



Planning & Strategic Initiatives Committee Agenda

Monday, June 19, 2023, 6:30 p.m. - 10:00 p.m.

Council Chambers - Hybrid

City of Kitchener

200 King Street W, Kitchener, ON N2G 4G7

People interested in participating in this meeting can register online using the delegation registration form at www.kitchener.ca/delegation or via email at delegation@kitchener.ca. Please refer to the delegation section on the agenda below for registration in-person and electronic participation deadlines. Written comments received will be circulated prior to the meeting and will form part of the public record.

The meeting live-stream and archived videos are available at www.kitchener.ca/watchnow.

Accessible formats and communication supports are available upon request. If you require assistance to take part in a city meeting or event, please call 519-741-2345 or TTY 1-866-969-9994.

Chair: Councillor P. Singh

Vice-Chair: Councillor D. Chapman

Pages

1. **MEETING PART TWO - 6:30 p.m.**
2. **Reconvene**
This meeting will reconvene at approximately 6:30 p.m.
3. **Disclosure of Pecuniary Interest and the General Nature Thereof**
Members of Council and members of the City's local boards/committees are required to file a written statement when they have a conflict of interest. If a conflict is declared, please visit www.kitchener.ca/conflict to submit your written form.

4. Delegations

Pursuant to Council's Procedural By-law, delegations are permitted to address the Committee for a maximum of five (5) minutes. All Delegations where possible are encouraged to register prior to the start of the meeting. For Delegates who are attending in-person, registration is permitted up to the start of the meeting. Delegates who are interested in attending virtually must register by 4:30 p.m. on June 19, 2023, in order to participate electronically.

4.1 Item 5.1 - Brad Trussler, Mattamy Homes

4.2 Item 5.2 - Heather Price, GSP Group; Jamie Crich, Auburn Developments; and, Joe Mancini, The Working Centre

4.3 Item 5.3 - Pierre Chauvin and Juliane vonWesterholt, MHBC Planning; and, Steven Litt, Vive

5. Public Hearing Matters under the Planning Act (Advertised)

This is a formal public meeting to consider applications under the Planning Act. If a person or public body does not make oral or written submissions to the City of Kitchener before the proposed applications are considered, the person or public body may not be entitled to appeal the decision to the Ontario Land Tribunal and may not be added as a party to a hearing of an appeal before the Ontario Land Tribunal.

5.1	Draft Plan of Subdivision 30T-18202, Official Plan Amendment Application OP18/006/B/GS and Zoning By-law Amendment Application ZBA18/007/B/GS, Bleams Rd & Gehl Pl, 2079546 Ontario Limited (Mattamy Homes Canada), DSD-2023-256 <i>(Staff will provide a 5-minute presentation on this matter.)</i>	15 m	4
5.2	Draft Plan of Subdivision 30T-19201, Official Plan Amendment Application OPA19/002/C/GS and Zoning By-law Amendment Application ZBA19/005/C/GS, 263, 321- 325 Courtland Ave E, 230 and 240 Palmer Ave and 30 Vernon Ave, DSD-2023-254 <i>(Staff will provide a 5-minute presentation on this matter.)</i>	25 m	202
5.3	Official Plan Amendment Application OPA22/016/H/BB and Zoning By-law Amendment Application ZBA22/028/H/BB, 130, 140 Highland Road and 270 Spadina Avenue, 270 Development Inc, DSD-2023-260 <i>(Staff will provide a 5 minute presentation on this matter.)</i>	90 m	551

5.4 Implementation of Bill 13, Bill 109, and Bill 23, City-Initiated Official Plan Amendment Application OPA23/001/K/TR and City-Initiated Zoning By-law Amendment Application ZBA23/004/K/TR, DSD-2023-239

60 m

635

(Staff will provide a 5-minute presentation on this matter.)

6. Adjournment

**Mariah Blake
Committee Administrator**

REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: June 19, 2023

SUBMITTED BY: Garrett Stevenson – Interim Director, 519-741-2200 ext. 7070

PREPARED BY: Garrett Stevenson – Interim Director, 519-741-2200 ext. 7070

WARD(S) INVOLVED: Ward 5

DATE OF REPORT: May 23, 2023

REPORT NO.: DSD-2023-256

SUBJECT: Draft Plan of Subdivision Application 30T-18202
Official Plan Amendment Application OP18/006/B/GS
Zoning By-law Amendment ZBA18/007/B/GS
2079546 Ontario Limited (Mattamy Homes Can)

RECOMMENDATION:

That the City of Kitchener, pursuant to Section 51 (31) of the Planning Act R.S.O. 1990, Chapter P 13 as amended, and delegation by-law 2002-64, grant draft approval to Plan of Subdivision Application 30T-18202 in the City of Kitchener, for 2079546 Ontario Limited, subject to the conditions attached to Report DSD-2023-256 as Appendix 'A'; and,

That Official Plan Amendment Application OP18/006/B/GS for 2079546 Ontario Limited requesting a change to the Land Use Designation on the parcels of land specified and illustrated on Schedule 'A', be adopted, in the form shown in the Official Plan Amendment attached to Report DSD-2023-256 as Appendix 'B', and accordingly forwarded to the Region of Waterloo for approval; and further,

That Zoning By-law Amendment Application ZBA18/007/B/GS to amend Zoning By-laws 85-1 and 2019-051 for 2079546 Ontario Limited be approved in the form shown in the "Proposed By-law" and "Map No. 1" attached to Report DSD-2022-366 as Appendix 'C'.

REPORT HIGHLIGHTS:

- The purpose of this report is to provide a planning recommendation regarding a Draft Plan of Subdivision, an Official Plan Amendment, and a Zoning By-law Amendment to allow the subject lands to be developed with a residential subdivision which proposes up to 277 dwelling units, an urban green and open space blocks.
- Planning staff recommend approval of the applications subject to the conditions outlined in the report. The development proposal represents good planning and will allow for the completion of the western portion of the Rosenberg community.
- Community engagement included:
 - installation of a notice signs on the property;
 - a notice of application circulation letter to all property owners within 120 metres;
 - discussions with interested members of the public;
 - a notice of the statutory public meeting sent to all property owners within 240 metres; and

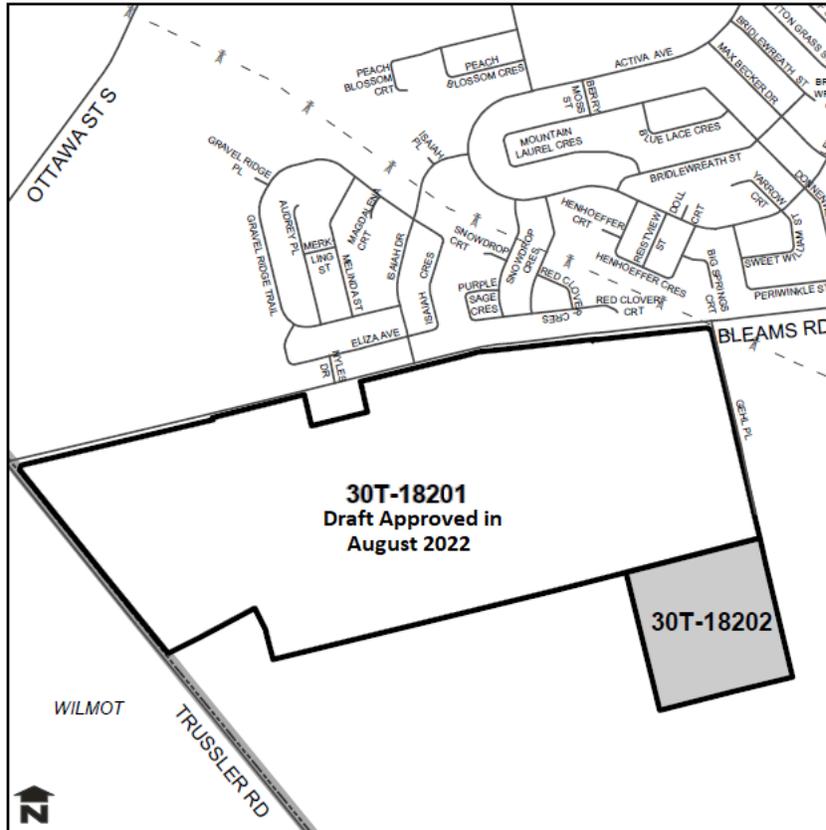
*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

- notice of the public meeting was given in The Record on May 26, 2023.
- This report supports the delivery of core services.

BACKGROUND:

2079546 Ontario Limited (Mattamy Homes Canada) have requested draft approval of a plan of subdivision approval, approval of an Official Plan Amendment, and approval of a Zoning By-law Amendment and bring the subject lands into the Rosenberg Secondary Plan.

Mattamy Homes Canada also owns lands to the north which were drafted approved by Council in August 2022. Those lands include five parcels totaling 96.21 hectares.



REPORT:

The applications seek approval of additional lands which will be development with the adjacent lands to the north. A residential subdivision which includes up to 277 dwelling units, an urban green and open space blocks is proposed.

This plan of subdivision is immediately south of the larger mixed use community which is centered along the future westerly extension of Rosenberg Way, which is a planned street that will extend from Fischer Hallman Road (partially built as part of other communities to the east) to Trussler Road. Non-residential uses, including schools and commercial blocks are within the plan to the north at the intersection of Rosenberg Way and Bandon Drive. The plan to north of the subject lands will feature both school blocks, the neighbourhood park, a large open space storm water management block, a mixed use block, and two of the multiple dwelling blocks.

Policy Conformity

Planning Act, R.S.O. 1990, c. P.13 25.

Section 2 of the Planning Act establishes matters of provincial interest and 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:

- f) The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) The minimization of waste;
- h) The orderly development of safe and healthy communities;
- j) The adequate provision of a full range of housing, including affordable housing;
- k) The adequate provision of employment opportunities;
- p) The appropriate location of growth and development;
- q) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- r) The promotion of built form that,
 - (i) Is well-designed,
 - (ii) Encourages a sense of place, and
 - (iii) Provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- s) The mitigation of greenhouse gas emissions and adaptation to a changing climate.

These matters of provincial interest are addressed and are implemented through the Provincial Policy Statement, 2020, as it directs how and where development is to occur. The City's Official Plan is the most important vehicle for the implementation of the Provincial Policy Statement, 2020 and to ensure Provincial policy is adhered to.

Provincial Policy Statement (PPS)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets out principles to achieve "healthy, liveable and safe communities". The PPS is supportive of efficient development patterns that optimize the use of land, resources, and public investment in infrastructure and public service facilities. Further, the PPS directs the development of new housing to locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs and promotes densities for new housing which efficiently uses land, resources, infrastructure, and public service facilities.

Section 3(5) of the Planning Act requires that a decision of the council of a municipality shall be consistent with the policy statement that are in effect on the date of decision and shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be.

The PPS focuses growth and development within urban and rural settlement areas while supporting the viability of rural areas. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety.

Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. These land use patterns promote a mix of housing,

including affordable housing, employment, recreation, parks and open spaces, and transportation choices that increase the use of active transportation and transit before other modes of travel.

Policy 1.1.1 of the PPS states that, "Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;
- h) promoting development and land use patterns that conserve biodiversity; and
- i) preparing for the regional and local impacts of a changing climate."

Policy 1.1.2 requires that sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines.

The PPS notes that settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets, and policy 1.1.3.1 states that settlement areas shall be the focus of growth and development. Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and a mix of land uses which;

- a) efficiently use land and resources; and
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available and avoid the need for their unjustified and/or uneconomical expansion.

Further, policy 1.1.3.2 states that land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated. Policy 1.1.3.3 requires that Planning authorities (such as the City of Kitchener) shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

The proposed draft plan of subdivision, Official Plan Amendment, and Zoning By-law Amendment applications represent the final phase of a larger planned development that has been designed with a mix of housing types and densities and introducing new commercial and institutional uses. The proposal makes efficient use of the land through comprehensively planned development and that meet minimum density requirements, thus maximizing the recently constructed infrastructure which was installed to service this area. The plan provides for a range of low rise residential housing types and densities that are in close proximity to the planned Urban Green. Planning staff is of the opinion that the proposed applications are consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan)

Part of the Vision of the Greater Golden Horseshoe (GGH) is to ensure municipalities have sufficient housing supply that reflects market demand and what is needed in local communities. Two of the guiding principles of the Growth Plan are to prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability and to support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.

The Growth Plan directs Planning authorities in the Region of Waterloo to plan for a population of 923,000 people and 470,000 jobs by 2051. This would mean a population increase of approximately 299,070 in comparison to the Region's 2020 population of 623,930. The forecasted growth to the 2051 horizon is allocated to each municipality in the Region based on the following considerations: the vast majority of growth will be directed to settlement areas that have a delineated built boundary, have existing or planned municipal water and wastewater systems, and can support the achievement of complete communities. As one of three cities in the Region, it can be expected that Kitchener will be allocated a significant amount of the additional population allocation.

The development of the subject lands are within the City's delineated 'Designated Greenfield Area'. New development taking place in designated greenfield areas must be planned, designated, and zoned in a manner that supports the achievement of complete communities, supports active transportation, and encourages the integration and sustained viability of transit services.

The Growth Plan notes that complete communities should be designed to meet people's needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, public service facilities, and a full range of housing to accommodate a range of incomes and household sizes. Complete communities support quality of life and human health by encouraging the use of active transportation and providing high quality public open space, adequate parkland, opportunities for recreation, and access to local and healthy food. Complete communities support climate change mitigation by increasing the modal share for transit and active transportation and by minimizing land consumption through building compact, mixed-use communities.

The subject lands are located within the City's Designated Greenfield Area, an area within the Settlement Boundary that is designated for growth. Policy 2.2.7.1 states that new development taking place in designated greenfield areas will be planned, designated, zoned and designed in a manner that:

- a) supports the achievement of complete communities;
- b) supports active transportation; and
- c) encourages the integration and sustained viability of transit services.

Policy 2.G.1.2 (Table 4) of the Regional Official Plan (approved as amended in April 2023) requires that the minimum density target applicable to the designated greenfield area for Kitchener is not less than 65 residents and jobs combined per hectare. The minimum density for Kitchener's designated greenfield area, in Kitchener Official Plan policy 3.C.A.A14.a) is 55 residents and jobs combined per hectare.

The proposed density range for this community is a minimum of 53 residents and jobs (not including work from home) combined per hectare based on the total build out of 166 single detached dwellings and a maximum of 62 residents and jobs (not including work from home) combined per hectare based on the total build out of 277 townhouse dwellings.

Up to 277 dwelling units, in a combination of single detached and townhouse dwellings, are planned. The planned density of this development exceeds minimum density targets in the Rosenberg

Secondary Plan. The total density will be determined at the final build out of the lands, depending on the scale and density of the multiple dwelling sites.

Planning staff are of the opinion that the proposed applications conform to the Growth Plan. The lands have been designated to permit residential, open space blocks, and two Urban Greens. The applications propose a variety of low density dwelling types. The planned density is 53-62 residents and jobs combined per hectare.

The Ministry of Municipal Affairs and Housing is currently consulting on proposed policies for an integrated province-wide land use planning policy document, potentially replacing the Provincial Policy Statement and A Place to Grow: Growth plan for the Greater Golden Horseshoe, with a singular Provincial Planning Statement (PPS) which is in draft form and not currently in effect. Minimum greenfield density targets are not contained within the draft PPS.

Regional Official Plan

The subject lands are within the 'Urban Designated Greenfield Area' established in the Regional Official Plan. The build out of the lands will include a combination of single detached dwellings, duplexes, semi-detached dwellings, fronting and live-work townhouses dwellings and the density will be within the range required by the City of Kitchener Official Plan.

In accordance with Regional Official Plan policy 2.G.1.4, Kitchener will establish policies in its Official Plan to ensure that new development within designated greenfield areas is phased in a manner that provides for the logical and orderly progression of development, ensures that the pace, scale and phasing of development is aligned with the delivery of infrastructure and public service facilities in a financially sustainable manner at the Regional and/or City level; and will not adversely affect the achievement of the minimum intensification and density targets.

The ROP policies require new communities to have sidewalks, community trails and bicycle pathways that provide linkages within the neighbourhood and to other neighbourhoods, transit stops, employment areas, school sites, food destinations, and community facilities.

Regional Planning have provided comment on the proposed applications, including subdivision approval conditions, but overall have no objections to the proposed applications.

This future neighbourhood will complete the western portion of the Rosenberg community. The City's Development Manual, coupled with the attached draft approval conditions, will ensure that the lands are appropriately developed to City and Regional standards.

Official Plan

The vision of the City's Official Plan states *"Together we will build an innovative, vibrant, attractive, safe, complete and healthy community contributing to an exceptional quality of life."* A complete community creates and provides access to a mix of land uses including a full range and mix of housing types. A complete community also supports the use of public transit and active transportation, enabling residents to meet most of their daily needs within a short distance of their homes. Planning for a complete community will aid in reducing the cost of infrastructure and servicing, encourage the use of public transit and active modes of transportation, promote social interaction, and foster a sense of community.

Housing

Policy 4.1.1 states a housing objective of the City is to provide for an appropriate range, variety and mix of housing types and styles, densities, tenure and affordability to satisfy the varying housing

needs of our community through all stages of life. Policy 4.C.1.12 notes the City favours a land use pattern which mixes and disperses a full range of housing types and styles both across the city as a whole and within neighbourhoods. Policy 4.C.1.1 states that the City will maintain at all times the ability to accommodate residential growth for a minimum of ten years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development. The proposed land use designations and proposed zoning permit a range of housing options throughout the community.

Designated Greenfield Area

Policy 3.C.1.14.a) requires that a Designated Greenfield Area must be planned and developed to achieve a minimum average density of 55 residents and jobs combined per hectare on lands not subject to a plan of subdivision application as of June 16, 2006. As per policy 3.C.1.15, the achievement of the average density targets is planned through the development of the Rosenberg Secondary Plan. The proposed density of this community is a minimum of 53-62 residents and jobs combined per hectare based on the total build out of the lands.

Rosenberg Secondary Plan

Community structure elements and land use designations have not been approved for these lands in the Rosenberg Secondary Plan, which is part of the City's Official Plan. Through this application, the subject lands are proposed to be added to the Rosenberg Secondary Plan. These lands are part of a planned complete community where people can walk or cycle to school, shop, and work. This neighbourhood follows the "five minute walk principle" design and has been designed to be connected to the surrounding area, including the communities to the east which are approved and under construction.

Community Structure

The proposed applications conform to the objectives of the community structure elements in the Rosenberg Secondary Plan. In addition to the centrally located neighbourhood park, an Urban Green is proposed to ensure that public amenities are within a comfortable walk (around 5 minutes) for all residents.

Parks and Open Space

An Urban Green is planned and required in accordance with the provisions of the Planning Act and the City's Parkland Dedication Policy. The Urban Green will be centrally located generally within the 5 minute walk model.

Built Form and Streetscapes

A variety of built form typologies are planned for this community, including single detached dwellings, duplexes, semi-detached dwellings, fronting and live-work townhouses. The Urban Green is planned for the gateway intersection and will feature a landscape design that is welcoming.

Natural Environment

The Rosenberg community is home to a natural heritage system of Core Areas and Non-Core Areas including Provincially Significant Wetlands, Regionally Significant Core Environmental Features, Significant Habitat of Endangered or Threatened Species, Locally Significant Woodlands, Locally Significant Wetlands and Locally Significant Valleylands.

All development is required to implement the recommendations of the Alder Creek Watershed Study and Upper Strasburg Creek Subwatershed Plan Update (CH2MHILL, 2008), Strasburg Creek Master Watershed Plan (Paragon, 1991) and Implementation Report (City of Kitchener, 1996) and the Middle Strasburg Creek Environmental Implementation Statement (Stanley Consulting, 1997) as well as relevant documentation completed through the Southwest Urban Area Studies: Community Master Plan and Rosenberg Secondary Plan where appropriate.

The Region has confirmed that correspondence from Ministry of Northern Development, Mines, Natural Resources and Forestry (April 4, 2022) indicates the Ministry's acceptance of the status of the wetlands identified as W1, W2 and W4 in the Environmental Impact Study (EIS) as Provincially Significant Wetlands, and as such, these areas are now considered to meet the Regional Official Plan (ROP) criteria for designation as Core Environmental Features.

Further, the Region's Environmental Planner confirmed that Wetland W4 is partially within the limits of Plan 30T-18201. The wetland (W4) is proposed to be protected and a 30 metre buffer has been applied to the wetland which is comprised of a 15 metre 'no touch' area directly adjacent to the wetland, and a 15 metre enhancement area outside of the no touch area. The wetland and the associated buffer also incorporate components of the Blanding's Turtle mitigation plan, which has been approved by the Ministry of the Environment, Conservation and Parks (MECP). Notwithstanding the inclusion of a portion of wetland W4 and associated Blanding's Turtle enhancement within this plan, Regional environmental staff withdraw their objection to this plan proceeding to draft approval based on confirmation from MECP that there are no concerns and/or anticipated mitigation measures required which will impact the proposed draft plan (30T-18201). The wetland identified as "W4" and the associated 30 metre buffer ("Open Space Block 33") located in the northern portion of the subject lands are proposed to be zoned as 'Natural Conservation Zone (NHC-1)' which prohibits development activities.

A portion of the lands within the Grand River Conservation Authority regulated limit. GRCA staff have undertaken a preliminary review of the applications and are supportive of draft approval and have provided draft approvals conditions which has been incorporated in Appendix 'A'. Regional and City Environmental Planning staff have reviewed the proposed plan of subdivision and have no concerns with the proposed applications and have provided draft approval conditions for further review at different stages (prior to grading, prior to registration).

Cultural Heritage

Draft Plan of Subdivision 30T-18202 has been modified to include lands which are part of a registered archaeological site of cultural heritage value or interest (the "Locus B" Archaeological Site Avoidance and Protection Area, a Portion of Site AiHd-160) for which a Stage 4 Mitigation of Development Impacts is required. The site is currently surrounded by active agricultural fields. Through the draft approval of Plan of Subdivision 30T-18202 and the related Official Plan Amendment and Zoning By-law Amendment applications, appropriate zoning will be applied that would prohibit any development on these lands, including limiting any activities that might alter the archaeological site in any way, either temporarily or permanently such as minor forms of soil disturbance, tree removal, minor landscaping, utilities installation, etc. As an interim measure, draft approval conditions are proposed to require fencing of the site to prevent any soil disturbance with earth moving associated with the subject lands.

Transportation Choice

Neighbourhoods in Rosenberg are planned to promote walkability, to create efficient and interconnected circulation routes, to achieve transit-supportive development, and to provide for a transportation network that is based on a modified grid pattern with short walkable blocks within 450 metres of transit service.

Rosenberg Way, Bandon Drive, and George Israel Street have (in the plan to the north) all been identified as potential transit routes. As such, all higher density and non-residential uses have been planned to front these streets to provide easy access to the public transportation system. Rosenberg Way is planned as a secondary bike route and primary priority street.

Servicing and Utilities

All lots will be serviced with municipal sanitary sewers and municipal water servicing in accordance with City standards. Engineering Services staff have confirmed that there is sufficient servicing capacity. Conditions of approval have been included to ensure that services are constructed at the appropriate timeframes.

Comments from the appropriate utility and telecommunications companies are addressed through the draft approval conditions.

Kitchener Growth Management Plan (KGMP) 2019-2021

The subject lands (Parcel 134 on the KGMP Map) are identified as Priority 'B' which supports consideration of development applications and initiatives to be actively worked on with high priority in the coming 2-year timeframe. Priority B applications may require some additional infrastructure. Since the approval of the 2019-2021 KGMP, additional infrastructure has been developed to support the development of these lands including the Middle Strasburg Trunk Sewer and the Strasburg Creek Control Structure (Fisher Hallman Road). The applications were received in 2018 and have been under review and are now being recommended for approval.

Proposed Official Plan Amendment

Planning staff are recommending approval of the Official Plan Amendment to add land use designations and bring the subject lands into the Rosenberg Secondary Plan to implement the proposed draft plan of subdivision. No new land use designations are proposed as part of this application. Lands are proposed to be designated as Low Density Residential 1, Natural Conservation, and Open Space.

Proposed Zoning By-law Amendment

The Zoning By-law Amendment proposes to implement the proposed revised land use designations noted above with corresponding zoning. Planning staff are recommending amending By-law 2019-051 and By-law 85-1 be amended so that all lands are in Zoning By-law 2019-051 and to bring the additional lands into the Rosenberg Secondary Plan. As such, new residential (RES), Natural Conservation (NHC), and Open Space (OSR) zones are proposed. The proposed zoning would permit low rise residential uses, open spaces, and an Urban Green.

Planning staff are recommending the following zoning for the subject lands as follows:

- | | |
|-------------------|---|
| Areas 1, 2, and 3 | Zoned as Low Rise Residential Five Zone (RES-5) with Site Specific Provision (370) to permit low rise residential uses including single detached dwellings, duplexes, semi-detached dwellings, fronting and live-work townhouses, with a maximum height of 12.5 metres. |
| Areas 4 and 5 | Zoned Open Space: Recreation Zone (OSR-1) for the Urban Green and walkway blocks. |

- | | |
|-------------------|--|
| Areas 6, 7, and 8 | Zoned Natural Conservation (NHC) with Site Specific Provision (370) to prohibit development and protect archaeological features. |
| Areas 9 and 10 | Zoned Natural Conservation (NHC) to prohibit development and protect natural features. |

Staff have considered the proposed zoning categories and are of the opinion that they are appropriate for the proposed subdivision.

Department and Agency Comments

All requirements have been addressed or are included as conditions of approval.

The following Reports and studies were considered as part of this review:

- Urban Design Brief, Sustainability Statement, Trail Corridor Plan
Prepared By: NAK Design Strategies, May 17, 2018, updated August 16, 2021
- Planning Justification Report
Prepared By: SGL Planning and Design Inc., July 2018
- Environmental Impact Study
Prepared By: Natural Resource Solutions Inc., July 2018, updated August 2021
- Geotechnical Investigation
Prepared By: DS Consultants Ltd., June 12, 2018
- Hydrogeological Assessment
Prepared By: MTE Consultants Inc., July 6, 2018
- Functional Servicing Study and Plan, Existing Conditions Plan, Preliminary Grading Plan
Prepared By: MTE Consultants Inc., August 31, 2018, revised November 29, 2019
- Preliminary Stormwater Management Plan, Chloride Impact Study
Prepared By: MTE Consultants Inc., July 6, 2018, revised November 29, 2019, revised August 31, 2021
- Preliminary Environmental Noise Assessment
Prepared By: MTE Consultants Inc., July 6, 2018, revised November 19, 2019
- Transportation Impact Study
Prepared By: Salvini Consulting, July 2018
- Final Materials Management Plan, Technical Memorandum
Prepared By: MTE Consultants Inc., November 3, 2020
- Stage 3 Site-Specific Assessment Site Aihd-160
Prepared by ASI, August 21, 2007
- Stage 4 Archaeological Mitigation of Site AiHd-160
Prepared by ASI, March 18, 2021

WHAT WE HEARD



192 addresses (occupants and property owners) were circulated and notified



4 people/households/businesses provided written comment

Staff received four comments on the proposed applications. A summary of the comments received are listed below along with Planning staff's response addressing each comment.

Bleams Road Widening and Design

Planning staff received comments and questions about the future design of Bleams Road. Planning staff connected these residents with the Project Manager, Region of Waterloo, for the Bleams Road reconstruction project to have their question addressed. Lands are being dedicated to the Region of Waterloo for the widening of the right-of-way with this application, and the design and reconstruction of Bleams Road is a regional project that is ongoing.

Construction Timing

A resident requested clarification of the timing of the construction of the development and Planning staff provided available information (back in 2018) and advised that construction would commence after the planning phase was nearing completion.

Matters Relating to the Adjacent Plan of Subdivision

Planning staff were advised of ongoing considerations between land developers with the Rosenberg Community with respect to cost sharing, infrastructure design and construction, and integration of different plans of subdivision. Planning staff have worked through applicable issues through the Ontario Land Tribunal approval of the adjacent plan of subdivision. Planning staff are also recommending draft approval conditions for this application which are consistent with the draft approval conditions of recently approved subdivisions within the vicinity.

Planning Analysis and Conclusions:

Planning staff are recommending approval of the attached Draft Plan of Subdivision, draft approval conditions, and the Official Plan Amendment and Zoning By-law Amendment applications. The proposed development completes this section of the Rosenberg Community and will result in a complete mixed-use community. Planning staff have worked to address technical and community concerns and all departmental and agency comments have been addressed or will be addressed through draft approval conditions.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget - Upon registration, there will be ongoing operations costs for the maintenance of the park, walkways, streets, street trees, underground services, and other infrastructure which is being dedicated to the City. In the long term, there will be repair and replacement costs for streets, sidewalks and services. Also, following registration, there will be ongoing revenue in the form of residential property tax revenue. Development Charges will be paid to the City, the Region, and school boards at the time of building permit issuance.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City’s website with the agenda in advance of the Council / Committee meeting. Notice signs were posted on the property and information regarding the application posted to the City’s website in 2021. Notice of the Public Meeting was posted in The Record on May 26, 2023 (a copy of the Notice may be found in Appendix ‘D’).

CONSULT – The applications were originally circulated to property owners within 120 metres of the subject lands on October 5, 2018. In response to this circulation, staff received four written responses and spoke with all residents who provided comments to address their concerns. Written comments are included in Appendix ‘F’.

PREVIOUS REPORTS/AUTHORITIES:

- *Municipal Act, 2001*
- *Planning Act, R.S.O. 1990, c. P.13*
- *Provincial Policy Statement, 2020*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan, 2010*
- *City of Kitchener Official Plan, 2014*
- *Kitchener Growth Management Strategy*
- *Kitchener Growth Management Plan 2019-2021*
- *Zoning By-laws 85-1 & 2019-051*
- *City of Kitchener Urban Design Manual*

REVIEWED BY: Malone-Wright, Tina – Interim Manager of Development Review, Planning Division

APPROVED BY: Justin Readman, General Manager, Development Services

ATTACHMENTS:

- Appendix A - Draft Plan and Conditions of Draft Approval
- Appendix B - Proposed Official Plan Amendment
- Appendix C - Proposed Zoning By-law Amendment
- Appendix D - Newspaper Notice
- Appendix E - Department and Agency Comments
- Appendix F - Community Comments

Draft Approval Conditions

**Draft Plan of Subdivision Application 30T-18202
Official Plan Amendment Application OP18/006/B/GS
Zoning By-law Amendment ZBA18/007/B/GS
2079546 Ontario Limited**

1. That this approval applies to Plan of Subdivision 30T-18202 for 2079546 Ontario Limited, as shown on the attached Plan of Subdivision prepared by the City of Kitchener dated May 23, 2023 which shows the following:

Stage 1

Blocks 1-14, 16-22	Singles/Towns	(166-277 units)
Blocks 23, 24	Urban Green	
Blocks 25-27	Public Walkway	
Blocks 28-33	Open Space	
Blocks 15, 34	Access	
Block 35	Archaeological Site	

Total 166-277 units

2. CITY OF KITCHENER CONDITIONS:

- 2.1 That the Subdivider shall enter into a City Standard Residential Subdivision Agreement, as approved by CITY Council, respecting those lands shown outlined on the attached Plan of Subdivision dated May 23, 2023. Standard conditions 2.4, 4.9, and 4.12 shall be deleted from the City Standard Residential Subdivision Agreement. The following special conditions shall be added to the City Standard Residential Subdivision Agreement:

Part 2 – General Conditions

- 2.11 Where the SUBDIVIDER has not completed servicing in accordance with any approved servicing plan and where the CITY'S Directors of Planning and Engineering Services consider it is in the public interest to provide such servicing within the subdivision to secure orderly development of the City, the CITY may, in its sole discretion, proceed with the engineering and construction of such services at the SUBDIVIDER'S expense and the cost thereof shall be a charge upon the subdivision and a debt payable by the SUBDIVIDER to the CITY upon receipt by the SUBDIVIDER of notice of the CITY'S decision. This provision shall extend to the servicing of adjacent privately held lands under usual circumstances.

Part 2 – Prior to Area Grading of the subdivision

- 2.14 The SUBDIVIDER agrees that prior to area grading, servicing or registration each stage, that the SUBDIVIDER shall complete a Record of Site Condition(s) (RSC) in accordance with Ontario Regulation 153/04 and the RSC shall be acknowledged by the Ministry of the Environment, Conservation and Parks (MECP). Prior to submitting the RSC and the commencement of area grading for the subdivision, site alteration, materials management, filling and preliminary grading will be permitted provided these activities comply with a materials management plan to be approved by the Region's Commissioner of Planning, Development and

Legislative Services and a preliminary grading plan to be approved by the CITY'S Director of Engineering Services in consultation with the Ministry of Natural Resources and Forestry or any Provincial successor thereof. The SUBDIVIDER further agrees the preliminary grading plan and implementation of same will ensure drainage through lands to the east does not exceed pre-development drainage flows.

- 2.15 The SUBDIVIDER agrees to implement the Erosion Threshold Analysis and specifically Model 4 prepared by Stantec Inc. dated April 7, 2015 including implementation of the unitary release rate of 1.1 litres per second per hectare which is assigned to Area 2 and 3 of the Rosenberg Secondary Planning Area on a proportionate gross area basis, to the satisfaction of the CITY'S Director of Engineering Services in consultation with the Grand River Conservation Authority.
- 2.16 The SUBDIVIDER agrees that prior to area grading, to retain a qualified Engineering Consultant who shall prepare a detailed area grading plan that addresses environmental and groundwater considerations identified through the Rosenberg Secondary Planning process. The area grading plan shall be to the satisfaction of the CITY'S Director of Engineering Services for the City of Kitchener, in consultation with the Grand River Conservation Authority. The area grading plan shall be in accordance with the Minutes of Settlement dated August 17, 2015 and will be coordinated with adjacent lands to the east to ensure gradual transition grades between plans to the satisfaction of the CITY'S Director of Engineering Services.
- 2.17 Prior to area grading, servicing and registration of any stage within the plan of subdivision, the SUBDIVIDER shall prepare and implement a detailed "development" monitoring program that will include three phases: "pre-construction", "during-construction" and "post-construction", in accordance with the Alder Creek Watershed Study and Upper Strasburg Creek Subwatershed Plan (CH2MHill and North-South Environmental Inc. 2008) and the Rosenberg Secondary Plan – Mattamy Community, Environmental Impact Study (NRSI). The monitoring program is to be approved by the CITY's Director of Engineering Services in consultation with the CITY's Director of Planning, the General Manager, Infrastructure Services, the Grand River Conservation Authority and the Regional Municipality of Waterloo.
- 2.18 The SUBDIVIDER further agrees to submit, obtain approval of, and implement a detailed "during development" ground water and surface water monitoring and response program. The program is to be approved by the CITY'S Director of Engineering Services in consultation with the Grand River Conservation Authority and the Regional Municipality of Waterloo. The purpose of the "during development" monitoring program is to ensure that the groundwater infiltration measures satisfy pre-development infiltration targets specified in the Alder Creek Watershed and Upper Strasburg Creek Subwatershed Update CH2MHILL, 2008 report as well as the Comprehensive Stormwater Management Strategy for the South West Urban Area prepared by AMEC (June 22, 2011 and revised July 18, 2011) and that Chloride Impact Management Strategy for the South West Urban Area prepared by AMEC (June 22, 2011 and revised July 18, 2011) and that Chloride Impact assessments meet the Reasonable Use Criteria of the Alder Creek

Watershed and Upper Strasburg Creek Subwatershed Update CH2MHILL, 2008 report as approved. The “during development” monitoring program is to extend until full build out of the subdivision to the satisfaction of the CITY’S Director of Engineering Services in consultation with the Grand River Conservation Authority and the Regional Municipality of Waterloo.

- 2.19 The SUBDIVIDER agrees that prior to area grading to submit, obtain approval of, and implement a detailed “post development” monitoring program in accordance with the Storm Water Management Strategy prepared by AMEC (June 22, 2011 as revised July 18, 2011) and the Alder Creek Watershed and Upper Strasburg Creek Subwatershed Update CH2MHILL, 2008 report as approved. The program is to be approved by the CITY’S Director of Engineering Services in consultation with the Grand River Conservation Authority and the Regional Municipality of Waterloo. The purpose of the “post development” monitoring program is to ensure that the stormwater management facilities continue to satisfy the current pre-development conditions for infiltration and to identify any specific additional requirements that may be necessary to monitor, including but not limited to infiltration rates for quantity and quality and chloride impact assessments. The “post development” monitoring program will extend for a two year period after 95% build out of the subdivision to the satisfaction of the CITY’S Director of Engineering Services in consultation with the Grand River Conservation Authority and the Regional Municipality of Waterloo.
- 2.20 The SUBDIVIDER further agrees to implement, within a reasonable timeframe, any remedial action deemed necessary (including additional monitoring should chloride levels exceed the Reasonable Use Criteria of Alder Creek Watershed and Upper Strasburg Creek Subwatershed Update CH2M HILL, 2008 report as approved), as a result of the aforementioned monitoring program at their sole expense to the satisfaction of the CITY’S Director of Engineering Services in consultation with the Grand River Conservation Authority and the Regional Municipality of Waterloo.
- 2.21 The SUBDIVIDER agrees to submit construction details for all or any proposed retaining walls to the satisfaction of the CITY’s Director of Engineering Services, in consultation with the CITY’s Director of Planning and the CITY’s Building Department.
- 2.22 The SUBDIVIDER shall provide confirmation that any existing private wells and septic systems within the lands proposed to be graded that are required to be decommissioned have been in accordance with the Ministry of the Environment, Conservation and Park standards to the satisfaction of the CITY’s Director of Engineering Services.
- 2.23 Prior to area grading, servicing and registration of any stage within the plan of subdivision, the SUBDIVIDER shall submit an Environmental Impact Study, and to obtain approval from the CITY’S Director, Planning in consultation with the CITY’S Director, Parks and Cemeteries, Region of Waterloo, and the Grand River Conservation Authority.

- 2.24 Prior to area grading, servicing and registration of any stage within the plan of subdivision, the SUBDIVIDER shall submit a Natural Heritage Restoration and Enhancement Plan, and to obtain approval from the CITY'S Director, Planning in consultation with the CITY'S Director, Parks and Cemeteries, Region of Waterloo, and the Grand River Conservation Authority.

Natural Heritage Restoration and Enhancement Plan shall include details and plans for wetland habitat creation, habitat enhancements, habitat linkages, wildlife corridor connections (amphibian and turtle crossings roads and trails), trails, vegetation loss compensations, permanent fencing, and on-site interpretive and educational signage.

- 2.25 The SUBDIVIDER agrees to implement the recommendations in the Rosenberg Secondary Plan – Mattamy Community, Environmental Impact Study Update (NRSI) revised August 2021, including the implementation for the Natural Heritage Restoration and Enhancement Plan. Where the implementation of the Natural Heritage Restoration and Enhancement Plan is not completed prior to area grading, the SUBDIVIDER shall provide a Letter of Credit based on 100% of the estimated cost of all works, to the satisfaction of the CITY'S Director of Planning in consultation with the CITY'S Director, Parks and Cemeteries. The Letter of Credit shall be based on an approved Cost Estimate of all works required to implement the Natural Heritage Restoration and Enhancement Plan.

The letter of credit will be released once the City is in receipt of confirmation from the SUBDIVIDER's Landscape Architect that all applicable works, as outlined in the approved Cost Estimate, are completed.

- 2.26 Prior to area grading, servicing and registration of any stage within the plan of subdivision, the SUBDIVIDER shall obtain, if necessary, any permits and approvals from the Ministry of the Environment, Conservation and Parks (MECP) related to species at risk identified on the subject lands in accordance with the Endangered Species Act (ESA).

Any measures required by MECP including but not limited to informing and consulting with First Nations, Mitigation Measures and Overall Benefit Activities shall be to the satisfaction of the Director of Planning in consultation with the MECP or other Provincial successor thereof.

Mitigation Measures and Overall Benefit Activities that are to be owned and maintained by the CITY shall be to the satisfaction of the CITY'S Director of Parks and Cemeteries and the CITY'S Director of Planning in consultation with the MECP or other Provincial successor thereof.

Part 3 – Prior to Servicing

- 3.18 The SUBDIVIDER agrees that prior to the CITY'S approval of servicing drawings for lotless blocks intended for street townhouse dwellings or single, semi-detached or duplex dwellings, to submit a draft reference plan for each lot or block, and obtain approval of such reference plan from the CITY'S Director of Engineering Services, in consultation with the CITY'S Director of Planning.

- 3.19 The SUBDIVIDER agrees that prior to servicing to prepare a detailed Geotechnical/Hydrogeological Investigation Report which shall confirm the suitability of soils to support lot level infiltration of roof water to the satisfaction of the CITY'S Director of Engineering Services in consultation with the Region of Waterloo and the Grand River Conservation Authority. The design of the infiltration galleries should be oversized by 20% as shall be as outlined in the Preliminary Stormwater Management Report (MTE, July 6, 2018), and all to the satisfaction of the CITY'S Director of Engineering Services.
- 3.20 The SUBDIVIDER agrees that prior to servicing or registration, whichever occurs first, to prepare an updated water servicing report which shall make recommendations that address water pressure within the limits of the subdivision to the satisfaction of the CITY'S Director of Engineering Services and the Regional Municipality of Waterloo and Kitchener Utilities.
- 3.21 The SUBDIVIDER agrees that prior to servicing or registration, whichever shall occur first, to submit, obtain approval of and implement a detailed ground water and surface water monitoring program to evaluate the performance of end of pipe infiltration facilities (including pre-construction and post-construction phases) and to identify if the required water balance is met (as identified in the Alder Creek Watershed Study(2007) and the Alder Creek Watershed and Upper Strasburg Creek Subwatershed Update-CHM2HILL, 2008 as well as the Comprehensive Stormwater Management Strategy for the South West Urban Area prepared by AMEC (June 22, 2011 and revised July 18, 2011), to the satisfaction of the CITY'S Director of Engineering Services in consultation with the Regional Municipality of Waterloo and the Grand River Conservation Authority. Further, the SUBDIVIDER agrees to implement the approved monitoring program to the satisfaction of the Director of Engineering Services.
- 3.22 The SUBDIVIDER agrees that prior to servicing or registration, whichever shall occur first, to retain a qualified Engineering Consultant who shall prepare a detailed engineering design and report for stormwater management to the satisfaction of the CITY'S Director of Engineering Services in consultation with the Director of Operations, the Region of Waterloo and the Grand River Conservation Authority. The stormwater management design and report shall be in accordance with the Comprehensive Stormwater Management Strategy for the South West Urban Area prepared by AMEC (June 22, 2011 and revised July 18, 2011) and the Alder Creek Watershed and Upper Strasburg Creek Subwatershed Update-CH2MHILL, 2008 and shall accommodate a flow of 2.0 cubic metres/second from Area 2 lands of which 1.337 is assigned to Subdivision 30T-18201 and 30T-18202.
- 3.23 The SUBDIVIDER agrees that prior to servicing stormwater management facilities will be designed to achieve a unitary release rate of 1.1 litres per second per gross hectare in accordance with the Erosion Threshold Analysis prepared by Stantec Inc. dated April 7, 2015, to the satisfaction of the CITY'S Director of Engineering Services in consultation with the Grand River Conservation Authority.
- 3.24 The SUBDIVIDER agrees that prior to servicing of each stage requiring new stormwater management facilities, including stormwater management ponds, infiltration galleries and other related appurtenances, to provide a letter of credit

based on 60% of the estimated cost of the approved infiltration facilities to the satisfaction of the CITY'S Director of Engineering Services.

The Letter of Credit will be released two years after 95% of the pond catchment area is stabilized (meaning buildings are constructed and lots/blocks are sodded/vegetated) and the SUBDIVIDER's consulting engineer has certified the infiltration facilities are functioning as intended and approved to the satisfaction of the CITY'S Director of Engineering Services.

- 3.25 The SUBDIVIDER agrees that prior to servicing or registration of each stage, whichever occurs first, to prepare an On-Street Parking Plan to the satisfaction of the CITY'S Director of Transportation Services, in consultation with the CITY'S Director of Engineering Services and Director of Planning, in accordance with the CITY'S On-Street Parking Policy I-1070, as approved and amended. The On-Street Parking Plan shall be considered in accordance with the servicing drawings and shall generally provide for one on-street parking space for every two dwelling units. Other options such as driveway length, garage space, communal parking facilities, and/or parking along the park frontage, may be considered in accordance with the CITY'S Policy and to the satisfaction of the CITY'S Director of Transportation Services.
- 3.26 The SUBDIVIDER agrees that prior to servicing of each Stage, to submit a street cross section plan for all streets in accordance with the City's Complete Street Guidelines, to the satisfaction of the CITY'S Director of Transportation and the CITY'S Director of Engineering Services. The following preferred cross sections are applicable:
- Local street, 18 metre right-of-way
 - Minor neighbourhood collector, 20 metre right-of-way
- 3.27 The SUBDIVIDER agrees that prior to servicing or registration, whichever comes first, to submit a detailed stormwater management plan for the stormwater management facilities located within each stage to be registered to the satisfaction of the CITY'S Director of Engineering Services, Grand River Conservation Authority, and Region including, but not limited to, the design and location of end of pipe infiltration facilities required to sustain the flow of groundwater to Core Environmental Features.
- 3.28 All public right-of-ways and all services shall be designed and constructed to the standards specified in the most current City of Kitchener Standards, Development Manual, Regional Standards and other applicable Provincial Standards to the satisfaction of the Director of Engineering.
- 3.29 Where major overland flow routes are not on municipally owned lands, the owner must deed to the City of Kitchener a minimum 6.0 m wide drainage corridor.
- 3.30 The SUBDIVIDER agrees that prior to servicing or registration, whichever shall occur first, to submit, obtain approval of and implement a detailed groundwater and surface water monitoring program to evaluate the performance of end of pipe infiltration facilities (including pre-construction and post-construction phases) and

to identify if the required water balance is met (as identified in the Alder Creek Watershed Study (2007) and the Alder Creek Watershed and Upper Strasburg Creek Subwatershed Update – CH2MHILL, West Urban Area prepared by AMEC (June 22, 2011 revised July 18, 2011), to the satisfaction of the CITY'S Director of Engineering Services in consultation with the Regional Municipality of Waterloo and the Grand River Conservation Authority. Further, the SUBDIVIDER agrees to implement the approved monitoring program and complete any redesign and/or remediation to achieve the required targets at the sole expense of the SUBDIVIDER all to the satisfaction of the CITY'S Director of Engineering Services.

- 3.31 The SUBDIVIDER agrees that prior to servicing or registration, whichever occurs first, to provide detailed sanitary sewer design and to make arrangements satisfactory to the CITY'S Director of Engineering Services for a sanitary sewer connection to the Middle Strasburg Trunk Sanitary Sewer. The SUBDIVIDER further agrees that where any upgrades are required to any local sewers required to connect these lands to the trunk sewer will be at the sole expense of the SUBDIVIDER.
- 3.32 Prior to servicing, the SUBDIVIDER shall submit, if required, a detailed construction dewatering assessment to support a Permit to Take Water and to obtain approval from the CITY'S Director, Engineering in consultation with the CITY'S Director, Planning, and the Grand River Conservation Authority.

The dewatering assessment should be reviewed for the southeast region of the Subject Lands during the final design stage (in advance of construction) to estimate construction dewatering requirements for a Permit to Take Water (PTTW). The assessment is to ensure dewatering will maintain the water balance to the wetlands retained within 30T-18201 (Plan 1) (W1 and W4), and within 30T-18202 (Plan 2) (W1, W2 and W4).

Part 4 – Prior to the issuance of building permit in each stage

- 4.22 The SUBDIVIDER agrees to undertake any measures required to ensure proper water pressure to all lots and blocks within the proposed plan of subdivision to the satisfaction of the CITY'S Director of Engineering Services or the CITY'S Chief Building Official in consultation with CITY'S Director of Utilities.
- 4.23 The SUBDIVIDER agrees that all dwellings shall be designed in accordance with garage and driveway widths shown on the approved On-Street Parking Plan to the satisfaction of the CITY'S Chief Building Official, in consultation with the CITY'S Director of Planning and Director of Transportation Services.
- 4.24 The SUBDIVIDER agrees that no building permit shall be applied for or issued for the following Priority Lots unless the building designs are in accordance with the approved Design Guidelines for Priority Lots to the satisfaction of the CITY'S Chief Building Official, in consultation with the CITY'S Director of Planning:
- a) The future Corner (C) Priority Lots in the following blocks; 1, 4, 5, 7, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 22
 - b) Park (P) Priority Lots in the following blocks; 4, 5, 11, 12

- 4.25 The SUBDIVIDER shall reassess all needs of trees to be maintained as set out in Section 2.10, immediately following the completion of area grading of a particular Stage or Phase. A Tree Maintenance Report as outlined in the CITY'S Tree Management Policy detailing all recommended tree maintenance measures shall be submitted to and approved by the CITY'S Director of Planning.
- 4.26 a) Where the Detailed Vegetation Plan required in Section 2.10 has identified that there are trees to be retained in a Stage or Phase or that require further study, the SUBDIVIDER shall submit a Tree Preservation/Enhancement Plan for the same to the CITY'S Director of Planning in accordance with the CITY'S Tree Management Policy for the following Lots or Blocks within the Stage or Phase:
- i. those which are subject to site plan approval under Section 41 of The Planning Act;
 - ii. corner Lots where site service locations and building type have not been predetermined;
 - iii. interior Lots having street frontage greater than 13.7 metres
 - iv. those where buildings or structures are proposed to be located deeper on the Lots than as approved on the Detailed Vegetation Plan; and
 - v. those on which the revised grading will have an adverse effect on the vegetation, which is to be saved, as determined by the CITY'S Director of Planning and as shown on the Detailed Vegetation Plan.
- b) The SUBDIVIDER shall implement all measures for the protection of trees to be retained as approved in the Tree Preservation/Enhancement Plan and to provide written certification from the SUBDIVIDER'S Environmental Consultant to the CITY'S Director of Planning that all protection measures have been implemented and inspected in accordance with the CITY'S Tree Management Policy.

Part 6 – Other Time Frames

- 6.10 That prior to registration, the owner enter into an agreement with the City of Kitchener to ensure that the water balance completed to date be updated with the "as-built" infiltration gallery data (based on suitability of soils encountered during construction) and that this data be reported to the Region of Waterloo in the event that a ground water deficit results and mitigation measures may be required to maintain the existing water balance.
- 6.11 The SUBDIVIDER agrees to include the following clause in all agreements purchase and sale, and/or rental agreements for all lots with retaining walls:
- "Purchasers/tenants are advised that a retaining wall is located on this property. The owner of this property also owns his/her section of the retaining wall. The retaining wall is not in public ownership. Monitoring, maintenance, inspection, repair and replacement of this retaining wall, including any associated costs, are the sole responsibility of the property owner. The City of Kitchener is in no way

responsible for this retaining wall. Should this retaining wall fail, it is the property owner's responsibility to repair or replace his/her section of the wall, at his/her cost.

- 6.12 The SUBDIVIDER agrees to provide the City of Kitchener with evidence that satisfactory arrangements, financial and otherwise, have been made with Canada Post Corporation for the installation of Community Mail Boxed (CMB) as required by Canada Post Corporation, at the time of sidewalk and/or curb installation.
- 6.13 That the SUBDIVIDER or subsequent Owner agrees to include the following clauses in all Agreement of Purchase and Sale with home buyers, and/or Rental Agreements, which advise:
- a) that the home/business mail delivery will be from a designated Community Mail Box;
 - b) that identifies the exact Community Mail Box locations.

The SUBDIVIDER further agrees that the location of all Community Mail Box facilities will be shown on maps, information boards and plans, including maps displayed in the sales office.

- 6.14 The SUBDIVIDER agrees to satisfy the CITY'S parkland dedication for the entire subdivision by the conveyance of Park Blocks 23 and 24. Conveyance of each of the said Park Blocks will take place at the time of registration of the stage which includes a parkland dedication block. The SUBDIVIDER agrees that the parkland provided within the plan of subdivision shall be at no additional frontage cost to the CITY and shall be to the satisfaction of the CITY'S Director of Parks and Cemeteries.
- 6.15 The SUBDIVIDER agrees that prior to occupancy of the units within a stage that includes a park, to install demarcation posts along property lines adjacent to all park and open space blocks to the satisfaction of the CITY'S Director of Parks and Cemeteries.
- 6.16 The SUBDIVIDER agrees where pressure reducing valves are required, to enter into an agreement with the CITY to provide for such installation; and to include in all agreements of purchase and sale and/or rental agreements, a clause identifying the presence of such water pressure reduction device and advising that it may not be removed by the owner/occupant.
- 6.17 The SUBDIVIDER agrees that phasing of construction will provide for on-going access to the lands that are located south of and adjacent to the subdivision to the satisfaction of the Director of Engineering Services in consultation with the Director of Planning or until the Amand Drive extension has been constructed, whichever comes first.
- 6.18 The SUBDIVIDER agrees to construct required lot level infiltration galleries for all lots and blocks. Further, the SUBDIVIDER'S consulting engineer will supervise and certify installation prior to occupancy of the applicable lot or block to the satisfaction of the CITY'S Director of Engineering Services.

- 6.19 The SUBDIVIDER agrees to install the granular base of all hard surface community/pedestrian trails shown on the area grading, erosion and siltation control plan to the satisfaction of the CITY'S Director of Parks and Cemeteries.
- 6.20 The SUBDIVIDER acknowledges that Gehl Place will be closed on a permanent basis by the CITY and converted to a Multi-Use Pathway (Type 1). The closure of Gehl Place by the CITY will be subject to the southerly extension of Amand Drive so as to ensure access to adjacent lands to the south, the extension of the street network through adjacent lands to the east and/or the west such that all stages of the subdivision have two means of access to Bleams Road and/or Trussler Road.
- 6.21 The SUBDIVIDER agrees to include the following clause in applicable offers of purchase and sale and tenancy agreements, which shall be registered on the title of the lands immediately upon registration for all lots with rear yard continuous linear infiltration galleries:
- “Purchasers/tenants are advised that an infiltration gallery is located on the subject property. The owner of this property also owns his/her section of the infiltration gallery. The infiltration gallery is not in public ownership. Monitoring, maintenance, inspection, repair and replacement of this infiltration gallery, including any associated costs, are the sole responsibility of the property owner. The City of Kitchener is in no way responsible for this infiltration gallery. Should this infiltration gallery fail, it is the property owner's responsibility to repair or replace his/her section of the infiltration gallery, at his/her cost.”
- 6.22 The SUBDIVIDER agrees that construction traffic to and from the proposed subdivision shall be restricted to using Bleams Road and Trussler Road, as appropriate. The SUBDIVIDER agrees to advise all relevant contractors, builders and other persons of this requirement with the SUBDIVIDER being responsible for any required signage, all to the satisfaction of the CITY'S Director of Engineering Services.
- 6.23 The SUBDIVIDER agrees to include a clause in all Agreements of Purchase and Sale with home buyers, and/or Rental Agreements, that provides the contact information for the four (4) School Boards in the Region to ensure that purchasers have contacts at the respective Boards for school boundary and other related school accommodation inquiries.
- 6.24
- a) Where a tree designated to be saved suffers minor damage due to construction, the SUBDIVIDER shall implement remedial measures such as trimming, dressing, or bark doctoring at its cost and as directed by its Environmental Consultant who prepared the approved Detailed Vegetation and Tree Preservation/Enhancement Plan (if applicable).
 - b) Where a tree designated to be saved suffers major irreparable damage or is judged to be unsafe in the opinion of the SUBDIVIDER'S Environmental Consultant or the CITY'S Director of Planning, the SUBDIVIDER shall remove and replace, at its cost, each such tree with one at least of equal value based on the tree value formula as set out in “Guide for Plant Appraisal” of the International Society of Arboriculture, Latest Edition.
 - c) Tree replacements shall be located on the same lot or block as the tree

requiring removal or at a location requiring enhancement within the subdivision.

- d) Furthermore, such remedial measures or tree replacements shall be approved and implemented to the satisfaction of the CITY'S Director of Planning, prior to occupancy of the unit(s) where the damaged tree is located or, due to weather conditions, by the next planting season.

- 6.25 The SUBDIVIDER agrees to submit, obtain approval of and implement a "pre-construction" monitoring and response program. The during-construction program is to be approved by the CITY'S Director of Engineering Services in consultation with the CITY'S Director of Planning, the General Manager, Infrastructure Services, the Grand River Conservation Authority and the Regional Municipality of Waterloo.

The pre-construction monitoring and response program will document current conditions such as the extent and condition of buffer and natural areas, as outlined in the Rosenberg Secondary Plan – Mattamy Community, Environmental Impact Study (NRSI) revised August 2021.

- 6.26 The SUBDIVIDER agrees to submit, obtain approval of and implement a detailed "during-construction" monitoring and response program. The during-construction program is to be approved by the CITY'S Director of Engineering Services in consultation with the CITY'S Director of Planning, the General Manager, Infrastructure Services, the Grand River Conservation Authority and the Regional Municipality of Waterloo.

The purpose of the "during construction" monitoring and response program is to ensure environmental mitigations are implemented as per the Rosenberg Secondary Plan – Mattamy Community, Environmental Impact Study (NRSI), that the groundwater infiltration measures satisfy pre-development infiltration targets specified in the Alder Creek Watershed and Upper Strasburg Creek Subwatershed Update CH2MHILL, 2008 report, as well as the Comprehensive Stormwater Management Strategy for the South West Urban Area prepared by AMEC (June 22, 2011 and revised July 18, 2011) and that Chloride Impact assessments meet the Reasonable Use Criteria of the Alder Creek Watershed and Upper Strasburg Creek Subwatershed Update CH2MHILL, 2008 report as approved.

The "during construction" monitoring and response program is to extend until full build out of the subdivision to the satisfaction of the CITY'S Director of Engineering Services in consultation with the Grand River Conservation Authority and the Regional Municipality of Waterloo.

- 6.27 The SUBDIVIDER agrees to submit, obtain approval of, and implement a detailed "post-construction" monitoring and response program. The post-construction program is to be approved by the CITY'S Director of Engineering Services in consultation with the Director of Planning, the General Manager, Infrastructure Services, the Grand River Conservation Authority and the Regional Municipality of Waterloo.

The purpose of the “post-construction” monitoring and response program is to ensure that the stormwater management system and environmental initiatives outlined in the Rosenberg Secondary Plan – Mattamy Community, Environmental Impact Study (NRSI) continue to satisfy the Alder Creek Watershed and Upper Strasburg Creek Subwatershed Update CH2MHILL, 2008 report, as well as the Comprehensive Stormwater Management Strategy for the South West Urban Area prepared by AMEC (June 22, 2011 and revised July 18, 2011) and to identify any specific additional monitoring and maintenance requirements that may be necessary.

The post-construction monitoring and response program shall also monitor impacts to buffers and natural areas and other significant vegetation on the property.

The post-construction monitoring and response program shall extend for a two-year period after 95% of the pond catchment area is stabilized (buildings are constructed and lots/blocks are sodded or vegetated) to the satisfaction of the during-construction program is to be approved by the CITY’S Director of Engineering Services in consultation with the CITY’S Director of Planning, the General Manager, Infrastructure Services, the Grand River Conservation Authority and the Regional Municipality of Waterloo.

- 6.28 The SUBDIVIDER further agrees to implement any remedial action deemed necessary as a result of the “pre-construction”, “during-construction” or “post-construction” monitoring and response program at their sole expense , in a timely manner, to the satisfaction of the during-construction program is to be approved by the CITY’S Director of Engineering Services in consultation with the CITY’S Director of Planning, the General Manager, Infrastructure Services, the Grand River Conservation Authority and the Regional Municipality of Waterloo.
- 6.29 The SUBDIVIDER agrees to implement all the recommendations of the Rosenberg Secondary Plan – Mattamy Community, Environmental Impact Study (NRSI, revised August 2021) for a period of no less than 5 years from the date of draft plan approval to the satisfaction of the City’s Director of Planning.
- 2.1 That prior to final approval of the plan to be registered, the SUBDIVIDER shall fulfill the following conditions:
1. The CITY Standard Residential Subdivision Agreement be registered on title.
 2. The SUBDIVIDER shall submit copies of the final plan for registration to the CITY’S Director of Planning and shall obtain approval therefrom.
 3. The SUBDIVIDER agrees to commute all local improvement charges outstanding on any part of the lands and to pay all outstanding taxes on the lands.
 4. The SUBDIVIDER shall install within the subdivision any required geodetic monuments under the direction of the CITY’S Director of Engineering Services, with co-ordinate values and elevations thereon and submit for registration the plans showing the location of the monuments, their co-ordinate values, elevations and code numbers as prescribed by the Surveyor General of Ontario.

5. The SUBDIVIDER shall make satisfactory arrangements with Enova Power (formerly Kitchener-Wilmot Hydro) for the provision of permanent electrical services to the subdivision and/or the relocation of the existing services. Further, the SUBDIVIDER acknowledges that this may include the payment of all costs associated with the provision of temporary services and the removal of such services when permanent installations are possible.
6. The SUBDIVIDER shall make satisfactory arrangements for the provision of permanent telephone services to the subdivision and/or the relocation of the existing services. Further, the SUBDIVIDER acknowledges that this may include the payment of all costs associated with the provision of temporary services and the removal of such services when permanent installations are possible.
7. The SUBDIVIDER shall make arrangements for the granting of any easements required for utilities and municipal services. The SUBDIVIDER agrees to comply with the following easement procedure:
 - (a) to provide copies of the subdivision plan proposed for registration and reference plan(s) showing the easements to HYDRO, and telephone companies and the CITY, to the CITY'S Director of Planning.
 - (b) to ensure that there are no conflicts between the desired locations for utility easements and those easement locations required by the CITY'S Director of Engineering Services for municipal services;
 - (c) to ensure that there are no conflicts between utility or municipal service easement locations and any approved Tree Preservation/Enhancement Plan;
 - (d) if utility easement locations are proposed within lands to be conveyed to, or presently owned by the CITY, the SUBDIVIDER shall obtain prior written approval from the CITY'S Director of Planning and CITY'S Director of Engineering Services or, in the case of parkland, the CITY'S Director of Operations; and
 - (e) to provide to the CITY'S Director of Planning, a clearance letter from each of HYDRO and telephone companies. Such letter shall state that the respective utility company has received all required grants of easement, or alternatively, no easements are required.
8. The SUBDIVIDER shall dedicate all roads, road widenings, and public walkways to the CITY by the registration of the Plan of Subdivision.
9. The SUBDIVIDER shall erect and maintain a subdivision billboard sign at each major entrance to the subdivision, in accordance with a plan approved by the CITY'S Director of Planning, in accordance with the following criteria:
 - a) The sign shall be in accordance with the CITY'S Sign by-law and shall be located outside the required yard setbacks of the applicable zone and outside

the corner visibility triangle, with the specific, appropriate location to be approved by the CITY'S Director of Planning;

- b) The sign shall have a minimum clearance of 1.5 metres, a maximum height of 6 metres, and a maximum area of 13 square metres;
 - c) Graphics shall depict the features within the limits of the subdivision including, without limiting the generality of the foregoing, approved street layout, including emergency access roads, zoning, lotting and specific land uses, types of parks, storm water management areas, hydro corridors, trail links and walkways, potential or planned transit routes and bus stop locations, notification regarding contacts for school sites, noise attenuation measures, environmentally sensitive areas, tree protection areas, special buffer/landscaping areas, water courses, flood plain areas, railway lines and hazard areas and shall also make general reference to land uses on adjacent lands including references to any formal development applications, all to the satisfaction of the CITY'S Director of Planning;
 - d) Approved subdivision billboard locations shall be conveniently accessible to the public for viewing. Low maintenance landscaping is required around the sign and suitable parking and pedestrian access may be required between the sign location and public roadway in order to provide convenient accessibility for viewing; and,
 - e) The SUBDIVIDER shall ensure that the information is current as of the date the sign is erected. Notice shall be posted on the subdivision billboard signs advising that information may not be current and, to obtain updated information, inquiries should be made at the CITY'S Community Services Department – Planning Division or the appropriate School Board for school accommodation information.
 - f) The sign shall also advise prospective residents that students from the subdivision may be directed to schools outside the neighbourhood.
10. The SUBDIVIDER agrees that the streets shall be named as shown on the plan.
11. To expedite the approval for registration, the SUBDIVIDER shall submit to the CITY'S Director of Planning, a detailed written submission documenting how all conditions imposed by this approval that require completion prior to registration of the subdivision plan(s), have been satisfied.
12. The SUBDIVIDER agrees to convey to the CITY the following lands for the purposes stated therein, at no cost and free of encumbrance, concurrently with the registration of each stage of the plan of subdivision within which the identified blocks are located:

Stage 1

Blocks 23, 24	Urban Green
Blocks 25-27	Public Walkway
Blocks 28-33	Open Space
Blocks 15, 34	Access

Blocks 15 and 34 shall be transferred to the City of Kitchener as future development blocks and not a road allowance. These blocks will be developed in future for a future road connection to lands to the south of the subject lands.

13. The SUBDIVIDER agrees that the plan shall be registered in one stage in accordance with the following and to the satisfaction of the CITY'S Director of Planning:
 - a) Following or concurrent with the registration of Stage 1, 30T-18201 and stage 1 30T-14201.
14. The SUBDIVIDER shall satisfy the 5% parkland dedication for the entire subdivision by the conveyance of Park Blocks 23 and 24.
15. The SUBDIVIDER shall agree to provide adequate notice to all home purchasers of the proposal to construct multiuse pathways, including identification of pathway plans and cross sections displayed in sales offices and shall be noted in all agreements of purchase and sale and/or rental agreements when the multi-use pathway is proposed on lands immediately adjacent to the purchased lot.
16. The SUBDIVIDER agrees that if servicing or grading has not commenced prior to final approval of the plan, a Detailed Vegetation Plan is to be submitted for approval by the CITY'S Director of Planning. The Detailed Vegetation Plan shall also show approved grading. The SUBDIVIDER agrees to implement all of the measures identified in the approved Detailed Vegetation Plan including delivering all information contained in the approved Detailed Vegetation Plan to prospective purchasers to ensure that the requirements are carried out as specified.
17. The SUBDIVIDER agrees to have all proposed tree and shrub plantings on public rights of way reviewed and approved by the CITY'S Director of Parks and Cemeteries.
18. The SUBDIVIDER agrees to design and construct the parks Park Blocks 2 and 24 to the satisfaction of the CITY'S Director of Parks and Cemeteries in consultation with the CITY'S Director of Planning prior to. Grading, topsoiling and seeding shall be completed before occupancy of the first unit or in the event of winter conditions, by June 1st immediately following the issuance of the first occupancy permit. The SUBDIVIDER shall complete construction of the park and community trail within one year of registration or servicing, whichever occurs first. The applicable construction costs such as grading, topsoiling, seeding, sodding in accordance with the City's Local Service Policy, are at the sole cost of the SUBDIVIDER.
19. The SUBDIVIDER shall confirm whether decorative street signage and street lighting will be used for the subdivision to the satisfaction of the CITY'S Director of Transportation Services and CITY'S Director of Planning and Enova Power (formerly Kitchener-Wilmot Hydro) and the Region of Waterloo. Should these decorative elements be utilized, they shall be installed at the appropriate timeframe and at the SUBDIVIDER'S cost, including the provision of 10% of the cost of

materials for future replacement/maintenance, to the satisfaction of the CITY'S Director of Transportation Services and Enova Power (formerly Kitchener-Wilmot Hydro).

20. Prior to the Servicing or Registration, whichever shall occur first, of each stage, the SUBDIVIDER shall prepare an On-Street Parking Plan to the satisfaction of the CITY'S Director of Transportation Services, in consultation with the CITY'S Director of Engineering Services in accordance with the CITY'S On-Street Parking Policy, as approved and amended. The On-Street Parking Plan shall be considered in accordance with the servicing drawings and shall generally provide for one on-street parking space for every two dwelling units. Other options such as driveway length, garage space, communal parking facilities, and/or parking along the park frontage, may be considered in accordance with the CITY'S Policy and at the discretion of the Director of Transportation Services.
21. That prior to registration, the SUBDIVIDER agrees to prepare a brochure for new home purchasers which provides information about the natural heritage features within the subdivision along with advice about good stewardship of these areas, and that the brochure shall be to the satisfaction of the CITY'S Director of Planning in consultation with the Grand River Conservation Authority and the Regional Municipality of Waterloo. Furthermore, the SUBDIVIDER agrees to distribute this brochure to new homeowners.
22. That prior to registration conveyance of Open Space Blocks 27, 28, 29, 30, 31, 32 and 33 the SUBDIVIDER shall remove any garbage or debris to the satisfaction of the CITY'S Director of Parks and Cemeteries in consultation with the Regional Municipality of Waterloo. The SUBDIVIDER shall treat these lands as required by the Kitchener Tree Management Policy (2002) Section 3.3.1.6 including the removal of any garbage or debris to the satisfaction of the CITY'S Director of Planning and the CITY'S Director of Parks and Cemeteries.
23. The SUBDIVIDER agrees that prior to area grading, servicing or registration of all or any part of the plan of subdivision, whichever shall occur first, to prepare a detailed engineering design for Storm Water Management including any requisite monitoring and obtain approval thereof from the CITY'S Director of Engineering Services in consultation with the Grand River Conservation Authority and the Regional Municipality of Waterloo. The Stormwater Management design shall be in accordance with the Alder Creek Watershed Study (2007) and Alder Creek Watershed and Upper Strasburg Creek Subwatershed Update-CH2MHILL, 2008 as well as the Comprehensive Stormwater Management Strategy for the South West Urban Area prepared by AMEC (June 22, 2011 and revised July 18, 2011), the Minutes of Settlement dated August 17, 2015, and the City's Integrated SWM Master Plan. The approved engineering design for Storm Water Management will include a maintenance program for a period of two years following 95% build-out of the subdivision, which will ensure the stormwater management facilities function as designed to the satisfaction of the CITY'S Director of Engineering Services.
24. That the SUBDIVIDER agrees to include the following statement in all agreements of purchase and sale and/or rental agreements that may be entered into pursuant to Section 52 of the Planning Act, prior to the registration of this plan:

“The lot, lots, block or blocks which are the subject of this agreement of lease or purchase and sale are not yet registered as a plan of subdivision. The fulfillment of all conditions of draft plan approval, including the commitment of water supply and sewage treatment services thereto by the Region and other authorities, has not yet been completed to permit registration of the plan. Accordingly, the purchaser should be aware that the vendor is making no representation or warranty that the lot, lots, block or blocks which are the subject of this agreement or lease or purchase and sale will have all conditions of draft plan approval satisfied, including the availability of servicing until the plan is registered.”

25. Prior to servicing or registration, whichever shall occur first, the SUBDIVIDER shall prepare a detailed engineering design for Storm Water Management including any requisite monitoring and obtain approval thereof from the CITY'S Director of Engineering Services in consultation with the Grand River Conservation Authority and the Regional Municipality of Waterloo. The Stormwater Management design shall be in accordance with the Alder Creek Watershed Study (2007) and Alder Creek Watershed and Upper Strasburg Creek Subwatershed Update-CH2MHILL, 2008 as well as the Comprehensive Stormwater Management Strategy for the South West Urban Area prepared by AMEC (June 22, 2011 and revised July 18, 2011) and the City's SWM Master Plan. The approved engineering design for Storm Water Management will include a maintenance program for a period of two years following 95% build-out of the subdivision, which will ensure the stormwater management facilities function as designed to the satisfaction of the CITY'S Director of Engineering Services.
26. Prior to registration, the SUBDIVIDER agrees to implement mitigation measures, and submit, obtain approval of and implement a monitoring program as outlined in the Rosenberg Secondary Plan – Mattamy Community, Environmental Impact Study – Update (NRSI Inc., August 2021). This will include biological monitoring and any additions or modifications identified by the City, Region or Grand River Conservation Authority as part of the final review and approval of the monitoring program. The SUBDIVIDER further agrees to implement any remedial action deemed necessary as a result of the aforementioned monitoring program at their sole expense to the satisfaction of the CITY'S Director of Engineering Services and the Director of Planning in consultation with the CITY'S Director of Parks and Cemeteries, the Regional Municipality of Waterloo and the Grand River Conservation Authority.
27. The SUBDIVIDER agrees to install black vinyl chain link fence, or approved decorative fencing that is designed to provide visibility along any rear and/or side lot lines identify the blocks or lots that are adjacent to Open Space Blocks to the satisfaction of the CITY'S Director of Engineering Services in consultation with the CITY'S Director of Operations.
28. The subdivision shall be registered prior to, in conjunction with or subsequent to Subdivision 30T-14201 and that prior to registration of any stage, the SUBDIVIDER shall provide and/or convey any required temporary or permanent easements to the City of Kitchener and the Regional Municipality of Waterloo to permit the construction of those services and roads necessary for the development of the subdivision as identified in the Area Servicing Plan as set out in Schedule “B1”, “B2” and “B3” to Minutes of Settlement dated August 17, 2015. Further, the

design and construction of services within the subdivision shall be in accordance with the Area Servicing Plan attached as Schedules "B1", "B2" and "B3" to Minutes of Settlement dated August 17, 2015.

29. Prior to Servicing or Registration, whichever shall occur first, the SUBDIVIDER agrees to receive final approval of a Priority Lotting Plan and of Design Guidelines for Priority Lots to the satisfaction of the CITY'S Director of Planning.

The Design Guidelines for Priority Lots shall include, but not be limited to, the following considerations:

- a) For Corner Priority Lots, building elevation drawings shall ensure that consideration has been given to the design treatment along both road frontages for each lot/dwelling, including such items as the provision of porches, porticos, stairs or other projections; secondary or angled door entries; horizontal articulation, brick or masonry-style skirting along both the front and exterior side yard and/or accentuated windows; increased building massing and height; and consideration to fencing and landscaping.
 - b) For Park Priority Lots, building elevation drawings shall ensure that consideration has been given to the design treatment along the road frontage and the park flankage for each lot/dwelling, including such items as the provision for porches, porticos, stairs or other projections, secondary entry doors, horizontal articulation, brick and masonry-style skirting and/or accentuated windows; and consideration to fencing and landscaping.
 - c) For Gateway Priority Lots, building elevation drawings shall ensure that consideration has been given to design treatment along the road frontage including such items as the provision of porches, porticos, stairs or other projections, horizontal articulation, brick and masonry style skirting and/or accentuated windows.
30. The SUBDIVIDER agrees prior to registration to prepare, a community trail design for Gehl Place, to be approved by the CITY'S Director of Parks and Cemeteries in consultation with the CITY'S Director of Planning.
31. The SUBDIVIDER agrees that prior to servicing or registration, whichever occurs first, to prepare an updated water servicing report which shall make recommendations that address water pressure within the limits of the subdivision to the satisfaction of the CITY'S Director of Engineering Services and the Regional Municipality of Waterloo.
32. The SUBDIVIDER agrees that prior to registration of to erect signage, clearly setting out the CITY'S future intent to close Gehl Place to vehicular traffic and incorporate the road right-of-way into the community trail system. The location and content of said signage shall be approved by the CITY'S Director of Planning.
33. The SUBDIVIDER agrees to make the necessary arrangements with the adjacent landowner to the east (30T-14201) for the sharing of costs associated with

oversizing sewers including the dedicated winter by-pass sewer as required to service these lands and to provide the City's Director of Engineering Services written confirmation that these cost sharing arrangements have been made prior to registration.

34. The SUBDIVIDER provides fill certifications to the satisfaction of the City's Director of Engineering Services, prior to the registration of each phase, to ensure the geotechnical integrity of all filled lands.

3. REGIONAL MUNICIPALITY OF WATERLOO CONDITIONS:

1. That the plan for final approval may incorporate a lot pattern for all blocks in which single detached and townhouse lots are permitted, at a density not exceeding the density identified in the draft approval conditions;
2. That the SUBDIVIDER agrees to stage the development of this subdivision in a manner satisfactory to the Regional Commissioner of Planning, Development and Legislative Services;
3. That this plan of subdivision only proceed to registration concurrently with, or following registration of Stage 1 of adjacent Plan 30T-18201 or otherwise deemed satisfactory to the Regional Commissioner of Planning, Development and Legislative Services.
4. That the subdivision agreement be registered by the City of Kitchener against the lands to which it applies and a copy of the registered agreement be forwarded to the Regional Commissioner of Planning, Development and Legislative Services prior to registration of this subdivision plan;
5. That any dead ends and open sides of road allowances created by this plan of subdivision shall be terminated in 0.3 metre reserves, to be conveyed to and held in trust by the City of Kitchener until required for future road allowances or the development of adjacent land.
6. That the SUBDIVIDER enter into an Agreement for Servicing with the Regional Municipality of Waterloo to preserve access to municipal water supply and municipal wastewater treatment services prior to registration or any agreement for the installation of underground services, whichever comes first. Where the SUBDIVIDER has already entered into an agreement for the installation of underground servicing with the area municipality, such agreement shall be amended to provide for a Regional Agreement for Servicing prior to registration of any part of the plan. The Regional Commissioner of Engineering and Environmental Services shall advise prior to an Agreement for Servicing that sufficient water supplies and wastewater treatment capacity is available for this plan to be registered;
7. That, prior to registration or servicing, whichever comes first, the Functional Servicing Report (MTE, dated July 6, 2018 and/or future amendments thereto) be completed to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.

