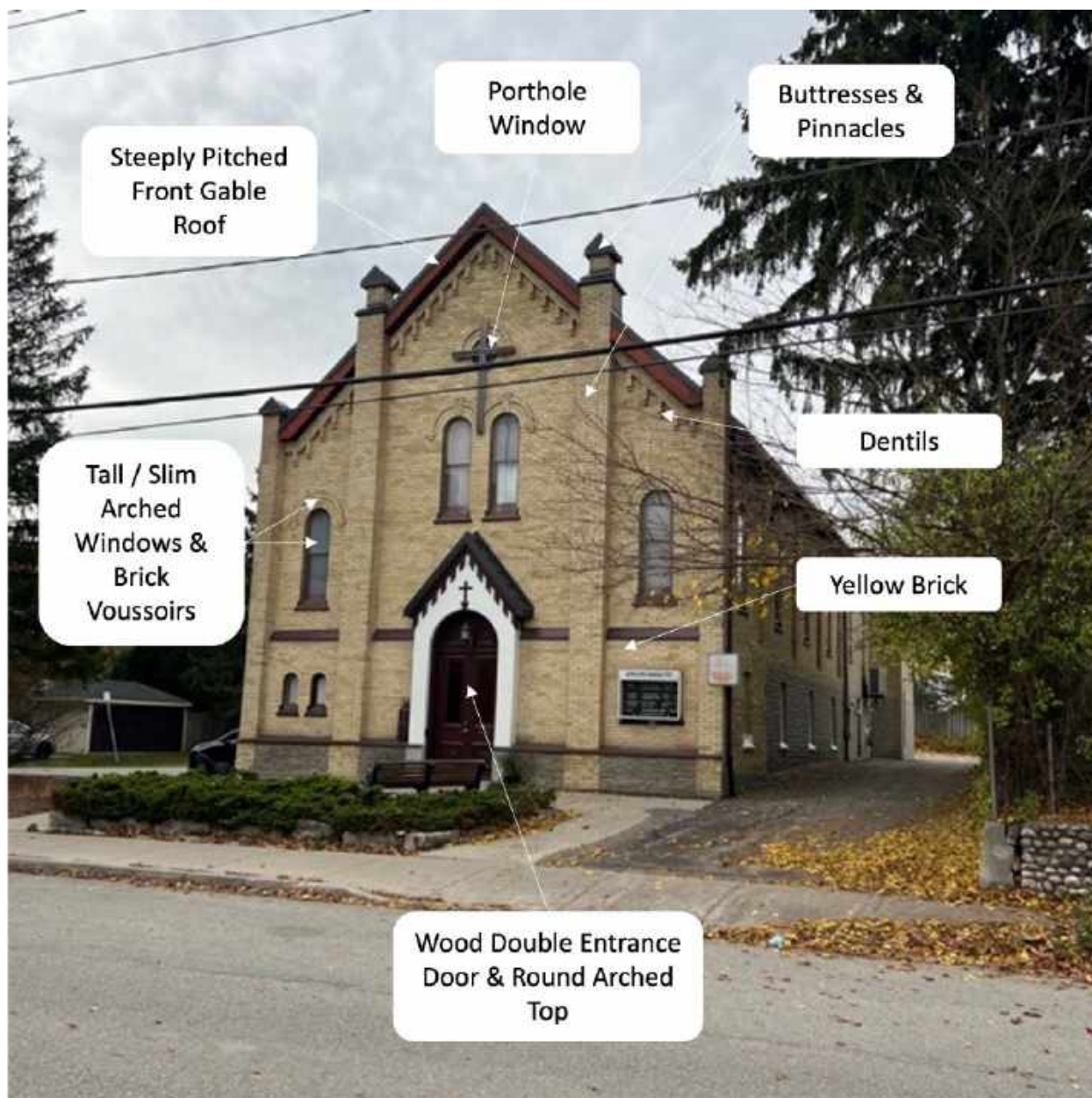
Exterior Attributes:

- brick dentils;
- buttresses with pinnacles;
- round (full circle or porthole) window in the front façade;
- steeply pitched front gable roof;
- tall and slim arched windows with brick voussoirs, dripstones, and sills;
- wooden double entrance door (front along Church Street) with round arched top;
- yellow brick exterior;
- vernacular church architecture with Romanesque influences; and

As well, City staff have recognized the location of 53 Church Street and its contribution to the continuity and character of the Church Street streetscape as notable attributes in their 2012 cultural heritage evaluation form and statement of significance, though there was not a lot of qualifications to this statement.

As 53 Church Street is immediately adjacent to where construction activities are proposed, we have provided an image to illustrate the location of the attributes listed above.

Figure 78 - Visual of Exterior Attributes, 53 Church Street



Source: Original Image

51 Benton Street

The property municipally addressed as 51 Benton Street is the current location of the Benton Medical Centre, which includes a medical clinic and on-site pharmacy, dental office, and physiotherapy. The property at 51 Benton Street is another listed, non-designated property of cultural heritage value or interest and is located across the street from the subject lands, making it adjacent, as per the City's definition.

The structure at 51 Benton Street is a 2-storey brick building built in the Italianate architectural style around 1890. The building has seen several conversions of the years, including its adaptation into a funeral home in 1929 (i.e., Schreiter Sandrock Funeral Home) and its more recent conversion into the medical centre. The Schreiter Sandrock Funeral Home operated until 2014 (Mercer, 2017). The following excerpt from the City of Kitchener's statement of significance explains the significance of the property:

The design value relates to the architecture of the house. The house is a notable example of the Italianate architectural style. The house is in good condition. The house is two storeys in height and features: shallow hip roof with wide eaves; decorative soffits, scroll brackets and fascia, including dentil trim; stucco with corner quoins; segmentally arched window openings with hood moulds and 2/2 windows; first and second floor bay windows on the front elevation, including transoms; storm door on front elevation; and wrap around porch. The contextual values relate to the contribution that the house makes to the continuity and character of the Benton Street and Church Street streetscapes.

The historic and associative values relate to the original owner and the funeral home. The original owner was E.P. Clement who was a prominent local lawyer (Shea, 1989). He became King's Council in 1904 and was also a director and president of Mutual Life (Shea, 1989). The home was purchased by the Schreiter's family and converted to a funeral home in 1929 (Shea, 1989). Arthur Sandrock purchased the funeral home from the Schreiter's in 1939 (Dignity Memorial, 2014). He had experience in funeral services stemming from his involvement in World War I when he was in charge of embalming and shipping bodies from Camp Cody, New Mexico to points throughout the US (Dignity Memorial, 2014). The home continues to function as a funeral home. It is noted that the above description was written prior to the conversion of the structure into a medical centre, which also changed the colour of the building façade, added new and different stone veneer to the exterior, and changes to the some of the decorative elements on the façades.

51 Benton Street, circa 2022



Source: Original Photo

Exterior Attributes (Original Italianate Component):

- decorative soffits;
- first and second floor bay windows on the front elevation, including transoms;
- Italianate architectural style and 2-storey height;
- long and slim segmentally arched window openings with hood moulds;
- scroll brackets, fascia, and dentil trim;
- shallow hip roof with wide eaves;
- storm door on front elevation;
- stucco with corner quoins;
- wrap around porch; and
- the contribution that the house makes to the continuity and character of the Benton Street and Church Street streetscapes.

64 Benton Street



The property municipally addressed as 64 Benton Street is the current location of the Benton Condos (see image left) and is located on the western corner of the intersection of Benton Street and Church Street.

The building at 64 Benton was constructed sometime between 1975 and 1980 and is a 15-storey residential condominium with red/brown brick exterior.

Although technically a protected property through its inclusion within the Part V designation of the VPA-HCD, this building is one of several newer tall multi-unit buildings within the VPA-HCD.

Source: Original Photo

Exterior Attributes:

- recessed balconies and façade variation;
- red/brown brick exterior;
- vertical window rhythm and openings; and
- vertically articulated construction creating a columnar effect separated into 6 vertical sections.

79 Benton Street



The property municipally addressed as 79 Benton Street is the current location of Robert J Dyck Architect & Engineering Inc.'s business (see image left). The business is located inside of 2.5-storey vernacular brick house built between 1926 – 1927 and features influences from the Arts and Crafts architectural style. The property at 79 Benton Street is another listed, non-designated property of cultural heritage value or interest, and the original owner of the property was a person named R. Boehmer.

According to the City of Kitchener, statement of significance (2013) the house at 79 Benton Street is recognized for its design and contextual values. The design value relates to the architecture of the house. The house is a unique example of a vernacular house influenced by the Arts and Crafts architectural style.

Source: Original Photo

The house is in good condition. The house is two-and-a-half storeys in height and features: front gable roof; soffits and exposed rafters; coursed shingles on gable wall; red and black brick; asymmetrical enclosed entry and upper porch; trio 1/1 windows; rusticated concrete sills and lintels; brick chimney; gabled dormers; matching outbuilding (garage); and leaded glass transoms on first storey windows.

The design value relates to the architecture of the house. The house is a unique example of a vernacular house influenced by the Arts and Crafts architectural style. The house is in good condition. The house is two-and-a-half storeys in height and features: front gable roof; soffits and exposed rafters; coursed shingles on gable wall; red and black brick; asymmetrical enclosed entry and upper porch; trio 1/1 windows; rusticated concrete sills and lintels; brick chimney; gabled dormers; matching outbuilding (garage); and leaded glass transoms on first storey windows.

The contextual values relate to the contribution that the house makes to the continuity and character of the Benton Street streetscape. The property at 79 Benton Street is south of and directly adjacent to the property at 73 Benton Street.

Exterior Attributes:

- asymmetrical enclosed entry and upper porch;
- brick chimney;
- coursed shingles on gable wall;
- front gable roof;

- gabled dormers;
- leaded glass transoms on first storey windows;
- red and black brick;
- rusticated concrete sills and lintels;
- soffits and exposed joists/rafters;
- trio 1/1 windows;
- two-and-a-half storey height;
- vernacular residential home, influenced by the Arts and Crafts architectural style; and

As well, City staff have recognized the location of 79 Benton Street and its contribution to the continuity and character of the Benton Street streetscape as notable attributes in their 2013 cultural heritage evaluation form and statement of significance, though there was not a lot of qualifications to this statement. As 79 Benton Street is immediately adjacent to where construction activities are proposed, we have provided an image to illustrate the location of the attributes listed above.

Figure 79 - Visual of Exterior Attributes, 79 Benton Street



Source: Original Photo

90 Benton Street

The property municipally addressed as 90 Benton Street is the current location of the Benton Street Baptist Church (Clubine, 1976; and Benton Street Baptist Church, 1925). This property is across the street from the subject lands to the west and is adjacent as per the City's definition.

The congregation for this church originated in Bridgeport (now a neighbourhood within Kitchener) in September of 1851 with a charter member of only 16. The current day congregation was established at 90 Benton Street in 1852 in a different church from what exists today.

The first pastor of the church was Henry Schneider (a colporteur³ with the American Tract and Bible Society) who was ordained in 1852 (Clubine, 1976; and Benton Street Baptist Church, 1925). Initially, the congregation and church were comprised of mostly German-speaking people and was the first German Baptist Church of Berlin. In 1918, and after World War I, the church switched to English after more than sixty years as a German-speaking congregation (Clubine, 1976; and Benton Street Baptist Church, 1925).

In 1852, the Bridgeport congregation "erected a building in Berlin on the site of the present sanctuary. Berlin, at that time, boasted a population of 782, and had 123 houses, three schools, four stores, and five churches" (Clubine, 1976; and Benton Street Baptist Church, 1925).

Between 1900 and 1901 the original church was remodelled to include new windows, pews, and a pipe organ. Sunday School facilities were added in 1901, 1927, and 1953. In 1920, the church separated from the Eastern Conference of the German Baptist Churches, and united with the Ontario and Quebec Convention (Clubine, 1976; and Benton Street Baptist Church, 1925). In 1925, during the seventy-fifth anniversary of the founding of the Church, the Reverend was A. S. Imrie, and the trustees included Charles. B. Dunke, H. F. Boehmer, and William Toman.

On February 11, 1964, the original church was destroyed by a fire, leaving only the 1953 addition still intact (Clubine, 1976; and Benton Street Baptist Church, 1925).

The current church was constructed in 1965 in a contemporary architectural style at a cost of \$700,000, with the cornerstone being laid on April 3, 1966. The official opening of the new (and current) church was September 18, 1966 (Clubine, 1976).

Today, the church at 90 Benton Street, is a designated heritage property under Part V of the OHA, within the VPA-HCD. The VPA-HCD, provides that the contemporary style Benton Street Baptist Church lends to the impressive series of church buildings within the VPA-HCD providing a unique picture of ecclesiastical architecture that spans close to a century. The VPA-HCD states that "it is important to conserve the salient⁴ characteristics of each building style", although, no specific features of the Benton Street Baptist church have been identified.

In our opinion, the salient exterior features of the Benton Street Baptist Church include the brick buttresses with pinnacles; brown brick and limestone exterior; copper finial (with oxidized blue-green patina); covered brick entranceway (portico) with segmental archway; cross-gabled and

³ A colporteur is someone employed by a religious society to distribute bibles and other religious tracts.

⁴ Salient means most noticeable or important.

steeply sloping roof; pointed segmental arches within the gables; stained glass windows; stone mullions, and the buttresses with pinnacles; and tracery and stone mullions.

Benton Street Baptist Church at 90 Benton Street, circa 2022



Source: Original Photo

Exterior Attributes:

- brick buttresses with pinnacles;
- brown brick and limestone exterior;
- copper finial (with oxidized blue-green patina);
- covered brick entranceway (portico) with segmental archway;
- cross-gabled and steeply sloping roof;
- pointed segmental arches within the gables;
- stained glass windows;
- stone mullions, and the buttresses with pinnacles; and
- tracery and stone mullions.



6.0

Heritage Impact Assessment

6.0 HERITAGE IMPACT ASSESSMENT

6.1 Primer

The following section is intended to assess the potential impacts of the proposed high-rise, mixed-use commercial / residential redevelopment on:

- the applicable adjacent heritage properties;
- the interface with the VPA-HCD as it exists along this stretch of Benton Street; and
- the Cedar Hill and Schneider Creek Neighbourhood Cultural Heritage Landscape.

Development impacts can be direct or indirect, and they can affect resources and landscapes differently over time. The construction process itself can affect resources and landscapes during a pre-construction phase when preparing a site for construction, during the construction phase, and / or once construction is completed (e.g., removing protective barriers). Impacts to a cultural heritage resource or landscape may also be site-specific or widespread, and any impacts can have different degrees of severity from low, moderate, or high.

The following sub-sections assess the development proposal against several potential impact categories, as established in the Ontario Heritage Toolkit.

6.2 Alteration

The redevelopment does not propose any alterations to the adjacent designated properties and structures at 64 and 90 Benton Street within the VPA-HCD, nor does it propose any alterations to the listed properties and structures at 51 and 79 Benton Street and 53 Church Street.

Therefore, impacts associated with alterations are not applicable.

6.3 Shadows

Kirkor Architects and Planners prepared a Shadow Study. The Shadow Study provides a visual model of the impact of shadows that would be cast by the proposed development on surrounding streets and properties. The intent of the Shadow Study was to evaluate the impact of shadows at various times of day, throughout the year. Accordingly, the Shadow Study created a geo-referenced drawing set that visually demonstrated shadows during the spring and fall equinoxes on March and September 21st and the summer and winter solstices on June and December 21st. Times for each were taken between the hours of 10:00 AM to 6:00 PM with the exception of the winter solstice on December 21st, which was adjusted for daylight hours and taken from 9:00 AM to 3:00 PM. A copy of the Shadow Study is included as **Appendix D** to this report.

It is important to note that the focus of impacts related to shadows is tied to the potential impacts related to the adjacent heritage properties and, specifically, shadow-sensitive uses. The balance of shadow-related impacts is an urban design exercise and is separate from this report.

From a cultural heritage standpoint, shadow sensitive uses or areas or identified heritage attributes that could be adversely impacted by shadows, includes features such as designed gardens or heritage trees which may require a certain amount of daylight to thrive, heritage squares or plazas intended to be adequately limited of shadows, or stained-glass windows in heritage churches which may require sunlight at certain times of the day to highlight the art and symbolism in the glass, for example.

Due to the shape of the building, most shadows appear to be fast moving and are incremental in nature having an impact that, throughout the year, often merges with existing shadows already produced by the buildings in the area.

With respect to the adjacent listed properties at 79 Benton Street and 53 Church Street, shadows cast as a result of the redevelopment proposal will avoid 79 Benton Street altogether and will slightly hit the northern corner of the church at 53 Church Street from 5:00 – 6:00 PM on the June 21st and March / September 21st. As a result, there will be no shadow impacts to the house or property at 79 Benton Street and limited shadows on the church at 53 Church Street. Also, neither 79 Benton Street nor 53 Church Street have been identified as having shadow-sensitive uses, so even with additional shadowing there is no expectation that shadows would have any negative impact from a heritage perspective. Although 83 Benton has been exempted from this assessment, shadows will not be cast onto that property as well.

With respect to 51 Benton Street, no shadow-sensitive uses have been identified in the statement of significance provided by the City, or in the attributes listed previously. The original house which is now enveloped by the balance of the Benton Medical Centre addition, contains first and second floor bay windows on the front elevation facing Benton Street. Shadows that fall onto 51 Benton street are only slightly cast onto the original house within the converted building, and are generally limited to 3:00 PM on June 21st, and from 2:00 PM to 4:00 PM on March and September 21st. After 4:00 PM the new shadows appear to merge with existing shadows already cast, and no new net impact is seen. On December 21st from 1:00 – 3:00 PM shadows are cast onto the original house at 51 Benton Street, which represents about 2 hours of new shadowing. It is important to note that at this time of the year in southern Ontario, shadows everywhere, including those cast from single-detached houses are at their broadest, the additional shadows cast will be incremental in nature.

Across the street at 64 Benton Street (which is a high-rise building), there are several instances of minimal shadowing throughout the year. On June 21st at 11:00 am, there will be a sliver of shadowing on the southernmost corner of building, followed by shadowing at 12:00 pm. However, there will be no further shadowing in the afternoon on that day. On March 21st and September 21st, partial shadowing will occur from approximately 10:00 am to 11:00 am, with only a sliver of shadow remaining by 12:00 pm.

The most significant shadowing will occur on December 21st, which is the winter solstice and when shadows are at their worst for any building. On this day, 64 Benton Street will experience shadowing from 9:00 am until just after 11:00 am (a little more than two hours). It is important to note that during the winter solstice, the shadowing is largely incremental, and new shadows tend to blend into existing shadows.

From a heritage perspective, it is worth mentioning that 64 Benton Street does not contain any shadow-sensitive uses. Therefore, while there may be instances of shadowing throughout the year, the impact on the heritage attributes of the building is negligible and related, generally, to new shadows cast onto the VPA-HCD. The short duration of shadowing and the absence of shadow-sensitive uses within the property contribute to the conclusion that the shadowing effect on 64 Benton Street, in terms of its heritage, will not be significant.

Regarding the Benton Street Baptist Church at 90 Benton Street, it is important to note the presence of stained-glass windows, which can be considered a shadow-sensitive attribute.

On June 21st, shadows cast onto 90 Benton Street will fall onto the stained-glass windows of the front façade along Benton Street, beginning at 10:00 am. However, these shadows will quickly move away, and there will be no shadowing by 11:00 am. On March, September, and December 21st, there will be no new shadowing on 90 Benton Street.

Considering that the new shadows affecting the stained-glass windows are limited to a one-hour or less time slot during the spring equinox, it can be concluded that the shadow impacts on 90 Benton Street are minimal. These shadows are fast-moving and generally have minor or negligible effects from a heritage perspective.

In terms of general shadowing on the VPA-HCD, some new shadows will be cast to the north, including onto the St. Matthews Lutheran Church at 54 Benton Street (which was not identified as a property to be included in this HIA). Shadows cast to the north onto the St. Matthews Lutheran Church are incremental in that they join with other existing shadows produced from nearby buildings including condominium building at 64 Benton Street. Notwithstanding, new shadows cast onto the St. Matthews Lutheran Church would be experienced on March and September 21st for one hour between 12:00 to 1:00 pm. Other shadowing is tied to December 21st in the morning, while most of the VPA-HCD is already in shadow due to a combination of the sun's low angle, the shallow solar path, and the extended period of low sunlight throughout the day which cumulatively contribute to greater shadowing are generally worse on the winter solstice in Ontario.

Overall, the Shadow Study conducted by Kirkor illustrated that the proposed development would result in new shadows that are expected to have minimal impacts on adjacent heritage properties from a heritage perspective. The study determined that the shadow effects were generally thin, fast-moving, and somewhat incremental in nature. The existing high-rise building and church massing already cast shadows into the VPA-HCD, reducing the significance of the new shadowing. Overall, the study concluded that the shadow impacts on the VPA-HCD and on other adjacent heritage properties were minor and would not have a significant adverse effect on the heritage resources / attributes of the area.

6.4 Isolation

The assessment focuses on whether the proposal might isolate adjacent heritage resources from their setting, context, or significant relationships.

When constructing new high-rise buildings near heritage resources, several factors should be considered regarding the setting and context. These factors include contextual design, setbacks and height considerations, design articulation and massing, and pedestrian connectivity.

With regard to contextual design, the proposal, if approved, will result in the creation of a new high-rise mixed-use building with a 4-storey podium featuring commercial uses at grade along Benton Street, residential uses at grade to the south interfacing with 79 Benton Street, residential amenity uses to the north along Church Street, and back—of-house type uses and landscaping to the east at the interface with 53 Church Street.

To the north (interface with Church Street), the building is proposed to be set back from Church Street by between 1.6 and 2.1 metres (post widening) from the property line to the main outer wall of the podium. Pre-road widening, the podium would be set back about 5 metres from the existing edge of the street. The tower is proposed to be stepped back between 4 and 5 metres from the Church Street frontage (post widening) and more than 3.0 metres from the podium along Church Street.

To the east (interface with 53 Church Street), the tower will be stepped back more than 7.5 metres from the podium to create separation from the church at 53 Church Street, and the distance between the property line to the nearest main building wall will be at least 20 metres and more than 27 metres between property line and the tower. The closest distance between the edge of the church at 53 Church Street and the tower component will be more than 27.5 metres. Furthermore, the northwest corner of the podium has been cut to create enhanced sight lines for pedestrians and traffic at the corner of Benton and Church Street and to reduce the pinch at this intersection.

To the south (79 Benton Street interface), the building is proposed to be set back between about 6 to just over 8 metres from the main outer wall of the podium to the property line. The tower will be stepped back an additional 20 + metres from the southern edge of the podium. The nearest distance between the main outer walls of the existing structure at 79 Benton Street and the podium of the proposed building is more than 14.5 metres. When coupled with the tower step back, this distance will be nearly 35 metres.

To the west (interface with Benton Street), the building is proposed to be set back between 0 and 0.5 metres from the property line to the main outer wall of the podium (post road widening). Pre-road widening, the podium would be set back more than 3.5 metres. The tower is proposed to be stepped back by about 6.5 metres from the Benton Street frontage nearest to the intersection with Church Street and about 6.4 metres nearest to the southwest corner (post widening), and more than 5.7 metres from the edge of the podium along Benton Street.

The proposed site configuration, setbacks, and stepping demonstrate an effort to frame the streets, fill the corner while ensuring corner cut for better sight lines and less pinching, and create separation from the existing church and structure at 53 Church Street and 79 Benton Street, respectively. Additionally, new landscaping elements and outdoor amenity spaces would be incorporated into the interfaces with the properties to the east and south. The transformation of the subject lands into a pedestrian-oriented high-density building with an active street frontage would enhance the area's vitality.