8. That, the SUBDIVIDER agrees that prior to servicing or registration, whichever occurs first, to submit an updated water servicing report for the entire plan of subdivision, with such report to assess the need for pressure reducing valves, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.
9. Where individual pressure reducing valves are required in Condition No. 8, the SUBDIVIDER must enter into an agreement with the City of Kitchener to provide for such installation; and to include in all agreements of purchase and sale and/or rental agreements, a clause identifying the presence of such water pressure reduction device and advising that it may not be removed by the SUBDIVIDER/occupant.
10. That, prior to any grading or construction, and registration of this plan of subdivision, the SUBDIVIDER submits a final lot grading and drainage plan for the entire plan for review and approval to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.
11. That, prior to registration of this plan of subdivision, the SUBDIVIDER prepare a groundwater monitoring and mitigation plan to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services. The plan must include and /or address the following:
 - a. Achievement of the infiltration targets of the Comprehensive Stormwater Management Strategy for the South West Urban Area prepared by AMEC (June 22, 2011 and revised July 18 2011);
 - b. Any significant changes in ground water levels and/or geochemistry such as elevated chloride levels;
 - c. An infiltration implementation plan which reviews and addresses problems associated with the installation of end-of-pipe and/or lot level infiltration facilities due to poor soil, high water table, or the implementation of the materials management plan; and
 - d. Monitoring prior to, during, and post-construction for a two year period following 95 percent build-out of the plan of subdivision.

Further, the SUBDIVIDER agrees to implement any remedial action deemed necessary (including additional monitoring should chloride levels exceed the Reasonable Use Criteria of Alder Creek Watershed and Upper Strasburg Creek Subwatershed Update CH2M HILL, 2008 report as approved), as a result of the aforementioned monitoring program at their sole expense to the satisfaction of the CITY'S Director of Engineering Services, Grand River Conservation Authority, and the Regional Commissioner of Planning, Development and Legislative Services.

12. That, prior to servicing or registration, whichever comes first, the SUBDIVIDER submit a final detailed stormwater management strategy and drainage plan for the stormwater management infrastructure located within the plan to be registered to the satisfaction of the City of Kitchener, Grand River Conservation Authority, and the Regional Commissioner of Planning, Development and Legislative Services. The detailed stormwater management strategy and drainage plan shall include, but not be limited to, the design and location of infiltration facilities required to sustain the flow of groundwater to Core Environmental Features;

Furthermore, that the detailed SWM strategy and drainage plan, required above, be completed in accordance with the conclusions and recommendations of the accepted functional drainage plan titled “Area 5 – Functional Drainage Plan (Upper Strasburg Creek Subwatershed)” (MTE and NRSI, dated August 31, 2018) and preliminary stormwater management report titled “Rosenberg Secondary Plan – Mattamy Community” (MTE, dated July 6, 2018; last revised August 31, 2021).

13. That prior to registration, the owner enter into an agreement with the City of Kitchener, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services, to ensure that the water balance completed to date be updated with the “as-built” infiltration gallery data (based on suitability of soils encountered during construction) and that this data be reported to the Region of Waterloo and City of Kitchener in the event that a ground water deficit results and mitigation measures may be required to maintain the existing water balance, such as building infiltration galleries with an overflow connection to stormwater infrastructure on those lots which an infiltration gallery was originally not built due to unsuitable soils. Monitoring reports for the infiltration in the groundwater recharge areas are required for 2 years post development of the subdivision to ensure the water balance is being achieved.
14. That, prior to registration of this plan of subdivision, the SUBDIVIDER enter into an agreement with the City of Kitchener to include the following clause in the agreements of purchase and sale or rental agreements for all residential lots and blocks in the stage(s) to be registered:

“This property is located within a Wellhead Protection Area designated by the Regional Municipality of Waterloo. To reduce the risk of contamination to the Region’s current and future municipal drinking-water supply, the installation of a geothermal well on this property is not permitted.”
15. That prior to registration, the SUBDIVIDER decommissions any monitoring and private wells (not used for long term monitoring) and septic systems on the property in accordance with O. Reg. 903 prior to any grading on the property; and furthermore, that the SUBDIVIDER enter into an agreement with the City of Kitchener to decommission any long term monitoring wells no longer used for such purposes, all to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.
16. That prior to registration, if required, the SUBDIVIDER enter into an agreement with the Regional Municipality of Waterloo to implement the conclusions and recommendations of the accepted Materials Management Plan (MTE, dated November 3, 2020) to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.
17. That the boundaries of the Core Environmental Feature within the subject lands be interpreted as shown on Map 1 (Core Environmental Features and W4) of the Rosenberg Secondary Plan – Mattamy Community, Environmental Impact Study – Update (Natural Resource Solutions Inc., December 2019, Updated August 20, 2021).

18. That prior to registration of this plan of subdivision, the Core Environmental Features and associated buffers on the subject lands (Open Space – Blocks 31 and 32) and restoration zones (including Open Space - Block 30) be placed in suitable natural heritage conservation zoning.
19. That prior to any land clearing, grading or construction on the subdivision lands, the SUBDIVIDER confirms that no clearing of vegetation on the site occur during the bird breeding season (April 1 - August 31) in compliance with the Migratory Birds Convention Act unless it can be ascertained by a qualified expert that no birds covered by the Act are observed to be breeding in or adjacent to the affected area.
20. That prior to any land clearing, grading or construction on the subdivision lands, the SUBDIVIDER will enter into an agreement with the Regional Municipality of Waterloo to provide copies of all reports required under Overall Benefit Permit WC-C-001-19, including annual monitoring reports and final reports, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.
21. That, prior to registration and any land clearing, grading, or the installation of services, the SUBDIVIDER submit a detailed erosion and sediment control plan acceptable to the Regional Commissioner of Planning, Development and Legislative Services, City of Kitchener and Grand River Conservation Authority in order to prevent sedimentation into the Core Environmental Features located in Open Space Blocks 31 and 32.
22. That, prior to registration, the SUBDIVIDER submit a Detailed Vegetation Management Plan and a Natural Heritage Restoration and Enhancement Plan, in accordance with the Overall Benefit Permit WC-C-001-19 and the recommendations of the Rosenberg Secondary Plan – Mattamy Community, Environmental Impact Study – Update (Natural Resource Solutions Inc., December 2019, Updated August 2021) including the design of restoration zones and buffers identified on Map 6, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services and the City of Kitchener, and in consultation with the Grand River Conservation Authority.
23. That, prior to registration the SUBDIVIDER submit landscaping and planting plans consistent with Overall Benefit Permit WC-C-001-19 for all buffer areas contiguous to the Core Environmental Features, wetlands and stormwater management facilities located within the plan of subdivision, and that recommended plantings shall consist of locally-appropriate, self-sustaining native vegetation to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services, the City of Kitchener, and in consultation with the Grand River Conservation Authority.
24. That, prior to registration of this plan of subdivision, the SUBDIVIDER submit a detailed monitoring plan for the Core Environmental Features, Buffers and Restoration Zones (Open Space Blocks 31, 32 and 33) on the subject lands as outlined in the Rosenberg Secondary Plan – Mattamy Community, Environmental Impact Study – Update (Natural Resource Solutions Inc., December 2019, Updated August 2021, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services and the City of Kitchener, in consultation with the Grand River Conservation Authority. Furthermore, as

necessary, the SUBDIVIDER enter in an agreement with the City of Kitchener to implement any required remedial action deemed necessary as a result of the monitoring plan.

25. That, prior to registration, the owner remove any debris and/or garbage from Core Environmental Features within the subject lands to the satisfaction of the City and the Regional Commissioner of Planning, Development and Legislative Services.
26. That, prior to registration of this plan of subdivision, the SUBDIVIDER provides a brochure and other information tools for new home purchasers and residents which provides information about the natural heritage features within the subdivision, along with advice about how they can be good stewards of these areas, and that the brochure be to the satisfaction of the Regional Municipality of Waterloo. The SUBDIVIDER will be required to enter into an agreement with the City of Kitchener or the Regional Municipality of Waterloo to distribute the approved stewardship brochure or other comparable information tools to home purchasers.
27. That, prior to registration, the SUBDIVIDER enter into an agreement with the Regional Municipality of Waterloo to distribute source water protection and winter salt management information with all offers to purchase and/or rental agreements, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.
28. That, prior to registration, the SUBDIVIDER agrees to implement the recommendations and implement the avoidance and protection measures of Archaeological Site Block 35 as recommended and described in the following reports:
 - a. Stage 4 Archaeological Mitigation of Site AiHd-160 Parts of Lot 141 and 142, German Company Tract Small Lot, Geographic Township of Waterloo, County of Waterloo, Now in the City of Kitchener, Regional Municipality of Waterloo, Ontario", (prepared by ASI, dated Feb 27, 2023
 - b. Stage 3 Site-specific Assessment of the "Locus B" Archaeological Site Avoidance and Protection Area, a Portion of Site AiHd-160, Parts of Lot 141 and 142, German Company Tract Small Lot, Geographic Township of Waterloo, County of Waterloo, Now in the City of Kitchener, Regional Municipality of Waterloo, Ontario – Original Report and Supplementary Documentation (prepared by ASI, dated March 15, 2022).

4. OTHER AGENCY CONDITIONS:

Grand River Conservation Authority

1. Prior to any grading or construction on the site and prior to registration of the plan, the owners or their agents submit the following plans and reports to the satisfaction of the Grand River Conservation Authority.
 - a) A detailed final stormwater management report in accordance with the 2003 Ministry of the Environment Report entitled "Stormwater Management Planning and Design Manual" and in keeping with the Rosenberg

Secondary Plan Mattamy Community 30T18201 & 30T-18202 Preliminary Stormwater Management Report (dated August 31, 2021, prepared by MTE Consultants Inc).

- b) Final Lot Grading, Servicing, and Storm Drainage Plans.
- c) A final erosion and sediment control plan in accordance with the Grand River Conservation Authority's Guidelines for erosion and sediment control, indicating the means whereby erosion will be minimized and sediment maintained on-site throughout all phases of grading and construction.
- d) The submission and approval of a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses permit from the GRCA prior to any grading or construction in a regulated area.

5. CLEARANCE CONDITIONS

1. That prior to the signing of the final plan by the CITY'S Director of Planning, the Director shall be advised by the Regional Commissioner of Planning, Development and Legislative Services that Conditions 3.1 to 3.36 have been carried out to the satisfaction of the Regional Municipality of Waterloo. The clearance letter from the Region shall include a brief statement detailing how each condition has been satisfied.
2. That prior to the signing of the final plan by the CITY'S Director of Planning, the Director, shall be advised by the telephone company that Conditions 2.1.6 and 2.1.7 have been carried out satisfactorily. The clearance letter should contain a brief statement as to how the conditions were satisfied.
3. That prior to the signing of the final plan by the CITY'S Director of Planning, the Director shall be advised by Enova Power (formerly Kitchener-Wilmot Hydro) that Conditions 2.1.5 and 2.1.7 have been carried out satisfactorily. The clearance letter should contain a brief statement as to how the conditions were satisfied.
4. That prior to the signing of the final plan by the CITY'S Director of Planning, the Director shall be advised by the Grand River Conservation Authority that Condition 4.2 has been carried out satisfactorily. The clearance letter should contain a brief statement as to how the condition was satisfied.

NOTES

1. The owner/developer is advised that the provisions of the Regional Development Charge By-law 14-046 are applicable.
2. The final plans for Registration must be in conformity with Ontario Regulation 43/96, as amended, under The Registry Act.
3. It is the responsibility of the Owner of this plan to advise the Regional Municipality of Waterloo and the City of Kitchener Planning Division of any changes in ownership, agent, address, and phone and fax numbers.

4. The owner/developer is advised that the Regional Municipality of Waterloo has adopted By-Law 17-076, pursuant to Section 69 of the Planning Act, R.S.O. 1990 c. P.13, as amended, to prescribe a tariff of fees for application, recirculation, draft approval, modification to draft approval and registration release of plans of subdivision.
5. The owner/developer is advised that pursuant to Regional By-Law 17-076, the current fee for review of a road traffic noise study is \$250.00, payable to the Regional Municipality of Waterloo upon submission of the study for review.
6. This draft plan was received on or after January 1, 2007 and shall be processed and finally disposed of under the Planning Act, R.S.O. 1990, c. P.13, as amended by S.O. 2006, c. 23 (Bill 51).
7. The Owner is advised that draft approval is not a commitment by the Regional Municipality of Waterloo to water and wastewater servicing capacity. To secure this commitment the owner/developer must enter into an "Agreement for Servicing" with The Regional Municipality of Waterloo by requesting that the Region's Planning, Development and Legislative Services Department initiate preparation of the agreement. When sufficient capacity is confirmed by the Region's Commissioner of Transportation and Environmental Services to service the density as defined by the plan to be registered, the owner/developer will be offered an "Agreement for Servicing". This agreement will be time limited and define the servicing commitment by density and use. Should the "Agreement for Servicing" expire prior to plan registration, a new agreement will be required.

The owner/developer is to provide the Regional Municipality of Waterloo with two print copies of the proposed plan to be registered along with the written request for a servicing agreement

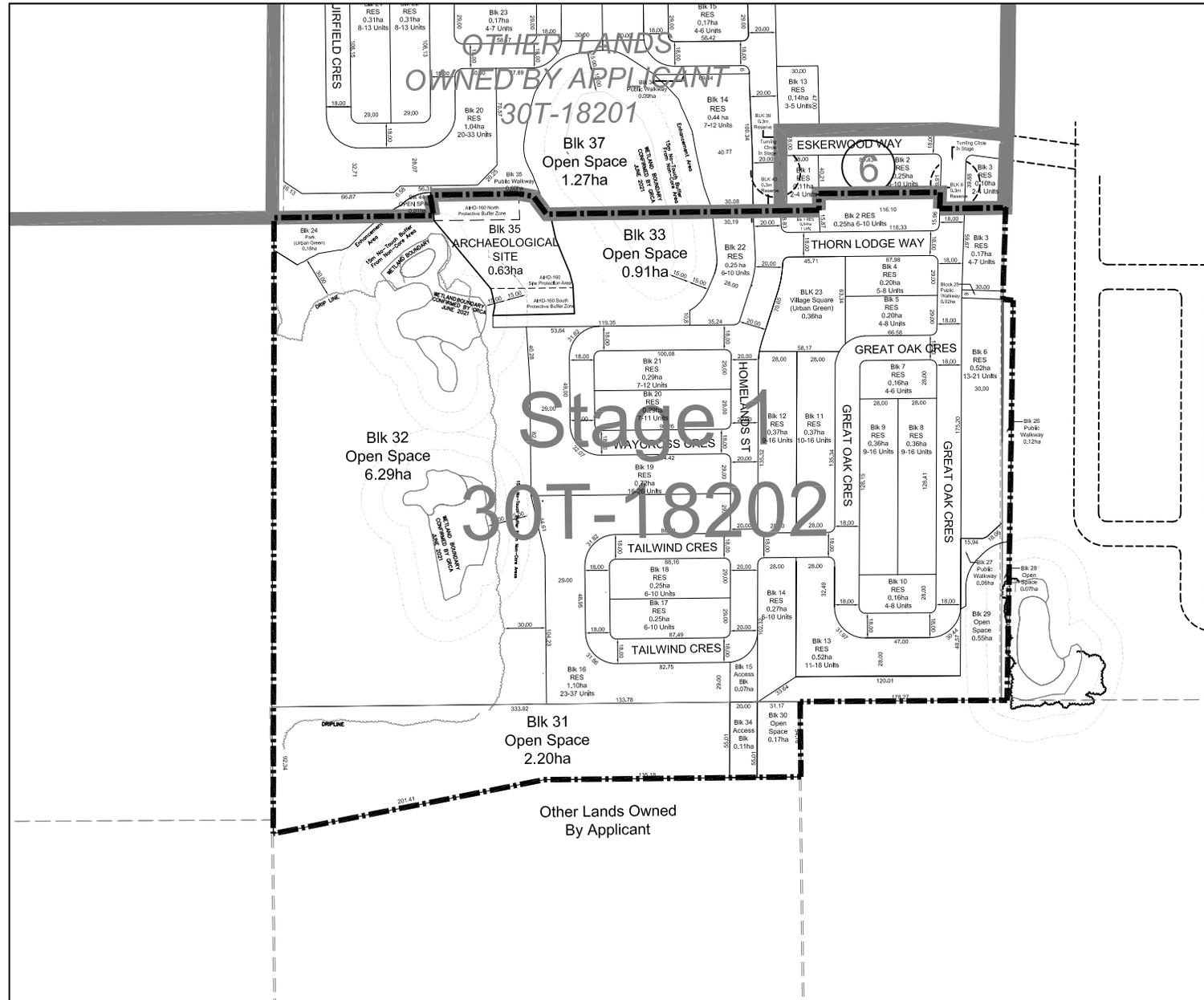
8. To ensure that a Regional Release is issued by the Regional Commissioner of Planning, Development and Legislative Services to the City of Kitchener prior to year end, it is the responsibility of the Owner to ensure that all fees have been paid, that all Regional conditions have been satisfied and the required clearance letters, agreements, prints of plan to be registered, and any other required information or approvals have been deposited with the Regional Planner responsible for the file, no later than December 15th. Regional staff can not ensure that a Regional Release would be issued prior to year end where the Owner has failed to submit the appropriate documentation by this date.
9. The Owner is advised that the lands, or a portion of the lands, are subject to the Region of Waterloo International Airport Zoning Regulations issued under the federal Aeronautics Act. The purpose of the Regulations is two-fold: 1) to prevent lands adjacent to or in the vicinity of the Region of Waterloo International Airport site from being used or developed in a manner that is incompatible with the safe operation of the airport or an aircraft; and 2) to prevent lands adjacent to or in the vicinity of facilities used to provide services relating to aeronautics from being used or developed in a manner that would cause interference with signals or communications to and from aircraft or to and from those facilities.

It is the landowner's responsibility to be aware, and to make all users of the land aware of the restrictions under these Regulations which may include but not limited to height restrictions on buildings or structures, height of natural growth, interference with communications, and activities or uses that attract birds.

10. The Owner is advised that the lands, or a portion of the lands, may be subject to Canadian Aviation Regulations Standard 621.19 issued under the federal Aeronautics Act. This Standard allows aviation officials to assess individual obstructions, namely buildings, structures or objects, to determine if they are likely to constitute a hazard to air navigation and consequently require marking and/or lighting in accordance with the Standards. Persons planning to erect an obstruction, namely a building, structure or object, including a moored balloon, either permanently or temporarily, should contact the Regional Manager, Aerodrome Safety (Ontario Region), Transport Canada at (416) 952-0248 as early as possible and provide the necessary information on the planned obstruction using the Aeronautical Obstruction Clearance Form (#26-0427) issued by Transport Canada.
11. When the survey has been completed and the final plan prepared to satisfy the requirements of the Registry Act, they should be forwarded to the City of Kitchener. If the plans comply with the terms of approval, and we have received an assurance from the Regional Municipality of Waterloo and the applicable clearance agencies that the necessary arrangements have been made, the Manager of Development Review's signature will be endorsed on the plan and it will be forwarded to the Registry Office for registration.

The following is required for registration under The Registry Act and the Region's purposes:

- One (1) original mylar
- Three (3) mylar copies
- Four (4) white paper prints



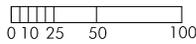
Land Use Schedule

STAGE 1	LAND USE	MIN/MAX #UNITS	AREA (ha.)
Blocks 1-14,16-22	Single/Towns	166-277	7.09
Blocks 23,24	Urban Green	-	0.54
Blocks 25-27	Public Walkway	-	0.16
Blocks 28-33	Open Space	-	10.12
Block 15,34	Access	-	0.18
Block 35	Archaeological Site	-	0.63
TOTAL	Roads		3.00
TOTALS		166-277	21.72

PLAN OF SUBDIVISION

2079546 ONTARIO LIMITED

TRACT GERMAN COMPANY PT LT 141 PT LT 142 PT LT 143



SCALE: 1:2,000

DATE: MAY 23, 2023

REVISED:

SUBDIVISION APPLICATION 30T-18202

OFFICIAL PLAN AMENDMENT OPA18/006/B/GS

ZONING BY-LAW AMENDMENT ZBA18/007/B/GS

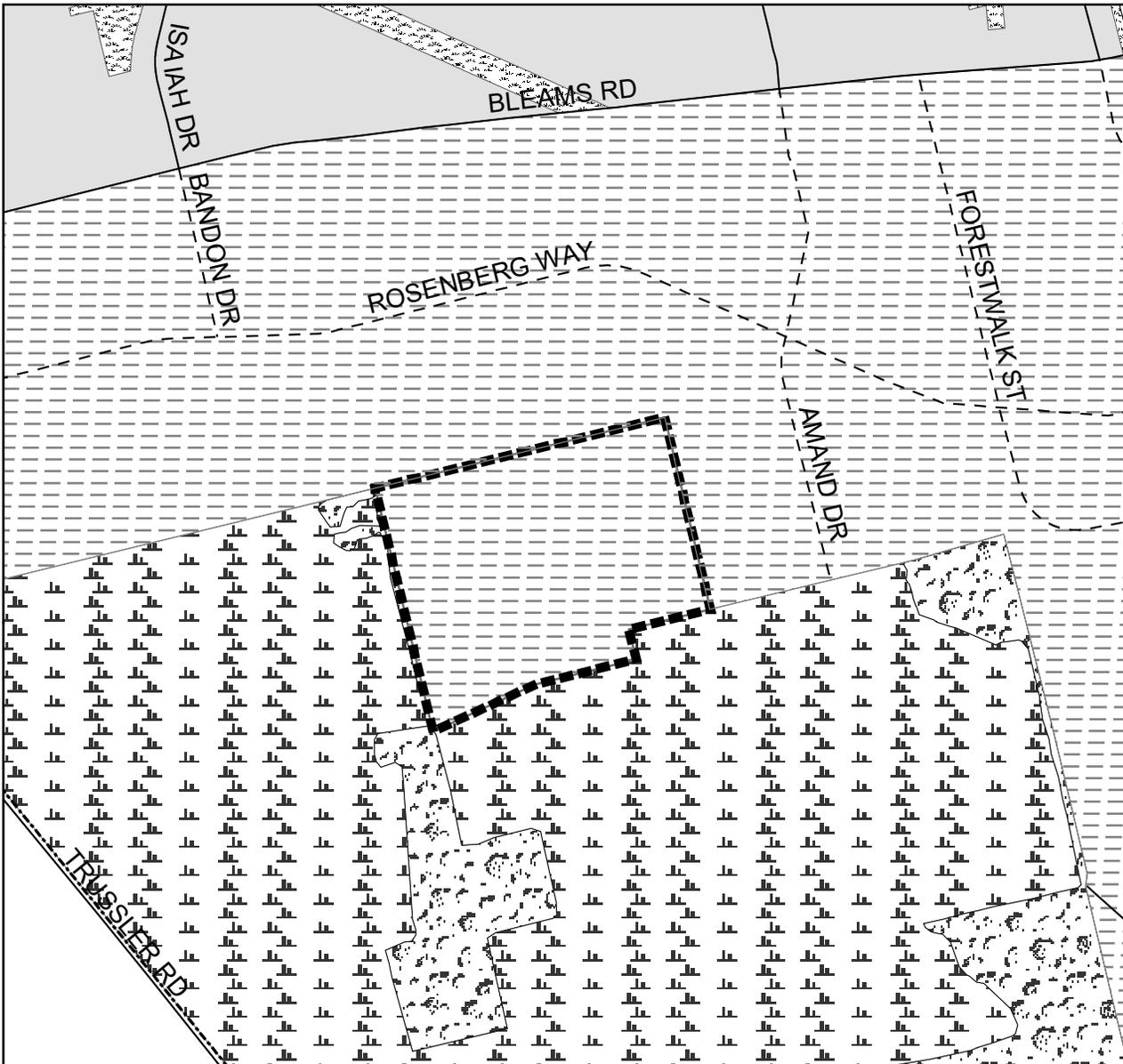
City of Kitchener
Development Services Department, Planning

CAD FILE:
30T-18202.dwg

**CITY OF KITCHENER
OFFICIAL PLAN
AMENDMENT TO MAP 3
LAND USE**



-  Low Rise Residential
-  Prime Agriculture
-  Natural Heritage Conservation
-  Open Space
-  Refer to Secondary Plan For Detail
- Area of Amendment**
-  To Remove Land Use
And Add to
Refer to Secondary Plan For Detail



SCHEDULE 'A'

APPLICANT: 2079546 ONTARIO
LIMITED

TRACT GERMAN COMPANY PT LT 141
PT LT 142 PT LT 143



METRES
SCALE 1:12,000

DATE: MAY 23, 2023

REVISED:

OFFICIAL PLAN AMENDMENT OPA21/010/L/AP

ZONING BY-LAW AMENDMENT ZBA21/015/L/AP

SUBDIVISION APPLICATION 30T-18202

City of Kitchener

DEVELOPMENT SERVICES DEPARTMENT, PLANNING

FILE:
OPA18006BGS_MAP3
.mxd

**CITY OF KITCHENER
OFFICIAL PLAN AMENDMENT TO
MAP 22 e ROSENBERG SECONDARY
LAND USE PLAN**



Landuse

-  Low Density Residential One
-  Medium Density Residential One
-  Medium Density Residential Two
-  Mixed Use One
-  Neighbourhood Institutional
-  Neighbourhood Park
-  Open Space
-  Natural Heritage Conservation

Secondary Plan Boundary



Special Policy Area



Deferral



Lands to be Added (30T-18202)



-  Hydro Corridor
-  Neighbourhood Park
-  Urban Green
-  Public Elementary School



SCHEDULE 'B'

APPLICANT: 2079546 ONTARIO LIMITED

TRACT GERMAN COMPANY PT LT 141 PT
LT 142 PT LT 143



SCALE 1:12,000

DATE: MAY 23, 2023

REVISED:

OFFICIAL PLAN AMENDMENT OP18/006/B/GS

ZONE CHANGE APPLICATION ZC18/007/B/GS

SUBDIVISION APPLICATION 30T-18202

City of Kitchener

DEVELOPMENT SERVICES DEPARTMENT, PLANNING

FILE:
OP18006BGS_
MAP22E.mxd

AMENDMENT NO. ### TO THE OFFICIAL PLAN
OF THE CITY OF KITCHENER

2079546 Ontario Limited

AMENDMENT NO. ### TO THE OFFICIAL PLAN
OF THE CITY OF KITCHENER

2079546 Ontario Limited

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SECTION 3	BASIS OF THE AMENDMENT
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SCHEDULE 'A'	AMENDMENT TO MAP 22e – ROSENBERG SECONDARY PLAN LAND USE PLAN

SECTION 1 – TITLE AND COMPONENTS

This amendment shall be referred to as Amendment No. ### to the Official Plan of the City of Kitchener. This amendment is comprised of Sections 1 to 4 inclusive.

SECTION 2 – PURPOSE OF THE AMENDMENT

The purpose of the Official Plan Amendment is to amend Map 3 – Land Use to add the subject lands into the Roseneberg Secondary Plan. Community structure elements and land use designations have not been approved for these lands in the Rosenberg Secondary Plan, which is part of the City’s Official Plan. Through this application, the subject lands are proposed to be added to the Rosenberg Secondary Plan.

The purpose of the Official Plan Amendment is also to amend Map 22e in Part 3, Section 13 – Secondary Plans. The Roseneberg Secondary Plan is proposed to be amended to implement a proposed draft plan of subdivision which includes up to 277 dwelling units, an Urban Green, as well as open space and walkway blocks. The proposed changes to the Land Use Plan (Map 22e) include:

- Designated residential development areas as Low Density Residential 1
- Designating Open Space Blocks
- Designating Natural Heritage Conservation Blocks

No new land use designations are proposed as part of this application.

SECTION 3 – BASIS OF THE AMENDMENT

The Applicant has requested draft approval of a plan of subdivision approval, approval of an Official Plan Amendment, and approval of a Zoning By-law Amendment to being the lands within the Rosenberg Secondary Plan.

Planning Act, R.S.O. 1990, c. P.13 25.

Section 2 of the Planning Act establishes matters of provincial interest and 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:

- f) The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) The minimization of waste;
- h) The orderly development of safe and healthy communities;
- j) The adequate provision of a full range of housing, including affordable housing;
- k) The adequate provision of employment opportunities;
- p) The appropriate location of growth and development;
- q) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- r) The promotion of built form that,
 - (i) Is well-designed,
 - (ii) Encourages a sense of place, and

- (iii) Provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- s) The mitigation of greenhouse gas emissions and adaptation to a changing climate.

These matters of provincial interest are addressed and are implemented through the Provincial Policy Statement, 2020, as it directs how and where development is to occur. The City's Official Plan is the most important vehicle for the implementation of the Provincial Policy Statement, 2020 and to ensure Provincial policy is adhered to.

Provincial Policy Statement (PPS)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets out principles to achieve "healthy, liveable and safe communities". The PPS is supportive of efficient development patterns that optimize the use of land, resources, and public investment in infrastructure and public service facilities. Further, the PPS directs the development of new housing to locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs and promotes densities for new housing which efficiently uses land, resources, infrastructure, and public service facilities.

Section 3(5) of the Planning Act requires that a decision of the council of a municipality shall be consistent with the policy statement that are in effect on the date of decision and shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be.

The PPS focuses growth and development within urban and rural settlement areas while supporting the viability of rural areas. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety.

Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. These land use patterns promote a mix of housing, including affordable housing, employment, recreation, parks and open spaces, and transportation choices that increase the use of active transportation and transit before other modes of travel.

Policy 1.1.1 of the PPS states that, "Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;
- h) promoting development and land use patterns that conserve biodiversity; and

- i) preparing for the regional and local impacts of a changing climate.”

Policy 1.1.2 requires that sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines.

The PPS notes that settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets, and policy 1.1.3.1 states that settlement areas shall be the focus of growth and development. Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and a mix of land uses which;

- a) efficiently use land and resources; and
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available and avoid the need for their unjustified and/or uneconomical expansion.

Further, policy 1.1.3.2 states that land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated. Policy 1.1.3.3 requires that Planning authorities (such as the City of Kitchener) shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

The proposed draft plan of subdivision, Official Plan Amendment, and Zoning By-law Amendment applications represent the final phase of a larger planned development that has been designed with a mix of housing types and densities and introducing new commercial and institutional uses. The proposal makes efficient use of the land through comprehensively planned development and that meet minimum density requirements, thus maximizing the recently constructed infrastructure which was installed to service this area. The plan provides for a range of low rise residential housing types and densities that are in close proximity to the planned Urban Green. Planning staff is of the opinion that the proposed applications are consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan)

Part of the Vision of the Greater Golden Horseshoe (GGH) is to ensure municipalities have sufficient housing supply that reflects market demand and what is needed in local communities. Two of the guiding principles of the Growth Plan are to prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability and to support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.

The Growth Plan directs Planning authorities in the Region of Waterloo to plan for a population of 923,000 people and 470,000 jobs by 2051. This would mean a population increase of approximately 299,070 in comparison to the Region’s 2020 population of 623,930. The forecasted growth to the 2051 horizon is allocated to each municipality in the Region based on the following considerations: the vast majority of growth will be directed to settlement areas that have a delineated built boundary, have existing or planned municipal water and wastewater systems, and can support the achievement of complete communities. As one of three cities in the Region,

it can be expected that Kitchener will be allocated a significant amount of the additional population allocation.

The development of the subject lands are within the City's delineated 'Designated Greenfield Area'. New development taking place in designated greenfield areas must be planned, designated, and zoned in a manner that supports the achievement of complete communities, supports active transportation, and encourages the integration and sustained viability of transit services.

The Growth Plan notes that complete communities should be designed to meet people's needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, public service facilities, and a full range of housing to accommodate a range of incomes and household sizes. Complete communities support quality of life and human health by encouraging the use of active transportation and providing high quality public open space, adequate parkland, opportunities for recreation, and access to local and healthy food. Complete communities support climate change mitigation by increasing the modal share for transit and active transportation and by minimizing land consumption through building compact, mixed-use communities.

The subject lands are located within the City's Designated Greenfield Area, an area within the Settlement Boundary that is designated for growth. Policy 2.2.7.1 states that new development taking place in designated greenfield areas will be planned, designated, zoned and designed in a manner that:

- a) supports the achievement of complete communities;
- b) supports active transportation; and
- c) encourages the integration and sustained viability of transit services.

Policy 2.G.1.2 (Table 4) of the Regional Official Plan (approved as amended in April 2023) requires that the minimum density target applicable to the designated greenfield area for Kitchener is not less than 65 residents and jobs combined per hectare. The minimum density for Kitchener's designated greenfield area, in Kitchener Official Plan policy 3.C.A.A14.a) is 55 residents and jobs combined per hectare.

The proposed density range for this community is a minimum of 53 residents and jobs (not including work from home) combined per hectare based on the total build out of 166 single detached dwellings and a maximum of 62 residents and jobs (not including work from home) combined per hectare based on the total build out of 277 townhouse dwellings.

Up to 277 dwelling units, in a combination of single detached and townhouse dwellings, are planned. The planned density of this development exceeds minimum density targets in the Rosenberg Secondary Plan. The total density will be determined at the final build out of the lands, depending on the scale and density of the multiple dwelling sites.

Planning staff are of the opinion that the proposed applications conform to the Growth Plan. The lands have been designated to permit residential, open space blocks, and two Urban Greens. The applications propose a variety of low density dwelling types. The planned density is 53-62 residents and jobs combined per hectare.

The Ministry of Municipal Affairs and Housing is currently consulting on proposed policies for an integrated province-wide land use planning policy document, potentially replacing the Provincial Policy Statement and A Place to Grow: Growth plan for the Greater Golden Horseshoe, with a singular Provincial Planning Statement (PPS) which is in draft form and not currently in effect. Minimum greenfield density targets are not contained within the draft PPS.

Regional Official Plan

The subject lands are within the 'Urban Designated Greenfield Area' established in the Regional Official Plan. The build out of the lands will include a combination of single detached dwellings, duplexes, semi-detached dwellings, fronting and live-work townhouses dwellings and the density will be within the range required by the City of Kitchener Official Plan.

In accordance with Regional Official Plan policy 2.G.1.4, Kitchener will establish policies in our Official Plan to ensure that new development within designated greenfield areas is phased in a manner that provides for the logical and orderly progression of development, ensures that the pace, scale and phasing of development is aligned with the delivery of infrastructure and public service facilities in a financially sustainable manner at the Regional and/or City level; and will not adversely affect the achievement of the minimum intensification and density targets.

The ROP policies require new communities to have sidewalks, community trails and bicycle pathways that provide linkages within the neighbourhood and to other neighbourhoods, transit stops, employment areas, school sites, food destinations, and community facilities.

Regional Planning have provided comment on the proposed applications, including subdivision approval conditions, but overall have no objections to the proposed applications.

This future neighbourhood will complete the western portion of the Rosenberg community. The City's Development Manual, coupled with the attached draft approval conditions, will ensure that the lands are appropriately developed to City and Regional standards.

Official Plan

The vision of the City's Official Plan states *"Together we will build an innovative, vibrant, attractive, safe, complete and healthy community contributing to an exceptional quality of life."* A complete community creates and provides access to a mix of land uses including a full range and mix of housing types. A complete community also supports the use of public transit and active transportation, enabling residents to meet most of their daily needs within a short distance of their homes. Planning for a complete community will aid in reducing the cost of infrastructure and servicing, encourage the use of public transit and active modes of transportation, promote social interaction, and foster a sense of community.

Housing

Policy 4.1.1 states a housing objective of the City is to provide for an appropriate range, variety and mix of housing types and styles, densities, tenure and affordability to satisfy the varying housing needs of our community through all stages of life. Policy 4.C.1.12 notes the City favours a land use pattern which mixes and disperses a full range of housing types and styles both across the city as a whole and within neighbourhoods. Policy 4.C.1.1 states that the City will maintain at all times the ability to accommodate residential growth for a minimum of ten years through residential intensification and redevelopment and, if necessary, lands which are designated and

available for residential development. The proposed land use designations and proposed zoning permit a range of housing options throughout the community.

Designated Greenfield Area

Policy 3.C.1.14.a) requires that a Designated Greenfield Area must be planned and developed to achieve a minimum average density of 55 residents and jobs combined per hectare on lands not subject to a plan of subdivision application as of June 16, 2006. As per policy 3.C.1.15, the achievement of the average density targets is planned through the development of the Rosenberg Secondary Plan. The proposed density of this community is a minimum of 53-62 residents and jobs combined per hectare based on the total build out of the lands.

Rosenberg Secondary Plan

Community structure elements and land use designations have not been approved for these lands in the Rosenberg Secondary Plan, which is part of the City's Official Plan. Through this application, the subject lands are proposed to be added to the Rosenberg Secondary Plan. These lands are part of a planned complete community where people can walk or cycle to school, shop, and work. This neighbourhood follows the "five minute walk principle" design and has been designed to be connected to the surrounding area, including the communities to the east which are approved and under construction.

The proposed applications conform to the objectives of the community structure elements in the Rosenberg Secondary Plan. In addition to the centrally located neighbourhood park, an Urban Green is proposed to ensure that public amenities are within a comfortable walk (around 5 minutes) for all residents.

An Urban Green is planned and required in accordance with the provisions of the Planning Act and the City's Parkland Dedication Policy. The Urban Green will be centrally located generally within the 5 minute walk model.

A variety of built form typologies are planned for this community, including single detached dwellings, duplexes, semi-detached dwellings, fronting and live-work townhouses. The Urban Green is planned for the gateway intersection and will feature a landscape design that is welcoming.

The Rosenberg community is home to a natural heritage system of Core Areas and Non-Core Areas including Provincially Significant Wetlands, Regionally Significant Core Environmental Features, Significant Habitat of Endangered or Threatened Species, Locally Significant Woodlands, Locally Significant Wetlands and Locally Significant Valleylands.

All development is required to implement the recommendations of the Alder Creek Watershed Study and Upper Strasburg Creek Subwatershed Plan Update (CH2MHILL, 2008), Strasburg Creek Master Watershed Plan (Paragon, 1991) and Implementation Report (City of Kitchener, 1996) and the Middle Strasburg Creek Environmental Implementation Statement (Stanley Consulting, 1997) as well as relevant documentation completed through the Southwest Urban Area Studies: Community Master Plan and Rosenberg Secondary Plan where appropriate.

The Region has confirmed that correspondence from Ministry of Northern Development, Mines, Natural Resources and Forestry (April 4, 2022) indicates the Ministry's acceptance of the status of the wetlands identified as W1, W2 and W4 in the Environmental Impact Study (EIS) as

Provincially Significant Wetlands, and as such, these areas are now considered to meet the Regional Official Plan (ROP) criteria for designation as Core Environmental Features.

Further, the Region's Environmental Planner confirmed that Wetland W4 is partially within the limits of Plan 30T-18201. The wetland (W4) is proposed to be protected and a 30 metre buffer has been applied to the wetland which is comprised of a 15 metre 'no touch' area directly adjacent to the wetland, and a 15 metre enhancement area outside of the no touch area. The wetland and the associated buffer also incorporate components of the Blanding's Turtle mitigation plan, which has been approved by the Ministry of the Environment, Conservation and Parks (MECP). Notwithstanding the inclusion of a portion of wetland W4 and associated Blanding's Turtle enhancement within this plan, Regional environmental staff withdraw their objection to this plan proceeding to draft approval based on confirmation from MECP that there are no concerns and/or anticipated mitigation measures required which will impact the proposed draft plan (30T-18201). The wetland identified as "W4" and the associated 30 metre buffer ("Open Space Block 33") located in the northern portion of the subject lands are proposed to be zoned as 'Natural Conservation Zone (NHC-1)' which prohibits development activities.

A portion of the lands within the Grand River Conservation Authority regulated limit. GRCA staff have undertaken a preliminary review of the applications and are supportive of draft approval and have provided draft approvals conditions which has been incorporated in Appendix 'A'. Regional and City Environmental Planning staff have reviewed the proposed plan of subdivision and have no concerns with the proposed applications and have provided draft approval conditions for further review at different stages (prior to grading, prior to registration).

Draft Plan of Subdivision 30T-18202 has been modified to include lands which are part of a registered archaeological site of cultural heritage value or interest (the "Locus B" Archaeological Site Avoidance and Protection Area, a Portion of Site AiHd-160) for which a Stage 4 Mitigation of Development Impacts is required (Archaeological Services Inc. 2022). The site is currently surrounded by active agricultural fields. Through the draft approval of Plan of Subdivision 30T-18202 and the related Official Plan Amendment and Zoning By-law Amendment applications, appropriate zoning will be applied that would prohibit any development on these lands, including limiting any activities that might alter the archaeological site in any way, either temporarily or permanently such as minor forms of soil disturbance, tree removal, minor landscaping, utilities installation, etc. As an interim measure, draft approval conditions are proposed to require fencing of the site to prevent any soil disturbance with earth moving associated with the subject lands.

Neighbourhoods in Rosenberg are planned to promote walkability, to create efficient and interconnected circulation routes, to achieve transit-supportive development, and to provide for a transportation network that is based on a modified grid pattern with short walkable blocks within 450 metres of transit service.

Rosenberg Way, Bandon Drive, and George Israel Street have (in the plan to the north) all been identified as potential transit routes. As such, all higher density and non-residential uses have been planned to front these streets to provide easy access to the public transportation system. Rosenberg Way is planned as a secondary bike route and primary priority street.

All lots will be serviced with municipal sanitary sewers and municipal water servicing in accordance with City standards. Engineering Services staff have confirmed that there is sufficient servicing capacity. Conditions of approval have been included to ensure that services are constructed at the appropriate timeframes.

SECTION 4 – THE AMENDMENT

1. The City of Kitchener Official Plan is hereby amended as follows:
 - a) Map 3 – Land Use - is amended by removing the lands shown shown attached as Schedule A and adding the subject lands within the Rosenberg Secondary Plan.
 - b) Part C, Section 13 – Secondary Plans, Map 22e – Land Use Plan is amended by incorporating the land use designation boundary changes described in Section 2 above and shown attached as Schedule B.

PROPOSED BY – LAW
_____ 2023
BY-LAW NUMBER ____

OF THE
CORPORATION OF THE CITY OF KITCHENER

(Being a by-law to amend By-law 85-1, as amended and By-law 2019-051,
as amended, known as the Zoning By-laws for the City of Kitchener
– 2079546 Ontario Limited)

WHEREAS it is deemed expedient to amend By-law 85-1 and By-law 2019-051 for the lands specified above;

NOW THEREFORE the Council of the Corporation of the City of Kitchener enacts as follows:

1. Schedule Numbers 51 and 63 of Appendix “A” to By-law Number 85-1 are hereby amended by removing the zoning applicable to the parcels of land specified and illustrated as Areas 1, 2, 4, 6, 8, and 10, in the City of Kitchener, attached hereto.

2. Zoning Grid Schedule Numbers 51 and 63 of Appendix “A” to By-law Number 2019-051 are hereby amended by adding thereto the lands specified and illustrated as Areas 1, 2, 4, 6, 8, and 10 on Map No. 1, in the City of Kitchener, attached hereto.

3. Zoning Grid Schedule Numbers 51 and 63 of Appendix “A” to By-Law Number 2019-051 are hereby amended by changing the zoning applicable to the parcels of land specified and illustrated as Area 1 on Map No. 1, in the City of Kitchener, attached hereto, from Agricultural Zone (A-1) under By-law 85-1 to Low Rise Residential Five Zone (RES-5) with Site Specific Provision (369) in By-law 2019-051.

4. Zoning Grid Schedule Numbers 51 of Appendix “A” to By-Law Number 2019-051 is hereby amended by changing the zoning applicable to the parcels of land specified and illustrated as Area 2 on Map No. 1, in the City of Kitchener, attached hereto, from Agricultural Zone (A-1) with Special Use Provision 69U under By-law

85-1 to Low Rise Residential Five Zone (RES-5) with Site Specific Provision (369) in By-law 2019-051.

5. Zoning Grid Schedule Numbers 51 and 63 of Appendix "A" to By-Law Number 2019-051 are hereby amended by changing the zoning applicable to the parcels of land specified and illustrated as Area 3 on Map No. 1, in the City of Kitchener, attached hereto, from Prime Agriculture Zone (AGR-1) under By-law 2019-051 to Low Rise Residential Five Zone (RES-5) with Site Specific Provision (369) in By-law 2019-051.
6. Zoning Grid Schedule Numbers 51 and 63 of Appendix "A" to By-Law Number 2019-051 are hereby amended by changing the zoning applicable to the parcels of land specified and illustrated as Area 4 on Map No. 1, in the City of Kitchener, attached hereto, from Agricultural Zone (A-1) under By-law 85-1 to Recreation Zone (OSR-1) in By-law 2019-051.
7. Zoning Grid Schedule Number 51 of Appendix "A" to By-Law Number 2019-051 is hereby amended by changing the zoning applicable to the parcels of land specified and illustrated as Area 5 on Map No. 1, in the City of Kitchener, attached hereto, from Prime Agriculture Zone (AGR-1) under By-law 2019-051 to Recreation Zone (OSR-1) in By-law 2019-051.
8. Zoning Grid Schedule Number 51 of Appendix "A" to By-Law Number 2019-051 is hereby amended by changing the zoning applicable to the parcels of land specified and illustrated as Area 6 on Map No. 1, in the City of Kitchener, attached hereto, from Agricultural Zone (A-1) under By-law 85-1 to Natural Conservation Zone (NHC-1) with Site Specific Provision (370) in By-law 2019-051.
9. Zoning Grid Schedule Number 51 of Appendix "A" to By-Law Number 2019-051 is hereby amended by changing the zoning applicable to the parcels of land specified and illustrated as Area 7 on Map No. 1, in the City of Kitchener, attached hereto, from Prime Agriculture Zone (AGR-1) under By-law 2019-051 to Natural Conservation Zone (NHC-1) with Site Specific Provision (370) in By-law 2019-051.

10. Zoning Grid Schedule Number 51 of Appendix “A” to By-Law Number 2019-051 is hereby amended by changing the zoning applicable to the parcels of land specified and illustrated as Area 8 on Map No. 1, in the City of Kitchener, attached hereto, from Agricultural Zone (A-1) under By-law 85-1 to Natural Conservation Zone (NHC-1) with Site Specific Provision (370) in By-law 2019-051.
11. Zoning Grid Schedule Number 51 of Appendix “A” to By-Law Number 2019-051 is hereby amended by changing the zoning applicable to the parcels of land specified and illustrated as Area 9 on Map No. 1, in the City of Kitchener, attached hereto, from Prime Agriculture Zone (AGR-1) under By-law 2019-051 to Natural Conservation Zone (NHC-1) in By-law 2019-051.
12. Zoning Grid Schedule Numbers 51 and 63 of Appendix “A” to By-Law Number 2019-051 are hereby amended by changing the zoning applicable to the parcels of land specified and illustrated as Area 10 on Map No. 1, in the City of Kitchener, attached hereto, from Agricultural Zone (A-1) under By-law 85-1 to Natural Conservation Zone (NHC-1) in By-law 2019-051.
13. Zoning Grid Schedule Numbers 51 and 63 of Appendix “A” to By-law 2019-051 are hereby further amended by incorporating additional zone boundaries as shown on Map No. 1 attached hereto.
14. Section 19 of By-law 2019-051 is hereby amended by adding Site Specific Provision (369) thereto as follows:

“(369). Notwithstanding Section 3, Section 4 and Section 7 of the By-law within the lands zoned Low Rise Residential Five Zone (RES-5) and shown as Areas 1, 2, and 3 and being affected by this subsection on Zoning Grid Schedule Numbers 51 and 63 of Appendix ‘A’, the following special regulations shall apply:

- i) In addition to the permitted uses listed in Table 7-1, the following uses shall also be permitted:

Dwelling, Live-Work Townhouse

- ii) For lands subject to this regulation:
“*Dwelling, Live-Work Townhouse*” means a Townhouse dwelling unit with dedicated non-residential ground floor uses.
“*Bay/Boxout Window Projections*” means a building projection with windows and/or door, with or without a foundation.
- iii) Stairs and access ramp may be permitted in the front yard or exterior side yard provided the minimum setback to the stair and access ramp encroachment is 0.6 metres from the street line.
- iv) Terraces, porches, balconies and decks may be located within a required *front yard* or exterior *side yard*, provided the terrace, porch or deck is set back a minimum of 2.0 metres from the front *lot line* and a minimum of 1.5 metres from the *side yard lot line* abutting a street, whether covered or not covered, and provided they are not enclosed and do not exceed 1.2 metres in height above finished grade level.
- v) Covered porches that are open on the first floor with or without railings and with or without living space above may encroach into the *driveway visibility triangle* to a maximum of 2.5 metres.
- vi) On a *corner lot*, an access driveway shall not be located closer than 4.5 metres to the intersection of street lines abutting the lot and shall permit the parking of *motor vehicles*.
- vii) “Bay/Boxout Window Projections” may encroach a maximum of 1.0 metre into a required *front yard, exterior side yard* and/or *rear yard*, provided that the building projection is not more than 4.0 metres wide.
- viii) The following regulations shall apply for *Single Detached Dwelling* and *Single Detached Dwelling with an Attached Dwelling Unit*.
 - a. The minimum *corner lot width* shall be 12.0 metres.

- b. The minimum *exterior side yard* shall be 3.0 metres.
 - c. The minimum *front yard* shall be 3.5 metres.
 - d. The minimum *rear yard* shall be 7.0 metres
 - e. The minimum *rear yard* shall be 3.0 metres for corner lot for a Single Detached Dwelling with one or two Attached Dwelling Units provided that not less than 50% of the corner lot is a minimum of 7.0 metres
 - f. The minimum *side yard* shall be 0.6 metres on one side and 1.2 metres on the other.
 - g. Porches may encroach into the side yard provided the minimum setback to side lot line is 0.6 metres.
 - h. The maximum *building height* shall be 12.5 metres.
 - i. The maximum *lot coverage* shall be a total of 60 percent, of which the habitable portion of the *dwelling units* shall not exceed 55 percent and the *accessory buildings* or *structures*, whether attached or detached, shall not exceed 15 percent.
- ix) The following regulations shall apply for Semi-Detached Dwellings:
- a. The minimum *exterior side yard* shall be 3.0 metres.
 - b. The minimum *front yard* shall be 3.5 metres.
 - c. The minimum *rear yard* shall be 7.0 metres.
 - d. The maximum *building height* shall be 12.5 metres.
 - e. The maximum gross lot coverage shall be 65 percent, of which the habitable portion of the *dwelling unit* shall not exceed 55 percent and the *accessory buildings* or *structures*, whether attached or detached, shall not exceed 15 percent.
- x) The following regulations shall apply for Street Townhouse Dwellings:
- a. The minimum *corner lot width* shall be 9.0 metres.
 - b. The minimum *exterior side yard* shall be 3.0 metres.
 - c. The minimum *front yard* shall be of 3.5 metres.
 - d. The minimum *interior side yard* shall be 0.6 metres.

- e. The minimum *rear yard* shall be 7.0 metres for each townhouse dwelling.
- f. The maximum *building height* shall be 15.0 metres and 3 storeys.
- g. The maximum lot coverage for Townhouse Dwellings shall be 65 percent, of which the habitable portion of the *dwelling unit* shall not exceed 55 percent and the *accessory buildings* or *structures*, whether attached or detached, shall not exceed 15 percent.
- h. The maximum number of attached units for Townhouse Dwellings shall be 8 *dwelling units*.”

15. Section 19 of By-law 2019-051 is hereby amended by adding Site Specific Provision (370) thereto as follows:

“(370). Notwithstanding Section 4 and Section 13 of the By-law within the lands zoned Natural Conservation Zone (NHC-1) and shown as Areas 5, 6, 7 and 8 being affected by this subsection on Zoning Grid Schedule Number 51 of Appendix ‘A’, the following special regulations shall apply:

- i) This site contains a registered archaeological site of cultural heritage value or interest (the “Locus B” Archaeological Site Avoidance and Protection Area, a Portion of Site AiHd-160) for which a Stage 4 Mitigation of Development Impacts is required (Archaeological Services Inc. 2022).
- ii) Site development or grade alteration, including any activities that might alter the archaeological site in any way, either temporarily or permanently such as minor forms of soil disturbance, tree removal, minor landscaping, utilities installation, preparing the site for agricultural activity including backfilling, ploughing and/or planting, site grading and site development of the proposed adjacent subdivision, and landscape restoration work, is strictly prohibited.”

16. This By-law shall become effective only if Official Plan Amendment No.____, (Mattamy - Kitchener Green) comes into effect, pursuant to Section 24(2) of The Planning Act, R.S.O. 1990, c. P.13, as amended.

PASSED at the Council Chambers in the City of Kitchener this _____day of _____, 2023

Mayor

Clerk

**ZONE GRID REFERENCE
SCHEDULE NO. 51 AND 63
OF APPENDIX 'A'
KITCHENER ZONING BY-LAW
85-1 AND 2019-051**

BY-LAW 85-1
A-1 AGRICULTURAL ZONE
I-1 NEIGHBOURHOOD
INSTITUTIONAL ZONE
P-2 OPEN SPACE ZONE
R-4 RESIDENTIAL FOUR ZONE

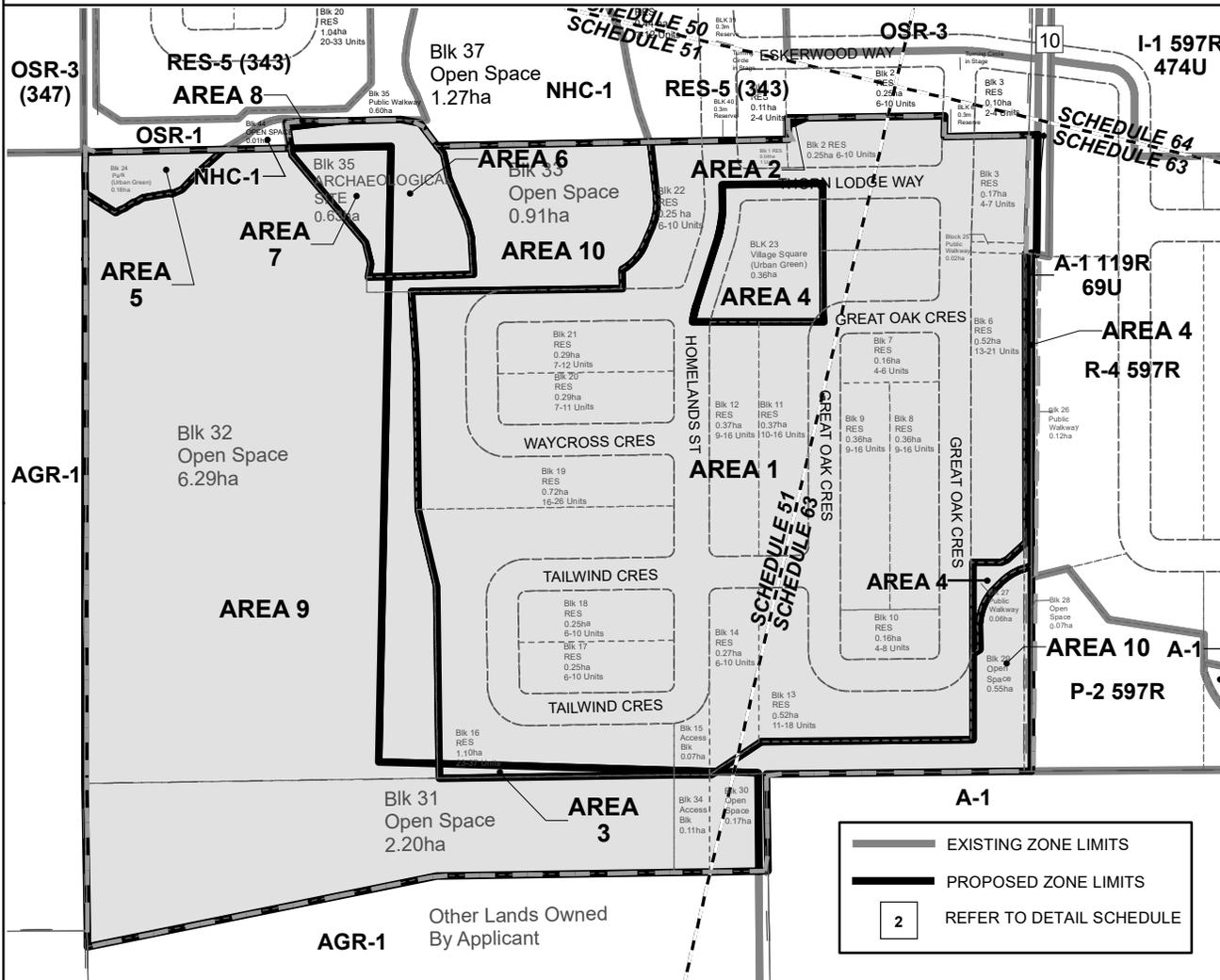
BY-LAW 2019-051
AGR-1 PRIME AGRICULTURE ZONE
OSR-1 RECREATION ZONE
OSR-3 OPEN SPACE: STORMWATER MANAGEMENT
NHC-1 NATURAL CONSERVATION ZONE
RES-5 LOW RISE RESIDENTIAL FIVE ZONE

 **SUBJECT AREA(S)**



AMENDMENT TO BY-LAW 85-1 AND 2019-051

- AREA 1 -**
FROM AGRICULTURAL ZONE (A-1) UNDER BY-LAW 85-1
TO LOW RISE RESIDENTIAL FIVE ZONE (RES-5)
WITH SITE SPECIFIC PROVISION (369)
UNDER BY-LAW 2019-051
- AREA 2 -**
FROM AGRICULTURAL ZONE (A-1)
WITH SPECIAL USE PROVISION 69U UNDER BY-LAW 85-1
TO LOW RISE RESIDENTIAL FIVE ZONE (RES-5)
WITH SITE SPECIFIC PROVISION (369)
UNDER BY-LAW 2019-051
- AREA 3 -**
FROM PRIME AGRICULTURE ZONE (AGR-1)
UNDER BY-LAW 2019-051
TO LOW RISE RESIDENTIAL FIVE ZONE (RES-5)
WITH SITE SPECIFIC PROVISION (369)
UNDER BY-LAW 2019-051
- AREA 4 -**
FROM AGRICULTURAL ZONE (A-1) UNDER BY-LAW 85-1
TO RECREATION ZONE (OSR-1) UNDER BY-LAW 2019-051
- AREA 5 -**
FROM PRIME AGRICULTURE ZONE (AGR-1)
UNDER BY-LAW 2019-051
TO RECREATION ZONE (OSR-1) UNDER BY-LAW 2019-051
- AREA 6 -**
FROM AGRICULTURAL ZONE (A-1) UNDER BY-LAW 85-1
TO NATURAL CONSERVATION ZONE (NHC-1)
WITH SITE SPECIFIC PROVISION (370)
UNDER BY-LAW 2019-051
- AREA 7 -**
FROM PRIME AGRICULTURE ZONE (AGR-1)
UNDER BY-LAW 2019-051
TO NATURAL CONSERVATION ZONE (NHC-1)
WITH SITE SPECIFIC PROVISION (370)
UNDER BY-LAW 2019-051
- AREA 8 -**
FROM AGRICULTURAL ZONE (A-1)
WITH SPECIAL USE PROVISION 69U UNDER BY-LAW 85-1
TO NATURAL CONSERVATION ZONE (NHC-1)
WITH SITE SPECIFIC PROVISION (370)
UNDER BY-LAW 2019-051
- AREA 9 -**
FROM PRIME AGRICULTURE ZONE (AGR-1)
UNDER BY-LAW 2019-051
TO NATURAL CONSERVATION ZONE (NHC-1)
UNDER BY-LAW 2019-051
- AREA 10 -**
FROM AGRICULTURAL ZONE (A-1) UNDER BY-LAW 85-1
TO NATURAL CONSERVATION ZONE (NHC-1)
UNDER BY-LAW 2019-051



MAP NO. 1

2079546 ONTARIO LIMITED

TRACT GERMAN COMPANY
PT LT 141 PT LT 142 PT LT 143



SCALE 1:4,000

MAY 23, 2023

ZONING BY-LAW AMENDMENT ZBA18/007/B/GS

SUBDIVISION APPLICATION 30T-18202

OFFICIAL PLAN AMENDMENT OPA18/006/B/GS

City of Kitchener

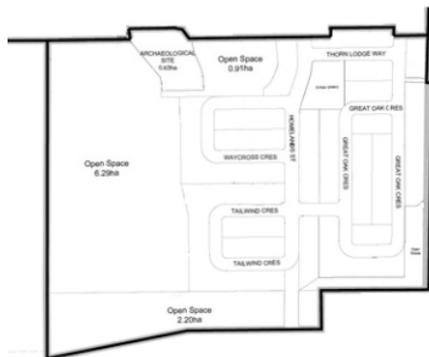
DEVELOPMENT SERVICES DEPARTMENT, PLANNING

FILE:
ZBA18007BGS_
MAP1.mxd

NOTICE OF PUBLIC MEETING

for a development in your neighbourhood

Bleams Road & Gehl Place



Proposed Subdivision



277
Dwelling
Units



Urban
Green



Open
Space

Have Your Voice Heard!

Planning & Strategic Initiatives Committee

Date: **June 19, 2023**

Location: **Council Chambers,
Kitchener City Hall
200 King Street West
or Virtual Zoom Meeting**

Go to **kitchener.ca/meetings**
and select:

- Current agendas and reports
(posted 10 days before meeting)
- Appear as a delegation
- Watch a meeting

To learn more about this project, including
information on your appeal rights, visit:

**[www.kitchener.ca/
PlanningApplications](https://www.kitchener.ca/PlanningApplications)**

or contact:

Garett Stevenson, Interim Director
garett.stevenson@kitchener.ca
519.741.2200 x7070

The City of Kitchener will consider applications for a Plan of Subdivision, Official Plan Amendment, and Zoning By-law Amendment for the lands to be developed with a residential subdivision with up to 277 low rise dwelling units, an urban green, as well as open space and walkway blocks.

Date: December 27, 2018
To: Garett Stevenson, Planner
From: Brandon Sloan, Manager of Long Range Planning & Policy Planning
Dayna Edwards, Senior Planner (Urban Design)
Subject: Draft Plan of Subdivision 30T-18201
Official Plan Amendment OP 18/005&006/B/GS
Zoning By-law Amendment ZC/006&007/B/GS
Bleams Road and Gehl Place
Kitchener Green Ltd. & 2079546 Ontario Inc.

The Long Range and Policy Planning Section has received the circulation of a Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment Applications for the development of the subject lands within the west side of the Rosenberg Secondary Plan for a range of land use and dwelling types. We provide the following comments for your consideration.

Planning Policy and Kitchener Official Plan

The synopsis and assessment of Planning Policy provided in section 5 of the Planning Report, prepared by SGL is quite helpful to address consistency and conformity. *Policy staff are currently reviewing the items in more detail and would appreciate any comments that Regional planning staff and the file planner have in this regard.*

Proposed Official Plan Amendments #1 and #2

This includes the more recent addition to the City Urban Area through the Region of Waterloo Official Plan process. The new area requires amendments to base maps in the Official Plan (Maps 2, 3 and possibly others) and each of the Secondary Plan maps. *Policy staff are currently reviewing the items identified in the application, specifically Section 3.4 and Appendix A of the Planning Report in more detail and will provide additional comments under separate cover. Assistance can be provided with respect to the detailed wording of the formal Amendment(s) when preparing them for Council consideration.*

Rosenberg Secondary Plan

Planning Policy staff appreciate that the Planning Report addresses conformity with the various elements of the Secondary Plan. On cursory review, it would appear that the major topic elements are included within the analysis which is satisfactory to achieve the terms of the study for our review. *Policy staff are currently reviewing the items in more detail and will provide additional comments under separate cover.* Some initial comments include:

- Map 22a should be updated to reflect the proposed slight revision to the 5-min neighbourhood walk. The proposal could be an improvement from the original plan and has the potential to create a good sense of place and community gathering spaces
- We appreciate that the Urban Greens are proposed in roughly the locations indicated on the Community Structure Plan
- Bleams/Isaiah Dr is a Neighbourhood Gateway and Isaiah Dr and Rosenberg Way are both Priority Streets. As such, they would have some urban design attention and emphasis to enhance sense of place and walkability, typically via conditions of approval and a Streetscape Plan. Zoning details may need to be considered along those locations as well.

- There is the potential for a great Type 1 Multi-Use Pathway network and its connection with Rosenberg Way. Further details should be considered for design and implementation via appropriate staff and conditions of approval.
- Several amendments would be required for the Land Use Plan. A Neighbourhood Institutional site should be identified (in addition to the one school site).
- The details of the proposed changes to the water management area(s) and SWM facilities will need to be confirmed prior to be reflected on the Land Use Plan and Map 22f.

Density

The location is within the uncommitted portion of the City's Designated Greenfield Area. The lands that are currently within the Rosenberg Secondary Plan were collectively planned to achieve 74 persons and jobs per hectare based on the approved land use plan and in effect methodology at the time. The portion of lands within that plan would need to be compared to the approved land use and any adjustments made. The implementing zoning would help ensure that the blocks and area is planned to help achieve the overall density. The new lands are not part of an approved Secondary Plan and may require consideration of the new Growth Plan (2017) targets. These have not been allocated at the regional/city scale at this time.

Policy staff are currently reviewing the items in more detail, specifically section 3.2 of the Planning Report, and will provide additional comments under separate cover. Additional input from Regional staff and discussion with the file planner and applicant may be required.

Kitchener Growth Management Plan

The subject locations are identified as 'Priority B' within the Kitchener Growth Management Plan 2017-2019 (IDs # 1133-136). These applications would help towards the completion of the Rosenberg community. We appreciate the efforts of the applicant to work with City staff on the appropriate timing of these lands within the overall Kitchener program for managing growth and staff resource priorities. Pending the detailed review of the applications, issue resolution, and any competing 'Priority A' items, it would be appropriate to move forward with the file in 2019.

New Zoning By-law (CRoZBy)

The City's Comprehensive Review of the Zoning By-law (CRoZBy) project is well underway to update the By-law and implement the new Official Plan. A Statutory Public Meeting was held in 2018 for the non-residential sections and a draft was released of the residential sections. It is expected that Council will make a decision on these in 2019. Should that occur prior to these applications being considered, the new zoning codes/types could be utilized for this location and modified as appropriate for the context.

Urban Design

Urban design policies are intended to address the visual character, aesthetics and compatibility of land use including heritage features. The objective of Urban Design policies is to create a sense of place, pedestrian friendly street networks and streetscapes and access to public transit and public amenities, such as parks and open spaces.

Part B: Urban Design Briefs – Sections 4.2, 6 and 7 of the Urban Design Manual provides design and development expectations for new development located in suburban neighbourhoods.

The following urban design comments pertain the information contained within the Urban Design Report and the community masterplan as presented:

- Development located along Bleams Road should address both Bleams Road and the internal streets in terms of variation and excellence in building design, materials, style and colour.
- The mixed use blocks along Isiah Drive should have ground oriented retail addressing the pedestrian realm with a high quality streetscape design.
- Some lots are not proposed to front on Rosenberg Way. Corner lots should focus their primary frontage towards the higher order street. All corner lots should treat both the side and front facades and highly articulated and well-design primary frontages.
- To increase vehicular and pedestrian connect and to have lots fronting on the open space, a roadway should be extended across the frontage of the open space shown below:
- Rosenberg Way and Isiah Drive are both identified as priority streets in the Secondary Plan. A streetscape plan for these streets should be provided as a condition of approval.
- Mid-block connections should be employed through longer block particularly where alignment with open space occurs.



The following urban design policies are provided for future reference when proceeding with detailed design:

- Buildings at priority lot locations such as gateways, along major roads, corner sites, heritage areas, park views or at terminating vistas should be designed as landmarks, with architectural innovation and quality urban design that reflects the community character.
- Variation and excellence in building design, including architectural features, building materials, style, colour and other individual design elements, will be expected for each block of land and will be reviewed through development applications and building elevations.
- Where possible, corner lots shall have their primary frontage oriented towards the higher-order street.
- A mix of lot frontage along all street blocks will be encouraged. Small lot frontages are best located in close proximity to neighbourhood park spaces. Long blocks of similar lot frontages and/or concentrations of small lot frontages in any area of the Rosenberg Community will be discouraged.
- The use of public and/or private rear lanes should be considered in order to meet planning objectives for streetscape, built form, on-street parking and reduce conflicts between multi-use pathways, driveways and transit.

Sustainability Measures

The applicant should strive to incorporate transportation demand management, energy, water and waste conservation measures along with other sustainable development elements within the new subdivision area. *Policy staff* are reviewing the applicable section of the Planning Report (page 57) and will provide more detailed comments under separate cover for this topic and any potential conditions of approval.

Conditions of Approval

Following more detailed review and discussion, any further recommendations and potential conditions of approval can be provided to the file planner.

Please let us know if you have any questions pertaining to these comments.

B. Sloan

Brandon Sloan, BES, MCIP, RPP
Manager, Long Range & Policy Planning
P: 519-741-2200 ext. 7648
E: brandon.sloan@kitchener.ca

Dayna Edwards

Dayna Edwards, M.PL, MCIP, RPP
Senior Planner (Urban Design)
P: 519-741-2200 ext. 7324
E: dayna.edwards@kitchener.ca

Date: November 2, 2018
To: Garrett Stevenson, Planner
From: Victoria Grohn, Heritage Planner
cc:
Subject: Draft Plan of Subdivision Application 30T-18202
Official Plan Amendment Application OP18/006/G/GS
Zoning By-law Amendment ZBA18/007/G/GS
161 Gehl Place "Application 2"
Kitchener Green Ltd. & 2079546 Ontario Inc.

Heritage Planning staff have reviewed the supporting information relating to the draft plan of subdivision, official plan amendment, and zone change applications for 161 Gehl Place.

The subject property is not listed or designated under the Ontario Heritage Act. The subject property, 161 Gehl Place, is located adjacent to 236 Gehl Place, which is listed as a non-designated property of cultural heritage value or interest on the City's Municipal Heritage Register.

Section 2 of the Planning Act indicates that Council shall have regard to matters of Provincial interest such as the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest. In addition, Section 3 of the Planning Act requires that decisions of Council shall be consistent with the Provincial Policy Statement (PPS).

Section 2.6 of the PPS indicates that "*significant built heritage resources and significant cultural heritage landscapes shall be conserved.*"

At the June 12, 2017 Pre-Submission Consultation meeting, Heritage Planning staff requested clarification as to how access to the cultural heritage resource at 236 Gehl Place would be maintained in both the short- and long-term, given that appropriate access is important to ensure a range of conservation options are available for the cultural heritage resource at 236 Gehl Place. It does not appear that this has been addressed in the draft plan or Planning Report submitted as part of this application. Heritage Planning staff request that the access to 236 Gehl Place be addressed.

Garett Stevenson

From: Faranak Hosseini
Sent: Monday, November 5, 2018 4:20 PM
To: Garett Stevenson
Subject: Draft Plan of Subdivision Application 30T-18201 - Transportation Services Comments

Hi Garret,

Please find below the Transportation Services comments regarding the Draft Plan of Subdivision Application 30T-18201.

1. Traffic circles should be provided at the intersections of George Israel Street and Rosenberg Way, and Street L and Rosenberg Way.
2. Bike lanes should be provided on Rosenberg Way and Isiah Drive.
3. A traffic circle or a raised all-way stop controlled intersection should be provided at the intersection of Rosenberg Way and Isaiah Drive. Further discussions with the School Board is required to determine the control type at this intersection.

Please let me know if you have any questions.

Regards,

Faranak Hosseini, E.I.T., M.A.Sc.

Traffic Planning Analyst | Transportation Services | City of Kitchener
519-741-2200 ext 7665 (o) | TTY 1-866-969-9994 | faranak.hosseini@kitchener.ca

Garett Stevenson

From: Faranak Hosseini
Sent: Wednesday, November 7, 2018 10:46 AM
To: Garett Stevenson
Subject: RE: Draft Plan of Subdivision Application 30T-18201 - Transportation Services Comments

Hi Garett,

Please find below my revised comments.

1. Traffic circles should be provided at the intersections of George Israel Street and Rosenberg Way, and Street L and Rosenberg Way.
2. Bike lanes should be provided on Rosenberg Way and Isiah Drive.
3. A traffic circle or a raised all-way stop controlled intersection should be provided at the intersection of Rosenberg Way and Isaiah Drive. Further discussions with the School Board is required to determine the control type at this intersection.
4. An on-street parking plan is required.
5. Special zoning regulations comments: Please see my comments in **red** below.

Porches

- Stairs and access ramps may encroach into a required front yard or side yard abutting a street, provided the minimum setback to the encroachment is 1.0 metres from the street line.
- Any porch is located in a driveway visibility triangle, the porch shall not exceed 0.9 metres in height above finished grade, and railings shall be constructed in a manner and of materials that do not obstruct visibility.
- On a corner lot, an access driveway shall not be located closer than 6.0 metres for corner lots with frontage on a Major Community Collector Street, Local Street, or Minor Neighbourhood Collector Street.

On a corner lot, an access driveway shall not be located closer than 7.0 metres for corner lots with frontage on a Major Community Collector Street or Minor Neighbourhood Collector Street.

Single Detached and Duplex Dwelling

- Minimum Front Yard Setback – 3.5 metres, except no part of any building used to accommodate off-street parking shall be located closer than 5.7 metres to a street line.

No part of any building used to accommodate off-street parking shall be located closer than 6.0 metres to a street line.

Semi-Detached Dwelling:

- Minimum Front Yard and Minimum Side Yard Abutting a Street – 3.0 metres, except no part of any building used to accommodate off-street parking shall be located closer than 5.7 metres to the street line.

No part of any building used to accommodate off-street parking shall be located closer than 6.0 metres to a street line.

Street-Fronting Townhouse Dwelling

- Minimum Front Yard Setback – 3.5 metres, except no part of any building used to accommodate off-street parking shall be located closer than 5.7 metres to a street line.
- Minimum Side Yard Abutting a Street – 3.0 metres, except no part of any building used to accommodate off-street parking shall be located closer than 5.7 metres to a street line, where an access driveway crosses the side lot line and leads to the space inside the garage.

No part of any building used to accommodate off-street parking shall be located closer than 6.0 metres to a street line.

Multiple Dwellings

- Parking shall be provided at a rate of 1.25 spaces per unit
- Off-street parking may not be located between any building façade and the streetline

A parking justification study is required.

For Garage Townhouse Dwelling (rear lane/road access with frontage on a street)

- Minimum Rear Yard - 2.0 metres, except no part of any building used to accommodate off-street parking shall be located closer than 5.7 metres to the rear lot line
- Minimum access to driveway on corner lot at local street – 4.5 metres

No part of any building used to accommodate off-street parking shall be located closer than 6.0 metres to the rear lot line.

For Back-to-Back Townhouse Dwelling

- Minimum Front Yard – 2.0 - 3.0 metres, except no part of any building used to accommodate off-street parking shall be located closer than 5.7 metres to the front lot line.

No part of any building used to accommodate off-street parking shall be located closer than 6.0 metres to the front lot line.

Please let me know if you have any questions.

Regards,

Faranak Hosseini, E.I.T., M.A.Sc.

Traffic Planning Analyst | Transportation Services | City of Kitchener
519-741-2200 ext 7665 (o) | TTY 1-866-969-9994 | faranak.hosseini@kitchener.ca

From: Garrett Stevenson

Sent: Monday, November 05, 2018 4:35 PM

To: Faranak Hosseini <Faranak.Hosseini@kitchener.ca>

Subject: RE: Draft Plan of Subdivision Application 30T-18201 - Transportation Services Comments

Hi Faranak,

Do you have any comments on the proposed new configuration of Rosenberg Way?

Any Transportation comments on the proposed special zoning regulation proposed?

Porches

- Stairs and access ramps may encroach into a required front yard or side yard abutting a street, provided the minimum setback to the encroachment is 1.0 metres from the street line.
- Any porch is located in a driveway visibility triangle, the porch shall not exceed 0.9 metres in height above finished grade, and railings shall be constructed in a manner and of materials that do not obstruct visibility.

Faranak Hosseini, E.I.T., M.A.Sc.

Traffic Planning Analyst | Transportation Services | City of Kitchener
519-741-2200 ext 7665 (o) | TTY 1-866-969-9994 | faranak.hosseini@kitchener.ca

Internal memo

Development Services Department



www.kitchener.ca

Date: May 23, 2019
To: Garrett Stevenson
From: Jason Brûlé
cc: Linda Cooper
Subject: Draft Plan of Subdivision Applications 30T-18201 & 30T-18202
Zone Change Applications ZBA18/006/B/GS & ZBA18/007/G/GS
Official Plan Amendment Applications OP18/005/B/GS & OP18/006/G/GS
Owner: Mattamy Development Corporation
Site Address: 1801 & 1873 Bleams Road and 161 Gehl Place

Prior to Draft Approval:

1. Temporary turning circles need to be contained wholly within the stage of the subdivision in which they are servicing (can't be located in an adjacent future stage) and further to that they must also be within the same subdivision. Please revise the draft plans to show the temp turning circles for stage 6 of 30T-18201 wholly contained within 30T-18201.
2. The southerly limit of Street X in draft plan 30T-18201 and continuing into draft plan 30T-18202 indicates that the road right-of-way (including the traveled portion of the road) is within the 30m setback from the wetland. This should be revised so that the right-of-way is outside the wetland setback.
3. Coordination needs to be achieved between "Street M" in 30T-18201 and "Stamson Street" in 30T-14201 for servicing and overland flow routing.
4. Note that the City of Kitchener's Infiltration value for sanitary sewers is 0.15L/s/ha and not the 0.25L/s/ha as identified on the design sheet. Please revise for detailed engineering submission post draft approval.

Conditions of Draft Plan Approval:

Prior to Grading:

1. The SUBDIVIDER agrees that prior to grading, servicing or registration, of all or any part of the plan of subdivision or the conveyance of easements to extend sanitary and/or storm sewers through the subdivision, that the SUBDIVIDER shall complete a Record of Site Condition (RSC) for all the lands in accordance with Ontario Regulation 153/04 and the RSC shall be acknowledged by the Ministry of the Environment, Conservation and Parks (MECP). Prior to submitting the RSC and the commencement of area grading for the subdivision; site alteration, materials management, filling and preliminary grading will be permitted provided these activities comply with a materials management plan to be approved by the Region's Commissioner of Planning, Development and Legislative Services and a preliminary grading plan to be approved by the CITY'S Director of Engineering Services in consultation with the Ministry of Natural Resources and Forestry

(MNR&F) or any Provincial success or thereof. The SUBDIVIDER further agrees the preliminary grading plan and implementation of same will ensure drainage through lands to the east does not exceed pre-development drainage flows.

2. The SUBDIVIDER agrees to implement the Erosion Threshold Analysis and specifically Model 4 prepared by Stantec Inc. dated April 7, 2015 including implementation of the unitary release rate of 1.1 litres per second per hectare which is assigned to Area 2 and 3 of the Rosenberg Secondary Planning Area on a proportionate gross area basis, to the satisfaction of the CITY'S Director of Engineering Services in consultation with the GRCA.
3. The SUBDIVIDER agrees to implement a detailed "pre-construction" monitoring program. The monitoring program is to be approved by the CITY'S Director of Engineering Services in consultation with the CITY'S Director of Planning, the Grand River Conservation Authority and the Regional Municipality of Waterloo. The "pre-construction" monitoring program will document current groundwater infiltration conditions, and will be used to provide baseline information to compare conditions through the "during" and "post" construction monitoring periods.
4. The SUBDIVIDER agrees to submit, obtain approval of and implement a detailed "during development" monitoring and response program. The program is to be approved by the CITY'S Director of Engineering Services in consultation with the Grand River Conservation Authority and the Regional Municipality of Waterloo. The purpose of the "during development" monitoring program is to ensure that the groundwater infiltration measures satisfy pre-development infiltration targets specified in the Alder Creek Watershed and Upper Strasburg Creek Subwatershed Update CH2MHILL, 2008 report as well as the South west Urban Area Study, Comprehensive Storm Water Management Strategy Prepared by AMEC (June 22, 2011 as revised July 18, 2011) and that Chloride Impact assessments meet the Reasonable Use Criteria of the Alder Creek Watershed and Upper Strasburg Creek Subwatershed Update CH2MHILL, 2008 report as approved. The "during development" monitoring program is to extend until 95% build out of the subdivision.
5. The SUBDIVIDER agrees to submit, obtain approval of, and implement a detailed "post development" monitoring program in accordance with the Comprehensive Storm Water Management Strategy Prepared by AMEC (June 22, 2011 as revised July 18, 2011) and the Alder Creek Watershed and Upper Strasburg Creek Subwatershed Update CH2MHILL, 2008 report as approved. The purpose of the "post development" monitoring program is to ensure that the stormwater management facility continues to satisfy the current pre-development conditions for infiltration and to identify any specific additional requirements that may be necessary to monitor, including but not limited to: infiltration rates for quantity and quality and chloride impact assessments. The "post development" monitoring program will extend for 2 years after 95% build out of the subdivision all to the satisfaction of the CITY'S Director of Engineering Services in consultation with the GRCA and the Regional Municipality of Waterloo.
6. The SUBDIVIDER further agrees to implement any remedial action deemed necessary (including additional monitoring) for 2 additional years should chloride levels exceed the Reasonable Use Criteria of Alder Creek Watershed and Upper Strasburg Creek

Subwatershed Update CH2MHILL, 2008 report as approved, as a result of the aforementioned monitoring program at their sole expense to the satisfaction of the CITY'S Director of Engineering Services in consultation with the GRCA and the Regional Municipality of Waterloo.

7. The SUBDIVIDER agrees that the Middle Strasburg Creek Flood Control Environmental Assessment (EA) shall be completed prior to area grading and further that the recommendations of the EA, including the construction and location of the culvert be implemented in accordance with the EA and completed prior to area grading all to the satisfaction of the Director of Engineering Services and the Grand River Conservation Authority. The City is 100% responsible for the cost of these works. If sufficient money is not allocated from the appropriate CITY Development Charge Account(s) to permit the CITY to fund these works or the works are not a Development Charge eligible expense and the SUBDIVIDER wishes to proceed, the SUBDIVIDER agrees to provide and up-front the cost of these works.

Should these works become a Development Charge eligible expense, the CITY agrees to recognize any monies paid by the SUBDIVIDER for any works or services normally paid out of the CITY'S Development Charge Account with such monies to be refunded or to be recognized as a credit towards any CITY Development Charge payable for each lot or block only within the registered plan in accordance with the applicable CITY Development Charge By-law and Policies in effect at the time the monies are paid by the SUBDIVIDER or the works become a Development Charge eligible expense, whichever shall be later.

If the registration of the plan is staged, a Supplementary Agreement identifying each lot or block for which credits are payable shall be registered for each stage prior to the registration of each stage of the plan of subdivision, until there is no outstanding balance remaining.

When no outstanding credit balance remains, then the Development Charges will be paid in the normal manner in accordance with the CITY'S By-law.

If, following the registration of the entire plan of subdivision and issuance of all building permits, there is any outstanding credit balance, it shall remain with the lands to be used as a credit for future development, or alternatively, the CITY may enter into an agreement with the SUBDIVIDER, under Section 40 of the Development Charges Act, to enable the transfer of Development Charge credits to other benefiting lands within the community, subject to satisfactory arrangements being made between all parties.

8. The SUBDIVIDER agrees to coordinate grading with adjacent lands to the east to ensure gradual transition grades between plans to the satisfaction of the Director of Engineering Services. The SUBDIVIDER agrees to prepare a grading plan for the subject lands that considers the current environmental and ground water constraints, recognizes and follows the requirements as set out in the minutes of settlement from the OMB hearing, and further the approval requirements of the City of Kitchener, GRCA, MNR&F, and Region of Waterloo. The SUBDIVIDER is responsible to match existing grades at the shared property line. Any changes to the grades at the shared property line shall be subject to the satisfaction of the Director of Engineering.

9. Approval is required by Hydro for any work within the Hydro corridor.
10. Noise warning clauses are required on title of lots in accordance with the Preliminary Environmental Noise Assessment, MTE Consultants Inc., July 6, 2018. Further, a final Environmental Noise Assessment Report is required prior to grading approval.
11. Detailed Geotechnical/Hydrogeological Investigation Report must be submitted to the City for review. This report must distinguish the suitability of soils to support the infiltration of roof water.

Prior to Servicing:

1. All public right-of-ways and all services shall be designed and constructed to the standards specified in the most current City of Kitchener Standards, Development Manual, Regional Standards and other applicable Provincial Standards to the satisfaction of the Director of Engineering.
2. A detailed water servicing report is required to review the extent of lands that can be serviced by municipal water distribution network. A copy of this report should be directed to Engineering, Region of Waterloo and Utilities Division for approval.
3. Prior to Servicing or Registration which ever shall occur first, The SUBDIVIDER agrees to retain a qualified Engineering Consultant who shall prepare a detailed engineering design and report for stormwater management in accordance with the Comprehensive Stormwater Management Strategy for the South West Urban Area prepared in June 2011 by AMEC, the Alder Creek Watershed and Upper Strasburg Creek Subwatershed Update by CH2MHILL in 2008 (which accommodates a 2.0 cubic/metres/second flow from Area 2 lands, of which flow rates assigned to subdivision 30T-18201 shall be in accordance with Table 1, Schedule C of the Minutes of Settlement dated August 17, 2015) and the City of Kitchener Integrated Stormwater Management Master Plan (ISWM-MP) volume retention policy (the most stringent policy will apply) to the satisfaction of the City's Director of Engineering Services in consultation with the Director of Operations, the Region of Waterloo and the Grand River Conservation Authority.

In addition, the SUBDIVIDER shall have landscape plans for the stormwater management facilities prepared by a Landscape Architect to the satisfaction of the CITY'S Director of Parks and Cemeteries and the CITY'S Director of Engineering Services. The approved engineering design for Storm Water Management will include a maintenance program for a period of 2 years post 95% build out of the subdivision, which will ensure stormwater management facilities function as designed to the satisfaction of the CITY'S Director of Engineering. Any redesign and remediation required for the stormwater management facilities to achieve their required targets shall be at the sole expense of the SUBDIVIDER all to the satisfaction of the CITY'S Director of Engineering Services.

4. The SUBDIVIDER agrees that prior to servicing or registration, whichever shall occur first, to submit, obtain approval of and implement a detailed groundwater and surface

water monitoring program to evaluate the performance of end of pipe infiltration facilities (including pre-construction and post-construction phases) and to identify if the required water balance is met (as identified in the Alder Creek Watershed Study (2007) and the Alder Creek Watershed and Upper Strasburg Creek Subwatershed Update – CH2MHILL, West Urban Area prepared by AMEC (June 22, 2011 revised July 18, 2011), to the satisfaction of the CITY'S Director of Engineering Services in consultation with the Regional Municipality of Waterloo and the Grand River Conservation Authority. Further, the SUBDIVIDER agrees to implement the approved monitoring program and complete any redesign and/or remediation to achieve the required targets at the sole expense of the SUBDIVIDER all to the satisfaction of the CITY'S Director of Engineering Services.

5. The SUBDIVIDER agrees that prior to servicing stormwater management facilities will be designed to achieve the unitary release rate of 1.1 litres per second per gross hectare in accordance with Model 4 of the Erosion Threshold Analysis prepared by Stantec Inc. dated April 7, 2015, to the satisfaction of the CITY'S Director of Engineering Services in consultation with the Grand River Conservation Authority.
6. Where major overland flow routes are not on municipally owned lands, the owner must deed to the City a minimum 6.0 m wide drainage corridor.
7. Lot level infiltration galleries are required to the satisfaction of the Director of Engineering.
8. All SWM systems including infiltration requirements must meet City of Kitchener design standards and applicable Regional, GRCA and Provincial standards. A 20% oversizing of infiltration measures must be incorporated in the design.
9. Prior to Servicing of each stage requiring new stormwater management facilities, including stormwater management ponds, infiltration galleries and other related appurtenances, the SUBDIVIDER shall provide a letter of credit based on 60% of the estimated cost of the approved infiltration facilities to the satisfaction of the CITY'S Director of Engineering Services.

The Letter of Credit will be released two years after 95% of the buildout of subdivision is stabilized (meaning buildings are constructed and lot/blocks are sodded/vegetated) and the SUBDIVIDER's consulting engineer has certified the infiltration facilities are functioning as intended and approved to the satisfaction of the CITY'S Director of Engineering Services.

10. The SUBDIVIDER agrees that prior to servicing the extension of the Middle Strasburg Trunk Sanitary Sewer is required to service this plan of subdivision and shall be in accordance with the Middle Strasburg Trunk Sewer EA or any addendum thereto to the satisfaction of the CITY'S Director of Engineering Services. It is acknowledged that these works, including design expenses, are included in the City's Development Charge By-law 99-106, as amended, and the City shall be responsible for 100% of the cost of these works.
11. The SUBDIVIDER agrees that prior to servicing or registration, whichever occurs first, to provide detailed sanitary sewer design and to make arrangements satisfactory to the

CITY'S Director of Engineering Services for a sanitary sewer connection to the Middle Strasburg Trunk Sanitary Sewer. The SUBDIVIDER further agrees that where any upgrades are required to any local sewers required to connect these lands to the trunk sewer will be at the sole expense of the SUBDIVIDER.

Prior to Registration:

1. That prior to final approval, the owner enter into an agreement with the City of Kitchener to ensure that the water balance completed to date be updated with the "as-built" infiltration gallery data (based on suitability of soils encountered during construction) and that this data be reported to the Region of Waterloo in the event that a ground water deficit results and mitigation measures may be required to maintain the existing water balance. Monitoring reports for the infiltration in the groundwater recharge areas are required for 2 years post development of the subdivision to ensure the water balance is being achieved.
2. That the SUBDIVIDER enter into an agreement with the City of Kitchener which shall be registered on the title of lots with retaining walls immediately upon registration of the subdivision. Said agreement shall implement the following clause with respect to the retaining wall located on these lots and must be included in all offers of purchase/sale and tenancy agreements:

"Purchasers/tenants are advised that a retaining wall is located on this property. The owner of this property also owns his/her section of the retaining wall. The retaining wall is not in public ownership. Monitoring, maintenance, inspection, repair and replacement of this retaining wall, including any associated costs, are the sole responsibility of the property owner. The City of Kitchener is in no way responsible for this retaining wall. Should this retaining wall fail, it is the property owner's responsibility to repair or replace his/her section of the wall, at his/her cost.

In addition, the zoning for this property prohibits the placement or construction of dwellings, sheds, containers, detached garages, accessory buildings, indoor pools, outdoor pools, and any other building or structure and storage and parking of vehicles, trailers, major recreational equipment within the area as shown in Property Detail Schedule No. 36 of the City's Zoning By-law. The purpose of this requirement is to maintain the integrity of the retaining wall."

Jason Brûlé, C.E.T.
Interim Project Manager

S:\General\03-03-544 Subdivision Files\30Ts - 58M\30T-18201 & 30T-18202 Mattamy Rosenberg\Draft Plan\Correspondence\30T-18201 and 30T-18202 Draft Plan Circulation Comments.doc

Garett Stevenson

From: Jason Brule <Jason.Brule@kitchener.ca>
Sent: Monday, March 16, 2020 2:16 PM
To: Garett Stevenson
Cc: Chris Nechacov
Subject: RE: Message from Jason Brule (7419)

Hi Garett,

I have been speaking with Chris from SWM (copied) about this. We are both in support of it so long as there is an agreement in place between the City/Developer/School Board concerning it all like we spoke about last week. We would both like to be circulated when it comes time to draft the agreement if possible.

I think that gets you to where you need to be currently? Let me know if there is anything else you need from us in the interim.

Regards,

Jason Brûlé, C.E.T.
519-741-2200 ext.7419

From: Garett Stevenson <Garett.Stevenson@kitchener.ca>
Sent: Thursday, March 12, 2020 3:58 PM
To: Jason Brule <Jason.Brule@kitchener.ca>
Subject: RE: Message from Jason Brule (7419)

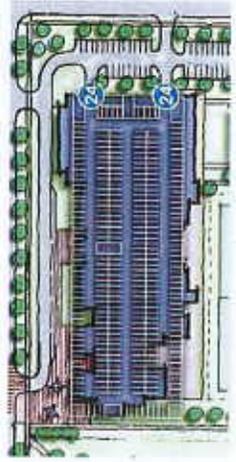
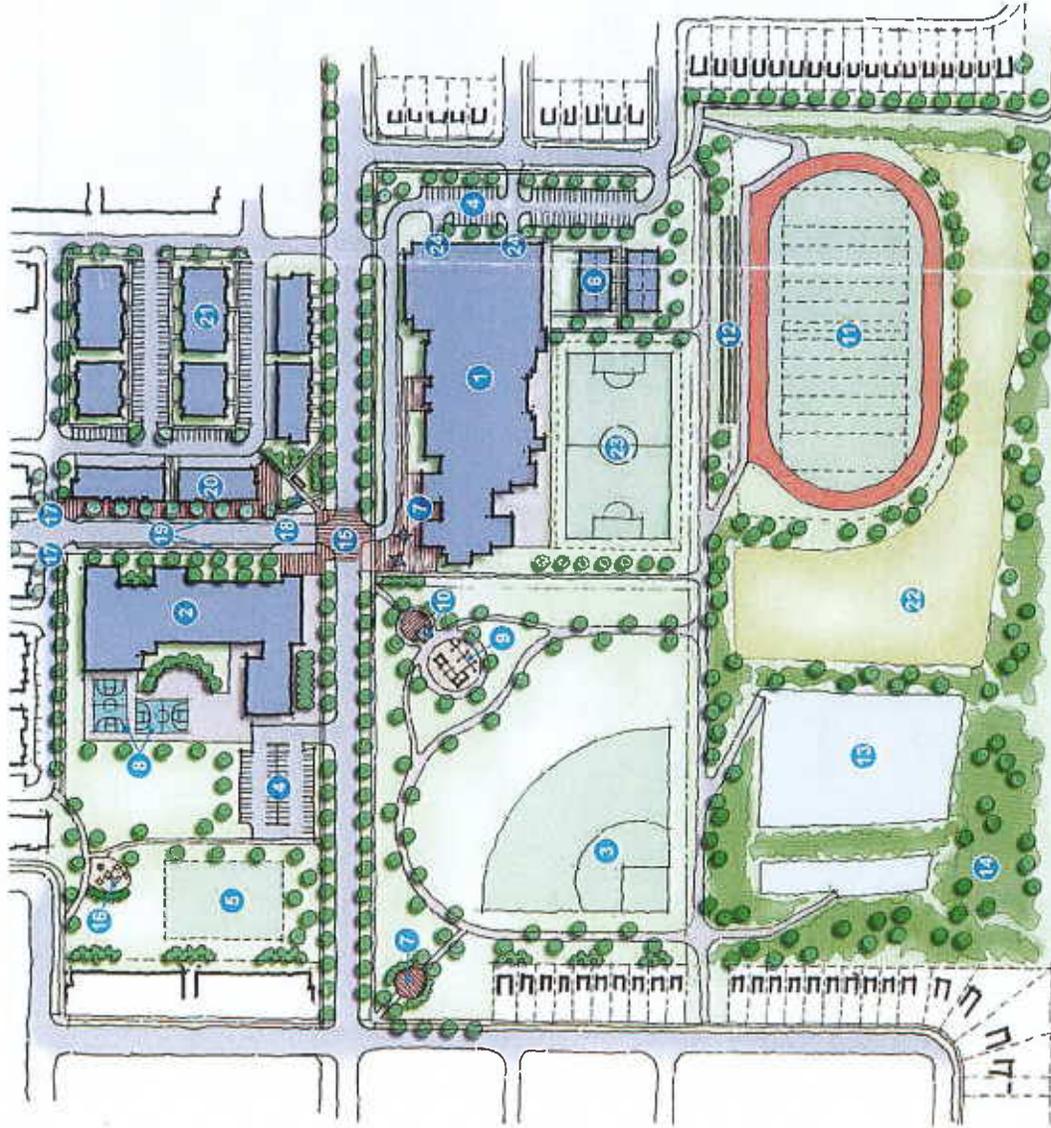
Hey Jason,

See attached. The track and field area for the school is proposed within the SWM facility, but would only be impacted in the event of a 100 year flood. This would be outside of the infiltration cell.

Thanks,

Garett

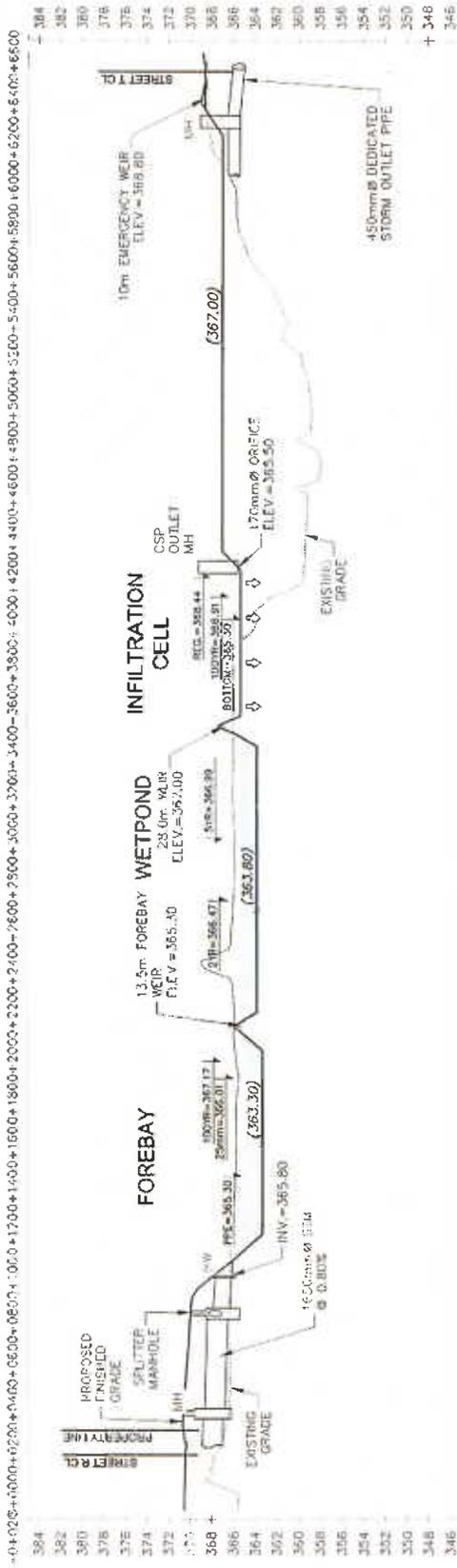
From: Jason Brule <Jason.Brule@kitchener.ca>
Sent: Thursday, March 12, 2020 9:04 AM
To: Garett Stevenson <Garett.Stevenson@kitchener.ca>
Subject: Message from Jason Brule (7419)



Underground Parking Concept (320 stalls)

- 1 Future High School (85,000 sq ft (7-12))
- 2 Future Elementary School
- 3 Baseball Diamond
- 4 Surface Parking
- 5 Open Play (56 x 36)
- 6 School Portables
- 7 Plaza (Upgraded Paving & Seating)
- 8 Basketball Court (28 x 16)
- 9 Play Structure
- 10 Shade Structure and Outdoor Fitness
- 11 Track & Field Facility
- 12 Terrace Seating
- 13 Proposed SWM
- 14 Naturalized Planting
- 15 Upgraded Vehicular Paving
- 16 Parklets / Play Structure
- 17 Condo Block Access
- 18 Mixed Use Corner Plaza
- 19 Layby Parking
- 20 Mixed Use Rear Lane Towns
- 21 Stacked B2B Towns
- 22 Infiltration Gallery
- 23 Practice Sports Field (50 x 90)
- 24 Underground Parking Entrance





SWM FACILITY 1 - CROSS SECTION A-A

SCALE: H 1:2000 V 1:400

STORM EVENT	WETPOND PONDING ELEVATIONS (m)	(WINTER) INFIL. CELL PONDING ELEVATION (m)	(NON-WINTER) INFIL. CELL PONDING ELEVATION (m)
25mm	366.01	---	---
2YR STORM	366.47	---	---
5YR STORM	366.99	---	---
100YR STORM	367.17	366.91	366.80
REGIONAL STORM	---	368.44	368.14

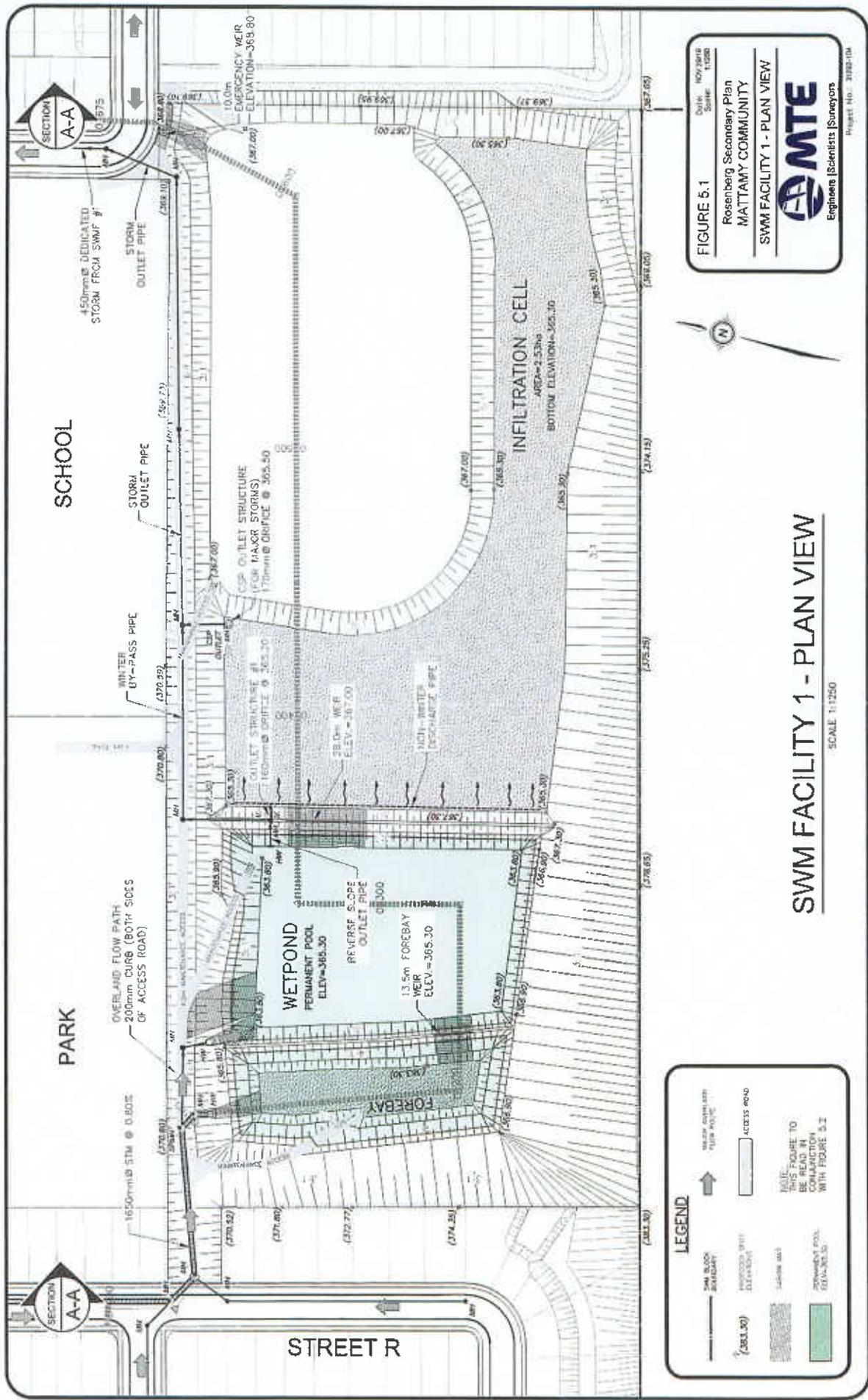
*PONDING ELEVATIONS ARE WINTER CONDITIONS (WORST CASE).

FIGURE 5.2

Client: NOV/2018
 Scale: AS SHOWN
 Rosenburg Secondary Plan
 MATTAMY COMMUNITY
 SWM FACILITY 1 - CROSS SECTION A-A



Engineers | Scientists | Surveyors
 Project No.: 2108-104





Date: November 5, 2018
To: Garrett Stevenson, Planner, Development Services
From: Mark Parris, Landscape Architect, Parks & Cemeteries Division
cc:
Subject: **Operations Review and Comments**
Subdivision: **30T-18201 & 18202**
Stage: **Draft Plan of Subdivision**

1. APPLICATION INFORMATION

Subdivision Name	Mattamy Community
Subdivision Number(s)	30T-18201 & 30T-18202
Secondary Plan Name	Rosenberg
Submission Stage	Draft Plan of Subdivision
Submission Date	October 5, 2018

2. OVERALL RESPONSE

Overall support of the submission TBD.

3. STANDARD SUBDIVISION CONDITIONS

These review comments intend that the Draft Plan application be made subject to all of the Standard Conditions of Subdivision in their entirety, latest version, including the Condition requiring that the developer meet the latest revision of the Development Manual which is updated from time to time.

4. LAND CONVEYANCES

Park Land Dedication Eligible:

<i>Block No.</i>	<i>Block Type</i>	<i>Area (ha)</i>	<i>Comments</i>
15	Park	3.10	Neighbourhood Park connected to adjacent school block and SWM block
19	Walkway	0.53	Multi-use pathway corridor
20	Park	0.47	Urban Green
25	Park	0.41	Urban Green
26	Park	0.36	Urban Green
30	Park	0.51	Urban Green
TOTAL		5.38	

The application current exceeds the 5% maximum allowable park dedication, calculated at 5.255ha (see Appendix A)

Conveyances:

<i>Block No.</i>	<i>Block Type</i>	<i>Area (ha)</i>	<i>Comments</i>
18	Open Space	1.43	SWT2, W4, non-core area isolated wetland (Secondary Plan), core environmental feature (NHS)
21	Open Space	0.58	Wildlife corridor
22	Open Space	0.11	Natural Area buffer
23	Open Space	1.42	Portion of FOD5-2, W2 and W1
17	SWM	7.30	N/A
27	SWM	4.15	N/A
TOTAL		14.99	

Other Lands:

<i>Block No.</i>	<i>Block Type</i>	<i>Area (ha)</i>	<i>Comments</i>
20	Walkway	0.01	N/A
TOTAL		0.54	

5. CRITICAL COMMENTS

The following comments are considered critical to address prior to supporting the subdivision application and may require special conditions within subsequent subdivision agreements:

<i>Item</i>	<i>Comments</i>
Block 15 – Neighbourhood Park	<p>a) SWM Report figure 4.1 indicates 4-8 meters of fill to attain park grades. Filling procedures and details must be approved by the City of Kitchener prior and follow the latest Development Manual specifications (Section L.11 as of the time of these comments). Approval of the fill must be acquired prior to the acceptance of the park parcel!</p> <p>b) Lot Grading Plan AG1.5 shows a walkway stump along the east side of the property adjacent to the proposed School Block. If this is intended to be converted to an overflow location it will not be deemed acceptable. It is critical to maintain an at-grade connection to the school block to ensure shared use of recreational facilities. If the intent is a walkway access to the SWM, this is supported but will be determined during park design and Engineering submission stage.</p>
Block 18 & 23 – Open Space (Wetland)	<p>c) Between Block 18/23 (W4) and the adjacent wetlands (W1) is an area of habitat restoration outside of the 30m setbacks. This area is identified as a wildlife corridor, specifically for amphibian and turtle crossings. The area is also identified as a potential connection point between Street Y and the proposed walkway block south of Street T. A revision of the EIS is required to look at the opportunity at achieving this connection while maintaining the wildlife corridor recommendation.</p>
Block 19 - Walkway	<p>d) Walkway is within the 30m setback of W1 core environmental feature, also identified as Jefferson Salamander habitat. This walkway block represents a critical component of the east-west MUP connection across the subdivision. A revision of the EIS is required to plot and plan for the impact of the trail within the 30m setback zone. The consultant must address the details of the trail including grading, surface type and construction methods to determine appropriate mitigations. The revision of the EIS is required prior to the acceptance of the block.</p> <p>e) Grading noted in the corridor up to 14%. The maximum allowable grade is 5%. Grades to be revised and confirmed prior to acceptance of the block.</p>
Block 20 - Park	<p>f) Approximately 30% of the park is used for a 3:1 return slope from the adjacent property. Parks is willing to accept this preliminary grading and as park space within the park dedication portfolio should the developer further refine the grading plan to show access to the top of the slope. If no access is planned, the area will be re-assigned to conveyance and removed from consideration of the park dedication calculation.</p>
Block 21 – Open Space	<p>g) Access from Street AD to the end of Gehl Place Trail and northern extent of wetland W5 will be required as emergency access and future trail planning. A revision to the EIS is required to look at the opportunity at achieving this</p>

connection within the 30m setback of wetland W5.

Multi-Use
Pathway

- h) A multi-use pathway connection required per Multi-use Pathway and Trials Masterplan (2012) to achieve the east-west corridor from Trussler to the east end of the subdivision.

This application is missing the MUP link from Trussler to Isaiah Dr. This can be achieved by requiring a 3.0m MUT within the Rosenberg right-of-way from Trussler to the frontage of Block 15, and ensuring a trail connection through the park and SWM Block 17 during park planning and engineering submissions

Proposed
Walkway
Blocks

- i) Two walkway blocks are proposed to better facilitate pedestrian movement through the subdivision and connections to major park or institutional nodes.
- a. Between Streets Y and AC at the western portion of the roadways
 - b. Between Rosenberg Way and Street O, immediately south of Block 30.

(item to be discussed with Transportation)

Block 22 –
Open Space

- j) Block 22 does not serve any benefit to be in public ownership at this time and lacks any public frontage. Recommendation to retain the block in private ownership

(item to be discussed with Environmental Planner)

6. OTHER COMMENTS

The following comments are considered important to address prior to subdivision approval but may not impact the overall support of the development application:

<i>Item</i>	<i>Comments</i>
Secondary Plan Report	<ul style="list-style-type: none"> a) 5.1 Neighbourhood Parks - Lighting is not a requirement of neighbourhood park facilities, and will not be considered part of the developer-build requirements of the park spaces b) 5.1 Neighbourhood Parks -- Active sportsfield is identified as potential use for the park space. This has an impact on the required supporting infrastructure, including servicing and parking facilities. The applicant shall plan for any active, programmed spaces within the park in conjunction with the City's Parks & Cemeteries and Sport departments c) 5.2 Urban Greens -- Fountains will not be accepted in publicly owned and operated park spaces.
EIS	<ul style="list-style-type: none"> d) Permanent wildlife fencing is identified as a recommended management feature and shown Blocks 23, 18, and part of 19. Developer to provide additional information on the construction details of the proposed fence and maintenance / life-cycling requirements of the fence e) Requirements of both Plan 1 and Plan 2 Stewardship Management Plans, outlined in 8.1 and 8.2, must be adhered to by the developer, including: <ul style="list-style-type: none"> a. Permanent wildlife fencing b. Home Owners manual c. Monitoring programs, pre and post construction d. On-site interpretive and educational signage
Block 15 & 17 – Park/SWM	f) Proposed 3:1 slope connecting park property to 4.0m maintenance access on Block 17 SWM Pond to blended into the park property for stronger connection and more effective maintenance practices. Re-grading to be done with a future trail connection from the south edge of the block to the north-west corner of the block at Rosenberg Way. Refer to Appendix B – Park Block 15 Suggested Grading for more information
Block 17 – SWM	g) Soften radius of the north-east corner walkway to SWM transition to achieve a minimum 6.0m inside radius. Corner treatment to address maintenance vehicle movement.
Block 25 - Park	h) Park grading accepted at this time. Grading design to be revisited during Engineering Submissions to properly design grades to meet recreational needs. It is suggested that the park block can be effectively terraced with proper 5% accessible trails to both tiers
Block 27 - SWM	i) Consolidate MUP and sidewalk in ROW or Street AA into one 3.0m wide MUP within the road allowance



Street M &
Gehl Pl Trail

j) Street M and 30T-14201 roadways do not align. Parks will not support the use of Gehl Place as a road allowance to connect these streets

7. QUESTIONS

The following are questions prepared in advance of the staff only discussion meeting:

- a) Will Street X extend beyond its current southern extent?
- b) Institutional is proposed in both Block 16 of this application, and Block 1 (Stage 8) of the adjacent Stamm subdivision. What boards are planned for these blocks?
- c) Street X will need a multi-use pathway crossing at either Street AA or Street V. Are any of these intersections controlled, and which one is best to use as the crossing point?



APPENDIX A – PARK DEDICATION CALCULATION

Subdivision **Mattamy Community** Sub. No. **30T-18201 & 18202**

PART 1: PARK DEDICATION BASED ON 1.0 HA PER 300 UNITS

Range of Units Shown on Plan of Subdivision:

Minimum	1853	units
Maximum	2635	units

1A) Parkland Dedication for 1.0ha per 500 Units **5.270** ha

PART 2: PARK DEDICATION BASED ON LAND AREA

2A) Total Land Area within Plan of Subdivision **108.640** ha

Less:

2B) Commercial Land Use **0.000** ha

2C) Industrial Land Use **0.000** ha

2D) Conveyed Open Space (less SWM facilities) **3.540** ha

2E) Total Lands for 5% Dedication (2A - (2B+2C+2D)) **105.100** ha

2F) Total Lands for 2% Dedication (2B + 2C) **0.000** ha

2G) Park Dedication Based on Land Area ((2E x 5%)+(2F x 2%)) **5.255** ha

PART 3: TOTAL PARK DEDICATION FOR SUBDIVISION

Park Dedication by 1.0 ha per 500 Units (1A) **5.270** ha

Park Dedication by 2% and 5% (2G) **5.255** ha

3A) Total Park Dedication Required **5.255** ha

PART 4: PARK DEDICATION ANALYSIS AND COMMENTS

Required Park Dedication (3A) **5.255** ha

Park Dedication Shown on Draft Plan **5.380** ha

Park Dedication Deficiency/Surplus **0.125** ha

Form completed by: **Mark Parris**

Date of completion: **November 6, 2018**

Date: January 11, 2021
To: Garrett Stevenson, 519-741-2200, ext. 7070
From: Jonn Barton, 519-741-2600 ext. 4152
cc: file
Subject: Mattamy-Gehl subdivision (30T-18201/18202) -- Re-Circulation Submission: Parks Comments

1. Documents Referenced – 2020-10-27 Re-Submission

- .1 Reply to City Comments (SGL – Aug. 31, 2020)
- .2 Figure 1 – Park Block 8 (MTE – Nov. 2019)
- .3 Trails (MTE – April 14, 2020)
- .4 Archaeological Site Management Plan (ASI – May 25, 2020)
- .5 Draft Plan – Redlines (SGL – May, 2020)
- .6 Final Material Management Plan (MTE – Nov. 3, 2020)
- .7 Lot Grading Plans - AG1.1-1.6 (MTE – Nov. 29, 2019)

2. Summary of Proposed Park, Open Space and Walkway Conveyances

Proposed Park Dedication Land:

<i>Stage-Block No.</i>	<i>Block Type</i>	<i>Area (ha)</i>	<i>Comments</i>
30T-18201			
1 - 22	Park	0.38	Urban Green
1 - 37	Park	0.37	Urban Green
2 - 16	Park	3.00	Neighbourhood Park connected to adjacent school block and SWM block
4 - 11	Park	0.48	Urban Green
5 - 8	Park	0.48	Urban Green
30T-18202			
1 - 24	Walkway	0.18	Multi-Use Trail corridor - Gehl Trail extension
TOTAL		4.89	

- .1 The proposal currently does not meet the minimum 5% park dedication requirement, calculated at 5.224ha (see Appendix A). An additional 0.334ha of park land is required.

Open Space and Walkways:

Stage-Block No.	Block Type	Area (ha)	Comments
30T-18201			
1 - 20	Walkway	0.60	Connection for trail around wetland
1 - 21	Open Space	1.60	Protected wetland/JESA habitat area
4 - 37	Walkway	0.02	Enhanced connection between parks
5 - 1	Walkway	0.03	Connection between street loops
5 - 4	Walkway	0.03	Connection between street loops
30T-18202			
1 - 1	Open Space	1.63	Protected wetland/JESA habitat area, archaeological protection zone
1 - 6	Open Space	0.12	Habitat buffer zone
1 - 21	Walkway	0.02	Connection to Gehl Trail
1 - 23	Open Space	0.60	Protected wetland/JESA habitat area
1 - 25	Open Space	6.68	Protected wetland/JESA habitat area
1 - 26	Open Space	2.26	Protected wetland/JESA habitat area
1 - 28	Open Space	0.17	Protected wetland/JESA habitat area
Sub-Total	Open Space	13.06	
Sub-Total	Walkways	0.70	
TOTAL		13.76	

- .2 Total developable land for the subdivisions is 104.48ha, with the total land area of the subdivision defined at 117.54ha (see Appendix A).

3. Parks Comments for Other Documents

Reply to City Comments

- .1 Park Block 16 (p1): Noted and accepted.
- .2 Trail at Wetlands W4 and W1 (p2):
 - .1 While the proposed realignment of Streets X and L has improved the overall buffer area available through the open space and park blocks here, there is concern with the effects of the proposed grading in AG1.6 on wetland W4 which will eliminate approximately 60% of the existing recharge of the wetland. This represents an Operational concern that the health of this area will be compromised to the point of requiring large-scale removals/rehabilitation in the near future. An EIS for this proposed grading plan is requested to determine next steps.
 - .2 The proposed trail alignment still traverses within the 30m buffer of wetland W1 and into the northern buffer area defined by the archeological site management plan. In keeping with the recommendations of both the EIS and the archeological site management plan the trail alignment needs to be re-aligned outside of these buffer areas.

- .3 Trail at Block 23/Wetland W8 (p2): Adjustment to block 23 size and layout is noted and accepted.
- .4 Grading (p3):
 - .1 It is noted that the proposed grading for park block 8 (stage 5) does not meet the minimum standards defined in the development manual for 100% of the park area. With a more than 10m difference in elevation between the property line with the adjacent block and the ROW the cost of attempting to construct with these grades is prohibitive for the city. Going forward there are 2 options for this block:
 - A. The developer agrees to modify the draft agreement to include a condition that any and all additional costs owing to the slopes in this block to meet any programming needs determined by the city are the responsibility of the developer (i.e. not DC eligible). Additional non-DC eligible costs would include (but are not necessarily limited to) armour stone retaining, guard-rails, additional fill, additional drainage infrastructure and any costs for design and construction of building on a slope (such as custom structure design, fabrication and installation).
 - B. The city does not accept the block for conveyance as parkland and the developer locates an alternate block on the site to meet the parkland dedication requirement.
 - .2 Noted that proposed overland flow routes and slope percentages for walkway blocks are now included.
- .5 Walkway Blocks (pp4-5):
 - .1 The proposed east-west trail does provide a valuable community trail corridor between the Gehl Trail and the residences immediately to the south-west of it. However it falls short of the stated goal for the city of a continuous east-west active transportation link through the site. To meet this goal a boulevard multi-use trail (BMUT) should also be planned for on both sides of Rosenberg Way. Resolution of any potential challenges to this (such as planned single residential with driveway access from Rosenberg Way) should be initiated with Transportation and Parks staff.
 - .2 As noted previously in comment 3.2.2 issues remain with the proposed alignment of the trail through buffer areas for both wetland W1 and the archeological protection area.

Revised Draft Plan

- .6 Revisions 2, 3, 4, 6, 7 & 12: Noted and accepted.

Final Material Management Plan

- .7 Noted environmental concerns identified in the report that are within proposed park land:
 - .1 Stage 4, Block 11 – contains Area 6 material (foundry sand stockpiles)

- .2 Stage 5, Block 8 – contains Area 1 material (perimeter screening berms of unknown quality) and Area 9 material (relocated material by the current owner in accordance with the pit rehabilitation plan)
- .3 Stage 1, Block 35 – is entirely within Area 8 (historical soil, aggregate and reclaimed asphalt processing operations)
- .8 Noted are the methodology and approach for the environmental concerns within park land:
 - .1 Area 1 material (in park block 8) – Perform additional borehole testing.
 - .2 Area 6 material (in park block 11) – Perform borehole testing to confirm no hazard remains even with previous removal of foundry sand and subsequent surface testing.
 - .3 Area 8 material (in park block 35) – Perform additional borehole testing in grid pattern as well as further sampling and evaluation during the excavation and redistribution of the material in Stage 2 of material management plan.
 - .4 Area 9 material (in park block 8) – Ongoing investigation through pit rehabilitation plan in Stage 2 of material management plan.
- .9 Ensure future borehole and other testing areas adequately capture conditions in proposed park land blocks containing material noted as environmental concern.
- .10 Noted that areas of perched water tables within or approximated near to park land (Stg 1, Blk 35 - BH-03-10, MW-3D-13; Stg 2, Blk 16 – BH-02A-10) are well below proposed surface levels.
- .11 MM7.1: All parks on the site are located within areas of noted as heavy fill areas. In proposed grading plans for the site an approach to compaction and settling that will adequately address concerns of settling for any proposed structures within parkland should be included.
- .12 MM10.2:
 - .1 The foundry sand stockpile was located (MM10.2) but the salt stockpile was not – please locate extents of stockpile location as well.
 - .2 Please clarify intent and results for boreholes noted in park block 35 (stage 1) – BBX-10, TP-17, TP-18, TP-21 and TP-23.

Lot Grading Plans (AG1.1-1.6)

- .13 AG1.3: Intent seems to be to use the roundabout area for excess overland flow in heavy storm events. Note that if this is the case then planting opportunities on the roundabout may be limited or precluded.
- .14 AG1.4: As previously noted in comment 3.4.1, proposed grading for all of park block 8 (stage 5) does not meet the minimum grading standards defined in the development manual. A resolution as per the options stipulated above is requested.
- .15 AG1.6:

- .1 As noted previously in comment 3.2.1 there is concern with the proposed grading solution which reduced the available recharge areas of wetland W4 by cutting it off from approximately 60% of the existing overland flow area. An EIS that address the impacts of the proposed grading here on the affected wetlands is requested.
- .2 The proposed grading for the entirety of park block 22 (stage 1) does not come close to meeting minimum grading standards for park land defined in the development manual. Without any apparent opportunity for alternative solutions (as with park block 8 in stage 5) this block is not accepted for conveyance as park land. An alternate location for the park on the site is to be provided by the developer within the south-east area of the site.

END OF COMMENTS

APPENDIX A – PARK DEDICATION CALCULATION

Subdivision

Sub. No.

PART 1: PARK DEDICATION BASED ON 1.0 HA PER 500 UNITS

Range of Units Shown on Plan of Subdivision:

Minimum	<input type="text" value="1639"/>	units
Maximum	<input type="text" value="2635"/>	units

1A) Parkland Dedication for 1.0ha per 500 Units ha

PART 2: PARK DEDICATION BASED ON LAND AREA

2A) Total Land Area within Plan of Subdivision ha

Less:

2B) Commercial Land Use ha

2C) Industrial Land Use ha

2D) Conveyed Open Space (less SWM facilities) ha

2E) Total Lands for 5% Dedication (2A - (2B+2C+2D)) ha

2F) Total Lands for 2% Dedication (2B + 2C) ha

2G) Park Dedication Based on Land Area ((2E x 5%)+(2F x 2%)) ha

PART 3: TOTAL PARK DEDICATION FOR SUBDIVISION

Park Dedication by 1.0 ha per 500 Units (1A) ha

Park Dedication by 2% and 5% (2G) ha

3A) Total Park Dedication Required ha

PART 4: PARK DEDICATION ANALYSIS AND COMMENTS

Required Park Dedication (3A) ha

Park Dedication Shown on Draft Plan ha

Park Dedication Deficiency/Surplus ha

Form completed by:

Date of completion: January 14, 2021

Date:

To: Garrett Stevenson, 519-741-2200, ext. 7070

From: Jonn Barton, Parks & Cemeteries, 519-741-2600 ext. 4152

cc:

Subject: Parks & Cemeteries Comments for 30T-18201 (Mattamy-Gehi) – School Sites Options

Meetings (all stakeholders)

- May 24, 2019

Submission(s) Reviewed

- School Options Package (May 21, 2019 – Options 1, 2, 3A, 3B, 4 & 5)

General Comments

1. The prime considerations for park block 15 with respect to any potential school siting configuration are size and frontage. As a result only Options 4 & 5 are considered feasible for Parks & Cemeteries.
2. Additional consideration is needed for the anticipated use of park lands by the proposed schools, as well as any publicly accessible elements at the schools, to better compliment publicly available resources.
 - a. To this end each respective school board is asked to submit a set of expectations for use of park lands, and what facilities at each proposed school would be generally available to the public outside of school hours.
 - b. Parks & Cemeteries in turn can provide a general overview of anticipated programming needs for park block 15.
3. The meeting of May 24, 2019 discussed the configuration for block 17 SWMF as having a wet cell on the west side and a dry cell on east side. If neither school board are permitted by policy to incorporate the dry cell into programming for their respective school sites, then flipping the location of school block 16 and park block 15 for Options 4 & 5 is proposed so that park block 15 can better integrate the dry cell into any park programming.

- END OF COMMENTS -



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Kitchener Ontario N2G 4J3 Canada
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Peter Ellis 519-575-4400 x3899
pellis@regionofwaterloo.ca
File: D18-20/18201
D18-20/18202

VIA EMAIL

March 20, 2020

Garett Stevenson
Senior Planner, City of Kitchener
519-741-2200 x7070
Garett.stevenson@kitchener.ca

Dear Mr. Stevenson

**Re: Draft Plan of Subdivision Application 30T-18201
Official Plan Amendment Application OP18/005/B/GS
Zoning By-law Amendment ZBA18/006/B/GS
Bleams Road "Application 1"
CITY OF KITCHENER
&
Draft Plan of Subdivision Application 30T-18202
Official Plan Amendment Application OP18/006/G/GS
Zoning By-law Amendment ZBA18/007/G/GS
161 Gehl Place "Application 2"
Kitchener Green Ltd. & 2079546 Ontario Inc.
CITY OF KITCHENER**

Preliminary Post-Circulation Comments #1

The Region has prepared the following post circulation comments for the above Draft Plans of Subdivision 30T-18201 and 30T-18202 applications and related Official Plan Amendment and Zoning By-law Amendment applications. The purpose of these comments is to outline any items which need to be addressed prior to draft approval and to identify any items that may be imposed as conditions of draft approval. The original application was received by the Region in October 2018 and a recirculated draft plan and supporting studies and reports were received by the Region in February 2020.

The applications propose to create two residential subdivisions over 6 stages of development consisting of:

- a) 1,656 (min) to 2,825 (max) residential units;

Preliminary Post-Circulation Regional Comments #1 – 30T-18201 and 30T-18202

- b) a school;
- c) four urban green blocks (small parks);
- d) a large neighbourhood park;
- e) an environmental linkage;
- f) multiple walkway blocks and open spaces;
- g) five medium density blocks; and
- h) three mixed use blocks.

This proposed community is centered along the future Rosenberg Way, which is a future street that will extend from Fischer Hallman all the way to Trussler Road. Rosenberg Way will be south of, and parallel to, Bleams Road. A neighbourhood park and school site have been shown at the future intersection of Rosenberg Way and the extension of Isaiah Drive (south of Bleams Road). Two medium density blocks and two mixed use blocks are shown at the intersections of Bleams Road and Isaiah Drive, and a medium density block and a mixed use block is shown at Rosenberg Way and Trussler Road. See the list of related studies on the last page of this memo. The City of Kitchener has provided a high-level overview of the draft plan revisions in their Recirculation Memo dated January 27, 2020.

1. Water Services

Regional Water Services Staff have reviewed the Functional Servicing Report from MTE dated July 6th, 2018 and have the following comments:

- It is noted that there are two maps produced in Figure 5.2 in Section 5.2 of the report dated July 9th, 2018 and Figure 2.1 in the preliminary report of July 6th, 2018. It appears these maps are the same but have different numbers and dates. Staff comments below will be based on figure 5.2 as shown in Section 5.2 of the report.
- It is unclear to staff whether the following pipes (J-506 and J-12; J-518 and J-20) will be located in a road corridor or utility corridor?
- It is noted that the location of the Zone 5/6 PRV on Bleams Road is not shown in the correct location. It should be located in the Red Clover Crescent at Bleams Road.
- The 300mm pipe along Street L from J-508 to J-529 does not appear to connect to the 450mm watermain on Bleams Road. If Street L watermain is aligned east of the PRV on Red Clover Court (north of Bleams Road), a connection to the 450 Zone 5 section of the watermain is permissible. Otherwise this could be considered a long dead-end. Please review watermain sizing.
- As part of a previous OMB decision on the South Estates Plan of Subdivision (30T-08206), the final Schedule B-1 Functional Servicing Plan by MTE dated June 23, 2015 has a 300 mm watermain along the length of Rosenberg Way. However, between J-603 and J-646 (school location), the water main was

Preliminary Post-Circulation Regional Comments #1 – 30T-18201 and 30T-18202

reduced to 200mm. Please revise the watermain size to 300 mm as this will provide for flexibility in the future (pressure zone divide modification). Staff would want to be able to feed the school from the other pressure zone in the case of a watermain break/emergency. Detail design for the pressure zone divide should also include a fire hydrant located at the divide in order to have greater maintenance flexibility.

- It is unclear why the pipe located between J-602 and J-612 is a 300 mm pipe. Please explain your rationale.

Regional Water Services staff are still reviewing the updated reports from the recent 2020 recirculation. Comments will be provided once available.

2. Transportation Comments

The following comments result from Regional Transportation Staff's review of the following reports and studies:

- Preliminary Stormwater Management Report from MTE dated July 6, 2018 (revised November 29, 2019);
- Functional Servicing Report from MTE dated July 6, 2018 (revised November 29, 2019);
- Preliminary Environmental Noise Assessment from MTE dated July 6, 2018 (revised November 1, 2019); and
- Transportation Impact Study from Salvini Consulting dated July 2018 (addendum December 20, 2019).

Regional Road Dedication

This section of Regional Road 56 (Bleams Road) has a designated road width of 30.480m (100ft) in accordance with Schedule 'A' of the Regional Official Plan (ROP). The existing Bleams Road width along this section varies in width, and appropriate road widening dedications will be required to bring the Bleams Road right of way up to the designated road width. Daylight triangle dedications measuring 7.62m x 7.62m (25ft x 25ft) will be required at the intersection of all local municipal roads with Bleams Road. It appears that the Plan of Subdivision drawing provided with the application, shows road widening and daylight triangle dedications along Bleams Road. Please ensure that the daylight triangle dedications are measured post road widening.

This section of Regional Road 70 (Trussler Road) has a designated road width of 30.480m (100ft) in accordance with Schedule 'A' of the Regional Official Plan (ROP). While no further road widening dedication is required along this section of Trussler Road in association with the ROP designated road width, daylight triangle dedications measuring 7.62m x 7.62m (25ft x 25ft) will be required at the intersection of the local municipal roads with Trussler Road. Additional property dedication may also be required in association with the future Trussler Road re-construction project (see Transportation Capital Program – TCP – information below for more details).

Preliminary Post-Circulation Regional Comments #1 -- 30T-18201 and 30T-18202

A daylight triangle measuring 15.24m x 15.24m (50ft x 50ft), measured post road widening, will also be required for the Trussler Road & Bleams Road intersection. This daylight triangle is the standard Regional size and additional property dedication may be required to accommodate the future intersection design of the Trussler Road & Bleams Road intersection.

The owner/applicant must engage an Ontario Land Surveyor (OLS) to prepare a draft Reference Plan which illustrates all required road widening, daylight triangle and road improvement dedications along both Bleams Road and Trussler Road. The draft Reference Plan should be sent to Regional staff for review and approval prior to deposit and the completion of the plan. Please ensure that the property requirements shown on the approved Reference Plan are reflected correctly on all plans going forward.

Regional Staff will review Phase I and Phase II ESAs studies for the subject lands in terms of dedicating these lands to the Region of Waterloo. Please exclude the portions of land to be dedicated to the Region of Waterloo from any Record of Site Conditions (RSCs) required for the subject properties.

Access Permit/TIS/Access Regulation

The Plan of Subdivision proposes three Local Municipal Streets (Street L, Isaiah Drive, and George Israel Street) connections to Bleams Road and one Local Municipal Street (Rosenberg Way) connection to Trussler Road.

All existing redundant access locations to both Bleams Road and Trussler Road must be closed to Region of Waterloo and City of Kitchener standards and this includes any boulevard restoration activities. A Regional Road Access Permit application for the closure of all access locations will be required. There is no fee associated with the closure applications.

A Regional Road Access Permit application and associated \$230 fee will be required for all four Local Municipal Street locations. Please visit the Region of Waterloo website to find the application form (<https://www.regionofwaterloo.ca/en/doing-business/applications-licences-and-permits.aspx>)

The above can be conditions of draft approval.

Region of Waterloo staff have received a copy of the Transportation Impact Study Addendum dated December 20, 2019 completed by Salvini Consulting which is an update to the original Transportation Impact Study (TIS) dated July 2018. Review of the Transportation Addendum is underway by Region of Waterloo staff and comments will be provided under separate cover.

Any road/intersection improvement identified by either the applicant's transportation consultant, or as part of Regional Bleams Road reconstruction Environmental Assessment (EA), will be implemented via a Regional construction project. The applicant will be responsible for providing the land required to implement any improvements. In addition, the developer will be responsible for functional and design

Preliminary Post-Circulation Regional Comments #1 – 30T-18201 and 30T-18202

cost estimates (if required). A follow-up meeting will be scheduled in the near future to discuss required road improvements.

Stormwater Management & Site Grading

Region of Waterloo staff is currently reviewing the Revised Functional Servicing Report dated November 29, 2019 completed by MTE Consultants related to the proposed subdivisions. The report has been circulated to the appropriate Region of Waterloo staff and comments will be provided once available.

Region of Waterloo staff have received the Revised Preliminary Stormwater Management Report dated November 29, 2019 completed by MTE Consultants related to the proposed subdivisions. The report has been circulated to the appropriate staff and comments will be provided once available. In the meantime, it is noted that grading related to the subject properties must be compatible with the existing and proposed Bleams Road & Trussler Road rights of way.

Transit Planning

Grand River Transit (GRT) staff comments on the original submission and recirculated plan and related reports and studies are below:

GRT is designing for a local route in this area post 2021, with a number of stop locations within the 30T-18201 subject lands. The following twelve (12) preliminary GRT stop locations are identified:

1. Rosenberg Way at Street Q (eastbound);
2. Rosenberg Way at Street Q (westbound);
3. Rosenberg Way at George Israel Street (eastbound) – proposed shelter;
4. Rosenberg Way at George Israel Street (westbound) – proposed shelter;
5. George Israel Street at Bleams Road (northbound);
6. George Israel Street at Bleams Road (southbound);
7. Rosenberg Way at Isaiah Drive (westbound) – proposed shelter;
8. Rosenberg Way at Isaiah Drive (eastbound) – proposed shelter;
9. Rosenberg Way at Street T (eastbound);
10. Rosenberg Way opposite Street T (westbound);
11. Rosenberg Way at Street X (eastbound); and
12. Rosenberg Way at Street L (westbound).

As a condition of draft approval, the Developer will be required to provide sufficient funds for the future construction of landing pads and other amenities as noted below at each of these locations identified by GRT. These funds will allow for the appropriate phasing of infrastructure in relation to the timing of service introduction.

At major intersections and adjacent to higher-density blocks, funds for shelters and shelter pads will also be required – this would apply to stops 3, 4, 7, and 8 listed above. In some cases, easements for shelter pads may be required, but this will need to be assessed at the site plan review stage. The table below provides an overview of the

Preliminary Post-Circulation Regional Comments #1 – 30T-18201 and 30T-18202

approximate per unit and total costs associated with each of these amenities, as well as the sum total of transit amenity funds requested by GRT.

Amenity	Dimensions	Per Unit Cost	Number Required	Total Cost
Landing pad	9.5 m (length) x 2.0 m (width)	\$3,300	12	\$39,600
Shelter pad*	4 m (length) x 2.3 m (width)	\$1,600	4	\$6,400*
Glass shelter	3.7 m (length) x 1.5 m (width)	\$12,000	4	\$48,000
Total transit stop amenity costs				\$94,000

*may not be required if shelters placed on wide (>3m) boulevard landing pad – dependent on boulevard width

The actual costs will be based on the cost of these amenities at the time of payment.

In addition to these amenities, there are a number of design recommendations that would help to make these subdivisions more transit-supportive. These include:

- Mixed uses along Rosenberg Way should be oriented towards the street in order to promote activity, natural surveillance, and overall streetscape animation. Medium density blocks, townhouses and single-family dwellings and their driveways in the residential blocks abutting Rosenberg Way should be oriented towards internal collector roads to avoid conflicts between buses and vehicles pulling out of driveways. Ensuring access will be particularly challenging for some blocks, as it appears that they will be accessed via Rosenberg Way. The stop locations described above will also need to be located away from driveways and the driveway locations should be paired if possible to reduce the number of conflict points.
- Measures to reduce the potential for conflict between stopping buses and vehicles at the proposed transit stops at the Rosenberg Way / Isaiah Drive intersection should be considered. The proposed stop locations between Blocks 9 (mixed-use/neighbourhood institutional) and 16 (park) will need to be reviewed carefully to ensure that the potential for conflict between transit and school vehicles (adjacent block 15 – school) is reduced.
- It appears that the majority of residential properties within the 30T-18201 subdivision fall within the recommended 450 m walk distance to/from a transit stop. However, this is not the case for all residents within the 30T-18202 subject lands: the street pattern creates a challenge for some residents to access transit, particularly those located on Streets AC and Y. GRT staff recommend the applicant consider realigning these streets into more of a grid pattern (e.g. create a connection from Streets AC/Y to Street U or T) to provide shorter walking distances to transit stops along Rosenberg Way.

Preliminary Post-Circulation Regional Comments #1 – 30T-18201 and 30T-18202

Transportation Demand Management (TDM) staff has also provided comments pertaining to these applications:

- Continuous sidewalks (consistent with AODA Accessible Built Environment Standard) should be provided along both sides of all adjacent public streets.
- It is recommended that cycling connections be provided to Bleams Road as there is a planned Multi-Use-Trail (MUT). Bleams Road then connects to Fischer-Hallman Road which also has a planned MUT.
- It is recommended that bike lanes be considered on any internal roadways.
- It is recommended that bike parking facilities be considered in the proposed park blocks.

Environmental Noise

Region of Waterloo staff have received the updated Preliminary Environmental Noise Study, completed by MTE Consultants and dated November 1, 2019, related to the proposed subdivisions. Review of the study is underway by Region of Waterloo staff and comments will be provided once available.

Transportation Capital Program (TCP)

This section of Bleams Road and Trussler Road has been identified in the current Region of Waterloo 10-Year Transportation Capital Program (TCP) as being up for reconstruction in 2023 (Bleams Road) and 2024 (Trussler Road). For more information related to these projects, please visit the Region of Waterloo website (<https://www.regionofwaterloo.ca/en/living-here/construction-and-road-closures.aspx>) or contact the Region Project Manager Greg Proctor (519-575-4729 or gproctor@regionofwaterloo.ca) for the Bleams Road reconstruction and Justin Armstrong (519-575-4400 ext., 3164 or juarmstrong@regionofwaterloo.ca) for the Trussler Road reconstruction.

Region of Waterloo International Airport

The subject properties are located within the Region of Waterloo International Airport Zoning Regulated Area (AZR). Although there are no concerns related to the proposed building heights, or aircraft noise all development must comply with airport regulations.

Chain Link Fence

As a condition of draft approval, a minimum 1.5m high, maintenance-free chain link fence will be required along back-lotted property frontage with Bleams Road and Trussler Road. The chain link fence should be located on the Regional right of way, offset 0.15m from the property line, post road widening dedication. Through the Site Plan process, it may be identified that multi-residential blocks with property along the Regional right of way no longer require chain link fence.

This can be a condition of draft approval.

3. Source Water Protection

The site is within Wellhead Protection Sensitivity Areas 2, 3, 8 and within a Regional Recharge Area.

Regional Hydrogeology and Sourcewater (HSW) staff have reviewed the original reports submitted with the initial subdivision and OPA/ZBA applications. Preliminary comments indicated that they wanted to review Provincial Ministry comments relating to PSW, Core Features, Wetland Complex, stormwater management strategy, recharge targets, and long-term groundwater-surfacewater resource management strategies to see how those comments were framed.

Staff understands Ministry comments are outstanding. HSW comments remain outstanding on the updated reports and studies that were recently submitted with the recirculation.

HSW staff have requested a 'Materials Management Plan' be provided to the Region's satisfaction. This plan is meant to outline how existing materials on-site and imported materials will be managed throughout the various stages of development and post-development as per the Region's Potable Groundwater Criteria Use in the Region of Waterloo 2010 (the plan identifies a significant amount of imported soils will be necessary for the development). This plan dated December 20, 2019 by MTE Consultants has been provided to the Region and relevant staff are still reviewing the contents of the report. Comments will be provided once available.

HSW staff also indicate that a Source Water Protection Potential Contamination Study (SWPPCS) be completed to the Region's satisfaction. This study is being requested under the Implementation Guideline for the Review of Development Applications On or Adjacent to Known and Potentially Contaminated Sites (2009). This study is meant to characterize groundwater conditions and provide conclusions on past and present potential sources of site contamination which may affect groundwater - see section 4.0 Conditions of Approval under the Guideline at the following link: <https://www.regionofwaterloo.ca/en/resources/Applications/ImplementationGuidelinesContaminatedSites.pdf>.

4. Record of Site Condition

A Record of Site Condition (RSC) was requested as part of the presubmission consultation. Staff notes that a residential RSC (from 2009) exists for 161 Gehl Place (30T-18202). It is noted that if the site use or operations have changed since then, or if there are new contaminants of concern identified, then a new RSC may be required.

A RSC has not yet been completed on the 30T-18201 subject lands. Per Region Implementation Guideline on development applications and contaminated sites, two options are available as to when the RSC must be completed. Either prior to adoption of the proposed zoning by-law for the lands, or apply a holding provision in the zoning

Preliminary Post-Circulation Regional Comments #1 – 30T-18201 and 30T-18202

by-law and that the “H” not be lifted until such time as the RSC has been completed. In this case, either option is acceptable to Regional staff.

Please be advised that the RSC must exclude the road widening requirements along Bleams Road and Trussler Road (as necessary) noted above in item #2.

5. Archaeological Assessment

For 30T-18201 (Bleams Road Lands)

- Prior to Draft Approval the Region will require the submission of the Stage 1 Archaeological Assessment for the subject property, and if recommended by the Stage 1, a Stage 2 Assessment. Further, the Region will require a Ministry of Heritage, Sport, Tourism, and Culture Industries Acknowledgement Letter for the Stage 1 (and possibly 2) Assessment(s)

For 30T-18202 (161 Gehl Place Lands)

- Regional staff have received a copy of the Stage 3 Archaeological Assessment for the subject property.
- Regional staff understand further archaeological assessment work continues or is currently underway.
- Prior to Draft Approval the Region will require the submission of:
 - A Ministry of Heritage, Sport, Tourism and Culture Industries Acknowledgement Letter for the Stage 3 Archaeological Assessment for AiHd-160;
 - The Stage 4 Archaeological Assessment for AiHd-160; and
 - The Ministry of Heritage, Sport, Tourism and Culture Industries Acknowledgement Letter for the Stage 4 Archaeological Assessment for AiHd-160.

6. Preliminary Environmental Planning Comments

The following preliminary comments are offered based on environmental planning staff review of the Environmental Impact Study completed by NRSI dated July 2018 (Updated December 2019) and other supporting documents relating to Draft Plans of Subdivision 30T-18201 and 30T-18202.

30T-18201 – There are no Core Environmental Features currently designated, and as such, Environmental Planning has no concern with this application proceeding at this time.

30T-18202 – Further discussion between Regional, City, and Provincial staff are ongoing and comments will be provided when available.

7. General Comments

Land Use Compatibility

The HGC Environmental Noise Study (June 22, 2011) completed as part of the Rosenberg Secondary Plan identified potential for land use compatibility/noise issues associated with the variety of land uses on the subject lands, specifically mixed use, institutional, higher density residential blocks, and other sensitive land uses on the draft plan.

These potential land use compatibility issues should be identified and addressed in the supporting studies and reports.

Further discussion is required on how to implement this requirement moving forward.

Density

The "Planning Justification Addendum Report" (SGL Planning and Design Inc, December 2019), notes an overall density range between 47-79 people and jobs per hectare. The density for this site must meet the densities proposed for the overall Rosenberg Secondary Plan. Regional staff are reviewing the proposed densities in these plans of subdivision, as well as other adjacent plans of subdivision, to determine compliance.

Aggregate License

It is noted that the lands (30T-18201) are still licensed under the Aggregate Resources Act. Staff understand that all aggregate operations will cease and licences surrendered once residential uses are introduced. If this is not the case, a condition of draft approval will be required to ensure compatibility is addressed prior to registration of any stage of the plan.

Fees and Charges

The Region acknowledges the receipt of applicable fees for these applications which were received in 2018 (\$11,500.00 – 30T-18201; \$5,572.50 – 30T-18202; \$5,750 – per OPA; \$6,402.50 per ZBA/EIS/TIS/Noise Study). The Region also acknowledges the receipt of the applicable recirculation fee (\$2,300.00 under By-law 19-016), which was received on March 11, 2020. Pursuant to the 2017 Regional Fee By-law, which was in effect when the applications were submitted, the Region's additional fee for draft approval of a plan of subdivision is \$4,025.00 for each subdivision. These fees are payable prior to the Region's issuance of conditions of draft approval to the approval authority for the subdivision.

Regional Development Charges

Any future development on the subject lands will be subject to provisions of Regional Development Charges By-law 19-037 or any successor thereof.

Regional staff continues to review the circulation. In the meantime, if you have any questions, feel free to give me a call.

Yours truly,

A handwritten signature in blue ink that reads "Peter Ellis". The signature is written in a cursive, flowing style.

Peter Ellis, MES
Principal Planner

- cc. Brad Trussler, Mattamy Homes (via email)
Shilling Yip, Community Planning, Region of Waterloo (via email)



PLANNING, DEVELOPMENT
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February 1, 2021

Brad Trussler
Mattamy Homes
Waterloo-Wellington Division
433 Steeles Avenue East
Milton, ON L9T 8Z4

File No.: D18-20/56 BLEAMS
Ian Cook Construction

Dear Mr. Trussler:

Re: Region of Waterloo Transportation Related Conditions Update – South Estates (Cook Homes/Mattamy Homes), 1531 Bleams Road, City of Kitchener, 30T-08206

This letter is a follow up to earlier conversations related to Regional Road network improvements for the Cook Homes/Mattamy Homes (South Estates) Plan of Subdivision (30T-08206). The most recent Modification to Conditions of Approval issued by the City of Kitchener is dated July 2, 2020. Region of Waterloo conditions included the following:

21.

- a) *That prior to final approval, the Owner will provide a functional design and cost estimate for a westbound left-turn lane with 40 metre storage length and appropriate tapers on Bleams Road at Forestwalk Street.*
- b) *That prior to final approval, the Owner will provide a functional design and cost estimate for a southbound left-turn lane with 50m storage on Trussler Road at Bleams Road.*
- c) *That prior to final approval, the Region has the necessary physical and financial resources to construct all required road improvements in a) and b), above;*
- d) *That conditions a), b) and c) above all be fulfilled to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.*

As you know, Region of Waterloo Design & Construction staff are moving forward with the Bleams Road Environmental Assessment (EA) for the future road re-construction between Fischer-Hallman Road and Trussler Road within the City of Kitchener. To avoid duplication between the Bleams Road EA and the Plan of Subdivision application, the Region of Waterloo will no longer require the Owner to submit the functional designs and cost estimates as noted under Regional condition 21. These will be addressed through the Bleams Road EA work.

DOCS: 3548627

Yours Truly,



Jason Wigglesworth, C.E.T.
Transportation Planner
(519) 505-4536

CC: Shilling Yip – Region of Waterloo
Peter Ellis – Region of Waterloo
Greg Proctor – Region of Waterloo
Darryl Spencer – Region of Waterloo
Sergio Zaga – Stantec
Alexander Drung – Mattamy Homes
Garett Stevenson – City of Kitchener

Garett Stevenson

From: Alexander Drung <Alexander.Drung@mattamycorp.com>
Sent: Wednesday, June 15, 2022 11:09 PM
To: Brad Trussler; Peter Ellis
Subject: FW: [EXTERNAL] Reserved Street name Request - 30T-08201/30T-08202

Hi Peter, please see the below email chain with Chris Rumig regarding street names.

All of the street names in our draft plan have been approved per the lists below.

Please let me know if you need anything else.

Thanks,
Alex

From: Chris Rumig <Crumig@regionofwaterloo.ca>
Sent: Thursday, December 9, 2021 3:50 PM
To: Alexander Drung <Alexander.Drung@mattamycorp.com>; 'Barb Fairbairn' <Barb.Fairbairn@kitchener.ca>
Subject: [EXTERNAL] Reserved Street name Request - 30T-08201/30T-08202

Hi Alex,

I've reserved the following street names on behalf of Mattamy:

Street name	Status
Averill	Reserved
Baltusrol	Reserved
Debonair	Reserved
Great Oak	Reserved
Northwood	Reserved
Seminole	Reserved
Thorn Lodge	Reserved
Waycross	Reserved
Winged Foot	Reserved

Thanks,

Chris Rumig
GIS Analyst - Information Technology Services, Region of Waterloo
150 Frederick St, 5th Floor, Kitchener, ON N2G 4J3
226-339-3257
crumig@regionofwaterloo.ca

From: Alexander Drung <Alexander.Drung@mattamycorp.com>
Sent: December 9, 2021 2:50 PM

To: Chris Rumig <Crumig@regionofwaterloo.ca>; 'Barb Fairbairn' <Barb.Fairbairn@kitchener.ca>
Subject: RE: [EXTERNAL] Reserved Street name Request - 30T-08201/30T-08202

Hi Chris, we were short a few names still. Please see attached a few more to confirm. This should be enough for our subdivision.

Thanks,
Alex

From: Chris Rumig <Crumig@regionofwaterloo.ca>
Sent: Thursday, December 9, 2021 9:38 AM
To: Alexander Drung <Alexander.Drung@mattamycorp.com>; 'Barb Fairbairn' <Barb.Fairbairn@kitchener.ca>
Subject: [EXTERNAL] Reserved Street name Request - 30T-08201/30T-08202

Good Morning Alex,

I've reviewed the list of street names you supplied and I've made note in the table below which streetnames were reserved for Mattamy and those which could not be reserved as they were already in use.

Street name	Status
Bandon	Reserved
Beacon	Reserved
Bethpage	Reserved
Blackwolf	Reserved
Brookline	Reserved
Crosscurrent	Reserved
Essex	Reserved
Fieldway	Reserved
Homelands	Reserved
Hummingbird	Already in use
Mackenzie	McKenzie already in use
Maple Leaf	Already in use
Merion	Reserved
Muirfield	Reserved
Oakmont	Reserved
Pinsent	Reserved
Rosebush	Reserved
Sand Hills	Already in use
Sawgrass	Reserved
Summerside	Already in use
Sunningdale	Reserved
Tailwind	Reserved
Tillinghast	Reserved

If you have any questions – please feel free to contact me.

Chris Rumig

GIS Analyst - Information Technology Services, Region of Waterloo
150 Frederick St, 5th Floor, Kitchener, ON N2G 4J3
226-339-3257
crumig@regionofwaterloo.ca

From: Alexander Drung <Alexander.Drung@mattamycorp.com>
Sent: December 8, 2021 8:41 AM
To: Chris Rumig <Crumig@regionofwaterloo.ca>; 'Barb Fairbairn' <Barb.Fairbairn@kitchener.ca>
Subject: FW: [EXTERNAL] RE: Street Names

Hi Chris, I am working with Brad on the Kitchener Green subdivision on Bleams Rd (30T-18201 and 30T-18202).

I understand there were some street names already reserved for Mattamy to use in this subdivision. We were still several names short, so we have come up with an additional list I wanted to provide you for your approval. I have checked them against existing/reserved names within the Region, which there should not be duplicates, but could you kindly confirm these names could also be reserved for us?

Thanks,
Alex



Alex Drung
Senior Land Development Manager
t (905) 203-3966 (direct) c (416) 804-8521
alexander.drung@mattamycorp.com

Mattamy Homes Canada
Greater Toronto West Division:
433 Steeles Avenue East, Suite 110, Milton, ON L9T 8Z4

Notice: This email is intended for use of the party to whom it is addressed and may contain confidential information. If you have received this email in error, please inform me and delete it. Thank you

From: Barb Fairbairn <Barb.Fairbairn@kitchener.ca>
Sent: Thursday, November 25, 2021 11:16 AM
To: Brad Trussler <Brad.Trussler@mattamycorp.com>
Cc: 'Chris Rumig' <Crumig@regionofwaterloo.ca>
Subject: [EXTERNAL] RE: Street Names

Hello Brad, could you please tell me which subdivision(s) in Kitchener these names relate to (30T# please).