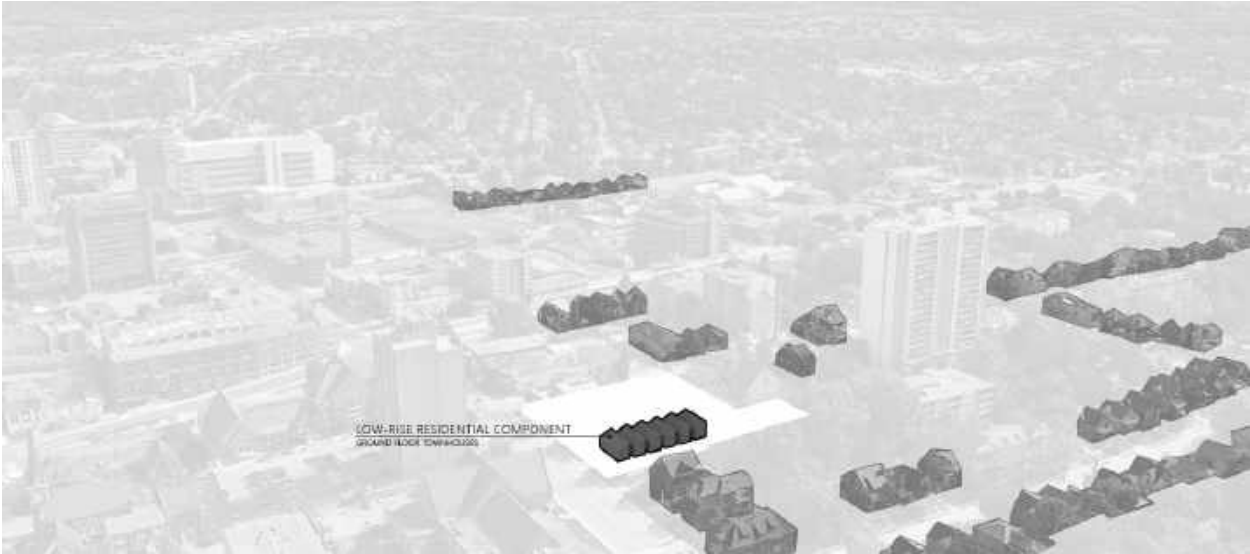
Design principles that consider the surrounding heritage character have been adopted, respecting the historical context, setbacks, and building heights along Benton and Church Streets. This was

achieved primarily through the design of the podium which adopts a horizontal banding at the historical roofline datum and incorporating articulation near this datum line that pays homage to the historical residential rhythm and peaked roofs of the past. This integration ensures visual and physical separation between the new development and the surrounding context. The buildings on the west side of Benton Street within the VPA-HCD will remain highly visible along the street, and their prominence will not be overshadowed by the new development, in our opinion.

Moreover, the subject lands have been designed to include pedestrian walkways between the adjacent heritage resources, promoting accessibility for people and helping to create a pedestrian space at these interfaces. These include a pedestrian walkway along the southern interface, paved connections, an outdoor amenity area to the east, and sidewalk and boulevard enhancements along both streets.

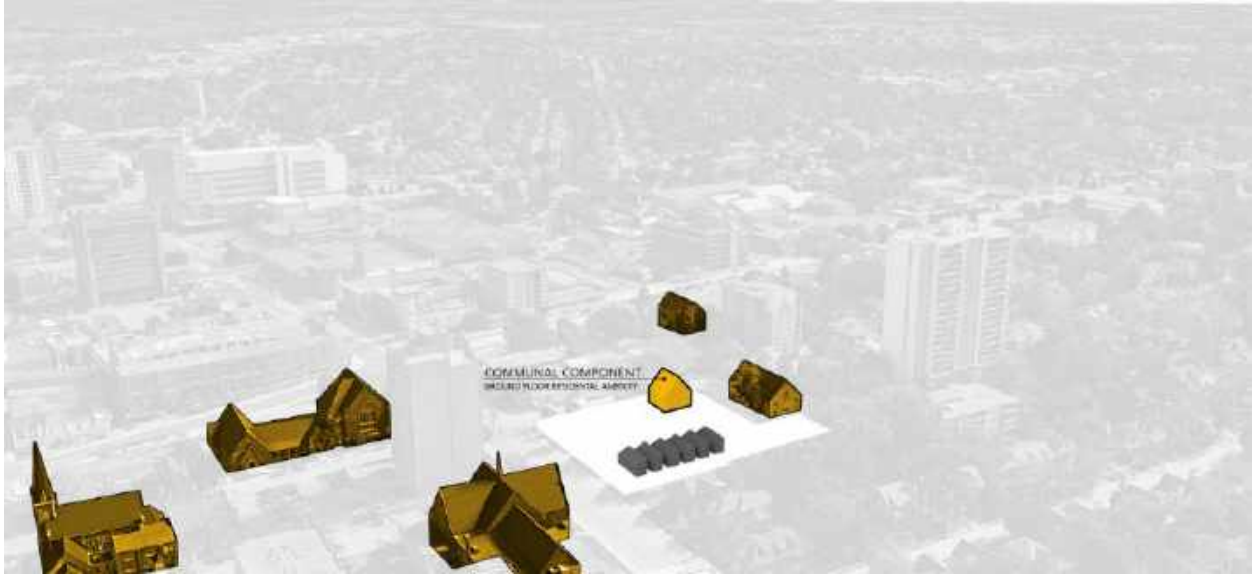
The following figures illustrate the proposed development in the existing area context, highlighting the attempt to recreate and pay homage to the low-rise residential components, community aspect, commercial component, vernacular block, and motifs within the building envelope. These elements aim to minimize the isolation of adjacent heritage properties and appropriately design and site a tall new building within the CHSC-CHL, mitigating changes to the neighbourhood as much as possible.

Figure 80 - Homage to Residential Component (grey) in Proposal (South Interface)



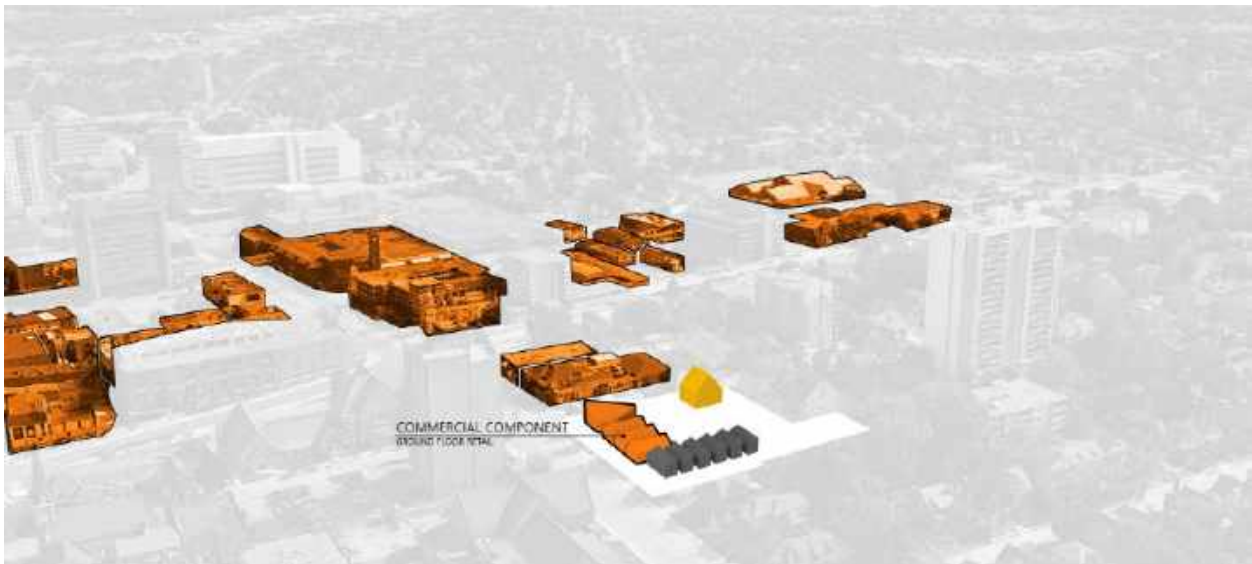
Source: Kirkor, 2023

Figure 81 - Communal Component (yellow) of Proposal (Northeast Interface)



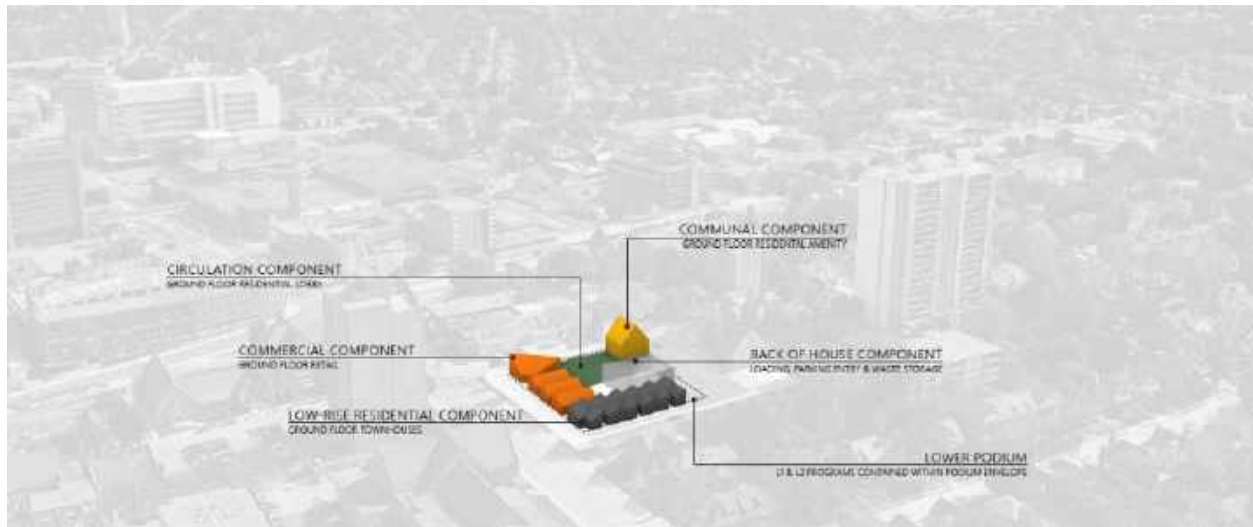
Source: Kirkor, 2023

Figure 82 - Commercial Component of Proposal and Homage to Building Datum (West Interface)



Source: Kirkor, 2023

Figure 83 - Homage to the Vernacular Block



Source: Kirkor, 2023

As can be seen in the images below, the design of the new proposal includes horizontal banding around the podium which was intended as an homage to the existing horizontal building height datum of the structures along this stretch of Benton Street. **Figures 74** and **75** illustrate this datum line from two different directions. It is noted that the renderings are slightly older than the current site plan configuration and do not include the corner cut-out at the corner of Church and Benton Streets, which will help ensure the view at this intersection is not pinched.

Figure 84 - Representation of Existing Building Height in Horizontal Datum (looking Southwest)



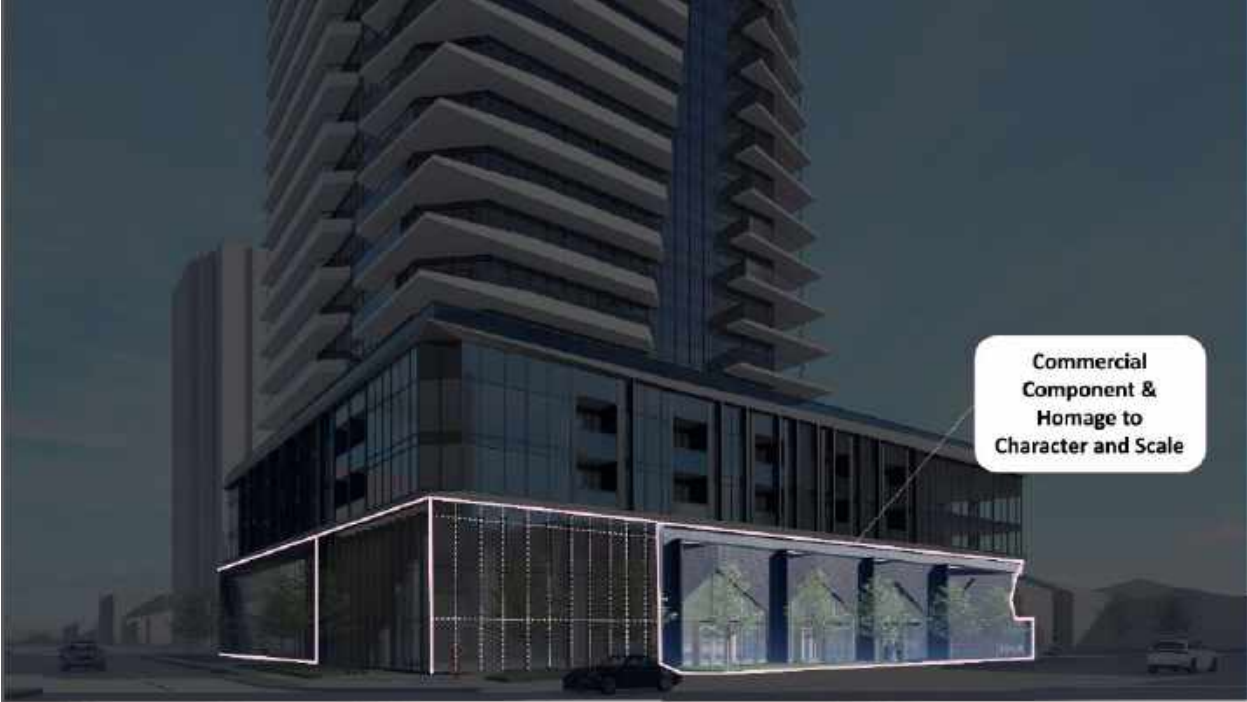
Source: Kirkor, 2023 (modified by TBG)

Figure 85 - Representation of Existing Building Height in Horizontal Datum (looking Northeast)



Source: Kirkor, 2023 (modified by TBG)

Figure 86 - Commercial Component of Proposal and Homage to Building Datum



Source: Kirkor, 2023 (modified by TBG)

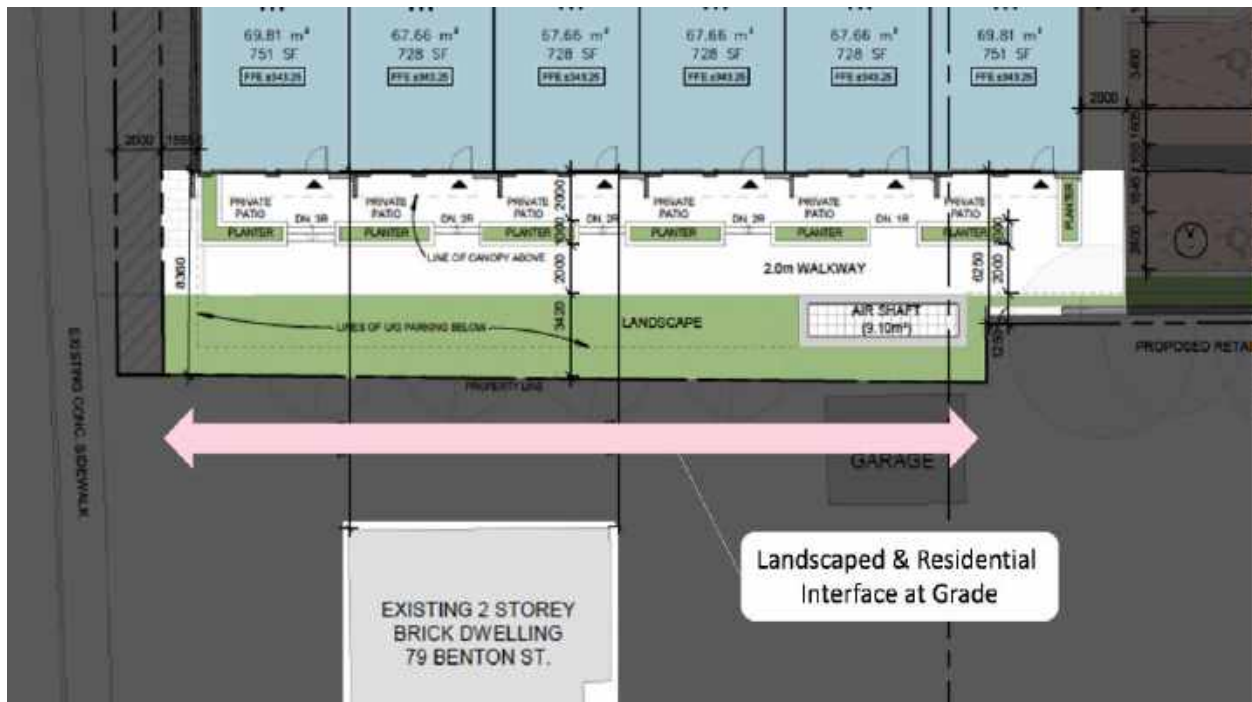
Figure 87 - Existing vs. Proposed Interface Scenario with 79 Benton Street



Source: Waterloo Region, 2022

Source: Kirkor, 2023 (modified by TBG)

Figure 88 - Landscaped and Residential Interface with 79 Benton Street



Source: Kirkor, 2023 (modified by TBG)

Figure 89 - Rendering of Residential Component at Grade Interface with 79 Benton Street



Source: Kirkor, 2023

Figure 90 - Existing vs. Proposed Interface Scenario with 53 Church Street



Source: Waterloo Region, 2022

Source: Kirkor, 2023 (modified by TBG)

Based on the information provided, the proposed development will not isolate any of the resources within the VPA-HCD across the street. Although the changes to the street frontage will alter the relationship between the subject lands and the interface with the VPA-HCD, measures have been taken to help mitigate any isolation impacts. Setbacks from the podium to the property line, tower

step backs, building articulation, the corner cut-out, and the incorporation of historic building height and forms within the envelope all contribute to this mitigation.

Regarding the interface with 79 Benton Street, the massing of the new building is larger than the structure to the south, potentially resulting in the house appearing somewhat isolated from the street when viewed from the north. However, there have been improvements made to this interface. The separation between the main building walls has increased, a significant tower step back has been implemented, and grade-related residential uses have been incorporated instead of back-of-house uses or a drive aisle. Additionally, pedestrian-scale landscaping and a walkway enhance the area between the two buildings.

Similar separation measures have been implemented for the church at 53 Church Street. While a portion of the lands at this interface currently serve as a parking lot, the post-development scenario includes the replacement of some of the parking space with a designed outdoor amenity area, another pedestrian walkway, and a paved drive aisle. The existing trees at this interface are proposed to be removed, but the new building has been sited to expand upon the separation from the church by about 115% (between building walls).

The setbacks adopted for the proposed building along Church Street align with the precedent-setting setbacks of the building across the street (Benton Medical Offices) and are consistent with the range of setbacks found along Church Street from Benton to Eby Streets (which range from 0.6 - 14.8 metres). While the church may appear somewhat isolated from certain angles when viewed southeast down Church Street, its presence remains unchanged from the opposite direction. The setbacks, compatible communal features, corner cut-out at the intersection with Benton Street, and generous tower step backs help mitigate any isolation impacts on the church. As well, the setback and the view of the church along Benton Street was not identified as a significant attribute, and the existing view of the church at 53 Benton Street is already restricted when looking southeast down Church Street from Benton Street today (see image below).

View Down Church Street looking Southeast from Benton Street



Source: Google Maps, 2020

With respect to 51 Benton Street (Benton medical Offices), there are no impacts anticipated as it relates to isolation, since the streetscape on the north side of Benton Street will remain unchanged.

In our opinion, the proposal will not result in the isolation of the CHSC-CHL. The design pays homage to the historic residential theme by incorporating residential and designed elements into the building's base. The juxtaposition of the modern building design along the edge of the CHL and existing major street creates contrast and visual appeal, highlighting the unique characteristics of both the old and the new and enriching the urban environment. The proposal also fills in and repairs a gap on the subject lands while cutting out the corner at the intersection which improves sight lines and visibility looking southeast along Church Street, contributing to the distinct sense of space. The diversity of building types and land uses in the Cedar Hill Neighbourhood CHL can accommodate the presence of large mid-twentieth-century apartment blocks without excessive visual deterioration, adding to the visual variety of the community.

In our opinion, there will be minimal to no impact in terms of isolation on the VPA-HCD since the proposal is across the street from the district, and the building design respects the historically residential character along Benton Street. There may be minor to moderate impacts on the isolation of 79 Benton Street due to the prominence and massing differences, but these are mitigated through enhancements at the interface. Similarly, there may be minor isolation-related impacts on the Church at 53 Church Street, but site design and building location help mitigate these. Finally, the proposal will result in a change to the west edge of the CHSC-CHL, but this change is offset by incorporating some elements of the historic character and building heights within the podium and adding to the visual variety of the area as recognized by the City's Cultural Heritage Landscape Study.

6.5 Direct or Indirect Obstruction of Views

With respect to views, the view looking southeast along Church Street from the intersection of Benton and Church Street has been identified as an entrance view into the neighbourhood, starting at the corner of Church and Benton Street which is identified as priority gateway location.

The proposed redevelopment aims to infill and intensify the subject lands located at the south corner of the intersection of Benton Street and Church Street, where this significant view looking southeast has been identified. The design of the new high-rise mixed-use commercial/residential building has considered the range of setbacks and the average building setback along Church Street, to which there is quite a variation.

In this regard, setbacks were approximately measured from 37 properties along Church Street using online mapping, starting at the intersection of Church and Benton Streets, and ending at about Eby Street to the southeast. Accordingly, it was found that building setbacks along this portion of Church Street generally range from 0.6 to 14.8 metres, with the average setback coming it at around 5.5 metres. However, the most vital setback, are those at the intersection of Church and Benton Streets. Accordingly, the Benton Medical Centre at 51 Church Street sets the precedent for the building setbacks at this entrance to the Cedar Hill neighbourhood. In this regard, the setback of 51 Church Street appears to range from approximately 0.8 metres to about 1.5 metres. This measurement accounted for the road widening, which appears to have already been taken.

The design of the proposed building incorporates a setback from Church Street that generally ranges from 1.6 to 2.1 metres after a 3.5-metre-wide road widening is taken. If road widening was not taken, then the setback of the new building from Church Street would be about 5.0 metres. Not only does the proposed setback fall within the measured ranges of building setbacks along Church Street, but it also compliments the precedent setting entrance setback established by 51 Church Street. Furthermore, a corner cut-out is proposed which further helps to ensure that the view is not pinched, and sight lines are maintained southeast down Church Street from a wider variety of angles.

By doing this, the entrance view southeast down Church Street is not obstructed or constrained, eliminating any potential pinch point. Furthermore, the boulevard is proposed to be improved in the post-widening scenario, which will include wider sidewalks than exist today, street trees, and generally streetscape improvements.

To illustrate the proposed entrance view scenario, Kirkor have prepared a series a renderings which illustrate the new relation at this intersection into the Cedar Hill neighbourhood. It is noted that the below renderings are slightly older than the site plan proposed and do not illustrate the corner cut-out at the intersection of Church and Benton Street. However, an excerpt of the site plan is provided below for reference.

Perspective South Down Church Street



Source: Kirkor, 2023

Perspective Southeast Down Church Street



Source: Kirkor, 2023

Perspective South at Corner of Benton and Church Streets



Source: Kirkor, 2023

Perspective from Southeast on Church Street



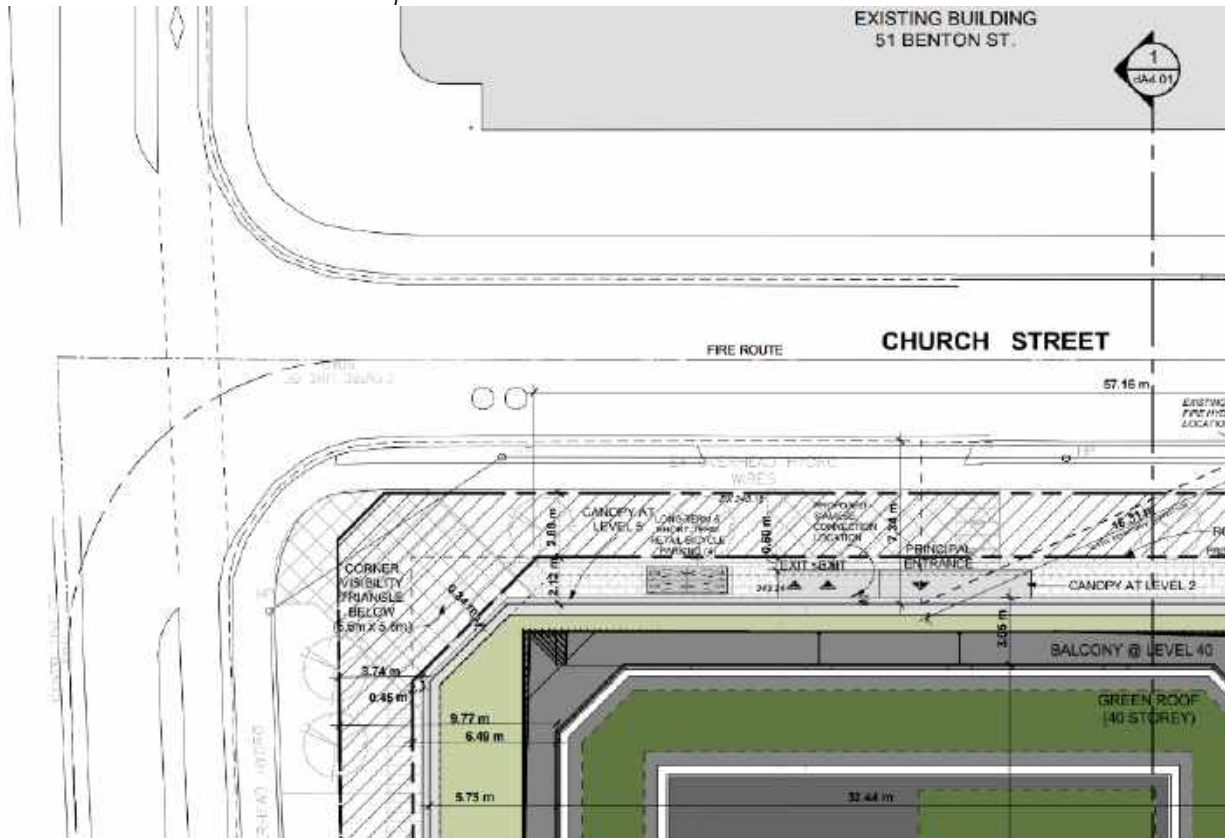
Source: Kirkor, 2023

Perspective looking Southeast Down Church Street



Source: Kirkor, 2023

Site Plan Excerpt: Corner Cut-Out at Church and Benton Street



Source: Kirkor, 2024

Perspective looking Southeast Down Church Street



Source: Kirkor, 2023

Corner Perspective Church and Benton Street



Source: Kirkor, 2023

It is important to acknowledge that the view looking southeast at the entranceway of the intersection between Church and Benton Street will undergo a change. The introduction of a high-rise building with a large podium will transform the currently vacant site. However, the treatment of the building location on the subject lands has been thoughtfully considered, considering existing setbacks, anticipated widening, the precedent setback established by 51 Benton Street, and improvements to the streetscape. Furthermore, the listed property at 53 Church Street (Martin Luther Church) is not exceptionally visible when looking southeast down Church Street from Benton Street. Accordingly, the view of Martin Luther Church will not be radically changed from the existing view (i.e., its presence along the street).