Chris, thanks for including the link to the website to look up reserved names.

Thanks very much.
Barb

Barbara Fairbairn
Addressing Analyst | Building Div | City of Kitchener
519-741-2200 e7329 | TTY 1-866-969-9994 | barb.fairbairn@kitchener.ca



From: Chris Rumig <Crumig@regionofwaterloo.ca>
Sent: Thursday, November 25, 2021 11:08 AM
To: 'Brad.Trussler@mattamycorp.com' <Brad.Trussler@mattamycorp.com>
Cc: Tim Walden <TWalden@regionofwaterloo.ca>; Shilling Yip <SYip@regionofwaterloo.ca>; Barb Fairbairn <Barb.Fairbairn@kitchener.ca>
Subject: [EXTERNAL] Street Names

Good Morning Brad,

I've reviewed the list of streetnames you submitted for consideration for your subdivision plans in Kitchener. I have indicated in the following table the street names I have reserved on behalf of Mattamy.

Streetname	Comment
Solitude	Reserved for Mattamy
Sheephorn	Reserved for Mattamy
Gold Dust	Reserved for Mattamy
Sawbuck	Reserved for Mattamy
Rattlesnake	Reserved for Mattamy
Greystone	already in use
Edgewater	already in use
Burgundy	Reserved for Mattamy
Blueberry	already reserved
Bellflower	already reserved
Conners	Too phonetically close to Conner St which is already in use
Leggatt	Reserved for Mattamy
Skyline	Reserved for Mattamy
Cooperhead	Reserved for Mattamy
Sidewinder	Reserved for Mattamy
Allan	already in use

As well, I wanted to note that weekly we update a table of all reserved streetnames on the Region's Open Data Portal (<https://rowopendata-rmw.opendata.arcgis.com/datasets/reserved-streetnames/explore>) which you can download.

If you have any questions – please feel free to contact me.

Regards,

Chris Rumig

GIS Analyst - Information Technology Services, Region of Waterloo
150 Frederick St, 5th Floor, Kitchener, ON N2G 4J3

DRAFT / PRELIMINARY
REGIONAL CONDITIONS OF DRAFT APPROVAL

PLAN OF SUBDIVISION 30T-18201
(Mattamy Kitchener Green – Area 2)

June 30, 2022

Please note that these Regional Conditions of Draft Approval are considered preliminary and draft, and do not represent a comprehensive or final list of Regional conditions. In particular, environmental planning conditions have not been provided yet. These conditions may be subject to change.

– Peter Ellis, Principal Planner

That the OWNER (Kitchener Green Limited Partnership) satisfies the following conditions to the satisfaction of the Regional Municipality of Waterloo Commissioner of Planning, Development and Legislative Services:

1. That this approval applies to Plan of Subdivision 30T-18201 for Kitchener Green Limited Partnership (OWNER) in the City of Kitchener, **CAD File No. 30T-18201.dwg dated March 2022** and which shows the following:

Stage 1

Blocks 1-32	- Singles/Towns (Residential)	(294-476 units)
Block 33	- Park	
Blocks 34-35	- Public Walkway	
Blocks 36, 37, 44	- Open Space/SWM	
Block 38	- Road Widening	
Block 39-43	- 0.3m Reserve	

Stage 2

Blocks 1-11	- Singles/Towns (Residential)	(108-174 units)
Block 12	- Walkway	
Blocks 13-14	- Multiple Residential	(250-404 units)
Block 15	- Mixed Use (Res./Commercial)	(100-350 units)
Block 16	- Multiple Residential/Institutional	(120-250 units)
Block 17	- Institutional	(0-100 units)
Block 18	- Community Park	
Block 19	- Open Space/SWM	
Blocks 20-21	- Road Widening	
Blocks 22-28	- 0.3m Reserve	

Stage 3

Block 1	- Multiple Residential	(150-325 units)
Block 2	- 0.3m Reserve	

Stage 4

Blocks 1-30, 39	- Singles/Towns (Residential)	(345-568 units)
Block 31	- Multiple Residential	(75-290 units)
Block 32	- Mixed Use (Res./Commercial)	(80-200 units)
Block 33	- Park	
Blocks 34-35	- Walkway	
Block 36	- Road Widening	
Blocks 37-38	- 0.3m Reserve	

Stage 5

Blocks 1-20	- Singles/Towns (Residential)	(207-341 units)
Block 21	- Multiple Residential	(80-150 units)
Block 22	- Park	
Block 23-24	- Walkway	
Block 25	- Road Widening	

Stage 6

Blocks 1-3	- Singles (Residential)	(10-18 units)
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Stage 7

Blocks 1-4	- Singles (Residential)	(16-29 units)
Block 5	- Future Development	
Blocks 6-7	- Future Access	

Total 1,996 to 3,994 units

2. That the plan for final approval may incorporate a lot pattern for all blocks in which single detached, semi-detached and townhouse lots are permitted, at a density not exceeding the density identified in the draft approval conditions;
3. That the OWNER agrees to stage the development of this subdivision in a manner satisfactory to the Regional Commissioner of Planning, Development and Legislative Services;
4. That the subdivision agreement be registered by the City of Kitchener against the lands to which it applies and a copy of the registered agreement be forwarded to the Regional Commissioner of Planning, Development and Legislative Services prior to final approval of the subdivision plan;
5. That any dead ends and open sides of road allowances created by this plan of subdivision shall be terminated in 0.3 metre reserves, to be conveyed to and held

in trust by the City of Kitchener until required for future road allowances or the development of adjacent land.

6. That the OWNER enter into an Agreement for Servicing with the Regional Municipality of Waterloo to preserve access to municipal water supply and municipal wastewater treatment services prior to final approval or any agreement for the installation of underground services, whichever comes first. Where the OWNER has already entered into an agreement for the installation of underground servicing with the area municipality, such agreement shall be amended to provide for a Regional Agreement for Servicing prior to registration of any part of the plan. The Regional Commissioner of Transportation and Environmental Services shall advise prior to an Agreement for Servicing that sufficient water supplies and wastewater treatment capacity is available for this plan, or the portion of the plan to be registered;
7. That the OWNER include the following statement in all agreements of lease or purchase and sale and/or rental agreements that may be entered into pursuant to Section 52 of the Planning Act, prior to the registration of this plan:

"The lot, lots, block or blocks which are the subject of this agreement of lease or purchase and sale are not yet registered as a plan of subdivision. The fulfillment of all conditions of draft plan approval, including the commitment of water supply and sewage treatment services thereto by the Region and other authorities, has not yet been completed to permit registration of the plan. Accordingly, the purchaser should be aware that the vendor is making no representation or warranty that the lot, lots, block or blocks which are the subject of this agreement or lease or purchase and sale will have all conditions of draft plan approval satisfied, including the availability of servicing until the plan is registered."

8. That the Functional Servicing Report (MTE, July 6, 2018) be completed to the satisfaction of the Region Commissioner of Planning, Development and Legislative Services.
9. That prior to final approval, the OWNER submit a Final Water Distribution Analysis and detailed water servicing report for the entire plan of subdivision, with such report to assess the need for pressure reducing valves, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services;
10. Where pressure reducing valves are required in Condition No. 9) above, the OWNER must enter into an agreement with the City of Kitchener to provide for such installation; and to include in all agreements of purchase and sale and/or rental agreements, a clause identifying the presence of such water pressure reduction device and advising that it may not be removed by the owner/occupant.

11. That, prior to final approval of all or any part of this plan of subdivision, the OWNER agrees to submit for review and approval, engineering drawings of the connections to the Regional watermain at Isaiah Drive and George Israel Street to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services;
12. That prior to final approval, the OWNER submit a stormwater management monitoring & contingency plan, to the satisfaction of the Region Commissioner of Planning, Development and Legislative Services. **The plan shall include during- and post-construction groundwater monitoring as recommended in MTE's Groundwater Sampling Program – Technical Memorandum dated December 12, 2019. Post-construction monitoring shall continue for a minimum of two years following 90% build-out.** Furthermore, the Owner enter into an agreement with the Regional Municipality of Waterloo to secure implementation of the SWM monitoring plan.
13. That prior to final approval, the OWNER decommissions any monitoring and private wells (not used for long term monitoring) and septic systems on the property in accordance with O. Reg. 903 prior to any grading on the property; and furthermore, that the OWNER enter into an agreement with the City of Kitchener to decommission any long term monitoring wells no longer used for such purposes, all to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.
14. That prior to final approval, if required, the OWNER enter into an agreement with the Region of Waterloo to implement the conclusions and recommendations of the accepted Materials Management Plan by MTE dated November 3, 2020 to the satisfaction of the Region of Waterloo.
15. That, prior to final approval, the OWNER completes a Record of Site Condition (RSC) for the entire plan of subdivision, and that a copy of the RSC document(s) and MECP acknowledgement be provided to the Regional Commissioner of Planning, Development and Legislative Services.

Applicable Environmental Planning DA Conditions to go here

16. That prior to any land clearing, grading or construction on the subdivision lands, the OWNER enter into an agreement with the Regional Municipality of Waterloo to indicate that no clearing of vegetation on the site occur during the bird breeding season (May 1 – July 31) in compliance with the Migratory Birds Convention Act unless it can be ascertained by a qualified expert that no birds covered by the Act are observed to be breeding in or adjacent to the affected area.

17. That, prior to final approval, the OWNER enter into an agreement with the Regional Municipality of Waterloo to distribute source water protection and winter salt management information with all offers to purchase and/or rental agreements, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.
18. That, prior to final approval, the OWNER enter into an agreement with the Regional Municipality of Waterloo to complete salt management plans for all Multiple Residential Blocks (Blocks 13, 14, 16, Stage 2; Block 1, Stage 3; Block 31, Stage 4; Block 21, Stage 5) and Mixed Use Blocks (Block 15, Stage 2; Block 32, Stage 4) prior to site plan approval and/or Vacant Land Condominium Blocks, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services. Furthermore, that the agreement contains a provision to include implementation of the salt management plan by way of declaration associated with any future applications for plan of condominium.
19. That, prior to final approval, the OWNER enter into an agreement with the City of Kitchener with the following clause relating to the accepted Archaeological Assessment reports:
 - a. Until such time as a permanent chain link fence has been erected along the northern limits of Block 37 (Stage 1) and along the southern limits of Block 35 of adjacent draft plan of subdivision 30T-18202, as recommended in the Report titled: "Preliminary Stage 4 Archaeological Mitigation of Site AiHd-160" (prepared by ASI, dated June 25, 2021) and shown on the Map titled: "Mattamy Community EIS, Natural Heritage Restoration and Enhancement Plan" (prepared by Natural Resource Solutions Inc., dated April 22, 2022), **THAT, the Temporary Avoidance and Protection Fencing erected on April 21, 2021 be maintained in good condition to protect unintentional soil disturbance in the adjacent Block 35 "Archaeological Site" of draft plan of subdivision 30T-18202.**
20. That prior to any grading or construction, and final approval of all or any part of this plan of Subdivision, the OWNER submits a final lot grading and drainage plan for review and approval by the Regional Commissioner of Planning, Development and Legislative Services. The lot grading and drainage plan must consider existing and future grades/profiles for Bleams Road (Regional Road 56);
21. That prior to any grading or construction, and final approval of all or any part of this plan of Subdivision, the SUBDIVIDER submits a final lot grading and drainage plan for review and approval by the Regional Commissioner of Planning, Development and Legislative Services. The lot grading and drainage plan must consider existing and future grades/profiles for Trussler Road (Regional Road 70);

22. The prior to final approval of all or any part of this subdivision, or prior to commencement of any construction work with the Bleams Road (Regional Road 56) right-of-way, the OWNER must enter into an agreement with the Regional Municipality of Waterloo to obtain a Municipal Consent and Work Permit from the Region for such works;
23. The prior to final approval of all or any part of this subdivision, or prior to commencement of any construction work with the Trussler Road (Regional Road 70) right-of-way, the OWNER must enter into an agreement with the Regional Municipality of Waterloo to obtain a Municipal Consent and Work Permit from the Region for such works;
24. That prior to final approval of all or any part of this subdivision, the OWNER provides engineering drawings which include details of boulevard restoration for Bleams Road (Regional Road 56) to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services;
25. That prior to final approval of all or any part of this subdivision, the OWNER provides engineering drawings which include details of boulevard restoration for Trussler Road (Regional Road 70) to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services;
26. That prior to final approval of all or any part of the Plan of Subdivision, the OWNER enters into an agreement with the Regional Municipality of Waterloo to provide the necessary financial resources for any decorative street lighting that may be proposed by the OWNER over and above the Region's standard illumination requirements along Bleams Road (Regional Road 56);
27. That prior to final approval of all or any part of the Plan of Subdivision, the OWNER enters into an agreement with the Regional Municipality of Waterloo to provide the necessary financial resources for any decorative street lighting that may be proposed by the OWNER over and above the Region's standard illumination requirements along Trussler Road (Regional Road 70);
28. That prior to final approval of all or any part of this Plan of Subdivision, the OWNER obtains Regional Road Access Permits for the intersections of: Bleams Road and Essex Road, Bleams Road and Isaiah Drive, Bleams Road and George Israel Street;
29. That prior to final approval of all or any part of this Plan of Subdivision, the OWNER obtains a Regional Road Access Permit for the intersection of Trussler Road and Rosenberg Way;
30. That Block 36, Stage 1 and Blocks 20 and 21, Stage 2 and Block 36, Stage 4 be conveyed to the Regional Municipality of Waterloo at no cost and free of

encumbrance, concurrently with the registration of applicable stages of the Plan of Subdivision, for road widening from the centreline of Bleams Road (Regional Road 56);

31. That prior to final approval of all or any part of this subdivision, the OWNER enter into an agreement with the Regional Municipality of Waterloo to provide sufficient certified funds for the following transit amenities for 10 transit stops along Rosenberg Way and 2 transit stops along George Israel Street in order to provide Grand River Transit services to this plan consisting of:
- a. Transit landing pads (12);
 - b. Transit shelter pads (4); and
 - c. Transit shelters (4)

To the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services;

32. That prior to final approval of each stage of registration, the OWNER enters into an agreement with the Regional Municipality of Waterloo to grant any easements as necessary, at no cost to the Region, for the provision of transit amenities within each stage, as noted in Condition 31 above;
33. That prior to final approval of all or any part of this Plan of Subdivision, the Regional Municipality of Waterloo has the necessary land required within the limits of the Plan of Subdivision to construct the necessary intersection improvements at the Bleams Road and Isaiah Drive intersection, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services;
34. That prior to approval of all or any part of this Plan of Subdivision, the Regional Municipality of Waterloo has the necessary land required within the limits of the Plan of Subdivision to construct the necessary intersection improvements at the Bleams Road and Essex Road, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services;
35. That prior to approval of all or any part of this Plan of Subdivision, the Regional Municipality of Waterloo has the necessary land required within the limits of the Plan of Subdivision to construct the necessary intersection improvements at the Bleams Road and George Israel Street intersection, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services;
36. That prior to final approval of all or any part of this Plan of Subdivision, the OWNER agrees to provide for any road widening dedication along Bleams Road and Trussler Road frontage and daylight triangles as identified in the Environmental Assessment projects for Bleams Road and Trussler Road to the

satisfaction of the Regional Commissioner of Planning, Development and Legislative Services;

37. That prior to final approval of all or any part of this Plan of Subdivision, the OWNER agrees:
- a. to provide a functional design and cost estimate for a southbound left-turn lane with 70 metre storage length and appropriate tapers on Trussler Road at Rosenberg Way;
 - b. that the Region of Waterloo has the necessary physical and financial resources to construct all required road improvements in 37.a) above; and
 - c. That conditions 37.a) and 37.b) above all be fulfilled to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.
38. That prior to final approval of all or any part of this Plan of Subdivision, the OWNER submits for review and approval any functional design and cost estimate for any interim Regional Road improvements including any left-hand turn lanes, right-hand turn lanes, appropriate storage lengths, and appropriate tapers identified in association with the Plan of Subdivision construction, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services;
39. That prior to final approval of all or any part of this Plan of Subdivision, the Regional Municipality of Waterloo has the necessary physical and financial resources to provide for any interim road improvements identified in Condition 38 above, to the satisfaction of the Regional Commissioner of Planning, Housing and Community Services;
40. That prior to final approval of all or part of this Plan of Subdivision, the OWNER enters into an agreement with the City of Kitchener and/or Regional Municipality of Waterloo as necessary, to provide for implementation of the recommendations contained in the report entitled "Rosenberg Secondary Plan Mattamy Community, Preliminary Environmental Noise Assessment" (MTE Consultants, July 6, 2018 and last revised November 1, 2019);
41. That, notwithstanding Condition 40 above, the OWNER enters into an agreement with the Regional Municipality of Waterloo to complete a detailed noise study to determine noise attenuation requirements for Multiple Residential Block 13, 14, 15, 16, 17 Stage 2 and Block 1 Stage 3 and Blocks 31, 34, Stage 4 and Block 21, Stage 5 that may be impacted by road and stationary noise, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services. The detailed noise study must be completed prior to final Site Plan approval for each identified block. Where appropriate, the lands shall be designed to avoid the use of physical noise attenuation measures through appropriate site design and setbacks;

- a. Furthermore, the agreement shall include a provision to enter into an amending agreement or new agreement with the City of Kitchener and/or the Regional Municipality of Waterloo as necessary, to provide for implementation of the noise attenuation requirements recommended in the detailed noise study.

42. That prior to final approval of all or any part of this Plan of Subdivision, the OWNER enters into an agreement with the Regional Municipality of Waterloo to provide for installation of a 1.5m metre high chain-link fence, at a minimum, along:

- Block 1, Stage 3;
- Blocks 13 and 14, Stage 2;
- Blocks 8, 9, 31 and 32 Stage 4;
- Block 1 and 21, Stage 5; and
- Block 5, Stage 7.

DRAFT

30T-18201, KITCHENER GREEN

MATTAMY, GEHL & BLEAMS ROAD; ROSENBERG SECONDARY PLAN AREA

REGION OF WATERLOO ENVIRONMENTAL PLANNING – PROPOSED CONDITIONS OF DRAFT APPROVAL

Correspondence from Ministry of Northern Development, Mines, Natural Resources and Forestry (April 4, 2022) indicates the Ministry's acceptance of the status of the wetlands identified as W1, W2 and W4 in the EIS as Provincially Significant Wetlands (and confirmed by GRCA in correspondence dated June 17, 2022), and as such, these areas are now considered to meet the Regional Official Plan (ROP) criteria for designation as Core Environmental Features. The ROP mapping will be updated to reflect this with the next update to the natural heritage features.

Wetland W4 is partially within the limits of Plan 30T-18201. The wetland (W4) is proposed to be protected and a 30m buffer has been applied to the wetland which is comprised of a 15m 'no touch' area directly adjacent to the wetland, and a 15m enhancement area outside of the no touch area. The wetland and the associated buffer also incorporate components of the Blanding's Turtle mitigation plan which is still under review with the MECP. Notwithstanding the inclusion of a portion of wetland W4 and associated Blanding's Turtle enhancement within this plan, regional environmental staff withdraw their objection to this plan proceeding to draft approval based on confirmation from MECP (date) that there are no concerns and/or anticipated mitigation measures required which will impact the proposed draft plan (30T-18201). Conditions of draft approval for the adjacent plan (30T-18202) will be withheld until MECP accepts the proposed Blanding's Turtle Mitigation Plan.

The wetland identified as "W4" and the associated 30m buffer ("Open Space Block 37") located in the southeastern portion of the subject lands should be placed in an appropriate Natural Heritage Conservation Zone and corresponding designation which prohibits development activities. There are no other Regionally-designated Core Environmental Features within the limits of 30T-18201.

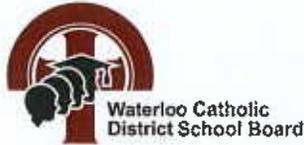
For the purposes of 30T-18201, environmental planning staff request the inclusion of the following conditions of draft approval:

1. That the boundaries and buffers of the Core Environmental Feature (Provincially Significant Wetland ("W4")) within the subject lands be interpreted as shown on Map 4a of the Rosenberg Secondary Plan – Mattamy Community, Environmental Impact Study – Update (Natural Resource Solutions Inc., December 2019).
2. That prior to final approval of all or any part of this plan of subdivision, the Core Environmental Feature (Provincially Significant Wetland) and associated buffers on the subject lands (Block 37, Open Space) be placed in suitable natural heritage conservation zoning.
3. That prior to any land clearing, grading or construction on the subdivision lands, the developer enter into an agreement with the Regional Municipality of Waterloo to indicate that no clearing of vegetation on the site occur during the bird breeding season (May 1- July 31) in compliance with the Migratory Birds Convention Act unless it can be ascertained by a qualified expert that no birds covered by the Act are observed to be breeding in or adjacent to the affected area.

4. That prior to any land clearing, grading or other site alteration, the developer ensures compliance with the Endangered Species Act.
5. That prior to final approval or any land clearing, grading or construction on the subject lands, the developer enter into an Agreement with the City of Kitchener to install fencing along the southern limits of the subdivision consistent with the recommendations of the Rosenberg Secondary Plan – Mattamy Community, Environmental Impact Study – Update (Natural Resource Solutions Inc., December 2019) and the Blanding's Turtle Mitigation Plan for the adjacent lands (30T-18202) to ensure the exclusion of Blanding's Turtles from the subject property. Further, the Agreement should include the requirement to develop and implement protocols to monitor for turtle activity during construction, and to provide all personnel on site during construction with the protocols to follow in the event a turtle is observed within the construction zone.
6. That prior to final approval, or any land clearing, grading or construction on the subject lands, the developer enter into an Agreement with the City of Kitchener to install permanent fencing along the outer limits of Block 37.
7. That, prior to final approval of Stages 1, 2, 5 and 6 and any land clearing, grading, or the installation of services, the developer submit a detailed erosion and sediment control plan acceptable to the Regional Municipality of Waterloo, City of Kitchener and Grand River Conservation Authority in order to prevent sedimentation into Blocks 37 and the Core Environmental Feature located on the adjacent lands, south of the subject property.
8. That, prior to final approval, the developer submit a detailed stormwater management plan for the stormwater management facilities located within each stage to be registered to the satisfaction of the City of Kitchener, Grand River Conservation Authority, and Regional Municipality of Waterloo; further, that the stormwater management plan includes, but is not limited to, measures required to sustain the flow of groundwater to Core Environmental Features.
9. That, prior to final approval, the developer submit a Detailed Vegetation Management Plan and a Natural Heritage Restoration and Enhancement Plan, in accordance with the Rosenberg Secondary Plan – Mattamy Community, Environmental Impact Study – Update (Natural Resource Solutions Inc., December 2019) which includes measures to enhance connectivity of turtle habitats, vegetation loss compensation, permanent wildlife fencing, wildlife corridor details, to the satisfaction of the Regional Municipality of Waterloo and the City of Kitchener, and in consultation with Grand River Conservation Authority.
10. That, prior to final approval of Stages 1, 2, 5 and 6, the developer submit landscaping and planting plans for all buffer areas contiguous to the environmental features and for the stormwater management facilities located within the stage to be registered, and that recommended plantings shall consist of locally-appropriate, self-sustaining native vegetation to the satisfaction of the Regional Municipality of Waterloo, the City of Kitchener and the Grand River Conservation Authority.
11. That, prior to final approval of all or any part of this plan of subdivision, the developer submit a detailed monitoring plan for the Core Environmental Feature and buffer/enhancement area (Block 37, Stage 1) on the subject lands as outlined in the Rosenberg Secondary Plan – Mattamy Community, Environmental Impact Study – Update (Natural Resource Solutions Inc., December 2019) to the satisfaction of the Regional Municipality of Waterloo, the City of Kitchener and the Grand River

Conservation Authority. Furthermore, that the developer enter in an agreement with the City of Kitchener to implement any required remedial action deemed necessary as a result of the monitoring plan.

12. That, prior to final approval of all or any part of this plan of subdivision, the developer provides a brochure and other information tools for new home purchasers and residents which provides information about the natural heritage features within the subdivision, along with advice about how they can be good stewards of these areas, and that the brochure be to the satisfaction of the Regional Municipality of Waterloo. The developer will be required to enter into an agreement with the City of Kitchener or the Regional Municipality of Waterloo to distribute the approved stewardship brochure or other comparable information tools to home purchasers.



October 22nd, 2018

Garett Stevenson, Planner
CSD – Planning Division
City of Kitchener, 6th Floor
200 King Street West, P.O. Box 1118
Kitchener, Ontario
N2G 4G7

Dear Garett Stevenson:

RE: Draft Plan of Subdivision Application 30T-18201 and Draft Plan of Subdivision Application 30T- 18202

Staff at the Waterloo Catholic District School Board (WCDSB) has reviewed the subject applications and has the following comments:

The WCDSB is requesting a school site within 30T-18201 that meets the following requirements:

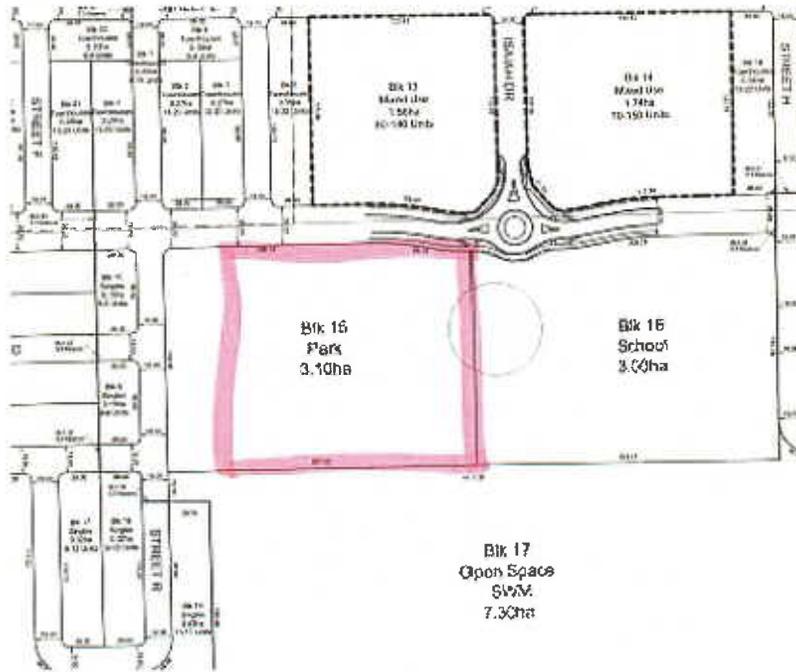
- Approximately 6 acres
- Regular shape (either a square or rectangle).
- Frontage along two streets

We understand that this school site was not contemplated in the Secondary Plan. However, due to increasing enrolment numbers and our most recent Education Development Charge background study, we need two additional school sites within the southwest area of Kitchener. We trust this request will not be difficult to accommodate given that a neighborhood institutional zone was originally proposed within the Rosenberg Secondary Plan, specifically within the limits of this draft plan.

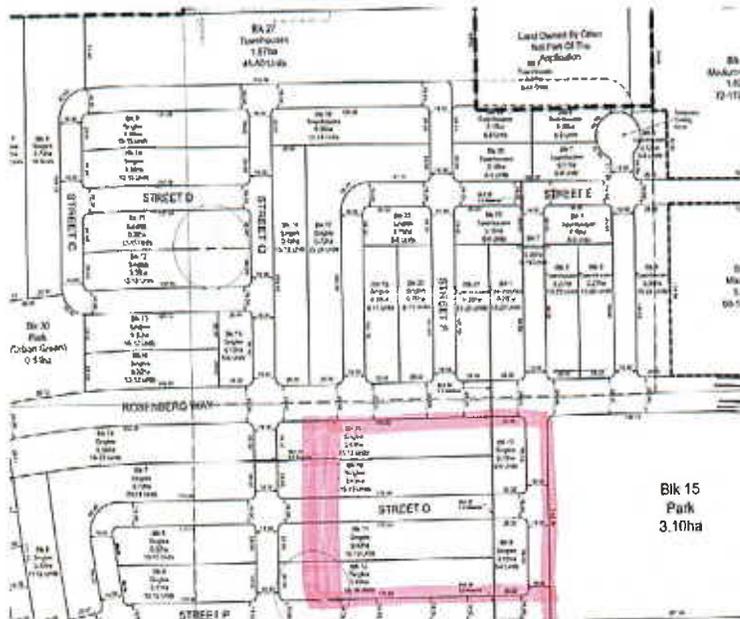
We would appreciate an opportunity to meet with you in person to discuss the location of our school site within this draft plan of subdivision. We feel it would be appropriate to invite the Waterloo Region District School Board to this meeting to discuss how school accommodation will be handled within this area.

The WCDSB is open to several location and has identified some possibilities below:

Location 1: Stage 3, Block 15 (currently designated as a 3.10ha park)



Location 2: Stage 5, Land west of block 15 (currently designated as Blk 9, Blk 10, Blk 11, Blk12, Blk 25, and a portion of street O).



Location 3: Stage 4, Land at the corner of George Israel Street and Rosenberg Way (currently designated as Blk 30, part of Blk 7,8, 11, 12,13, and 14, and a portion of street C).



Regardless of the site, all standard WCDSB conditions of subdivision would apply. We request that the City add these conditions to our school site:

1. That prior to final approval, the SUBDIVIDER agrees to provide the CITY'S Director of Planning with a letter from the Waterloo Catholic District School Board indicating that satisfactory arrangements have been made to acquire Block __ ("the School Block") for school purposes. The School Block shall contain not less than __ hectares. *(Block and hectares to be determined and currently left blank intentionally).*
2. That the SUBDIVIDER shall agree in the Subdivision Agreement, in wording satisfactory to the Waterloo Catholic District School Board, to:
 - a. grade the School Block and in doing so compact, fill with clean material, replace any topsoil disturbed in the grading process and sod/seed the lands to the specifications determined by the Board;
 - b. remove all trees and buildings on the School Block as determined by the Board;
 - c. remove stockpiled topsoil within 30 days of written notice by the Board, and in doing so compact, fill with clean material, replace any topsoil disturbed in the grading process and sod/seed the lands to specifications determined by the Board;
 - d. construct a 1.5-meter-high black vinyl chain link fence, along all boundaries of the School Block, with the exception of the road frontage, to the specifications determined by the Board;
 - e. construct the fences prior to the issuance of building permits for any lands abutting the School Block; and
 - f. provide the foregoing at no cost to the Board.

- 
3. That the SUBDIVIDER shall submit to the Waterloo Catholic District School Board, at no cost to the Board, a report from a qualified consultant concerning:
 - a. the suitability of Block __ for school construction purposes, relating to soil bearing factors, surface drainage, topography and environmental contaminants; and
 - b. the availability of natural gas, hydro, water supply, storm sewer and sanitary sewer services adequate for the construction of an elementary school.
 4. That the SUBDIVIDER shall agree in the Subdivision Agreement in wording acceptable to the Waterloo Catholic District School Board that the services referred to in Condition 3(b) shall be installed to the mid-point of the frontage of the elementary school site, or in a location otherwise determined by the Board, at no cost to the Board.
 5. That prior to final approval, the SUBDIVIDER shall submit to the Waterloo Catholic District School Board for review and approval, a copy of the final engineering plans as approved by the City of Kitchener which indicate the storm drainage system and the overall grading plans for the complete subdivision area.
 6. That the Waterloo Catholic District School Board shall advise that conditions 1 to 5 have been met to its satisfaction. The clearance letter shall include a brief statement detailing how each condition has been satisfied or carried out.
 7. That the following warning clause be included in all offers of purchase and sale or lease/rental agreements for all residential dwelling units within this plan until such time as a permanent school is assigned: "The Waterloo Catholic District School Board advises all prospective purchasers and tenants of residences within the Mattamy Community (30T-18201 and 30T-18202) subdivision that unless the provincial funding model provides sufficient funds to construct a new school, there can be no assurance as to the timing of a new school construction nor a guarantee that an elementary school will be provided within this subdivision notwithstanding the designation of an elementary school site"

The following condition be added to the Waterloo Region District School Board school block: "That prior to final approval, if the Waterloo Region District School Board has elected to waive their interest in the elementary school site (Stage 3, Block 16), that the Waterloo Catholic District School Board be provided the opportunity to also acquire Stage 3, Block 16, subject to the same conditions of approval, or provide notification in writing that interest in the site has been waived.



Lastly, students generated from the proposed development will be bussed to Blessed Sacrament until a new school is built east of Gehl Place and west of Fischer Hallman Road. The WCDSB is requesting sidewalks on both sides of all streets to be constructed and maintained year round from the community to the School Board property line.

If you have any questions regarding our comments, please contact the undersigned.

Sincerely,

Mapreet Sian, BSc., MSc. Planning
Planning Officer



January 9th, 2018

Garett Stevenson, Planner
CSD – Planning Division
City of Kitchener, 6th Floor
200 King Street West, P.O. Box 1118
Kitchener, Ontario
N2G 4G7

Dear Garett Stevenson:

RE: Draft Plan of Subdivision Application 30T-18201 and Draft Plan of Subdivision Application 30T- 18202

Staff at the Waterloo Catholic District School Board (WCDSB) has reviewed the subject applications and has the following comments:

The WCDSB is requesting a school site within 30T-18201 that meets the following requirements:

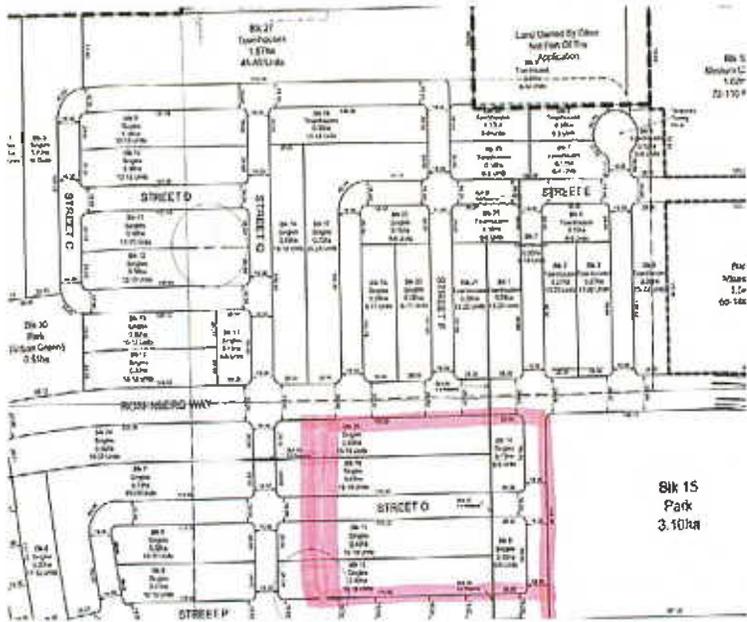
- Approximately 6 acres
- Regular shape (either a square or rectangle).
- Frontage along two streets

We understand that this school site was not contemplated in the Secondary Plan. However, due to increasing enrolment numbers and our most recent Education Development Charge background study, we need two additional school sites within the southwest area of Kitchener, one of which we are requesting in this area.

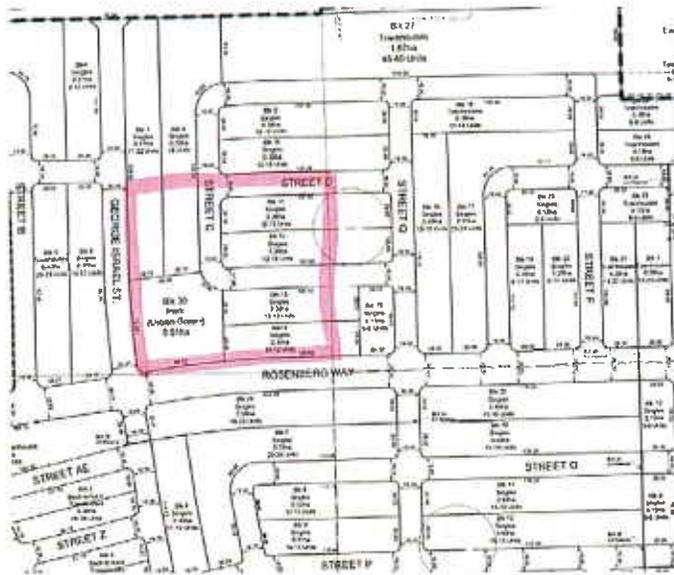
We trust this request will not be difficult to accommodate given that a neighborhood institutional zone was originally proposed within the Rosenberg Secondary Plan, specifically within the limits of this draft plan. This neighborhood institutional zone has since been removed and is missing from in the current provided plan. The WCDSB is requesting this institutional zone be added back into the Rosenberg Secondary Plan for the purpose of a Catholic elementary school.

The WCDSB is open to several locations and has identified some possibilities below:

Location 1: Stage 5, Land west of block 15 (currently designated as Blk 9, Blk 10, Blk 11, Blk12, Blk 25, and a portion of street O).



Location 2: Stage 4, Land at the corner of George Israel Street and Rosenberg Way (currently designated as Blk 30, part of Blk 7,8, 11, 12,13, and 14, and a portion of street C).



These 2 location are preferred suggestions, and other available location imitating these sites will also be acceptable for the purpose of a school site.

Regardless of the site, all standard WCDSB conditions of subdivision would apply. We request that the City add these conditions to our school site:

1. That prior to final approval, the SUBDIVIDER agrees to provide the CITY'S Director of Planning with a letter from the Waterloo Catholic District School Board indicating that satisfactory arrangements have been made to acquire



Block __ (“the School Block”) for school purposes. The School Block shall contain not less than __ hectares. *(Block and hectares to be determined and currently left blank intentionally).*

2. That the SUBDIVIDER shall agree in the Subdivision Agreement, in wording satisfactory to the Waterloo Catholic District School Board, to:
 - a. grade the School Block and in doing so compact, fill with clean material, replace any topsoil disturbed in the grading process and sod/seed the lands to the specifications determined by the Board;
 - b. remove all trees and buildings on the School Block as determined by the Board;
 - c. remove stockpiled topsoil within 30 days of written notice by the Board, and in doing so compact, fill with clean material, replace any topsoil disturbed in the grading process and sod/seed the lands to specifications determined by the Board;
 - d. construct a 1.5-meter-high black vinyl chain link fence, along all boundaries of the School Block, with the exception of the road frontage, to the specifications determined by the Board;
 - e. construct the fences prior to the issuance of building permits for any lands abutting the School Block; and
 - f. provide the foregoing at no cost to the Board.
3. That the SUBDIVIDER shall submit to the Waterloo Catholic District School Board, at no cost to the Board, a report from a qualified consultant concerning:
 - a. the suitability of Block __ for school construction purposes, relating to soil bearing factors, surface drainage, topography and environmental contaminants; and
 - b. the availability of natural gas, hydro, water supply, storm sewer and sanitary sewer services adequate for the construction of an elementary school.
4. That the SUBDIVIDER shall agree in the Subdivision Agreement in wording acceptable to the Waterloo Catholic District School Board that the services referred to in Condition 3(b) shall be installed to the mid-point of the frontage of the elementary school site, or in a location otherwise determined by the Board, at no cost to the Board.
5. That prior to final approval, the SUBDIVIDER shall submit to the Waterloo Catholic District School Board for review and approval, a copy of the final engineering plans as approved by the City of Kitchener which indicate the storm drainage system and the overall grading plans for the complete subdivision area.
6. That the Waterloo Catholic District School Board shall advise that conditions 1 to 5 have been met to its satisfaction. The clearance letter shall include a



brief statement detailing how each condition has been satisfied or carried out.

7. That the following warning clause be included in all offers of purchase and sale or lease/rental agreements for all residential dwelling units within this plan until such time as a permanent school is assigned: "The Waterloo Catholic District School Board advises all prospective purchasers and tenants of residences within the Mattamy Community (30T-18201 and 30T-18202) subdivision that unless the provincial funding model provides sufficient funds to construct a new school, there can be no assurance as to the timing of a new school construction nor a guarantee that an elementary school will be provided within this subdivision notwithstanding the designation of an elementary school site"

The following condition be added to the Waterloo Region District School Board school block: "That prior to final approval, if the Waterloo Region District School Board has elected to waive their interest in the elementary school site (Stage 3, Block 16), that the Waterloo Catholic District School Board be provided the opportunity to also acquire Stage 3, Block 16, subject to the same conditions of approval, or provide notification in writing that interest in the site has been waived.

If you have any questions regarding our comments, please contact the undersigned.

Sincerely,

Manpreet Sian

Manpreet Sian, BSc., MSc. Planning
Planning Officer



January 3, 2019

OR: 30T-18201 and 30T-18202

Garett Stevenson, Planner
Development Services Department - Planning
City of Kitchener, City Hall
P.O. Box 1118, 200 King Street West
Kitchener, Ontario N2G 4G7

**Re: Notice of Draft Plan of Subdivision Application 30T-18201, Official Plan Amendment Application OP18/005/B/GS and Zoning By-law Amendment ZBA18/006/B/GS for Bleams Road "Application 1", Bleams Road and Trussler Road, City of Kitchener
&
Draft Plan of Subdivision Application 30T-18202, Official Plan Amendment Application OP18/006/G/GS and Zoning By-law Amendment ZBA18/007/G/GS for 161 Gehl Place "Application 2", City of Kitchener
Kitchener Green Ltd. & 2079546 Ontario Inc.**

Dear Mr. Stevenson:

In consideration of the above noted applications, the Grand River Conservation Authority (GRCA) has now undertaken a preliminary review of the following supporting materials:

- Draft Plan of Subdivision (30T-18201), prepared by SGL Planning and Design Inc., signed June 28, 2018
- Draft Plan of Subdivision (30T-18202), prepared by SGL Planning and Design Inc., signed June 28, 2018
- Area 5 Lands Functional Drainage Study (Upper Strasburg Creek Subwatershed), prepared by MTE Consultants Inc. and Natural Resource Solutions Inc., dated August 31, 2018
- Rosenberg Secondary Plan – Mattamy Community, Environmental Impact Study (EIS), prepared by Natural Resource Solutions Inc., dated July 2018
- Preliminary Stormwater Management (SWM) Report, prepared by MTE Consultants Inc., dated July 6, 2018
- Hydrogeology Study, prepared by MTE Consultants Inc., dated July 6, 2018
- Functional Servicing Report, prepared by MTE Consultants Inc., dated July 6, 2018
- Geotechnical Recommendations – Proposed Residential Subdivision, Rosenberg Area 2 Lands, Kitchener, Ontario, prepared by DS Consultants Ltd., dated June 12, 2018

Based on our review of the EIS, it is our understanding that the applicant is proposing the removal of four wetlands within the boundaries of Draft Plan of Subdivision 30T-18201 (referred to as W5, W6, W7 and a wet depression), as well as one wetland within the boundaries of Draft Plan of Subdivision 30T-18202 (referred to as W3). However, the assessment in the EIS of whether they meet GRCA requirements for removal is not complete:

- EIS Section 7.1.1 notes that, "Under the General Habitat Description for Blanding's Turtle (MNRF 2017b), W5 may qualify as Category 2 habitat, although it has not been confirmed by the MNRF to date" (page 44).
- EIS Section 7.2.1 notes that, "Under the General Habitat Description for Blanding's Turtle (MNRF 2017b), this wetland [W3] may qualify as Category 2 habitat, although it has not been confirmed as Blanding's Turtle Habitat by the MNRF, to date" (page 59).

Based on the information above, we believe it is premature to propose development within the natural features until it has been confirmed by the Ministry of Natural Resources and Forestry (MNRF) whether the wetlands are considered habitat for Blanding's Turtle and/or significant wildlife habitat, and the EIS is updated to demonstrate that they can meet GRCA policies for removal. We understand that MNRF is requesting additional information to review under the *Endangered Species Act* (ESA). The EIS should be amended to address our above comments and include the MNRF interpretation of the ESA.

At this time we can offer the following preliminary comments on the above noted applications. Please consider these comments preliminary in nature as we may have additional comments upon receipt of a response and following a more comprehensive review.

1. Section 2.4 of the Hydrogeology Study (pages 6-7) notes that infiltration testing was undertaken for SWMF1 (TL1, TL2, TL3 and TL4) and SWMF2 (Area 1 and Area 2), with reference to Appendix F for infiltration testing outcomes. Appendix F only includes outcomes for testing at SWMF1. Results of infiltration testing for SWMF2 are also required for review.
2. A monthly breakdown of the water balance is needed to demonstrate that the infiltration targets will be met considering the winter bypass for infiltration basins. Based on our review of the Preliminary SWM Report, we understand that the water balance calculations provided in Tables 5.8 and 5.9 are based on continuous modeling. The monthly breakdown should demonstrate that the model was run for all months to identify pre-development conditions, and only during non-winter months to identify post-development conditions.
3. The recommended wetland buffers in the EIS are inconsistent with the recommendations for a minimum 30 metre buffer (development setback limits) in the Alder Creek Watershed Study and Upper Strasburg Creek Subwatershed Plan Update (CH2M Hill and North-South Environmental Inc., 2008) and the Rosenberg Secondary Plan. EIS

Section 5.6 (Buffers) notes a 15 metre no-touch buffer is required and recommends a 30 metre habitat enhancement buffer (page 39). It is noted that proposed Street X (north-south from subdivision 30T-18201 to 30T-18202) encroaches within the 30 metre buffer to wetland W4 and a proposed public walkway encroaches into the 30 metre buffer to wetland W1. The overall collective extent of the buffers should be applied to protect the form and function of the feature and species present.

4. It is our understanding that the wetlands referred to as W5, W6, W7 and the wet depression in the EIS are within an area currently licensed under the *Aggregate Resources Act*. We request clarification on what stage the license will be surrendered and if any modifications are required to the restoration plans based on the proposed applications.
5. EIS Sections 7.1.1 and 7.2.1 make general statements that wetlands W3, W5, W6, W7 and the wet depression do not meet any of the criteria in Section 8.4.4 of the GRCA Consolidated Policies for Implementing Ontario Regulation 150/06. To help facilitate our review, each wetland proposed for removal should be individually screened in the EIS to demonstrate how they meet each of the criteria in Section 8.4.4 of our policies.

Additionally, we have a minor editorial comment:

6. The reports reviewed reference different wetland naming (e.g. the EIS identifies wetland W5 as the small wetland north of the woodland; whereas the Preliminary SWM Report and Functional Servicing Reports identify Wetland W5 located at the southeast corner of the property within the Stamm Subdivision), as well as different terms for the areas being referenced. This can be followed when reviewing the reports individually; however, it becomes confusing when cross-referencing reports. We recommend that future reports develop a consistent naming standard for clarification of areas being referenced.

Once the above preliminary comments have been addressed, we can review and provide comprehensive comments on the Draft Plans of Subdivision, Official Plan Amendments and Zoning By-law amendments.

We can confirm receipt of the subdivision fees (70% of the base fee and per net hectare fee) of \$21,000 for 30T-18201 and \$11,243.89 for 30T-18202. The remaining 30% subdivision base and per net hectare fee will be requested prior to issuance of conditions of draft plan approval.

We look forward to a response to our comments. Please contact the undersigned at 519-621-2763 ext. 2319 or thughes@grandriver.ca if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Trisha Hughes". The signature is written in a cursive, flowing style.

Trisha Hughes
Resource Planner

Via email: Barbara Steiner, City of Kitchener
Jane Gurney, Region of Waterloo
Peter Ellis, Region of Waterloo
Shilling Yip, Region of Waterloo
David Marriott, Ministry of Natural Resources and Forestry
Graham Buck, Ministry of Natural Resources and Forestry

November 2, 2018

Garett Stevenson - Planner
Development Services Division, Planning
Kitchener City Hall, 6th Floor
200 King Street West, P.O. Box 1118
Kitchener, ON N2G 4G7

**Re: Bleams Road "Application 1" and Gehl Place "Application 2" Draft Plans of Subdivision, Official Plan Amendment applications, and Zoning By-law Amendment applications Mattamy Homes, B & B Kieswetter Excavating Inc., Select Sand and Gravel Ltd., and Kieswetter Holdings Ltd.
1801 and 1873 Bleams Road and 161 Gehl Place, City of Kitchener, Regional of Waterloo
MNRF Comments**

Mr. Stevenson,

The Ministry of Natural Resources and Forestry (MNR) Guelph District Office can confirm receipt of the Draft Plan of Subdivision, Official Plan Amendment, and Zoning By-law Amendment applications for Bleams Road (Application 1) and 161 Gehl Place (Application 2) in the City of Kitchener. These applications are supported by the Rosenberg Secondary Plan – Mattamy Community Environmental Impact Study (EIS) dated July 2018, and draft plans. The MNR has completed our review of the applications and supporting documents, and can offer the following technical comments for the City's consideration.

MNR Comments

- As noted in the EIS, the majority of the subject lands are currently licensed under the *Aggregate Resources Act* (ARA). Please note that these licenses must be surrendered to the MNR prior to any development commencing on the subject lands that would be inconsistent with the approved site plans. For further comment on the ARA, including the information required to support the surrender of the licenses, it is recommended that the applicants contact Diane Schwier (Aggregates Technical Specialist) at 519-826-4930 or at diane.schwier@ontario.ca.
- Page 46 of the EIS provides a description of the direction the proponent will take with respect to Blanding's Turtle. In addition, the same section of the report provides some of the potential mitigation that will be used. Additional details on the proposed mitigation measures are provided on maps 5 and 6. Their recommended approach is consistent with how MNR has been engaged in the past. MNR recommends that the proponent engage with MNR staff as

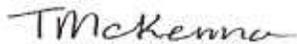
To meet with our staff please be sure to call ahead and make an appointment.
For general information visit: www.mnr.gov.on.ca or www.ontario.ca

soon as possible to discuss the proposed mitigation and potential *Endangered Species Act* (ESA) requirements.

- MNRF is undertaking a review of the wetlands and the potential for the Strasburg 1 wetland to be upgraded to provincially significant wetland (PSW). Staff notes that the observation of Blanding's Turtle in W4 would result in the evaluated non-PSW being changed to PSW and the addition of W4 to the complex. The addition of wetland unit W3 to the PSW is not justified as the wetland is small (< the 0.5 hectare minimum) and there is not sufficient reason for inclusion into the complex.

I hope the above technical comments on the ARA and the ESA will help to inform your review. Please contact Dave Marriott at david.marriott@ontario.ca or 519-826-4926 if further comment or clarification is required.

Regards,



Tara McKenna, District Planner
Ministry of Natural Resources and Forestry, Guelph District
1 Stone Road West
Guelph, ON, N1G 4Y2
Phone: (519) 826-4926

cc: Graham Buck, MNRF
David Marriott, MNRF
Diane Schwier, MNRF

November 19, 2018

Garett Stevenson - Planner
Development Services Division, Planning
Kitchener City Hall, 6th Floor
200 King Street West, P.O Box 1118
Kitchener, ON N2G 4G7

Re: Bleams Road "Application 1" and Gehl Place "Application 2" Draft Plans of Subdivision, Official Plan Amendment applications, and Zoning By-law Amendment applications Mattamy Homes, B & B Kieswetter Excavating Inc., Select Sand and Gravel Ltd., and Kieswetter Holdings Ltd. - 1801 and 1873 Bleams Road and 161 Gehl Place, City of Kitchener, Region of Waterloo - MNRF Comments

Mr. Stevenson,

The Ministry of Natural Resources and Forestry (MNRF) Guelph District Office previously provided technical comments to the City on November 2, 2018, regarding the subject planning applications. As discussed, we would like to take this opportunity to provide the City with the following supplementary comments on the Environmental Impact Study (EIS) that has been submitted in support of the applications. These comments build on our previous *Endangered Species Act* (ESA) technical comments, and are intended to provide the City and the project team with clarification on the potential implications of the Act moving forward.

MNRF Comments

- Blanding's Turtle is listed as threatened under the ESA, and the species receives both individual and general habitat protection under the Act. The general habitat description (GHD) for Blanding's Turtle details how the species habitat has been categorized, in accordance with the policy 'Categorizing and Protecting Habitat under the *Endangered Species Act*'.

The EIS correctly notes that the wetlands within the subject lands were not identified by the MNRF as habitat for Blanding's Turtle at the time of the reporting. It is important to note, however, that habitat mapping for species at risk are considered open files. The Blanding's Turtle GHD directs that all suitable wetlands or waterbodies within 2 km from an occurrence, and those features that are within 500 meters of each other, are protected as Category 2 habitat. It is understood that an individual Blanding's Turtle was observed on the subject lands (in wetland W4) in 2018. Based on this observation and the direction in the GHD, the MNRF can confirm that Blanding's Turtle Category 2 habitat is present on the subject lands. This includes wetland W4, where the turtle was observed, and all other suitable wetlands that would meet the Category 2 habitat description in the

To meet with our staff please be sure to call ahead and make an appointment.

For general information visit: www.mnr.gov.on.ca or www.ontario.ca

GHD. The areas between these Category 2 habitats that would provide movement corridors for Blanding's Turtles are also protected as Category 3 habitat.

- It is recommended that the project team submit an ESA Information Gathering Form (IGF) to the province that addresses Blanding's Turtle. The purpose of the IGF is to provide the necessary information to inform whether or not the proposed activity will likely contravene the ESA, and whether an authorization under the Act may be required. The IGF will need to account for any potential adverse impacts to individual Blanding's Turtles and any potential adverse impacts to the species described Category 2 (e.g. wetland removal) or 3 habitats, which may result from the proposed development. This information will be important to inform the potential implications of the ESA for the proposed development.

We hope that the supplementary technical comments on the ESA will help to inform the City's review of the subject planning applications.

Please contact the undersigned if further comment or clarification is required.

Regards,



Dave Marriott, District Planner
Ministry of Natural Resources and Forestry, Guelph District
1 Stone Road West
Guelph, ON, N1G 4Y2
Phone: (519) 826-4926

cc: Graham Buck, MNRF
Barb Steiner, City of Kitchener

Ministry of Northern Development,
Mines, Natural Resources
and Forestry

Ministère Du Développement du Nord, des Mines,
des Richesses naturelles
et des Forêts



Land Use Planning and Strategic Issues
Section
Southern Region

Section de l'aménagement du territoire et des
questions stratégiques
Région du Sud

Regional Operations Division
300 Water Street
Peterborough, ON K9J 3C7
Tel.: 705 761-4839

Division des opérations régionales
300, rue Water
Peterborough (ON) K9J 3C7
Tél. : 705 761-4839

April 4, 2022

2079546 Ontario Limited
C/o Brad Trussler
433 Steeles Ave E. Suite 110
Milton, ON L9T 8Z4

**SUBJECT: Re-evaluation of the Strasburg 1 Wetland Complex
City of Kitchener, Regional Municipality of Halton**

Dear Brad Trussler,

The Ministry of Northern Development Mines, Natural Resources and (NMNRF) has reviewed and confirmed the re-evaluation for the Strasburg 1 Wetland Complex undertaken by Natural Resource Solutions Incorporated on behalf of Mattamy Homes (2079546 Ontario Limited). The re-evaluation resulted in a change in the status of the wetland from non-provincially significant to provincially significant.

The Strasburg 1 wetland complex is situated in the west portion of the City of Kitchener, south of Highway 7 in parts of Lot 1, 41 and Lot 1, 42, German Company Tract, Waterloo. Note that the updated wetland boundary is available for download through Land Information Ontario (LIO) and can be viewed through the NDMNRF's Natural Heritage "Make a Map" program <https://www.ontario.ca/page/make-natural-heritage-area-map>.

If you have any questions regarding the wetland complex or the specific wetland unit on your property, please do not hesitate to contact Lisa Solomon, Management Biologist, at 437-247-6500 or lisa.solomon@ontario.ca. Upon request, the wetland evaluation can also be emailed to you in a pdf format.

Sincerely,

A handwritten signature in black ink, appearing to be 'SR' followed by a flourish.

Suzanne Robinson
A/ Strategic Project Supervisor
Land Use Planning and Strategic Issues Section
Ministry of Northern Development, Mines, Natural Resource and Forestry

November 2, 2018

Garett Stevenson, BES, RPP, MCIP.
Planner
City Hall, P.O. Box 1118
200 King Street West
Kitchener, Ontario, Canada, N2G 4G7

Dear Garrett:

**Re: Draft Plan of Subdivision Application 30T-18201
Official Plan Amendment Application OP18/005/B/GS
Zoning By-law Amendment ZBA18/006/B/GS
Bleams Road "Application 1"**
&
**Draft Plan of Subdivision Application 30T-18202
Official Plan Amendment Application OP18/006/G/GS
Zoning By-law Amendment ZBA18/007/G/GS
161 Gehl Place "Application 2"
Kitchener Green Ltd. & 2079546 Ontario Inc.**

Waterloo Region District School Board Planning staff has reviewed the submission for approval of the aforementioned draft plans of subdivision and provide the following comments:

The proposed elementary school site/park campus is well situated and will enable the Board to service the applicant's subdivisions as well as the surrounding lands of the Rosenberg and Trussler North Communities. In that regard, the proposed school location is favoured over the original Rosenberg Community Plan concept.

The Board appreciates having had the opportunity to work with the City and the consultant for the applicant to develop the school and park campus shown in the plan. The Block 16 school parcel contains 3.0 hectares, which is slightly more than the Board's required minimum area of 2.83 ha. (7.0 acres); however, its larger size will enable partner uses on the property that may include childcare and EarlyON centres similar to those proposed in Huron South.

The layout shares sufficient side yard with the adjacent park to permit overlapping and complementary facilities. Accesses to the campus are also well accommodated with uninterrupted street frontages on the north and east. Since the final design of the park and school blocks may be subject to further consultation regarding site constraints (such as topography), any modifications to the preliminary grading and servicing plans will need to be understood to further develop concepts for this campus.



51 Ardelt Avenue
Kitchener, ON N2C 2R5
T: 519-570-0003
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wrdsb.ca



FACEBOOK.COM/WROSB



INSTAGRAM.COM/WR_DSB



TWITTER.COM/WROSB



YOUTUBE.COM/WROSBV210

The applicant has indicated in the planning justification report that the plan will be staged from east to west, with the school park site comprising a portion of stage 3. The Board asks that each stage be required to confirm that adequate school capacity is located nearby to service the proposed dwelling units. In the event this cannot be satisfied, the school block should be advanced and an agreement entered into to convey the block to enable the construction of additional school accommodation.

No stages beyond Stages 1 and 2 should be registered unless the Board has cleared its accommodation concerns or has an acceptable Agreement of Purchase and Sale from the landowner to convey the property.

It is further requested,

- 1) That the following conditions of draft plan approval be imposed upon the subject plan of subdivision to satisfy the requirements of the Waterloo Region District School Board (the "Board"):
 - a) The elementary school block (the "School Site") be zoned (I) or (I-1) Neighbourhood Institutional;
 - b) The School Site be developed and registered within Stage 2 or 3 of the plan, concurrent with the registration of the streets upon which it fronts;
 - c) Prior to the registration of any stage after Stages 1 and 2, the owner shall have entered into an Agreement satisfactory to the Waterloo Region District School Board for the transfer of the School Site.
- 2) That prior to final approval, the owner shall submit to the Board a report from a qualified consultant confirming:
 - a) the suitability of the School Site for school construction purposes, with particular regard to soil bearing capacity, surface drainage, stormwater management, topography and environmental contaminants;
 - b) the final engineering plans as approved by the City of Kitchener which identify the storm drainage system that will service the School Site and the overall grading plans for the complete subdivision area, and,
 - c) the availability and sufficiency of natural gas, electrical, telephone, data and television cable (including fiber optic), water, storm and sanitary sewer services, intended to service the School Block
- 3) If the Board has elected to waive its interest in the School Site, the Waterloo Catholic District School Board shall also have the opportunity to acquire the block, subject to the

same terms and conditions of approval, unless it has given notification in writing that its interest has similarly been waived.

Additionally, the Board requires,

- 4) That the City of Kitchener and prospective purchasers of property and tenants within the plan be advised that,

notwithstanding the designation of a School Site, unless the Ontario education funding model provides sufficient funds to construct new schools, there can be no assurance as to the timing of new school construction nor a guarantee that elementary school accommodation will be provided within the subject plan.

- 5) That the owner supply, erect, and maintain a sign (at its expense and according to the Board's specifications) affixed to the permanent development sign for the plan advising prospective residents that students may be directed to schools outside the neighbourhoods within the plan;
- 6) That the owner agree in the Subdivision Agreement to notify all purchasers of residential units and/or renters of same, by inserting the following clauses in all offers of Purchase and Sale/Lease, until such time as a permanent school is assigned:

"Whereas the Waterloo Region District School Board may designate this subdivision as a Development Area for the purposes of school accommodation, and despite the best efforts of the Board, sufficient accommodation may not be available for all anticipated students. You are hereby notified that students may be accommodated in temporary facilities and/or bussed to a school outside the area, and further, that students may, in future, be transferred to another school."

The Board encourages the provision of internal walkways/bike paths throughout the community to reduce walking distances and to optimize the safe travel of students to the proposed school site.

Sincerely,



Shawn Callon | Principal Planner | Planning Department

Waterloo Region District School Board

51 Ardelet Avenue | Building 4, 2nd Floor | Kitchener | Ontario | N2C 2R5 |

Phone: (519) 570-6003 | Ext: 4308 | Fax: (519) 570-2172 |

cc. Nathan Hercanuck
Lindsay Ford
Brad Trussler



INTERNAL MEMORANDUM

TO: Harold O'Krafka
CC: Jeff Molenhuis
Alastair Duncan

PREPARED BY: Mark Jeffery

DATE: December 19, 2018

RE: Mattamy Development Lands - Kitchener

Thank you for the opportunity to comment on the Traffic Impact Study, Functional Servicing Report and Preliminary SWM Report for the above noted development. We offer the following comments:

Traffic Impact Study

1. Recommend the applicant re-evaluate the traffic patterns at the intersection of Trussler Road and Rosenberg Way closer to final build out, as the connection to Trussler Road is not proposed until 2031. We make this request based on the following:
 - i. At full build out, Trussler/Rosenberg is expected to operate with high delays for left turn movements.
 - ii. Further analysis also found that the justification for signals was not met.
 - iii. The study concludes that since other traffic routes are available, the congestion at Trussler Road and Rosenberg Way is not a concern. However, the additional traffic will be rerouted to Bleams Road and Trussler Road where the same issue is occurring as the study forecast has indicated the westbound left turning traffic from Bleams Road to Trussler Road will also operate with high delays.
2. Due to the proposed vertical re-alignment of Trussler Road, please confirm the new profile will not negatively impact existing driveways and will match into the existing road profile south of Rosenberg Way. Please refer to Lot Grading Plan No. 1, Dwg. No. AG1.1.

Functional Servicing Report

1. Confirm existing private wells located within close proximity to the proposed subdivision will not be affected.
2. Applicant is to pursue a legal outlet for any storm runoff tributary to either of the two existing culverts located on Trussler Road that outlet westerly into the Township of Wilmot.
3. In lieu of pursuing a legal outlet for storm water runoff, the applicant may wish to investigate the possibility of intercepting surface runoff from rear lots proposed to drain to Trussler Road and direct this surface runoff to a proposed storm sewer internal to the development.

Preliminary SWM Report

1. No comment.

Garett Stevenson

From: Garett Stevenson
Sent: Friday, December 21, 2018 1:41 PM
To: 'Harold O'Krafka'
Cc: BMacKinnon@regionofwaterloo.ca
Subject: RE: Mattamy

Hi Harold,

Thanks for your comments. The alignment of Rosenberg Way was established through the secondary plan process which was supported by a comprehensive transportation analysis. Once I have comments from all agencies and departments, we can discuss further.

Thanks,

Garett

From: Harold O'Krafka <harold.okrafka@Wilmot.ca>
Sent: Friday, December 21, 2018 9:10 AM
To: Garett Stevenson <Garett.Stevenson@kitchener.ca>
Cc: BMacKinnon@regionofwaterloo.ca; Engineering <engineering@Wilmot.ca>
Subject: Mattamy

Thank you for the circulation of 30T-18201 and 30T-18202.

Attached are the comments of our Public Works Department.

In addition, Development Services offers the following comment for consideration.

As you are aware Trussler Road represents the Countryside Line, a hard edge to future urban growth of the City of Kitchener. The Township is of the opinion that in order to respect the Countryside Line it is important to incorporate design components to highlight that there is no intention to further expand urban development westerly beyond Trussler.

A similar design was requested and implemented along the Wilmot Line in the design of Waterloo Westside subdivisions.

As such, the Township requests consideration of backlotting the development to Trussler Road without a physical road connection to Trussler. In our opinion Rosenberg Way should terminate at Street B. Access from this development to Trussler Road via Bleams Road is reasonable in our opinion.

If emergency access is a concern within the design we would suggest limiting the connection of Rosenberg Way to that of an emergency access controlled by gates.

By copy of this comment to the Region of Waterloo we are requesting that they give consideration to this request as well given Trussler Road is a Regional Road and access thereto is controlled by the Region of Waterloo.

I trust these comments are of assistance. We would ask that you please ensure that the Township of Wilmot is included in any future correspondence regarding these proposed plans.

Thank you.

Harold

Harold O’Krafka, MCIP, RPP

Director of Development Services

60 Snyder's Road West, Baden, ON N3A 1A1

P. [519.634.8519 x 236](tel:519.634.8519) | F. [519.634.5044](tel:519.634.5044) | Toll. [1.800.469.5576](tel:1.800.469.5576) | TTY. [519.634.5037](tel:519.634.5037)

www.wilmot.ca | Follow us on Twitter [@WilmotTownship](https://twitter.com/WilmotTownship)

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Garett Stevenson

From: Harold O'Krafka <harold.okrafka@Wilmot.ca>
Sent: Friday, November 13, 2020 1:52 PM
To: Garett Stevenson
Cc: Nathan Wilkinson
Subject: [EXTERNAL] RE: Department - Agency Re-Circulation 30T-18201 & 30T-18202 (Mattamy)

Hi Garett

Just a quick note to confirm that our only requested condition of draft approval remains the same.

The Township of Wilmot requests "the circulation of the engineering drawings for the reconstruction of Trussler Road, south of Bleams Road, to ensure entrances providing access to existing properties on the west side of Trussler Road, have been considered and incorporated into the design. A review fee of \$500 is required by Wilmot Township at time of drawing submission."

Please forward the conditions of Draft Approval when same are approved.

Thanks and have a great weekend.

Regards

Harold

Harold O'Krafka MCIP RPP
Director of Development Services

From: Garett Stevenson <Garett.Stevenson@kitchener.ca>
Sent: Tuesday, October 27, 2020 7:50 PM
To: 'Peter Ellis' <PELLis@regionofwaterloo.ca>; Jonn Barton <jonn.Barton@kitchener.ca>; 'Jane Gurney' <JGurney@regionofwaterloo.ca>; Jason Brule <Jason.Brule@kitchener.ca>; 'Marriott, David (MNRF)' <David.Marriott@ontario.ca>; 'Graham.Buck@ontario.ca' <Graham.Buck@ontario.ca>; 'Shawn Callon' <shawn_callon@wrdsb.ca>; Harold O'Krafka <harold.okrafka@Wilmot.ca>; 'BERE, Jamie' <james.bere@canadapost.postescanada.ca>; Victoria Grohn <Victoria.Grohn@kitchener.ca>; 'McKenna, Tara (MNRF)' <Tara.McKenna@ontario.ca>; 'Bishmita.Parajuli@HydroOne.com' <Bishmita.Parajuli@HydroOne.com>; 'Meaghan.Palynchuk@bell.ca' <Meaghan.Palynchuk@bell.ca>; Michael Palmer <Michael.Palmer@kitchener.ca>; Barbara Steiner <Barbara.Steiner@kitchener.ca>; Dave Seller <Dave.Seller@kitchener.ca>; Rosa Bustamante <Rosa.Bustamante@kitchener.ca>; 'Shilling Yip' <SYip@regionofwaterloo.ca>
Subject: Department - Agency Re-Circulation 30T-18201 & 30T-18202 (Mattamy)

CAUTION: This email originated from outside of the organization. Do not click links or open any attachments unless you recognize the sender and know the content is safe.

Hello,

Please see the attached second re-submission letter. A separate email with a link to the City's Fileshare system with the materials will be provided separately.

I am now preparing final draft approval conditions. If you have additional comments or revised or new conditions, **please provide to me by November 20, 2020.**

Thanks,

Garett

Garett Stevenson, BES, RPP, MCIP

Senior Planner | Planning Division | City of Kitchener

519-741-2200 x 7070 | TTY 1-866-969-9994 | garett.stevenson@kitchener.ca



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November 6, 2018

Garett Stevenson
Planner
Planning Division-City of Kitchener
PO Box 1118
Kitchener ON N2G 4G7

Reference: Draft Plan of Subdivision Application 30T-18201 & 30T-18202
Bleams Rd "Application 1 & 161 Gehl Place "Application 2"
Kitchener Green Ltd. & 2079546 Ontario Ltd.

Garett:

Canada Post Corporation appreciates the opportunity to comment on the above noted application and it is requested that the developer be notified of the following:

Canada Post has reviewed the proposal for the above noted Development Application and has determined that the completed project will be serviced by centralized mail delivery provided through Canada Post Community Mail Boxes.

In order to provide mail service to this development, Canada Post requests that the owner/developer comply with the following conditions:

- ⇒ The owner/developer will consult with Canada Post to determine suitable permanent locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans.
- ⇒ The Builder/Owner/Developer will confirm to Canada Post that the final secured permanent locations for the Community Mailboxes will not be in conflict with any other utility; including hydro transformers, bell pedestals, cable pedestals, flush to grade communication vaults, landscaping enhancements (tree planting) and bus pads.
- ⇒ The owner/developer will install concrete pads at each of the Community Mailbox locations as well as any required walkways across the boulevard and any required curb depressions for wheelchair access as per Canada Post's concrete pad specification drawings.
- ⇒ The owner/developer will agree to prepare and maintain an area of compacted gravel to Canada Post's specifications to serve as a temporary Community Mailbox location. This location will be in a safe area away from construction activity in order that Community Mailboxes may be installed to service addresses that have occupied prior to the pouring of the permanent mailbox pads. This area will be required to be prepared a minimum of 30 days prior to the date of first occupancy.

- ⇒ The owner/developer will communicate to Canada Post the excavation date for the first foundation (or first phase) as well as the expected date of first occupancy.
- ⇒ The owner/developer agrees, prior to offering any of the residential units for sale, to place a "Display Map" on the wall of the sales office in a place readily available to the public which indicates the location of all Canada Post Community Mailbox site locations, as approved by Canada Post.
- ⇒ The owner/developer agrees to include in all offers of purchase and sale a statement, which advises the prospective new home purchaser that mail delivery will be from a designated Community Mailbox, and to include the exact locations (list of lot #s) of each of these Community Mailbox locations; and further, advise any affected homeowners of any established easements granted to Canada Post.
- ⇒ The owner/developer will be responsible for officially notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sales with specific clauses in the Purchase offer, on which the homeowners do a sign off.

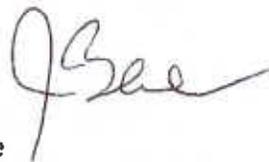
Multi-unit buildings with a common indoor entrance fall under Canada Post's multi-unit policy:

- The owner/developer will be required to provide and maintain the centralized mail facility (Lock Box Assembly) at their own expense. Buildings with 100 or more units require a rear loading LBA with dedicated secure mailroom.

Canada Post further requests the owner/developer be notified of the following:

- 1 The owner/developer of any condominiums will be required to provide winter snow clearance at the Community Mailbox locations
- 2 Any existing postal coding may not apply, the owner/developer should contact Canada Post to verify postal codes for the project
- 3 **The complete guide to Canada Post's Delivery Standards can be found at:**
https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual_en.pdf

Regards,



Jamie Bere
Delivery Services Officer | Delivery Planning
Canada Post
955 Highbury Ave N
London ON N5Y 1A3
519-280-7968
james.bere@canadapost.ca

November 1, 2018

Re: Roscnberg Secondary Plan/Mattamy Community
Preliminary Water Distribution Analysis – July 6, 2018

The following are comments pertaining to the above, :

The pressure divide between Pressure Zones 5 and 6 is at Red Clover Crt as shown in the figure below

Comments were based on Figure 2.1 in the Preliminary Water Distribution Analysis but there is also Figure 5.2 in Section 5.2 of the Functional Servicing Report – are these exactly the same map?

Pressure Zone 5 Side

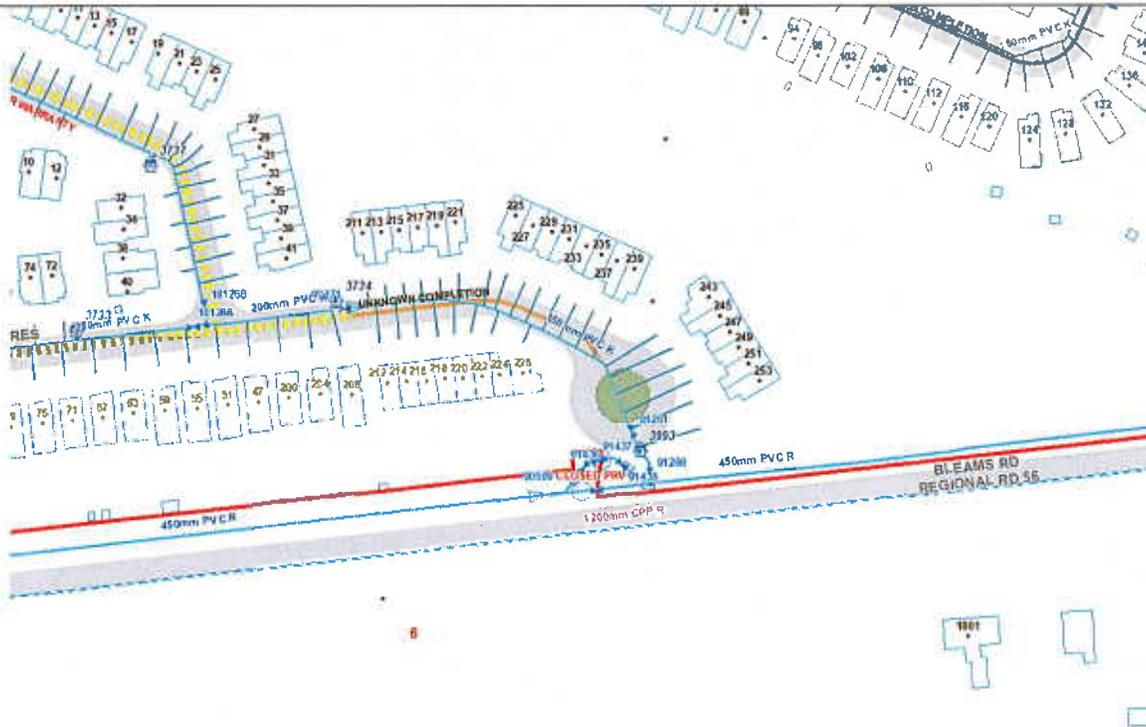
- 300mm watermain between J-529 and J-508. This does not connect to Bleams road and is will be a dead end. Does the pipe need to be this large or can it be reduced in size
- Streets don't align in the adjoining Stamm Subdivision – the watermains should be located on streets

Pressure Zone 6 Side

- We would like to see the watermain between J-603 and J-646/J-505 (school location) be increased to a 300mm to provide for flexibility in the future (pressure zone divide). We would want to be able to feed the school from the other pressure zone in the case of a watermain break/emergency. The 300mm size for this main was part of the OMB decision. During the design phase there will be a need to strategically place hydrants.
- 300mm watermain between J-602 and J-612– why is this a 300mm? Should it be a smaller diameter

Angela Mick, P.Eng.
 Utilities Water Engineer

Kitchener Operations Facility
 131 Goodrich Drive
 Kitchener, ON N2C 2E8
 Telephone: 519-741-2600 x4408
 Loraine Baillargeon
 Fax: 519-741-2638
 TTY: 1-866-969-9994
 Email: angela.mick@kitchener.ca
 Website: www.kitchenerutilities.ca



Regards,



Angela Mick, P.Eng.
 Utilities Water Engineer

Hydro One Networks Inc.
Facilities & Real Estate
P.O. Box 4300
Markham, Ontario L3R 5Z5
www.HydroOne.com



Courier:
185 Clegg Road
Markham, Ontario L6G 1B7

VIA E-MAIL ONLY TO garett.stevenson@kitchener.ca

October 16, 2018

Development Services Department Planning
City Hall, P.O. Box 1118
200 King Street West
Kitchener, ON N2G 4G7

Attention: Garrett Stevenson

Dear Garette Stevenson:

Re: Draft Plan of Subdivision, Kitchener Green Ltd. & 2079546 Ontario Inc.
161 Gehl Place
Kitchener
File: 30T-18201

Please be advised that Hydro One Networks Inc. ("HONI") has completed a preliminary review of the proposed plan of the above noted subdivision application. As the subject property is abutting and/or encroaching onto a HONI high voltage transmission corridor (the "transmission corridor"), HONI does not approve of the proposed subdivision **at this time**, pending review and approval of the required information.