Although the new tall building will differ from the current building heights on the subject lands, it will incorporate some design details in the podium that will help it to integrate into the surroundings. As well, the Cedar Hill Neighbourhood already exhibits a mix of architectural styles, building heights, and urban forms. The presence of other taller and mid-rise buildings along Church Street already contributes to the visual variety along this corridor without causing any undue visual deterioration. This sentiment aligns with the observations made in the City's Cultural Heritage Landscape Study.

As can be illustrated in the above renderings, and based on the foregoing, it is our opinion that the proposed redevelopment will have a minor to moderate impact on this entrance view, but the impacts are well mitigated through the adoption of the 5.0-metre setback from Church Street (1.6 to 2.1 metres after widening). The proposed setback from Church Street demonstrates a thoughtful consideration of maintaining and preserving the visual quality and openness of the view, contributing to the overall enhancement of the streetscape and urban experience in the area, and will not result in a pinch point at this intersection. The infill of the subject lands will generally repair what is otherwise a broken street frontage today.

Consequently, the impacts on the entrance view southeast along Church Street from Benton Street, though present will be well mitigated if the current proposal and 5.0-metre setback (1.6 to 2.1 metres after road widening) are maintained moving forward. In fact, we believe that the proposed redevelopment will improve the currently broken frontage resulting from the vacancy of the subject lands. While the view will be new in terms of building height and massing, the addition of a new tall building will add to the visual variety and building heights, including a tall and a mid-rise building, that already exist down this view.

6.6 Change in Land Use

The development plans to construct a mixed-use building that incorporates commercial spaces at ground level and residential units in both the lower level facing 79 Benton Street and the tower section. Currently, the designated land use for the subject lands and other parcels along Benton Street, as stated in the City's Growing Together framework, supports high-density mixed-use residential / commercial development, with no maximum building height or Floor Space Ratio.

Historically, the subject lands have predominantly featured residential uses, although some commercial activities have also existed in the structures over the years. Furthermore, Benton Street and Church Street were initially developed with a blend of residential and institutional uses, and various commercial businesses have been added over time, particularly at corner locations and where Benton Street approaches Charles Street East and King Street East. Evidence of the introduction of commercial uses along this portion of Benton Street can be observed across the street at the Benton Medical Centre and adjacent to the southern limits of the lands at 79 Benton Street, which houses Robert J Dyck Architect & Engineering Inc and possibly another business.

Therefore, the mixed-use nature of the proposed building aligns well with the mixed-used character of the neighbourhood. The change in land use will continue the historical mixed-use nature of the neighbourhood, with the primary alteration being the inclusion of grade-related commercial uses. Given that the area has been gradually incorporating more commercial activities over time, the proposed grade-related uses align with both the historical evolution and the current and proposed land use designations.

The proposed building will undoubtedly be distinct and major addition to the area, yet it is well located along an existing major street, on a large land assembly, and at the periphery of the Cedar Hill neighbourhood where most of the existing taller buildings tend to be located, especially in the northeast as you transition towards the Downtown. Moreover, the development aims to rectify a partially broken street frontage along Benton and Church Street, becoming a part of the evolving landscape along Benton Street.

Careful attention to site and building design including setbacks, articulation of the massing, tower location, and design in both the podium and tower components will help ensure a harmonious coexistence with neighbouring heritage buildings. This approach demonstrates sensitivity and respect towards the diverse character and visual variety of the CHSC-CHL.

In our opinion, the introduction of a new tall building in the Cedar Hill Neighbourhood Cultural Heritage Landscape is both distinctive and appropriate. This corner location, situated at the edge of the CHSC-CHL within a Strategic Growth Area and PMTSA, makes it well-suited for such

intensification. The neighbourhood's diverse character, visual variety, and capacity to accommodate tall structures without undue visual deterioration, particularly near the edges and along existing major streets, further support this opinion. Overall, the proposed development can make a successful contribution to the ongoing evolution of the Benton Street edge, enhancing the neighbourhood's overall visual variety, while also preserving the character internal to the neighbourhood.

Consequently, we do not anticipate any significant impact on the subject lands or the surrounding areas, including the VPA-HCD and the CHSC-CHL, from the perspective of land use typology.

6.7 Land Disturbance

Land disturbance impacts are typically associated with archaeological matters below grade. The subject lands have been developed on for over 140 years. Over the years, numerous construction activities have likely significantly disturbed the soil, including the exhumation of the cemetery at 39 Church Street in 1876, the digging of basements, installation of servicing and utility trenches, the installation of septic systems prior to the arrival of municipal services, the installation and reconstruction of roads and surface transit, and other changes in land use.

Therefore, the redevelopment proposal is not anticipated to result in any land disturbance impacts beyond what would have already occurred over the 140-year period the site has been developed and disturbed.

Notwithstanding, given the historic cemetery located on the subject lands (which was exhumed in 1876), there is still a chance that human remains could be found during construction activities. In the event that human remains are found during construction, all work should cease immediately, ensuring that workers are aware of the discovery with instructions to refrain from disturbing the area further. The discovery site should be secured, and the appropriate authorities should be notified promptly prior to any continuation of work. This could include involving the local police department, archaeologists, the Bereavement Authority of Ontario, and / or the Office of the Chief Coroner (OCC) in Ontario.

It will be a recommendation of this report that Ground-Penetrating Radar ("GPR") be used to scan the subject lands especially towards the corner of Church and Benton Street prior to excavation to confirm that all possible graves have in fact been exhumed. This can be especially useful for finding unmarked graves.

Lastly, there are no land disturbances proposed to any of the adjacent heritage properties, though below grade construction efforts may present an opportunity for vibration related impacts. Accordingly, it will be a recommendation of this report to prepare a Cultural Heritage Protection Plan (CHPP), which should include a vibration monitoring report outlining mitigation strategies and monitoring measures during construction activities (especially related to 51 and 79 Benton Street, and 53 Church Street), along with a grading, servicing, and stormwater management report delineating the drainage plan to be implemented.

6.8 Destruction

The redevelopment does not propose demolitions of any structures on the adjacent designated properties at 64 and 90 Benton Street within the VPA-HCD, nor does it propose demolitions of any structures on the adjacent listed properties at 51 and 79 Benton Street and 53 Church Street.

Therefore, impacts associated with demolitions are not applicable as it relates to the adjacent heritage properties.



7.0

**Consideration Of
Alternatives, Mitigation &
Conservation**

7.0 CONSIDERATION OF ALTERNATIVES, MITIGATION & CONSERVATION

7.1 Alternative Development Options

The following section considers the potential for alternative development options on the subject lands to fully explore land use alternatives as they relate to heritage conservation. Note that the options presented below are not exhaustive, and generally assume scenarios that would comply with the policy direction set out for the lands.

Alternative Development Option 1: Do Nothing / Leave Lands As Is

Choosing to leave the land as is would mean keeping the buildings in their current state without any destruction, alteration, or other impacts. However, the do-nothing approach for strict conservation lacks effectiveness when assessed within the framework of land use planning. One of the key directives of the Province, Region, and City is to maximize the efficient utilization of land and resources.

The subject lands are not listed or designated properties on the City's Register and have been designated for high-density mixed-use development with no maximum building heights or FSR and are located in an area earmarked for intensification to accommodate population and employment growth. Leaving the site untouched and taking no action would not represent the most efficient use of these lands within a Protected Major Transit Station Area (Strategic Growth Area). The proposed redevelopment plan aims to intensify underutilized lands through a compact mixed-use, pedestrian-oriented development. It would include over 500 residential units (with parking below ground) and new commercial space. One of the current primary directives of the Province is to provide more housing options for everyone. Demolishing the structures on the lands would facilitate a building design that optimizes land efficiency, allowing for the accommodation of more dwelling units within the building envelope.

Furthermore, leaving the subject property untouched would maintain the inefficiencies seen on the lands today and a continuation of the gap they present in the evolving urban fabric. Considering these factors, the do-nothing alternative development option is not recommended.

Alternative Development Option 2: Accommodating Architecture (Stilting or Enveloping)

This option is typically employed when a heritage building is deemed to possess exceptional cultural heritage value or interest, often in the case of designated buildings. The purpose is to conserve the building's significant design, physical, historical, and/or contextual value. Under this

approach, the heritage building would continue to function independently from the new construction. Stilted building involves the careful architectural design of constructing a new building over an existing one. This is achieved through the use of long linear supporting elements like columns, beams, or cantilevers, resulting in the appearance of a building standing on stilts. Enveloping a building entails designing a new structure around an existing one, often with limited setbacks, to preserve the appearance of the original building when viewed from the street or sidewalks. This approach provides additional building envelope for the new construction while maintaining the visual integrity of the existing structure.

Stilted Buildings

*8-20 Widmer Street, Toronto
Scott Shields Architects Inc.*



Source: Gallant, 2016

Enveloped Buildings

*400 Jarvis St, Toronto
Canada's National Ballet School*



Source: National Ballet School, 2022

*Ontario St & Weber St. N., Kitchener
(Changed to Enclosed in Glass - Kiah Group)*



Source: Thompson, 2019

*7 St. Thomas St, Toronto
Hariri Pontarini Architects*



Source: Hariri Pontarini Architects, 2019

Utilizing accommodating architecture, such as enveloping or stiling the new building over the structures on the subject lands, is an available option. However, it should be noted that these architectural designs are typically employed when a heritage building is deemed exceptional and requires conservation to preserve its identified value and attributes.

The subject lands are not listed or designated as heritage resources of cultural heritage value or interest and evaluations under O. Reg 9/06 of the OHA were not required. Accordingly, this type of architectural design is not necessary for consideration. Moreover, implementing such designs can be less efficient in terms of building envelopes and more expensive due to the unique construction techniques involved.

Adopting this highly technical architectural style to conserve structures on non-listed and non-designated properties may not be the most resourceful or efficient use of land and resources. It is important to consider whether such an approach balances desired conservation goals, land use intent, and the most effective utilization of available resources.

An alternative version of this option could involve demolishing one or two structures while retaining one or two others. This would allow for the stiling or enveloping of the new building around the retained structures, rather than encompassing all three. However, given that the subject lands are not listed or designated properties on the City's Register, this option is not recommended.

Alternative Development Option 3: Adaptive Reuse

Adaptive reuse involves repurposing an existing structure for a new use or purpose, contributing to the reduction of abandoned or underutilized buildings and the preservation of cultural heritage assets. It allows for the introduction of new programs and functions, contributing to the maintenance, rehabilitation, and redevelopment of targeted areas within a community. Additionally, adaptive reuse helps realize the environmental investment in existing buildings by utilizing their embodied energy.

In this option, one or all of the structures on the subject lands would be adapted for a new purpose and integrated into the new building, forming a cohesive development. Adaptive reuse can take various forms, utilizing the host structures in different ways. In this case, it would involve maintaining the Benton Street, Church Street, or both street-facing façades when viewed from the street.

However, adaptive reuse is typically performed when the host structure is capable of accommodating the adaptation, meaning that it is robust enough for the new purpose. Examples of successful adaptive reuse projects in the region include Circa 1877 by HIP Developments (at 181 King Street South, Waterloo) and the proposed redevelopment at 16-20 Queen Street North in Kitchener by Momentum Developments, adjacent to Goudies Lane.

The structures at 69 and 73 Benton Street have undergone significant alterations over the years to create multiple rental units. It is unclear whether the structural integrity of these buildings is robust. Extensive repair work and renovations would likely be necessary to make 73 Benton Street suitable for adaptation, while 69 Benton Street may require unique construction methods that would need to be assessed by a structural engineer. The structure at 69 Benton Street may be suitable for a "shell" style adaptive reuse, where the building's exterior features are maintained and incorporated

into the new construction. The most appropriate structure for adaptive reuse appears to be 51 Church Street, as it seems to be in the best condition among the three.

While leaving the structures as "shells" to preserve their appearance along the street is not entirely unacceptable, this approach, known as "facadism," is not necessarily the ideal conservation technique. The successful examples of adaptive reuse mentioned earlier, such as Circa 1877 and the proposed project at 16-20 Queen Street North, had more robust structures to work with and fully integrated them into high-rise developments.

Adaptive reuse remains an option moving forward, as it aligns with sustainable development practices and can harness the embodied energy of the existing buildings. However, it is not required since the subject lands are not listed or designated heritage properties. Furthermore, due to the shape of the existing structures, adaptively reusing them may result in inefficiencies in the building envelope. The primary benefit of this option is the preservation of the street appearance of one, some, or all of the existing structures.

Considering that conservation of the structures on the subject lands is not mandatory and the potential inefficiencies that can arise when adaptively reusing old house structures as part of a high-rise building, this option may not be the most feasible choice. Given that the subject lands are not listed or designated properties on the City's Register, this option is not recommended.

Alternative Development Option 4: Relocation

This option is not necessary since the structures on the subject lands are not listed or designated heritage resources on the City's Register.

Alternative Development Option 5: Infill the Lands with Low-Rise Buildings

In this option, the structures on the lands would be maintained and other low-rise options would be developed around them to fill in the gaps along the street.

The subject lands are located within a Strategic Growth Area and a PMTSA. These are areas that are earmarked to accommodate growth and intensification with high-density development and no height caps.

Infilling the lands for low-rise buildings within Strategic Growth Area and PMTSA intended for high-density mixed-use development within a major transit station is inefficient and not aligned with sound planning for several reasons:

- It can hinder land use efficiency and the capacity to accommodate a larger population and diverse activities;
- it can underutilize the transit infrastructure and potential for transit-oriented development;
- it can fall short of meeting urban intensification and growth targets;
- it can limit the creation of vibrant, walkable environments; and
- it may require future reconfiguration or redevelopment to align with long-term planning goals in the fullness of time.

Overall, this approach contradicts the objectives of efficient land use, transit-oriented development, urban growth targets, walkability, and long-term planning considerations. Furthermore, this option would create land uses that would not conform with the City's Official Plan and would stray further from the intent of Official Plan than the current proposal. Therefore, this option is not necessarily representative of good planning.

Ultimately, when considering the goals of maximizing land use efficiency, promoting transit-oriented development, achieving urban growth targets, enhancing walkability, and aligning with long-term planning considerations, infilling lands with low-rise buildings within a strategic growth area intended for high-rise mixed-uses within a major transit station may not be viewed as an efficient use of urban land or represent sound planning principles. For these reasons, this option is not recommended.

7.2 Mitigation & Conservation Options

The following section outlines the recommended mitigation measures as part of the heritage impact assessment. These measures are designed to address and minimize any potential adverse impacts on the identified heritage resources or for commemorative purposes. By implementing these mitigation strategies, we aim to ensure appropriate conservation and /or commemoration is undertaken, while allowing for the proposed redevelopment to proceed in a manner that respects and safeguards the cultural significance and values of the heritage resources of the area. The mitigation measures outlined herein have been developed based on thorough assessment, analysis, as set out in the foregoing. Furthermore, although the subject lands are not listed or designated as properties of cultural heritage value or interest on the City's Register, some recommendations have been provided for consideration regarding the lands and their structures. These recommendations are optional and do not need to be followed due to the absence of heritage status.

39 Church Street

1. Commemoration could be considered to acknowledge the historical existence of what was potentially the first Methodist cemetery in the City, even though the cemetery has been removed and the remains have been exhumed and relocated. This recommendation is for consideration only and is not required as the property is not listed or designated.

51 Church Street

2. Some consideration could be given to salvaging materials from the existing structure at 51 Church Street during demolition. The yellow brick appears to be in good condition, along with several other features such as old moldings, decorative trims, flooring, doors and windows, fixtures and fittings, and wood beams and structural elements, for example. There are companies in Waterloo region that will salvage these elements for resale or re-purposing, or the materials can be offered to the public. This recommendation is for consideration only and is not required as the property is not listed or designated.

73 Benton Street

3. Commemorating the association of 73 Benton Street with Charles Boehmer Dunke, who resided there during the first half of the 20th century, is worth considering. Mr. Dunke, an Alderman on the first City of Berlin Council, witnessed significant citywide changes such as the introduction of paved streets, street railway construction, and the establishment of waterworks. He also played a role in transforming the grocery business and owned multiple buildings known as the "Dunke Block" along King Street.

To honor Mr. Dunke's legacy, several commemorative options are available for consideration. One possibility is a bronze plaque featuring his bust and / or an engraving depicting his house in its original condition. The plaque should be visible to the public (e.g., building face, sidewalk, within landscaping to the south). Alternatively, commemorative artwork could be incorporated within or on the exterior of the new building's podium. Another option is to include stamped concrete in the sidewalk directly in front of the current location of 73 Benton Street. These commemorative measures would serve to recognize and celebrate Mr. Dunke's contributions and association with the house at 73 Benton Street. This recommendation is for consideration only and is not required as the property is not listed or designated.

General

4. Ground-Penetrating Radar ("GPR") should be used to scan the subject lands especially towards the corner of Church and Benton Street prior to excavation to confirm that all possible graves have in fact been exhumed. This can be especially useful for finding unmarked graves. In the event of discovering human remains during construction, all work must cease immediately. Workers should be informed of the discovery and instructed to refrain from further disturbing the area. The site should be secured, and the relevant authorities, such as the local police department, archaeologists, the Bereavement Authority of Ontario, and / or the Office of the Chief Coroner (OCC) in Ontario, should be promptly notified before any work can resume.
5. The structures on the subject lands should be documented and archived. Accordingly, this heritage impact assessment can serve as adequate documentation, which provides a comprehensive set of photos of the structures circa 2022. High resolution photos should be taken of the structure during and after construction and archived with the City.
6. If Alternative Development Options No. 2 or 3 are adopted, documentation and archiving should include high-resolution digital photographs of the structures before, during and after construction is complete. Accordingly, this heritage impact assessment can serve as "before construction" documentation, which provides a comprehensive set of photos of the structures circa 2022. All photos should be archived with the City.
7. Given the proximity of the adjacent heritage properties at 79 Benton Street and 53 Church Street, because there are multiple levels of underground parking proposed, and because of the scale of the overall development, a Cultural Heritage Protection Plan (CHPP) should be prepared. The CHPP should encompass various components, including the following:

- a. a description of the significance and heritage attributes of the surrounding cultural heritage resources;
 - b. a preconstruction inspection report for the identified impacted heritage resources to be completed on site with City staff, any consultant from the developer's team as appropriate, and either a structural engineer or a City building inspector;
 - c. a detailed overview of the planning application and proposed development;
 - d. a thorough review of protection measures and monitoring protocols adhering to recognized conservation practices to safeguard adjacent heritage resources from construction-related damage, a hoarding plan specifying access points and storage locations during the construction phase; and
 - e. a vibration monitoring report outlining mitigation strategies and monitoring measures during construction activities (especially related to 51 and 79 Benton Street, and 53 Church Street), and a grading, servicing, and stormwater management report delineating the drainage plan to be implemented.
8. The proposed setbacks, tower step back, podium elements that pay homage to the historic character of Benton and Church Street, residential component at grade along the southern building envelope, and the enhanced landscaping treatments as illustrated on the architectural drawings prepared by Kirkor dated April 30, 2024 (Issued for Site Plan) should be maintained moving forward. These measures have been carefully designed to ensure a harmonious integration between the new development and the surrounding heritage context.
 9. The proposed tower floor plate, vertical breaks, softening, twisting and articulation of the tower edges, as illustrated in the Design Presentation prepared by Kirkor dated June 8, 2023 should be maintained as much as possible to help ensure shadowing is limited on adjacent and nearby heritage resources.

7.3 Implementation & Monitoring

Implementation and monitoring of the above recommendations should be as follows.

Recommendations 1 to 3 are suggestions for consideration only and are not required as the properties specified are not listed or designated.

1. Commemoration of Historic Methodist Cemetery (Not Required)
 - a. Timing: If elected, as a condition of site plan approval in principle, or during the building permit stage.
 - b. Responsibility: Prepared in coordination between the developer, heritage consultant for the developer, and City Heritage staff.
2. Optional Salvaging of Useable Materials from 51 Church Street
 - a. Timing: If elected, prior to demolition, the developer should contact local salvaging companies and/or advertise for the materials and timing. The materials can also be made publicly available is elected. Opportunity should be given for interested parties to partake in a site visit to request certain building components or elements prior to demolition taking place, so demolition crews can know which components

or elements to take down with special care. A statute of limitations of one week (or as otherwise agreed upon) should be given to interested parties to collect their requested materials, after which time, the materials can be disposed, so that demolition / construction is not delayed.

- b. Responsibility: Prepared in coordination between the developer and City Heritage staff (for timing).
3. Charles Boehmer Dunke
 - a. Timing: If elected, as a condition of site plan approval in principle, or during the building permit stage.
 - b. Responsibility: Prepared in coordination between the developer, heritage consultant for the developer, and City Heritage staff.
4. Scanning and Monitoring for Human Remains
 - a. Timing: Prior to and during all construction below grade.
 - b. Responsibility: The developer.
5. Photo Documentation
 - a. Timing: At time of Zoning By-law Amendment Submission.
 - b. Responsibility: Developer. This heritage impact assessment can serve as “before construction” documentation, which provides a comprehensive set of photos of the structures circa 2022.
6. Documentation (Pre, During, and Post Construction) for Alternative Development Options (Not Required)
 - a. Timing: Pre, during and post construction. Final images to be archived with City at time final building inspection is complete.
 - b. Responsibility: Developer.
7. Cultural Heritage Protection Plan
 - a. Timing: Site Plan stage, as a condition of Approval in Principle or part of complete Building Permit application.
 - b. Responsibility: Developer, supported by heritage consultant, vibration specialist, and civil engineer. The preconstruction inspection report for the identified impacted heritage resources should be completed on site with City staff, any consultant from the developer’s team as appropriate, and either a structural engineer or a City building inspector.
8. Setbacks, Tower Step Back, Podium Elements Residential At Grade, and Enhanced Landscaping Treatments
 - a. Timing: Carried through to final site plan approval, as much as possible.
 - b. Responsibility: Developer and architect.

9. Tower Treatments to Reduce Shadow Impacts

- a. Timing: Carried through to final site plan approval, as much as possible.
- b. Responsibility: Developer and architect.



8.0

Conclusions

8.0 CONCLUSIONS

The proposed redevelopment of the subject lands involves the construction of a mixed-use high-rise building with residential and commercial units. The building will have a 4-storey podium, ground floor commercial spaces, townhouse units along the southern edge, underground parking, and a total height of 40 storeys. The project aims to revitalize underutilized land, provide additional housing, and support transit in the neighbourhood. The existing structures on the subject lands will be demolished to make way for the new development.

Since the subject lands are located adjacent and near to heritage properties and fall within the CHSC-CHL, the site plan application was required to be accompanied by a Heritage Impact Assessment.

The subject lands are located within the City's Urban, Built-Up Area, are within Strategic Growth Area and a Protected Major Transit Station Areas and are designated and planned for high-density mixed-use development with no maximum building heights or FSR. Overall, the current and emerging land use planning framework applicable to the subject lands earmarks them for growth and intensification in a mixed-use format at transit supportive densities. Accordingly, the proposal is permitted as-of-right under the existing and emerging land use framework.