The comments detailed herein **do not** constitute an endorsement of any element of the subdivision design or road layout, nor do they grant any permission to access, use, proceed with works on, or in any way alter the transmission corridor lands, without the express written permission of HONI.

The following should be included as **Conditions of Draft Approval**:

1. The developer must contact **Lana Kegel**, Senior Real Estate Coordinator at **905-946-6277** to discuss all aspects of the subdivision design, ensure all of HONI's technical requirements are met to its satisfaction, and acquire the applicable agreements.
2. Prior to HONI providing its final approval, the developer must make arrangements **satisfactory to HONI for lot grading and drainage**. Digital PDF copies of the lot grading and drainage plans (true scale), showing existing and proposed final grades, must be submitted to HONI for review and approval. The drawings must identify the transmission corridor, location of towers within the corridor and any proposed uses within the transmission corridor. Drainage must be controlled and directed away from the transmission corridor.
3. Any development in conjunction with the subdivision must not block vehicular access to any HONI facilities located on the transmission corridor. During construction, there must be no storage of materials or mounding of earth, snow or other debris on the transmission corridor.

4. At the developer's expense, temporary fencing must be placed along the transmission corridor prior to construction, and permanent fencing must be erected where subdivision lots directly abut the transmission corridor after construction is completed.
5. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this subdivision will be borne by the developer. The developer will be responsible for restoration of any damage to the transmission corridor or HONI facilities thereon resulting from construction of the subdivision.
6. HONI's easement rights must be protected and maintained.

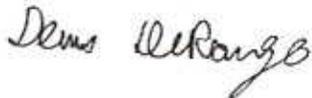
In addition, HONI requires the following be conveyed to the developer as a precaution:

7. The transmission lines abutting the subject lands operate at either 500,000, 230,000 or 115,000 volts. Section 188 of Regulation 213/91 pursuant to the *Occupational Health and Safety Act*, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The safe vertical distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the developer's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the safe vertical distance specified in the *Act*. All parties should also be aware that the conductors can raise and lower without warning, depending on the electrical load placed on the line.

Our preliminary review only considers issues affecting HONI's transmission facilities and transmission corridor lands. For any proposals affecting distribution facilities (low voltage), the developer should consult the local distribution supplier.

If you have any questions, please contact me at dennis.derango@hydroone.com or at 905-946-6237.

Yours truly,



Dennis De Rango
Specialized Services Team Lead, Real Estate
Hydro One Networks Inc.

Cc: Lana Kegal – Hydro One Networks

Garett Stevenson

From: circulations@wsp.com
Sent: Friday, October 5, 2018 2:43 PM
To: Garett Stevenson
Subject: Application 1 - OPA (OPA18/005/B/GS), ZBLA (ZBA18/006/B/GS) and Draft Plan of Subdivision (30T-18201); Application 2 - OPA (OPA18/006/B/GS), ZBLA (ZBA18/007/B/GS) and Draft Plan of Subdivision (30T-18202)

2018-10-05

Garett Stevenson

Kitchener

''

Attention: Garett Stevenson

Re: Application 1 - OPA (OPA18/005/B/GS), ZBLA (ZBA18/006/B/GS) and Draft Plan of Subdivision (30T-18201); Application 2 - OPA (OPA18/006/B/GS), ZBLA (ZBA18/007/B/GS) and Draft Plan of Subdivision (30T-18202); Your File No. OPA18/005/B/GS, OPA18/006/B/GS, ZBA18/006/B/GS, ZBA18/007/B/GS, 30T-18201, 30T-18202

Our File No. 83314

Dear Sir/Madam,

We have reviewed the circulation regarding the above noted application.

The following paragraph is to be included as a condition of approval:

"The Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements".

We hereby advise the Developer to contact Bell Canada during detailed design to confirm the provision of communication/telecommunication infrastructure needed to service the development.

As you may be aware, Bell Canada is Ontario's principal telecommunications infrastructure provider, developing and maintaining an essential public service. It is incumbent upon the Municipality and the Developer to ensure that the development is serviced with communication/telecommunication infrastructure. In fact, the 2014 Provincial Policy Statement (PPS) requires the development of coordinated, efficient and cost-effective infrastructure, including telecommunications systems (Section 1.6.1).

The Developer is hereby advised that prior to commencing any work, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is available. In the event that such infrastructure is unavailable, the Developer shall be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure.

If the Developer elects not to pay for the above noted connection, then the Developer will be required to demonstrate to the satisfaction of the Municipality that sufficient alternative communication/telecommunication will be provided to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e., 911 Emergency Services).

MMM (a WSP company) operates Bell Canada's development tracking system, which includes the intake and processing of municipal circulations. Please note, however, that **all responses to circulations and other requests, such as requests for clearance, come directly from Bell Canada, and not from MMM.** MMM is not responsible for the provision of comments or other responses.

Should you have any questions, please contact the undersigned.

Yours truly,

Meaghan Palynchuk
Manager, Municipal Relations
Access Network Provisioning, Ontario
Phone: 905-540-7254
Mobile: 289-527-3953
Email: Meaghan.Palynchuk@bell.ca

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July 28, 2022
Via email
30T-18201

Garett Stevenson, Manager of Development Review
Planning Division, City of Kitchener
Kitchener, ON N2G 4G7

Dear Mr. Stevenson,

Re: Applications for Draft Plan of Subdivision 30T-18201, Official Plan Amendment OP18/005/B/GS and Zoning By-law Amendment ZBA 18/006/B/GS for Bleams Road "Application 1"
Bleams Road and Trussler Road, City of Kitchener
Kitchener Green Ltd./Mattamy Homes/2079546 Ontario Inc.

Grand River Conservation Authority (GRCA) staff has received the above-noted applications for Draft Plan of Subdivision, Official Plan Amendment, and Zoning By-law Amendment approvals for lands within the Rosenberg community.

Recommendation

GRCA staff have no objection to the approval of the above-noted applications, subject to the conditions detailed below.

Documents Reviewed by Staff

Staff have completed a review of the following documents submitted with this application:

- Draft Plan of Subdivision (30T-18201), prepared by City of Kitchener Development Services Department, Planning, dated July 6, 2022, received July 26, 2022
- Zone By-Law Amendment, Map No. 1, prepared by City of Kitchener Development Services Department, Planning, dated July 6, 2022, received July 26, 2022
- Land Use Schedule 30T-18201 + 30T-18202, prepared by the City of Kitchener, dated August 2021, received July 21, 2022.
- Preliminary Stormwater Management (SWM) Report, prepared by MTE Consultants Inc., most recently revised August 31, 2021, received July 19, 2022
- Engineering Drawings (Lot Grading Plans Drawing Numbers AG 1.1 to AG 1.6 and Trail Plan), prepared by MTE Consultants Inc., most recently re-issued August 31, 2021, received July 19, 2022
- Email from Garett Korber (MTE Consultants Inc.) to Chris Foster-Pengelly (GRCA), re: Draft Plan of Subdivision - 30T-18201 GRCA comments, received July 25, 2022.

- Rosenberg Secondary Plan – Mattamy Community, Environmental Impact Study-Update, prepared by Natural Resource Solutions Inc., most recently revised August 2021, received May 12, 2022
- Rosenberg Secondary Plan, Mattamy Community Urban Design Brief, prepared by NAK design strategies, prepared August 16, 2021, received July 21, 2022
- Hydrogeology Study, prepared by MTE Consultants Inc., dated July 6, 2018
- Functional Servicing Report, prepared by MTE Consultants Inc., dated July 6, 2018
- Geotechnical Recommendations – Proposed Residential Subdivision, Rosenberg Area 2 Lands, Kitchener, Ontario, prepared by DS Consultants Ltd., dated June 12, 2018

GRCA Comments

The GRCA has no objection to draft plan approval subject to the following conditions:

- 1) Prior to any grading or construction on the site and prior to registration of the plan, the owners or their agents submit the following plans and reports to the satisfaction of the Grand River Conservation Authority.
 - a) A detailed final stormwater management report in accordance with the 2003 Ministry of the Environment Report entitled "Stormwater Management Planning and Design Manual" and in keeping with the Rosenberg Secondary Plan Mattamy Community 30T18201 & 30T-18202 Preliminary Stormwater Management Report (dated August 31, 2021, prepared by MTE Consultants Inc).
 - b) Final Lot Grading, Servicing, and Storm Drainage Plans.
 - c) A final erosion and sediment control plan in accordance with the Grand River Conservation Authority's Guidelines for erosion and sediment control, indicating the means whereby erosion will be minimized and sediment maintained on-site throughout all phases of grading and construction.
 - d) The submission and approval of a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses permit from the GRCA prior to any grading or construction in a regulated area, including any grading within wetlands and the "wet depression," as identified in the EIS (prepared by NRSI, revised August 2021), and their regulated allowances.

In support of final design and the clearance of conditions, the following comments are to be addressed to the satisfaction of the GRCA:

1. Section 2.4 of the Hydrogeology Study (pages 6-7) notes that infiltration testing was undertaken for SWMF1 (TL1, TL2, TL3 and TL4) and SWMF2 (Area 1 and Area 2), with reference to Appendix F for infiltration testing outcomes. Results of infiltration testing for each SWM facility is required for review. Using the results of the infiltration testing, the water balance analysis must demonstrate that monthly infiltration targets can be met, to the satisfaction of the GRCA.
2. A monthly breakdown of the water balance is required to demonstrate that the infiltration targets will be met considering the winter bypass for infiltration basins. Based on our review of the Preliminary SWM Report, we understand that the water balance calculations provided in Tables 5.8 and 5.9 are based on continuous modeling. The monthly breakdown should demonstrate that the model was run for all months to identify

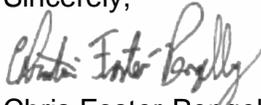
pre-development conditions and that pre-development conditions can be matched. Please note that results of the final water balance may impact lot configurations and sizing.

We trust that the municipality will ensure the Subdivider's Agreement between the owners and the municipality contain provisions for the completion and maintenance of the works in accordance with the approved plans and reports noted in Condition 1) above.

The GRCA acknowledges past receipt of the subdivision fee (70% of the base fee and per net hectare fee) of \$21,000 for 30T-18201. By copy of this correspondence, the applicant will be invoiced the remaining balance of \$9,000.

Should you have any questions, please contact the undersigned at cfosterpengelly@grandriver.ca or 519-621-2763 ext. 2319.

Sincerely,



Chris Foster-Pengelly, M.Sc.
Resource Planner, Water Management Division

Copy:

Barb Steiner, City of Kitchener
Jane Gurney, Region of Waterloo
Alex Drung, Mattamy Homes
Brad Trussler, Mattamy Homes
Paul Lowes, SGL Planning & Design Inc.
Garett Korber, MTE Consultants Inc.
Jessica Linton, NRSI



January 25, 2023

Via email

30T-18202

Garett Stevenson, Manager of Development Review
Planning Division, City of Kitchener
Kitchener, ON N2G 4G7

Dear Mr. Stevenson,

Re: Applications for Draft Plan of Subdivision 30T-18202, Official Plan Amendment OP18/006/G/GS and Zoning By-law Amendment ZBA 18/007/G/GS for 161 Gehl Place "Application 2," City of Kitchener
Bleams Road and Trussler Road, City of Kitchener
Kitchener Green Ltd./Mattamy Homes/2079546 Ontario Inc.

Grand River Conservation Authority (GRCA) staff has received the above-noted applications for Draft Plan of Subdivision, Official Plan Amendment, and Zoning By-law Amendment approvals for lands within the Rosenberg community.

Recommendation

GRCA staff have no objection to the approval of the above-noted applications, subject to the conditions detailed below.

Documents Reviewed by Staff

Staff have completed a review of the following documents submitted with this application:

- Draft Plan of Subdivision (30T-18202), prepared by City of Kitchener Development Services Department, Planning, dated July 21, 2022, received October 29, 2022
- 30T-18202 Draft Zoning Map #1, prepared by City of Kitchener Development Services Department, Planning, dated March, 2022, received October 29, 2022
- Preliminary Stormwater Management (SWM) Report, prepared by MTE Consultants Inc., most recently revised August 31, 2021, received July 19, 2022
- Rosenberg Secondary Plan – Mattamy Community, Environmental Impact Study-Update, prepared by Natural Resource Solutions Inc., most recently revised August 2021, received May 12, 2022
- Rosenberg Secondary Plan, Mattamy Community Urban Design Brief, prepared by NAK design strategies, prepared August 16, 2021, received July 21, 2022
- Hydrogeology Study, prepared by MTE Consultants Inc., dated July 6, 2018
- Functional Servicing Report, prepared by MTE Consultants Inc., dated July 6, 2018
- Geotechnical Recommendations – Proposed Residential Subdivision, Rosenberg Area 2 Lands, Kitchener, Ontario, prepared by DS Consultants Ltd., dated June 12, 2018

GRCA Comments

The GRCA has no objection to draft plan approval subject to the following conditions:

- 1) Prior to any grading or construction on the site and prior to registration of the plan, the owners or their agents submit the following plans and reports to the satisfaction of the Grand River Conservation Authority.
 - a) A detailed final stormwater management report in accordance with the 2003 Ministry of the Environment Report entitled "Stormwater Management Planning and Design Manual" and in keeping with the Rosenberg Secondary Plan Mattamy Community 30T18201 & 30T-18202 Preliminary Stormwater Management Report (dated August 31, 2021, prepared by MTE Consultants Inc).
 - b) Final Lot Grading, Servicing, and Storm Drainage Plans.
 - c) A final erosion and sediment control plan in accordance with the Grand River Conservation Authority's Guidelines for erosion and sediment control, indicating the means whereby erosion will be minimized and sediment maintained on-site throughout all phases of grading and construction.
 - d) The submission and approval of a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses permit from the GRCA prior to any grading or construction in a regulated area.

In support of final design and the clearance of conditions, the following comments are to be addressed to the satisfaction of the GRCA:

1. Section 2.4 of the Hydrogeology Study (pages 6-7) notes that infiltration testing was undertaken for SWMF1 (TL1, TL2, TL3 and TL4) and SWMF2 (Area 1 and Area 2), with reference to Appendix F for infiltration testing outcomes. Infiltration results appear to be missing for SWMF2. Results of infiltration testing for each SWM facility is required for review. Using the results of the infiltration testing, the water balance analysis must demonstrate that monthly infiltration targets can be met, to the satisfaction of the GRCA.
2. A monthly breakdown of the water balance is required to demonstrate that the infiltration targets will be met considering the winter bypass for infiltration basins. Based on our review of the Preliminary SWM Report, we understand that the water balance calculations provided in Tables 5.8 and 5.9 are based on continuous modeling and provide annual infiltration values. The monthly breakdown should demonstrate that the model was run for all months to identify pre-development conditions and that pre-development conditions can be matched. Please note that results of the final water balance may impact lot configurations and sizing.
3. Please provide details regarding infiltration trench sizing.

We trust that the municipality will ensure the Subdivider's Agreement between the owners and the municipality contain provisions for the completion and maintenance of the works in accordance with the approved plans and reports noted in Condition 1) above.

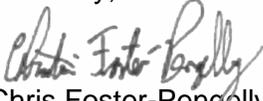
The GRCA acknowledges past receipt of the subdivision fee (70% of the base fee and per net hectare fee) of \$11,243.89 for 30T-18202. By copy of this correspondence, the applicant will be invoiced the remaining balance of \$4,819.11.

Advisory Comments

Portions of blocks 28, 29, 32, and 33 in the proposed Draft Plan contains wetlands and their associated buffers. The GRCA recommends that the NHC land use designation and zoning be applied to the wetlands and their buffers.

Should you have any questions, please contact the undersigned at cfosterpengelly@grandriver.ca or 519-621-2763 ext. 2319.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Foster-Pengelly". The signature is written in a cursive, flowing style.

Chris Foster-Pengelly, M.Sc.
Resource Planner, Water Management Division

Copy: Alex Drung, Mattamy Homes

**PERMIT UNDER s.17 (1) in accordance with the criteria in
clause 17(2)(c) of the ENDANGERED SPECIES ACT, 2007**

Permit #: WC-C-001-19

Issued to: Mattamy Homes Limited
433 Steeles Avenue East
Unit 110
Milton, ON L9T 8Z4

Term: This permit comes into force on the date it is issued and expires when all conditions are satisfied.

Location: 161 Gehl Place, Kitchener, in the area identified as subject to Draft Plan 30T-18202 in Schedule B (the “**Site**”).

Project Description: Construction of residential lots and blocks, a street network, stormwater management facility and park blocks (the “**Project**”).

1. **Authority:** This permit is issued to Mattamy Homes Limited (the “**Proponent**”) under subsection 17 (1) of the *Endangered Species Act, 2007* (“**ESA**”) in accordance with the criteria in clause 17(2)(c) of that Act.
2. **Application to Species:** This permit applies to Blanding’s Turtle, a species listed as threatened in O. Reg. 230/08: Species at Risk in Ontario List, and its habitat which are protected under the ESA.
3. **Authorization:** This permit authorizes the Proponent to engage in the following activities at the Site that would otherwise be prohibited by subsections 9(1) and 10(1) of the ESA, for the purpose of carrying out the Project or fulfilling the conditions of this permit:
 - (a) harm, harass, capture, possess and transport Blanding’s Turtles; and
 - (b) damage or destroy up to 10.3 hectares of Category 3 Habitat for Blanding’s Turtle.
4. **Conditions:** Pursuant to subsection 17(6) of the ESA, authorizations in section 3 of this permit do not apply unless the Proponent complies with the requirements imposed by conditions in this permit.

5. **Compliance:** Section 36 of the ESA provides that non-compliance with the prohibitions in subsections 9(1) and 10(1) of that Act and any provision of this permit constitutes an offence.

6. **Schedules:** The following schedules form part of this permit:

- Schedule A: Conditions
- Schedule B: Project Location (the Site)
- Schedule C: Permanent Fencing and Habitat Creation Area
- Schedule D: Permanent Fencing System Dumfries Road
- Schedule E: Radio Telemetry Study Boundary

Pursuant to s. 17(1) of the ESA and in accordance with the criteria in clause 17(2)(c) of the ESA, I hereby issue this permit authorizing the activities described above, subject to the conditions set out herein.



David Piccini
Minister of the Environment, Conservation and
Parks

Date of Issuance: 03/04/23
(dd/mm/yy)

SCHEDULE A: CONDITIONS

Definitions

1. In this permit,

“**Active Season**” means the period when Blanding’s Turtles are most likely to be outside of their overwintering site (normally between April 15 and October 15);

“**Encounter**” means any encounter with individual Blanding’s Turtles at the Site;

“**Hatching Season**” means the period when Blanding’s Turtle hatchlings are most likely to emerge from their nest (normally between August 15 and September 30);

“**MECP**”, “**Ministry**” means the Ministry of the Environment, Conservation and Parks;

“**Nesting Season**” means the period when Blanding’s Turtles are most likely to be searching for the appropriate locations for nesting, establishing nest sites and nesting (normally between May 1 and July 15);

“**NHIC**” means the Natural Heritage Information Centre;

“**Overall Benefit Activities**” means the activities identified in conditions 18, 19, 20 and 21;

“**Permanent Fencing**” means the permanent exclusion fencing intended to exclude Blanding’s Turtles from accessing the Site both prior to the beginning of and following the completion of the Project, which is required to be installed in accordance with condition 13;

“**Permanent Fencing System**” means the fencing installed in accordance with condition 20;

“**Project Activities**” means activities associated with undertaking the Project or fulfilling the conditions of this permit which may impact the Protected Species or its habitat, including construction, vegetation and tree removal, site grading, heavy equipment use at the Site and Overall Benefit Activities;

“**Qualified Professional**” means a person who has the education, training, experience and expertise in the conservation and protection of the Protected Species, unless indicated otherwise, to undertake the requirements of this permit that are to be undertaken or overseen by that person;

“**Protected Species**” means Blanding’s Turtle (*Emydoidea blandingii*);

“**Provincially Significant Wetland**” means any wetland that achieves a total score of 600 or more points, or achieves a score of 200 or more points in either the Biological or the Special Features component in the science-based ranking system known as the Ontario Wetland Evaluation System;

“**SARO List**” means O. Reg. 230/08: Species at Risk in Ontario List;

“**Significant Rainfall or Snowmelt Event**” means an event during which at least 15 mm of rainfall or snowmelt has been received within 24 hours at the Site, or

an event with an intensity of at least 5 mm/hr and during which at least 10 mm of rainfall or snowmelt has been received at the Site;

“Temporary Fencing” means the fencing installed in accordance with condition 12;

“Temporary Overall Benefit Fencing” means the fencing installed in accordance with condition 18(a); and

“Wildlife Custodian” means a person who holds a valid wildlife custodian authorization under the *Fish and Wildlife Conservation Act, 1997*.

General

2. The Proponent shall retain a Qualified Professional to:
 - (a) undertake the activities that this permit requires to be undertaken by a Qualified Professional; and
 - (b) supervise and assist with other activities required by this permit that are within the purview of a Qualified Professional.
3. The Proponent shall keep a copy of this permit on the Site and ensure that a copy of the permit is accessible at all times by any person engaging in an activity that is authorized or required by this permit.
4. The Proponent shall:
 - (a) give a copy of this permit to every Qualified Professional working on the Site, and
 - (b) ensure that a copy of this permit is carried by any person who transports a Protected Species individual under the authority of this permit for the purposes of relocation or providing custodial or veterinary care.
5. The Proponent shall act with due diligence to prevent killing, harming, or harassing any individual of the Protected Species while carrying out the Project Activities and while fulfilling the conditions of this permit.
6. The first time Project Activities are commenced, the Proponent shall notify the MECP within 24 hours by email to SAROntario@ontario.ca, referencing the permit number.
7. At the request of MECP staff and on reasonable notice, the Proponent shall provide MECP staff and others accompanying them with access to the Site and any other areas for the purposes of observing the Site and any activities undertaken in relation to this permit. If access is requested to an area not on the Site and not owned by the Proponent, the Proponent shall make reasonable efforts to obtain the requested access. For greater certainty, this condition does not affect the powers of an enforcement officer under the ESA.

8. The Proponent shall notify the MECP immediately by email at SAROntario@ontario.ca, referencing the number of this permit, if the Proponent's name or address changes or if the Proponent:
- (a) becomes bankrupt, becomes insolvent or makes an assignment for the benefit of creditors;
 - (b) has a receiver appointed over it;
 - (c) takes a step toward dissolution or is amalgamated;
 - (d) undergoes a change in control or ownership;
 - (e) takes or is subject to any other thing which adversely affects the Proponent's ability to satisfy this permit; or
 - (f) is unable to satisfy any of the conditions of this permit.
9. **First Nations:** The Proponent shall continue to share information about this permit, any amendments to this permit, and the implementation of this permit with the Mississaugas of the Credit First Nation, Six Nations of the Grand River and the Haudenosaunee Development Institute (on behalf of the Haudenosaunee Confederacy Chiefs Council). The Proponent shall carry out the following to fulfill the commitments that have been made to First Nations:
- (a) inform and consult with the Mississaugas of the Credit First Nation and Six Nations of the Grand River when:
 - i. developing the stewardship brochures required under condition 16;
 - ii. developing planting plans under condition 18; and
 - iii. developing the creation plan for the wetland required under condition 18(b)v.; and
 - (b) provide summary letters of the progress of the Project components described in condition 9(a) to the Haudenosaunee Development Institute.

Mitigation Measures

10. **Education and Awareness:** Before any person engages in Project Activities, the Proponent shall ensure that a Qualified Professional provides education and awareness training to the person that addresses:
- (a) the existence of the Protected Species and its habitat at the Site;
 - (b) the requirements of this permit;
 - (c) potential threats posed by Project Activities to the Protected Species and its habitat;
 - (d) an explanation of mitigation efforts that must be taken in order to avoid killing, harming or harassing the Protected Species, and to avoid damaging or destroying its habitat;
 - (e) appropriate action(s) to take if an Encounter occurs; and

- (f) how to report sightings of the Protected Species or Encounters to the NHIC and to the Ministry.
- 11. Record of Training:** The Proponent shall keep a record of training conducted in accordance with condition 10 and that record shall include:
- (a) the name of each Qualified Professional who conducted the training;
 - (b) the names of all persons trained;
 - (c) a declaration signed by each trainee certifying that they have been trained in accordance with the requirements under condition 10;
 - (d) the date(s) of the training;
 - (e) the manner in which the training was provided; and
 - (f) a copy of the training materials.
- 12. Temporary Exclusion Fencing:** Prior to commencing any Project Activities, the Proponent shall install Temporary Fencing to prevent the movement of the Protected Species into the Site and to restrict machinery access to the remaining portions of the Site where Project Activities are not taking place. The Proponent shall ensure that the Temporary Fencing is installed, inspected and maintained as follows:
- (a) such fencing shall be installed in accordance with the direction provided in “Reptile and Amphibian Exclusion Fencing: Best Practices” found at: <https://www.ontario.ca/page/reptile-and-amphibian-exclusion-fencing>;
 - (b) Temporary Fencing shall be installed in the location identified as “Wildlife Guidance Fence” in the map provided in Schedule C;
 - (c) the final design and location (including entry/access area) of the Temporary Fencing, including any adjustments as required by the ground conditions, shall be approved by a Qualified Professional;
 - (d) the Temporary Fencing shall be installed prior to the start of the Active Season and remain in place throughout the Active Season of each year in which Project Activities are occurring;
 - (e) once installed, the Temporary Fencing shall be inspected once per week when Project Activities are occurring, by a Qualified Professional or designated staff member who has been trained by a Qualified Professional, during the Active Season of each year in which Project Activities are occurring;
 - (f) during any period in which the Temporary Fencing is not being inspected once per week during the Active Season, a Qualified Professional shall inspect the Temporary Fencing a minimum of once a month and within 48 hours of any rainfall or windstorm event that in the opinion of a Qualified Professional could compromise the integrity of the Temporary Fencing;

- (g) any damage to the Temporary Fencing shall be repaired by the end of the business day when the damage is observed or, if observed on a non-business day, the end of the next business day; and
- (h) the Temporary Fencing shall be maintained in place until all Project Activities within the Site are completed or Permanent Fencing is in place.

13. Permanent Exclusion Fencing: The Proponent shall install and maintain Permanent Fencing to prevent the movement of the Protected Species into the Site once the sediment and erosion control measures required in condition 14 are no longer needed and all heavy equipment use is finished at the Site, and in accordance with the following:

- (a) the Permanent Fencing shall be installed in accordance with the direction provided in "*Best Management Practices for Mitigating the Effects of Roads on Amphibian and Reptile Species at Risk in Ontario*" found at: https://files.ontario.ca/bmp_herp_2016_final_final_resized.pdf;
- (b) the Permanent Fencing shall be installed in the location identified as "Wildlife Guidance Fence" in the map provided in Schedule C;
- (c) each end of the Permanent Fencing shall be designed to curve inward to direct the Protected Species away from the Site or tie directly into permanent fencing on adjacent lands;
- (d) the final design and location (including entry/access area) of the Permanent Fencing, including any adjustments as required by the ground conditions, shall be approved by a Qualified Professional;
- (e) once installed, the Permanent Fencing shall be inspected once per month by a Qualified Professional during every Active Season until the end of the period specified in condition 13(g), to ensure that it is in good working condition;
- (f) any damage to the Permanent Fencing shall be repaired by the end of the business day when the damage is observed or, if observed on a non-business day, the end of the next business day; and
- (g) the Permanent Fencing shall be maintained in place until a final report is submitted in accordance with condition 27.

14. Erosion and Sediment Control Measures: The Proponent shall implement erosion and sediment control measures (e.g., silt fences) at the Site prior to the commencement of any Project Activities and maintain them in place until the completion of the Project, to prevent construction run-off and soil sedimentation from entering adjacent lands. The Proponent shall inspect the erosion and sediment control measures bi-weekly with additional inspections carried out immediately following any Significant Rainfall or Snowfall Event or inclement weather. The Proponent shall fix any deficiencies found by the end of the business day the damage is observed or, if observed on a non-business day, the end of next business day.

- 15. Protection from Invasive Species:** The Proponent shall ensure that all machinery is cleaned in accordance with the publication "*Clean Equipment for Industry Protocol*" (printed April 2013 and updated May 2016), currently found at: http://www.ontarioinvasiveplants.ca/wp-content/uploads/2016/07/Clean-Equipment-Protocol_June2016_D3_WEB-1.pdf, immediately prior to entering the Site.
- 16. Stewardship Brochures:** Commencing on the date on which this permit is issued and until a final report is submitted in accordance with condition 27, the Proponent shall distribute to all new homeowners at the Site, a stewardship brochure developed by a Qualified Professional that includes the following information:
- (a) details about the Protected Species including its identification features and biology;
 - (b) the existence of the Protected Species within the Site, as well as the protections that apply to the Protected Species under sections 9 and 10 of the ESA;
 - (c) tips for living respectfully with the Protected Species, including guidelines for proper garbage and compost storage to limit the attraction of predators to the Protected Species;
 - (d) how to report a sighting of the Protected Species to the NHIC;
 - (e) details on the purpose and location of the Permanent Fencing and the Overall Benefit Activities; and
 - (f) details outlining the risk of Protected Species road mortality, including high risk periods each year (e.g. the Nesting Season), and describing actions homeowners can take to reduce the risk of Protected Species road mortality.

Encounters

- 17. Encounters including Injured or Dead Individuals:** The following requirements shall apply in relation to Encounters while carrying out the Project or fulfilling the conditions of this permit:
- (a) For all Encounters that occur while carrying out Project Activities, the Proponent shall:
 - i. cease all activity within 30 metres of the Protected Species individual that may result in adverse impacts to the individual, and protect the individual from further harm;
 - ii. contact a Qualified Professional immediately to report the observation and ensure the Qualified Professional arrives within two (2) hours of the Encounter;
 - iii. monitor the location of the Protected Species individual at all times until arrival of the Qualified Professional;

- iv. subject to conditions 17(b), (c) and (d), ensure that a Qualified Professional confirms that the Protected Species individual has left the Site of its own accord or safely relocates the individual before resuming any activity within 30 metres of the location of the Encounter and the individual; and
 - v. record the following information and include them in the annual reports required to be submitted under condition 26:
 - A. name of the observer;
 - B. date and time of the Encounter;
 - C. location of the observation (UTM coordinates or detailed description);
 - D. digital photograph(s) if possible; and
 - E. summary of action taken.
- (b) If the Encounter involves a Protected Species individual that is nesting, or if a Protected Species nest is discovered, the Proponent shall:
- i. immediately create a minimum 30-metre setback around the nest and nesting individual and ensure no Project Activities occur within this area;
 - ii. ensure the nest is protected from all disturbances until the end of the Hatching Season of that year, which includes maintaining a 30-metre setback from the nest;
 - iii. install a nest protector around the nest in accordance with the document “How to Build a Turtle Protector During Nesting Season”, published by the Canadian Wildlife Federation, currently found at https://cwf-fcf.org/en/explore/turtles/htt_nest_protector_en_lr.pdf;
 - iv. ensure weekly monitoring of the nest site is completed by a Qualified Professional during the Hatching Season;
 - v. ensure that the Protected Species individuals, including the hatchlings and any nesting individuals, disperse from the nest site under their own ability before resuming Project Activities or, if this is not feasible, a Qualified Professional safely relocates the Protected Species before resuming Project Activities; and
 - vi. if a situation arises where it is not possible to protect the nest of the Protected Species where it has been laid or it is not possible to wait for hatchlings to disperse on their own, contact an authorized Wildlife Custodian to request their assistance. If the Wildlife Custodian determines that artificial incubation is feasible, the Proponent shall coordinate with the Wildlife Custodian to facilitate transport of the eggs, their artificial incubation, and the release of the Protected Species back into the wild.

- (c) If the Encounter involves an injured Protected Species individual at the Site, the Proponent shall:
- i. cease all work within 30 metres of the injured individual;
 - ii. ensure the individual is protected from further harm until such a time as it can be collected by a Qualified Professional;
 - iii. follow the protocols outlined in the publication "*Ontario Species at Risk Handling Manual: For Endangered Species Act Authorization Holders*", available online at: https://files.ontario.ca/environment-and-energy/species-at-risk/mnr_sar_tx_sar_hnd_mnl_en.pdf;
 - iv. document the location where the Protected Species individual was found and the circumstances under which the individual was found injured;
 - v. obtain advice and any necessary care for the individual from a veterinarian licensed in Ontario with appropriate wildlife experience;
 - vi. in the event the Proponent obtains veterinary care under condition 17(c)v., pay for that care;
 - vii. after obtaining appropriate veterinary advice or care in accordance with condition 17(c)v., transfer the individual to an authorized Wildlife Custodian experienced in handling turtle species; and
 - viii. report the incident to MECP at SAROntario@ontario.ca, referencing the permit number, before the end of the next business day.
- (d) If a Protected Species individual is killed or a Protected Species individual is found dead at the Site, the Proponent shall:
- i. collect the individual and store it in a safe and refrigerated place;
 - ii. document the location and circumstances under which the individual was killed or found dead;
 - iii. report the incident to the MECP by email at SAROntario@ontario.ca, referencing the permit number, before the end of the next business day; and
 - iv. comply with any instructions provided by the Ministry regarding the handling and/or transfer of the dead individual. If handling or transfer of the dead individual is not required by the Ministry, the Proponent shall dispose of the dead individual in an appropriate manner.
- (e) Within three (3) months of any Encounter, the Proponent shall provide the following information to the NHIC by emailing NHICrequests@ontario.ca;
- i. name of species;
 - ii. name of the observer;
 - iii. date and time of the Encounter;
 - iv. location of the Encounter (UTM coordinate or detailed description); and

- v. digital photographs, if possible.

Overall Benefit Activities

18. Habitat Creation and Enhancement: Within seven (7) years of the commencement of any Project Activities, the Proponent shall, under the supervision of a Qualified Professional, create Protected Species habitat in accordance with Schedule C and the following:

- (a) habitat creation shall be undertaken outside of the Active Season. If it is not possible to adhere to this timing restriction, then Temporary Overall Benefit Fencing shall be installed, inspected, and maintained to exclude Blanding's Turtles from areas where the habitat creation is being undertaken in accordance with the following:
 - i. fencing shall be installed in accordance with the direction provided in the Ontario publication "*Reptile and Amphibian Exclusion Fencing: Best Practices*" (published November 6, 2020) as amended (currently found at: <https://www.ontario.ca/page/reptile-and-amphibian-exclusion-fencing>);
 - ii. fencing shall be installed to isolate the areas in which work is occurring within Zones 1 through 5 as identified in Schedule C;
 - iii. the final design and location (including entry or access areas) of the fencing shall be approved by a Qualified Professional;
 - iv. fencing shall be installed prior to the start of the Active Season and remain in place throughout the Active Season of each year in which habitat creation is undertaken;
 - v. once installed, the fencing shall be inspected once per week, by a Qualified Professional during the Active Season of each year in which habitat creation is undertaken;
 - vi. any damage to the fencing shall be repaired by the end of the business day when the damage is observed or, if observed on a non-business day, the end of the next business day; and
 - vii. fencing shall be maintained until all works described in Schedule C are completed.
- (b) Habitat creation shall include the following:
 - i. in Zone 1, as identified in Schedule C, a minimum of 2.91 hectares of habitat shall be created in order to enhance the function of an amphibian and reptile movement corridor, including:
 - 1. the addition of natural materials to create microhabitats for turtles and other wildlife;
 - 2. the creation of three (3) swales, each a minimum size of ten (10) metres in length by five (5) metres in width and a minimum of 50 centimetres deep;

3. the creation of three (3) of the artificial nesting areas required under condition 19; and
 4. the development and implementation of a planting plan, including locally appropriate shrubs and herbaceous species, to establish a diverse community of vegetation and to contribute to a movement corridor;
- ii. in Zone 2, as identified in Schedule C, a minimum of 0.81 hectares of habitat shall be created in order to enhance the function of an amphibian and reptile movement corridor and reduce edge effects, including the addition of planted trees to establish canopy cover, shrubs, and natural materials such as stumps, logs, limbs or large rocks;
 - iii. in Zone 3, as identified in Schedule C, a minimum of 0.54 hectares of habitat shall be created to connect Provincially Significant Wetland units, including:
 1. the creation of three (3) of the artificial nesting areas required under condition 19;
 2. retention of natural materials (log, limbs or large rocks) to create microhabitats for amphibians and reptiles; and
 3. the development and implementation of a planting plan, using locally appropriate shrubs and herbaceous species, to establish a diverse community of vegetation and to contribute to a movement corridor;
 - iv. in Zone 4, as identified in Schedule C, a minimum of 1.37 hectares of habitat shall be created in order to connect Provincially Significant Wetland units, including:
 1. the addition of natural materials to create microhabitats for amphibians and reptiles;
 2. the creation of a total of six (6) swales, each at least ten (10) metres in length by five (5) metres in width and a depth of 50 centimetres; and
 3. the development and implementation of a planting plan including species that will establish quickly and create a dense barrier between the residential development and the created habitat; and
 - v. in Zone 5, as identified in Schedule C, a minimum of 0.92 hectares of habitat shall be created in order to connect forested areas to the north and southwest, including:
 1. planting appropriate canopy cover and shrubs to create shade, leaf litter and areas to hide;
 2. creation of a wetland, at least 20 metres in length and ten (10) metres in diameter and a depth of 50 centimetres; and

3. placement of natural materials such as stumps, logs, limbs or large rocks.

19. Installation of Turtle Nesting Habitat: Within one (1) year of the commencement of any Project Activities, the Proponent shall install and maintain six (6) artificial nesting mounds in the areas identified in Schedule C as “Turtle Nesting Site” in accordance with the following:

- (a) each mound shall be at least six metres in diameter and half a metre in height;
- (b) a weed barrier shall be placed under each mound;
- (c) each mound shall be made of the following materials:
 - i. 75-60% sand; and
 - ii. 25-40% gravel;
- (d) each mound shall be located within 100 metres of aquatic turtle habitat and placed a minimum of thirty (30) metres from linear landscape features (e.g. roads, trails, habitat edges) to reduce predation; and
- (e) each mound shall be placed in an open canopy and be south facing and installed in a manner and at a location such that it receives greater than eight (8) hours of direct sun per day.

20. Installation of Permanent Fencing System Adjacent to Dumfries Road: The Proponent shall install and maintain a minimum of 350 metres of permanent turtle exclusion fencing to reduce road mortality along Dumfries Road in accordance with the following:

- (a) fencing shall be installed within two (2) years of the commencement of any Project Activities;
- (b) fencing shall be installed adjacent to Dumfries Road in the location indicated in Schedule D;
- (c) fencing shall be installed in accordance with the direction provided in the Ontario publication “*Best Management Practices for Mitigating the Effects of Roads on Amphibian and Reptile Species at Risk in Ontario*” (April 2016), currently found at:
https://files.ontario.ca/bmp_herp_2016_final_final_resized.pdf;
- (d) each end of the fence shall be designed to curve inward to direct the Blanding’s Turtles away from Dumfries Road or tie directly into permanent fencing on adjacent lands; and
- (e) fencing shall be maintained in good condition until a final report is submitted in accordance with condition 27.

21. Radio Telemetry Study to Track Habitat Use, Seasonal Movements and Threats: Within one (1) year of commencement of Project Activities, the Proponent shall undertake a radio telemetry study in the areas identified in

Schedule E as the “Current Study Boundary” and the “Increased Study Area Boundary” in accordance with the following:

- (a) A minimum of ten (10) radio tracking units shall be used to track turtle movements for a two (2) year period to collect data on habitat use and seasonal movement patterns in the area of Dumfries Road, including the Drynan Tract, Sudden Tract and intervening lands; to fill in knowledge gaps regarding spatial and temporal data on wetland habitat use, terrestrial overland migrations and nesting areas.

Monitoring

22. Effectiveness Monitoring of Habitat Created or Enhanced: The Proponent shall ensure that a Qualified Professional monitors the habitat required to be created or enhanced for the Protected Species under condition 18 in accordance with the following:

- (a) basking surveys shall be carried out each year for the first five (5) years following completion of habitat creation or enhancement in each of the zones identified in Schedule C to determine the presence of the Protected Species as well as use of the created or enhanced habitat. Basking surveys shall be conducted in accordance with the following:
 - i. survey methodology shall adhere to the Ontario publication “*Survey Protocol for Blanding’s Turtle (Emydoidea blandingii) in Ontario*”, (Published: August 1, 2015), as amended (currently found online at: <https://www.ontario.ca/page/survey-protocol-blandings-turtle-ontario>); and
 - ii. five (5) surveys shall be conducted annually between the start of the Active Season and June 15 each year;
- (b) monitoring shall be conducted annually for a period of five (5) years, commencing two (2) years following completion of habitat creation or enhancement in each of the zones identified in Schedule C, to assess the following parameters:
 - i. vegetation cover;
 - ii. aquatic plant coverage;
 - iii. presence of invasive species;
 - iv. stability of the banks/slopes;
 - v. water levels; and
 - vi. water quality;
- (c) photographs of the created or enhanced habitat shall be taken during each monitoring period under conditions 22(a) and 22(b); and

- (d) if it is discovered that the habitat created or enhanced requires maintenance or improvements, the Proponent shall immediately take actions to correct or improve the created or enhanced habitat.

23. Effectiveness Monitoring of Turtle Nesting Habitat: The Proponent shall ensure that a Qualified Professional monitors the turtle nesting habitat installed under condition 19 in accordance with the following:

- (a) the artificial nesting mounds shall be monitored for a period of three (3) years commencing two (2) years after installation;
- (b) weekly visual surveys shall be carried out throughout the Nesting Season, recording nesting turtles or signs of nesting turtles (tracks, test pits, egg-shell fragments);
- (c) weekly substrate temperature readings shall be recorded; and
- (d) during each survey, the artificial nesting mounds shall be inspected to ensure that no defects exist, and any deficiencies shall be recorded and immediately repaired.

24. Effectiveness Monitoring of the Dumfries Road Permanent Fencing System: The Proponent shall ensure that the Permanent Fencing System is monitored by a Qualified Professional for effectiveness in accordance with the following:

- (a) the Permanent Fencing System shall be monitored for a period of five (5) years after installation;
- (b) monitoring shall begin at the start of the Active Season immediately following installation of the Permanent Fencing System;
- (c) monitoring shall consist of road mortality surveys completed on foot and include the entire road surface of Dumfries Road that lies adjacent to the Permanent Fencing System and visible adjacent areas within 50 metres of the road right-of-way on both sides;
- (d) year 1 shall include surveys once per week from May 15 to July 15 and again from August 25 to October 15;
- (e) years 2 through 5 shall each include five (5) surveys between April 15 and June 15 and surveys once per month in July, August, September and October;
- (f) during each survey, any signs of wildlife road mortality shall be recorded; and
- (g) during each survey, the Permanent Fencing System shall be inspected to ensure no defects exist in the fencing and any deficiencies shall be recorded and immediately repaired.

Corrective Actions

25. On an ongoing basis from the start of any Project Activities until all other conditions of this permit are satisfied, the Proponent shall take corrective actions, such as replacing vegetation that does not survive or repairing defects in the Permanent Fencing or Permanent Fencing System observed through monitoring.

Reporting

26. Annual Reporting: In each year in which monitoring is required under conditions 22, 23, or 24 or corrective action is taken under condition 25, the Proponent shall submit an annual report by December 31 of that year to the MECP by email at SAROntario@ontario.ca, referencing the permit number, which shall include the following information from that year:

- (a) a detailed summary of all awareness activities (i.e., on-site training) completed in accordance with condition 10;
- (b) digital photographs of the Temporary Fencing, Permanent Fencing and erosion and sediment control measures, dates of installation, and records of repairs, in accordance with conditions 12, 13 and 14;
- (c) a detailed rationale for any adjustments made to the final design and location of the Temporary Fencing or Permanent Fencing in accordance with condition 12(c) or 13(d);
- (d) an assessment of the installation and effectiveness of the Permanent Fencing and erosion and sediment control measures;
- (e) a detailed description, map and photographs of all observations of any other species on the SARO List incidentally encountered within the Site;
- (f) a detailed description, map and photographs of all Encounters recorded in accordance with condition 17(a)v.;
- (g) a detailed description of the effectiveness monitoring completed in accordance with condition 22 for the habitat created or enhanced under condition 18, including:
 - i. a summary of basking surveys carried out under condition 22(a) including survey dates, times, weather conditions, search effort and methodology;
 - ii. a summary of monitoring carried out under condition 22(b), including outcomes for parameters monitored;
 - iii. any photographs taken under condition 22(c);
 - iv. a summary of each sighting of an individual Protected Species or other species on the SARO List during the monitoring conducted under condition 22, including:
 - A. date and time of observation;
 - B. location of observation; and
 - C. digital photograph, if possible;
 - v. a detailed summary of any deficiencies found in the created or enhanced habitat, and how and when they were corrected.

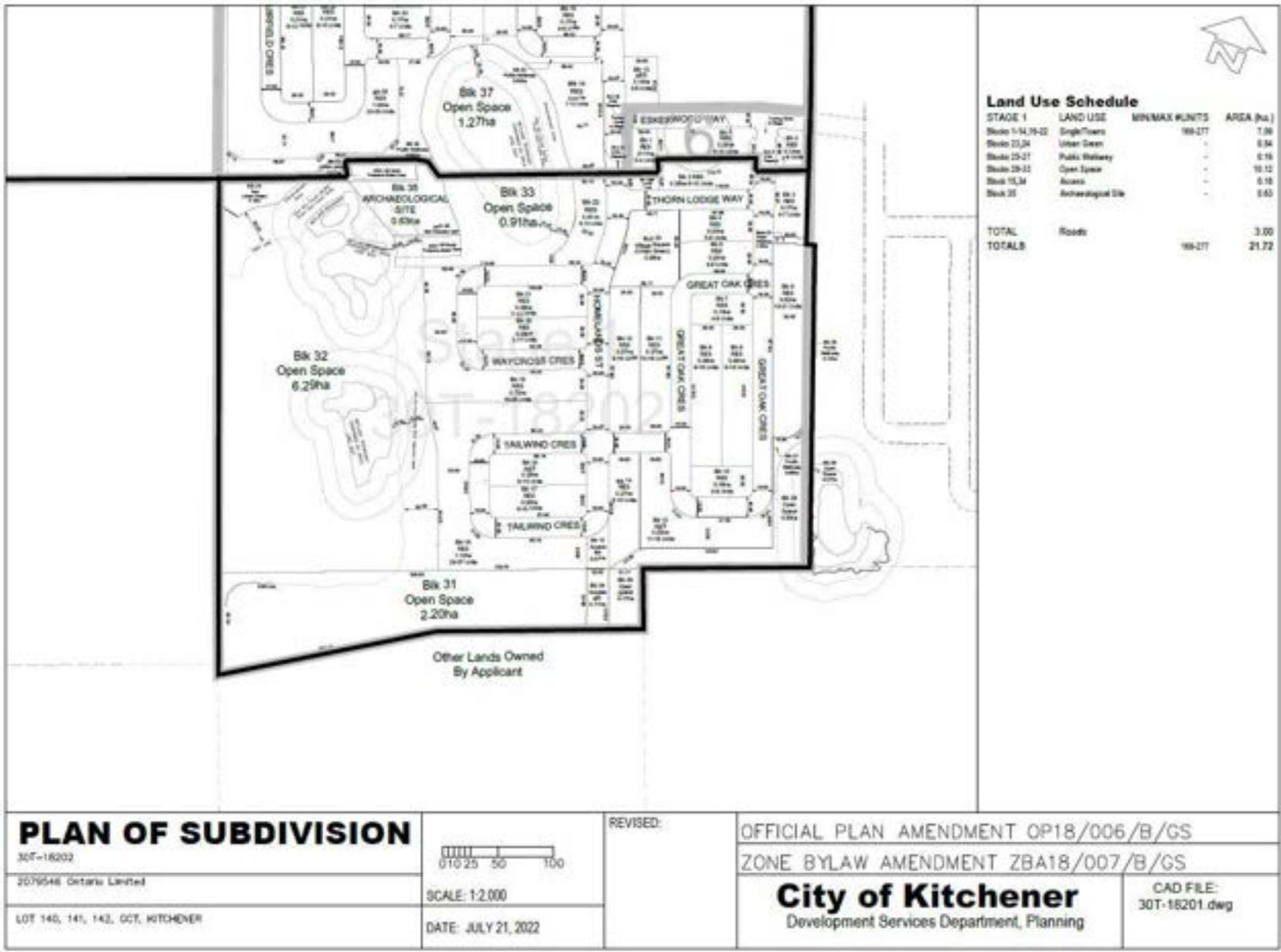
- (h) A detailed description of effectiveness monitoring completed in accordance with condition 23 for the artificial nesting mounds installed in accordance with condition 19, including:
 - i. a summary of information collected during the visual surveys conducted in accordance with condition 23(b), including dates, times, weather conditions, search effort and methodology;
 - ii. a summary of substrate temperature readings collected in accordance with condition 23(c);
 - iii. a summary of each sighting of an individual Protected Species or other species on the SARO List during the monitoring conducted under condition 23, including:
 - A. date and time of observation;
 - B. location of observation; and
 - C. digital photograph, if possible;
 - iv. a detailed summary of any deficiencies found in the artificial nesting mounds and how and when they were corrected.
- (i) A detailed description of effectiveness monitoring carried out in accordance with condition 24 for the Permanent Fencing System, including:
 - i. a description of survey dates, times, weather conditions, search effort and methodology;
 - ii. a summary of each sighting of an individual Protected Species or other species on the SARO List during the monitoring conducted under condition 24, including:
 - A. date and time of observation;
 - B. location of observation; and
 - C. digital photograph, if possible;
 - iii. a detailed summary of any deficiencies found in the Permanent Fencing System and when and how they were corrected.
- (j) A detailed description of the telemetry study carried out in accordance with condition 21, including:
 - i. a description of study dates, times, weather conditions, search effort and methodology;
 - ii. a summary of each sighting of individually tracked turtles including:
 - A. date and time of observation;
 - B. location of observation; and
 - C. digital photograph, if possible;

- iii. a summary of the number of students that participated in telemetry surveys and how they benefitted from being involved in this aspect of the monitoring program.

27. Final Reporting. No later than one year following completion of all monitoring required under conditions 22, 23, and 24, the Proponent shall submit the following to the MECP by email at SAROntario@ontario.ca, referencing the permit number:

- (a) A final report on the Overall Benefit Activities which includes a final summary of all activities conducted in accordance with conditions 22 through 24, including:
 - i. a summary of the results of the five (5) years of monitoring conducted under condition 22(a);
 - ii. a summary of the results of the five (5) years of monitoring conducted under condition 22(b);
 - iii. an analysis of the overall effectiveness of the habitat created or enhanced in accordance with condition 18 and recommendations for future improvements;
 - iv. a summary of the results of the three (3) years of monitoring conducted under condition 23;
 - v. an analysis of the overall effectiveness of the artificial nesting mounds created in accordance with condition 19 and recommendations for future improvements;
 - vi. a summary of the results of the five (5) years of monitoring conducted under condition 24;
 - vii. an analysis of the overall effectiveness of the Permanent Fencing System installed in accordance with condition 20 and recommendations for future improvements;
 - viii. a summary of lessons learned through the radio telemetry study carried out in accordance with condition 21; and
 - ix. a summary of any corrective actions undertaken in accordance with condition 25.
- (b) A detailed assessment of whether the requirements of this permit implemented at the time of the report have provided an overall benefit to the Protected Species.

SCHEDULE B: PROJECT LOCATION (THE SITE)



SCHEDULE D: PERMANENT FENCING SYSTEM DUMFRIES ROAD



Garett Stevenson

From: Darren
Sent: Wednesday, October 17, 2018 11:15 AM
To: Garett Stevenson
Subject: RE: Questions Regarding the Draft Plan for Subdivision Application 30T-18201 etc.

Thanks a lot for your prompt and thorough response Garett! Clearly this is long term build and we are quite some ways from foundations being poured and roads being widened!

Darren.

On Oct 17, 2018, at 10:15 AM, garett.stevenson@kitchener.ca wrote:

Hello Darren,

Bleams Road in this location is a Regional Road, and the Subdivider must provide the Region with the physical land to widen the right-of-way to 30.48 metres. There will be future studies completed by the Region on;

- Widening and reconstructing Bleams Road,
- Potential roundabout at the Trussler/Bleams roads intersection, and
- Trussler Road (from Bleams Road to Highway 7/8) widening to 4 lanes.

The details of designs are not available at this stage and the Environmental Assessment (EA) is planned to start during 2020. The Subdivider is being asked to provide the lands for future road and intersection improvements only at this point. Check back in the New Year on this website to see if there is any new information posted. <https://www.regionofwaterloo.ca/en/living-here/construction-and-road-closures.aspx#>

As for the construction of the subdivision, we are at the very beginning of the planning phase. There is a lot of community planning, construction design, and the actual extension of sewers (from the other side of Fischer Hallman) that needs to occur first. That work will be progressing over the next five years or so, depending on the market sale of homes. This is a fairly large application as well, so it will be built in stages and it could take 5-10 years just to build out the plan that was circulated.

Thanks,

Garett

Garett Stevenson

From: Garett Stevenson
Sent: Wednesday, October 24, 2018 5:54 PM
To:
Subject: RE: Mattamy Resident Circulation

Hi

Let me know if another night would work better as I am happy to meet in person if that assists.

1. The City approves blocks for future development – so it is not until the builder decides what kind of townhouse(s) (standard, stacked, etc) that they will build will be know the final number. Assume that 14 would be the maximum and likely what would be built.
2. We will work with the developer on revising their plans in response to comments I get through the process. Once there is an agreeable revised plan, Council could approve the plan subject to conditions. That would occur in the spring likely – so there is time.

If you were thinking about having your property be included in the applications, the applications could be amended with your consent.

Thanks,

Garett

From:
Sent: Wednesday, October 24, 2018 3:15 PM
To: Garett Stevenson <Garett.Stevenson@kitchener.ca>
Subject: Re: Mattamy Resident Circulation

Hey Garett,

Tomorrow doesn't work out for my brother-in-law to meet. I really only have a couple more questions anyways so I may as well just ask you through email, and then we don't have to meet tomorrow.

1. On the drawings that were attached in your email, it's showing 8-14 townhouses being planned for development on my property. Can you be definitive on the number? Is it closer to 8 townhouses or closer to 14 townhouses? Obviously the number would have an impact on the selling price of my property.
2. When do the final plans have to be submitted to the city?

If you want to email me the answers, that would be great.

Thanks,

Sent from my iPhone

Garett Stevenson

From: Greg Proctor <GProctor@regionofwaterloo.ca>
Sent: Friday, December 21, 2018 4:26 PM
To:
Cc: Richard Parent; Marcos Kroker; Garett Stevenson; Bob Henderson; Mike Jones
Subject: RE: Include ; on future circulations regarding Trussler and/or Bleams Road

Hello ,

I am the Project Manager assigned to the upcoming Bleams Road reconstruction project. The project limits are from Trussler Road to Fischer-Hallman, and it is currently scheduled for reconstruction in the year 2021. However, it is anticipated that this date for construction may be pushed further into the future to better align with the proposed developments in the area.

LEFT TURN LANE ON BLEAMS AT CHURCH ACCESS - Although a left turn on Bleams Road at the church access is not currently included within the scope of the project, the Region will be pleased to evaluate whether a warrant for a left turn is met. To undertake this, the Region will need some information about the church such that an approximate number of vehicles trips can be determined and then an analyses/warrant calculated to see if a turn lane is warranted, based on current and projected traffic volumes on Bleams Road. If you could provide the following information about the church, we can let you know the result of the left turn warrant fairly quickly:

- # seats
- Square footage of the church
- # parking spots

ADDITIONAL STREET LIGHTS AT CHURCH ENTRANCE - at this point, luminaires have not been identified at this location. However, I will be further investigating the placement of luminaires along Bleams Road, and will keep you abreast of this.

STREET SIGNS AT BOTH ENDS OF BLEAMS ROAD INDICATING DIRECTION TO CHURCH - the decision to allow the installation of these signs is left to Region of Waterloo Traffic Engineering staff. If agreeable with you, I think that the best way to review this request for signs to be installed, is to have you work directly with Traffic Engineering staff. I have included the names of Bob Henderson and Mike Jones on this email as they are likely the people you will work with on this issue.

Regards

Greg Proctor, C.E.T.
Project Manager
Design and Construction Division
Region of Waterloo
150 Frederick Street, Kitchener ON N2G 4J3
519-575-4729
gproctor@regionofwaterloo.ca

-----Original Message-----

From: Garett.Stevenson@kitchener.ca [mailto:Garett.Stevenson@kitchener.ca]

Sent: Tuesday, December 18, 2018 4:11 PM
To: Peter Ellis
Subject: FW: Application 30T-18201

Hi Peter,

Please see the comments below. Can you please ensure that [redacted] is included on future circulations regarding Trussler and/or Bleams Road improvements?

Thanks,

Garett

Garett Stevenson, BES, RPP, MCIP
Planner | Planning Division | City of Kitchener
519-741-2200 x 7070 | TTY 1-866-969-9994 | garett.stevenson@kitchener.ca

-----Original Message-----

From:
Sent: Thursday, November 22, 2018 11:16 AM
To: Garett Stevenson <Garett.Stevenson@kitchener.ca>
Cc:
Subject: re: Application 30T-18201

Hi Garett,

We spoke sometimes at the begging of this month.

I called you in behalf of St. John the Baptist Romanian Orthodox Church, which has its property right across future subdivision, at 2150 Bleams Rd.

Overall, we no objections regarding the application itself, however we would like to voice our concerns about future road traffic changes for Bleams Rd.

I understood that Bleams Rd being a regional road, it belongs to Region of Waterloo, which has jurisdiction over it and is responsible for any future developments.

Also I understood that you can pass on to Region of Waterloo our comments as well.

Here is what we would like to get, if possible:

1. A middle turning lane in front of our entrance.

Even if the speed limit is reduced to 50kmh, pulling over into our property could pose a risk especially for our elderly parishioners

2. Additional street lights for our entrance.

Bleams Rd has no street lights and even we have our lit sign, it is easy to miss the entrance especially when poor weather conditions.

3. Street signs at both ends of Bleams indicating direction to our church.

We have many people missing our church due to the fact there is another Bleams Rd that belong to Mannheim, which is few hundred meters away from Kitchener's Bleams.

#1 and #2 are obviously for safety reasons,

Although #3 is for an easy access, at the end of the day, confused people can potentially be involved easier in a car accident.

We appreciate your help in this matter.

best regards,



KITCHENER
WOODBRIDGE
LONDON
KINGSTON
BARRIE
BURLINGTON

January 21, 2019

Mr. Garrett Stevenson
City of Kitchener
Planning Division
200 King Street West, 6th Floor
Kitchener, ON N2G 4G7

Dear Mr. Stevenson:

**RE: Draft Plan of Subdivision Applications 30T-18201 and 30T-18202, Official Plan Amendment Applications OP18/005/B/GS and OP18/006/G/GS and Zone Change Applications ZBA18/006/B/GS and 18/007/G/GS
OUR FILE: 9735H**

We are writing on behalf of Stamm Investments Limited (the adjacent property to the east) and as a follow-up to our recent meeting at which time we discussed the referenced applications. We ask that you consider the following comments:

- 1) The lands that are subject to Subdivision Application 30T-18202 are located outside the limits of the Rosenberg Secondary Plan. The lands were added to the City Urban Area through the settlement of the Regional Official Plan (ROP). At the time settlement discussions were taking place, we inquired regarding the adequacy of downstream sanitary sewers to accommodate the lands subject to Subdivision Application 30T-18202. Modeling completed by the City of Kitchener indicated the development of the lands could result in downstream surcharging of the MSTSS. We have reviewed background reports relating to the subdivision and confirm our understanding that proposed subdivision grades would have the effect of expanding the sanitary drainage area such that the entire subdivision will outlet to the MSTSS. We understand this could exacerbate the surcharging anticipated by City staff.

In consideration of the surcharging issue, we ask the City to confirm sanitary sewer capacity within the MSTSS will be assigned to lands within the Rosenberg Secondary plan in priority to Subdivision Application 30T-18202 and in accordance with the approved Rosenberg Secondary Plan – Land Use Plan. We also ask the City to confirm there is available capacity in the MSTSS to accommodate Subdivision 30T-18202 prior to approval of Official Plan Amendment Application OP18/006/G/GS and Subdivision Application 30T-18202.

- 2) As you may be aware, a portion of the lands subject to Subdivision Application 30T-18201 will outlet to and be attenuated by Stormwater Management Pond No. 1 located within the limits of the Stamm Plan of Subdivision. Stamm has no objection to this principle, provided Subdivision

30T-18201 is subject to the standard City condition which obligates the subdivider to cost-share the stormwater management facility.

- 3) We understand the developer is proposing to close Gehl Place. We confirm the Rosenberg Secondary Plan does not propose or otherwise contemplate the closure of Gehl Place between Rosenberg Way and Bleams Road. Although Stamm does not oppose the ultimate closure of Gehl Place, the closure should not occur until alternative access is provided to lands to the south, two means of access to Bleams Road and/or Fischer-Hallman Road are available to all stages of the Stamm Subdivision and ARA Licence No. 5627 is amended to preclude the use of Gehl Place as a haul route.
- 4) Minutes of settlement with the City of Kitchener include an overall servicing scheme for lands within the Rosenberg Community located south of Bleams Road, west of Fischer-Hallman Road and generally north of the Williamsburg Cemetery. The servicing scheme provides for an overland flow route, watermain and storm sewer where Stamson Street is shown in the Stamm Plan of Subdivision. Subdivision 30T-18201 does not provide for a street connection/overland flow route at this location. Subdivision 30T-18201 should be revised to show a local street connection that aligns with Stamson Street in the location shown in the Stamm Plan of Subdivision. This revision would be in keeping with the approved functional servicing plan, the intended pattern of development and densities contemplated for the Rosenberg Secondary Plan and facilitate the potential closure of Gehl Place.
- 5) Street "AA" within the limits of Subdivision 30T-18201 should align with Eskerwood Way located within the Stamm Plan of Subdivision. We have been in communication with the applicant and confirm we have agreed to minor revisions to the horizontal alignment of Eskerwood Way and Street "AA" to resolve this minor discrepancy. Subdivision 30T-18201 should be revised to reflect the minor change shown on the attached plan.
- 6) As you may recall, there was considerable discussion with respect to the vertical alignment of Rosenberg Way at the eastern limit of the Stamm Subdivision. The finished elevation of Rosenberg Way was included as a condition of draft plan approval for Subdivision 30T-08206.

We suggest the finished elevation of Stamson Street, Rosenberg Way and Eskerwood Way at the west limit of Gehl Place should be included as conditions of draft plan approval. The following elevations are proposed:

Stamson Street – 355.04 mASL

Rosenberg Way – 353.92 mASL

Eskerwood Way – 356.49 mASL

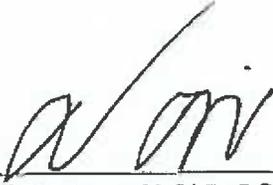
- 7) We confirm a number of services within the limits of the Stamm Subdivision are being oversized and/or provided for the benefit of Subdivision 30T-18201. Services that benefit Subdivision 30T-18201 include a dedicated storm sewer, storm and sanitary sewers and watermains. Stamm acknowledges they have a responsibility to provide for the development of the adjacent subdivision. Having said this, the adjacent developer(s) should pay their fair share of the benefit received and in this regard, we ask that the referenced subdivisions be subject to appropriate conditions of draft plan approval regarding cost-sharing of this infrastructure.

- B) Minutes of Settlement with the City of Kitchener establish downstream erosion threshold targets. Stormwater management facilities within Subdivision 30T-18202 should be designed to ensure downstream erosion targets are met. Implementation should be assured through draft plan conditions.

We thank you for your consideration. We would appreciate the opportunity to meet with you to discuss matters in further detail.

Yours truly,

MHBC



Paul R. Britton, M.C.I.P., R.P.P
PRB:ce

Cc: Della Ross,
Juliane von Westerholt,
Trevor Witt,
Ian Andres,
Paul Grespan,
Brad Trussler
Paul Lowes

Staff Report



Development Services Department

www.kitchener.ca

REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: June 19, 2023

SUBMITTED BY: Stevenson, Garrett - Interim Director of Planning, 519-741-2200 ext. 7070

PREPARED BY: Dumart, Craig – Senior Planner, 519-741-2200 ext. 7073

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: May 19, 2023

REPORT NO.: DSD-2023-254

SUBJECT: Draft Plan of Subdivision 30T-19201
Official Plan Amendment Application OPA19/002/C/GS
Zoning By-law Amendment Application ZBA19/005/C/GS
263, 321- 325 Courtland Avenue East, 230 and 240 Palmer Avenue
and 30 Vernon Avenue
321 Courtland Ave Developments Inc

RECOMMENDATION:

That the City of Kitchener, pursuant to Section 51 (31) of the Planning Act R.S.O. 1990, Chapter P 13 as amended, and delegation by-law 2002-64, grant draft approval to Plan of Subdivision Application 30T-19201 in the City of Kitchener, for 321 Courtland Ave Developments Inc. subject to the conditions attached to Report DSD-22-254 as Appendix 'A'; and

That Official Plan Amendment Application OPA/19/002/C/GS 321 Courtland Ave Developments Inc. requesting a change in land use designation on the parcels of land specified and illustrated on Schedule 'A', be adopted, in the form shown in the Official Plan Amendment attached to Report DSD-2023-254 as Appendix 'B', and accordingly forwarded to the Region of Waterloo for approval; and

That Deferral No. 8 from Map 6 - Natural Heritage System in the 2014 OP be lifted on the parcels of land specified and illustrated on Schedule 'B'; be adopted, in the form shown in the Official Plan Amendment attached to Report DSD-2023-254 as Appendix 'B', and accordingly forwarded to the Region of Waterloo for approval; and

That Zoning By-law Amendment Application ZBA19/005/C/GS for 321 Courtland Ave Developments Inc. be approved in the form shown in the 'Proposed By-laws', and 'Map No. 1', attached to Report DSD-2023-252 as Appendix 'C'; and further

That the Urban Design Report dated February 2023 and attached to Report DSD-2023-254 as Appendix 'D', be adopted, and that staff be directed to apply the Urban Design Report through the Site Plan Approval process.

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

REPORT HIGHLIGHTS:

- The purpose of this report is to evaluate and provide a planning recommendation regarding a Draft Plan of Subdivision, an Official Plan Amendment, and a Zoning By-law Amendment to allow the subject lands to be developed with a mixed use subdivision which includes up to 3,345 residential dwelling units, a large 0.71 hectare Neighbourhood Park, multi-use trails, three (3) mixed use blocks, four (4) high density residential blocks, two (2) medium density residential blocks, as well as road widenings blocks.
- Planning staff recommends approval of the applications, subject to the conditions outlined in the report. The development proposal represents good planning and will allow for the development of mixed use, high density, complete community in a Major Transit Station Area.
- Community engagement included:
 - circulation of a preliminary notice letter to property owners and residents within 120 metres of the subject site;
 - installation two large notice signs on the properties;
 - follow up one-on-one correspondence with members of the public;
 - A Neighbourhood Meeting held on July 15, 2019;
 - A follow up Neighbourhood Meeting held on August 24, 2022
 - postcard advising of the statutory public meeting was circulated to all residents and property owners within 240 metres of the subject site, those who responded to the preliminary circulation; and those who attended the Neighbourhood Meetings;
 - notice of the public meeting was published in The Record on May 26, 2023.
- This report supports the delivery of core services.

EXECUTIVE SUMMARY:

The property owner of the subject lands addressed as 263 and 321-325 Courtland Avenue East, 230 and 240 Palmer Avenue, and 30 Vernon Avenue (the former Schneider's factory lands) is proposing a Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment. The Owner is proposing to comprehensively redevelop the lands into a mixed-use, complete community with residential, commercial, employment uses, parks and a multi-use trail. Three existing buildings are proposed to remain, including the six storey office building, the large distribution warehouse building, and the former maintenance garage. The existing buildings will be repurposed for a mix of commercial and employment uses. New buildings are proposed to range from three storeys to thirty-eight storeys in height. In total, approximately 3,345 residential units, including 135 affordable dwelling units are proposed in the mixed use development. Staff are recommending that the applications be approved.

BACKGROUND:

321 Courtland Ave Developments Inc. has made applications to the City of Kitchener for a Plan of Subdivision, an Official Plan Amendment and a Zoning By-law Amendment proposing to change the land use designation and zoning of the lands at 263 and 321-325 Courtland Avenue East, 230 and 240 Palmer Avenue, and 30 Vernon Avenue to permit the lands to be comprehensively redeveloped into a mixed-use, complete community with residential, commercial, employment uses, a city owned park and a multi-use trail through the site connecting the Ion Horse Trail to the Mill ION station. The proposed development includes dividing the lands into 15 blocks through a Plan of Subdivision to accommodate the development of seven (7) high rise multiple dwelling buildings at the back of the site, ranging in height from 18 to 38 storeys; one (1) high rise mixed use building, 16 storeys in height; four (4) commercial/employment use buildings, 1 storey to 6 storeys in height; five (5) medium rise residential buildings 5 to 8 storeys in height; and two (2) low rise residential blocks with 3,345 residential units total, 19,500 square metres of non-residential space (employment and commercial uses) and a 0.71 hectare City-owned park. The proposed development includes 3,876 vehicle parking spaces proposed to be located underground, internal to the buildings and on the surface.

1,716 bicycle parking spaces are proposed within the development including 1,668 Class A indoor bicycle stalls and 48 Class B outdoor parking stalls. The lands are designated 'General Industrial with Special Policy Area 9' in the City of Kitchener Mill Courtland Woodside Park Neighbourhood Secondary Plan and zoned 'General Industrial Zone (M-2) with Special Regulation Provision 1R and Special Use Provisions 155U and 159U' in Zoning By-law 85-1. The existing zoning permissions permit a wide range of industrial uses such as slaughtering, eviscerating, rendering or cleaning of meat, warehousing, beverage distillation, repair of motor vehicles and major recreational equipment manufacturing, wholesaling, transportation depot, truck and transport terminal and other similar industrial uses and require GRCA permits for development on the lands.



Figure 1: Previous Built Form of the Subject Lands

Site Context

The subject lands are addressed as 263 and 321-325 Courtland Avenue East, 230 and 240 Palmer Avenue, and 30 Vernon Avenue (the former Schneider's factory lands) are located along Courtland Avenue East and bounded by Stirling Avenue South, Borden Avenue South and the CN Railway. The consolidated subject properties form a large irregular shape parcel of land and have a combined lot area of 10.36 hectares (25.6 acres) with approximately 375 metres of frontage along Courtland Avenue East.

The three existing buildings are proposed to remain, including the six storey office building, the large distribution warehouse building, and the former maintenance garage. The existing buildings will be repurposed for a mix of commercial and employment uses. The majority of the site is vacant as area grading and building removals were completed over the past 5 years.



Figure 2: Existing Site Context

The surrounding neighbourhood consists of a variety of uses including commercial buildings, industrial buildings, medium-rise residential uses, single detached dwellings, low-rise multiple dwelling buildings, and institutional buildings. Directly across the street to the north of the property along Courtland Avenue East and properties located along Courtland Avenue East between Vernon Avenue and Palmer Avenue are existing residential buildings. Directly to the west along Stirling Avenue is a commercial plaza with surface parking. Lands to the east of the subject properties along Borden Avenue are properties developed with low rise residential uses and directly to the south, abutting the subject lands is the CN Railway. The subject lands are in close proximity to the Mill ION stop (400 Metres) and the Borden ION stop (600 metres). Furthermore, existing bus routes operate along Courtland and Stirling Avenue and there are walking, and bike trails and bike lanes located nearby.

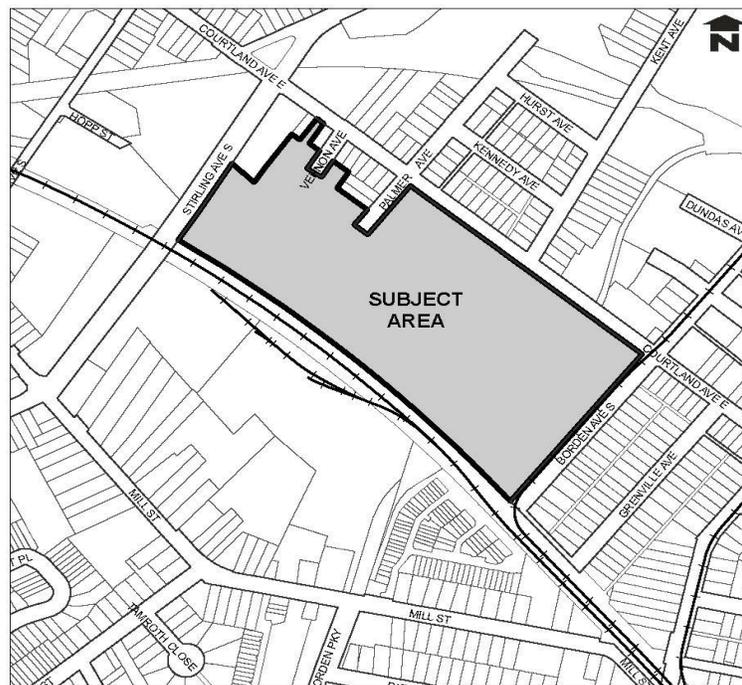


Figure 3 - 263 and 321-325 Courtland Avenue East, 230 and 240 Palmer Avenue and 30 Vernon Avenue.

REPORT:

The applicant is proposing a Plan of Subdivision to comprehensively redevelop the lands into a mixed-use complete community with residential, commercial, employment uses, parks and a multi use trail. The proposed development includes dividing the lands into 15 blocks in a Plan of Subdivision to accommodate the development of seven (7) high rise multiple dwelling buildings, ranging in height from 18 to 38 storeys; one (1) high rise mixed use building, 16 storeys in height; four commercial/employment use buildings, 1 storey to 6 storeys in height; five (5) medium rise residential buildings 5 to 8 storeys in height; and two (2) low rise residential blocks with 3,345 residential units total, 19,500 square metres of non-residential space (employment and commercial uses) and a 0.71 hectare City-owned park is planned for. The proposed development includes 3,876 vehicle parking spaces proposed to be located underground, internal to the buildings and on the surface. 1,720 bicycle parking spaces are proposed within the development including 1,672 Class A indoor bicycle stalls and 48 Class B outdoor parking stalls. Considerable thought and planning for proposed street network, proposed blocks, the location orientation and placement of the buildings, podium heights, building step backs, pedestrian and vehicular connections, and park spaces have been incorporated into the design for this proposed high intensity mixed use Plan of Subdivision.

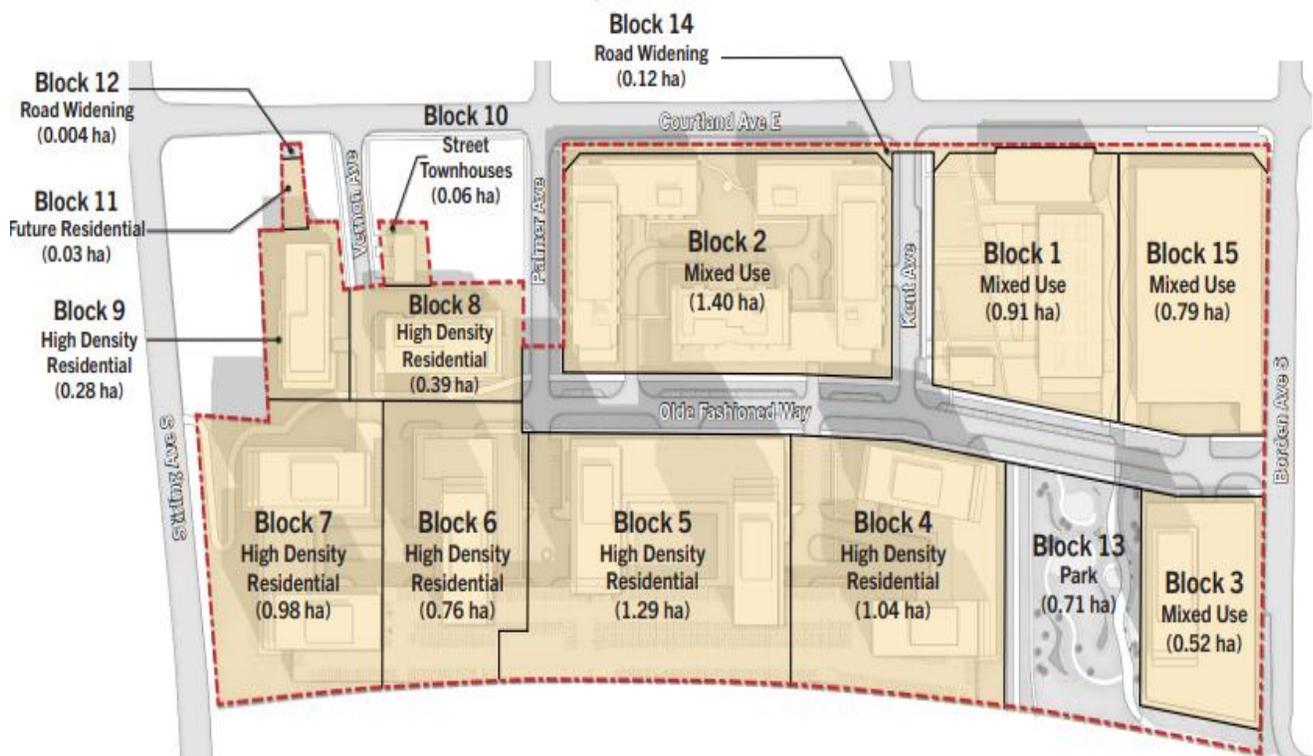


Figure 4- Development Block Plan

The proposed Official Plan and Zoning By-law Amendment applications were originally submitted in June 2019. Since this time there has been significant changes to the proposed development in direct response to public and staff comments, market conditions, and Provincial legislation. These changes include but are not limited to, an increase to the maximum building height, residential units and Floor Space Ratio (FSR) and, an increase in size to the proposed City-owned park and increase in the number of affordable dwelling units, street network, three bed units and affordable house sponsorship.