The subject lands are not designated or listed on the City of Kitchener Heritage Register, nor are they within a Heritage Conservation District or a Heritage Corridor as set out on Maps 9 or 11 of the City's Official Plan. However, they are located within the Cedar Hill Neighbourhood Cultural Heritage Landscape (CHN-CHL) identified in Kitchener's 2014 Cultural Heritage Landscape Study, which together with the Schneider Creek CHL is now an official part of the City's broader policy framework through the Growing Together Official Plan Amendment as the Cedar Hill and Schneider Creek Neighbourhood Cultural Heritage Landscape. Notwithstanding, the CHSC-CHL has no legal protections under the Ontario Heritage Act.

Two parcels of the subject lands were recognized for their specific interest within the CHN-CHL due to their adjacency to listed properties. In total, the subject lands are situated next to four listed properties of cultural heritage value and interest, as well as three designated properties and the eastern border of the Victoria Park Heritage Conservation District, which is protected under the Part V Designation By-law 96-91. Although 83 Benton Street is technically adjacent, the structure on that property is separated from the subject lands by 79 Benton Street. During discussions with City heritage staff, it was agreed to omit 83 Benton Street from this report.

The history of the subject lands narrates a tale of evolution, growth, and transformation.

The property at 39 Church Street was once associated with the Wesleyan Methodist belief and organization, and with two Waterloo Region Hall of Fame inductees, Arthur B. Pollock and John Moyer who lived at 39 Church Street in single-detached houses; who held some significance in the community at the time. However, this association ceased when the nearby Wesleyan Methodist Mission chapel and cemetery were removed and exhumed in 1876. The same is true of any association with Mr. Pollock and Mr. Moyer, whose houses have since been demolished.

The property at 51 Church Street has seen various ownership changes over the years. It was owned or occupied by Benjamin Musselman from 1912 to 1943 and later by Willbur Brubacher from 1971 to 1974. However, these people did not have widely recognized contributions or impact on the community. Based on historical research, the house is estimated to have been constructed between 1877 and 1892. In 1999, the St. Matthews Evangelical Lutheran Church purchased the property as an investment, but it was never used as a clergy house. The church sold the property to the current owners in 2021. There is no evidence that the house at 51 Church Street was ever tied to or used as a clergy house for the adjacent church at 53 Church Street (now the Martin Luther Church).

The history of 69 Benton Street reveals multiple changes in ownership and occupancy. From 1918 to 1927, Mrs. R. W. Boehmer resided there. Over the years, the property had various tenants and commercial uses, including a masonry business, and at one point, an observation and detention centre. The building, constructed around 1918, is a 2-storey structure with a side gable saltbox roof. It has been converted into multiple rental housing units, with features such as randomly placed windows, brick and vinyl siding, and a primary entrance through a portico. The original single-family home may have been converted into apartments around 1928. The house currently consists of at least 3 units, with the upper unit undergoing alterations and additions.

The property at 73 Benton Street was once the home of Charles Boehmer Dunke, a prominent merchant and Alderman on the City of Berlin Council. Mr. Dunke operated a grocery store on King Street and was involved in the development of the city. The building, now a 1.5-storey rental property, is in poor condition both inside and out. It has undergone significant modifications and alterations over the years, resulting in unsympathetic changes to its original design and craftsmanship, especially on the inside. The interior has been extensively modified and shows signs of deterioration, including mold and fire damage. The overall condition of the building is rated as fair to poor.

This HIA assessed the potential impacts of the proposed high-rise, mixed-use redevelopment on adjacent heritage properties, its interface with the Victoria Park Heritage Conservation District along Benton Street, and the Cedar Hill Neighbourhood Cultural Heritage Landscape.

Development impacts related to alterations, demolitions, shadows, isolation, direct or indirect obstruction of views, change in lane use, and land disturbance were considered.

With respect to alterations or demolitions, the adjacent designated properties at 64 and 90 Benton Street within the VPA-HCD, and the listed properties at 51 and 79 Benton Street and 53 Church Street are not proposed to be altered or demolished. Consequently, impacts related to alterations or demolitions of adjacent or nearby heritage resources are not applicable.

In our opinion shadow impacts on adjacent heritage properties are generally thin, fast moving, and incremental. The impacts that do exist are limited and minor from a strictly heritage perspective. There are no new shadows on 79 Benton Street, and new shadows cast onto 53 Church Street, and 51 Benton Street are minimal and will not adversely affect their heritage attributes. The high-rise building at 64 Benton Street experiences minimal shadowing, further diminished by the absence of shadow-sensitive uses. Shadows on Benton Street Baptist Church's stained-glass windows have limited duration and minor overall effects. Considering the existing high-rise and church structures, the new shadow impacts on the VPA-HCD are largely incremental, and new shadowing is restricted to one hour midday on March and September 21st, and therefore minor.

Other shadowing on the VPA_HCD is linked to the winter solstice on December 21st in the morning, while most of the VPA-HCD is already in shadow due to a combination of the sun's low angle, the shallow solar path, and the extended period of low sunlight throughout the day which cumulatively contribute to greater shadowing during this time.

In our opinion, the proposal will have minimal to no isolation impact on the VPA-HCD as it is located across the street and respects the historical residential character along Benton Street.

City staff have noted the location of 79 Benton Street and its contribution to the continuity and character of the Benton Street streetscape as an attribute in their 2013 Evaluation Form and Statement of Significance. The proposal will alter the streetscape along Benton Street, leading to the minor to moderate isolation of 79 Benton Street when viewed in one direction. These impacts are due to differences in massing, setbacks from Benton Street, and visibility when looking south down Benton from the east side. However, when looking south from the west side of Benton, the new building is not expected to hinder the visibility of 79 Benton Street.

The isolation impacts on 79 Benton Street will be mitigated through interface enhancements and homage to the historic character, as outlined in the proposed site configuration and podium design. Furthermore, the overall planning framework for Benton Street indicates a shift towards high-density mixed-use development with tall building heights. This planned intent for Benton Street, including a diverse combination of commercial, retail, institutional, and residential activities, helps offset the relatively minor consequences related to the isolation of 79 Benton Street.

Similarly, the Church at 53 Church Street may experience similar isolation-related impacts, since one of its identified attributes is its contribution that the church makes to the continuity and character of the Church Street streetscape. However, these impacts are primarily related to the visibility of the church along the street and will only be noticeable when standing on the south side of Church Street at the intersection, looking southeast down Church Street. As well, the current setback of the house at 51 Church Street (0.8 metres) already blocks some of the view of the Church at 53 Church Street when viewed to the southeast down Church Street at the intersection of Benton Street, which has an existing setback of about 2.4 metres. The new building's location will adopt a setback from Church Street that complements the existing building setback established by 51 Benton Street opposite the subject lands (Benton Medical Offices) at the corner and will be consistent with the existing building setbacks along Church Street between Benton Street and Eby Street, which range from about 0.6 to 14.8 metres. The view of the church at 53 Church Street will remain unimpeded when observed from the north side of Church Street, looking southeast from the Benton Medical Office building, or when looking back up Church Street to the northwest, for instance, from the intersection of Peter and Church Streets.

As well, the site design and building location help mitigate these view impacts, including the use of a corner cut-out at the intersection which will reduce any pinching at this entrance view. As a result, the impacts related to the isolation of 53 Church Street are of relatively minor consequence.

While the proposal will alter the west edge of the CHSC-CHL along Benton Street, integrating elements of the historic residential character and respectfully considering the historic building height datum within the podium enhances the visual diversity and helps to mitigate the impact, aligning with the City's Cultural Heritage Landscape Study.

With respect to 51 Benton Street (Benton medical Offices), there are no impacts anticipated as it relates to isolation, since the streetscape on the north side of Benton Street will remain unchanged.

The impacts on the entrance view from Church and Benton Streets, specifically looking southeast along Church Street, will be effectively mitigated if the proposed redevelopment maintains the 5.0-metre setback (1.6 to 2.1 metres after road widening). In fact, we anticipate that the redevelopment will enhance the existing broken frontage caused by the vacant portions of the subject lands, and the proposed corner cut-out at the intersection will help ensure the view looking southeast at this entrance point is not pinched. Although the view will feature a new building with increased height and massing, it will contribute to the visual variety and building heights already present in the area, which include both tall and mid-rise structures. Accordingly, if the design as proposed is approved, it will not create a pinch point at the intersection.

Historically, the subject lands have featured predominantly residential uses, with some commercial activities over the years. Benton Street and Church Street have had a mix of residential, institutional, and commercial uses, especially at corner locations and near Charles Street East and King Street East. The introduction of commercial uses can be seen across the street at Benton Medical Centre and at 79 Benton Street.

The proposed mixed-use building will align well with the character of the road along Benton Street, reflecting the historical and evolving mixed-use nature of the neighbourhood. The inclusion of grade-related commercial uses is the most noticeable and primary change at the street level. Given the gradual incorporation of more commercial activities in the area, the proposed uses align with the historical evolution and current land use designations.

Therefore, we anticipate no significant impact on the subject lands or the surrounding areas, including the VPA-HCD and the CHSC-CHL, in terms of land use typology. In fact, the land use designation applied to the lands in the Growing Together framework permits the mixed-use proposal as-of-right.

In our opinion, the introduction of a new tall building in the CHSC-CHL is both distinctive and appropriate. This corner location, situated at the edge of the CHSC-CHL within a Strategic Growth Area and PMTSA, makes it well-suited for such intensification. The neighbourhood's diverse character, visual variety, and capacity to accommodate tall structures without undue visual deterioration, particularly near the edges and along existing major streets away from the interior of the neighbourhood, further support this opinion. Overall, the proposed development can make a successful contribution to the ongoing evolution of the Benton Street edge, enhancing the neighbourhood's overall visual variety, while also preserving the character internal to the neighbourhood.

The redevelopment proposal is not expected to cause additional land disturbance beyond what has already occurred over the past 140 years of development and activity on the site.

However, due to the historical presence of a cemetery on the subject lands (which was relocated in 1876), there remains a possibility of discovering human remains during construction. Accordingly, GPR should be used to scan the subject lands for remains that may have been missed during the historical exhumations. If human remain are discovered prior to or during construction, all work should immediately cease to prevent further disturbance of the area. Workers must be informed of the discovery and instructed not to disturb the site. The area should be

secured, and the appropriate authorities, such as the local police department, archaeologists, the Bereavement Authority of Ontario, and / or the Office of the Chief Coroner (OCC) in Ontario, should be promptly notified before work can resume.

This report also explored alternative development options for the subject lands in relation to heritage conservation. Four alternative options were considered: (1) Do Nothing / Leave Lands As Is, (2) Accommodating Architecture (Stilting or Enveloping), (3) Adaptive Reuse, and (4) Relocation. An additional option of infilling the lands with low-rise buildings was also evaluated.

Based on the consideration to alternative options, and because the subject lands are not listed or designated properties on the City's Register, it is recommended to proceed with the proposed redevelopment plan, which includes demolishing the existing structures and incorporating design elements that pay homage to the historic character of the area. This plan aligns with the efficient use of land, heritage conservation goals, and the overall objectives of urban planning.

Lastly, this report presents several recommended mitigation measures as part of the heritage impact assessment for the proposed redevelopment. These measures aim to address and minimize potential adverse impacts. By implementing these strategies, we aim to ensure appropriate conservation and/or commemoration while proceeding with the redevelopment in a manner that respects the cultural significance and values of the heritage resources.

The recommended mitigation measures include:

1. Potential (optional) commemoration to acknowledge the historical existence of a potential cemetery, although the remains have been relocated (optional).
2. Potential (optional) consideration given to salvaging materials from the existing structure at 51 Church Street during demolition.
3. Potential (optional) commemoration related to the association of 73 Benton Street with Charles Boehmer Dunke through various options, such as a bronze plaque with his bust and a sketch of his house, artwork on the building's podium, or stamped concrete in the sidewalk.
4. Scanning for human remain prior to excavation and ceasing all work and notifying relevant authorities immediately if human remains are discovered prior to and during construction.
5. Documenting and archiving the structures on the subject lands, including high-resolution photos before, during, and after construction.
6. Developing a Cultural Heritage Protection Plan (CHPP) to protect adjacent heritage resources, including comprehensive descriptions, inspection reports, protection measures, hoarding plans, vibration monitoring, and drainage plans.
7. Maintaining the proposed setbacks, tower step back, podium elements, residential component at grade, and enhanced landscaping treatments depicted in the architectural drawings.
8. Maintaining proposed setbacks, tower step back, podium elements, residential component at grade, and enhanced landscaping treatments to integrate the new development with the surrounding heritage context.
9. Maintaining proposed tower floor plate, vertical breaks, softening, twisting, and articulation of tower edges to minimize shadowing on adjacent and nearby heritage resources.

It is clear that the introduction of a new mixed-use 40-storey building will be a noticeable change for the subject lands in terms of height and massing. However, this is a planned change for the

lands and neighbourhood in keeping with the existing and emerging planning framework. By adopting the aforementioned recommended mitigation measures, we believe that the proposed redevelopment can proceed in a manner that helps safeguard heritage resources, respect the heritage context, and incorporate commemorative elements, effectively helping to mitigate all identified impacts. In an area experiencing ongoing change, where visual diversity allows for the presence of large apartment blocks without significant visual decline, the proposal marks another step in the neighborhood's evolution.



9.0

References

9.0 REFERENCES

- Allen, R., & Conn, H. (2019). *Joseph Brant (Thayendanegea)*. In *The Canadian Encyclopedia*. Retrieved from <https://www.thecanadianencyclopedia.ca/en/article/joseph-brant>.
- Architectural Conservancy of Ontario. (1992). *Vernacular Architecture in Ontario*. Proceedings of a conference held in Brantford, April 1992. Editors: Julia Beck and Alec Keefer.
- Badone, D. (1988). *The complete house detective: An Ontario house and its history*.
- Bain, R. (1996). *Images of Waterloo Country*. Quarry Press.
- Benton Street Baptist Church. (1926). *History of the Benton Street Baptist Church., Kitchener, Ontario, and Programme of Seventy-fifth Anniversary of the Founding of the Church*.
- Benton Street Baptist Church. (1976). *Benton Street Baptist Church, Kitchener, Ontario - 125 Years of God's Faithfulness*.
- Bloomfield, E. & Waterloo Historical Society. (2006). *Waterloo Township through Two Centuries*. St. Jacobs Printery Ltd.
- Blumenson, J. (1990). *Ontario Architecture – A Guide to Styles and Buildings Terms 1784 to the present*. Fitzhenry & Whiteside.
- Boehmer, W. H. (2020). *BOEHMER & CO. - A Company History*.
- Bricker, I. C. (1805). *Survey of Block Number Two (Waterloo Township). Showing names of owners of farms including original owners of the German Company Tract as of September 1, 1805*.
- City of Kitchener et al. (1996). *Victoria Park Area Heritage Conservation District Plan*.
- City of Kitchener et al. (1996). *Victoria Park Area Heritage Conservation District Designating By-law No. 96-91*.
- City of Kitchener. (1989). *Designating By-law No. 83-21 for 43 Benton Street*.
- City of Kitchener. (1994). *Cultural Heritage Resource Evaluation Form, Statement of Significance, and Additional Background – 43 Benton Street*.
- City of Kitchener. (1995). *Cultural Heritage Resource Evaluation Form and Statement of Significance - 54 Benton Street*.
- City of Kitchener. (2009). *Additional Background: Cultural Heritage Resource Evaluation Form – 90 Benton Street*.
- City of Kitchener. (2009). *Cultural Heritage Resource Evaluation Form and Statement of Significance – 90 Benton Street*.
- City of Kitchener. (2012). *Cultural Heritage Resource Evaluation Form and Statement of Significance – 53 Church Street*.
- City of Kitchener. (2012). *Cultural Heritage Resource Evaluation Form and Statement of Significance – 51 Benton Street*.
- City of Kitchener. (2013). *Additional Background: Cultural Heritage Resource Evaluation Form – 83 Benton Street*.

- City of Kitchener. (2013). Cultural Heritage Resource Evaluation Form and Statement of Significance - 83 Benton Street.
- City of Kitchener. (2013). Cultural Heritage Resource Evaluation Form and Statement of Significance - 79 Benton Street.
- City of Kitchener. (2014). City of Kitchener Official Plan, as amended.
- City of Kitchener. (2014). Cultural Heritage Landscape Study.
- City of Kitchener. (2017). Municipal Heritage Register, as updated.
- City of Kitchener. (2018). Proposed Cultural Heritage Landscape (CHL) Boundary and Heritage Attributes (Map).
- City of Kitchener. (2022). Proposed Cedar Hill and Schneider Creek Secondary Plan
- City of Kitchener. (2022). Urban Design Manual.
- City of Kitchener. (Multiple). Additional Background: Cultural Heritage Resource Evaluation Form – 53 Church Street.
- City of Kitchener. (Multiple). Additional Background: Cultural Heritage Resource Evaluation Form – 51 Benton Street.
- City of Kitchener. (Multiple). Planning Around Rapid Transit Stations (PARTS) project.
- City of Kitchener. (n.d.). Plan 393 and 394. Plan of part of the Town of Berlin, Township and County of Waterloo, 1857-1858.
- Collishaw & Preston, B. (1979). *Recollections of 125 years* (Collishaw & B. Preston, Eds.). Committee for the 125th, City of Kitchener.
- Cruikshank, T. & Visser, I. D. (2009). *Old Ontario Houses - Traditions in Local Architecture*.
- Department of Energy, Mines and Resources. (1969). Topographic Map.
- Department of Energy, Mines and Resources. (1976). Topographic Map.
- Dhillon, H. K. (2022). Renaming and reclaiming an iconic Kitchener park. The Community Edition. Retrieved online.
- Dignity Memorial. (2014). Schreiter-Sandroch Funeral Home & Chapel. Retrieved on April 15, 2014, from <http://www.dignitymemorial.ca/schreiter-sandroch-funeral-home-chapel/enca/>
- Earthworks Archaeology. (2020). Stage 1 Archaeological Assessment for Subject Lands.
- Elsworthy. (2016). *Evolving Urban Landscapes: A Photographic Memoir*.
- Evangelical United Brethren Church. (1964). *The Canada Conference Of The Evangelical United Brethren Church: A Century in Canada*.
- Gallant, P. (2016). Condo on stilts give Widmer Street heritage homes some breathing room. Young Street Media.
- Goad, C. E. (1904). Fire Insurance Plan of Berlin, Ontario, 1904. Retrieved from the Kitchener Public Library, Local History and Genealogy, Grace Schmidt Room.
- Google Street View. (2009). Street view of subject lands circa 2009. Retrieved online.
- Google Street View. (2014). Street view of subject lands circa 2014. Retrieved online.

Google Street View. (2015). Street view of subject lands circa 2015. Retrieved online.

Google Street View. (2016). Street view of subject lands circa 2016. Retrieved online.

Google Street View. (2019). Street view of subject lands circa 2019. Retrieved online.

Google Street View. (2020). Street view of 73 Benton Street, circa 2009. Retrieved online.

Google Street View. (2020). Street view of subject lands circa 2020. Retrieved online.

Google Street View. (2021). Street view of 149 Queen Street South. Retrieved online.

Government of Ontario. (1990). Ontario Heritage Act, R.S.O. 1990, c. O.18, as amended.

Government of Ontario. (1990). Planning Act, R.S.O. 1990, c. P.13, as amended.

Government of Ontario. (2012-22). Map of Ontario Treaties and Reserves. Retrieved online from: <https://www.ontario.ca/page/map-ontario-treaties-and-reserves>.

Government of Ontario. (2012-22). Six Nations of the Grand River. Retrieved online from: <https://www.ontario.ca/page/six-nations-grand-river>.

Government of Ontario. (2020). A Place to Grow: Growth plan for the Greater Golden Horseshoe, as amended.

Government of Ontario. (2020). Provincial Policy Statement, 2020 - Under the Planning Act.

Government of Ontario. (2021). Updates to the Ontario Heritage Toolkit. ERO number 019-2770.

Government of Ontario. (2023). Proposed Provincial Planning Statement, April 6, 2023. ERO number 019-6813.

H. J. Schneider et al. (1897). *Busy Berlin: jubilee souvenir, 1897*. Berlin News Record.

H. Parsell & Co. & Walker & Miles (1881). *Illustrated Atlas Of The County Of Waterloo*.

Hariri Pontarini Architects. (2019). 7 St. Thomas, Toronto, ON. Retrieved from <https://hariripontarini.com/projects/7-st-thomas/>.

Hays, G. (1961). *Waterloo County: An Illustrated History*. Waterloo Historical Society.

Johnston, C. M. (1964). *The Valley of the Six Nations: A Collection of Documents on the Indian Lands of the Grand River*. University of Toronto Press, Scholarly Publishing.

Kalman, H. (1994). *A History of Canadian Architecture – Volume 1*. Oxford University Press.

Kirkor. (2023). Context Plan for Subject Lands. Prepared by Kirkor Architects and Planners.

Kirkor. (2023). Design Presentation for Subject Lands. Prepared by Kirkor Architects and Planners.

Kirkor. (2023). Elevation Plans (Building Sections) for Subject Lands. Prepared by Kirkor Architects and Planners.

Kirkor. (2023). Floor Plans for Subject Lands. Prepared by Kirkor Architects and Planners.

Kirkor. (2023). Massing Model for Subject Lands. Prepared by Kirkor Architects and Planners.

Kirkor. (2023). Renderings for Subject Lands. Prepared by Kirkor Architects and Planners.

Kirkor. (2023). Shadow Study for Subject Lands. Prepared by Kirkor Architects and Planners.

Kirkor. (2024a). Site Plan for Subject Lands. Prepared by Kirkor Architects and Planners.

- Kirkor. (2024b). Ground Level Floor Plan for Subject Lands. Prepared by Kirkor Architects and Planners.
- Kitchener Public Library. (1975). Air Photo of Subject Lands, 1975. Retrieved from the Kitchener Public Library, Local History and Genealogy, Grace Schmidt Room.
- Kitchener Public Library. (1980). Air Photo of Subject Lands, 1980. Retrieved from the Kitchener Public Library, Local History and Genealogy, Grace Schmidt Room.
- Kitchener Public Library. (1985). Air Photo of Subject Lands, 1985. Retrieved from the Kitchener Public Library, Local History and Genealogy, Grace Schmidt Room.
- Kitchener Public Library. (1990). Air Photo of Subject Lands, 1990. Retrieved from the Kitchener Public Library, Local History and Genealogy, Grace Schmidt Room.
- Kitchener Public Library. (1995). Air Photo of Subject Lands, 1995. Retrieved from the Kitchener Public Library, Local History and Genealogy, Grace Schmidt Room.
- Kitchener Waterloo Community Foundation. (n.d.). Territorial Acknowledgment. Retrieved online from: https://www.kwcf.ca/territorial-acknowledgement_
- Kitchener-Waterloo Record & Weicker, S. (1990). History Of Congregations In Kitchener And Waterloo.
- Kitchener-Waterloo Record. (1960). Air Photo of Subject Lands, 1960. Street Extension.
- Kitchener-Waterloo Record. (n.d.). Air Photo of Subject Lands, pre-1980s.
- Kraemer, G.L. (2003). Faith and Foundations – The Germanic Pioneers of Waterloo County and Bruce County Ontario, 1828-1867. Gogol Press.
- Laurier Students' Public Interest Research Group. (n.d.). Know The Land Territories Campaign. Retrieved online from: http://www.lspirg.org/knowtheland_
- Leva, L. (2022). Chains of Title for Subject Lands.
- Lorbetski, D. B. (1986). Reference Plan 58R-5235. Plan of Survey of Pt. Lot 19, Reg. Plan 393 & Pt. Lot 3, Reg. Plan 205, City of Kitchener, Regional Municipality of Waterloo. Guenther Rueb Surveying Ltd. Retrieved online from OnLand.
- M. S. Boehm & Company Ltd. (1919). Map of Busy Berlin showing property of M. S. Boehm & Company Limited (Queen's Park), in red.
- McGill University. (2001). The Canadian County Atlas Digital Project. Retrieved online from: <https://digital.library.mcgill.ca/countyatlas/searchmapframes.php>.
- McLaughlin, K. (1912). *Made in Berlin*. Joseph Schneider Haus Museum. The German Printing & Publishing Co (of Berlin) Limited.
- Mercer, G. (2017). Kitchener's forgotten connection to the Halifax explosion. Waterloo Region Record.
- Mikel, R. (2004). Ontario House Styles: The distinctive architecture of the provinces 18th and 19th-century homes.
- Mills, R. (1996). *Victoria park – 100 years of a park and its people*. An historical and photographic essay on Victoria Park, Kitchener, Ontario with illuminations on the neglected past and projected future.

Mills, R. (2002). Images of Canada – Kitchener (Berlin) 1880-1960. Arcadia Publishing, an imprint of Tempus Publishing, Inc. Charleston, SC.

Ministry of Indigenous Affairs. (2018). Crown Grant to the Six Nations or the Haldimand Tract.

Moulton & Walker. (2005). Boehmer Family History and Dunke Family History. Retrieved from the Kitchener Public Library, Local History and Genealogy, Grace Schmidt Room.

Moyer, B. (1979). Kitchener Yesterday Revisited - An Illustrated History.

National Ballet School. (2022). About NBS - Facilities: Canada's National Ballet School. Retrieved from <https://www.nbs-enb.ca/en/about-nbs/facilities>.

Native Land. (2021). Native Land Digital. Retrieved online from: <https://native-land.ca/>

News Record. (1901). Twentieth century number of "Busy Berlin."

News Record. (1906). Berlin today, 1806-1906: centennial number, in celebration of the Old Boys' and Girls' reunion, August 6th., 7th., 8th., 1906.

News Record. (1906). Official souvenir: Berlin today – Centennial number in celebration of the old boys; and girls' reunion. Printed and published by the News Record, Berlin, Canada.

OnLand. (Multiple). OnLand (LRO 58) Historical books, property records, and documents (various).

Ontario Ministry of Tourism, Culture and Sport. (2006). Ontario Heritage Tool Kit, as updated online, 2022.

Orend, J.M. (2014). This Is Waterloo Region. Lomic Books.

R. Mills. (2002). Kitchener (Berlin), 1880-1960. Arcadia.

Region of Waterloo. (2000). Region of Waterloo GIS locator: 2000 Aerial imagery. Retrieved online.

Region of Waterloo. (2010). Waterloo Regional Official Plan, as amended.

Region of Waterloo. (2021). Waterloo Region Hall of Fame, as updated.

Region of Waterloo. (2022). Exploring the Region: About Waterloo Region – History. Retrieved online.

Region of Waterloo. (2023). Waterloo Regional Official Plan Official Plan Amendment 6, as adopted by By-law 22-038.

Scott Shields Architects Inc. (2022). 8-20 Widmer Street, Toronto, ON. Retrieved from <https://scottarch.ca/portfolio/8-20-widmer/>.

Shea, P. (1988). Victoria Park: An Inventory of Historic Buildings.

Shea, P. (1989). Historic Property Report: Schreiter-Sandrock Funeral Home – 51 Benton

Six Nations Lands & Resources. (2008). The Haldimand Treaty of 1784. Retrieved online from: <https://www.sixnations.ca/LandsResources/HaldProc.htm>.

St. Matthews Evangelical Lutheran Church. (2004). 100th Anniversary of the St. Matthews Evangelical Lutheran Church, 1904-2004. St. Jacobs Printery.

St. Matthews Lutheran Church. (1954). Souvenir of the Golden Jubilee of St. Matthews Lutheran Church, Kitchener, ON. Rev. John Schmieder, D.D., Pastor.

- Thompson, C. (2019). Downtown Kitchener condo tower to wrap around heritage building. *Waterloo Region Record*. Article updated Apr. 13, 2020.
- Tiessen, & Hunsberger, D. P. (1979). *Berlin Canada: a self-portrait of Kitchener, Ontario before World War One*. Sand Hills Books.
- Tiessen, & Hunsberger, D. P. (1979). *Berlin Canada: a self-portrait of Kitchener, Ontario before World War One: being a printing of the complete text of Berlin: celebration of cityhood and of various other documents*. Sand Hills Books.
- Tiessen, H.F. & Tiessen, P.G. (1982). *Waterloo Portfolio: Woldemar Neufeld's Paintings and Block-prints of Waterloo, Ontario*. Sand Hills Books.
- Tremaine, G. (1861). Tremaine's map of the county of Waterloo, Canada west.
- Underwriters' Survey Bureau Ltd. (1925). *Fire Insurance Plan of Kitchener, Ontario, 1925*.
- University of Waterloo. (2013). Air Photo of Subject Lands, 1930. Retrieved online from Maps, Geospatial Centre, Air Photos Digitization Project, Digital Historical Air Photos of Kitchener-Waterloo.
- University of Waterloo. (2013). Air Photo of Subject Lands, 1945. Retrieved online from Maps, Geospatial Centre, Air Photos Digitization Project, Digital Historical Air Photos of Kitchener-Waterloo.
- University of Waterloo. (2013). Air Photo of Subject Lands, 1955. Retrieved online from Maps, Geospatial Centre, Air Photos Digitization Project, Digital Historical Air Photos of Kitchener-Waterloo.
- University of Waterloo. (2016). Digital historical air photos of KW and surrounding area. Maps, Geospatial Centre, Air Photos Digitization Project. University of Waterloo Library.
- University of Waterloo. (n.d.). Map of Berlin, 1875. Geospatial Centre, Collections, Maps and Atlases, Waterloo Region historical maps. Retrieved online.
- University of Waterloo. (n.d.). Map of Berlin, 1879. Geospatial Centre, Collections, Maps and Atlases, Waterloo Region historical maps. Retrieved online.
- University of Waterloo. (n.d.). Map of City of Greater Berlin, 1912. Geospatial Centre, Collections, Maps and Atlases, Waterloo Region historical maps. Retrieved online.
- University of Waterloo. (n.d.). Map of City of Kitchener and Town of Waterloo, 1923. Geospatial Centre, Collections, Maps and Atlases, Waterloo Region historical maps. Retrieved online.
- University of Waterloo. (n.d.). Map of County of Waterloo, 1879. Geospatial Centre, Collections, Maps and Atlases, Waterloo Region historical maps. Retrieved online.
- University of Waterloo. (n.d.). Map of County of Waterloo, 1908. Geospatial Centre, Collections, Maps and Atlases, Waterloo Region historical maps. Retrieved online.
- University of Waterloo. (n.d.). Map of Map of the Town of Berlin, 1879. Geospatial Centre, Collections, Maps and Atlases, Waterloo Region historical maps. Retrieved online.
- University of Waterloo. (n.d.). Map of the County of Waterloo, 1861. Geospatial Centre, Collections, Maps and Atlases, Waterloo Region historical maps. Retrieved online.
- University of Waterloo. (n.d.). Map of Town of Berlin, 1853. Geospatial Centre, Collections, Maps and Atlases, Waterloo Region historical maps. Retrieved online.

University of Waterloo. (n.d.). Map of Town of Berlin, 1856. Geospatial Centre, Collections, Maps and Atlases, Waterloo Region historical maps. Retrieved online.

University of Waterloo. (n.d.[a]). *Territorial Acknowledgement*. University of Waterloo Office of Indigenous Relations. Retrieved from <https://uwaterloo.ca/math/about/territorial-acknowledgement#Haldimandtract>.

University of Waterloo. (n.d.[b]). Waterloo Region historical maps. Geospatial Centre: Collections, Maps, and atlases. Retrieved online.

Uttley, B. (1975). *A History of Kitchener, Ontario*. Wilfrid Laurier Univ. Press.

Vernon's City Directories. (1912-2014). *Vernon's Kitchener-Waterloo City Directories*. Kitchener Public Library, Local History and Genealogy, Grace Schmidt Room.

Victoria Park Historical Committee. (2015). *Artist's Rendering of Town of Berlin, 1892*.

VuMap. (2024). Ownership parcel and aerial imagery of subject lands and surrounding.

Warner, P. (1985). *Kitchener – The man behind the legend*.

Waterloo County Board of Education. (1987). *19th Century Architecture Of Waterloo County*. Waterloo County Board of Education, Educational Services Division, Visual Arts Department.

Waterloo Region. (2000). *Air Photo of Subject Lands, 2000*. Retrieved online from the Waterloo Region GIS Locator.

Waterloo Region. (2003). *Air Photo of Subject Lands, 2003*. Retrieved online from the Waterloo Region GIS Locator.

Waterloo Region. (2006). *Air Photo of Subject Lands, 2006*. Retrieved online from the Waterloo Region GIS Locator.

Waterloo Region. (2009). *Air Photo of Subject Lands, 2009*. Retrieved online from the Waterloo Region GIS Locator.

Waterloo Region. (2012). *Air Photo of Subject Lands, 2012*. Retrieved online from the Waterloo Region GIS Locator.

Waterloo Region. (2014). *Air Photo of Subject Lands, 2014*. Retrieved online from the Waterloo Region GIS Locator.

Waterloo Region. (2016). *Air Photo of Subject Lands, 2016*. Retrieved online from the Waterloo Region GIS Locator.

Waterloo Region. (2020). *Air Photo of Subject Lands, 2020*. Retrieved online from the Waterloo Region GIS Locator.

Waterloo Region. (2022). *Air Photo of Subject Lands, 2020*. Retrieved online from the Waterloo Region GIS Locator.

Weicker, S. (1994). *Artistry at St. Matthews Lutheran Church, 54 Benton St., Kitchener, ON*.

Weicker, S. (1996). *Reminiscings of St. Matthews Lutheran Church, Kitchener, ON*.

Welker, R. (1974). *A historical study of the Lutheran church in Kitchener 1910 – 1937*.

Whose Land. (n.d.). *Treaties & Agreements*. Retrieved online from: <https://www.whose.land/en/>.

Appendix

A

Author CV

EVAN SUGDEN, HBASc, MCIP, RPP, CAHP
Associate | Heritage Lead

PROFESSIONAL BACKGROUND

- 2023 to present: **The Biglieri Group Ltd.**
Toronto, Ontario
Associate | Heritage Lead
- 2021 - 2023: **Bright Past Heritage Consulting Inc.**
Kitchener, Ontario
Co-Founder & President, Heritage Planner
- 2021 - 2023: **Bousfields Inc.**
Toronto, Ontario
Senior Planner
- 2020 - 2021: **Perth County** (Contract through MHBC)
Perth, Ontario
Municipal Planner
- 2017 - 2021: **MHBC Planning Ltd.**
Barrie, Ontario
Planner
- 2016 – 2017: **Skelton Brumwell & Associates Inc.**
Barrie, Ontario
Planner
- 2016: **Planscape Inc.**
Bracebridge, Ontario
Junior Planner

EDUCATION

- 2017 Master of Arts in Planning
University of Waterloo
- 2015 Honours Bachelor of Arts and Science
Lakehead University

MEMBERSHIP

Member of the Canadian Institute of Planners
Member of the Ontario Professional Planning Institute
Member of the Canadian Association of Heritage Professionals

RELEVANT EXPERIENCE

Evan is an Associate and the Heritage Lead at the Biglieri Group, specializing in land development, long-range strategic planning, heritage conservation, and project management. He has a broad range of experience including development approvals for subdivisions, condominiums, consents, waterfront development, and various infill/intensification projects. Evan has helped design and implement public and stakeholder consultation and engagement strategies and has been involved in the design and approval of various projects including Official Plan and Zoning By-law reviews, secondary plans, master plans, large-scale greenfield developments, adaptive reuse, expropriations, master environmental servicing plans, affordable/ supportive housing developments, and municipal class environmental assessments.

Evan is a registered Heritage Professional (CAHP) with the Canadian Association of Heritage Professionals and provides specialized knowledge in the conservation and stewardship of cultural heritage resources. He has a Master of Arts (MA) degree in Planning from the University of Waterloo and an Honours Bachelor of Arts and Science (HBASc) degree in Geography from Lakehead University.
Below is a preview of Evan's professional experience.

Heritage Planning and Conservation

- Heritage Impact Assessment for 203-209 Waterloo St S, Stratford, ON
- Heritage Evaluation Report for 3087 Colonel Talbot Rd & 7056 Park Rd, London, ON
- Heritage Impact Assessment for 39-51 Church St, 69-73 Benton St, Kitchener, ON
- Heritage Impact Assessment for 203-205 King St S, Waterloo, ON
- Heritage Impact Assessment for 129 Meadowlily Rd S, London, ON
- Heritage and Urban Design Impact Assessment for 18 Brunswick Street, Stratford, ON
- Heritage Impact Assessment & Opinion for 201 Water St. S., Cambridge, ON
- Heritage Impact Assessment for Dare Family Home, Waterloo, ON
- Girven Bridge , MacIntosh Bridge , Deer River Hatchery Bridge, and Burnt Dam Bridge Cultural
- Heritage Evaluations and Heritage Impact Assessments (Municipal Class EA), Peterborough
- County, ON
- Hanlan Street Extension Heritage Evaluation and Heritage Impact Assessment (Municipal Class EA), Town of Essex, ON
- Jordan's Hollow Bridge Heritage Evaluation and Heritage Impact Assessment (Municipal Class EA),

THE BIGLIERI GROUP LTD.

- Lincoln, ON
- Lincoln Historic Culvert Built Heritage and Cultural Landscape Assessment (Municipal Class EA),
- Lincoln, ON
- New Vision United Church Cultural Heritage Assessment, Hamilton, ON
- Cultural Heritage Due Diligence and Planning Opinion for Adaptive Reuse of Heritage Structures
- (Added High-Rise onto Heritage Fabric), Toronto, ON
- Cultural Heritage Due Diligence and Planning Opinion for Redevelopment of Peter Hay Knife Co. ,
- Cambridge, ON
- Heritage Impact Assessment for 40-Storey Luxury Hotel, 1013 Fallsview Boulevard, Niagara Falls,
- ON
- Cultural Heritage Impact Assessment, Documentation, and Conservation Plan, 160 Salvation Road,
- Brampton, Brampton, ON
- Cultural Heritage Screening Report for the Kelso/Glen Eden Urban Servicing Extension, Milton, ON

Ministerial Zoning Orders (“MZO”) & Ontario Land Tribunal Appeals

- MZO for New Community Area Land Markham & Stouffville, ON | O. Reg 172-20
- MZO for New Community Area Land Stouffville, ON | O. Reg. 610-20
- MZO for New Community Area Land Stouffville, ON | O. Reg. 770-21
- MZO for New Community Area Land Markham, ON | O. Reg. 172-21
- MZO for Dolime Quarry in Guelph, ON | O. Reg. 822/21
- OLT Motion to Dismiss Appeal, 824 Sheppard Av W, 177-181 Cocksfield Av, Toronto, ON
- OLT Settlement Hearing, 53-71 Plains Rd. East, 1025 Cooke Blvd, Burlington, ON

Low-Rise Residential / Greenfield / Mixed-Use Development

- 306-Unit Subdivision, 269 German School Road, St. George, Brant County, ON
- 425-Unit Subdivision, 160 Burnhamthorpe Road West, Oakville, ON
- 57-Unit Subdivision, Part of Lot 16, Concession1 North of Dundas Street, Oakville, ON
- 505-Unit Subdivision, Part Lot 16, Con 1 North of Dundas St, 382 Burnhamthorpe Rd W, Oakville, ON
- 974-Unit Mixed-Use Subdivision as part of an MZO, 11861 and 12045 McCowan Rd, Whitchurch Stouffville, ON
- 965-Unit Mixed-Use Subdivision as part of an MZO, Part of 11776 Highway 48 and 11822 Highway 48, Whitchurch-Stouffville, ON.

Mid-Rise Residential / Mixed-Use Development

- 12-Storey Mixed-Use, Mid-rise Redevelopment, 399 Greenhill Av, Hamilton, ON

THE BIGLIERI GROUP LTD.

- 3 Mid-rise Residential Buildings (6- to 8-Storeys), 390-400 Woodsworth Road, North York, Toronto, ON
- 12-Storey Mixed-use, Mid-rise Building, 333 Wilson Avenue, North York, Toronto, ON
- 11-Storey Mid-rise Residential Redevelopment, 401 – 407 Martha Street, Burlington, ON

High-Rise Residential / Mixed-Use Development

- 9- to 18-Storey Mixed-Use, Mid- to High-rise Commercial / Residential Redevelopment, 53-71 Plains Road East, 1025 Cooke Boulevard, Burlington, ON
- 25- and 35-Storey High-rise, Residential building, Part Lot 175, Portage Road, Niagara Falls, ON
- 49-Storey High-rise, Mixed-Use Residential / Community Services Redevelopment, 307 Lake Shore Blvd E, Toronto, ON
- 72-Storey High-Rise, Mixed-Use Residential / Commercial Development, 6609 Stanley Avenue, Niagara Falls, ON
- 35- and 36-Storey High-Rise, Mixed-Use Residential / Commercial Development, 5613-5633 Victoria Ave & 4890-4902 Walnut St, Niagara Falls, ON
- 77-Storey High-Rise, Mixed-Use Residential / Commercial Development, 6158 Allendale Av and 5592 Robinson St, Niagara Falls, ON
- 30- and 35-Storey High-rise, Mixed-Use Redevelopment, 2020 Lakeshore Road, Burlington, ON
- 25-Storey Niagara Falls Marriott Fallsview Hotel & Spa Addition, 6740 and 6760 Fallsview Boulevard, Niagara Falls, ON

Master Planning

- Black Creek Commons Master Plan, 2900 College Road, Fort Erie, ON
- Toronto Stock Yards South Master Plan and Employment Land Conversion, 2151-2161 St. Clair Avenue West, 542 & 620-630 Keele Street, Toronto, ON
- Town of Grimsby Parks, Recreation and Culture Master Plan (Part of a Project Team)

Appendix

B

**HIA Terms of
Reference**

City of Kitchener
Development Services Department – Planning Division
Scoped Heritage Impact Assessment – Terms of Reference
39 & 51 Church Street and 69 & 73 Benton Street

1.0 Background

Introduction

A Heritage Impact Assessment is a study to determine the impacts to known and potential cultural heritage resources within a defined area proposed for future repair, alteration, or development. The study shall include an inventory of all cultural heritage resources within the planning application area. The study results in a report which identifies all known cultural heritage resources, evaluates the significance of the resources, and makes recommendations toward mitigative measures that would minimize negative impacts to those resources. A Heritage Impact Assessment may be required on a property which is identified on the City's Heritage Kitchener Inventory of Built Heritage Resources; listed on the City's Municipal Heritage Register; designated under the *Ontario Heritage Act*; or where development is proposed adjacent to protected heritage property. The requirement may also apply to known or recorded cultural heritage resources which are discovered during the development application stage or construction.

Subject Lands

The subject lands are municipally addressed as 39 & 51 Church Street and 69 & 73 Benton Street. The subject lands are adjacent to properties located within the Victoria Park Area Heritage Conservation District (64 & 90 Benton Street).

The subject lands are also located adjacent to several properties that are listed on the City's Municipal Heritage Register (MHR) as non-designated properties of cultural heritage value or interest, including: 51 Benton Street, 79 Benton Street, and 53 Church Street. As part of the City's four-step process for listing properties on the MHR, a statement of cultural heritage value or interest for each property was drafted, which identifies design, contextual, associative, and historic values along with a detailed list of heritage attributes. These statements of significance were drafted using the current criteria for determining cultural heritage value or interest (O. Reg. 9/06); however, the contents are based on readily available information and therefore may not be exhaustive with respect to all values and attributes.

All of the subject lands are located within the Cedar Hill Neighbourhood Cultural Heritage Landscape (CHL) as defined in Kitchener's Cultural Heritage Landscape Study dated 2014 and approved by Council in 2015. As part of the City's neighbourhood planning review process, properties of specific CHL interest were identified. The properties municipally addressed as 51 Church Street and 73 Benton Street are identified as properties of specific CHL interest given their adjacency to properties listed on the City's Municipal Heritage Register.

2.0 Heritage Impact Assessment Requirements

It is important to recognize the need for Heritage Impact Assessments at the earliest possible stage of development, alteration, or proposed repair. Notice will be given to the property owner and/or their representative as early as possible. When the property is subject of a Plan of Subdivision or Site Plan application, notice of Heritage Impact Assessment will typically be given

at the pre-application meeting, followed by written notification. The notice will inform the property owner of any known heritage resources specific to the subject property and provide guidelines to completing the Heritage Impact Assessment.

The following minimum requirements will be required in a scoped Heritage Impact Assessment:

- 2.1 Present owner contact information for properties proposed for development and/or site alteration.
- 2.2 Omitted.
- 2.3 A written description of the buildings, structures, and landscape features on the adjacent properties located within the Victoria Park Area Heritage Conservation District including: building elements, building materials, architectural ~~and interior~~ finishes, natural heritage elements, and landscaping. ~~The description will also include a chronological history of the buildings' development, such as additions and demolitions.~~
- 2.4 Omitted.
- 2.5 An outline of the proposed ~~repair, alteration, or~~ development, its context, and how it will impact the identified designated and listed properties including buildings, structures, and site details including landscaping. This includes the assessment of potential visual and physical impacts. The HIA shall also identify how the proposed development will impact the draft Cedar Hill and Schneider Creek Secondary Plan, particularly in relation to the Cedar Hill Neighbourhood Cultural Heritage Landscape (CHL) boundary, related recommendations regarding the conservation of the CHL, impacts of the proposed development on the entrance view identified at Benton Street and Church Street, and impacts to properties identified as being of specific CHL interest.

The Heritage Impact Assessment must consider potential negative impacts as identified in the Ministry of Heritage, Sport, Tourism, and Culture Industries' Ontario Heritage Toolkit. Negative impacts may include but are not limited to: repair/alterations that are not sympathetic or compatible with the cultural heritage resource; demolition of all or part of a cultural heritage resource; etc. The assessment should also address the influence and potential impact of the development on the setting and character of the subject properties and adjacent protected heritage property at 64 and 90 Benton Street, the Cedar Hill Neighbourhood CHL, in particular the properties identified as properties of CHL interest, and the adjacent listed properties at 51 and 79 Benton Street and 53 Church Street.

- 2.6 Options shall be provided that explain how the significant cultural heritage resources, and properties of specific CHL interest, may be conserved. Methods of mitigation may include but are not limited to: preservation/conservation in situ, adaptive re-use, integration of all or part of the heritage resource, and relocation. Each mitigative measure should create a sympathetic context for the heritage resource.
- 2.7 A summary of applicable heritage conservation principles and how they will be used must be included. Conservation principles may be found in online publications such as: the Standards and Guidelines for the Conservation of Historic Places in Canada (Parks Canada); Eight Guiding Principles in the Conservation of Built Heritage Properties (Ontario

Ministry of Heritage, Sport, Tourism, and Culture Industries); and the Ontario Heritage Toolkit (Ontario Ministry of Heritage, Sport, Tourism, and Culture Industries).

2.8 Omitted.

2.9 Recommendations shall be as specific as possible, describing and illustrating locations, elevations, materials, landscaping, etc.

2.10 The qualifications and background of the person(s) completing the Heritage Impact Assessment shall be included in the report. The author(s) must demonstrate a level of professional understanding and competence in the heritage conservation field of study. The report will also include a reference for any literature cited, and a list of people contacted during the study and referenced in the report.

3.0 Summary Statement and Conservation Recommendations

The summary statement should provide a full description of:

- Omitted.
- The identification of any impact the proposed ~~repair, alteration,~~ or development will have on the heritage attributes of the adjacent protected heritage property at 64 and 90 Benton Street, Cedar Hill Neighbourhood CHL, in particular the properties identified as being of specific CHL interest, and adjacent listed property at 51 and 79 Benton Street and 53 Church Street.
- An explanation of what conservation or mitigative measures, or alternative development, or site alteration approaches are recommended.
- Clarification as to why specific conservation or mitigative measures, or alternative development or site alteration approaches are not appropriate.

4.0 Omitted

5.0 Submission Requirements

One (1) digital copy of the Heritage Impact Assessment shall be provided to Heritage Planning staff. The digital copy shall be marked with a "DRAFT" watermark background. The Heritage Impact Assessment will be reviewed by the City to determine whether all requirements have been met and to review the preferred option(s). Following the review of the Heritage Impact Assessment by City staff, one (1) hard copy and one (1) digital copy of the final Heritage Impact Assessment ("DRAFT" watermark removed) will be required. The copies of the final Heritage Impact Assessment will be considered by the Director of Planning. Note that Heritage Impact Assessments will be circulated to the City's Heritage Kitchener committee for information and discussion. The comments received from Heritage Kitchener will help staff in compiling their own comments for a recommendation. Final approval of the HIA will be a condition for final Site Plan Approval

Heritage Impact Assessments may be subject to a peer review to be conducted by a qualified heritage consultant at the expense of the City of Kitchener. The applicant will be notified of Staff's comments and acceptance, or rejection, of the report. An accepted Heritage Impact Assessment will become part of the further processing of a development application under the direction of the Planning Division. The recommendations within the final approved version of the Heritage Impact Assessment may be incorporated into

development related legal agreements between the City and the proponent at the discretion of the municipality.

Appendix

C

Chains of Title

39 Church Street, Kitchener, ON

ORIG. LOT 17, GCT-WATERLOO

CHAIN OF TITLE

Pg 1

Lisa Leva

Pt. LOT: 19 & 41

PLAN: 393, 394

RE: 39 CHURCH ST. PIN-0022

INSTRUMENT	OWNERS	DATE	FROM	TO
			REGIN.	
PATENT	(FEB 5, 1798) 94.012 Ac.	RICHARD BEASLEY, JAMES WILSON, ST. JOHN B. ROSSEAU,	JULY 4, 1952	JULY 24-1805
				MAR. 10-1804
31	DEED PARTITION 64.590 Ac.	RICHARD BEASLEY,	FEB. 19-1801	JULY 24, 1805
33	"-" 26.860 Ac. & JAMES WILSON,	JOHN BAPTISTE ROSSEAU,	FEB. 19-1801	MAR. 10-1804
100	B&S. "-"	RICHARD BEASLEY,	MAR. 10-1804	JULY 24-1805
101	Quit claim DEED JOSEPH BRANT, CHIEF OF THE MOHAWK OR FIVE NATION INDIANS	RICHARD BEASLEY,	MAR. 12-1804	JULY 24-1805
123	B&S 60,000 Ac.	DANIEL DEB, JACOB DEB.	JULY 24-1805	JULY 26-1805

COOTID.