Table 1 below provides a comparison of the development concepts, Figures 3 and 4 show the comparisons between the original concept master site plan and the revised development concept master site plan, and Figures 5 and 6 show comparison renderings of the original development proposal and the revised development proposal.

Table 1. Development Concept Comparison Table

	Original Development Concept	Revised Development Concept
Number of buildings	3 existing buildings repurposed with non residential uses 7 stacked townhouse blocks 5 medium rise towers 7 high rise towers 1 restaurant building	3 existing buildings repurposed with non residential uses 1 stacked townhouse block 5 medium rise towers 8 high rise towers 1 restaurant building
Number of Units	2,818 residential units	3,345 residential units
Unit Types	1 bedroom units 2 bedroom units	1 bedroom units 2 bedroom units 3 bedroom units (4% of total units, 143)
Affordable Dwelling Units	Contemplated providing 3.5% of the total housing stock as affordable (80 potential affordable dwelling units)	135 confirmed affordable dwelling units. (80% of market rate for a period of 25 years)
Affordable Housing Sponsorship	\$0.00	\$835,000.00 to a shovel ready affordable housing project
Parking Spaces	3,079 parking spaces	3,876 parking spaces
Bicycle Parking Spaces	1,500	1,720
Electric Vehicle Parking Spaces	0	20% of the required parking spaces will be dedicated to Electric Vehicle ready parking spaces. (775 spaces)
New Building Heights	3-35 Storeys	3-38 Storeys
Tall Building Guideline Compliant	No	Yes
Nancy Featherstone Park (City-owned park)	0.47 hectares	0.71 hectares



Figure 5 – Original Development Concept Master Site Plan

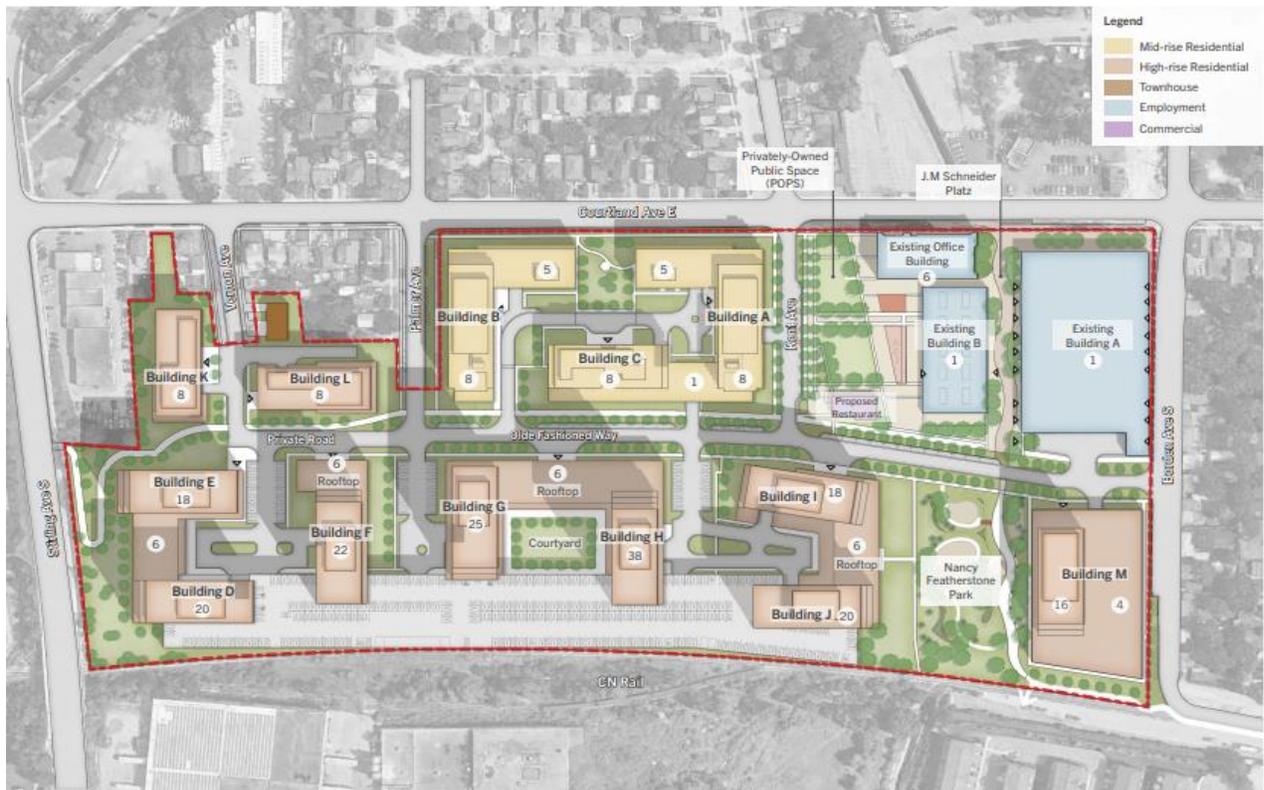


Figure 6 – Revised Development Concept Master Site Plan



Figure 7 – Original Development Rendering



Figure 8 – Proposed Development Rendering

The revised development master plan concept includes changes in direct response to public and staff comments. However, the overall organization of the master plan remains relatively unchanged from the original submission with the extension of Palmer Avenue and Kent Avenue into the site and connecting to a new municipal right-of way called Olde Fashioned Way. Olde Fashioned Way has been revised to be a one-way street leading to Borden. Medium rise buildings 5 to 8 storeys in height with building step backs are proposed along Courtland Avenue, Vernon Avenue, and Palmer Avenue. High rise towers 18-38 storeys in height are all located at the rear of the property internal to the site and abut the CN Railway at the rear of the property. A municipal park is located south of Olde Fashioned Way (Nancy Featherstone Park) and a privately-owned public space (J.M. Schneider Platz) will be provided on the lands between Olde Fashioned Way and Courtland Avenue.

The key change to the master plan since the initial submission is a change in the form of housing; with provision of higher intensity residential built forms whereas the initial master concept plan included more low-rise townhouse blocks. Similarly, a block fronting Borden Avenue previously shown as a surface parking lot and 'future development site (12-storeys)' is now planned to be developed with a sixteen (16) storey mixed-use building with a 28 metre (92 feet) setback to Borden Avenue Street line for any portion of the building over 18.0 metres - providing a sufficient setback to the low rise residential dwellings on the opposite side of Borden Avenue. Overall, the number of residential dwelling units in the master plan increased from 2,821 units in the initial submission to 3,345 units in the final master plan. Of the total 3,345 dwelling units 143 (4%) are 3-bedroom units. The amount of non-residential floor space decreased from an estimated 22,531 square metres in the initial submission to 19,500 square metres in the final master plan. The total supply of parking in the final master plan increased from 3,080 to 3,876 spaces, with 775 electric vehicle parking spaces being provided. 1672 Class A indoor bicycle stalls and 48 Class B outdoor parking stalls are provided and required by the proposed zoning. 20% of the required parking will be dedicated to Electric Vehicle (EV) ready parking spaces. Nancy Featherstone Park (proposed City-owned park) has also significantly increased in size as the original submission proposed a 0.47 hectare park which has increase in size to 0.71 hectares with the revised plan of subdivision.



Figure 9 - Streetview from the corner of Borden Avenue and Courtland Avenue East

The revised proposed development includes a redesign and reorientation of the high rise towers that now comply with the City of Kitchener Design for Tall Building Guidelines, which are Council

approved guidelines in the Urban Design Manual that guide and inform development applications for proposed buildings 9 storeys and greater. The original development application did not fully meet the meet on-site and off-site separation and did not fully comply with overlook requirements between towers. The revised development concept has addressed these aspects of the guidelines and complies with the Design for Tall Building Guidelines in the City's Urban Design Manual. In addition to meeting the Design for Tall Building Guidelines, well defined podiums are provided which will further enhance the streetscape along Olde Fashion Way and Borden Avenue. Massing has been broken up on the towers with building step backs which helps address shadow impacts and enhances the public realm.



Figure 10 - Streetview from the corner of Olde Fashioned Way and Kent Avenue

Furthermore, the proposed development integrates several features that will benefit the community including public amenity areas, affordable housing, and improved access and connection to the Mill ION stop.

To facilitate the redevelopment of the subject lands with the proposed mixed use Plan of Subdivision, an Official Plan Amendment and a Zoning By-law Amendment are proposed to change the land use designation and zoning of the subject lands. The lands are currently designated 'General Industrial with Special Policy Area 9' in the City of Kitchener Mill Courtland Woodside Park Neighbourhood Secondary Plan and zoned 'General Industrial Zone (M-2) with Special Regulation Provision 1R and Special Use Provisions 155U and 159U' in Zoning By-law 85-1.

The owner is proposing to change the land use designation to Mixed Use Corridor with Special Policy Area 9a (AREA 1), High Density Multiple Residential with Special Policy Area 9b (AREA 2,3 & 4), Low Density Multiple Residential (Area 5), Neighbourhood Park (Area 6) and Road (Area 7) in the City of Kitchener Mill Courtland Woodside Park Neighbourhood Secondary Plan. Special Policy Area 9a will regulate building heights near existing low rise residential buildings and regulate the location of residential and non residential commercial/employment uses while 9b will allow for a Floor Space Ratio (FSR) of 7.8 and regulate building heights within 100 metres of Courtland Avenue.

To implement the proposed Official Plan Amendment, the owner is proposing to change the zoning of the subject lands in Zoning By-law 85-1 as follows:

Area 1: High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provisions 1R, 793R, 794R, 797R and Special Use Provision 484U.

Area 2: High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provision 793R, 795R, 797R and Holding Provision 105H.

Area 3: High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provisions 1R, 793R, 796R, 797R and Holding Provision 105H.

Area 4: Public Park Zone (P1) with Special Regulation Provision 1R.

Area 5: Residential Nine Zone (R-9) with Special Regulation Provisions 1R, 793R, 798R, 799R and Holding Provision 105H.

Area 6: Residential Nine Zone (R-9) with Special Regulation Provisions 1R, 793R, 798R, 800R and Holding Provision 105H.

Area 7: Residential Nine Zone (R-9) with Special Regulation Provisions 1R, 793R, 798R and Holding Provision 105H.

Area 8: Residential Nine Zone (R-9) with Special Regulation Provisions 1R, 793R, 798R and Holding Provision 105H.

Area 9: Residential Eight Zone (R-8) with Special Regulation Provisions 1R, 801R and Holding Provision 106H

Area 10: Residential Five Zone (R-5) with Special Regulation 1R and Holding Provision 106H.

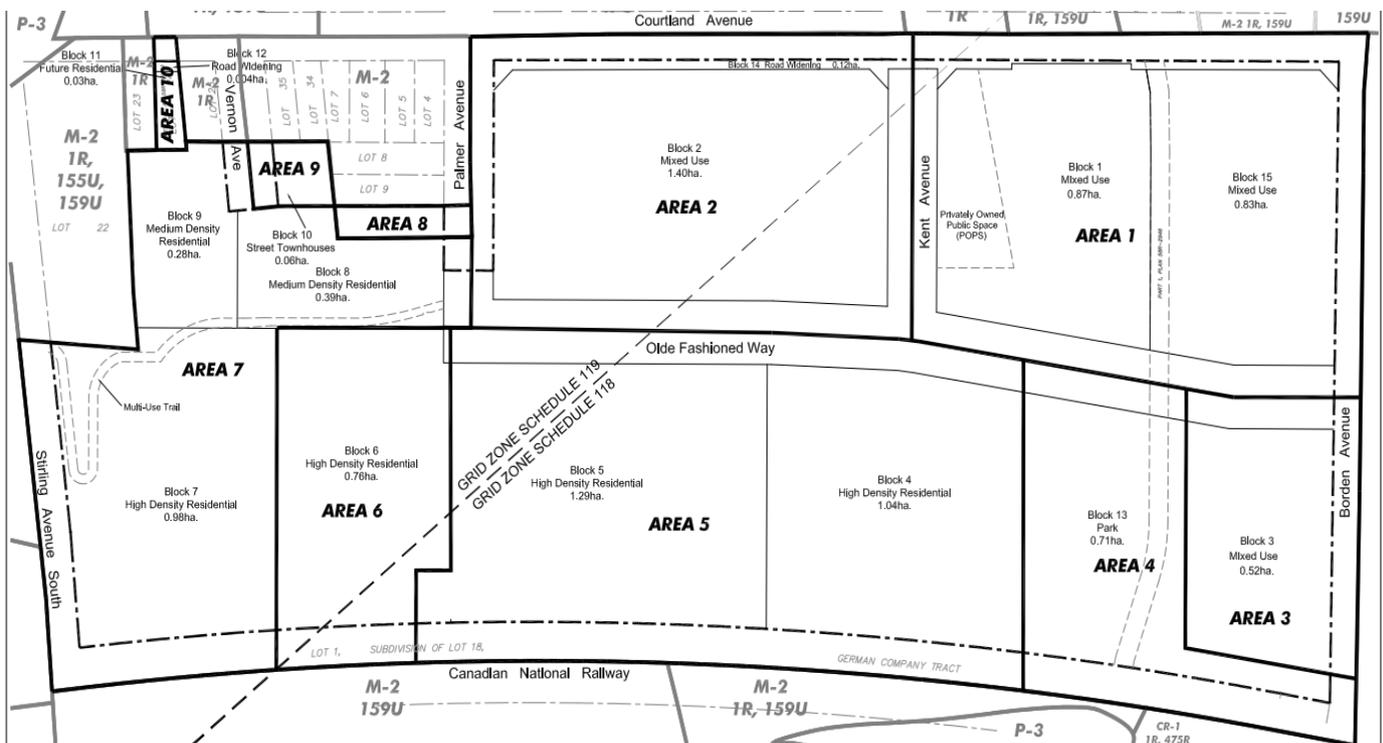


Figure 11 – Proposed Zoning Area Boundaries

Proposed Draft Plan of Subdivision

The applicant has proposed a 15 Block Plan of Subdivision on a 10.36 ha parcel of land bordered by Courtland Avenue to the north, Borden Avenue to the East, Stirling Avenue to the West and the Canadian National Railway to the south as follows:

- Block 1: proposed 0.87 ha Mixed Use parcel of land (commercial/employment uses);
- Block 2: proposed 1.40 ha Mixed use parcel of land (528 dwelling units);
- Block 3: proposed 0.52 ha Mixed Use parcel of land (159 dwelling units, 800 square metres of commercial/employment uses);
- Block 4: proposed 1.04 ha High Density Residential parcel of land (553 dwelling units);
- Block 5: proposed 1.29 ha High Density Residential parcel of land (981 dwelling units);
- Block 6: proposed 0.76 ha High Density Residential parcel of land (332 dwelling units);
- Block 7: proposed 0.98 ha High Density Residential parcel of land (574 dwelling units);
- Block 8: proposed 0.39 ha Medium Density Residential parcel of land (107 dwelling units);
- Block 9: proposed 0.28 ha Medium Density Residential parcel of land (108 dwelling units);
- Block 10: proposed 0.06 ha parcel of land with proposed Street Townhouses (3 residential units);
- Block 11: proposed 0.03 ha low rise residential parcel of land (future residential);
- Block 12 and 14: proposed 0.12 ha parcel of land for a road widening;
- Block 13: proposed 0.71 ha parcel of land for a public park;
- Block 15: proposed 0.83 ha Mixed Use parcel of land (commercial/employment uses).

These blocks are accessed via Courtland Avenue and an extension from Palmer Avenue, Kent Avenue (running north/south) and a new road called Olde Fashioned Way (running East/West). Olde Fashioned Way connects to Borden Avenue (one way out). The applicant has proposed approximately 3,345 residential units within nine (9) blocks along with 19,528.4m² of non-residential commercial/employment uses.

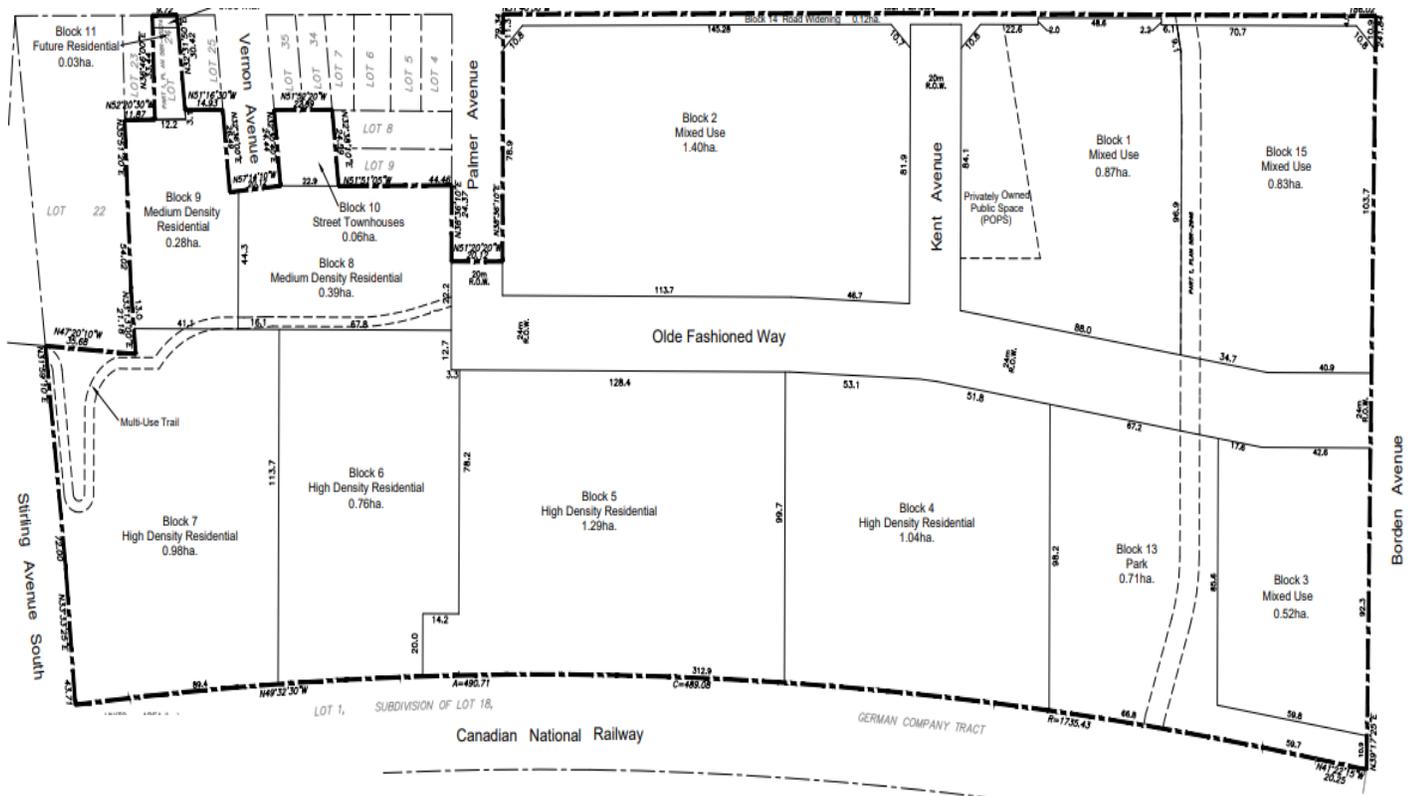


Figure 12 – Proposed Draft Plan of Subdivision 30T-19201

Planning Analysis:

Planning Act, R.S.O. 1990, c. P.13 25.

Section 2 of the Planning Act establishes matters of provincial interest and 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,

- f) The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) The minimization of waste;
- h) The orderly development of safe and healthy communities;
- j) The adequate provision of a full range of housing, including affordable housing;
- k) The adequate provision of employment opportunities;
- p) The appropriate location of growth and development;
- q) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- r) The promotion of built form that,
 - (i) Is well-designed,
 - (ii) Encourages a sense of place, and
 - (iii) Provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- s) The mitigation of greenhouse gas emissions and adaptation to a changing climate.

These matters of provincial interest are addressed and are implemented through the Provincial Policy Statement, as it directs how and where development is to occur. The City's Official Plan is the most important vehicle for the implementation of the Provincial Policy Statement, and to ensure Provincial policy is adhered to.

Provincial Policy Statement, 2020:

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Section 1.4.3(b) of the PPS promotes all types of residential intensification, and sets out a policy framework for sustainable, healthy, liveable and safe communities. The PPS promotes efficient development and land use patterns, as well as accommodating an appropriate mix of affordable and market-based residential dwelling types with other land uses, while supporting the environment, public health and safety. Provincial policies promote the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs. To support provincial policies relating to the optimization of infrastructure, transit and active transportation, the proposed designation and zoning facilitate a compact form of development which efficiently uses the lands, is in close proximity to transit options including bus, rapid transit, and makes efficient use of both existing roads and active transportation networks. The lands are serviced and are in proximity to parks, trails and other community uses. Provincial policies are in support of providing a broad range of housing. The proposed mixed use development represents an attainable and affordable form of market-based housing.

The proposed draft plan of subdivision, Official Plan Amendment, and Zoning By-law Amendment applications represent a planned development that has been designed as a transit oriented community that is walkable and meets Regional and Provincial objectives by accommodating a mix of housing types and densities and introducing new commercial and employment uses. The proposal makes efficient use of the land through a comprehensively planned development that helps to meet minimum density requirements for a Major Transit Station Area (MTSA). The plan provides for a range of residential housing types, non-residential uses and densities that are in close proximity to

two (2) ION Stops (Borden and Mill ION stops). The proposed plan of subdivision establishes an efficient development pattern that brings new residential, commercial, and employment uses to an established neighbourhood.

With respect to provincial policies regarding public health and safety, the Grand River Conservation Authority (GRCA) has reviewed the proposed development application and supports the proposed Plan of Subdivision with conditions to be satisfied by the GRCA prior to registration. Planning staff is of the opinion that the applications are consistent with the PPS for health and safety matters.

Planning staff is of the opinion that the proposed application will facilitate the intensification of the subject property with a high intensity mixed-use development that is compatible with the surrounding community, helps manage growth, will contribute towards a complete community, and is transit supportive. Based on the foregoing, staff is of the opinion that this proposal is in conformity with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan):

The Growth Plan supports the development of complete and compact communities that are designed to support healthy and active living, make efficient use of land and infrastructure, provide for a range and mix of housing types, jobs, and services, at densities and in locations which support transit viability and active transportation. Policies of the Growth Plan promote growth within strategic growth areas including major transit station areas, in order to provide a focus for investments in transit and other types of infrastructure.

Policy 2.2.6.1(a) states that municipalities will support housing choice through the achievement of the minimum intensification and density targets in this plan by identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents.

Policies 2.2.1.4 states that complete communities will:

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
- c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- d) expand convenient access to:
 - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
 - ii. public service facilities, co-located and integrated in community hubs;
 - iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and
 - iv. healthy, local, and affordable food options, including through urban agriculture;
- e) provide for a more compact built form and a vibrant public realm, including public open spaces;
- f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and
- g) integrate green infrastructure and appropriate low impact development.

The Growth Plan supports planning for a range and mix of housing options and higher density housing options that can accommodate a range of household sizes in locations that can provide access to transit and other amenities.

Policy 2.2.4 requires that planning be prioritized for MTSAs on priority transit corridors, including zoning in a manner that implements the policies of the Growth Plan. MTSAs on priority transit corridors will be planned for a minimum density target of 160 residents and jobs combined per hectare for those that are served by light rail transit or bus rapid transit. The Region of Waterloo's ION is a form of light rail transit and the ION stops are within Major Transit Station Areas (MTSAs) that are required to achieve the minimum density target of 160 residents and jobs combined per hectare.

The subject lands are located within the City's delineated built up area, and within a Major Transit Station Area. The lands are identified as a MTSA in the 2014 Kitchener Official Plan. In the City's Official Plan on Map 2 – Urban Structure the lands appear within the MTSA boundary for the Mill stop. The Region of Waterloo commenced the Regional Official Plan Review project and as part of that work, revised MTSA boundaries were approved by the Region in August 2022 (and in April 2023 by the Minister) and these lands are within the Mill Station MTSA as the Mill ION stop is in close proximity (400 metres) of the subject lands. The proposed development represents intensification and will help the City achieve density targets in the MTSA. The proposed designation and zoning will support a higher density housing option that will help make efficient use of existing infrastructure, parks, roads, trails and transit. Planning staff is of the opinion that the applications conform to the Growth Plan.

Regional Official Plan (ROP):

The subject lands are designated "Urban Area" and "Built-Up Area" on Schedule 3a of the Regional Official Plan (ROP). Urban Area policies of the ROP identify that the focus of the Region's future growth will be within the Urban Area. The proposed development conforms to Policy 2.F of the ROP as the proposed development will support the achievement of the minimum intensification targets within the delineated Built-Up Area. Growth is directed to the Built Up Area of the Region to make better use of infrastructure that can assist in transitioning the Region into an energy efficient, low carbon community. Furthermore, intensification within the Built-Up Area assists the gradual transition of existing neighbourhoods within the Region into 15-minute neighbourhoods that are compact, well connected places that allow all people of all ages and abilities to access the needs for daily living within 15 minutes by walking, cycling or rolling.

The subject lands are within the Major Transit Station Area (MTSA) boundary that was endorsed by Regional Council in April 2021 (and approved in August 2022). The Region of Waterloo has also identified that the subject lands are located within potential intensification corridor as part of the Regional Official Plan review and are an appropriate location for intensification. The Region of Waterloo have indicated they have no objections to the proposed application or to higher density within the MTSA area. (Appendix 'E'). Planning staff are of the opinion that the applications conform to the Regional Official Plan.

Region of Waterloo Airport Restrictions

The subject lands are located within the federally regulated Airport Zoning Regulation (AZR). The existing AZR height limit is 460.50m ASL with a maximum height restriction of 136.5m. The Tallest building (38 storeys) proposed for the subject lands is less than the maximum federally regulated Airport Zoning Regulation height limit is 460.50m ASL. Sufficient space for the operation of a future crane without reaching the maximum elevation of 460.50m ASL can be provided for and complies with the federally regulated Airport Zoning Regulations.

City of Kitchener Official Plan (OP)

The City of Kitchener OP provides the long-term land use vision for Kitchener. The vision is further articulated and implemented through the guiding principles, goals, objectives, and policies which are set out in the Plan. The Vision and Goals of the OP strive to build an innovative, vibrant, attractive, safe, complete and healthy community.

The subject lands are currently designated 'General Industrial with Special Policy Area 9' in the City of Kitchener Mill Courtland Woodside Park Neighbourhood Secondary Plan. Lands designated as General Industrial in the Mill Courtland Woodside Park Neighbourhood Secondary Plan provide for a broad range of industrial uses such as warehousing, manufacturing, wholesaling, transportation depot, truck and transport terminal and other similar industrial uses. Special Policy Area 9 allows for food processing including packaging, warehousing, distributing, slaughtering, eviscerating, rendering or cleaning of meat, poultry and fish or by products; and the milling or packaging of animal feed and fertilizer; and beverage distillation; and allows for office use for the previous use of the lands (Schneiders Meat Plant)

The applicant is proposing to change the land use designation to 'Mixed Use Corridor with Special Policy Area 9a (AREA 1), High Density Multiple Residential with Special Policy Area 9b (AREA 2,3 & 4), Low Density Multiple Residential (Area 5), Neighbourhood Park (Area 6) and Road (Area 7) in the City of Kitchener Mill Courtland Woodside Park Neighbourhood Secondary Plan. Special Policy Area 9a will regulate density, building heights, and the location of residential uses while 9b will allow for a Floor Space Ratio (FSR) of 7.8 and regulate building heights within 100 metres of Courtland Avenue.

Policy 17.E.13.1. of the City of Kitchener Official Plan require that holding provisions will be applied in situations where it is necessary or desirable to zone lands for development or redevelopment in advance of the fulfillment of specific requirements and conditions, and where the details of the development or redevelopment have not yet been fully resolved. A Holding provision may be used in order to implement this Plan to ensure that certain conditions, studies or requirements related to a proposed Zoning By-law Amendment are met.

Complete Community

A complete community creates and provides access to a mix of land uses including, a full range and mix of housing, including affordable housing, recreation, commerce, community and cultural facilities, health care facilities, employment, parks and open spaces distributed and connected in a coherent and efficient manner. A complete community also supports the use of public transit and active transportation, enabling residents to meet most of their daily needs within a short distance of their homes. Kitchener will be planned as a complete community that creates opportunities for all people to live, work and interact within close proximity. Planning for a complete community will aid in reducing the cost of infrastructure and servicing, encourage the use of public transit and active modes of transportation, promote social interaction, and foster a sense of community.

The applicant is proposing to contribute aspects of a complete community on the subject lands with residential and mixed-use buildings, ranging in height from 3 to 38 storeys with 3,345 residential units, 19,500 square metres of commercial space a new City-owned park and multi-use trail. Considerable thought for the orientation and placement of the buildings, podium heights, building step backs, park block and pedestrian connections been incorporated into the design for this high intensity mixed use plan of subdivision.

The owner is proposing a total of 135 affordable residential rental dwelling units within the proposed plan of subdivision. The units will be available for rent and managed by the Owner in partnership with a community partner. Dwellings will range in size and location within the proposed development, in each tower and on different floors.

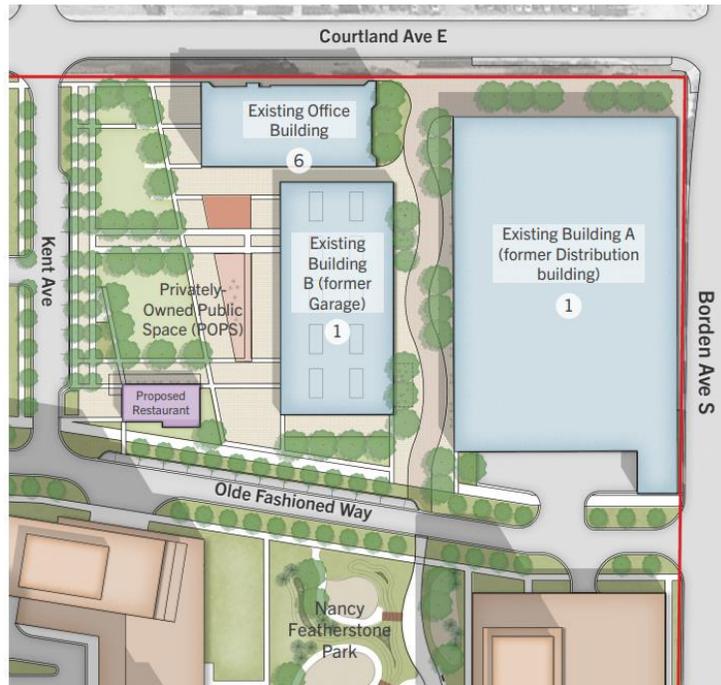


Figure 14: Privately Owned Public Space location map

In addition to the publicly accessible spaces, a new trail corridor is proposed that will connect Borden Avenue and Stirling Avenue and Courtland Avenue. The new trail corridor along with the publicly accessible space and park block will significantly improved pedestrian access for the existing community and enhance connection to the Mill Ion Stop.



Figure 15: Pedestrian Circulation Plan

Urban Structure

The Official Plan establishes an Urban Structure for the City of Kitchener and provides policies for directing growth and development within this structure. Intensification Areas are targeted throughout the Built-up Area as key locations to accommodate and receive the majority of development or redevelopment for a variety of land uses. Primary Intensification Areas include the Urban Growth Centre, Major Transit Station Areas (MTSAs), Nodes and Corridors, in this hierarchy, according to Section 3.C.2.3 of the Official Plan. The subject lands are located within a MTSA. The planned

function of the MTSA is to provide densities that will support transit, and achieve a mix of residential, office, institutional and commercial uses. They are also intended to have streetscapes and a built form that is pedestrian-friendly and transit-oriented.

Policies also require that development applications in MTSA's give consideration to the Transit-Oriented Development policies contained in Section 13.C.3.12 of the Official Plan. Generally, the Transit-Oriented Development policies support a compact urban form, that supports walking, cycling and the use of transit, by providing a mix of land uses in close proximity to transit stops, to support higher frequency transit service and optimize transit rider convenience. These policies also support developments which foster walkability by creating safe and comfortable pedestrian environments and a high-quality public realm. Staff is of the opinion that the proposed development will help to increase density in an area well served by nearby transit and future rapid transit while being context sensitive to surrounding lands and provides excellent access to off-road pedestrian and cycling facilities.

The proposed development is located in a prime location for high intensity mixed use development. The subject lands are located in close proximity to the Mill ION stop (400 metres) and the Borden ION stop (600 metres). The proposed development introduces a new form of housing to the surrounding area with a mix of unit types. Housing diversity is needed to provide a greater housing choice and meet the needs of increasingly diverse residents and household types such as young families, professionals, retirees, people with disabilities, all with a various range of income. Diverse housing types for this area of the City of Kitchener will be planned through future MTSA planning work. This application is in advance of that work and can be considered based on urban structure and future planned function of the community. As such, staff is of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment will support a development that not only complies with the City's policies for a MTSA but also contributes to the vision for a sustainable and more environmentally-friendly city.

PARTS Rockway Plan

The subject lands are located within the PARTS Rockway Plan which is a guiding document that made recommendations for land uses within and around rapid transit station stops. The PARTS Rockway Plan made recommendation for amendments to the Secondary Plans within the MTSA, which have not yet been implemented. Some of the primary recommendations are to encourage the development of underutilized sites with higher density live-work environments and to increase housing supply with multi-unit residential while protecting existing stable neighbourhoods. The proposed development provides for a range of housing options and commercial space and the proposed amendment is in keeping with the PARTS Rockway vision for development within and around the ION stops.

Neighbourhood Planning Review

The subject lands are within the draft Rockway Secondary Plan, updated as part of the Neighbourhood Planning Reviews (NPR) project. A statutory public meeting was held December 9, 2019 regarding draft amendments to the plan. Under the proposed changes, the proposed land use for the subject lands is Mixed Use, High Rise Residential, and Innovation Employment which allows for high intensity, residential commercial and employment uses developments.

Growing Together

The Growing Together project is the continuation of the City's ongoing planning review process that began with PARTS and advanced through the Neighbourhood Planning Review (NPR) project, while also responding to new direction from the province, implementing the updated Regional Official Plan, and addressing new and emerging city priorities.

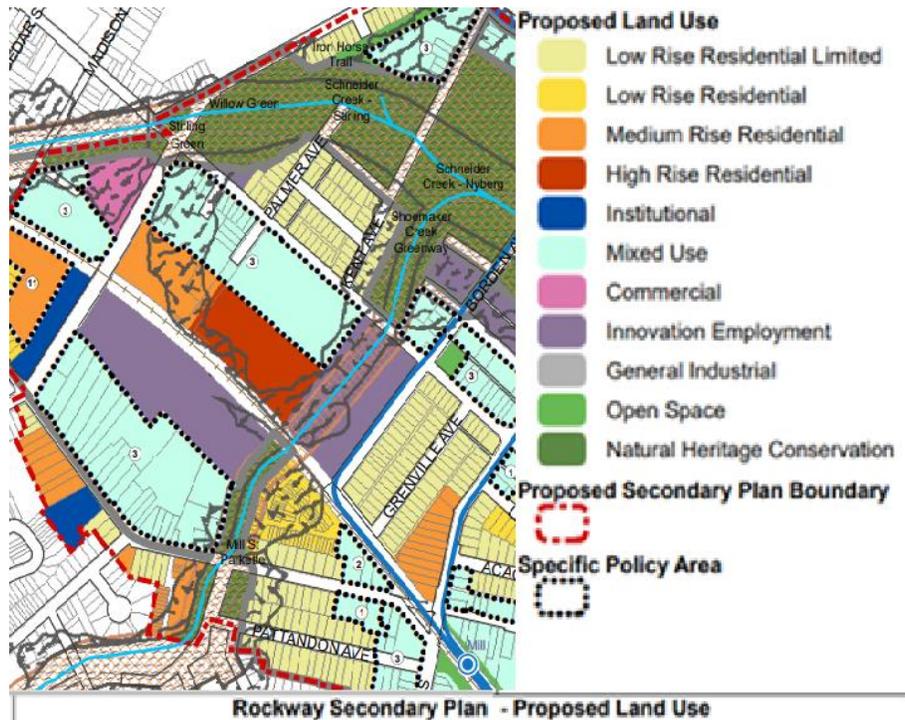


Figure 16: NPR Rockway Secondary Plan - Proposed Land Use Plan

Urban Design Policies:

The City’s urban design policies are outlined in Section 11 of the City’s Official Plan. In the opinion of staff, the proposed development meets the intent of these policies, specifically: Streetscape; Safety; Universal Design; Site Design; Building Design, and Massing and Scale Design. To address these policies, an Urban Design Report, attached as Appendix ‘D’, were submitted and have been reviewed by City staff. The Urban Design Report outlines the vision and principles guiding the site design and informs the proposed zoning by-law regulations.

Streetscape – All Street frontages are activated by at-grade residential units or commercial units. All buildings’ principal entrances and lobbies are located at grade with direct access to public sidewalks, trails, and Nancy Featherstone Park. The 8 towers all include podiums that have defined bases which along with the proposed medium rise building include high quality urban design that create a defined street and enhance the streetscape.

Safety – As part of the site plan approval process, staff will ensure Crime Prevention Through Environmental Design (CPTED) principles are achieved and that the site meets the Ontario Building Code and the City’s Emergency Services Policy.

Universal Design – The development will be designed to comply with Accessibility for Ontarians with Disabilities Act and the Ontario Building Code.

Skyline – The proposed buildings will provide a new feature on the City’s skyline. The proposed buildings will create visual interest from several different vantage points.

Site Design, Building Design, Massing and Scale – The subject site is designed to have a development that will be developed at a scale that is compatible with the existing and planned built form for the surrounding neighbourhood. The 8 towers have well defined podiums and building step

backs which helps enhance the public realm. The medium rise buildings include building steps from setbacks along the street to provide a transition to nearby low rise residential dwellings.



Figure 17: Aerial Rendering showing the mid rise building step backs from 5 storeys to 8 storeys along Courtland Avenue East.

Tower Design – Building D (20 storeys) Building E (18 storeys) Building F (22 storeys) Building G (25 storeys) Building H (38 storeys) Building I (18 Storeys) Building J (20 Storeys) and Building M (16 storeys) are classified as a “Large Slab” tower as the proposed tower floor plate is more than 850 square metres in area.

All eight (8) of the proposed towers have well defined podiums. Building M (16 storeys) includes a 4-storey podium situated along Borden Avenue with a 28 metre building step back which provides transition to the lower density areas. Buildings E, F, G H and I are located along Olde Fashioned Way and a private street that connects to Olde Fashioned Way. All of these buildings include well defined 6 storey podiums with various building step backs. The massing of all the buildings is broken up vertically by variation and the articulation of building materials and, balconies for the residential units are included on the street-facing elevations.

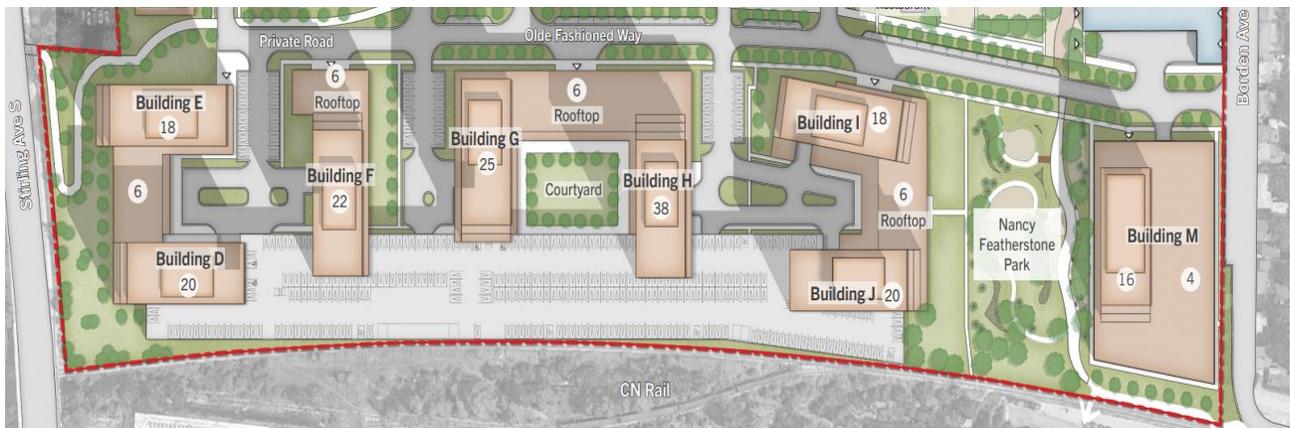


Figure 18: Tall Buildings location map

Wind Study

A wind study was prepared for the consideration of this development proposal and reviewed by staff. The wind conditions surrounding the proposed development will require wind mitigation design features. A full Wind Assessment will be required and reviewed through the site plan application process for each block.

Shadow Impact Study

The applicant has completed a Shadow Impact Study as part of the Urban Design Report. Staff have reviewed the study and are satisfied the shadow study meets the City's requirements, with respect to shadow impacts, as noted in the City of Kitchener Urban Design Manual.

Design for Tall Building Guidelines

The proposed development has also been reviewed for compliance with the City's Design for Tall Buildings Guidelines. The objective of this document is to:

- achieve a positive relationship between high-rise buildings and their existing and planned context;
- create a built environment that respects and enhances the city's open space system, pedestrian and cyclist amenities and streetscapes;
- create human-scaled pedestrian-friendly streets, and attractive public spaces that contribute to livable, safe and healthy communities;
- promote tall buildings that contribute to the view of the skyline and enhance orientation, wayfinding and the image of the city;
- promote development that responds to the physical environment, microclimate and the natural environment including four season design and sustainability; and,
- promote tall building design excellence to help create visually and functionally pleasing buildings of architectural significance.

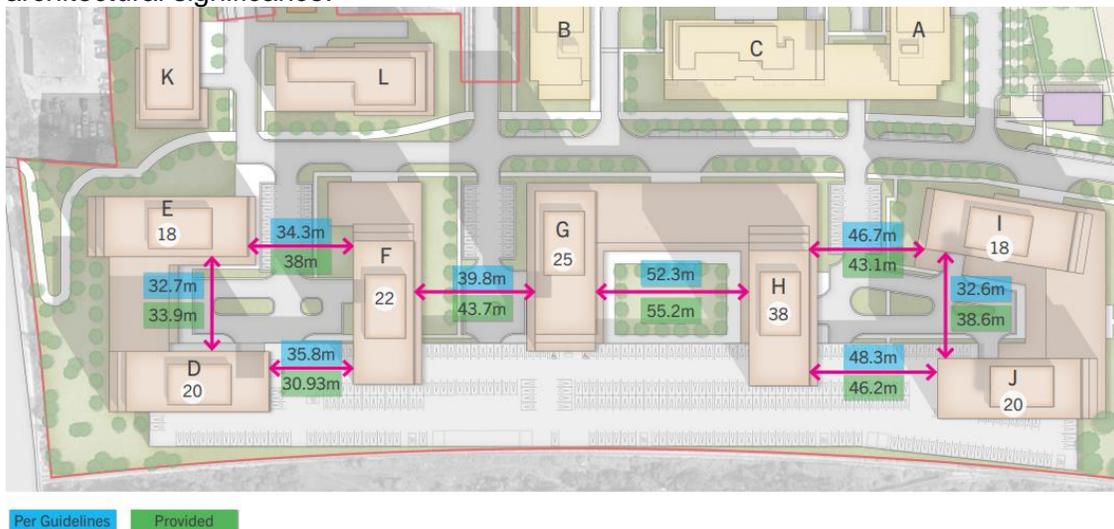


Figure 19 – Tall Building Guideline Compliance Plan

The proposed development master plan concept has been reviewed with these objectives in mind. City staff has confirmed that the proposed towers are generally consistent with and meet the overall intent of the City's Design for Tall Building Guidelines. More specifically, the proposed development (as revised) now meets the on-site and off-site separation distance requirements of the Design for Tall Building Guidelines. Staff recommends that the proposed Urban Design Report attached as

Appendix 'D', be adopted and that staff be directed to apply the Urban Design Report through future Site Plan Approval processes for each block.

Transportation Policies:

The Official Plan supports an integrated transportation system which incorporates active transportation, allows for the movement of people and goods and promotes a vibrant, healthy community using land use designations and urban design initiatives that make a wide range of transportation choices viable. The subject lands are located directly adjacent to the Mill ION stop. The buildings have excellent access to cycling networks, including existing on and off-street cycling facilities and is located in close proximity to the Iron Horse Trail. The location of the subject lands, in the context of the City's integrated transportation system, supports the proposal for transit-oriented development on the subject lands.

Policy 3.C.2.22 states that until such time as Station Area Plans are completed and this Plan is amended accordingly, in the interim, any development application submitted within a Major Transit Station Area will be reviewed generally in accordance with the Transit-Oriented Development Policies included in Section 13.C.3.12

The Plan of Subdivision will create a new public road known as Olde Fashioned Way which will be a new east-west street running from an extension of Palmer Street extension to Borden Avenue and will be limited to one way with no in-bound traffic permitted at the intersection of Olde Fashioned Way and Borden Avenue. Olde Fashioned Way is designed with a 24-metre wide street right-of-way that will accommodate a central planted median, one travel lane in each direction, curb-side planted boulevards, a sidewalk on the south side, and a multi-use pathway and on-street parking on the north side. The north-side multi-use pathway runs between Stirling Avenue and Borden Avenue and intersects with a second, north-south multi-use pathway running through Nancy Featherstone Park and the Privately Owned Public Accessible Space (J.M. Schneider Platz). The pathway will run through the park corridor connecting to Borden Avenue/Grenville Avenue and onto the Mill ION Stop to the east.

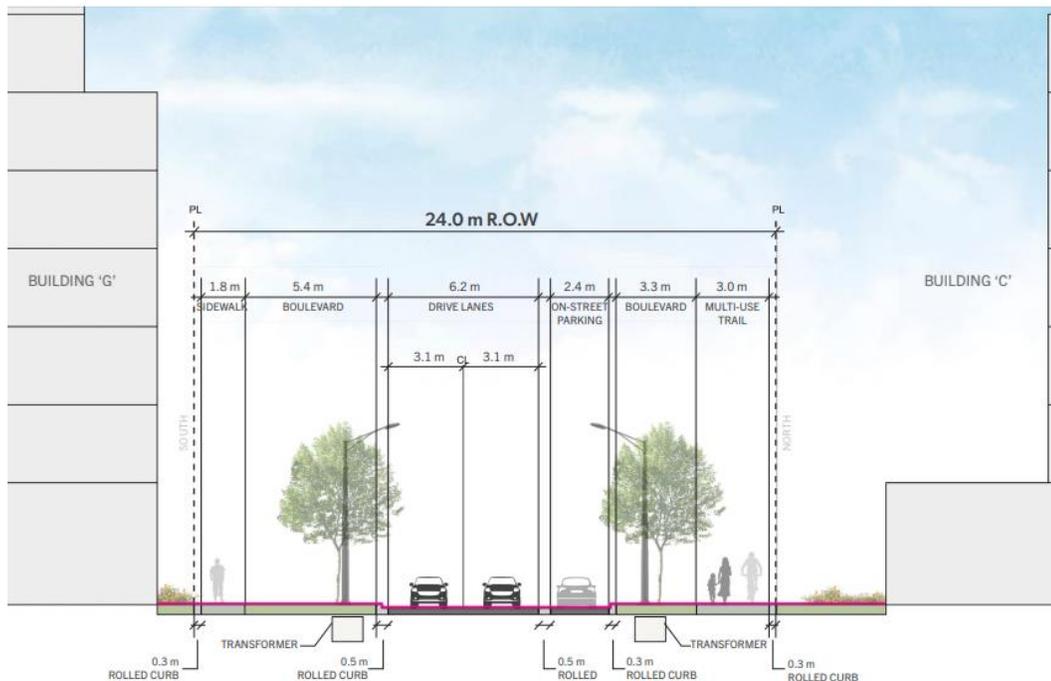


Figure 20 – Olde Fashioned Way Street Section

The proposed Official Plan Amendment and Zoning By-law Amendment applications support a more-dense residential development. The location of the proposed buildings, secured through the proposed site-specific provisions, will result in a compatible built form that fosters walkability within a pedestrian-friendly environment that allows walking to be safe, comfortable, barrier-free and a convenient form of urban travel. Furthermore, the proposed development will enhance access and pedestrian connections to the Mill ION stop.

At future site plan approval processes, the design of the buildings will have to feature a high quality public realm to enhance the identity of the area and create gathering points for social interaction, community events and other activities. Additionally, secured and visitor bicycle parking is required as part of the Zoning By-law.

Housing Policies:

Section 4.1.1 of the City's Official Plan contains policies with the primary objective to provide for an appropriate range, variety and mix of housing types and styles, densities, tenure and affordability to satisfy the varying housing needs of our community through all stages of life. The proposed development increases the range of dwelling units available in the city. The development is contemplated to include a range of unit types including, one, two and three-bedroom units along with 135 affordable dwelling units that will be made available for rent by the owner. The wide range of units, in this location, will appeal to a variety of household needs.

Sustainable Development

Section 7.C.4.1 of the City's Official Plan ensures developments will increasingly be sustainable by encouraging, supporting and, where appropriate, requiring:

- a) compact development and efficient built form;
- b) environmentally responsible design (from community design to building design) and construction practices;
- c) the integration, protection and enhancement of natural features and landscapes into building and site design;
- d) the reduction of resource consumption associated with development; and,
- e) transit-supportive development and redevelopment and the greater use of other active modes of transportation such as cycling and walking.

Development applications are required to demonstrate that the proposal meets the sustainable development policies of the Plan and that sustainable development design standards are achieved.

Sustainable development initiatives will be further explored at the Site Plan Application stage.

Servicing and Utilities

All lots will be serviced with municipal sanitary sewers and municipal water servicing in accordance with City standards. Engineering Services staff have confirmed that there is sufficient servicing capacity. Conditions of approval have been included to ensure that services are constructed at the appropriate timeframes.

Comments from the appropriate utility and telecommunications companies are addressed through the draft approval conditions.

Natural Environment

The majority of the subject lands are within the Grand River Conservation Authority regulated limit. GRCA staff have undertaken a preliminary review of the applications and are supportive of draft approval and have provided draft approval conditions which has been incorporated in Appendix A. Regional and City Environmental Planning staff have reviewed the proposed plan of subdivision and have no concerns with the proposed applications and have provided draft approval conditions for further review at different stages (prior to grading, prior to registration).

Deferral No. 8 from Map 6 - Natural Heritage System 2014 City of Kitchener Official Plan

The Regional decision to approve the City's Official Plan on November 19, 2014, included a Deferral of the Ecological Restoration Area on Map 6 as it applies to the property municipally known as 321-325 Courtland Avenue East. Deferral 8 reads as follows:

“On Map 6, no decision is being made with respect to Ecological Restoration Area overlay as it applies to the property municipally known as 321 – 325 Courtland Avenue East. A decision will be made after the Rockway Stations Study Area Plan is completed along with any supporting studies, and an implementing official plan amendment has been adopted by City of Kitchener Council and forwarded to the Region of Waterloo for consideration for approval.”

With the completion of the Rockway Stations Study Area and the submission of site specific Planning Applications and supporting studies by the Applicant Deferral 8 can now be resolved. Staff are recommending that Deferral No. 8 from Map 6 - Natural Heritage System in the 2014 OP be lifted.

Proposed High Density Multiple Residential Land Use Policies

The High Density Multiple Residential designation is meant to accommodate high density multiple dwellings in taller building forms. This area is meant to achieve a high residential intensity situated away from existing low-rise neighbourhoods and using the opportunity for taller building forms to establish a “buffer” for the internal area of the subject land from the abutting rail line. The predominant land use within the High Density Multiple Residential designation will be multiple residential uses. Complementary non-residential land uses may be permitted within such multiple residential buildings. Such uses are meant to primarily serve the subject land and surrounding neighbourhood, and may include uses such as convenience commercial, day care facilities, health offices and health clinics, personal services, small offices, small scale community facilities, and social service establishments. These uses are generally limited to locations on the ground floor of multiple residential buildings, although certain non-retail uses may be appropriate on above floors.

Proposed Special Area Policies

Special Policy Area 9a – Mixed Use Corridor

The Mixed-Use Corridor designation at the corner of Courtland Avenue and Borden Avenue is meant to provide for mixed use development comprised of free-standing non-residential uses, free-standing multiple residential development and mixed-use buildings. A minimum Floor Space Ratio of 1.0 and maximum Floor Space Ratio of 4.0 will apply to development within the land subject to the Mixed Use Corridor designation.

Block 2 – Bounded by Courtland Avenue, Kent Avenue, Palmer Avenue and Olde Fashioned Way

This area is largely intended to provide a street-oriented, mid-rise residential building form (up to a maximum height of eight storeys) that provides a transition between the lower-rise neighbourhood north of Courtland Avenue and the taller forms anticipated south of Olde Fashioned Way. A range

of medium density housing and commercial uses will be permitted. Permitted medium density housing generally includes cluster townhouse dwellings, multiple dwellings, and special needs housing, although mixing and integrating of innovative and different forms of housing is supported to achieve and maintain a medium-rise built form. Permitted non-residential uses are meant to be smaller scale in nature and may include such uses as retail, commercial entertainment, restaurants, financial establishments, personal services, offices, health offices and health clinics, daycare facilities, social service establishment, and studio and artisan uses. Development of this area is meant to reinforce the existing and new bounding public streets and provide a transition in height from the low-rise neighbourhood on the north side of Courtland. New buildings should be massed to the public street edge or edges and have active frontages facing these public streets, considering primary entrances, windows, walking connections and internal activity area facing these streets. Further to its role as a transition between the neighbourhood to the north and taller forms intended to the south, a transition in height with the mid-rise form is expected moving from Courtland Avenue through upper storey massing.

Blocks 1 and 15 Bounded by Borden Avenue, Courtland Avenue, Kent Avenue and Olde Fashioned Way

Capitalizing on the location of existing buildings that present the best opportunities for adaptive reuse on the site, the block bounded by Borden Avenue, Courtland Avenue, Kent Avenue and Olde Fashioned Way is largely meant to accommodate an “innovation employment” function for technology-based and creative industries that are drawn to such adapted spaces together with supporting other commercial activities. Within this block, a broad range of non-residential uses will be permitted, but not residential uses. Principal non-residential uses include those uses reasonably expected as part of such a mixed commercial employment cluster, such as a broad range of office uses and related smaller scale manufacturing activities. Additionally, complementary small-scale non-residential uses will also be permitted, including such uses as retail up to a maximum GFA of 4,000 sq m, entertainment, restaurants, brewing/distilling establishments, financial establishments, personal services, offices, health offices and health clinics, daycare facilities, social service establishment, studio and artisan related uses, and urban parks and plazas. Non-residential uses may either be in mixed or stand alone buildings. Development of this area is meant to provide for a compatible, lower rise form that reinforces the existing and new bounding public streets. Retained buildings should be additionally “opened” to the abutting street edges through ground level activities and building treatment. New buildings that fill in the fabric of this existing area should be massed to the public street edge. The block will be designed to incorporate a privately owned public space.

Block 3 on the southwest corner of Borden Avenue and Olde Fashioned Way This block is meant to provide opportunities for a mixed use building containing residential and non residential uses. The designation intends to complement the function of the “innovation employment” block to the north while providing additional opportunities for higher intensity residential. The form and siting of new development is meant to provide a transition from the High Density Residential designations to the west and the existing low-rise neighbourhood to the east of Borden Avenue. Mixed use buildings containing multiple dwellings and office space with or without compatible non residential uses may be permitted up to a maximum height of 16 storeys. Further to its role as a transition between the neighbourhood to the east and taller forms intended to the west, a transition in height is expected moving from Borden Avenue through upper storey massing.

Special Policy Area 9b - High Density Multiple Residential

A maximum Floor Space Ratio of 7.8 will apply to development within the land subject to the High Density Multiple Residential designation. A maximum building height of 8 storeys will apply to buildings located within 100 metres of Courtland Avenue; for buildings located further than 100 metres from Courtland Avenue there is no maximum building height.

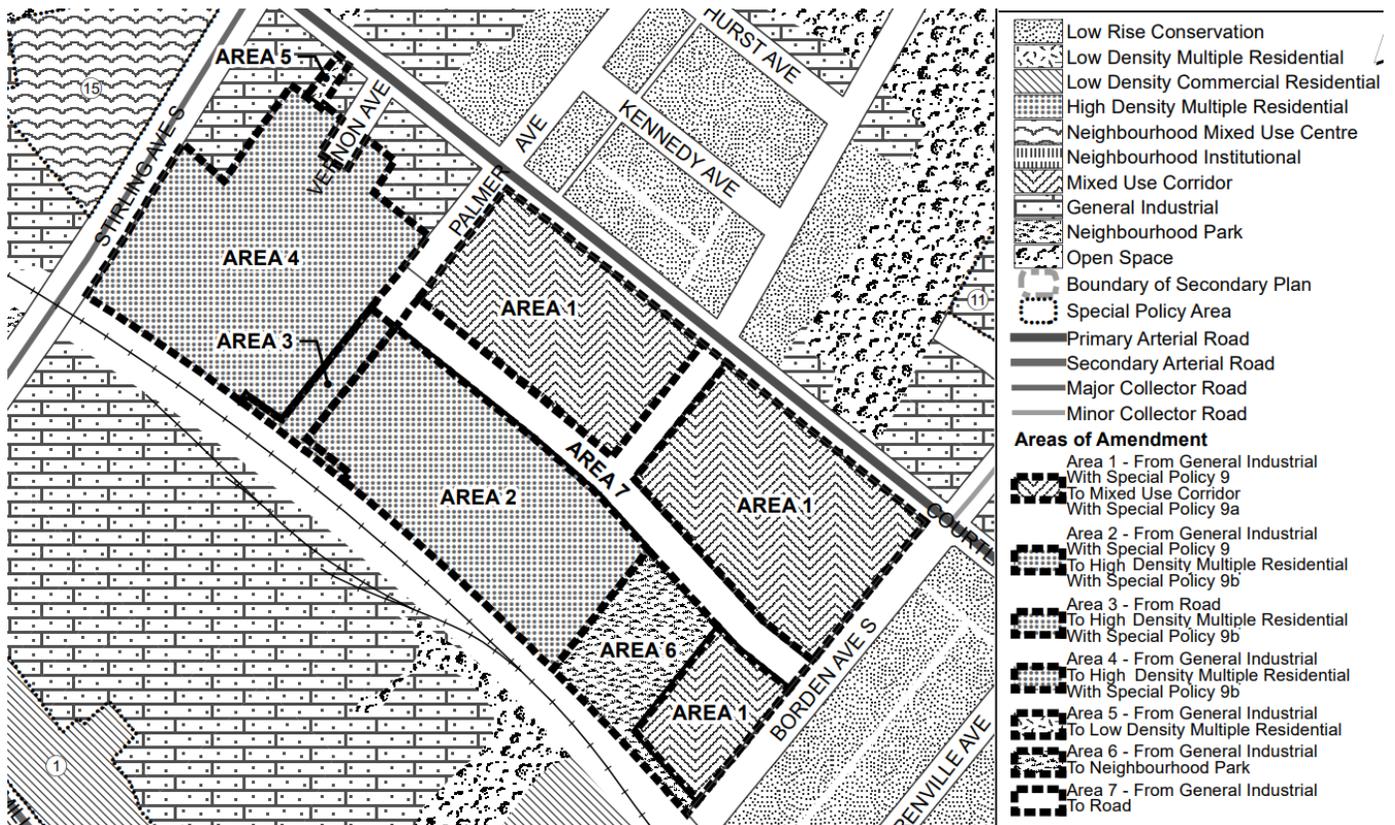


Figure 21 – Proposed Official Plan Land Use Designations

Proposed Official Plan Amendment Conclusions

The Official Plan Amendment application requests that the land use designation as shown on Map 12 – Mill Courtland Woodside Park Neighbourhood Secondary Plan be changed from ‘General Industrial with Special Policy Area 9’ to ‘Mixed Use Corridor with Special Policy Area 9a (AREA 1), High Density Multiple Residential with Special Policy Area 9b (AREA 2,3 & 4), Low Density Multiple Residential (Area 5), Neighbourhood Park (Area 6) and Road (Area 7). Based on the above policy and planning analysis, staff is of the opinion that the proposed Official Plan Amendment represents good planning and recommends that the proposed Official Plan Amendment be approved in the form shown in Appendix “B”.

Proposed Zoning By-law Amendment:

The Zoning By-law Amendment proposes to implement the proposed revised land use designations noted above with corresponding zoning. The subject lands are currently zoned ‘General Industrial Zone (M-2) with Special Regulation Provision 1R and Special Use Provisions 155U and 159U’ in Zoning By-law 85-1. The existing zoning permissions permit a wide range of industrial uses such as slaughtering, eviscerating, rendering or cleaning of meat, warehousing, beverage distillation, repair of motor vehicles and major recreational equipment manufacturing, wholesaling, transportation depot, truck and transport terminal and other similar industrial uses and require GRCA permits for development on the lands.

The applicant has requested an amendment to remove the lands, currently zoned ‘General Industrial Zone (M-2) with Special Regulation Provision 1R and Special Use Provisions 155U and 159U’, from Zoning By-law 85-1 and zone the lands accordingly to implement the proposed revised land uses to allow for the development of the proposed high intensity mixed use plan of subdivision.

Official Plan policies indicate that where special zoning regulations are requested for residential intensification or a redevelopment of lands, the overall impact of the site-specific zoning regulations will consider compatibility with existing built form; appropriate massing and setbacks that support and maintain streetscape and community character; appropriate buffering to mitigate adverse impacts, particularly with respect to privacy; avoidance of unacceptable adverse impacts by providing appropriate number of parking spaces and an appropriate landscaped/amenity area.

The proposed zoning would permit low-to-high rise residential uses, commercial and employment and other non-residential uses, and a park block. Residential uses proposed include a townhouse block, medium and high rise multiple dwelling buildings. Non-residential uses proposed include commercial and employment uses. Special Regulations provisions are also requested for building setbacks, building step backs, required parking rate of 0.8 space per dwelling unit and 1 space per 50 square metres of gross floor area for non residential uses, building heights, Floor Space Ratio (FSR), require electric vehicle parking and secure bicycle parking, among others. Holding Provisions are also proposed to apply to the subject lands to require remediation of site contamination. A Special Use Provision is also proposed to allow for additional employment uses and to restrict residential uses on the lands intended for commercial and employment uses.

Planning staff are recommending the following zoning for the subject lands as follows:

Area 1: High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provisions 1R, 793R, 794R, 797R and Special Use Provision 484U to permit a wide range of commercial and employment uses and prohibit residential uses on these lands with parking provided at a rate of 1 space per 50 square metres of gross floor area for non residential uses.

Area 2: High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provision 793R, 795R, 797R and Holding Provision 105H to permit mixed use buildings with a maximum height of 35 metres (8 storeys) and with a maximum building height of 18.5 metres (5 storeys) within 12.0 metres from the Courtland Avenue street line; with 0.8 parking spaces per dwelling unit.

Area 3: High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provisions 1R, 793R, 796R, 797R and Holding Provision 105H to permit a mixed use building with ground floor commercial uses (minimum of 800 square metres of non residential) with a maximum building height of 60 metres with building stepped back 28.0 metres above the 4 storey podium; with 0.8 parking spaces per dwelling unit.

Area 4: Public Park Zone (P1) with Special Regulation Provision 1R to permit a city owned public park.

Area 5: Residential Nine Zone (R-9) with Special Regulation Provisions 1R, 793R, 798R, 799R and Holding Provision 105H to permit high rise residential buildings with a combined floor space ratio of 7.8 applying to all of the lands zoned Residential Nine Zone (R-9); The maximum building height shall be 35.0 metres within 100 metres of the Courtland Avenue street line; 0.8 parking spaces per dwelling unit is required and parking locations are further regulated.

Area 6: Residential Nine Zone (R-9) with Special Regulation Provisions 1R, 793R, 798R, 800R and Holding Provision 105H to permit high rise residential buildings with a combined floor space ratio of 7.8 applying to all of the lands zoned Residential Nine Zone (R-9); The maximum building height shall be 35.0 metres within 100 metres of the Courtland Avenue street line; 0.8 parking spaces per dwelling unit is required; and a reduced lot width of 12.0 metres shall also be permitted.

Areas 7 and 8: Residential Nine Zone (R-9) with Special Regulation Provisions 1R, 793R, 798R and Holding Provision 105H to permit high rise residential buildings with a combined floor space ratio of 7.8 applying to all of the lands zoned Residential Nine Zone (R-9); The maximum building height

shall be 35.0 metres within 100 metres of the Courtland Avenue street line; and 0.8 parking spaces per dwelling unit is required.

Area 9: Residential Eight Zone (R-8) with Special Regulation Provisions 1R, 801R and Holding Provision 106H to permit multiple dwellings (townhouses) with a maximum height of 13.0 metres and reduced building setbacks.

Area 10: Residential Five Zone (R-5) with Special Regulation 1R and Holding Provision 106H to permit future low density residential uses.

Proposed Zoning By-law Amendment Conclusions

Staff is of the opinion that the proposed Zoning By-law Amendment represents good planning as it will facilitate the redevelopment of the lands with a mixed-use Plan of Subdivision that is compatible with the existing neighbourhood and surrounding area, which will create a complete community, with community benefits, add visual interest at the street level, provide enhanced landscaping that will contribute to the streetscape, and which will appropriately accommodate on-site parking needs. Staff are supportive of the proposed development and recommend that the proposed Zoning By-law amendment be approved as shown in Appendix "C".

Department and Agency Comments:

Circulation of the Official Plan Amendment and Zoning By-law Amendment was undertaken in June 2019 and recirculated revised reports and studies March of 2023 to all applicable City departments and other review authorities. No major concerns were identified by any commenting City department or agency and any necessary revisions and updates were made. Copies of the comments are found in Appendix "E" of this report.

The following Reports and Studies were considered as part of this proposed Official Plan Amendment and Zoning By-law Amendment:

Planning Justification Report

Prepared by: GSP Group. April 2019 (Addendum letter May 2023)

Urban Design Report

Prepared by: GSP Group. May 2023

Traffic Impact Study and Parking Justification Report.

Prepared by: Paradigm Transportation Solutions, April 2019 (Addendum Letter May 2019)

Building Elevations and Concept Site Plan

Prepared by: Turner Fleischer Architects Inc, April 2023

Site Servicing and Grading Plan

Prepared by: Stantec, April 2023

Noise And Vibration Feasibility Assessment

Prepared By: Rwdi Air Inc., March 2019

Pedestrian Wind and Snow Review

Prepared By: Rwdi, March 2019

WHAT WE HEARD



695 addresses (occupants and property owners) were circulated and notified



Approximately 10 people/households/businesses provided comment



A City-led Neighbourhood Meeting was held on July 15, 2019 and a follow up Neighbourhood Meeting on August 24, 2022

Staff received written responses from 10 residents with respect to the proposed development. These are included in Appendix 'F'. A Neighbourhood Meeting was held on July 15, 2019 and a follow up Neighbourhood Meeting on August 24, 2022. In addition, staff had follow-up one-on-one correspondence with members of the public. A summary of what we heard, and staff responses are noted below.

What We Heard	Staff Comment
Support for the development	There is support for the redevelopment of the underutilized vacant properties. A lot of residents are eager to see the construction of the proposed development begin.
Concerns the proposed development will create more traffic on local street.	A Traffic Impact Study (TIS) was submitted, and it was reviewed by City Transportation Services staff and the Region of Waterloo. Regional and City staff support the recommendations of the TIS which includes a traffic signal to be installed at Kent Avenue and Courtland Avenue along with left turn lanes and traffic will be limited to One Way only on Borden Avenue with no in-bound traffic permitted. This is a transit-oriented development that includes secured bicycle parking for residents, and visitors and the proposed development is in close proximity to two (2) ION stops and an existing bus route. Olde Fashioned Way will be a one-way out to Borden Avenue, reducing traffic movements. To prevent cut through traffic, placemaking is proposed on the street connecting Borden Avenue and Grenville to promote traffic calming, at the Developer's expense.
The buildings are too tall and will impact the nearby low rise residential homes on Borden Ave. and Courtland Ave.	To limit the impact to nearby low rise residential homes, medium rise buildings 5 to 8 storeys in height with building step backs are proposed along Courtland Avenue, Vernon Avenue, and Palmer Avenue. The high rise towers 18-38 storeys in height are all located at the rear of the property internal to the site and abut the CN Railway at the rear of

	the property. A sixteen storey mixed-use building with a 28 metre (92 feet) setback to Borden Avenue street line for any portion of the building over 18.0 metres is required by the proposed Zoning By-law which will provide a sufficient setback to the low rise residential dwellings opposite Borden Avenue.
Affordable housing should be provided along with mix of unit types.	1, 2 and 3 bedroom units are now proposed along with 135 affordable dwelling units and a \$835,000.00 cash contribution is proposed to be made to an affordable housing group with a shovel ready development.
Construction will be disruptive.	Through the site plan process the City will require a construction phasing and temporary parking plan to ensure that construction is as least disruptive as possible.

Planning Conclusions

In considering the foregoing, staff are supportive of the Draft Plan of Subdivision, the proposed Official Plan Amendment and Zoning By-law Amendment to allow the subject lands at 263, 321- 325 Courtland, 230 and 240 Palmer Avenue, 30 Vernon Avenue to be redeveloped with a mixed use, high intensity subdivision. Staff is of the opinion that the subject applications are consistent with policies of the Provincial Policy Statement (2020), conform to Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, and the City of Kitchener Official Plan and represent good planning. It is recommended that the applications be approved.

ALIGNMENT WITH CITY OF KITCHENER STRATEGIC PLAN:

The recommendation of this report supports the achievement of the City’s strategic vision through the delivery of core service.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City’s website with the agenda in advance of the Council / Committee meeting. A large notice sign was posted on the property and information regarding the application was posted to the City’s website in June of 2019 (and then on the StoryMap application when launched). Following the initial circulation referenced below, an additional postcard advising of the statutory public meeting was circulated to all residents and property owners within 240 metres of the subject lands, those responding to the preliminary circulation and who attended the Neighbourhood Meetings. Notice of the Statutory Public Meeting was also posted in The Record on May 26, 2023 (a copy of the Notice may be found in Appendix ‘G’).

CONSULT – The Draft Plan of Subdivision, proposed Official Plan Amendment and Zoning By-law Amendment were circulated to residents and property owners within 120 metres of the subject lands on June 25, 2019. Notice of the revised application and the follow up Neighbourhood Public Meeting was circulated to residents and property owners within 240 metres of the subject lands on August 1, 2022. In response to this circulation, staff received written responses from 10 members of the public,

which were summarized as part of this staff report. Planning staff also had one-on-one conversations with residents on the telephone and responded to emails.

PREVIOUS REPORTS/AUTHORITIES:

- Planning Act, R.S.O. 1990, c. P.13
- Growth Plan, 2020
- Provincial Policy Statement, 2020
- Regional Official Plan
- City of Kitchener Official Plan, 1994 and 2014
- City of Kitchener Zoning By-law 85-1

REVIEWED BY: Malone-Wright, Tina – Interim Manager of Development Review, Planning Division

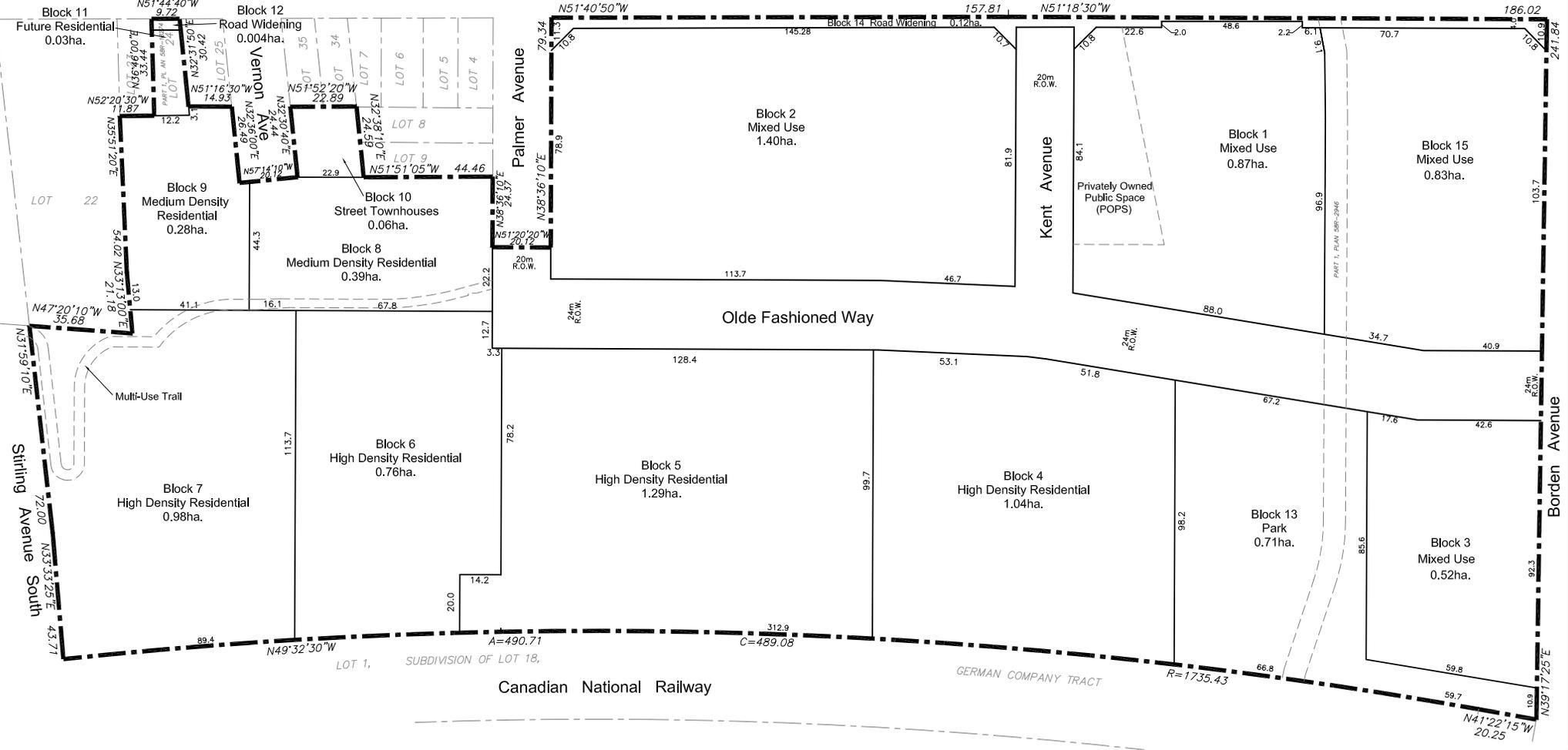
APPROVED BY: Readman, Justin - General Manager, Development Services

ATTACHMENTS:

- Attachment 'A' – Draft Plan of Subdivision and Conditions of Draft Approval
- Attachment 'B' – Proposed Official Plan Amendment
- Attachment 'C' – Proposed Zoning By-law Amendment
- Attachment 'D' – Urban Design Report
- Attachment 'E' – Department and Agency Comments
- Attachment 'F' – Public Comments
- Attachment 'G' – Newspaper Notice

Land Use Schedule

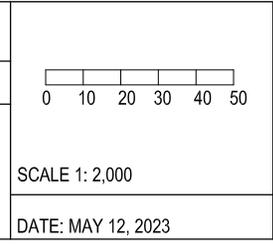
BLOCKS	LAND USE	UNITS	AREA (ha.)
Block 1	Mixed Use	0	0.87
Block 2	Mixed Use	528	1.40
Block 3	Mixed Use	159	0.52
Block 4	High Density Residential	553	1.04
Block 5	High Density Residential	981	1.29
Block 6	High Density Residential	332	0.76
Block 7	High Density Residential	574	0.98
Block 8	Medium Density Residential	107	0.39
Block 9	Medium Density Residential	108	0.28
Block 10	Street Townhouses	3	0.06
Block 11	Future Residential		0.03
Block 13	Park		0.71
Block 12, 14	Road Widening		0.12
Block 15	Mixed Use		0.83
Roads			1.08
TOTAL		3,345	10.36



PLAN OF SUBDIVISION

321 COURTLAND AVE. DEVELOPMENTS INC.

Part of Prince Arthur Avenue (closed by By-Law 94-47, inst. 1214209), and All of Lots 1-3, 10-21, and 22-35, RP263 and Part of Lot 5, RP366 and Part of Lots 22 and 26 and All of Lots 24 and 27-33, Compiled Plan of Subdivision of Lot 18 GCT and Lot 193, Streets and Lanes and Part of Lots 8,9,10,19 and 20 and All of Lots 14-17, RP404 and Lot 4, Streets and Lanes and Part of Lots 393-400, RP262 and Part of Lot 7, Streets and Lanes



REVISED:

SUBDIVISION APPLICATION 30T-19201
 ZONE CHANGE APPLICATION ZC19/005/C/GS
 OFFICIAL PLAN AMENDMENT OP19/002/C/GS

City of Kitchener
 DEVELOPMENT SERVICES DEPARTMENT, PLANNING

CAD FILE:
 30T-19201-01A.dwg

Page 234 of 792

Draft Approval Conditions – MAY 24, 2023

**Draft Plan of Subdivision Application 30T-19201
 Official Plan Amendment Application OP19/002/C/GS
 Zoning By-law Amendment ZBA19/005/C/GS
 321 Courtland Ave. Developments Inc.**

1. That this approval applies to Plan of Subdivision 30T-19201 for 321 Courtland Ave. Developments Inc., as shown on the attached Plan of Subdivision prepared by the City of Kitchener dated May 13, 2023 which shows the following:

<u>Stage 1</u>		<u>Unit</u>	<u>Area</u>
Blocks 1	Mixed Use		0.87
Blocks 2	Mixed Use	528 units	1.40
Blocks 3	Mixed Use	159 units	0.52
Blocks 4	High Density Residential	553 units	1.04
Blocks 5	High Density Residential	981 units	1.29
Blocks 6	High Density Residential	332 units	0.76
Blocks 7	High Density Residential	574 units	0.98
Blocks 8	Medium Density Residential	107 units	0.39
Blocks 9	Medium Density Residential	108 units	0.28
Blocks 10	Street Townhouses	3 units	0.06
Blocks 11	Future Residential		0.03
Blocks 12, 14	Road Widening		0.12
Blocks 13	Park		0.71
Blocks 15	Mixed Use		0.83
	Road		1.08
Total		3,345 units	

2. CITY OF KITCHENER CONDITIONS:

- 2.1 That the Subdivider shall enter into a City Standard Residential Subdivision Agreement, as approved by CITY Council, respecting those lands shown outlined on the attached Plan of Subdivision dated May 12, 2023.