ORIG. LOT 17, GCT-WATERLOO

CHAIN OF TITLE

pg 2

Lisa Leva

PT. LOT: 19 & 41

PLAN: 393 & 394

RE 39 Church St - Pin 0022

INSTRUMENT	OWNERS	DANIEL & JACOB ERB,	FROM	TO
132	B4S 448 ac.	BENJAMIN HOUSHEY,	JULY 26-1805	OCT. 11-1811
1677	B4S 64 ac. JOSEPH SNYDER,	JACOB ERB,	MAR. 11-1811	JAN. 11-1831
1839	B4S 448 ac.	JOSEPH SNYDER,	OCT. 11-1811	JULY 17-1835
442	B4S	SAMUEL BEALES,	11 JAN 1831	MAY 21-1847
461 (CHURCH DEE)	B4S JOSEPH SCHNEIDER	MEUSLES CHURCH	JULY 17-1835	JUNE 29-1881
555	B4S	JOSEPH E. SCHNEIDER,	MAY 21-1847	JUNE 29-1881
4812	POWELLANCE Trustees Evangelical Assn. Exors JOSEPH E. SCHNEIDER,	JACOB MERNE STRABLER,	JUNE 29, 1881	APR. 27-1896

LOT 17/393

all LOT 19, A. 393 dec.

(CONTINUED ON PAGE 6)

COOT'D

CHAIN OF TITLE

Pg 3

Lisa Leva

LOT: 19 & 41

PLAN: 393 & 394

RE: 29 CHURCH ST. PIN 0022

INSTRUMENT	OWNERS	TRUSTEES MATH. CH. OF CANADA	FROM	TO
				MAY 19, 1879
4410	B & S. ALL LOT 41 Pk. 394	ELIZABETH BUEKLER	MAY 19, 1879	OCT. 22, 1879
4489	B & S. ---	ANNA ELIZABETH HEATH	OCT. 22, 1879	JULY 14, 1880
4560	B & S. ---	ELIZA BOWMAN	JAN. 17, 1890	---
4667	B & S	HEIS & EXORS HENRY BOEKNER	MAY 14, 1880	---
4697	B & S MAGDALENA BOEKNER, ETAL	MOFFIT FORSTER	JULY 14, 1880	FEB. 09, 1882
4698	B & S	MOFFIT FORSTER	JULY 14, 1880	---
5190	B & S	CHRISTIN J. NORI HAUSEN	FEB. 09, 1882	OCT. 30, 1984

CONTD Pg 4

X 2

CHAIN OF TITLE

Page

Lisa Leva

RE: 39 Church St. Pin 0022

LOT:	PLAN:	OWNERS	FROM	TO	
		CHRISTIN J. NORTHAUSEN		Oct. 30-1884	
6119	B/S.	HENRY S. BOEKNER,	Oct. 30-1884	Nov 12, 1889	
8755	B/S.	ABRAM BOEKNER,	Nov. 12-1889	JAN. 28, 1897	
13209	DEED	ABRAM O. BOEKNER	HANNAH BOEKNER,	JAN 28, 1897	AUG. 15-1906
20473	B/S.	HANNAH & MARGARET BOEKNER	ELMIRA BOEKNER,	AUG. 15-1906	16 — 1916
27564	GT. CL.		CATHERINE & GEORGE SHERMAN,	16 — 1916	MAR. 05-1916
27715	B/S.		ROSIE & ARTHUR B. POLLOCK,	MAR. 5-1916	AUG. 15-1919
A0253	B/S.		WILLIAM H. WEISNER,	AUG. 15-1919	Dec. 03, 1948

(cont'd)

CHAIN OF TITLE

105
A5

Lisa Leva

RE: 39 Church St. Fin 0022

LOT:	PLAN:			
INSTRUMENT	OWNERS	FROM	TO	
	Chas. William H. Meisner, (Ethel Leutnow), Arthur F. Meisner, Ethel Meisner		Dec. 03, 1948	
97990	Grant	Arthur F. Meisner	Dec. 03, 1948	May 14 - 1963
255713	Grant	The Trustees of St. Matthew's Lutheran Church at Kitchener,	May 14 - 1963	2021-12-06
WR 370076	App. to chg name	The Trustees of St. Matthew's Evangelical Lutheran Church,	2008-03-25	- " -
WR 370076	- " -	- " -	- " -	- " -
WR 370111	Trans. Rel. org.	St. Matthew's (Kitchener) Lutheran Church,	- " -	- " -
WR 1396962	Trans.	Church and Benew Limited	2021-12-06	Present
		<u>Current owners</u>		

LOT: 19 & 41

PLAN: 393 & 394

CHAIN OF TITLE

(COOIT'D FROM Pg 2.)

Pg 6

Lisa Leva

RE: 39 CHURCH ST. PIN-0022

INSTRUMENT	OWNERS	FROM	TO
	JACOB MERNE STABLER		APR. 27-1896
6719	B4S & 1/2 LOT 19	LEONARD W. SIMMONS	APR. 27, 1896
10223	B4S & 1/2 LOT 19	ROSETTA H. SIMMONS	MAR. 02-1893
10267	B4S & 1/2 LOT 19	JOHN S. HOFFMAN	APR. 11-1893
12391	B4S --	EMMA MOORE	NOV. 12, 1895
13115	B4S --	LOUISA SCHNEIDER	MAY 1-1897
14110	B4S	HENRY M. SCHNEIDER	MAR 2-1899
15035	B4S	EDWARD C. WOELFLE	APR. 7-1901

COOIT'D Pg 7

1/2

CHAIN OF TITLE

Pg 7

Lisa Leva

RE:

39 Church St. Pin 0022

LOT:	PLAN:	OWNERS	FROM	TO
		EDWARD C. WOELFLE,		Nov. 14-1905-
19533	B4S		Amelia WOELFLE,	Nov. 14-1905
				July 13-1917
36973	B4S.	AUGUSTA A. WOELFLE, →	AUGUSTA WOELFLE,	July 13-1917
		EXR. AMELIA WOELFLE, dec.	ELMINA --	Dec. 16-64
			PAULINE --	
			DORIS --	
91588	Grant	EXORS AUGUSTA WOELFLE →	ELMINA WOELFLE	21 -- 1946
		dec.	PAULINE K. --	-- " --
			EDWARD C. --	
136453	GR.	EXORS EDWARD C. WOELFLE, dec. →	PAULINE K. WOELFLE,	FEB. 10, 1956
		EXORS ELMINA -- dec. →	DORIS WOELFLE.	-- " --
258081	GR.	A. HELENA HANSON, →	PAULINE K. WOELFLE,	June 24, 1963
		EXR. DORIS WOELFLE dec.	Spinster	Dec. 16, 1964

CONT'D. Pg 8

Y3

Pg 8

Lisa Leva

CHAIN OF TITLE

RE: 39 CHURCH ST. PIN 0022

LOT:	PLAN:	OWNERS	FROM	TO
		PAULINE K. WOELFEL, ^{UMM.}		Dec. 16, 1964
290622 GR.		THE TRUSTEES OF ST. MATTHEW'S EVANGELICAL LUTHERAN CHURCH.	Dec. 16, 1964	2008-03-25
WR 370076 APL. TO @ THE NAME		THE TRUSTEES OF ST. MATTHEW'S EVANGELICAL LUTHERAN CHURCH.	2008-03-25	2008-03-25
WR 370078 -"-		- " -	2008-03-25	2008-03-25
WR 370111 TRANS RELIGIOUS ORG.		ST. MATTHEW'S (KITCHENER) LUTHERAN CHURCH.	- " -	2021-12-06
WR 1396982 TRANS.		<u>CHURCH AND BOOKS</u> <u>LIMITED</u>	2021-12-06	PRESENT
		<u>Current owners</u>		

51 Church Street, Kitchener, ON

CHAIN OF TITLE

RE: 51 CHURCH STREET - PIN 0028

A. LOT: 17 GCT

TWP. WATERLOO

INSTRUMENT	OWNERS	DATE	FROM	REGIN.	TO
			THE CROWN		
PATENT		(Feb 5, 1798) 94.012 Ac.	RICHARD BEASLEY, JAMES WILSON, ST. JOHN B. ROSSEAU,		JULY 24-1805
					MAR. 10-1804
31	DEED PARTITION	64.590 Ac.	RICHARD BEASLEY,	FEB. 19-1801	JULY 24, 1805
33	"-"	26.860 Ac. & JAMES WILSON,	JOHN BAPTISTE ROSSEAU,	FEB. 19-1801	MAR. 10-1804
100	BLS.	"-"	RICHARD BEASLEY,	MAR. 10-1804	JULY 24-1805
101	Quit claim DEED	JOSEPH BRANT, chief OF THE MOHAWK OR FIVE NATION INDIANS	RICHARD BEASLEY,	MAR. 12-1804	JULY 24-1805
123	BLS	60,000 Ac.	DANIEL DEB, JACOB DEB.	JULY 24-1805	JULY 26, 1805

CONT'D.

CHAIN OF TITLE

Pg 2

Lisa Leva

RE: 51 CHURCH ST.

Pin 0028

LOT: 17, GCT

Waterloo

INSTRUMENT	OWNERS	FROM	TO
132	B/S. <i>DR'S,</i> DANIEL & JACOB. 448ac.	BENJAMIN HUSTY,	July 26-1805 - Oct. 11-1811
		↓	
1839	B/S 448ac.	JOSEPH SNYDER,	Oct. 11-1811 - July 7-1835
		↓	
481	Deed Church JOSEPH SCHNEIDER,	→ Church Trustees	July 7-1835 - Jan. 19-1880
		↓	
94	B/S JOSEPH & JACOB SCHNEIDER, 384ac.	→ JOSEPH E. SCHNEIDER,	Mar. 30-1846
		↓	
191	Church Deed FREDERICK J. MILLER,	→ Church Trustees	Jan. 6-1868 - May 12, 1880

Cont'd

CHAIN OF TITLE

RE: 51 Church St. - Pin 0028

R LOT: 41

PLAN: 394 KITCHENER

INSTRUMENT	OWNERS	FROM	TO	
4563	B & S. TRUSTEES METHODIST Church of Canada,	HARRY BOENHARD,	JAN-19-1880	JAN 26, 1880
4575	B & S.	LEONARD W. SIMMONS,	JAN. 26, 1880	MAR. 17. 1883
4665	B & S TRUSTEES METHODIST Church of CANADA	TRUSTEES UNITED BRETHREN IN CHRIST	MAY 12, 1880	JAN. 3, 1881
4796	Conveyance	LEONARD W. SIMMONS,	JAN 3-1881	MAR. 17-1883
5344	B & S.	JOSEPH BITZNER,	MAR. 17. 1883	MAY 3-1887
2293	B & S	JAMES A. HUBER,	MAY 3-1887	SEPT. 29, 1887
7508	B & S.	Moses ESCHLEMAN,	SEPT. 29, 1887	MAY 5 1909

CONFID

CHAIN OF TITLE

Pg. 4

Lisa Leva

RE: 51 CHURCH ST. - PIN 0028

Pt LOT: 41

PLAN: 394 KITCHENER

INSTRUMENT	OWNERS	FROM	TO
		MOSES ESCHLEMAN,	MAY 5-1909
24050 B45.	<u>-COPY-</u>	LEAH MUSSELMAN,	FEB 5-1962
149715 AGR SALE		FREDERICK K. MUSSELMAN, WALTER F. MUSSELMAN,	JAN. 3-1957
233742 GR.	Spies Leah Musselman, wid de.	FREDERICK K. MUSSELMAN, & HELEN MUSSELMAN, J.T.	FEB. 5, 1962 NOV. 12-1960
425675 TRANS. COVD.	FREDERICK K. MUSSELMAN, de.		
436674 GR.		WAYNE D. BRUBACKER,	NOV 12, 1960 DEC. 17 1979
673390 GR.		SAN PRO DEVELOPMENT'S LTD.	DEC. 17. 1979 1980. 09. 03
688173 GR.		JULIE M. DIAS, MANUAL H. DIAS, J.T.	1980. 09. 03 1999. 04. 30

CONT'D

CHAIN OF TITLE

Pg. 5

Lisa Leva

A LOT: 41

PLAN: 394 KITCHENER

RE:

INSTRUMENT	OWNERS	FROM	TO
	DIAS, JULIA M. + MARIAL H.		1999.04.30
	↓		
1416470 TRANS	THE TRUSTEES OF ST. MATTHEW'S EVANGELICAL LUTHERAN CHURCH,	1999.04.30	2008.03.25
	↓		
WR 370111 TRANS.	ST. MATTHEW'S (KITCHENER) LUTHERAN CHURCH,	2008.03.25	2021-12-06
	↓		
WR 1396982 TRANS.	<u>CHURCH AND BENTON</u> <u>LIMITED</u> current owner	2021.12.06	<u>present</u>

69 Benton Street, Kitchener, ON

ORIG. LOT 17, GCT - WATERLOO

CHAIN OF TITLE

Pg 1

Lisa Leva

R.

LOT: 41 PLAN: 394

RE: 69 BEYTON ST. PIN 0023

INSTRUMENT	OWNERS	FROM	TO
	THE CROWN	REGIN.	
PATENT	DATE (Feb 5, 1798) 94.012 Ac.	RICHARD BEASLEY, JAMES WILSON, ST. JOHN B. ROSSEAU,	JULY 4, 1952 JULY 24-1805 MAR. 10-1804
31 DEED PARTITION	64.590 Ac.	RICHARD BEASLEY,	FEB. 19-1801 JULY 24, 1805
33 --	26.860 Ac. & James Wilson,	JOHN BAPTISTE ROSSEAU,	FEB. 19-1801 MAR. 10-1804
100 B&S.	--	RICHARD BEASLEY,	MAR. 10-1804 JULY 24-1805
101 Quit claim DEED	JOSEPH BRANT, ATTORNEY OF THE MOHAWK OR FIVE NATION INDIANS	RICHARD BEASLEY,	MAR. 12-1804 JULY 24-1805
123 B&S	60,000 Ac.	DANIEL DEB, JACOB DEB.	JULY 24-1805 JULY 26-1805

CONT'D.

orig. LOT 17, GET-WARRELOO

CHAIN OF TITLE

Pg 2

Lisa Leva

RE 69 BENTON STREET PH 0023

P. LOT #1 PLAN: 394

INSTRUMENT	OWNERS	FROM	TO
	DANIEL & JACOB ERB,		JULY 26-1805
132	B4S 448 Ac. BENJAMIN HOUSLEY,	JULY 26-1805	OCT. 11-1811
1677	B4S 64 Ac. JOSEPH SNYDER,	MAR. 11-1811	JAN. 11-1831
1839	B4S 448 Ac. JOSEPH SNYDER,	OCT. 11-1811	JULY 17-1835
442	B4S SAMUEL BEWES,	11 JAN 1831	MAY 21-1847
461	B4S JOSEPH SCHNEIDER	TRUSTEES CHURCH	JULY 17-1835
555	B4S JOSEPH E. SCHNEIDER,	MAY 21-1847	JUNE 29-1881
4812	Conveyance Trustees Church Also Exors → JACOB MEANE STABLES,		JUNE 29, 1881
LOT 17 / 394	JOSEPH & SCHNEIDER, Att 10/19. H. 292		

Cont'd

X1

Pg 3

Lisa Leva

CHAIN OF TITLE

RE: 69 BENTON STREET PIN 0023

PL LOT: 41

WATERLOO PLAN: 394

INSTRUMENT	OWNERS	FROM	TO
	TRUSTEES MICH. CH. OF CANADA.		MAY 19, 1879
4410	B & S. ALL LOT 41 Pl. 394	ELIZABETH BUCKLER,	MAY 19, 1879
4489	B & S. --	ANNA ELIZABETH HEATH,	OCT. 22, 1879
4560	B & S. --	ELIZA BOWMAN,	JULY 14, 1880
4667	B & S.	JOHN & MRS HENRY BOEKNER,	JAN. 17, 1890
4697	B & S. MAGDALENA BOEKNER, ETAL	MOFFIT FORSTER,	MAY 14, 1880
4698	B & S.	MOFFIT FORSTER,	FEB. 09, 1882
5190	B & S.	CHRISTIN J. NORA HAUSEN,	JULY 14, 1880
			OCT. 30, 1884

CONTD

X 2

CHAIN OF TITLE

Page

Lisa Leva

RE: 69 BENTON STREET - Pin 0023

Pr. LOT: 41

PLAN: 394

INSTRUMENT	OWNERS	FROM	TO
	CHRISTINA J. NORTHAUSEN		Oct. 30-1884
6119 B+S.		HENRY S. BOCKNER,	Oct. 30-1884
			Nov 12, 1889
8755 B+S.		ABRAM BOCKNER,	Nov. 12-1889
			JAN. 28, 1897
13209 DEED	ABRAM O. BOCKNER	HANNAH BOCKNER,	JAN 28, 1897
			AUG. 15-1906
20473 B+S.	HANNAH & MARGARET BOCKNER	ELMIRA BOCKNER,	AUG. 15-1906
			16 - 1916
27564 G.T. CL.		CATHERINE & GEORGE SHERMAN,	16 - 1916
			MAR. 05-1916
27715 B+S.		ROSIE & ARTHUR B. POLLOCK,	MAR. 5-1916
			AUG. 15-1919
A0253 B+S.		WILLIAM H. MEISNER,	AUG. 15-1919
			DEC. 03, 1948

CONT'D

Pt. LOT: 41, PLAN 394

WATERLOO

CHAIN OF TITLE

Pg 5

Lisa Leva

RE: 69 BENTON STREET

FIN 0023

INSTRUMENT	OWNERS	FROM	TO
	EST. WILLIAM H. MISNER, dec.		DEC. 03-1948
97989 GRANT	ETHEL & PREMUR MISNER, Exors.	ETHEL L. MISNER,	DEC. 3/1948
171515 GRANT	MARY L. HOLMES FRY ZEPH, Exrix's ETHEL L. MISNER, dec.	PETER HELLEBRANDT, MARGARET ——— J.T.	JULY 4-1958
464360 GRANT	MARGARET FLOR (Formerly HELLEBRANDT)	JOSE ALFONSO CALISTO, MARIA AUGERA DACUNHA B. CALISTO, VALDEMOR CALISTO DAS NEVES, MARIA CLOEMIZA SANCHES DA SILVA NEVES	MAR. 1-1972
652007 TRANS.		KOCHENDORFER, DIANE	1979-03-12
			2021-11-30

COPIED

CHAIN OF TITLE

196

Lisa Leva

Pt. LOT: 41

PLAN: 394 WATERLOO

RE: 69 BOSTON STREET - PIN 0023

INSTRUMENT	OWNERS	FROM	TO
	Kochendorfer, Diane		2010-06-17
WR 546209 Tr.	THOMPSON, GREG - - - , ELISABETH	2010-06-17	2021-11-30
WR 1395396 Tr.	<u>Church and Boston Limited</u>	2021-11-30	<u>Present</u>
	<u>Current Owners</u>		

73 Benton Street, Kitchener, ON

ORIG. LOT 17, GET WATERLOO

Pt. LOT 3, PLAN 205

Pt LOT: 19,

PLAN 393 - TWP WATERLOO

CHAIN OF TITLE

Pg:

Lisa Leva

RE: 73 BENJON ST. PIN 0024

INSTRUMENT	OWNERS	DATE	FROM	TO
			REGIN.	
PATENT		(FEB 5, 1798) 94.012 Ac.	RICHARD BEASLEY, JAMES WILSON, ST. JOHN B. ROSSEAU,	JULY 4, 1952 JULY 24-1805 MAR. 10-1804
			↓ ↓	
31	DEED PARTITION	64.590 Ac.	RICHARD BEASLEY,	FEB. 19. 1801 JULY 24, 1805
			↓	
33	-"-	26.860 Ac. & JAMES WILSON,	JOHN BAPTISTE ROSSEAU,	FEB. 19-1801 MAR. 10-1804
			↓	
100	B&S.	-"-	RICHARD BEASLEY,	MAR. 10-1804 JULY 24-1805
			↓	
101	QUIT CLAIM DEED	JOSEPH GRANT, ATTORNEY OF THE MOHAWK OR FIVE NATION INDIANS	RICHARD BEASLEY,	MAR. 12-1804 JULY 24-1805
			↓ ↓ ↓	
123	B&S	60,000 Ac.	DANIEL DEB, JACOB DEB.	JULY 24-1805

CONT'D

A. 3
A LOT: 19

PLAN: 205
393 TWP. WATERLOO

CHAIN OF TITLE

Pg 2

RE: 73 BENTON ST.

Lisa Leva
PIN 0023

INSTRUMENT	OWNERS	FROM	TO
<u>PRIOR - BREAK IN CHAIN</u>			
GR 534	WILL	EST. CHRISTOPHER BLUM, dec. → ADELENA LINDNER,	
			COPY
A-4644	Release of DOWER	MAGDALENA BLUM, wid. → ADELENA LINDNER, of CHRISTOPHER BLUM, dec.	
			COPY
PLAN	205	ADELINE BITZER, OWNER LOT 20, PLAN 393	
		5-1912	COPY
A36183	DEED (LOT 3)	ADELINE BITZER → CONRAD S. BOLENDER	
		NOV. 30. 1916	COPY AUG. 30. 1919
		↓	
37111	DEED	CHARLES B. DUNKE	
		AUG. 30. 1919	FEB. 04. 1938

Pt. LOT 3
LOT: 19

PLAN 205

TWP. WATERLOO

CHAIN OF TITLE

RE: 73 BEYTON ST.

Lisa Leva

Pin 0024

PLAN: 393

INSTRUMENT	OWNERS	FROM	TO
		EST. CHARLES B. DUNKE, de	FEB. 4, 1938
74671 GRANT	Pt. LOT 3	EMMA L. DUNKE,	FEB. 4-1938
			AUG. 10, 1939
76732 GR.		FRANK MEDLAGEL	AUG. 10-1939
			JAN 18, 1971
440829 GR.	EXORS FRANK MEDLAGEL, de. → HELESA PRUST,		JAN. 18. 1971
			05.09.1986
58R-5235 PLAN	COPY (ASIN 440829)		AUG. 28-1986
866311 GR.	Pt. 1, 58R-5235	HILL, BRUCE A. HILL, CHRISTINE J.T.	05.09.1986
			31-08-1990
1051779 TRANS.	- - -	BURJOSKI, JENNY	31-08-1990
			1994.04.18
1209059 TRANS.		BUTTS, BARBARA LYNN	1994.04.18
			2010-09-03



Cont'd.

Pt. LOT 3

P2. 205 TOP. WATERLOO
PLAN: 393

CHAIN OF TITLE

Pg 4

RE: 73 BESTON ST.

Lisa Leva
PIN 0024

LOT: 19

INSTRUMENT

OWNERS

BUTTS, BARBARA LYNN

FROM

TO

2010-09-03

WR 566388 1R.

BUTTS, ROBERT ADRIAN

2010-09-03

2021-12-06

WR 1396983 1R.

CHURCH AND BENTON LIMITED.

2021-12-06

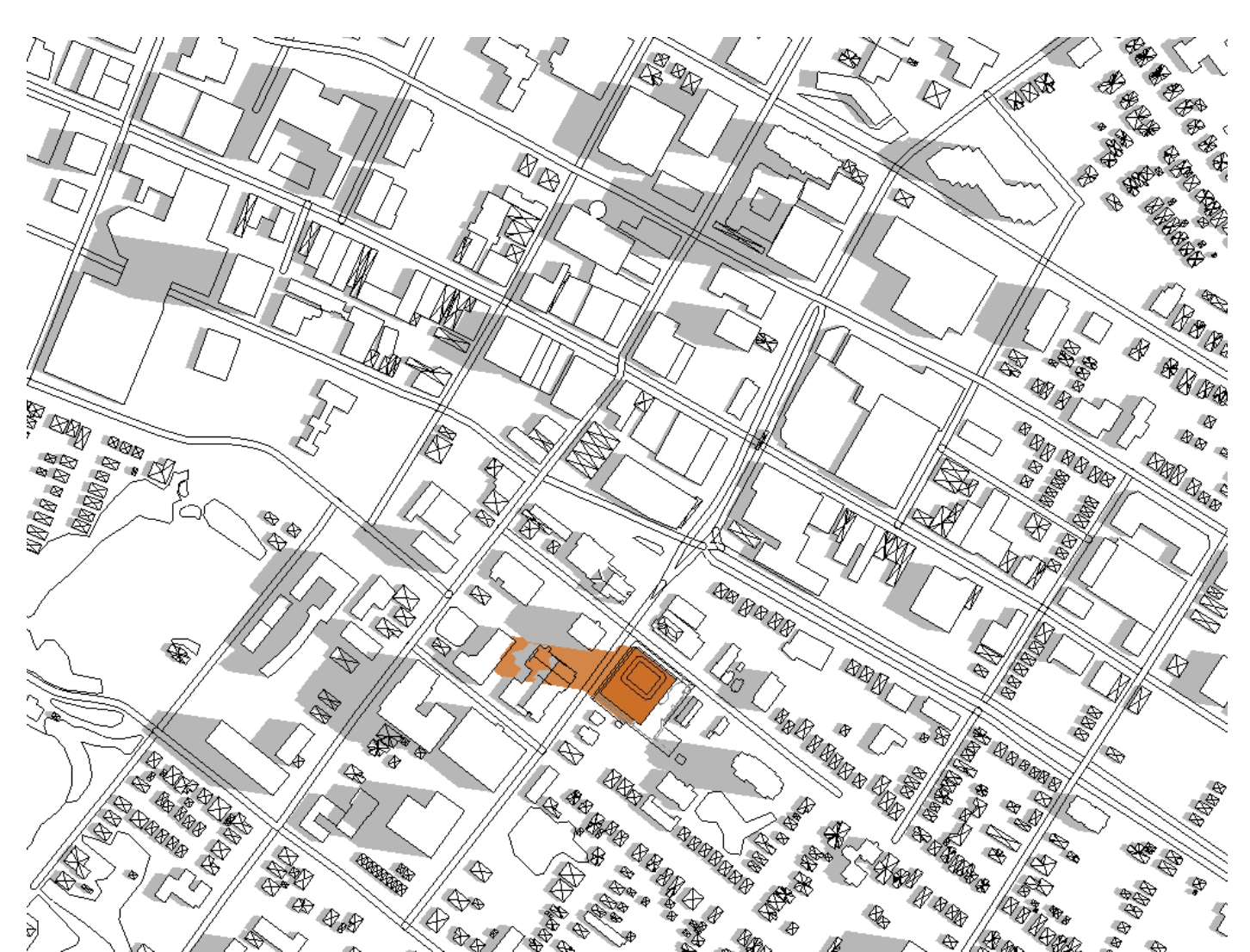
PRESENT

Current owners

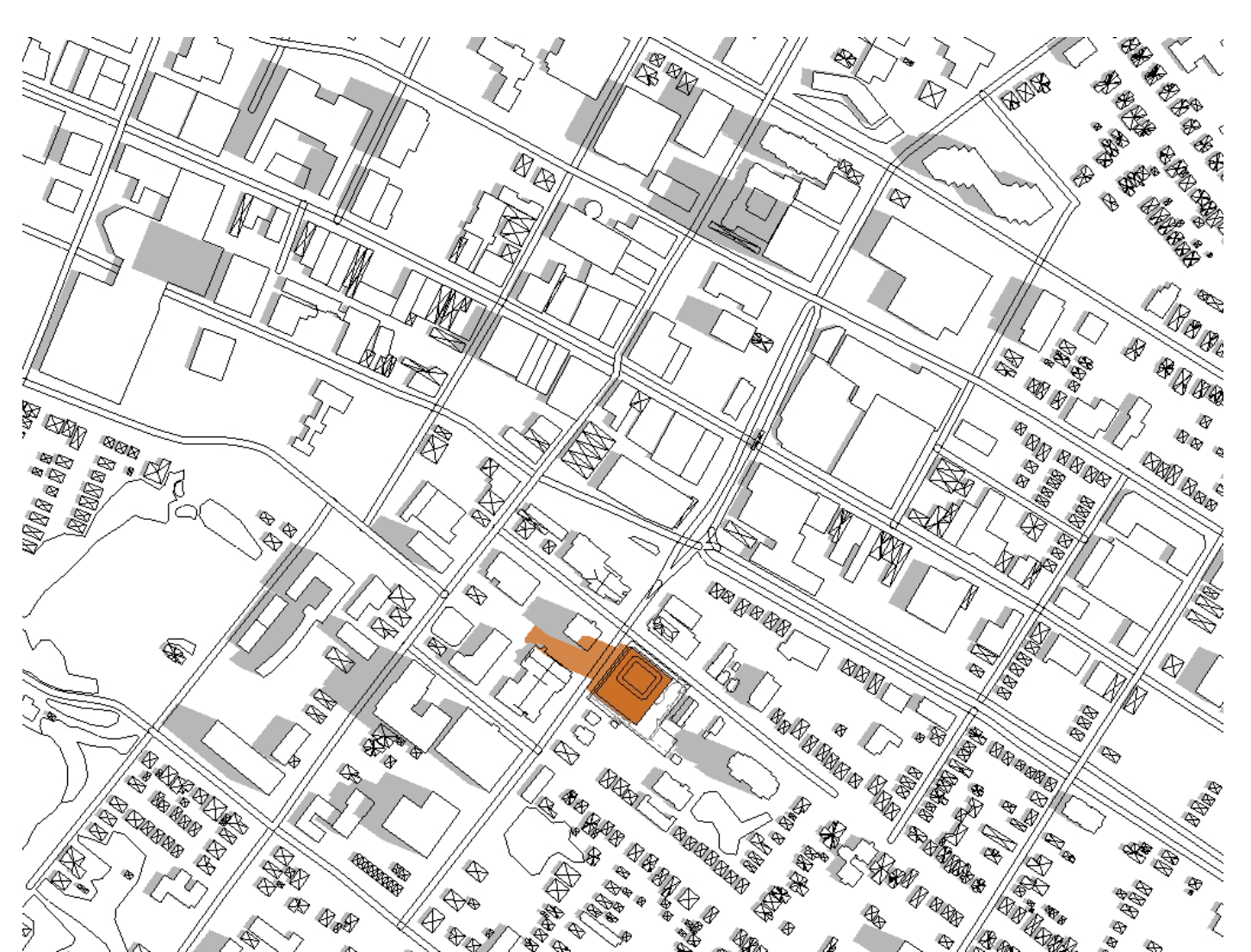
Appendix

D

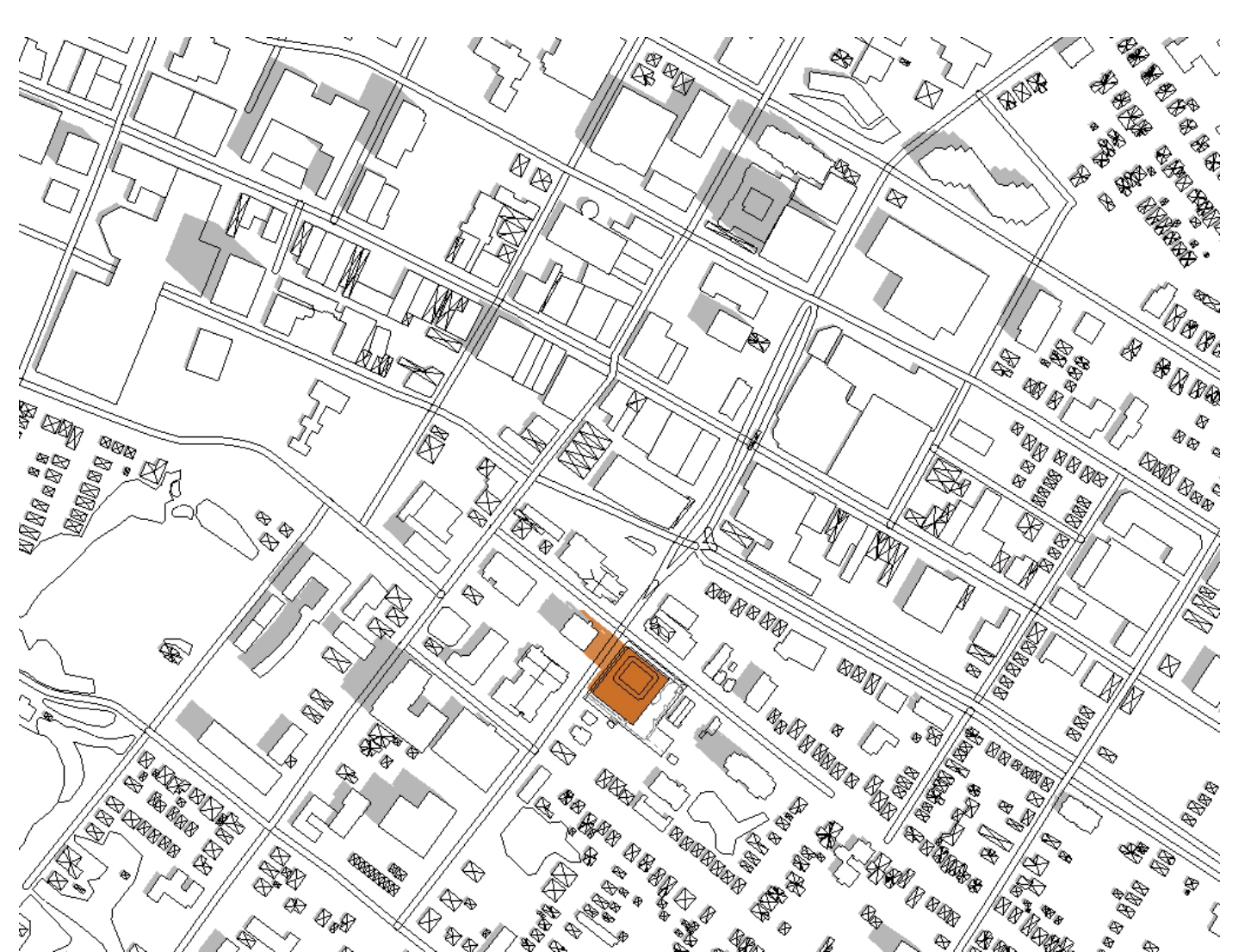
Shadow Study



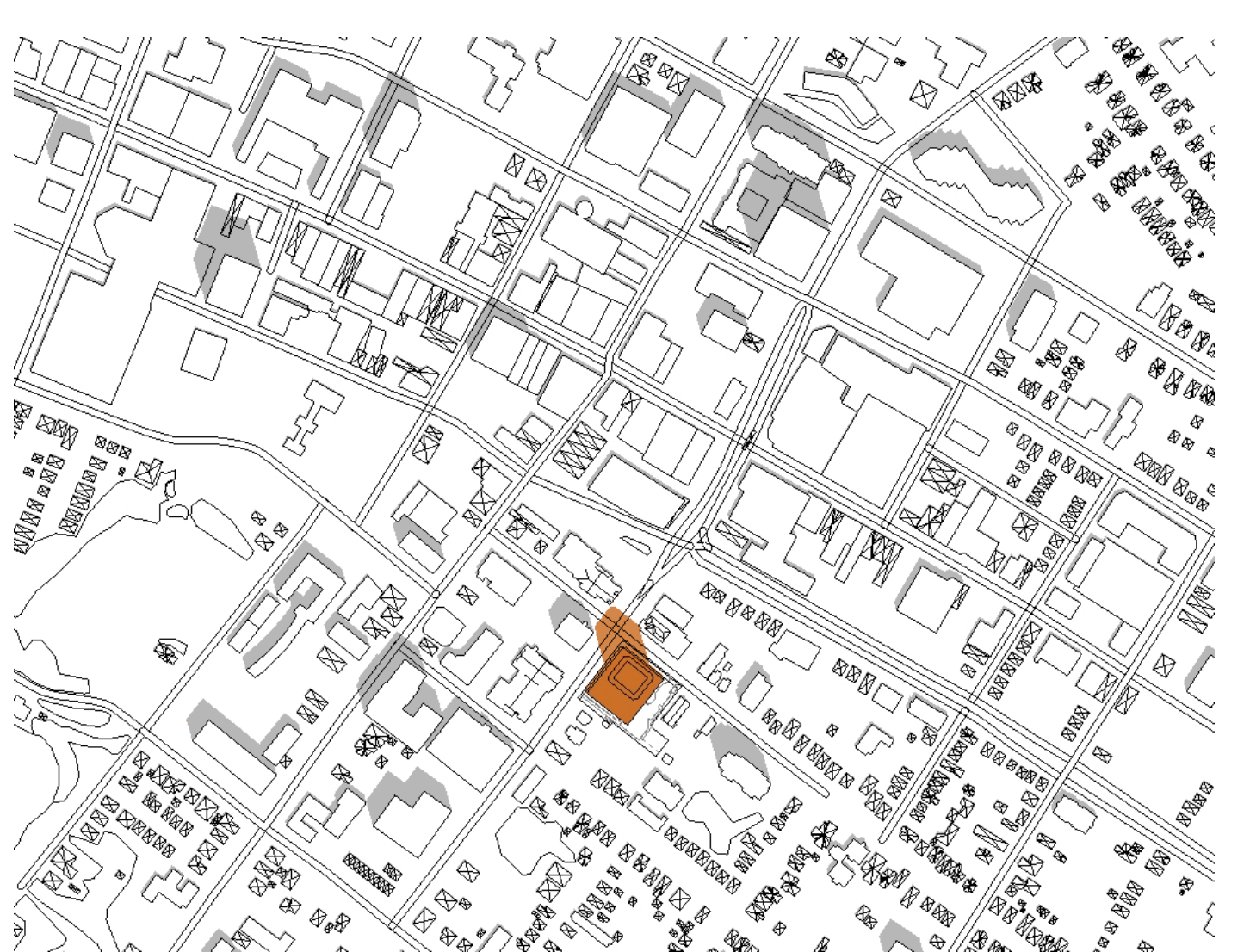
June 21st @10:00 1
dA5.01



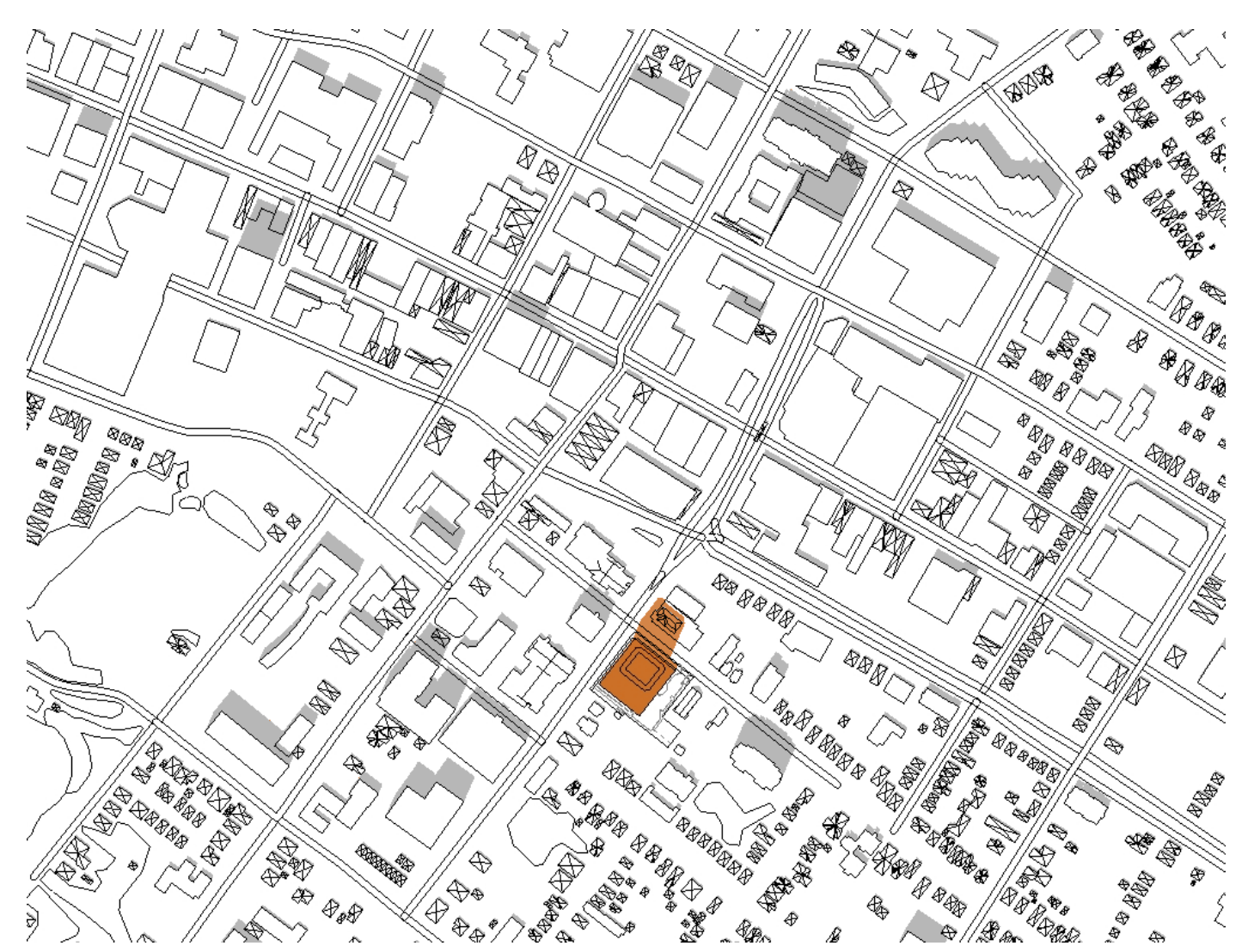
June 21st @11:00 2
dA5.01



June 21st @12:00 3
dA5.01



June 21st @13:00 4
dA5.01



June 21st @14:00 5
dA5.01



June 21st @15:00 6
dA5.01



June 21st @16:00 7
dA5.01



June 21st @17:00 8
dA5.01



June 21st @18:00 9
dA5.01

All Drawings, Specifications, and Related Documents are the Copyright of the Architect. The Architect retains all rights to control all uses of these documents for the intended issuance/use as identified below. Reproduction of these Documents, without permission from the Architect, is strictly prohibited. The Authorities Having Jurisdiction are permitted to use, distribute, and reproduce these drawings for the intended issuance as noted and dated below, however the extended permission to the Authorities Having Jurisdiction in no way debases or limits the Copyright of the Architect, or control of use of these documents by the Architect.

Do not scale the drawings.
This Drawing is Not To Be Used For Construction Until Signed By The Architect.

Date:



20 De Boers Drive Suite 400
Toronto ON M3J 0H1

Revisions:
No. Revision Date:

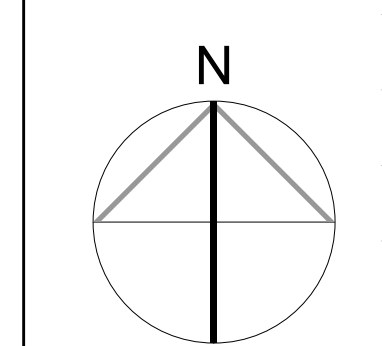
1	Rezoning Submission	JUNE 30, 2023
No.:	Issued For:	Date:



Client:
JD Development Group
Church & Benton Development
Kitchener, ON.
Proposed Residential Development

Drawing Title:
Sun Shadow Study -
June 21st

Scale:
Drawn by:
S.T.
Checked by:
D.S.
Project No.:
22-079
Date:
JUNE 12, 2023
Drawing No.:

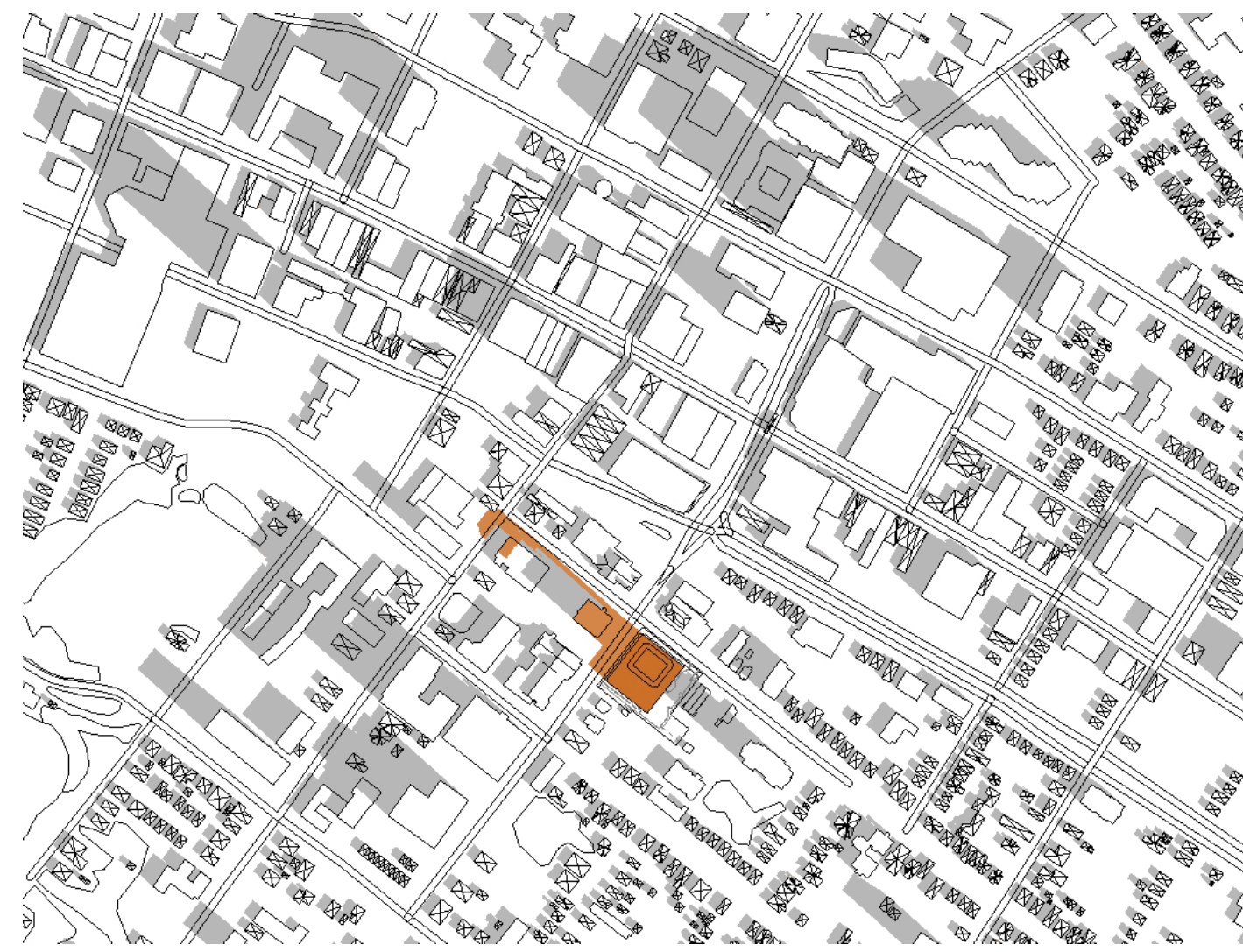


dA5.01

Plot Date: 6/12/2023 8:09:21 AM. Path: C:\Users\2023\22079\1_2\work\888\resub_22079_2.dwg