Standard conditions are modified as follows:

Condition 1.1 m) is modified to:

“A Streetscape Plan is a comprehensive plan that depicts the inter-relationship between engineering servicing, utility location (including Bell, Canada Post, Hydro and City utilities), tree planting, driveway location, on street parking and priority lot location and coordinates these plan features so as to minimize conflicts between these. The plan outlines anticipated tree plantings and associated soil volumes within all public ROW’s, parkland, and any other city-owned green spaces, as well as designated ‘POPS’

green spaces. This plan is to be submitted in lieu of the 'Preliminary Street Tree Planting Plan', and will follow the same requirements. It is intended to not only capture the street tree plantings, but the overall tree canopy allocation within the entire subdivision."

Condition 1.5a) is modified to:

"The SUBDIVIDER shall pay the cost of installation of the following public services:

sanitary sewers, drainage works, area grading, lot level grading, parks, boulevard multi-use pathways, multi-use pathways, multi-use pathways over private lands, storm water management ponds, storm sewers, watermains, underground electrical distribution plant and lighting with attendant conductors, pipes, pedestals and transformers, driveway ramps, streets, roundabouts, traffic calming measures, pavements, curbs, gutters, fences in public rights-of-way, park block grading, seeding and sodding, park fences or boundary markers, boulevard landscaping including trees, soil cell infrastructure, mailboxes, monuments, street name signs, traffic control signs, sidewalks and walkways and all necessary connections, other appurtenances and outlets to the foregoing services."

Condition 1.23 g) is modified to:

"by inserting a statements in all agreements of purchase and sale for any lots or blocks abutting a public park or privately-owned publicly-accessible park, or abutting or subject to an easement for a multi-use pathway corridors advising of the type and location of the facilities proposed within the public or privately-owned lands."

Condition 2.1 is modified to:

"The SUBDIVIDER agrees to acquire a qualified Engineering Consultant who shall shall prepare an Area Grading, Erosion and Siltation Control Plan to the satisfaction of the CITY'S Director of Engineering Services and those applicable City departments or regulatory agencies determined by the CITY'S Director of Engineering Services at the time of draft approval.

The SUBDIVIDER shall implement all approved measures and to provide written certification from the SUBDIVIDER'S Engineer to the CITY'S Director of Planning that all protection measures have been implemented and inspected, in accordance with the CITY'S Tree Management Policy."

Condition 2.4 is modified to:

"The SUBDIVIDER shall provide preliminary / functional design drawings and grading plans for all park blocks and the entire multi-use pathway

demonstrating that all required retaining walls will be on private lands and that access and maintenance requirements can be achieved for review and approval to the satisfaction of the Director of Parks and Cemeteries and the Director of Planning in consultation with the Director of Engineering Services. All required retaining walls will be located on private lands.”

Condition 2.5 is modified to:

“The SUBDIVIDER shall, at the time of area grading, fill, compact and grade in both a preliminary and finished form, topsoil and seed/sod those blocks shown on the plan as park, urban green, walkway or multi-use pathway, to the satisfaction of the CITY’S Director of Parks and Cemeteries. Grading plans and implementation within such blocks may include making a grading allowance for a minimum six metre wide flat area for future multi-use pathway purposes in accordance with preliminary / functional plan required by condition 2.4.”

Condition 3.14 is modified to:

“The SUBDIVIDER shall produce an overall ‘Tree Planting Masterplan’ for the subdivision that outlines anticipated tree plantings and associated soil volumes within all public ROW’s, parkland, and any other city-owned green spaces, as well as designated ‘POPS’ green spaces. This plan is to be submitted in lieu of the ‘Preliminary Street Tree Planting Plan’, but will follow the same requirements and is intended to not only capture the street tree plantings, but the overall tree canopy allocation within the entire subdivision. The plan will be submitted to the satisfaction of the CITY’S Director of Parks and Cemeteries.”

Conditions 3.10, 3.17, 4.8, 4.12, 4.13, 4.15, 6.1, 6.8, 6.9, 6.11, and 6.12 shall be deleted from the City Standard Residential Subdivision Agreement.

Conditions 2.14 has been moved to “prior to servicing” section as condition 3.24

Conditions 2.15 has been moved to “prior to servicing” section as condition 3.25

Condition 3.16 is moved to “prior to grading section” section as condition 2.23

The following special conditions shall be added to the City Standard Residential Subdivision Agreement:

Part 2 – Prior to Area Grading of the subdivision

2.16 Prior to surface works or registration, whichever comes first, the City requires that a reserved fund be established for any future costs for disposal

of impacted soils from the conveyed lands as well as (soil and groundwater) maintenance to the satisfaction of Director of Parks and Cemeteries.

- 2.17 The SUBDIVIDER shall provide confirmation to the satisfaction of the Director of Engineering Services that any existing private wells and septic systems within the lands proposed to be graded that are required by the Director of Engineering to be decommissioned have been decommissioned in accordance with Ministry of Environment standards to the satisfaction of the CITY'S Director of Engineering.
- 2.18 The SUBDIVIDER shall provide confirmation to the satisfaction of the Director of Engineering Services that any on site monitoring wells, within the lands proposed to be graded, will either be protected and maintained in good integrity to allow for their future use or be relocated to the appropriate locations along the municipal right-of-way and are functioning to the satisfaction of the CITY'S Director of Engineering.
- 2.19 The SUBDIVIDER agrees that where major overland flow routes are not on municipally owned lands, the owner must deed to the City a minimum 6.0 m wide drainage corridor. Further, service easements are to have a minimum 5.0 metre width.
- 2.20 The SUBDIVIDER agrees to submit construction details for the proposed retaining walls to the satisfaction of the CITY'S Director of Engineering Services, in consultation with the Director of Parks and Cemeteries.
- 2.21 Prior to grading, the Owner shall provide an Urban Forest Soils Report, to be prepared by a qualified Pedologist, or equivalent professional which details the location and condition of tree root habitat soils and demonstrates that soil conditions meet the CITY'S requirements for an urban forest to the satisfaction of the CITY'S Director of Parks and Cemeteries in consultation with Urban Forestry.
- 2.22 The SUBDIVIDER agrees that prior to servicing or registration of each stage, whichever occurs first, to prepare an On-Street Parking Plan to the satisfaction of the CITY'S Director of Transportation Services, in consultation with the CITY'S Director of Engineering Services and Director of Planning, in accordance with the CITY'S On-Street Parking Policy I-1070, as approved and amended.
- 2.23 The SUBDIVIDER shall prepare a Streetscape Plan with particular attention to Priority Streets within a Stage or Phase of the Subdivision to the satisfaction of the CITY'S Director of Planning, CITY'S Director of Engineering Services, CITY'S Director of Parks and Cemeteries, CITY'S Director of Transportation Services and Enova Power (formally Kitchener-Wilmot Hydro). The Streetscape Plan shall be a comprehensive plan in

accordance with Development Manual standards and other CITY standards that illustrates and coordinates the following in order to minimize any conflicts:

- a) Design and construction details for any centre median boulevards including low-maintenance sustainable plantings and decorative elements;
- b) Design and construction details for pedestrian crosswalks at key intersections identified in the plan as well as any parks, multi-use pathways or Urban Greens;
- c) Identify the potential locations for utilities including decorative light standards, decorative signage, transit stops and central mailbox facilities;
- d) Lot flankage treatment including such elements as decorative fencing, landscaping including boulevard trees where appropriate between the side yard fence and the sidewalk on corner lots;
- e) The location of priority lots, terminating lots or at gateway locations for which specific Architectural Features such as but not limited to windows, grills, porches, roof lines and architectural style on houses located thereon will be enhanced;
- f) Design and construction details for traffic calming features including the centre median for the community multi use pathway crossings, alternate intersection treatment at the intersection such as a neighbourhood traffic circle or curb extensions, and traffic calming measures along such as pavement narrowing, curb extensions, centre medians or other;
- g) Conceptually identify neighbourhood-scale entrance features within the daylight triangle and landscape buffer blocks at the main entrance into the subdivision as identified on the plan;
- h) Conceptually identify potential street tree planting locations for primary/priority streets and any intersections with therewith, with enhanced treatments to be considered for the first street block (gateway entrance) location;
- i) Conceptually identify tree planting locations within the boulevard
- j) Identify the location of driveways along the street;
- k) Identify the areas along the streetscape for on street parking

The approved Streetscape Plan shall also ensure the following be considered in the approval of the Servicing drawings:

- i. Do not conflict with preliminary driveway locations and potential locations for utilities hydrants or community mail box facilities or Master Tree Planting Plan to the satisfaction of the CITY'S Director of Planning and Director of Engineering Services in consultation with the CITY'S Director of Transportation Services, CITY'S Director of Parks and Cemeteries, Canada Post and Kitchener Utilities .
- ii. Provide that no driveways shall be installed within 1.0m of a street light pole or hydro pole or where the wheels of a vehicle would pass over any part of a submersible transformer vault in accordance with the CITY'S Development Manual and to the satisfaction of the CITY'S Director of Engineering Services in consultation with the CITY'S Director of Transportation Services and Kitchener Utilities.
- iii. Provide that no sewer or water service will be installed within 1.5m of the centre of proposed submersible transformer vault or within 0.9m of a proposed electrical service stub and that no fire hydrant will be installed within 3.0m of a proposed street light pole or hydro pole The SUBDIVIDER shall be responsible for ensuring that these separations are maintained to the satisfaction of the CITY'S Director of Engineering Services in consultation with Enova Power (formally Kitchener-Wilmot Hydro).
- iv. The location of concrete pads for the placement of the Community Mail Boxes shall be approved by Canada Post and shall be shown on the servicing drawings. Said pads are to be poured at the time of curb and or sidewalk installation within each Stage of the plan of subdivision to the satisfaction of the CITY'S Director of Engineering Servicing in consultation with Canada Post, the CITY'S Director of Transportation Services and CITY'S Director of Parks and Cemeteries. Should temporary locations be required prior to the installation of all curbs, sidewalks and boulevards for each phase, the temporary locations will be determined in consultation with Canada Post.

Part 3 – Prior to Servicing

- 3.18 Prior to Servicing or Registration which ever shall occur first, the SUBDIVIDER shall prepare a detailed engineering design for Storm Water Management and obtain approval thereof, from the CITY's Director of Engineering Services in consultation with the Grand River Conservation Authority and the Regional Municipality of Waterloo. The Stormwater Management design shall be in accordance with the Schneider Creek and

Shoemaker Creek Subwatershed criteria. The approved engineering design for Storm Water Management will include a maintenance program for a period of 2 years post full build out of the subdivision, which will ensure stormwater management assets function as designed to the satisfaction of the CITY'S Director of Engineering. Any maintenance required during this period, prior to the municipality assuming the facilities, shall be at the sole expense of the SUBDIVIDER.

- 3.19 The SUBDIVIDER agrees, where risks to a subsurface worker are identified on the conveyance lands from exposure to soil, that one meter of clean fill meeting Table 2 Site Condition Standards (SCS) be placed from surface to below the deepest underground utilities with a 2:1 slope to the edge of the right-of-way. The SUBDIVIDER agrees to install a physical barrier to delineate the difference between clean and contaminated soil.
- 3.20 Prior to Servicing or Registration which ever shall occur first, the SUBDIVIDER shall prepare a detailed engineering design for the Functional Servicing Report and obtain approval thereof, from the CITY'S Director of Engineering Services in consultation with Kitchener Utilities.
- 3.21 Prior to Servicing or Registration which ever shall occur first, the SUBDIVIDER shall pay the cash-in-lieu of stormwater retention based on the current year's fee schedule for the lands to be conveyed to the City as part of the subdivision process as infiltration is no longer permitted on the property. Engineering will also be asking that a condition is placed on all the future site plans, that they must pay cash-in-lieu of retention for their respective site plan approvals.
- 3.22 Prior to Servicing or Registration which ever shall occur first, the SUBDIVIDER shall agree to provide any service utility corridors located on the property line or within private property with the same standards of that being done in the municipal ROW.
- 3.23 The SUBDIVIDER agrees to submit, obtain approval of, and implement a detailed "post development" monitoring program in accordance with the approved Storm Water Management Plan for the Subdivision. The program is to be approved by the CITY'S Director of Engineering Services in consultation with the CITY'S Director of Planning, the CITY'S Director of Sanitary and Stormwater Utilities, the Grand River Conservation Authority and the Regional Municipality of Waterloo. The purpose of the "post development" monitoring program is to ensure that stormwater management facilities continue to satisfy the design criteria specified in the appropriate Subwatershed Plan and to identify any specific additional maintenance requirements that may be necessary, including but not limited to erosion, sedimentation and siltation control measures. The "post development" monitoring program will extend for 24 months from the

substantial completion of the development to the satisfaction of the City's Director of Engineering Services and coincide with the maintenance guarantee period required in the City's Standard Form Residential Subdivision Agreement.

The developer further agrees to implement any remedial action deemed necessary by the CITY'S Director of Engineering Services as a result of the aforementioned monitoring program at their sole expense to the satisfaction of the CITY'S Director of Engineering Services.

- 3.24 The SUBDIVIDER shall obtain approval of a Lot Grading Control Plan showing the required elevation including slopes and embankments of each corner of each lot and block in the Plan and the required elevation(s) of the building site as well as the required direction flow of surface drainage which must be approved by the CITY'S Director of Engineering Services, in consultation with those applicable regulatory agencies determined at the time of draft plan approval. Further, the SUBDIVIDER agrees to provide a digital copy of the approved Lot Grading Control Plan to the CITY'S Director of Engineering Services once the plan is approved.
- 3.25 The SUBDIVIDER agrees that prior to servicing of each Stage, to submit a street cross section plan for all streets to the satisfaction of the CITY'S Director of Transportation and the CITY'S Director of Engineering Services.
- 3.26 The SUBDIVIDER agrees that prior to servicing or registration of each stage, whichever occurs first, to prepare a comprehensive Traffic Signage Plan and Pavement Marking Plan to the satisfaction of the CITY'S Director of Transportation Services. The Pavement Marking Plan is to include all future CITY-owned streets, as well as any active transportation facilities that fall within the Plan of Subdivision

Part 4 – Prior to the issuance of building permit in each stage

- 4.18 The SUBDIVIDER agrees that all dwellings shall be designed in accordance with garage and driveway widths shown on the approved On-Street Parking Plan to the satisfaction of the CITY's Chief Building Official, in consultation with the CITY's Director of Planning and Director of Transportation Services.

Part 6 – Other Time Frames

- 6.15 Prior to Registration, the SUBDIVIDER must confirm the structural condition of the culvert and transfer the land with the culvert under, the park and roads conveyed to City ownership to the satisfaction of the Storm and Sanitary Utility Department.

- 6.16 Prior to Registration, the City requires a copy of the Health and Safety Plan (HSP), Certificate of Property Use (CPU) and Risk Management Plan (RMP) acceptable to the Engineering Department in consultation with CITY'S Director of Parks and Cemeteries and Legal.
- 6.17 Prior to registration or final site plan approval of blocks 1 ,3, 4, 5, 6, 8, 9, or 10, whichever comes first, the Owner shall enter into a Developer-Build Park Agreement for Park Block 13 and MUT to Mill St ION Station.
- 6.18 Prior to the occupancy of the 1,000th dwelling unit, or as specified in Developer Build Agreement, the SUBDIVIDER shall complete the construction of the public park on Block 13 and multi-use pathways located within Blocks 7,8 9, within the Olde Fashioned Way right-of-way between Palmer Avenue and Block 13 and within Block 13 Park from Olde Fashioned Way to Borden Avenue 13, to the satisfaction of the CITY'S Director of Parks and Cemeteries in consultation with the CITY'S Director of Engineering Services in accordance with the approved detail design drawings and development budget as detailed in clause 6.17, approved engineering drawings and the CITY's Development Manual.
- 6.19 That the Owner agrees to pay to the City of Kitchener, 100% of costs associated with placemaking and/or traffic calming, for the portion of Borden Avenue South/Grenville Avenue, between the Park Block 13 multi-use trail connection and the Mill ION station multi-use trail connection, to a maximum of \$60,000 material cost, including street painting, traffic calming measures, way finding signage, but not including design and consultation costs. The City will lead the place making consultation with the Owner as a participant.
- 6.20 Prior to registration or prior to final site plan approval for Blocks 6,7, 8 and 9, the Owner shall enter into an Agreement with the City of Kitchener regarding maintenance of the multi use trail over Blocks 6, 7, 8 and 9.
- 6.21 Prior to registration, the Owner agrees to enter into a purchase and sale agreement with the City of Kitchener for the off-site parking lots outlined below:

Parcel 1 – Kent Avenue Parking Lot
(All of PIN 22506-0023 (LT)) - Part Lot 393-400 Plan 262 Kitchener; Part Lot 7 Streets & Lanes Kitchener; Part Lot 8 Plan 404 Kitchener Parts 9, 13, 14, 15, 17 58R3650, S/T Reservations in 580345; Kitchener

Parcel 2 – Courtland Avenue Parking Lot
(All of PIN 22506-0036 (LT)) - Part of Lots 9 & 10 Plan 404 Kitchener Designated as Part 4, 58R-3650; S/T 999256 City of Kitchener

Parcel 3 – Bedford Road Parking Lot

(All of PIN 22506-0037 (LT)) - Part of Lots 9 & 10 Plan 404 Designated as Part 6, 58R-3650; S/T 1234329, 999256 City of Kitchener

- 6.22 The Owner dedicates to the City of Kitchener, Public Park (Block 13), with the registration.
- 6.23 Prior to final site plan approval for Blocks 6,7, 8 and 9, the Owner dedicates to the City of Kitchener a public access easement for the Multi Use Trail located on Block 6, Block 7, Block 8 and Block 9, between Stirling Avenue and Olde Fashioned Way.
- 6.24 The Owner agrees that as a condition of Site Plan Approval for Block 1, the Owner is to dedicate to the City a public access easement and/or execute a POPs agreement with the City for at least 0.17704 hectares. If the final approved POPs area is less than 0.17704 hectares, the difference will be paid as paid as cash in lieu of land in accordance with the Planning Act and the Parkland Dedication Bylaw in effect at the time of the site plan approval of the applicable block. The final parkland dedication for the POPS plaza space within Block 1 will only include suitable public use areas that are outside of buildings and exclusive use areas associated with the mixed-use development. If the overland flow route is within the approved POPS area, the Owner agrees that the overall subdivision grading and stormwater management design may need to be updated to reflect the acceptable POPS design .
- 6.25 That the Owner agrees to build at their cost the multi-use trail as follows:
 - a. Within Block 6, Block 7, Block 8 and Block 9, subject to public access easement,
 - b. Within the Olde Fashioned Way right-of-way between Palmer Avenue and Block 13, and
 - c. Within Block 13 Park from Olde Fashioned Way to Borden Avenue.
- 6.26 Prior to surface works or registration, whichever comes first, the City requires that a reserve fund be established for any future costs for disposal of impacted soils from the conveyed lands as well as (soil and groundwater) maintenance to the satisfaction of Director of Parks and Cemeteries. The developer's consultant to provide a cost estimate for the maintenance program and fees for the well maintenance and decommissioning as a guarantee that will be completed.
- 6.27 All grading contracts between the SUBDIVIDER and any contractor for any work to be done pursuant to this Agreement shall be subject to the approval

of the CITY'S Director of Engineering Services and without limiting the generality of the foregoing, every contract shall:

- a. be with a contractor acceptable to the CITY'S Director of Engineering Services;
- b. contain a provision binding the contractor to file performance and material and labour bonds and liability insurance satisfactory to the CITY'S Director of Engineering Services, with in the case of liability insurance, the CITY named as an additional insured;
- c. provide that the work of the contractor shall at all times be subject to the inspection of the CITY or CITY'S consulting engineer and be performed in accordance with the terms of this Agreement;
- d. provide that the contractor shall co-operate with the inspectors and engineers at all times, submit materials used for any tests required and comply with any directions given by the inspectors and engineers, to ensure compliance with the plans and specifications;
- e. provide that the contractor shall supply a work schedule which may be updated as deemed necessary by the CITY, for the approval of the CITY'S Director of Engineering Services which work calendar shall provide for the work to be carried forward with reasonable expedition and which work calendar shall be adhered to so far as is reasonably possible;

6.28 That prior to any grading or construction, and final approval of all or any part of the draft plan of subdivision, the SUBDIVIDER enters into a Subdivision Construction and Inspection Agreement with the City of Kitchener, to the satisfaction of the City's Director of Engineering.

6.29 The SUBDIVIDER agrees to include the following clause in applicable offers of purchase and sale and tenancy agreements, which shall be registered on the title of the lands immediately upon registration for all lots with retaining walls:

"Purchasers/tenants are advised that a retaining wall is located on the subject property. The owner of this property also owns his/her section of the retaining wall. The retaining wall is not in public ownership. Monitoring, maintenance, inspection, repair and replacement of this retaining wall, including any associated costs, are the sole responsibility of the property owner. The City of Kitchener is in no way responsible for this retaining wall. Should this retaining wall fail, it is the property owner's responsibility to repair or replace his/her section of the retaining wall, at his/her cost."

- 6.30 The SUBDIVIDER agrees to include the following clause in applicable offers of purchase and sale and tenancy agreements, which shall be registered on the title of the lands immediately upon registration for all lots:
“Purchasers/tenants are advised that the subject property is located on lands that went through a Record of Site Condition (RSC). The City of Kitchener is in no way responsible for the soil or groundwater conditions.”
- 6.31 Prior to Registration, the City requires an easement to be registered in favour of the City over the parts of the culvert that would be privately owned. The width of the easement will be determined by the Subdivider’s consultant based on twice the depth of the existing culvert or a minimum of 5m (whichever is larger), to the satisfaction of the Engineering Department in consultation with the Storm and Sanitary Utility Department.
- 6.32 Prior to Registration, the City requires an easement to be registered in favour of the City over the 600mm diameter existing sanitary sewer that runs parallel with the storm culvert. The width of the easement will be determined by the Subdivider’s consultant based on twice the depth of the existing sanitary sewer or a minimum of 5m (whichever is larger), to the satisfaction of the Engineering Department in consultation with the Storm and Sanitary Utility Department.
- 6.33 Prior to Registration, the sanitary sewers that cross Courtland and extend through the private parking lot to Bedford Road must have minimum 5 metre easements or twice the depth of the existing sewers over them (whichever is larger), centered on the sewer or must be conveyed to City ownership to the satisfaction of the Engineering Department in consultation with the Storm and Sanitary Utility Department.
- 6.34 Until two years following site plan certification of the final block of the subdivision or final lot grading approval within the entire subdivision or 10 years, whichever is greater, the SUBDIVIDER agrees to complete semi-annual monitoring of the migration of contaminants in the groundwater at the monitoring wells installed on the lands to be conveyed to the City. Notwithstanding the above timeframe, should concentrations be reported as stabilized or at decreasing levels during two consecutive years of monitoring, the monitoring will be completed on an annual basis for the following two consecutive years. Should concentrations be reported as stabilized or at decreasing levels following two consecutive years of annual monitoring, the groundwater monitoring program will be discontinued. Should concentrations be reported at increasing levels the monitoring program will revert to semi-annual monitoring. If at any time the monitoring results show levels above the Property Specific Standards approved by the Ministry of the Environment, Conservation and Parks in the Risk Assessment completed for the property, it will be the SUBDIVIDER’s

responsibility to propose and implement a treatment program to the satisfaction of the Engineering Department in consultation with Legal.

- 6.35 The SUBDIVIDER agrees that prior to the approval of any site plan on the property, the subdivision registration, overall subdivision grading and servicing along with the subdivision stormwater management report must be approved first.

Notwithstanding above, Block 2 may receive final site plan approval prior to the subdivision registration, and prior to the overall subdivision grading and servicing along with the subdivision stormwater management report being approved, where:

- a. adequate vehicle access is provided to an existing public street,
 - b. full servicing is provided from existing services within an existing public street,
 - c. a reference plan is provided showing the limits of the site plan approval area for the registration of the development agreement, and
 - d. that the subdivision is registered and new public streets are constructed prior to occupancy of any units within Block 2.
 - e. that stormwater management criteria for Block 2 will be dealt with through the site plan stage and have regard for the entire subdivision.
 - f. that the stormwater management proposal for the entire subdivision will have regard for the stormwater management scheme on Block 2.
- 6.36 The SUBDIVIDER shall provide a letter of permission from neighbouring impacted properties to construct the retaining walls, including excavation and grading encroachments near the property lines prior to site plan approval of Blocks 7, 8, 9, 10 and 11.
- 6.37 The SUBDIVIDER shall receive approvals from the railway including a letter of permission from the railway submitted to the City prior site plan approval of Blocks 4, 5, 6, 7, and 13. This letter should not only include the regrading of the ditch but access for construction of the building.
- 6.38 Prior to Registration, it is the SUBDIVIDER's responsibility to include the following clause in applicable offers of purchase and sale and tenancy agreements, which shall be registered on the title of the lands immediately upon registration for all lots.

“Purchasers/tenants are advised that the subject property has an ongoing monitoring program that would be the owner’s responsibility to implement for the life of the development.”

- 6.39 Prior to Registration, the SUBDIVIDER agree to a groundwater monitoring program for monitoring wells located within Olde Fashioned Way, Kent Avenue and Palmer Avenue in a manner satisfactory to the CITY’s Director of Engineering.
- 6.40 Prior to Site Plan Approval of any lands with Privately Owned Publicly Accessible Spaces or Trails the owner shall provide the Record of Site Condition, Certificate of Property Use and Health and Safety Plan to be reviewed and accepted to the Director of Engineering , in consultation with the Director of Parks and Cemeteries and City Solicitor.
- 6.41 In accordance with Section 53 of the Ontario Water Resources Act and Section 20.3 of Part II.1 of the Environmental Protection Act through delegated authority from the Ministry of the Environment, Conservation and Parks (MECP), the SUBDIVIDER must submit a request, application fee, and subsequent documentation required for an Alteration to the Consolidated Linear Infrastructure Environmental Compliance Approval (CLI ECA) which is required to the satisfaction of the City’s Manager of Environmental Compliance and Utility Performance (Sanitary and Stormwater Utilities) in consultation with the City’s Engineering Services for the following:
 - a. Additions, modifying, replacing or extending of the municipal sanitary sewers and storm sewers
 - b. Additions, modifying, replacing or extending of municipal stormwater management facilities, including outlet controls and their appurtenances
- 6.42 Prior to Registration, the SUBDIVIDER must confirm the condition of the culvert and convey the land with the culvert below and the park and roads above to City ownership to the satisfaction of the Director, Sanitary and Stormwater Utilities. Infrastructure, as such:
 - a. A structural condition assessment report must be completed, at the SUBDIVIDER’s sole cost, of the existing structure(s) to be conveyed to the City, and a Professional Engineer must determine the original and remaining life cycle to determine what deficiencies exist and the cost to address those deficiencies. The structural condition assessment report should follow the guidance of Ontario Ministry of Transportation Culvert Inspection Guide for Culverts or equivalent industry standards and shall be in a form satisfactory to the City’s Director, Sanitary and Stormwater Utilities;

and,

- b. Based on the structural condition assessment report, the City will elect to have EITHER the deficiencies repaired at the SUBDIVIDER's sole cost OR take a lump sum payment from the SUBDIVIDER and proceed independently to complete the required work after registration.

6.43 The SUBDIVIDER agrees to rent 135 dwelling units at 80% of the market rate for 25 years following occupancy of the unit.

6.44 The SUBDIVIDER agrees to construct 4% of all dwelling units as three bedroom units, with a minimum of 135 three bedroom dwelling units.

6.45 For the life of the development, vehicle parking spaces and bicycle parking stalls required by the Zoning By-law shall be provided and maintained for each use located on a block and shall be located on the same block as the use(s) requiring the parking spaces and bicycle parking stalls.

However, vehicle parking spaces, other than barrier-free accessible parking spaces, electric vehicle parking spaces, or visitor parking spaces may be located on another block within the boundary of this subdivision and all lands subject to this agreement.

2.2 That prior to final approval of the plan to be registered, the SUBDIVIDER shall fulfill the following conditions:

1. The CITY Standard Residential Subdivision Agreement be registered on title.
2. The SUBDIVIDER shall submit copies of the final plan for registration to the CITY'S Director of Planning and shall obtain approval therefrom.
3. The SUBDIVIDER agrees to commute all local improvement charges outstanding on any part of the lands and to pay all outstanding taxes on the lands.
4. The SUBDIVIDER shall install within the subdivision any required geodetic monuments under the direction of the CITY'S Director of Engineering Services, with co-ordinate values and elevations thereon and submit for registration the plans showing the location of the monuments, their co-ordinate values, elevations and code numbers as prescribed by the Surveyor General of Ontario.
5. The SUBDIVIDER shall make satisfactory arrangements with Enova Power (formally Kitchener-Wilmot Hydro) for the provision of permanent electrical

services to the subdivision and/or the relocation of the existing services. Further, the SUBDIVIDER acknowledges that this may include the payment of all costs associated with the provision of temporary services and the removal of such services when permanent installations are possible.

6. The SUBDIVIDER shall make satisfactory arrangements for the provision of permanent telephone services to the subdivision and/or the relocation of the existing services. Further, the SUBDIVIDER acknowledges that this may include the payment of all costs associated with the provision of temporary services and the removal of such services when permanent installations are possible.
7. The SUBDIVIDER shall make arrangements for the granting of any easements required for utilities and municipal services. The SUBDIVIDER agrees to comply with the following easement procedure:
 - (a) to provide copies of the subdivision plan proposed for registration and reference plan(s) showing the easements to HYDRO, and telephone companies and the CITY, to the CITY'S Director of Planning.
 - (b) to ensure that there are no conflicts between the desired locations for utility easements and those easement locations required by the CITY'S Director of Engineering Services for municipal services;
 - (c) to ensure that there are no conflicts between utility or municipal service easement locations and any approved Tree Preservation/Enhancement Plan;
 - (d) if utility easement locations are proposed within lands to be conveyed to, or presently owned by the CITY, the SUBDIVIDER shall obtain prior written approval from the CITY'S Director of Planning and CITY'S Director of Engineering Services or, in the case of parkland, the CITY'S Director of Parks and Cemeteries; and
 - (e) to provide to the CITY'S Director of Planning, a clearance letter from each of HYDRO and telephone companies. Such letter shall state that the respective utility company has received all required grants of easement, or alternatively, no easements are required.
8. The SUBDIVIDER shall dedicate all roads, road widenings, and public walkways to the CITY by the registration of the Plan of Subdivision.
9. The SUBDIVIDER shall erect and maintain a subdivision billboard sign at each major entrance to the subdivision, in accordance with a plan approved by the CITY'S Director of Planning, in accordance with the following criteria:

- a) The sign shall be in accordance with the CITY'S Sign by-law and shall be located outside the required yard setbacks of the applicable zone and outside the corner visibility triangle, with the specific, appropriate location to be approved by the CITY'S Director of Planning;
 - b) The sign shall have a minimum clearance of 1.5 metres, a maximum height of 6 metres, and a maximum area of 13 square metres;
 - c) Graphics shall depict the features within the limits of the subdivision including, without limiting the generality of the foregoing, approved street layout, including emergency access roads, zoning, lotting and specific land uses, types of parks, storm water management areas, hydro corridors, trail links and walkways, potential or planned transit routes and bus stop locations, notification regarding contacts for school sites, noise attenuation measures, environmentally sensitive areas, tree protection areas, special buffer/landscaping areas, water courses, flood plain areas, railway lines and hazard areas and shall also make general reference to land uses on adjacent lands including references to any formal development applications, all to the satisfaction of the CITY'S Director of Planning;
 - d) Approved subdivision billboard locations shall be conveniently accessible to the public for viewing. Low maintenance landscaping is required around the sign and suitable parking and pedestrian access may be required between the sign location and public roadway in order to provide convenient accessibility for viewing; and,
 - e) The SUBDIVIDER shall ensure that the information is current as of the date the sign is erected. Notice shall be posted on the subdivision billboard signs advising that information may not be current and, to obtain updated information, inquiries should be made at the CITY'S Community Services Department – Planning Division or the appropriate School Board for school accommodation information.
 - f) The sign shall also advise prospective residents that students from the subdivision may be directed to schools outside the neighbourhood.
10. The SUBDIVIDER agrees that the streets shall be named as shown on the plan.
11. To expedite the approval for registration, the SUBDIVIDER shall submit to the CITY'S Director of Planning, a detailed written submission documenting how all conditions imposed by this approval that require completion prior to registration of the subdivision plan(s), have been satisfied.

12. The SUBDIVIDER agrees to convey to the CITY the following lands for the purposes stated therein, at no cost and free of encumbrance, concurrently with the registration of each stage of the plan of subdivision within which the identified blocks are located, and show on the final plans for registration:

Block 13 Park

13. The SUBDIVIDER shall satisfy the 5% parkland dedication for the entire subdivision, being 1.554 ha, as follows:
 - a. Multi-Use Trail subject to a public access easement, 0.08289 hectare (Block 6, Block 7, Block 8 and Block 9) at 50% value, being 0.04145 ha,
 - b. POPS plaza space within Block 1, subject to a public access easement, 0.17704 hectare at 75% value, being 0.13278 ha,
 - c. Public Park (Block 13), 0.71 hectare at 100% value, being 0.71 ha,
 - d. Cash in lieu payment for 0.66977 hectare at a rate of \$1,359,000/ ha, and
 - e. Cash in lieu payment for any deficiencies in the areas cited in a or b) above to be provided according to the Planning Act and Park Dedication Bylaw in effect.
14. The SUBDIVIDER agrees that if servicing or grading has not commenced prior to final approval of the plan, a Detailed Vegetation Plan is to be submitted for approval by the CITY'S Director of Planning. The Detailed Vegetation Plan shall also show approved grading. The SUBDIVIDER agrees to implement all of the measures identified in the approved Detailed Vegetation Plan including delivering all information contained in the approved Detailed Vegetation Plan to prospective purchasers to ensure that the requirements are carried out as specified.
15. The SUBDIVIDER agrees to have all proposed tree and shrub plantings on public rights of way reviewed and approved by the CITY'S Director of Parks and Cemeteries.
16. The SUBDIVIDER agrees to obtain the appropriate land use plan, from the City of Kitchener, for the area being subdivided in order to satisfy Condition 1.22 of the Subdivision Agreement.
17. The SUBDIVIDER agrees that prior to servicing or registration, whichever occurs first, to prepare an updated water servicing report which shall make recommendations that address water pressure within the limits of the subdivision to the satisfaction of the CITY'S Director of Engineering Services and the Regional Municipality of Waterloo.
18. The SUBDIVIDER shall confirm whether decorative street signage and street lighting will be used for the subdivision to the satisfaction of the

CITY'S Director of Transportation Services and CITY'S Director of Planning and Enova Power (formally Kitchener-Wilmot Hydro) and the Region of Waterloo. Should these decorative elements be utilized, they shall be installed at the appropriate timeframe and at the SUBDIVIDER'S cost, including the provision of 10% of the cost of materials for future replacement/maintenance, to the satisfaction of the CITY'S Director of Transportation Services and Enova Power (formally Kitchener-Wilmot Hydro).

19. To satisfy any condition in the Subdivision agreement with timing identified as "prior to registration".

3. REGIONAL MUNICIPALITY OF WATERLOO CONDITIONS:

1. THAT prior to final approval, the Owner/Developer submit an updated scoped hydrogeological investigation be provided to the satisfaction of the Region, the City and the Grand River Conservation Authority (GRCA) confirming/addressing groundwater quality data.
2. THAT prior to final approval, the Owner/Developer enter into an agreement with the Region to ensure the following to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services:
 - a. All monitoring wells not proposed to be included in the during and post-development ground watering program shall be decommissioned in accordance with Ontario Regulation 903;
 - b. Upon completion of the during and post-development groundwater monitoring program, all monitoring wells must be decommissioned in accordance with Ontario Regulation 903, as amended, and
 - c. No buildings will be constructed that will utilize active or passive dewatering mechanisms to keep below-grade structures dry.
3. THAT prior to final approval, the Owner/Developer provide a Final Stormwater Report for each block to the satisfaction of the Region, the City and the GRCA, which includes the result of in-situ soil testing at the location of any large conveyance infiltration facilities to confirm the suitability of the soils to receive the proposed volumes of runoff. In addition, the following shall be addressed to the satisfaction of the Regional Municipality of Waterloo:
 - a. A pre-and post-development water budget must be presented in terms of m³/annum. A detailed breakdown must be included to show the different components of evapotranspiration (ET), runoff and infiltration for both pre- and post-development.

- b. The Region does not support the use of permeable pavers on private road rights-of-ways. This must be reflected in the stormwater management report(s) submitted to the Region as a condition of draft plan approval.
4. THAT prior to final approval, the Owner/Developer will be required to enter into an agreement with the Region to complete a Stormwater Management Plan for each block to the satisfaction of the Regional Municipality of Waterloo;
 5. THAT prior to final approval, the Owner/Developer will be required to enter into an agreement with the Region to require individual pressure reducing devices on each water service below 327.8 mASL;
 6. THAT prior to final approval, the Owner/Developer will provide an updated concept servicing plan to the satisfaction of the Region, showing individual service connections to the separate blocks/properties and buildings;
 7. THAT prior to final approval, the Owner/Developer shall submit a Revised Transportation Impact Study including a Railway Safety Analysis for any LRT/Railway Crossings including the pedestrian pathways/sidewalks to the satisfaction of the Region of Waterloo;
 8. THAT prior to final approval, the Owner/Developer provides a Phase 1 and Phase 2 ESA report and dedicates a road widening to the Regional Municipality of Waterloo at no cost or encumbrance to the Region, along the frontage of Regional Road 53 (Courtland Avenue East) all to the satisfaction of the Regional Municipality of Waterloo;
 9. THAT prior to final approval, the Owner/Developer dedicates the daylight triangles measured 7.62m x 7.62m (25ft x 25ft) post any road widenings to the Region of Waterloo at no cost to the Region, at the intersection of each proposed and existing local municipal roads (Palmer, Borden, Kent) with Regional roads;
 10. THAT prior to final approval, the Owner/Developer must obtain a Regional Road Access Permit for the proposed Kent Avenue municipal road extension into the subject property and connection of Olde Fashioned Way to Borden Avenue to the satisfaction of the Regional Municipality of Waterloo;
 11. THAT prior to final approval, the Owner/Developer will be required to enter into a development agreement with the Regional Municipality of Waterloo for all units and the following warning clauses shall be included in agreements of Offers of Purchase and Sale, lease/rental agreements and any future condominium declaration(s):

The following noise warning clauses will be required for all units:

"Purchasers/tenants are advised that sound levels due to increasing road and rail traffic on Courtland Avenue East and Stirling Avenue South and Canadian National

Railway track may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.”

“Purchasers/tenants are advised that due to the proximity of this dwelling to the nearby railway tracks, vibration from rail pass-bys may occasionally be perceptible within this unit.”

“This dwelling unit has been designed with the provision for adding central air conditioning at the occupant’s discretion. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks. The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MECP Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.”

Buildings A & B

“This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality’s and the Ministry of the Environment, Conservation & Parks. The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MOE Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.”

Warning: *“Canadian National Railway (CNR) or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land subject hereof. There may be alteration to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”*

12. That prior to final approval, the Owner/Developer shall provide a Functional Plan, Cost Estimate, Legal Agreement and Related Funds (letter of credit, certified cheque or bank draft) for any improvements to the Regional Road network, all to the satisfaction of the Regional Municipality of Waterloo including:
 - a. That prior to final approval, the Region has the necessary physical and financial resources to construct all required road improvements; and,
 - b. That the above be fulfilled to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.
13. THAT prior to final approval, the Owner/Developer provide funds to Grand River Transit for the construction for a new transit shelter, including a concrete shelter pad and provisions for electrical conduit; and,
14. THAT prior to final approval, the Owner/Developer shall provide a compliance letter from a qualified Professional Engineer licensed to practice in the Province of Ontario to demonstrate that the proposed development is in accordance with the Federation of Canadian Municipalities and the Railway Association of Canada "Guidelines for New Development in Proximity to Railway Operations" (Dialog & J.E. Coulter Associated Limited, May 2013), to the satisfaction of the Regional Municipality of Waterloo, and in consultation with the Canadian National Railway (CN) and that any required mitigation measures through this report and any completed noise studies will be secured through an agreement and/or conditions of draft approval.
15. THAT prior to final approval, the Owner/Developer shall enter into a Registered Development Agreement with the Regional Municipality of Waterloo to submit a detailed transportation, rail and stationary noise study for each block within the Plan of Subdivision to the satisfaction of the Regional Municipality of Waterloo. The Owner/Developer further agrees to:
 - a. enter into a registered development agreement with the Regional Municipality of Waterloo and/or the City of Kitchener to implement any recommendations and implementation measures for each block to the satisfaction of the Regional Municipality of Waterloo.
16. THAT prior to final approval, the Owner/Developer shall enter into an Agreement with the Region in accordance with Subsection 4(6) of Regional Development Charge By-law 19-037 on terms and conditions satisfactory to the Regional Solicitor, to be registered on title, providing for the total amount of any applicable Regional Development Charge Redevelopment Allowance as of the date of Draft Approval of this Plan of Subdivision to be available for the subdivision lands in its entirety and to allow for it to be drawn down to reduce the applicable Regional Development Charge for each building permit as they are issued until the Regional Development Charge Redevelopment Allowance is fully expended or has expired in accordance with the provisions of Regional Development Charge By-law 19-037, or any successor development charges by-law.

4. OTHER AGENCY CONDITIONS:

Grand River Conservation Authority

1. Prior to any grading or construction on the site and prior to registration of the plan, the owners or their agents submit the following plans and reports to the satisfaction of the Grand River Conservation Authority.
 - a. A detailed storm water management report in accordance with the 2003 Ministry of the Environment Report entitled "Stormwater Management Planning and Design Manual".
 - b. A detailed Lot Grading, Servicing and Storm Drainage Plan.
 - c. An Erosion and Siltation Control Plan in accordance with the Grand River Conservation Authority's Guidelines for sediment and erosion control, indicating the means whereby erosion will be minimized and silt maintained on-site throughout all phases of grading and construction.
 - d. The submission and approval of a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Permit from the GRCA prior to the construction in a wetland and/or grading in a regulated area and/or construction of the Stormwater Management outlet in a regulated area.

5. CLEARANCE CONDITIONS

1. That prior to the signing of the final plan by the CITY'S Director of Planning, the Director shall be advised by the Regional Commissioner of Planning, Development and Legislative Services that Conditions 3.1 to 3.16 have been carried out to the satisfaction of the Regional Municipality of Waterloo. The clearance letter from the Region shall include a brief statement detailing how each condition has been satisfied.
2. That prior to the signing of the final plan by the CITY'S Director of Planning, the Director, shall be advised by the telephone company that Conditions 2.1.6 and 2.1.7 have been carried out satisfactorily. The clearance letter should contain a brief statement as to how the conditions were satisfied.
3. That prior to the signing of the final plan by the CITY'S Director of Planning, the Director shall be advised by Enova Power (formally Kitchener-Wilmot Hydro) that Conditions 2.1.5 and 2.1.7 have been carried out satisfactorily. The clearance letter should contain a brief statement as to how the conditions were satisfied.
4. That prior to the signing of the final plan by the CITY'S Director of Planning, the Director shall be advised by the Grand River Conservation Authority that Condition 4.2 has been carried out satisfactorily. The clearance letter should contain a brief statement as to how the condition was satisfied.

NOTES

1. The owner/developer is advised that the provisions of the Regional Development Charge By-law 14-046 are applicable.
2. The final plans for Registration must be in conformity with Ontario Regulation 43/96, as amended, under The Registry Act.
3. It is the responsibility of the Owner of this plan to advise the Regional Municipality of Waterloo and the City of Kitchener Planning Division of any changes in ownership, agent, address, and phone and fax numbers.
4. The owner/developer is advised that the Regional Municipality of Waterloo has adopted By-Law 17-076, pursuant to Section 69 of the Planning Act, R.S.O. 1990 c. P.13, as amended, to prescribe a tariff of fees for application, recirculation, draft approval, modification to draft approval and registration release of plans of subdivision.
5. The owner/developer is advised that pursuant to Regional By-Law 17-076, the current fee for review of a road traffic noise study is \$250.00, payable to the Regional Municipality of Waterloo upon submission of the study for review.
6. This draft plan was received on or after January 1, 2007 and shall be processed and finally disposed of under the Planning Act, R.S.O. 1990, c. P.13, as amended by S.O. 2006, c. 23 (Bill 51).
7. The Owner is advised that draft approval is not a commitment by the Regional Municipality of Waterloo to water and wastewater servicing capacity. To secure this commitment the owner/developer must enter into an "Agreement for Servicing" with The Regional Municipality of Waterloo by requesting that the Region's Planning, Development and Legislative Services Department initiate preparation of the agreement. When sufficient capacity is confirmed by the Region's Commissioner of Transportation and Environmental Services to service the density as defined by the plan to be registered, the owner/developer will be offered an "Agreement for Servicing". This agreement will be time limited and define the servicing commitment by density and use. Should the "Agreement for Servicing" expire prior to plan registration, a new agreement will be required.

The owner/developer is to provide the Regional Municipality of Waterloo with two print copies of the proposed plan to be registered along with the written request for a servicing agreement

8. To ensure that a Regional Release is issued by the Regional Commissioner of Planning, Development and Legislative Services to the City of Kitchener prior to year end, it is the responsibility of the Owner to ensure that all fees have been paid, that all Regional conditions have been satisfied and the required clearance

letters, agreements, prints of plan to be registered, and any other required information or approvals have been deposited with the Regional Planner responsible for the file, no later than December 15th. Regional staff can not ensure that a Regional Release would be issued prior to year end where the Owner has failed to submit the appropriate documentation by this date.

9. The Owner is advised that the lands, or a portion of the lands, are subject to the Region of Waterloo International Airport Zoning Regulations issued under the federal Aeronautics Act. The purpose of the Regulations is two-fold: 1) to prevent lands adjacent to or in the vicinity of the Region of Waterloo International Airport site from being used or developed in a manner that is incompatible with the safe operation of the airport or an aircraft; and 2) to prevent lands adjacent to or in the vicinity of facilities used to provide services relating to aeronautics from being used or developed in a manner that would cause interference with signals or communications to and from aircraft or to and from those facilities.

It is the landowner's responsibility to be aware, and to make all users of the land aware of the restrictions under these Regulations which may include but not limited to height restrictions on buildings or structures, height of natural growth, interference with communications, and activities or uses that attract birds.

10. The Owner is advised that the lands, or a portion of the lands, may be subject to Canadian Aviation Regulations Standard 621.19 issued under the federal Aeronautics Act. This Standard allows aviation officials to assess individual obstructions, namely buildings, structures or objects, to determine if they are likely to constitute a hazard to air navigation and consequently require marking and/or lighting in accordance with the Standards. Persons planning to erect an obstruction, namely a building, structure or object, including a moored balloon, either permanently or temporarily, should contact the Regional Manager, Aerodrome Safety (Ontario Region), Transport Canada at (416) 952-0248 as early as possible and provide the necessary information on the planned obstruction using the Aeronautical Obstruction Clearance Form (#26-0427) issued by Transport Canada.
11. When the survey has been completed and the final plan prepared to satisfy the requirements of the Registry Act, they should be forwarded to the City of Kitchener. If the plans comply with the terms of approval, and we have received an assurance from the Regional Municipality of Waterloo and the applicable clearance agencies that the necessary arrangements have been made, the Manager of Development Review's signature will be endorsed on the plan and it will be forwarded to the Registry Office for registration.

The following is required for registration under The Registry Act and the Region's purposes:

One (1) original mylar

Three (3) mylar copies
Four (4) white paper prints

AMENDMENT NO. XXX TO THE OFFICIAL PLAN
OF THE CITY OF KITCHENER

CITY OF KITCHENER
263, 321- 325 Courtland Avenue East, 230 and 240 Palmer Avenue and 30 Vernon Avenue

AMENDMENT NO. XXX TO THE OFFICIAL PLAN
OF THE CITY OF KITCHENER

CITY OF KITCHENER
263, 321-325 Courtland Avenue East, 230 and 240 Palmer Avenue and 30 Vernon Avenue

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SECTION 1 – TITLE AND COMPONENTS

This amendment shall be referred to as Amendment No. XXX to the Official Plan of the City of Kitchener (1994). This amendment is comprised of Sections 1 to 4 inclusive.

SECTION 2 – PURPOSE OF THE AMENDMENT

The purpose of the Official Plan Amendment is to amend:

- Map 12 – Secondary Plan - Mill Courtland Woodside Park Neighbourhood Plan for Land Use by redesignating lands, municipally addressed as 263, 321- 325 Courtland Avenue East, 230 and 240 Palmer Avenue and 30 Vernon Avenue as follows:
- Map 12 is amended by changing the land use designations of affected lands as follows:
 - Area 1 - From General Industrial with Special Policy 9 to Mixed Use Corridor with Special Policy 9a
 - Area 2 - From General Industrial with Special Policy 9 To High Density Multiple Residential with Special Policy 9b
 - Area 3 - From Road to High Density Multiple Residential with Special Policy 9b
 - Area 4 - From General Industrial to High Density Multiple Residential with Special Policy 9b
 - Area 5 - From General Industrial to Low Density Multiple Residential
 - Area 6 - From General Industrial to Neighbourhood Park
 - Area 7 - From General Industrial to Road
- Adding Policy 13.4.3.15 to section 13.4.3 to add High Density Multiple Residential Land Use Policies.
- Deleting Policy 13.4.4.9 from Section 13.4.4.
- Adding Policy 13.4.4.9a to Section 13.4.4 to regulate building heights near existing low rise residential buildings and regulate the location of residential and non residential commercial/employment uses.
- Adding Policy 13.4.4.9b to Section 13.4.4 to will allow for a Floor Space Ratio (FSR) of 7.8 and regulate building heights within 100 metres of Courtland Avenue.

SECTION 3 – BASIS OF THE AMENDMENT

Planning Analysis:

Planning Act, R.S.O. 1990, c. P.13 25.

Section 2 of the Planning Act establishes matters of provincial interest and 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,

- f) The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) The minimization of waste;
- h) The orderly development of safe and healthy communities;
- j) The adequate provision of a full range of housing, including affordable housing;
- k) The adequate provision of employment opportunities;
- p) The appropriate location of growth and development;
- q) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- r) The promotion of built form that,
 - (i) Is well-designed,

- (ii) Encourages a sense of place, and
- (iii) Provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- s) The mitigation of greenhouse gas emissions and adaptation to a changing climate.

These matters of provincial interest are addressed and are implemented through the Provincial Policy Statement, as it directs how and where development is to occur. The City's Official Plan is the most important vehicle for the implementation of the Provincial Policy Statement, and to ensure Provincial policy is adhered to.

Provincial Policy Statement, 2020:

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Section 1.4.3(b) of the PPS promotes all types of residential intensification, and sets out a policy framework for sustainable, healthy, liveable and safe communities. The PPS promotes efficient development and land use patterns, as well as accommodating an appropriate mix of affordable and market-based residential dwelling types with other land uses, while supporting the environment, public health and safety. Provincial policies promote the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

To support provincial policies relating to the optimization of infrastructure, transit and active transportation, the proposed designation and zoning facilitate a compact form of development which efficiently uses the lands, is in close proximity to transit options including bus, rapid transit, and makes efficient use of both existing roads and active transportation networks. The lands are serviced and are in proximity to parks, trails and other community uses. Provincial policies are in support of providing a broad range of housing. The proposed mixed use development represents an attainable and affordable form of market-based housing.

The proposed draft plan of subdivision, Official Plan Amendment, and Zoning By-law Amendment applications represent a planned development that has been designed as a transit oriented community that is walkable and meets Regional and Provincial objectives by accommodating a mix of housing types and densities and introducing new commercial and employment uses. The proposal makes efficient use of the land through a comprehensively planned development that helps to meet minimum density requirements for a Major Transit Station Area (MTSA). The plan provides for a range of residential housing types, non-residential uses and densities that are in close proximity to two (2) ION Stops (Borden and Mill ION stops). The proposed plan of subdivision establishes an efficient development pattern that brings new residential, commercial, and employment uses to an established neighbourhood.

With respect to provincial policies regarding public health and safety, the Grand River Conservation Authority (GRCA) has reviewed the proposed development application and supports the proposed Plan of Subdivision with conditions to be satisfied by the GRCA prior to registration. Planning staff is of the opinion that the applications are consistent with the PPS for health and safety matters.

Planning staff is of the opinion that the proposed application will facilitate the intensification of the subject property with a high intensity mixed-use development that is compatible with the surrounding community, helps manage growth, will contribute towards a complete community, and is transit supportive. Based on the foregoing, staff is of the opinion that this proposal is in conformity with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan):

The Growth Plan supports the development of complete and compact communities that are designed to support healthy and active living, make efficient use of land and infrastructure, provide for a range and mix of housing types, jobs, and services, at densities and in locations which support transit viability and active transportation. Policies of the Growth Plan promote growth within strategic growth areas including major transit station areas, in order to provide a focus for investments in transit and other types of infrastructure.

Policy 2.2.6.1(a) states that municipalities will support housing choice through the achievement of the minimum intensification and density targets in this plan by identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents.

Policies 2.2.1.4 states that complete communities will:

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
- c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- d) expand convenient access to:
 - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
 - ii. public service facilities, co-located and integrated in community hubs;
 - iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and
 - iv. healthy, local, and affordable food options, including through urban agriculture;
- e) provide for a more compact built form and a vibrant public realm, including public open spaces;
- f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and
- g) integrate green infrastructure and appropriate low impact development.

The Growth Plan supports planning for a range and mix of housing options and higher density housing options that can accommodate a range of household sizes in locations that can provide access to transit and other amenities.

Policy 2.2.4 requires that planning be prioritized for MTSAs on priority transit corridors, including zoning in a manner that implements the policies of the Growth Plan. MTSAs on priority transit corridors will be planned for a minimum density target of 160 residents and jobs combined per hectare for those that are served by light rail transit or bus rapid transit. The Region of Waterloo's ION is a form of light rail transit and the ION stops are within Major Transit Station Areas (MTSAs) that are required to achieve the minimum density target of 160 residents and jobs combined per hectare.

The subject lands are located within the City's delineated built up area, and within a Major Transit Station Area. The lands are identified as a MTSA in the 2014 Kitchener Official Plan. In the City's Official Plan on Map 2 – Urban Structure the lands appear within the MTSA boundary for the Mill

stop. The Region of Waterloo commenced the Regional Official Plan Review project and as part of that work, revised MTSA boundaries were approved by the Region in August 2022 (and in April 2023 by the Minister) and these lands are within the Mill Station MTSA as the Mill ION stop is in close proximity (400 metres) of the subject lands. The proposed development represents intensification and will help the City achieve density targets in the MTSA. The proposed designation and zoning will support a higher density housing option that will help make efficient use of existing infrastructure, parks, roads, trails and transit. Planning staff is of the opinion that the applications conform to the Growth Plan.

Regional Official Plan (ROP):

The subject lands are designated “Urban Area” and “Built-Up Area” on Schedule 3a of the Regional Official Plan (ROP). Urban Area policies of the ROP identify that the focus of the Region’s future growth will be within the Urban Area. The proposed development conforms to Policy 2.F of the ROP as the proposed development will support the achievement of the minimum intensification targets within the delineated Built-Up Area. Growth is directed to the Built Up Area of the Region to make better use of infrastructure that can assist in transitioning the Region into an energy efficient, low carbon community. Furthermore, intensification within the Built-Up Area assists the gradual transition of existing neighbourhoods within the Region into 15-minute neighbourhoods that are compact, well connected places that allow all people of all ages and abilities to access the needs for daily living within 15 minutes by walking, cycling or rolling.

The subject lands are within the Major Transit Station Area (MTSA) boundary that was endorsed by Regional Council in April 2021 (and approved in August 2022). The Region of Waterloo has also identified that the subject lands are located within potential intensification corridor as part of the Regional Official Plan review and are an appropriate location for intensification. The Region of Waterloo have indicated they have no objections to the proposed application or to higher density within the MTSA area. (Appendix ‘E’). Planning staff are of the opinion that the applications conform to the Regional Official Plan.

Region of Waterloo Airport Restrictions

The subject lands are located within the federally regulated Airport Zoning Regulation (AZR). The existing AZR height limit is 460.50m ASL with a maximum height restriction of 136.5m. The Tallest building (38 storeys) proposed for the subject lands is less than the maximum federally regulated Airport Zoning Regulation height limit is 460.50m ASL. Sufficient space for the operation of a future crane without reaching the maximum elevation of 460.50m ASL can be provided for and complies with the federally regulated Airport Zoning Regulations.

City of Kitchener Official Plan (OP)

The City of Kitchener OP provides the long-term land use vision for Kitchener. The vision is further articulated and implemented through the guiding principles, goals, objectives, and policies which are set out in the Plan. The Vision and Goals of the OP strive to build an innovative, vibrant, attractive, safe, complete and healthy community.

The subject lands are currently designated ‘General Industrial with Special Policy Area 9’ in the City of Kitchener Mill Courtland Woodside Park Neighbourhood Secondary Plan. Lands designated as General Industrial in the Mill Courtland Woodside Park Neighbourhood Secondary Plan provide for a broad range of industrial uses such a warehousing, manufacturing, wholesaling, transportation depot, truck and transport terminal and other similar industrial uses. Special Policy Area 9 allows for food processing including packaging, warehousing, distributing, slaughtering,

eviscerating, rendering or cleaning of meat, poultry and fish or by products; and the milling or packaging of animal feed and fertilizer; and beverage distillation; and allows for office use for the previous use of the lands (Schneiders Meat Plant)

The applicant is proposing to change the land use designation to 'Mixed Use Corridor with Special Policy Area 9a (AREA 1), High Density Multiple Residential with Special Policy Area 9b (AREA 2,3 & 4), Low Density Multiple Residential (Area 5), Neighbourhood Park (Area 6) and Road (Area 7) in the City of Kitchener Mill Courtland Woodside Park Neighbourhood Secondary Plan. Special Policy Area 9a will regulate density, building heights, and the location of residential uses while 9b will allow for a Floor Space Ratio (FSR) of 7.8 and regulate building heights within 100 metres of Courtland Avenue.

Policy 17.E.13.1. of the City of Kitchener Official Plan require that holding provisions will be applied in situations where it is necessary or desirable to zone lands for development or redevelopment in advance of the fulfillment of specific requirements and conditions, and where the details of the development or redevelopment have not yet been fully resolved. A Holding provision may be used in order to implement this Plan to ensure that certain conditions, studies or requirements related to a proposed Zoning By-law Amendment are met.

Complete Community

A complete community creates and provides access to a mix of land uses including, a full range and mix of housing, including affordable housing, recreation, commerce, community and cultural facilities, health care facilities, employment, parks and open spaces distributed and connected in a coherent and efficient manner. A complete community also supports the use of public transit and active transportation, enabling residents to meet most of their daily needs within a short distance of their homes. Kitchener will be planned as a complete community that creates opportunities for all people to live, work and interact within close proximity. Planning for a complete community will aid in reducing the cost of infrastructure and servicing, encourage the use of public transit and active modes of transportation, promote social interaction, and foster a sense of community.

The applicant is proposing to contribute aspects of a complete community on the subject lands with residential and mixed-use buildings, ranging in height from 3 to 38 storeys with 3,345 residential units, 19,500 square metres of commercial space a new City-owned park and multi-use trail. Considerable thought for the orientation and placement of the buildings, podium heights, building step backs, park block and pedestrian connections been incorporated into the design for this high intensity mixed use plan of subdivision.

The owner is proposing a total of 135 affordable residential rental dwelling units within the proposed plan of subdivision. The units will be available for rent and managed by the Owner in partnership with a community partner. Dwellings will range in size and location within the proposed development, in each tower and on different floors.

In addition to providing 135 affordable residential dwelling units the owner is proposing to provide a \$835,000.00 cash contribution to an affordable housing group with a shovel ready development.

The owner is also proposing a commitment of \$60,000 for the construction of off-site trail enhancements along Borden Avenue/Grenville Avenue to the Mill Ion Station stop which will directly benefit the residents within the community.

Public Amenity Areas

The proposed development integrates a number of features that will benefit the community and foster a sense of community, including a new trail corridor, public amenity areas (private and public owned lands), affordable housing and a community place making. The proposed Plan of Subdivision includes a combination of privately-owned publicly accessible open spaces (POPS) and a 0.71 hectare City-owned park (Nancy Featherstone Park) to meet the needs of residents and the surrounding community. Conceptual early design plans for Nancy Featherstone park include a series of different play areas catering to different age groups; an open lawn space for more casual, flexible use; and a public art installation that is reflective of the site's history and past use along with seating opportunities around the above activity spaces. Parkland dedication in a combination of land and cash-in-lieu will be taken through the site plan application process



Figure 13: Conceptual Park Design for Nancy Featherstone Park

In addition to the City-owned public park, public amenity areas in the form of Privately Owned Public Spaces (POPS) are proposed. Approximately 1,800 square metres of programmed public space are proposed on Block 1 of the Plan of Subdivision (J.M. Schneider Platz) adjacent to the commercial/employment uses and the proposed restaurant. Preliminary concepts have contemplated features such as enhanced landscaping and seating opportunities.

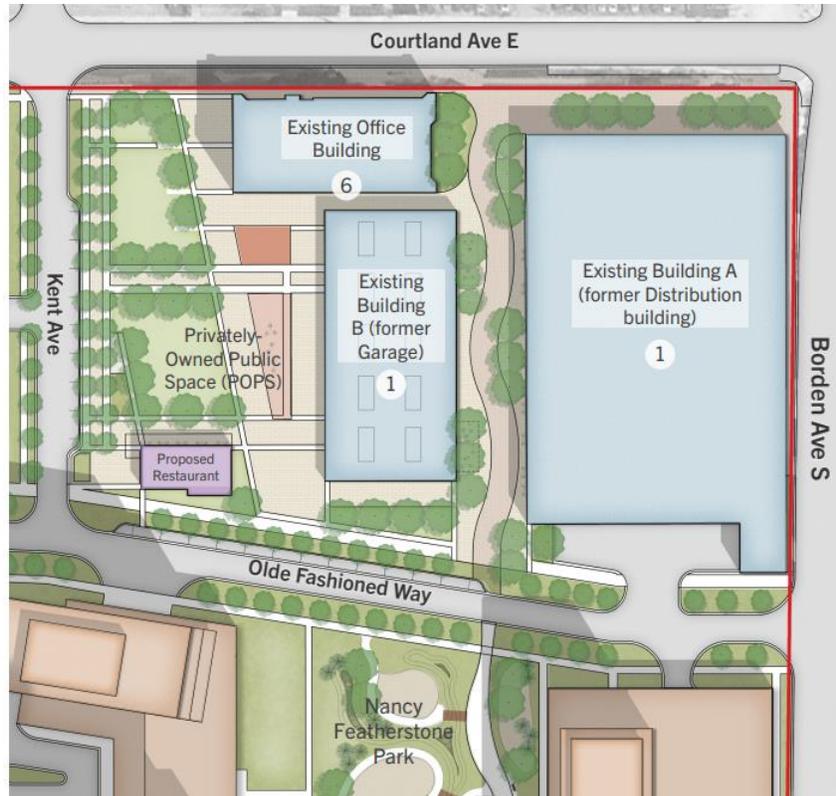


Figure 14: Privately Owned Public Space location map

In addition to the publicly accessible spaces, a new trail corridor is proposed that will connect Borden Avenue and Stirling Avenue and Courtland Avenue. The new trail corridor along with the publicly accessible space and park block will significantly improved pedestrian access for the existing community and enhance connection to the Mill Ion Stop.



Figure 15: Pedestrian Circulation Plan

Urban Structure

The Official Plan establishes an Urban Structure for the City of Kitchener and provides policies for directing growth and development within this structure. Intensification Areas are targeted throughout the Built-up Area as key locations to accommodate and receive the majority of development or redevelopment for a variety of land uses. Primary Intensification Areas include the Urban Growth Centre, Major Transit Station Areas (MTSAs), Nodes and Corridors, in this hierarchy, according to Section 3.C.2.3 of the Official Plan. The subject lands are located within a MTSA. The planned function of the MTSA is to provide densities that will support transit, and achieve a mix of residential, office, institutional and commercial uses. They are also intended to have streetscapes and a built form that is pedestrian-friendly and transit-oriented.

Policies also require that development applications in MTSAs give consideration to the Transit-Oriented Development policies contained in Section 13.C.3.12 of the Official Plan. Generally, the Transit-Oriented Development policies support a compact urban form, that supports walking, cycling and the use of transit, by providing a mix of land uses in close proximity to transit stops, to support higher frequency transit service and optimize transit rider convenience. These policies also support developments which foster walkability by creating safe and comfortable pedestrian environments and a high-quality public realm. Staff is of the opinion that the proposed development will help to increase density in an area well served by nearby transit and future rapid transit while being context sensitive to surrounding lands and provides excellent access to off-road pedestrian and cycling facilities.

The proposed development is located in a prime location for high intensity mixed use development. The subject lands are located in close proximity to the Mill ION stop (400 metres) and the Borden Ion stop (600 metres). The proposed development introduces a new form of housing to the surrounding area with a mix of unit types. Housing diversity is needed to provide a greater housing choice and meet the needs of increasingly diverse residents and household types such as young families, professionals, retirees, people with disabilities, all with a various range of income. Diverse housing types for this area of the City of Kitchener will be planned through future MTSA planning work. This application is in advance of that work and can be considered based on urban structure and future planned function of the community. As such, staff is of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment will support a development that not only complies with the City's policies for a MTSA but also contributes to the vision for a sustainable and more environmentally-friendly city.

PARTS Rockway Plan

The subject lands are located within the PARTS Rockway Plan which is a guiding document that made recommendations for land uses within and around rapid transit station stops. The PARTS Rockway Plan made recommendation for amendments to the Secondary Plans within the MTSA, which have not yet been implemented. Some of the primary recommendations are to encourage the development of underutilized sites with higher density live-work environments and to increase housing supply with multi-unit residential while protecting existing stable neighbourhoods. The proposed development provides for a range of housing options and commercial space and the proposed amendment is in keeping with the PARTS Rockway vision for development within and around the ION stops.

Neighbourhood Planning Review

The subject lands are within the draft Rockway Secondary Plan, updated as part of the Neighbourhood Planning Reviews (NPR) project. A statutory public meeting was held December

9, 2019 regarding draft amendments to the plan. Under the proposed changes, the proposed land use for the subject lands is Mixed Use, High Rise Residential, and Innovation Employment which allows for high intensity, residential commercial and employment uses developments.

Growing Together

The Growing Together project is the continuation of the City’s ongoing planning review process that began with PARTS and advanced through the Neighbourhood Planning Review (NPR) project, while also responding to new direction from the province, implementing the updated Regional Official Plan, and addressing new and emerging city priorities.

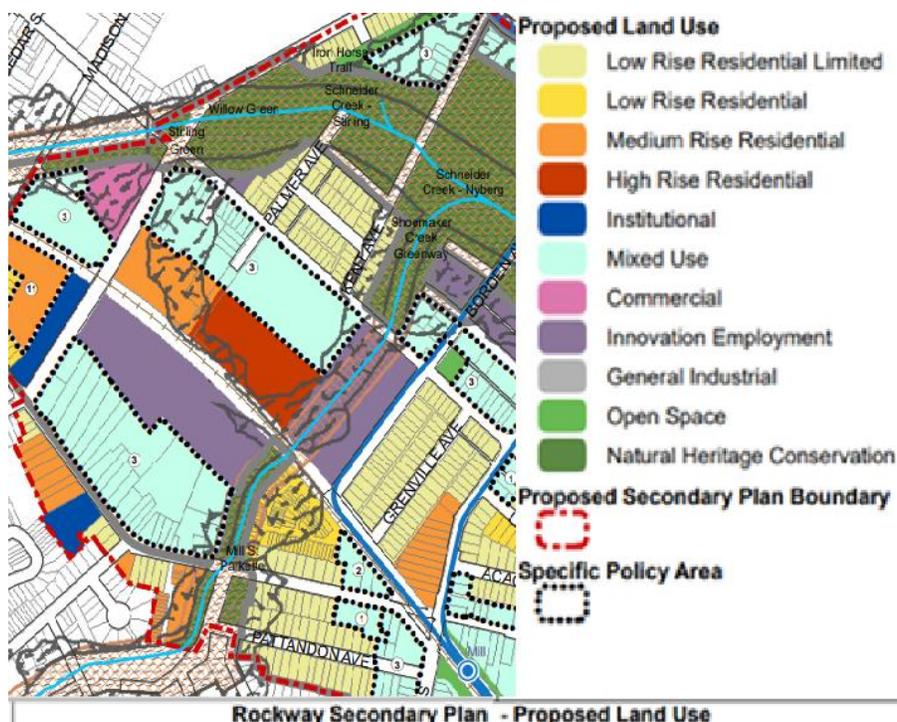


Figure 16: NPR Rockway Secondary Plan - Proposed Land Use Plan

Urban Design Policies:

The City’s urban design policies are outlined in Section 11 of the City’s Official Plan. In the opinion of staff, the proposed development meets the intent of these policies, specifically: Streetscape; Safety; Universal Design; Site Design; Building Design, and Massing and Scale Design. To address these policies, an Urban Design Report, attached as Appendix ‘D’, were submitted and have been reviewed by City staff. The Urban Design Report outlines the vision and principles guiding the site design and informs the proposed zoning by-law regulations.

Streetscape – All Street frontages are activated by at-grade residential units or commercial units. All buildings’ principal entrances and lobbies are located at grade with direct access to public sidewalks, trails, and Nancy Featherstone Park. The 8 towers all include podiums that have defined bases which along with the proposed medium rise building include high quality urban design that create a defined street and enhance the streetscape.

Safety – As part of the site plan approval process, staff will ensure Crime Prevention Through Environmental Design (CPTED) principles are achieved and that the site meets the Ontario Building Code and the City’s Emergency Services Policy.

Universal Design – The development will be designed to comply with Accessibility for Ontarians with Disabilities Act and the Ontario Building Code.

Skyline – The proposed buildings will provide a new feature on the City’s skyline. The proposed buildings will create visual interest from several different vantage points.

Site Design, Building Design, Massing and Scale – The subject site is designed to have a development that will be developed at a scale that is compatible with the existing and planned built form for the surrounding neighbourhood. The 8 towers have well defined podiums and building step backs which helps enhance the public realm. The medium rise buildings include building steps from setbacks along the street to provide a transition to nearby low rise residential dwellings.



Figure 17: Aerial Rendering showing the mid rise building step backs from 5 storeys to 8 storeys along Courtland Avenue East.

Tower Design – Building D (20 storeys) Building E (18 storeys) Building F (22 storeys) Building G (25 storeys) Building H (38 storeys) Building I (18 Storeys) Building J (20 Storeys) and Building M (16 storeys) are classified as a “Large Slab” tower as the proposed tower floor plate is more than 850 square metres in area.

All eight (8) of the proposed towers have well defined podiums. Building M (16 storeys) includes a 4-storey podium situated along Borden Avenue with a 28 metre building step back which provides transition to the lower density areas. Buildings E, F, G H and I are located along Olde Fashion Way and a private street that connects to Olde Fashion Way. All of these buildings include well defined 6 storey podiums with various building step backs. The massing of all the buildings is broken up vertically by variation and the articulation of building materials and, balconies for the residential units are included on the street-facing elevations.

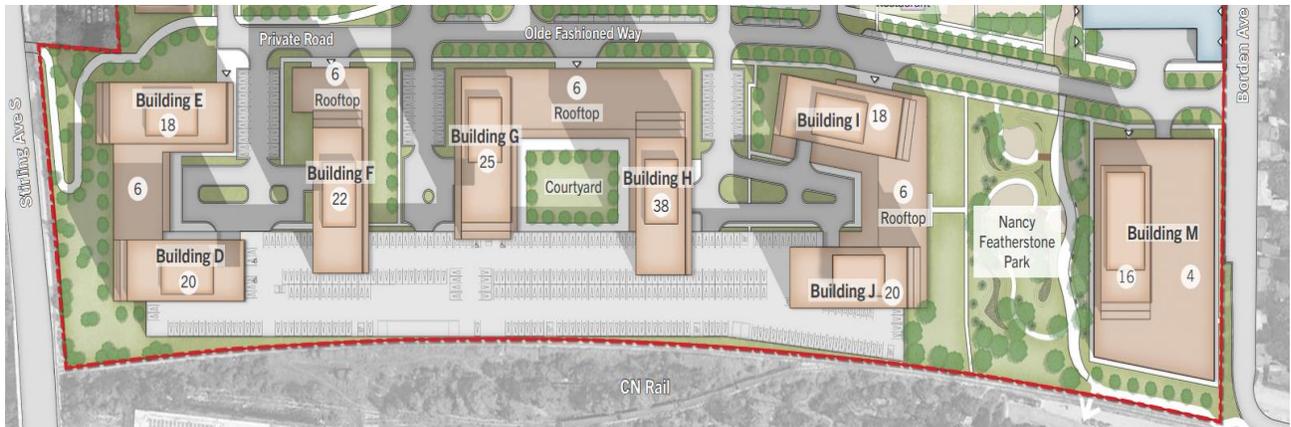


Figure 18: Tall Buildings location map

Wind Study

A wind study was prepared for the consideration of this development proposal and reviewed by staff. The wind conditions surrounding the proposed development will require wind mitigation design features. A full Wind Assessment will be required and reviewed through the site plan application process for each block.

Shadow Impact Study

The applicant has completed a Shadow Impact Study as part of the Urban Design Report. Staff have reviewed the study and are satisfied the shadow study meets the City's requirements, with respect to shadow impacts, as noted in the City of Kitchener Urban Design Manual.