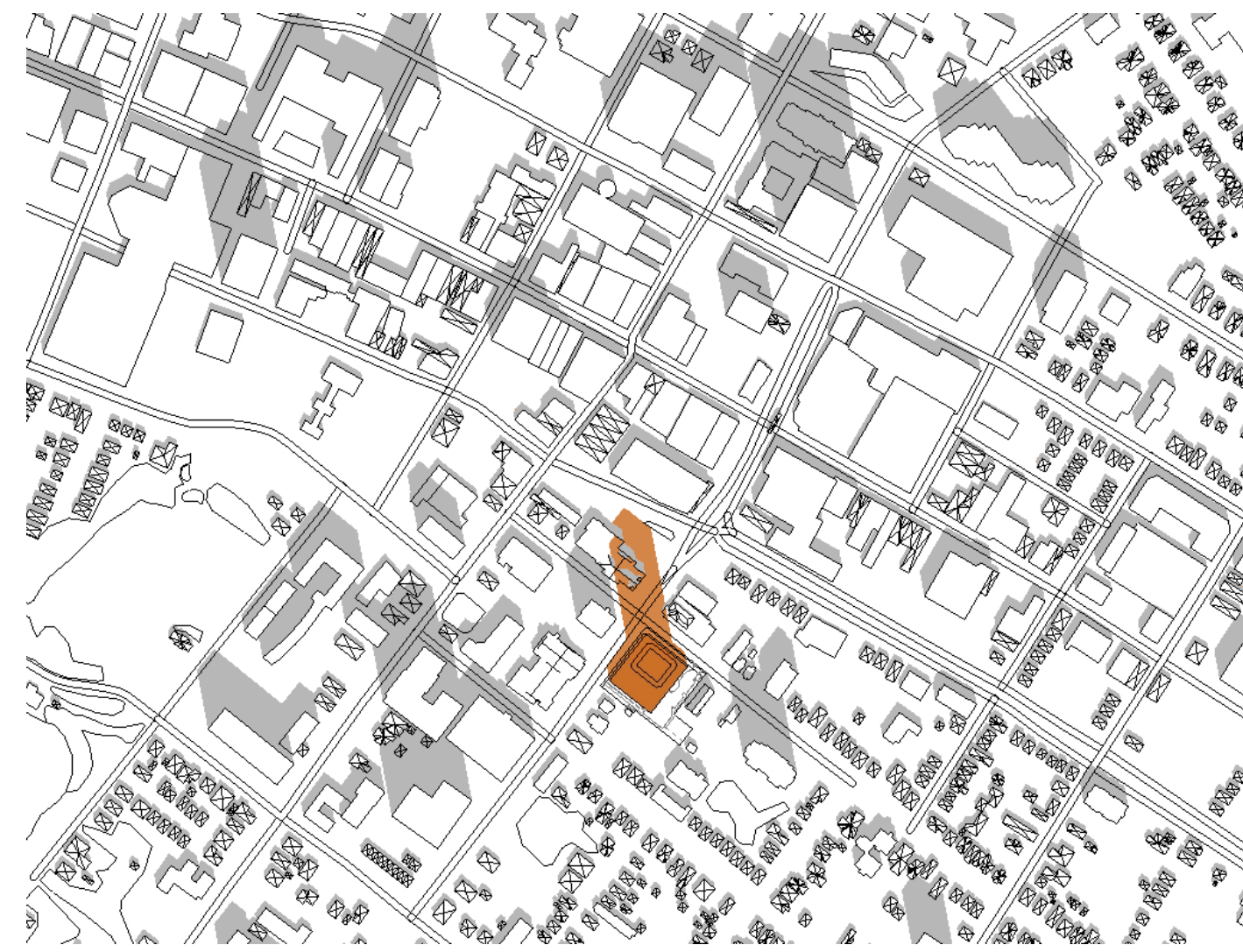
March/September 21st @10:00 **1**
dA5.02



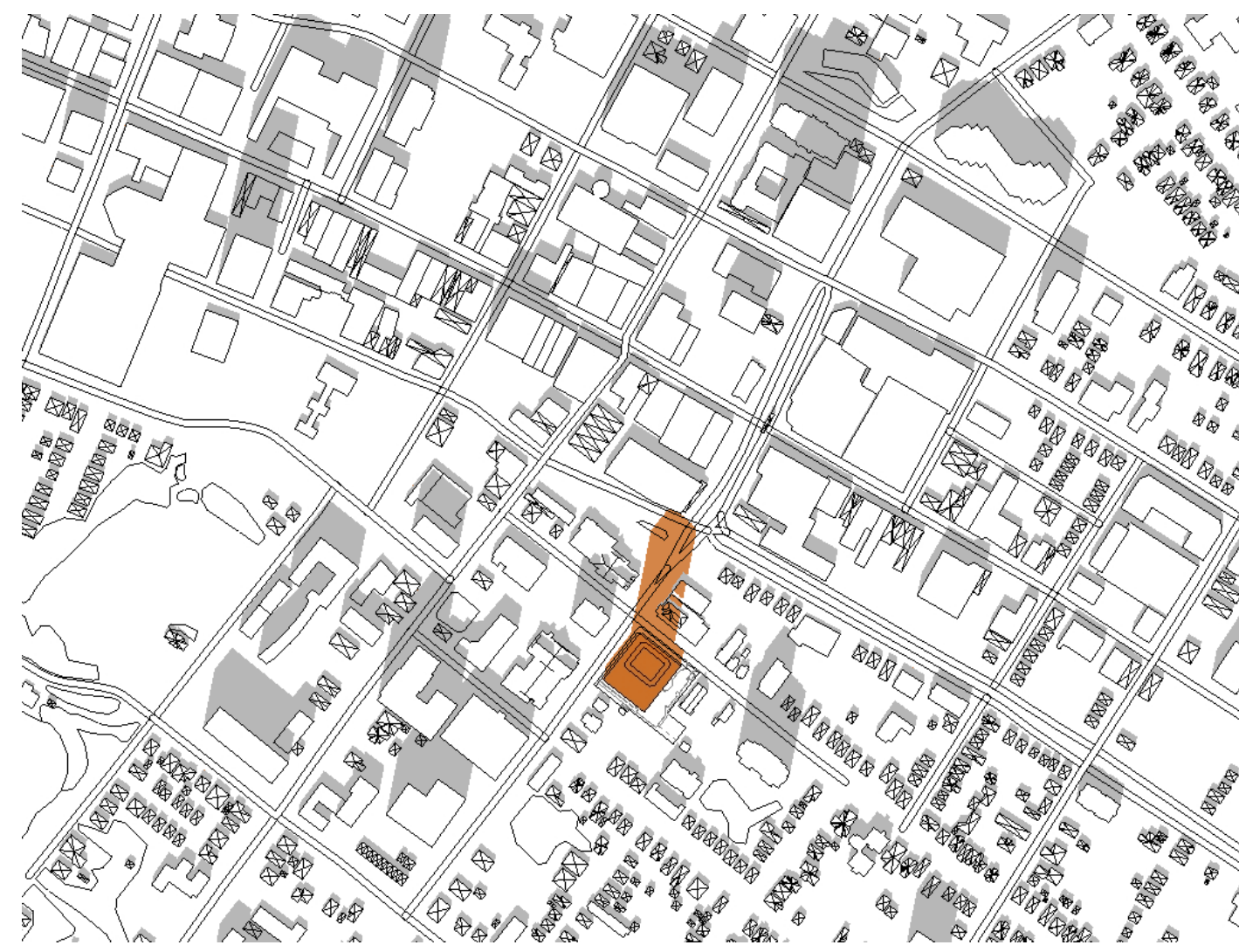
March/September 21st @11:00 **2**
dA5.02



March/September 21st @12:00 **3**
dA5.02



March/September 21st @13:00 **4**
dA5.02



March/September 21st @14:00 **5**
dA5.02



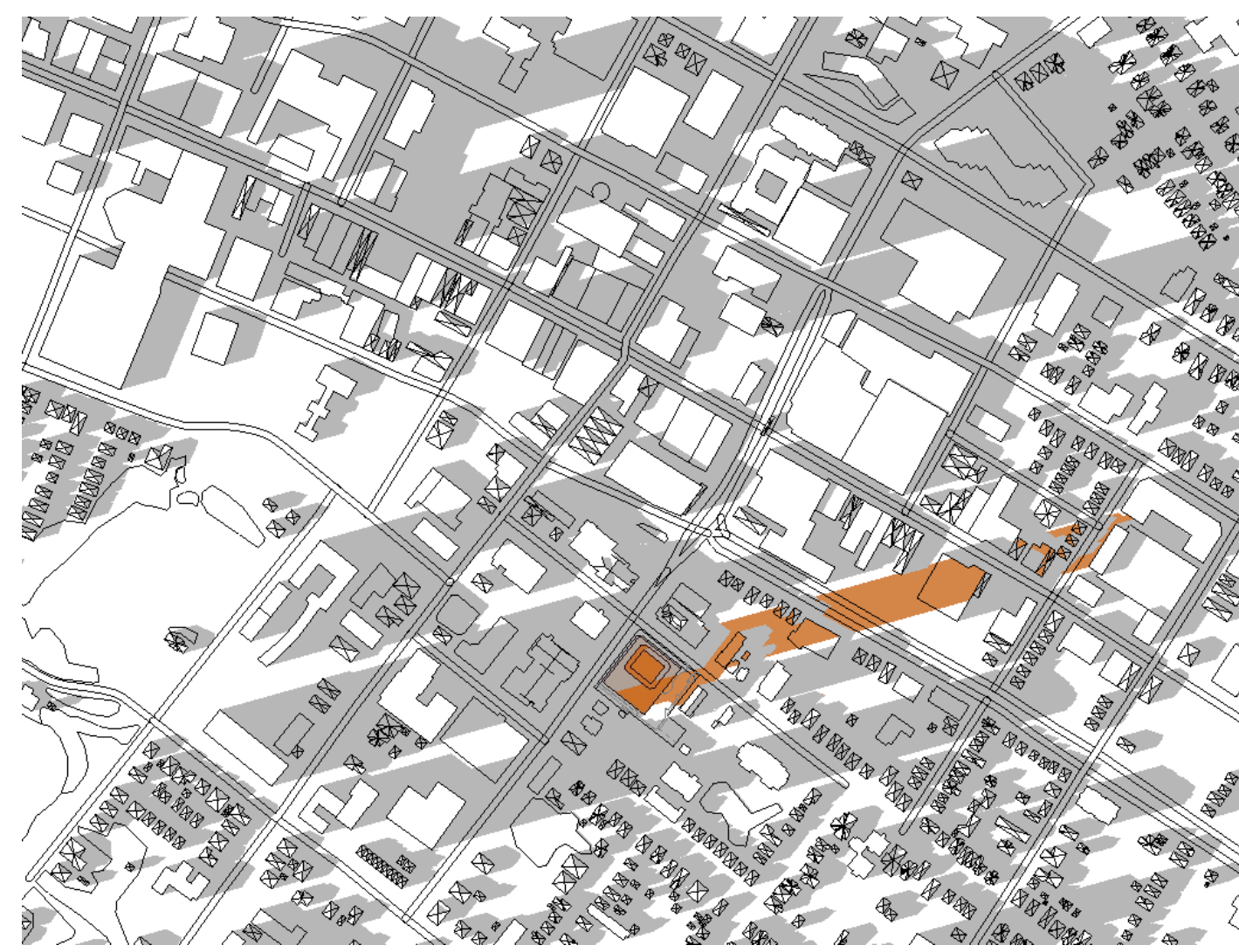
March/September 21st @15:00 **6**
dA5.02



March/September 21st @16:00 **7**
dA5.02



March/September 21st @17:00 **8**
dA5.02



March/September 21st @18:00 **9**
dA5.02

All Drawings, Specifications, and Related Documents are the Copyright of the Architect. The Architect retains all rights to control all uses of these documents for the intended issuance/use as identified below. Reproduction of these Documents, without permission from the Architect, is strictly prohibited. The Authorities Having Jurisdiction are permitted to use, distribute, and reproduce these drawings for the intended issuance as noted and dated below, however the extended permission to the Authorities Having Jurisdiction in no way debases or limits the Copyright of the Architect, or control of use of these documents by the Architect.

Do not scale the drawings.
This Drawing is Not To Be Used For Construction Until Signed By The Architect.

Date:



20 De Boers Drive Suite 400
Toronto ON M3J 0H1

Revisions:
No. Revision Date

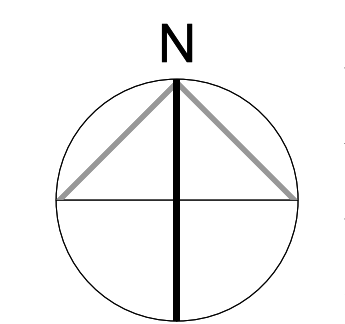
1	Rezoning Submission	JUNE 30, 2023
No.:	Issued For:	Date:



Client:
JD Development Group
Church & Benton Development
Kitchener, ON.
Proposed Residential Development

Drawing Title:
Sun Shadow Study -
March / September 21st

Scale:
Drawn by:
S.T.
Checked by:
D.S.
Project No.:
22-079
Date:
JUNE 12, 2023
Drawing No.:



dA5.02

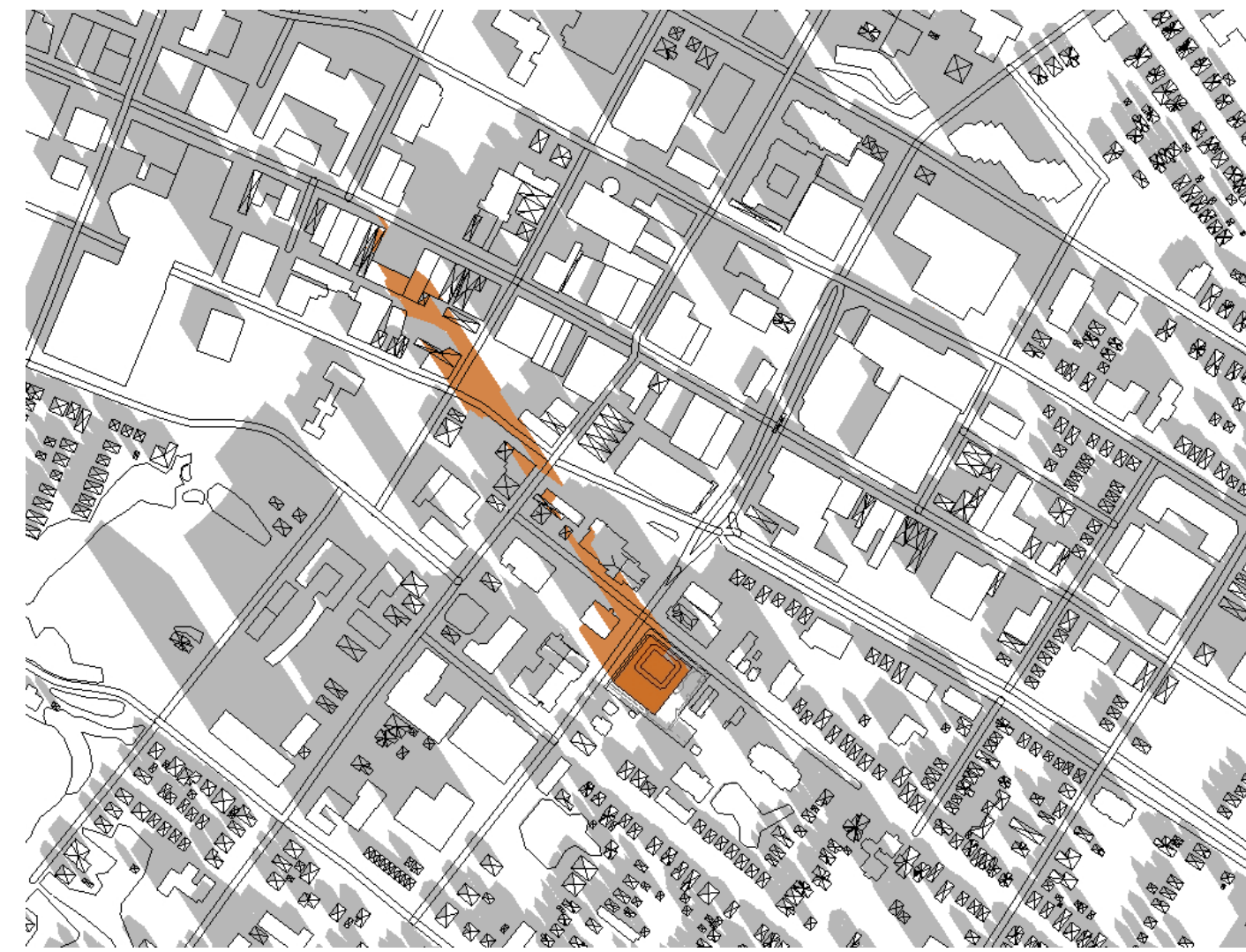
Print Date: 6/12/2023 8:09:33 AM File Path: C:\Users\stuart.1\OneDrive\Documents\22-079\22-079.dwg



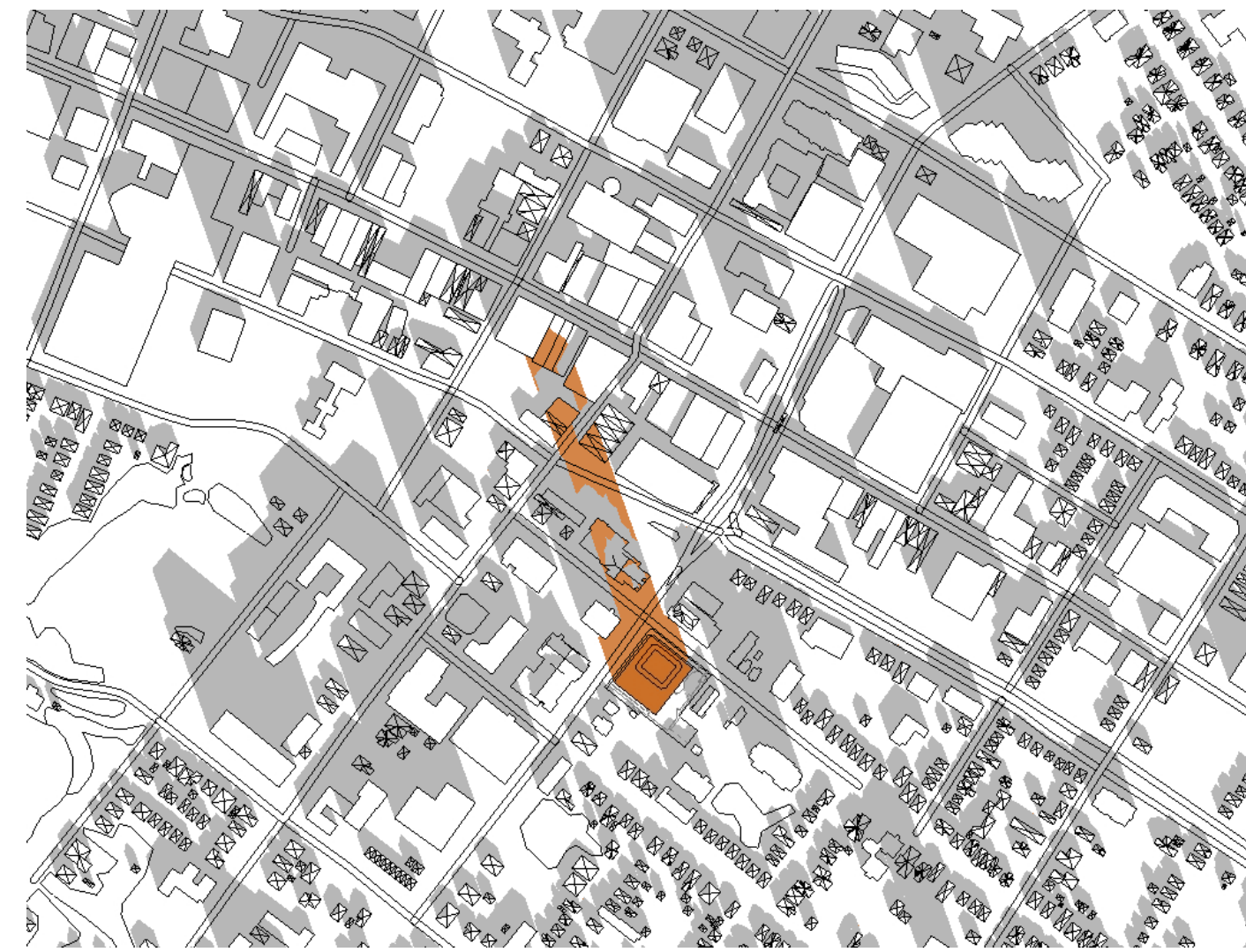
December 21st @9:00 1
dA5.03



December 21st @10:00 2
dA5.03



December 21st @11:00 3
dA5.03



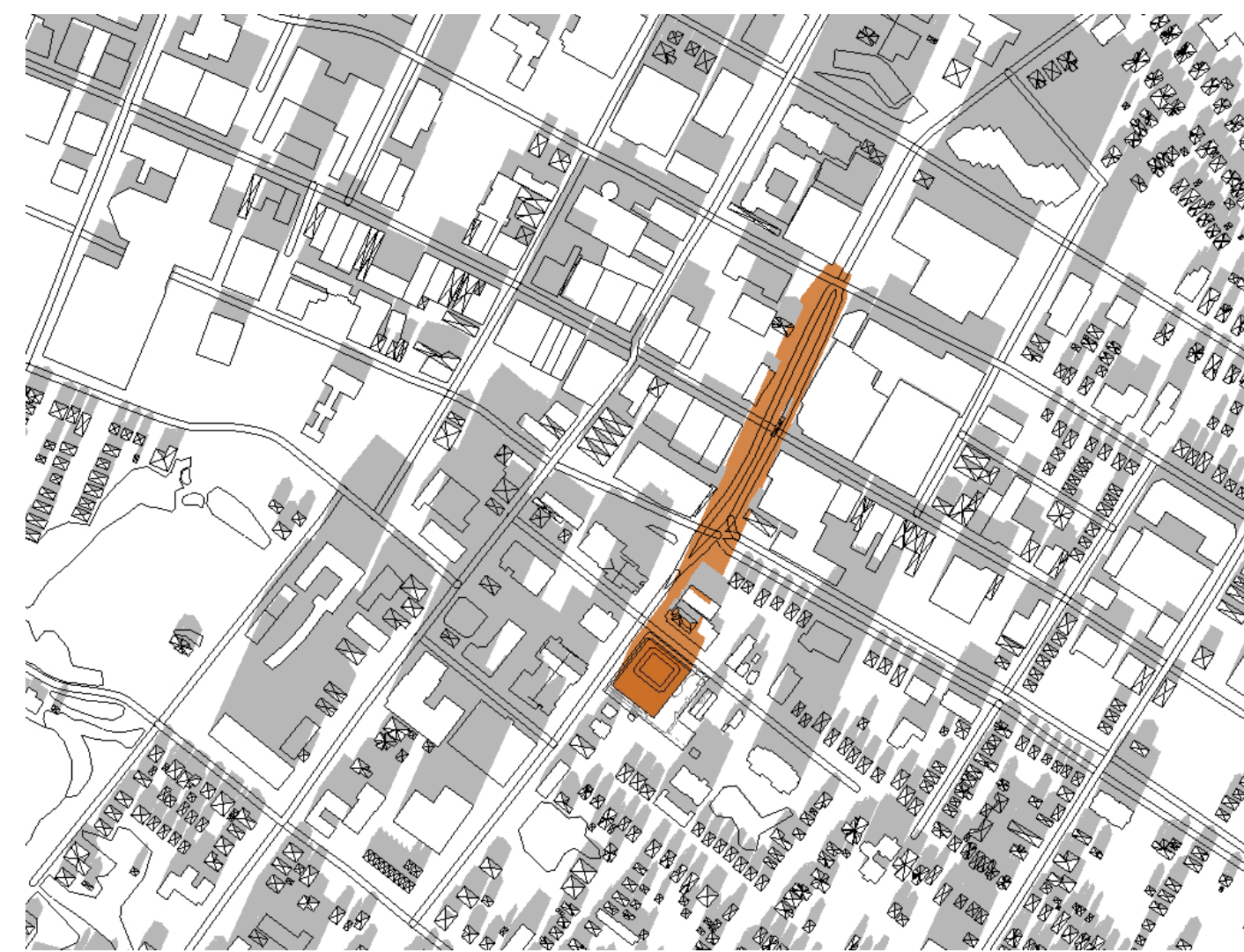
December 21st @12:00 4
dA5.03



December 21st @13:00 5
dA5.03



December 21st @14:00 6
dA5.03



December 21st @15:00 7
dA5.03

All Drawings, Specifications, and Related Documents are the Copyright of the Architect. The Architect retains all rights to control all uses of these documents for the intended issuance/use as identified below. Reproduction of these Documents, without permission from the Architect, is strictly prohibited. The Authorities Having Jurisdiction are permitted to use, distribute, and reproduce these drawings for the intended issuance as noted and dated below, however the extended permission to the Authorities Having Jurisdiction in no way debases or limits the Copyright of the Architect, or control of use of these documents by the Architect.

Do not scale the drawings.
This Drawing is Not To Be Used For Construction Until Signed By The Architect.

Date:



20 De Boers Drive Suite 400
Toronto ON M3J 0H1

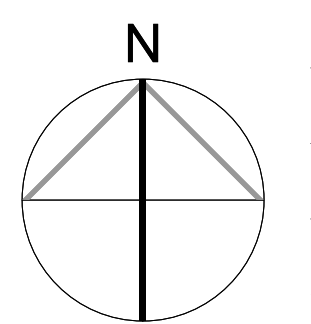
Revisions:		
No.:	Revision:	Date:

1	Rezoning Submission	JUNE 30, 2023
No.:	Issued For:	Date:



Client:
JD Development Group
Church & Benton Development
Kitchener, ON.
Proposed Residential Development

Drawing Title:
Sun Shadow Study -
December 21st



Scale:
Drawn by:
S.T.
Checked by:
D.S.
Project No.:
22-079
Date:
JUNE 12, 2023
Drawing No.:

dA5.03

THE BIGLIERI GROUP LTD.

TORONTO OFFICE
2472 Kingston Road
Toronto, ON M1N 1V3

HAMILTON OFFICE
21 King Street W Suite 1502
Hamilton, ON L8P 4W7

T: 416-693-9155
thebiglierigroup.com