Design for Tall Building Guidelines

The proposed development has also been reviewed for compliance with the City's Design for Tall Buildings Guidelines. The objective of this document is to:

- achieve a positive relationship between high-rise buildings and their existing and planned context;
- create a built environment that respects and enhances the city's open space system, pedestrian and cyclist amenities and streetscapes;
 - create human-scaled pedestrian-friendly streets, and attractive public spaces that contribute to livable, safe and healthy communities;
 - promote tall buildings that contribute to the view of the skyline and enhance orientation, wayfinding and the image of the city;
 - promote development that responds to the physical environment, microclimate and the natural environment including four season design and sustainability; and,
 - promote tall building design excellence to help create visually and functionally pleasing buildings of architectural significance.

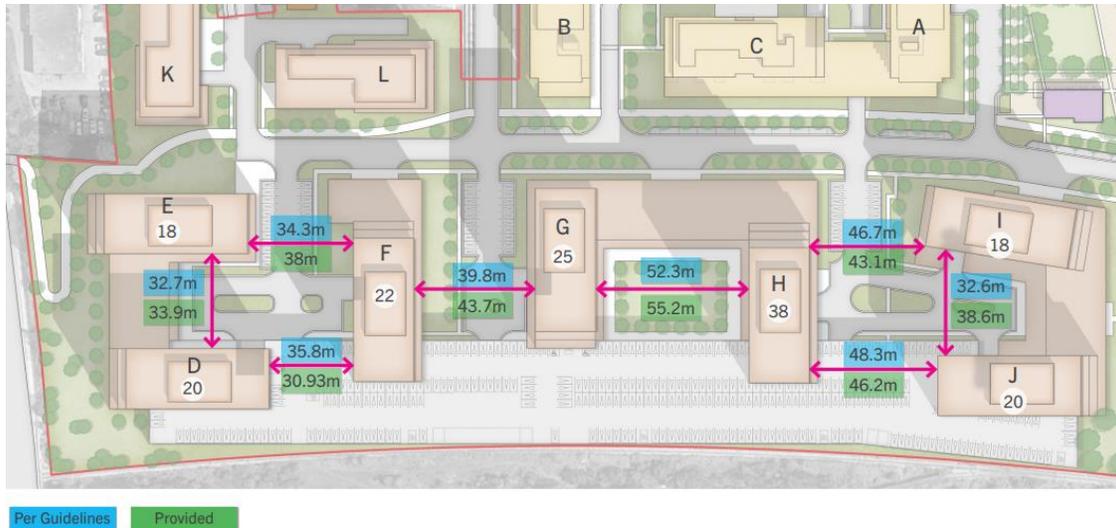


Figure 19 – Tall Building Guideline Compliance Plan

The proposed development master plan concept has been reviewed with these objectives in mind. City staff has confirmed that the proposed towers are generally consistent with and meet the overall intent of the City’s Design for Tall Building Guidelines. More specifically, the proposed development (as revised) now meets the on-site and off-site separation distance requirements of the Design for Tall Building Guidelines. Staff recommends that the proposed Urban Design Report attached as Appendix ‘D’, be adopted and that staff be directed to apply the Urban Design Report through future Site Plan Approval processes for each block.

Transportation Policies:

The Official Plan supports an integrated transportation system which incorporates active transportation, allows for the movement of people and goods and promotes a vibrant, healthy community using land use designations and urban design initiatives that make a wide range of transportation choices viable. The subject lands are located directly adjacent to the Mill ION stop. The buildings have excellent access to cycling networks, including existing on and off-street cycling facilities and is located in close proximity to the Iron Horse Trail. The location of the subject lands, in the context of the City’s integrated transportation system, supports the proposal for transit-oriented development on the subject lands.

Policy 3.C.2.22 states that until such time as Station Area Plans are completed and this Plan is amended accordingly, in the interim, any development application submitted within a Major Transit Station Area will be reviewed generally in accordance with the Transit-Oriented Development Policies included in Section 13.C.3.12

The Plan of Subdivision will create a new public road known as Olde Fashioned Way which will be a new east-west street running from an extension of Palmer Street extension to Borden Avenue and will be limited to one way with no in-bound traffic permitted at the intersection of Olde Fashioned Way and Borden Avenue. Olde Fashioned Way is designed with a 24-metre wide street right-of-way that will accommodate a central planted median, one travel lane in each direction, curb-side planted boulevards, a sidewalk on the south side, and a multi-use pathway and on-street parking on the north side. The north-side multi-use pathway runs between Stirling Avenue and Borden Avenue and intersects with a second, north-south multi-use pathway running through Nancy Featherstone Park and the Privately Owned Public Accessible Space (J.M.

Schneider Platz). The pathway will run through the park corridor connecting to Borden Avenue/Grenville Avenue and onto the Mill ION Stop to the east.

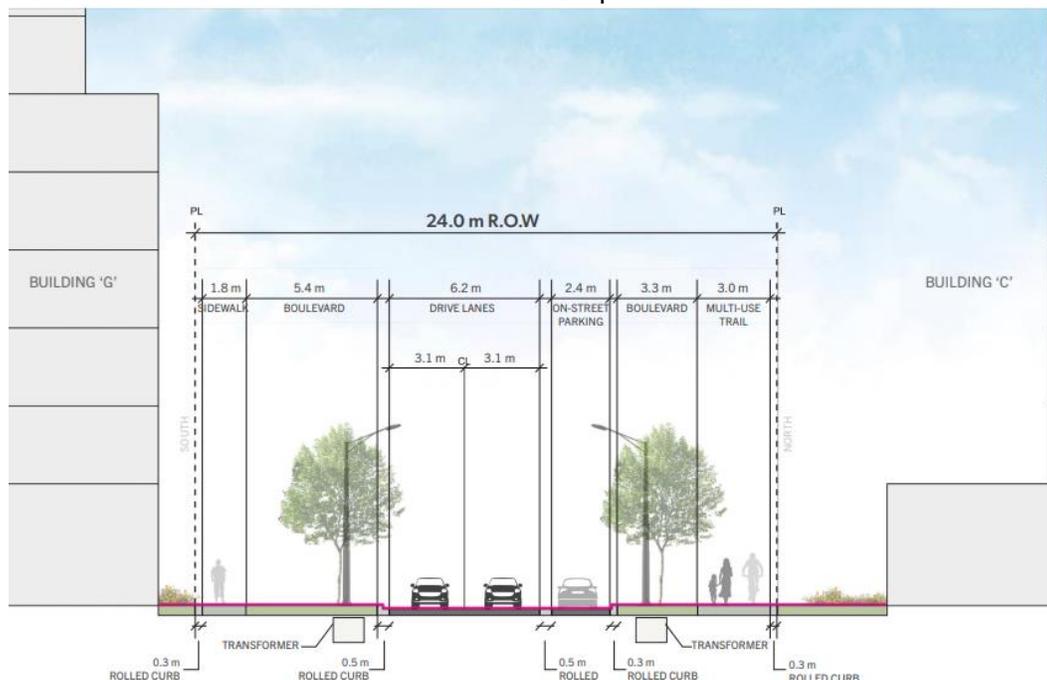


Figure 20 – Olde Fashioned Way Street Section

The proposed Official Plan Amendment and Zoning By-law Amendment applications support a more-dense residential development. The location of the proposed buildings, secured through the proposed site-specific provisions, will result in a compatible built form that fosters walkability within a pedestrian-friendly environment that allows walking to be safe, comfortable, barrier-free and a convenient form of urban travel. Furthermore, the proposed development will enhance access and pedestrian connections to the Mill ION stop.

At future site plan approval processes, the design of the buildings will have to feature a high quality public realm to enhance the identity of the area and create gathering points for social interaction, community events and other activities. Additionally, secured and visitor bicycle parking is required as part of the Zoning By-law.

Housing Policies:

Section 4.1.1 of the City’s Official Plan contains policies with the primary objective to provide for an appropriate range, variety and mix of housing types and styles, densities, tenure and affordability to satisfy the varying housing needs of our community through all stages of life. The proposed development increases the range of dwelling units available in the city. The development is contemplated to include a range of unit types including, one, two and three-bedroom units along with 135 affordable dwelling units that will be made available for rent by the owner. The wide range of units, in this location, will appeal to a variety of household needs.

Sustainable Development

Section 7.C.4.1 of the City’s Official Plan ensures developments will increasingly be sustainable by encouraging, supporting and, where appropriate, requiring:

- a) compact development and efficient built form;

- b) environmentally responsible design (from community design to building design) and construction practices;
- c) the integration, protection and enhancement of natural features and landscapes into building and site design;
- d) the reduction of resource consumption associated with development; and,
- e) transit-supportive development and redevelopment and the greater use of other active modes of transportation such as cycling and walking.

Development applications are required to demonstrate that the proposal meets the sustainable development policies of the Plan and that sustainable development design standards are achieved.

Sustainable development initiatives will be further explored at the Site Plan Application stage.

Servicing and Utilities

All lots will be serviced with municipal sanitary sewers and municipal water servicing in accordance with City standards. Engineering Services staff have confirmed that there is sufficient servicing capacity. Conditions of approval have been included to ensure that services are constructed at the appropriate timeframes.

Comments from the appropriate utility and telecommunications companies are addressed through the draft approval conditions.

Natural Environment

The majority of the subject lands are within the Grand River Conservation Authority regulated limit. GRCA staff have undertaken a preliminary review of the applications and are supportive of draft approval and have provided draft approvals conditions which has been incorporated in Appendix A. Regional and City Environmental Planning staff have reviewed the proposed plan of subdivision and have no concerns with the proposed applications and have provided draft approval conditions for further review at different stages (prior to grading, prior to registration).

Proposed Special Area Policies

Special Policy Area 9a – Mixed Use Corridor

The Mixed-Use Corridor designation at the corner of Courtland Avenue and Borden Avenue is meant to provide for mixed use development comprised of free-standing non-residential uses, free-standing multiple residential development and mixed-use buildings. A minimum Floor Space Ratio of 1.0 and maximum Floor Space Ratio of 4.0 will apply to development within the land subject to the Mixed Use Corridor designation.

Block 2 – Bounded by Courtland Avenue, Kent Avenue, Palmer Avenue and Olde Fashioned Way

This area is largely intended to provide a street-oriented, mid-rise residential building form (up to a maximum height of eight storeys) that provides a transition between the lower-rise neighbourhood north of Courtland Avenue and the taller forms anticipated south of Olde Fashioned Way. A range of medium density housing and commercial uses will be permitted. Permitted medium density housing generally includes cluster townhouse dwellings, multiple dwellings, and special needs housing, although mixing and integrating of innovative and different forms of housing is supported to achieve and maintain a medium-rise built form. Permitted non-

residential uses are meant to be smaller scale in nature and may include such uses as retail, commercial entertainment, restaurants, financial establishments, personal services, offices, health offices and health clinics, daycare facilities, social service establishment, and studio and artisan uses. Development of this area is meant to reinforce the existing and new bounding public streets and provide a transition in height from the low-rise neighbourhood on the north side of Courtland. New buildings should be massed to the public street edge or edges and have active frontages facing these public streets, considering primary entrances, windows, walking connections and internal activity area facing these streets. Further to its role as a transition between the neighbourhood to the north and taller forms intended to the south, a transition in height with the mid-rise form is expected moving from Courtland Avenue through upper storey massing.

Blocks 1 and 15 Bounded by Borden Avenue, Courtland Avenue, Kent Avenue and Olde Fashioned Way

Capitalizing on the location of existing buildings that present the best opportunities for adaptive reuse on the site, the block bounded by Borden Avenue, Courtland Avenue, Kent Avenue and Olde Fashioned Way is largely meant to accommodate an “innovation employment” function for technology-based and creative industries that are drawn to such adapted spaces together with supporting other commercial activities. Within this block, a broad range of non-residential uses will be permitted, but not residential uses. Principal non-residential uses include those uses reasonably expected as part of such a mixed commercial employment cluster, such as a broad range of office uses and related smaller scale manufacturing activities. Additionally, complementary small-scale non-residential uses will also be permitted, including such uses as retail up to a maximum GFA of 4,000 sq m, entertainment, restaurants, brewing/distilling establishments, financial establishments, personal services, offices, health offices and health clinics, daycare facilities, social service establishment, studio and artisan related uses, and urban parks and plazas. Non-residential uses may either be in mixed or stand alone buildings. Development of this area is meant to provide for a compatible, lower rise form that reinforces the existing and new bounding public streets. Retained buildings should be additionally “opened” to the abutting street edges through ground level activities and building treatment. New buildings that fill in the fabric of this existing area should be massed to the public street edge. The block will be designed to incorporate a privately owned public space. Block on the southwest corner of Borden Avenue and Olde Fashioned Way This block is meant to provide opportunities for a mixed use building containing residential and non residential uses. The designation intends to complement the function of the “innovation employment” block to the north while providing additional opportunities for higher intensity residential. The form and siting of new development is meant to provide a transition from the High Density Residential designations to the west and the existing low-rise neighbourhood to the east of Borden Avenue. Mixed use buildings containing multiple dwellings and office space with or without compatible non residential uses may be permitted up to a maximum height of 16 storeys. Further to its role as a transition between the neighbourhood to the east and taller forms intended to the west, a transition in height is expected moving from Borden Avenue through upper storey massing.

Special Policy Area 9b - High Density Multiple Residential

The High Density Multiple Residential designation is meant to accommodate high density multiple dwellings in taller building forms. This area is meant to achieve a high residential intensity situated away from existing low-rise neighbourhoods and using the opportunity for taller building forms to establish a “buffer” for the internal area of the subject land from the abutting rail line. The predominant land use within the High Density Multiple Residential designation will be multiple residential uses. Complementary non-residential land uses may be permitted within such multiple

residential buildings. Such uses are meant to primarily serve the subject land and surrounding neighbourhood, and may include uses such as convenience commercial, day care facilities, health offices and health clinics, personal services, small offices, small scale community facilities, and social service establishments. These uses are generally limited to locations on the ground floor of multiple residential buildings, although certain non-retail uses may be appropriate on above floors. A maximum Floor Space Ratio of 7.8 will apply to development within the land subject to the High Density Multiple Residential designation. A maximum building height of 8 storeys will apply to buildings located within 100 metres of Courtland Avenue; for buildings located further than 100 metres from Courtland Avenue there is no maximum building height.

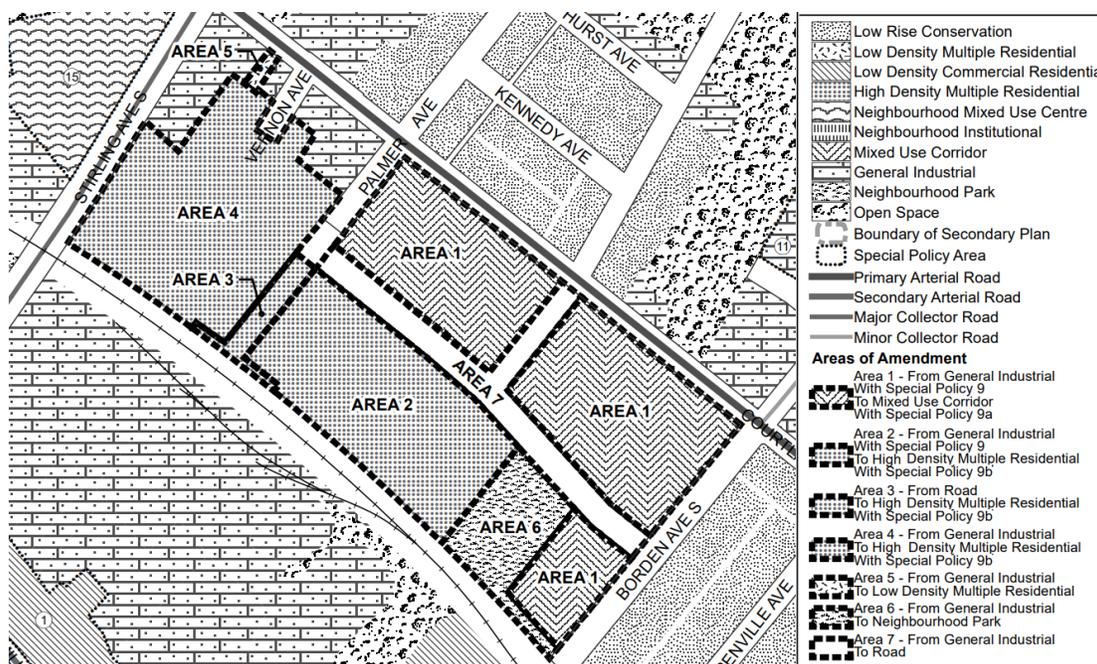


Figure 21 – Proposed Official Plan Land Use Designations

Proposed Official Plan Amendment Conclusions

The Official Plan Amendment application requests that the land use designation as shown on Map 12 – Mill Courtland Woodside Park Neighbourhood Secondary Plan be changed from ‘General Industrial with Special Policy Area 9’ to ‘Mixed Use Corridor with Special Policy Area 9a (AREA 1), High Density Multiple Residential with Special Policy Area 9b (AREA 2,3 & 4), Low Density Multiple Residential (Area 5), Neighbourhood Park (Area 6) and Road (Area 7). Based on the above policy and planning analysis, staff is of the opinion that the proposed Official Plan Amendment represents good planning and recommends that the proposed Official Plan Amendment be approved.

SECTION 4 – THE AMENDMENT

The City of Kitchener Official Plan (1994) is hereby amended as follows:

- a) Part 3, Section 13 - Secondary Plans, Map 12 - Mill Courtland Woodside for Land Use is amended by incorporating boundary changes described in section 2 and shown attached on Schedule ‘A’.

- b) Part 3, Section 13.4.3 is amended by adding Policy 13.4.3.15 to section 13.4.3 as follows:
“15. High Density Multiple Residential

The High Density Multiple Residential designation is meant to accommodate high density multiple dwellings in taller building forms. This area is meant to achieve a high residential intensity situated away from existing low-rise neighbourhoods and using the opportunity for taller building forms to establish a “buffer” for the internal area of the subject land from the abutting rail line. The predominant land use within the High Density Multiple Residential designation will be multiple residential uses. Complementary non-residential land uses may be permitted within such multiple residential buildings. Such uses are meant to primarily serve the subject land and surrounding neighbourhood, and may include uses such as convenience commercial, day care facilities, health offices and health clinics, personal services, small offices, small scale community facilities, and social service establishments. These uses are generally limited to locations on the ground floor of multiple residential buildings, although certain non-retail uses may be appropriate on above floors.”

- c) Part 3, Section 13.4.3 is amended by deleting Policy 13.4.4.9 from Section 13.4.4.
- d) Part 3, Section 13.4.3 is amended by adding Policy 13.4.4.9a to Section 13.4.4 as follows:

“Special Policy Area 9a – Mixed Use Corridor

The Mixed-Use Corridor designation at the corner of Courtland Avenue and Borden Avenue is meant to provide for mixed use development comprised of free-standing non-residential uses, free-standing multiple residential development and mixed-use buildings. A minimum Floor Space Ratio of 1.0 and maximum Floor Space Ratio of 4.0 will apply to development within the land subject to the Mixed Use Corridor designation.

Block 2 – Bounded by Courtland Avenue, Kent Avenue, Palmer Avenue and Olde Fashioned Way

This area is largely intended to provide a street-oriented, mid-rise residential building form (up to a maximum height of eight storeys) that provides a transition between the lower-rise neighbourhood north of Courtland Avenue and the taller forms anticipated south of Olde Fashioned Way. A range of medium density housing and commercial uses will be permitted. Permitted medium density housing generally includes cluster townhouse dwellings, multiple dwellings, and special needs housing, although mixing and integrating of innovative and different forms of housing is supported to achieve and maintain a medium-rise built form. Permitted non-residential uses are meant to be smaller scale in nature and may include such uses as retail, commercial entertainment, restaurants, financial establishments, personal services, offices, health offices and health clinics, daycare facilities, social service establishment, and studio and artisan uses. Development of this area is meant to reinforce the existing and new bounding public streets and provide a transition in height from the low-rise neighbourhood on the north side of Courtland. New buildings should be massed to the public street edge or edges and have active frontages facing these public streets, considering primary entrances, windows, walking connections and internal activity area facing these streets. Further to its role as a transition between the neighbourhood to the north and taller forms intended to the south, a transition in height with the mid-rise form is expected moving from Courtland Avenue through upper storey massing.

Blocks 1 and 15 Bounded by Borden Avenue, Courtland Avenue, Kent Avenue and Olde Fashioned Way

Capitalizing on the location of existing buildings that present the best opportunities for adaptive reuse on the site, the block bounded by Borden Avenue, Courtland Avenue, Kent Avenue and Olde Fashioned Way is largely meant to accommodate an “innovation employment” function for technology-based and creative industries that are drawn to such adapted spaces together with supporting other commercial activities. Within this block, a broad range of non-residential uses will be permitted, but not residential uses. Principal non-residential uses include those uses reasonably expected as part of such a mixed commercial employment cluster, such as a broad range of office uses and related smaller scale manufacturing activities. Additionally, complementary small-scale non-residential uses will also be permitted, including such uses as retail up to a maximum GFA of 4,000 sq m, entertainment, restaurants, brewing/distilling establishments, financial establishments, personal services, offices, health offices and health clinics, daycare facilities, social service establishment, studio and artisan related uses, and urban parks and plazas. Non-residential uses may either be in mixed or stand alone buildings. Development of this area is meant to provide for a compatible, lower rise form that reinforces the existing and new bounding public streets. Retained buildings should be additionally “opened” to the abutting street edges through ground level activities and building treatment. New buildings that fill in the fabric of this existing area should be massed to the public street edge. The block will be designed to incorporate a privately owned public space.

Block 3 on the southwest corner of Borden Avenue and Olde Fashioned Way This block is meant to provide opportunities for a mixed use building containing residential and non residential uses. The designation intends to complement the function of the “innovation employment” block to the north while providing additional opportunities for higher intensity residential. The form and siting of new development is meant to provide a transition from the High Density Residential designations to the west and the existing low-rise neighbourhood to the east of Borden Avenue. Mixed use buildings containing multiple dwellings and office space with or without compatible non residential uses may be permitted up to a maximum height of 16 storeys. Further to its role as a transition between the neighbourhood to the east and taller forms intended to the west, a transition in height is expected moving from Borden Avenue through upper storey massing.”

- e) Part 3, Section 13.4.3 is amended by adding Policy 13.4.4.9a to Section 13.4.4 as follows:
“Special Policy Area 9b – High Density Multiple Residential

A maximum Floor Space Ratio of 7.8 will apply to development within the land subject to the High Density Multiple Residential designation. A maximum building height of 8 storeys will apply to buildings located within 100 metres of Courtland Avenue; for buildings located further than 100 metres from Courtland Avenue there is no maximum building height.”

NOTICE OF PUBLIC MEETING for a development in your neighbourhood

263 & 321-325 Courtland Ave. E., 230-240 Palmer Ave. and 30 Vernon Ave.



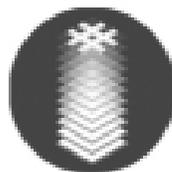
Concept Drawing



Mixed
Use



3 to 38
Storeys



3338
Residential
Units

Have Your Voice Heard!

Planning & Strategic Initiatives Committee

Date: **June 19, 2023**

Location: **Council Chambers,
Kitchener City Hall
200 King Street West
or Virtual Zoom Meeting**

Go to kitchener.ca/meetings
and select:

- Current agendas and reports
(posted 10 days before meeting)
- Appear as a delegation
- Watch a meeting

To learn more about this project, including
information on your appeal rights, visit:

[www.kitchener.ca/
PlanningApplications](https://www.kitchener.ca/PlanningApplications)

or contact:

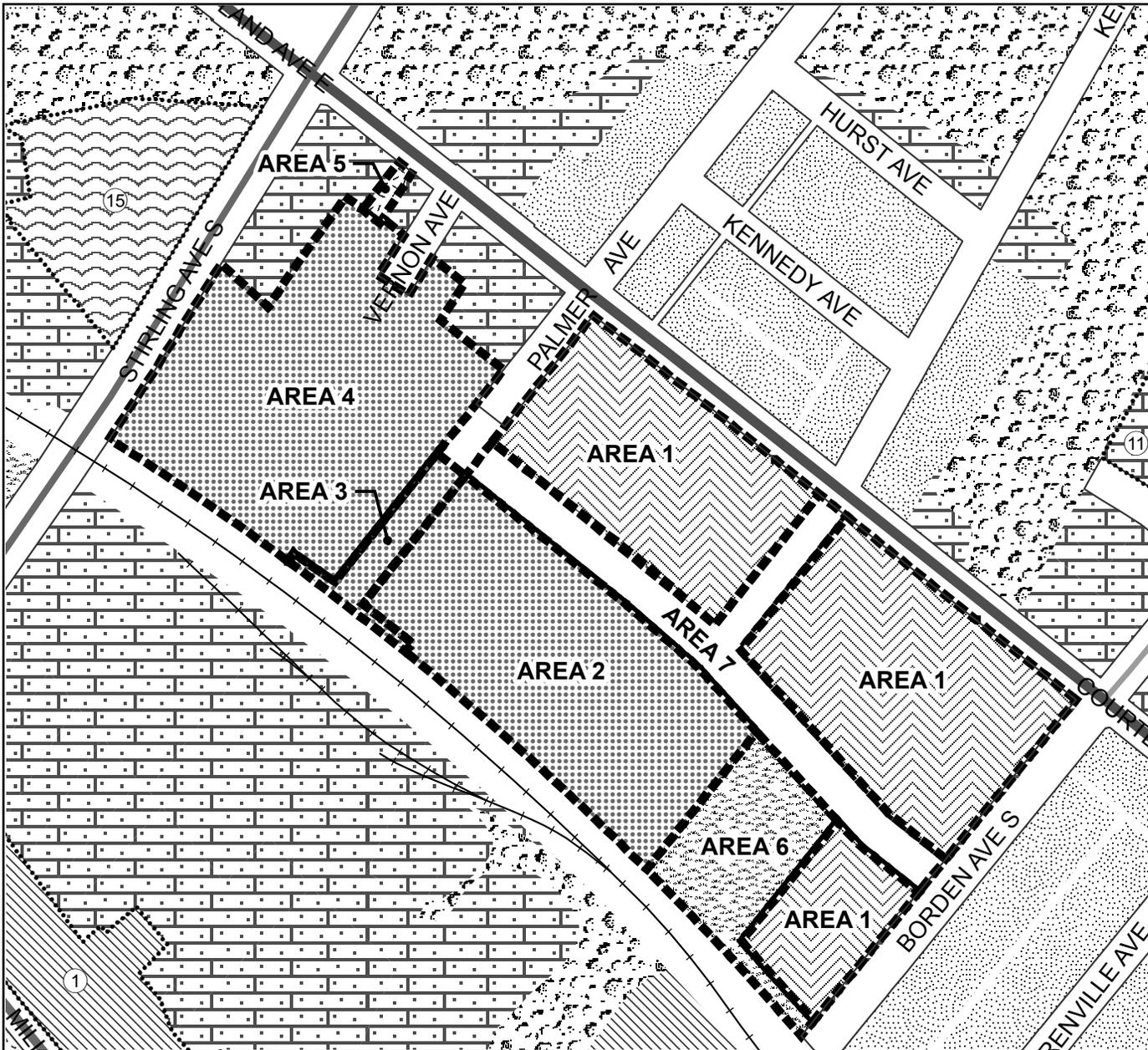
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519.741.2200 x7073

The City of Kitchener will consider applications for a Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment for the subject lands located at 263 & 321-325 Courtland Ave. E., 230 & 240 Palmer Ave. and 30 Vernon Ave. The Owner is proposing to comprehensively redevelop the lands into a mixed-use community with residential, commercial, and employment uses. Three existing buildings are proposed to remain, including the 6 storey office building, the large distribution warehouse building, and the former maintenance garage. The existing buildings will be repurposed for a mix of employment uses. **New** buildings are proposed to range from 3 to 38 storeys in height. In total, approximately 3338 residential units, including 135 affordable units are proposed in various forms throughout the site.

APPENDIX 2: Minutes of the Planning & Strategic Initiatives Committee Meeting (June 19, 2023)

APPENDIX 3 - Minutes of the Meeting of City Council (June 26, 2023)

**CITY OF KITCHENER OFFICIAL PLAN
AMENDMENT TO MAP 12
MILL COURTLAND WOODSIDE PARK
NEIGHBOURHOOD SECONDARY PLAN**



- Low Rise Conservation
- Low Density Multiple Residential
- Low Density Commercial Residential
- High Density Multiple Residential
- Neighbourhood Mixed Use Centre
- Neighbourhood Institutional
- Mixed Use Corridor
- General Industrial
- Neighbourhood Park
- Open Space
- Boundary of Secondary Plan
- Special Policy Area
- Primary Arterial Road
- Secondary Arterial Road
- Major Collector Road
- Minor Collector Road



Areas of Amendment

- Area 1 - From General Industrial
With Special Policy 9
To Mixed Use Corridor
With Special Policy 9a
- Area 2 - From General Industrial
With Special Policy 9
To High Density Multiple Residential
With Special Policy 9b
- Area 3 - From Road
To High Density Multiple Residential
With Special Policy 9b
- Area 4 - From General Industrial
To High Density Multiple Residential
With Special Policy 9b
- Area 5 - From General Industrial
To Low Density Multiple Residential
- Area 6 - From General Industrial
To Neighbourhood Park
- Area 7 - From General Industrial
To Road

SCHEDULE 'A'



METRES

SCALE 1:3,500

DATE: MAY 12, 2023

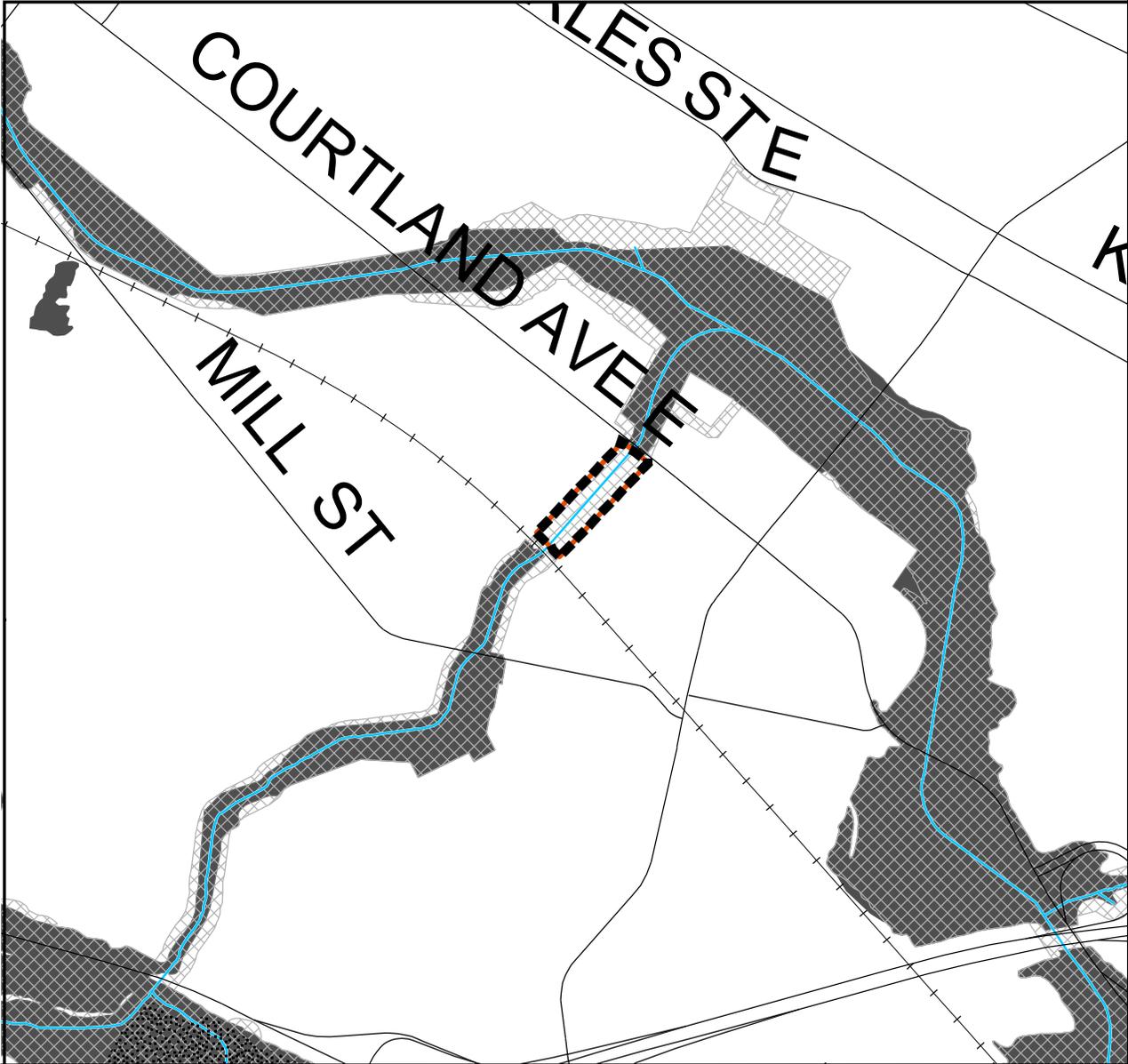
REVISED:

OFFICIAL PLAN AMENDMENT OPA 19/002/C/GS
ZONING BY-LAW AMENDMENT ZBA 19/005/C/GS
SUBDIVISION APPLICATION 30T-19201

321 COURTLAND AVE. DEVELOPMENTS INC.
263 & 321-325 COURTLAND AVE E, 230 & 240
PALMER AVE, AND 30 VERNON AVE

City of Kitchener
Development Services Department, Planning

FILE:
OP19002CGS_SCHA_12
.mxd



**CITY OF KITCHENER
OFFICIAL PLAN
AMENDMENT TO MAP 6
NATURAL HERITAGE SYSTEM**

Legend

Natural Heritage System

-  Kitchener Core Natural Heritage Features
-  Region Core Environmental Features
-  Ecological Restoration Areas
-  Area Under Deferral
-  Stream - Ecological Restoration

Area of Amendment

-  To Remove Area Under Deferral



①

②

③



SCHEDULE 'B'

321 COURTLAND AVE. DEVELOPMENTS INC.

263 & 321-325 COURTLAND AVE E, 230 & 240 PALMER AVE, AND 30 VERNON AVE



SCALE 1:12,000

DATE: MAY 12, 2023

REVISED:

OFFICIAL PLAN AMENDMENT OPA 19/002/C/GS
ZONING BY-LAW AMENDMENT ZBA 19/005/C/GS

SUBDIVISION APPLICATION 30T-19201

City of Kitchener
DEVELOPMENT SERVICES DEPARTMENT, PLANNING

FILE:
OPA19002CGS_MAP6
.mxd

AMENDMENT NO. XXX TO THE OFFICIAL PLAN
OF THE CITY OF KITCHENER

CITY OF KITCHENER
263, 321- 325 Courtland Avenue East, 230 and 240 Palmer Avenue and 30 Vernon Avenue

AMENDMENT NO. XXX TO THE OFFICIAL PLAN
OF THE CITY OF KITCHENER

CITY OF KITCHENER
263, 321-325 Courtland Avenue East, 230 and 240 Palmer Avenue and 30 Vernon Avenue

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SECTION 1	TITLE AND COMPONENTS
SECTION 2	PURPOSE OF THE AMENDMENT
SECTION 3	BASIS OF THE AMENDMENT
SECTION 4	THE AMENDMENT

APPENDICES

APPENDIX 1	Notice of the Meeting of Planning & Strategic Initiatives Committee of June 19, 2023
APPENDIX 2	Minutes of the Meeting of Planning & Strategic Initiatives Committee June 19, 2023
APPENDIX 3	Minutes of the Meeting of City Council

SECTION 1 – TITLE AND COMPONENTS

This amendment shall be referred to as Amendment No. XXX to the Official Plan of the City of Kitchener (2014). This amendment is comprised of Sections 1 to 4 inclusive.

SECTION 2 – PURPOSE OF THE AMENDMENT

The purpose of the Official Plan Amendment is to amend:

- Map No. 6– Map 6 Natural Heritage System by removing Deferral No.8.

SECTION 3 – BASIS OF THE AMENDMENT

Planning Analysis:

Deferral No. 8 from Map 6 - Natural Heritage System 2014 City of Kitchener Official Plan

The Regional decision to approve the City's Official Plan on November 19, 2014, included a Deferral of the Ecological Restoration Area on Map 6 as it applies to the property municipally known as 321-325 Courtland Avenue East. Deferral 8 reads as follows:

“On Map 6, no decision is being made with respect to Ecological Restoration Area overlay as it applies to the property municipally known as 321 – 325 Courtland Avenue East. A decision will be made after the Rockway Stations Study Area Plan is completed along with any supporting studies, and an implementing official plan amendment has been adopted by City of Kitchener Council and forwarded to the Region of Waterloo for consideration for approval.”

With the completion of the Rockway Stations Study Area and the submission of the site specific Planning Applications and supporting studies by the Applicant Deferral 8 can now be resolved. Staff are recommending that Deferral No. 8 from Map 6 - Natural Heritage System in the 2014 OP be lifted.

SECTION 4 – THE AMENDMENT

The City of Kitchener Official Plan (2014) is hereby amended as follows:

- a) Map No. 6– Map 6 Natural Heritage System is amended by removing Deferral No.8 from the Map 6-- Natural Heritage System', as shown on the attached Schedule 'B'.

NOTICE OF PUBLIC MEETING for a development in your neighbourhood

263 & 321-325 Courtland Ave. E., 230-240 Palmer Ave. and 30 Vernon Ave.



Concept Drawing



Mixed
Use



3 to 38
Storeys



3338
Residential
Units

Have Your Voice Heard! Planning & Strategic Initiatives Committee

Date: **June 19, 2023**

Location: **Council Chambers,
Kitchener City Hall
200 King Street West
or Virtual Zoom Meeting**

Go to **kitchener.ca/meetings**
and select:

- Current agendas and reports
(posted 10 days before meeting)
- Appear as a delegation
- Watch a meeting

To learn more about this project, including
information on your appeal rights, visit:

**[www.kitchener.ca/
PlanningApplications](http://www.kitchener.ca/PlanningApplications)**

or contact:

Craig Dumart, Senior Planner
craig.dumart@kitchener.ca
519.741.2200 x7073

The City of Kitchener will consider applications for a Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment for the subject lands located at 263 & 321-325 Courtland Ave. E., 230 & 240 Palmer Ave. and 30 Vernon Ave. The Owner is proposing to comprehensively redevelop the lands into a mixed-use community with residential, commercial, and employment uses. Three existing buildings are proposed to remain, including the 6 storey office building, the large distribution warehouse building, and the former maintenance garage. The existing buildings will be repurposed for a mix of employment uses. **New** buildings are proposed to range from 3 to 38 storeys in height. In total, approximately 3338 residential units, including 135 affordable units are proposed in various forms throughout the site.

APPENDIX 2: Minutes of the Planning & Strategic Initiatives Committee Meeting (June 19, 2023)

APPENDIX 3 - Minutes of the Meeting of City Council (June 26, 2023)

AREA 1 - FROM GENERAL INDUSTRIAL ZONE (M-2) WITH SPECIAL REGULATION PROVISION 1R AND SPECIAL USE PROVISIONS 155U AND 159U TO HIGH INTENSITY MIXED USE CORRIDOR ZONE (MU-3) WITH SPECIAL REGULATION PROVISIONS 1R, 793R, 794R, 797R AND SPECIAL USE PROVISION 484U

AREA 2 - FROM GENERAL INDUSTRIAL ZONE (M-2) WITH SPECIAL REGULATION PROVISION 1R AND SPECIAL USE PROVISIONS 155U AND 159U TO HIGH INTENSITY MIXED USE CORRIDOR ZONE (MU-3) WITH SPECIAL REGULATION PROVISIONS 793R, 795R, 797R AND HOLDING PROVISION 105H

AREA 3 - FROM GENERAL INDUSTRIAL ZONE (M-2) WITH SPECIAL REGULATION PROVISION 1R AND SPECIAL USE PROVISIONS 155U AND 159U TO HIGH INTENSITY MIXED USE CORRIDOR ZONE (MU-3) WITH SPECIAL REGULATION PROVISIONS 1R, 793R, 796R, 797R AND HOLDING PROVISION 105H

AREA 4 - FROM GENERAL INDUSTRIAL ZONE (M-2) WITH SPECIAL REGULATION PROVISION 1R AND SPECIAL USE PROVISIONS 155U AND 159U TO PUBLIC PARK ZONE (P-1) WITH SPECIAL REGULATION PROVISION 1R

AREA 5 - FROM GENERAL INDUSTRIAL ZONE (M-2) WITH SPECIAL REGULATION PROVISION 1R AND SPECIAL USE PROVISIONS 155U AND 159U TO RESIDENTIAL NINE ZONE (R-9) WITH SPECIAL REGULATION PROVISIONS 1R, 793R, 798R, 799R AND HOLDING PROVISION 105H

AREA 6 - FROM GENERAL INDUSTRIAL ZONE (M-2) WITH SPECIAL REGULATION PROVISION 1R AND SPECIAL USE PROVISIONS 155U AND 159U TO RESIDENTIAL NINE ZONE (R-9) WITH SPECIAL REGULATION PROVISIONS 1R, 793R, 798R, 800R AND HOLDING PROVISION 105H

AREA 7 - FROM GENERAL INDUSTRIAL ZONE (M-2) WITH SPECIAL REGULATION PROVISION 1R AND SPECIAL USE PROVISIONS 155U AND 159U TO RESIDENTIAL NINE ZONE (R-9) WITH SPECIAL REGULATION PROVISIONS 1R, 793R, 798R AND HOLDING PROVISION 105H

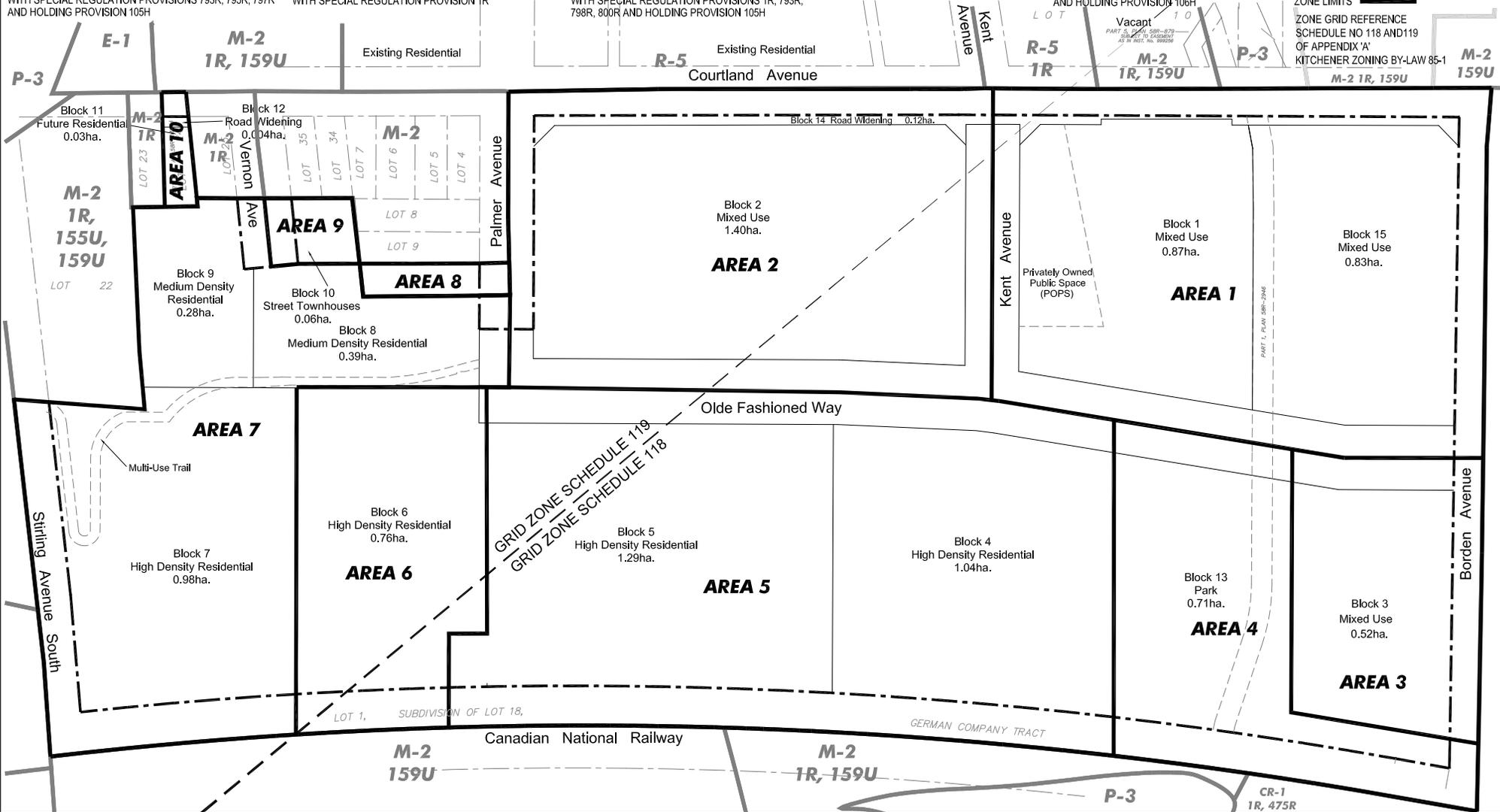
AREA 8 - FROM GENERAL INDUSTRIAL ZONE (M-2) TO RESIDENTIAL NINE ZONE (R-9) WITH SPECIAL REGULATION PROVISIONS 1R, 793R, 798R AND HOLDING PROVISION 105H

AREA 9 - FROM GENERAL INDUSTRIAL ZONE (M-2) WITH SPECIAL REGULATION PROVISION 1R AND SPECIAL USE PROVISIONS 155U AND 159U TO RESIDENTIAL EIGHT ZONE (R-8) WITH SPECIAL REGULATION PROVISIONS 1R, 801R AND HOLDING PROVISION 106H

AREA 10 - FROM GENERAL INDUSTRIAL ZONE (M-2) WITH SPECIAL REGULATION PROVISION 1R TO RESIDENTIAL FIVE ZONE (R-5) WITH SPECIAL REGULATION PROVISION 1R AND HOLDING PROVISION 106H

CR-1 COMMERCIAL RESIDENTIAL ONE ZONE
E-1 EXISTING USE ZONE
M-2 GENERAL INDUSTRIAL ZONE
MU-3 HIGH INTENSITY MIXED USE CORRIDOR ZONE
P-1 PUBLIC PARK ZONE
P-3 HAZARD LAND ZONE
R-5 RESIDENTIAL FIVE ZONE
R-8 RESIDENTIAL EIGHT ZONE
R-9 RESIDENTIAL NINE ZONE
ZONE LIMITS

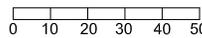
ZONE GRID REFERENCE
SCHEDULE NO 118 AND 119
OF APPENDIX 'A'
KITCHENER ZONING BY-LAW 85-1



MAP NO. 1

321 COURTLAND AVE. DEVELOPMENTS INC.

Part of Prince Arthur Avenue (closed by By-Law 94-47, inst. 1214209), and All of Lots 1-3, 10-21, and 22-35, RP263 and Part of Lot 5, RP366 and Part of Lots 22 and 26 and All of Lots 24 and 27-33, Compiled Plan of Subdivision of Lot 18, GCT and Lot 193, Streets and Lanes and Part of Lots 19 and 20 and All of Lots 14-17, RP404 and Lot 64, Streets and Lanes, Plan 404.



SCALE 1: 2100

DATE: MAY 12, 2023

REVISED:

ZONE BY-LAW AMENDMENT ZBA19/005/C/GS

SUBDIVISION APPLICATION 30T-19201

OFFICIAL PLAN AMENDMENT OP19/002/C/GS

City of Kitchener

DEVELOPMENT SERVICES DEPARTMENT, PLANNING

CAD FILE:
ZBA19005C/GS.dwg

PROPOSED BY – LAW
_____ 2023
BY-LAW NUMBER ____
OF THE
CORPORATION OF THE CITY OF KITCHENER

(Being a by-law to amend By-law 85-1, as amended, known as
the Zoning By-law for the City of Kitchener
– 321 Courtland Ave. Developments Inc. – 263 and 321-325
Courtland Avenue East, 230 and 240 Palmer Avenue, and 30
Vernon Avenue

WHEREAS it is deemed expedient to amend By-law 85-1 for the lands specified above;
NOW THEREFORE the Council of the Corporation of the City of Kitchener enacts as
follows:

1. Schedule Numbers 118 and 119 of Appendix “A” to By-law Number 85-1 are hereby amended by changing the zoning applicable to the parcel of land specified and illustrated as Area 1 on Map No. 1, in the City of Kitchener, attached hereto, from General Industrial Zone (M-2) with Special Use Provisions 155U and 159U and Special Regulation Provision 1R to High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provisions 1R, 793R, 794R, 797R and Special Use Provision 484U.
2. Schedule Numbers 118 and 119 of Appendix “A” to By-law Number 85-1 are hereby amended by changing the zoning applicable to the parcel of land specified and illustrated as Area 2 on Map No. 1, in the City of Kitchener, attached hereto, from General Industrial Zone (M-2) with Special Use Provisions 155U and 159U and Special Regulation Provision 1R to High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provisions 793R, 795R, 797R and Holding Provision 105H .
3. Schedule Number 118 of Appendix “A” to By-law Number 85-1 is hereby amended by changing the zoning applicable to the parcel of land specified and illustrated as Area 3 on Map No. 1, in the City of Kitchener, attached hereto, from General Industrial Zone (M-2) with Special Use Provisions 155U and 159U and Special Regulation Provision 1R to High

Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provisions 1R, 793R, 796R, 797R and Holding Provision 105H.

4. Schedule Number 118 of Appendix "A" to By-law Number 85-1 is hereby amended by changing the zoning applicable to the parcel of land specified and illustrated as Area 4 on Map No. 1, in the City of Kitchener, attached hereto, from General Industrial Zone (M-2) with Special Use Provisions 155U and 159U and Special Regulation Provision 1R to Public Park Zone (P1) with Special Regulation Provision 1R.
5. Schedule Numbers 118 and 119 of Appendix "A" to By-law Number 85-1 are hereby amended by changing the zoning applicable to the parcel of land specified and illustrated as Area 5 on Map No. 1, in the City of Kitchener, attached hereto, from General Industrial Zone (M-2) with Special Use Provisions 155U and 159U and Special Regulation Provision 1R to Residential Nine Zone (R-9) with Special Regulation Provisions 1R, 793R, 798R, 799R and Holding Provision 105H.
6. Schedule Numbers 118 and 119 of Appendix "A" to By-law Number 85-1 are hereby amended by changing the zoning applicable to the parcel of land specified and illustrated as Area 6 on Map No. 1, in the City of Kitchener, attached hereto, from General Industrial Zone (M-2) with Special Use Provisions 155U and 159U and Special Regulation Provision 1R to Residential Nine Zone (R-9) with Special Regulation Provisions 1R, 793R, 798R, 800R and Holding Provision 105H.
7. Schedule Number 119 of Appendix "A" to By-law Number 85-1 is hereby amended by changing the zoning applicable to the parcel of land specified and illustrated as Area 7 on Map No. 1, in the City of Kitchener, attached hereto, from General Industrial Zone (M-2) with Special Use Provisions 155U and 159U and Special Regulation Provision 1R to Residential Nine Zone (R-9) with Special Regulation Provisions 1R, 793R, 798R and Holding Provision 105H.
8. Schedule Number 118 of Appendix "A" to By-law Number 85-1 is hereby amended by changing the zoning applicable to the parcel of land specified and illustrated as Area 8 on Map No. 1, in the City of Kitchener, attached hereto, from General Industrial Zone (M-2) to

Residential Nine Zone (R-9) with Special Regulation Provisions 1R, 793R, 798R and Holding Provision 105H.

9. Schedule Number 119 of Appendix "A" to By-law Number 85-1 is hereby amended by changing the zoning applicable to the parcel of land specified and illustrated as Area 9 on Map No. 1, in the City of Kitchener, attached hereto, from General Industrial Zone (M-2) with Special Use Provisions 155U and 159U and Special Regulation Provision 1R to Residential Eight Zone (R-8) with Special Regulation Provisions 1R, 801R and Holding Provision 106H.
10. Schedule Number 119 of Appendix "A" to By-law Number 85-1 is hereby amended by changing the zoning applicable to the parcel of land specified and illustrated as Area 10 on Map No. 1, in the City of Kitchener, attached hereto, from General Industrial Zone (M-2) with Special Regulation Provision 1R to Residential Five Zone (R-5) with Special Regulation Provision 1R and Holding Provision 106H.
11. Schedule Numbers 118 and 119 of Appendix "A" to By-law Number 85-1 are hereby further amended by incorporating additional zone boundaries as shown on Map No. 1 attached hereto.
12. Appendix "D" to By-law 85-1 is hereby amended by adding Section 793 thereto as follows:
"793. Notwithstanding Sections 5.6A.1, 5.6A.3, 5.6A.4, 6.1.1.1a)i), 6.1.2a), 6.1.2b)ii)A)b), 6.1.2b)vi), 6.1.2b)vii), 6.1.2d), 43.2.3 and 55.2.1 of this By-law, on the lands zoned Residential Nine Zone (R-9) and High Intensity Mixed Use Corridor Zone (MU-3), shown as affected by this subsection on Schedule Numbers 118 and 119 of Appendix "A", the following special regulations shall apply:
 - a) Balconies may be ground supported with columns;
 - b) Balconies, raised patios, terraces and porches with and without railings shall be permitted with no minimum setbacks to lot lines;
 - c) Airshafts associated with underground parking structures and heat pumps located on balconies shall not be subject to minimum setbacks;
 - d) Minimum vehicle parking space requirements shall be as follows:
 - i. Multiple Dwelling:

- a. 0.165 spaces per dwelling unit for dwelling units <51.0 square metres in area, provided however that this does not apply to more than 40% of all dwelling units on lots affected by this subsection on Schedule Numbers 118 and 119 of Appendix “A”;
 - b. 0.8 spaces per dwelling unit for dwelling units >51.0 square metres in area;
 - ii. Visitor parking for Multiple Dwellings: 12.5% of parking spaces required by provision d) i);
 - iii. Non-Residential uses: 1 space per 50 square metres of gross floor area;
 - iv. All parking spaces required for visitor parking and non-residential uses shall be shared and be unassigned.
- e) A minimum of 20 percent of the parking spaces required by provision d) i) for multiple dwellings shall be designed to permit the future installation of electric vehicle supply equipment.
- f) Minimum bicycle parking requirements for Multiple Dwellings shall be:
- i. 0.5 “Class A” Bicycle Parking Stalls per dwelling unit; and
 - ii. 6 “Class B” Bicycle Parking Stalls where more than 20 dwelling units are on a lot.
- g) Off-street parking facilities required by provisions d), e) and f):
- i. May be located on any lot shown as affected by this subsection on Schedule Numbers 118 and 119 of Appendix “A” and shall not require an off-site parking agreement; and
 - ii. May be permitted to extend beyond a property line provided that all portions of the parking space are located on lots shown as affected by this subsection on Schedule Numbers 118 and 119 of Appendix “A”.
- h) For the purposes of provision e), the definitions of “electric vehicle supply equipment” per Section 3 of City of Kitchener Zoning By-law 2019-051 shall apply.
- i) For the purposes of provision f) the definitions of “Class A’ Bicycle Parking” and “Class B’ Bicycle Parking” per Section 3 of City of Kitchener Zoning By-law 2019-051 shall apply and such spaces shall have a minimum width of 0.4

metres, length of 1.8 metres and vertical clearance of 1.2 metres and may be stacked.

j) Geothermal Energy Systems shall be prohibited.”

13. Appendix “D” to By-law 85-1 is hereby amended by adding Section 794 thereto as follows:

“794. Notwithstanding Sections 6.1.1.1a)iv), 6.1.1.1a)v), 55.2.1 and 55.2.2.1 of this By-law, on the land zoned High Intensity Mixed Use Corridor Zone (MU-3), shown as affected by this subsection on Schedule Numbers 118 and 119 of Appendix “A”, the following special regulations shall apply:

- a) A 3.0 metre landscape strip shall not be required adjacent to the Olde Fashioned Way street line;
- b) Parking and loading spaces may be located within 4.5 metres of the Olde Fashioned Way street line;
- c) Minimum and Maximum Yard regulations shall not apply to buildings existing at the time the MU-3 Zone was applied to the land;
- d) Additions to buildings existing at the time the MU-3 Zone was applied to the land shall not be closer to the street line than the building as it existed at the time the MU-3 Zone was applied to the land;
- e) Maximum Yard regulations shall not apply to new buildings where the yard contains a publicly-accessible landscaped area;
- f) No minimum Primary Ground Floor Façade width shall apply; and
- g) The maximum Gross Floor Area of Retail Space shall be 4,000 square metres.”

14. Appendix “D” to By-law 85-1 is hereby amended by adding Section 795 thereto as follows:

“795. Notwithstanding Section 55.2.1 of this By-law, on the land zoned High Intensity Mixed Use Corridor Zone (MU-3), shown as affected by this subsection on Schedule Numbers 118 and 119 of Appendix “A”, the following special regulations shall apply:

- a) The minimum rear yard (from the Kent Avenue street line) shall be 1.5 metres;
- b) The minimum setback from a lot line of a corner visibility triangle shall be 0.0 metres;
- c) For any portion of a building greater than 18.5 metres in height, the minimum setback shall be 12.0 metres from the Courtland Avenue street line;

- d) Building height shall mean the vertical distance between the highest finished grade level at the perimeter of the building and the uppermost point of the building. Antennae, chimneys, spires, cupolas, elevator penthouses, parapets, railings, outdoor structures, wind mitigation devices, landscaping elements or other similar features shall be disregarded in calculating building height.
- e) The maximum building height shall be 35.0 metres.”

15. Appendix “D” to By-law 85-1 is hereby amended by adding Section 796 thereto as follows:

“796. Notwithstanding Sections 5.23, 55.2.1 and 55.2.2.2 of this By-law, on the land zoned High Intensity Mixed Use Corridor Zone (MU-3), shown as affected by this subsection on Schedule Number 118 of Appendix “A”, the following special regulations shall apply:

- a) Building height shall mean the vertical distance between the highest finished grade level at the perimeter of the building and the uppermost point of the building. Antennae, chimneys, spires, cupolas, elevator penthouses, parapets, railings, outdoor structures, wind mitigation devices, landscaping elements or other similar features shall be disregarded in calculating building height.
- b) The maximum building height shall be 60.0 metres;
- c) Dwelling units, lodging houses and residential care facility uses shall be required to provide one of the following along the lot line of the railway right-of-way:
 - i. a berm
 - ii. a combination berm and fence; or
 - iii. a crash wall.
- d) The minimum rear yard shall be:
 - i. 3.0 metres for buildings or portions thereof containing dwelling units, lodging houses and residential care facility uses; and
 - ii. 0.0 metres for all other uses.
- e) For any portion of a building greater than 18.0 metres in height, the minimum setbacks shall be:
 - i. 12.0 metres from the front (Olde Fashioned Way) lot line;
 - ii. 28.0 metres from the exterior side (Borden Avenue) lot line;
 - iii. 6.0 metres from the side lot line; and
 - iv. 15.0 metres from the rear lot line.

- f) The minimum ground floor building height for any building with street line façade shall be 4.5 metres.
- g) The minimum non residential gross floor area shall be 800 square metres.”

16. Appendix “D” to By-law 85-1 is hereby amended by adding Section 797 thereto as follows:

“797. Notwithstanding Section 55 of this By-law, on the land zoned High Intensity Mixed Use Corridor Zone (MU-3), shown as affected by this subsection on Schedule Numbers 118 and 119 of Appendix “A”, the following special regulations shall apply:

- a) FSR shall be obtained when the total Building Floor Area of all buildings on all lots subject to this subsection is divided by the total lot area of all lots subject to this subsection;
- b) The electric vehicle parking space provisions per Section 5.8b) through 5.8d) and 5.8f) and corresponding relevant definitions in Section 3 of the City of Kitchener Zoning By-law 2019-051 shall apply.
- c) Minimum Bicycle Parking for non-residential uses shall be provided in accordance with Section 5.5a), b), d) and e) of City of Kitchener Zoning By-law 2019-051 and at the minimum rates applicable to MIX Zones in Table 5.5 of Zoning By-law 2019-051.
- d) Electric vehicle parking facilities required by provision b) and bicycle parking facilities required by provision c) may be located on any lot shown as affected by this subsection on Schedule Number 118 of Appendix “A” and shall not require an off-site parking agreement.
- e) For the purposes of provision c) the definitions of “Class A’ Bicycle Parking” and “Class B’ Bicycle Parking” per Section 3 of City of Kitchener Zoning By-law 2019-051 shall apply and such spaces shall have a minimum width of 0.4 metres, length of 1.8 metres and vertical clearance of 1.2 metres and may be stacked.”

17. Appendix “D” to By-law 85-1 is hereby amended by adding Section 798 thereto as follows:

“798. Notwithstanding Sections 5.23, 6.1.1.1a)iv), 6.1.1.1d), 6.1.1.2a), 43.2.1 and 43.2.3 of this By-law, on the land zoned Residential Nine Zone (R-9), shown as affected by this subsection on Schedule Numbers 118 and 119 of Appendix “A”, the following special regulations shall apply:

- a) The following FSR regulations shall apply:
 - i. FSR shall be obtained when the total Building Floor Area of all buildings on all lots subject to this subsection is divided by the total lot area of all lots subject to this subsection;
 - ii. The maximum FSR shall be 7.8;
- b) Minimum landscaped area shall be measured relative to the total lot area of all lots subject to this subsection and may include a privately owned public space and multi-use trail;
- c) The following building height regulations shall apply:
 - i. Building height shall mean the vertical distance between the highest finished grade level at the perimeter of the building and the uppermost point of the building. Antennae, chimneys, spires, cupolas, elevator penthouses, parapets, railings, outdoor structures, wind mitigation devices, landscaping elements or other similar features shall be disregarded in calculating building height;
 - ii. The maximum building height shall be 35.0 metres within 100 metres of the Courtland Avenue street line;
 - iii. No maximum building height shall apply for buildings located greater than 100 metres from the Courtland Avenue Street line.
- d) The minimum yards shall be:
 - i. 0.0 metres to a lot line of a lot affected by this subsection or zoned Residential Eight Zone (R-8) or Residential Five Zone (R-5);
 - ii. 3.0 metres to a lot line of a lot zoned Public Park Zone (P-1) or General Industrial Zone (M-2);
 - iii. 3.0 metres to the Vernon Avenue street line;
 - iv. 7.5 metres to the Palmer Avenue street line;
 - v. 1.0 metre to the Olde Fashioned Way street line;
 - vi. 18.0 metres to the Stirling Avenue street line;
 - vii. 15.0 metres to the lot line of the railway right-of-way for buildings or portions thereof containing dwelling units, lodging house or residential care facility uses;
 - viii. 0.0 metres to the lot line of the railway right of way for buildings or portions thereof containing other uses;

- e) The minimum yards per provision d) shall not apply to floors of a building not containing habitable space.
- f) Development containing dwelling units, lodging houses and residential care facility uses shall be required to provide one of the following along the lot line of the railway right-of-way:
 - i. a berm
 - ii. a combination berm and fence; or
 - iii. a crash wall.
- g) The following parking regulations shall apply:
 - i. Parking and loading spaces may be located between a building façade and the Stirling Avenue street line;
 - ii. A visual barrier shall not be required where a parking lot is situated on a lot which abuts a Residential Zone; and
 - iii. A 3-metre landscape strip shall not be required adjacent to the Vernon Street street line.

18. Appendix "D" to By-law 85-1 is hereby amended by adding Section 799 thereto as follows:
 "799. Notwithstanding Sections 6.1.1.1a)iv), 6.1.1.1d)i) and 6.1.1.1d)ii) of this By-law, on the land zoned Residential Nine Zone (R-9), shown as affected by this subsection on Schedule Numbers 118 and 119 of Appendix "A", the following special regulations shall apply:

- a) Parking and loading spaces may be located between an above-grade parking garage façade and the Olde Fashioned Way street line;
- b) The minimum setback to parking spaces from the Olde Fashioned Way street line shall be 1.0 metre; and
- c) A minimum 1.0 metre landscape strip shall be required between surface parking spaces and the Olde Fashioned Way street line."

19. Appendix "D" to By-law 85-1 is hereby amended by adding Section 800 thereto as follows:
 "800. Notwithstanding Section 43.2.3 of this By-law, on the land zoned Residential Nine Zone (R-9), shown as affected by this subsection on Schedule Numbers 118 and 119 of Appendix "A", the minimum lot width shall be 12.0 metres."

20. Appendix "D" to By-law 85-1 is hereby amended by adding Section 801 thereto as follows:

- “801. Notwithstanding Sections 42.2.5 and 42.2.6 of this By-law, on the land zoned Residential Eight Zone (R-8), shown as affected by this subsection on Schedule Number 119 of Appendix “A”, the following special regulations shall apply:
- a) The minimum side yard shall be 4.0 metres except from a lot zoned R-8 where no minimum side yard shall apply; and
 - b) The minimum rear yard shall be 3.5 metres.
 - c) The maximum building height for multiple dwellings and Street Townhouse Dwellings shall be 13.0 metres
 - d) Geothermal Energy Systems shall be prohibited.”

21. Appendix “E” to By-law 85-1 is hereby amended by adding Section 484 thereto as follows:

“484. Notwithstanding Section 55.1 of this By-law, on the lands zoned High Intensity Mixed Use Corridor Zone (MU-3), shown as affected by this subsection on Schedule Numbers 118 and 119 of Appendix “A” the following special use provisions shall apply:

- a) The following uses shall also be permitted:
 - Advanced Manufacturing Establishment
 - Computer, Electronic, Data Processing, or Server Establishment
 - Conference, Convention, or Exhibition Facility
 - Brewpub
 - Research and Development Establishment.
- b) For the purpose of provision a), the definitions of Section 3 of the City of Kitchener Zoning By-law 2019-051 shall apply.
- c) The following uses shall not be permitted:
 - Additional Dwelling Unit
 - Day Care Facility
 - Duplex Dwelling
 - Dwelling Unit
 - Lodging House
 - Multiple Dwelling
 - Residential Care Facility
 - Semi-Detached Duplex Dwelling
 - Semi-Detached Dwelling

- Single Detached Dwelling
- Street Townhouse Dwelling”

22. Appendix “F” to By-law 85-1 is hereby amended by adding Section 105H thereto as follows:

“105. Notwithstanding Sections 43.1 and 55.1 of this By-law, on the lands zoned Residential Nine Zone (R-9) and High Intensity Mixed Use Corridor Zone (MU-3), shown as affected by this subsection on Schedule Numbers 118 and 119 of Appendix “A”:

a) The following sensitive uses shall not be permitted until this Holding Provision has been removed by By-law:

- Additional Dwelling Unit
- Day Care Facility
- Duplex Dwelling
- Dwelling Unit
- Lodging House
- Multiple Dwelling
- Residential Care Facility
- Semi-Detached Duplex Dwelling
- Semi-Detached Dwelling
- Single Detached Dwelling
- Street Townhouse Dwelling

b) This Holding Provision shall not be removed until the City of Kitchener is in receipt of a letter from the Regional Municipality of Waterloo advising that:

- i. A Record of Site Condition (RSC) in accordance with O. Reg. 153/04, as amended, has been filed with the Ministry of Environment, Conservation and Parks (“the Ministry”) Environmental Site Registry, and the Regional Municipality of Waterloo is in receipt of the RSC and the Ministry’s Acknowledgement letter.

c) This Holding Provision may be removed in phases as the detailed design of each building is known.”

23. Appendix “F” to By-law 85-1 is hereby amended by adding Section 106H thereto as follows:

“106. Notwithstanding Section 39.1 and 42.1 of this By-law, on the lands zoned Residential Five Zone (R-5) and Residential Six Zone (R-8), shown as affected by this subsection on Schedule Number 119 of Appendix “A”:

a) The following sensitive uses shall not be permitted until this Holding Provision has been removed by By-law:

- Additional Dwelling Unit
- Duplex Dwelling
- Lodging House
- Multiple Dwelling
- Residential Care Facility
- Semi-Detached Duplex Dwelling
- Semi-Detached Dwelling
- Single Detached Dwelling
- Street Townhouse Dwelling

b) This Holding Provision shall not be removed until the City of Kitchener is in receipt of a letter from the Regional Municipality of Waterloo advising that:

- i. A Record of Site Condition (RSC) in accordance with O. Reg. 153/04, as amended, has been filed with the Ministry of Environment, Conservation and Parks (“the Ministry”) Environmental Site Registry, and the Regional Municipality of Waterloo is in receipt of the RSC and the Ministry’s Acknowledgement letter.

c) This Holding Provision may be removed in phases as the detailed design of each building is known.”

24. This By-law shall become effective only if Official Plan Amendment No. ____ (263 and 321-325 Courtland Avenue East, 230 and 240 Palmer Avenue, and 30 Vernon Avenue) comes

into effect, pursuant to Section 24(2) of The Planning Act, R.S.O. 1990, c. P.13, as amended.

PASSED at the Council Chambers in the City of Kitchener this day of ,2023.

Mayor

Clerk



Revised Urban Design Report

SITE DESIGN MASTER PLAN

321-325 Courtland Avenue, 230 and 240 Palmer Street, and 30 Vernon Street
Mixed-Use Redevelopment - Former Schneiders Site

June, 2023



Revised Urban Design Report

SITE DESIGN MASTER PLAN

The Metz (Schneiders)

321-325 Courtland Avenue, 230 and 240 Palmer Street, and 30 Vernon Street
Mixed-Use Redevelopment

June, 2023

Prepared for:

321 Courtland Ave. Developments Inc.

560 Wellington Street

London, Ontario N6A 3R

Prepared by:

GSP Group Inc.

72 Victoria Street South, Suite 201

Kitchener, ON

N2G 4Y9

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1. BACKGROUND AND PURPOSE

1.1 Scope

GSP Group was retained by 321 Courtland Ave. Developments Inc. (referenced as the “Owner” in this Urban Design Report) as the urban design consultants for its proposed development of the former Schneiders’ site in Kitchener (referenced as the “Site” in this Urban Design Report). The Site is a 10.36-hectare assembly of multiple properties situated on the south/west side of Courtland Avenue between Stirling Avenue and Borden Avenue (for the purposes of this report, Courtland Avenue is referenced as north, Stirling Avenue as west, Borden Avenue as east, and the CNR rail line as south). This industrial complex consisted of six buildings at its full operation, but only three remain following site demolition.

The Site is currently designated for general industrial uses as part of the Courtland Mill-Woodside Park Secondary Plan in the City of Kitchener’s 1994 Official Plan. The City of Kitchener Planning Around Rapid Transit Stations (“PARTS”) initiative related to new ION stations, however, builds on the direction of Regional and Provincial policy and the new City 2014 Official Plan concerning transit-oriented development and mixed-use intensification and redevelopment. The Planning Around Rapid Transit Study (PARTS) plan for the Rockway Station Area contains the site and the surrounding neighbourhood and calls for a mixed, intense, compact, connected and balanced fabric in the neighbourhood, and particularly such a redevelopment on the Site.

1.2 Proposed Development

The Owner is proposing a large scale, mixed-use redevelopment that will transform the Site and integrate it within the surrounding neighbourhood. New public street extensions into the Site will integrate the Site with the surrounding street fabric and break down

the large block into smaller development areas. The residential mix will include a varied composition of mid-rise and high-rise apartment buildings, stacked townhouses, and mixed-use buildings. Adapted and new employment floor space will be focused on the retention of existing site buildings and is meant to contribute to a new complete district within the existing neighbourhood. An integrated series of open spaces will include both a public park, a publicly-accessible urban plaza, and outdoor private terraces and patios.

1.3 Proposed Applications

The Owner is proposing applications for an Official Plan Amendment, Draft Plan of Subdivision, and Zone Change for the Site. The Official Plan Amendment will redesignate the Site from the “General Industrial” designation applicable to mixed-use, employment, residential, and park designations together with site-specific policies to reflect intent and vision of the proposed development plan. The Draft Plan of Subdivision will establish a new east-west public street running through the Site into which the extensions of Kent Avenue and Palmer Avenue would connect, in effect creating 12 development blocks for residential and non-residential uses. The Zone Change will rezone the six development blocks from the existing “General Industrial (M2) Zone” to mixed-use, residential and park zones corresponding to the proposed Official Plan designations, and including site-specific provisions tailored to the proposed development plan

1.4 Report Content

This Urban Design Report is based on preliminary drawings and materials available at this stage of the application process. Based on the matters identified in the pre-submission consultation record, this Urban Design Report principally describes the contextual relationships and fit with the surrounding area (Section 2), outlines the general Official Plan design policies and Urban Design Manual that are relevant to the Site and the proposed development's design (Section 3), outlines the overall design vision and objectives for the project (Section 4), and, provides an overview of the proposed Site and building design elements for each street and block of the project per the above policy and guideline basis (Sections 6 through 11). As detailed aspects of site design and building design are refined through Site Plan Approval, further scoped design briefs may be required.

2. EXISTING SITE CONDITION AND CONTEXT

2.1 Location and Composition

Located in the Mill-Courtland Neighbourhood of Kitchener, the Site is situated on the south side of Courtland Avenue between Stirling Avenue and Borden Avenue. The Site is 10.36 hectares in size with approximately 343 metres of frontage on Courtland Avenue and 241 metres of frontage on Borden Avenue. It is bounded by Stirling Avenue South to the west, Courtland Avenue to the north, Borden Avenue to the east, and a CNR rail line to the south. The Site comprises nearly all the land contained by this boundary, except for a series of smaller properties fronting onto Courtland Avenue between Palmer Avenue and Stirling Avenue or fronting directly onto Palmer Avenue. It is an assembly of six separate parcels: the 321-325 Courtland Avenue parcel comprising most of the Site that contains the Schneiders' factory complex; the parcel that constitutes what would be the extension current Palmer Avenue (formerly Prince Albert Avenue right-of-way); 230 and 240 Palmer Street on the western side of Palmer Street; and 30 Vernon Street at the western end of the Site.

2.2 Existing Buildings

The former Schneiders complex was comprised of various buildings and structures of various sizes dating from 1918 to 1976. The plant was originally constructed in 1924 to serve as the meat processing facility for J.M. Schneider's fledgling sausage company. The plant and company grew substantially in the following years, becoming a mainstay in the community and contributing to the city's nickname of "busy Berlin".



Study Area

After peaking at 4,000 employees in the 1970s, global competition caused the company to decline. The Schneider family eventually sold the company to American firm Smithfield Foods in 1997. Maple Leaf Foods acquired the company from Smithfield in 2001 and closed the plant in 2014 as part of its modernization efforts.

Pre-demolition, the complex contained approximately 70,000 square metres (750,000 square feet) of industrial floor space within six buildings, some of which were inter-connected. In preparation for the redevelopment, the Owner has demolished three of the total six buildings. The main plant and two outbuildings were demolished in 2019 and 2020; while the remaining three buildings will be re-purposed for commercial and office spaces. The 6-storey “Office” building is connected to the east side of the Plant along Courtland Avenue as a distinct addition constructed in 1976 and contains approximately 6,410 square metres (69,000 square feet) of floor space. The single-storey “Garage” building sitting behind the Office building was constructed in 1948 and contains approximately 1,960 square metres (21,100 square feet) of floor space. The single-storey “Distribution” building sitting at the corner of Courtland Avenue and Borden Avenue was constructed in 1971 and contains approximately 6,465 square metres (69,600 square feet) of floor space.

2.3 Existing Topography

The Site’s existing topography generally drops from high points near Stirling Avenue and the bridge over the CN Rail corridor, intermittently from Courtland Avenue and Palmer Avenue, and from the embankment along Stirling Avenue. The low-lying area extending south from the intersection of Stirling Avenue and Courtland Avenue is currently in the flood fringe. There is an additional low area where the Shoemaker Creek corridor runs through the Site, contained within an underground box culvert before it emerges to the south and north of the Site. This culvert runs through the area between the Office, Garage and Distribution buildings which will be retained as part of the proposed Site redevelopment.



Former Plant Building on Courtland Avenue East



Existing Office on Courtland Avenue East

3. SURROUNDING CONTEXT

3.1 City Context

The Site is located centrally within Kitchener in the Mill-Courtland Woodside neighbourhood that forms part of the broader ring of neighbourhoods that surround Downtown Kitchener. Downtown Kitchener's core and its focus of retail, restaurants and employment activities is within 1,500 metres of the Site. Courtland Avenue offers connections to Downtown and the Highway 7/8 corridor and Ottawa Street offers higher order east-west connections. The Site is within a short walk or ride to the Iron Horse Trail, connecting people to Downtown Kitchener and Uptown Waterloo. The neighbourhood contains several significant parks, recreational facilities, including the Mill-Courtland Community Centre, Rockway Golf Course, and Kaufman Park.

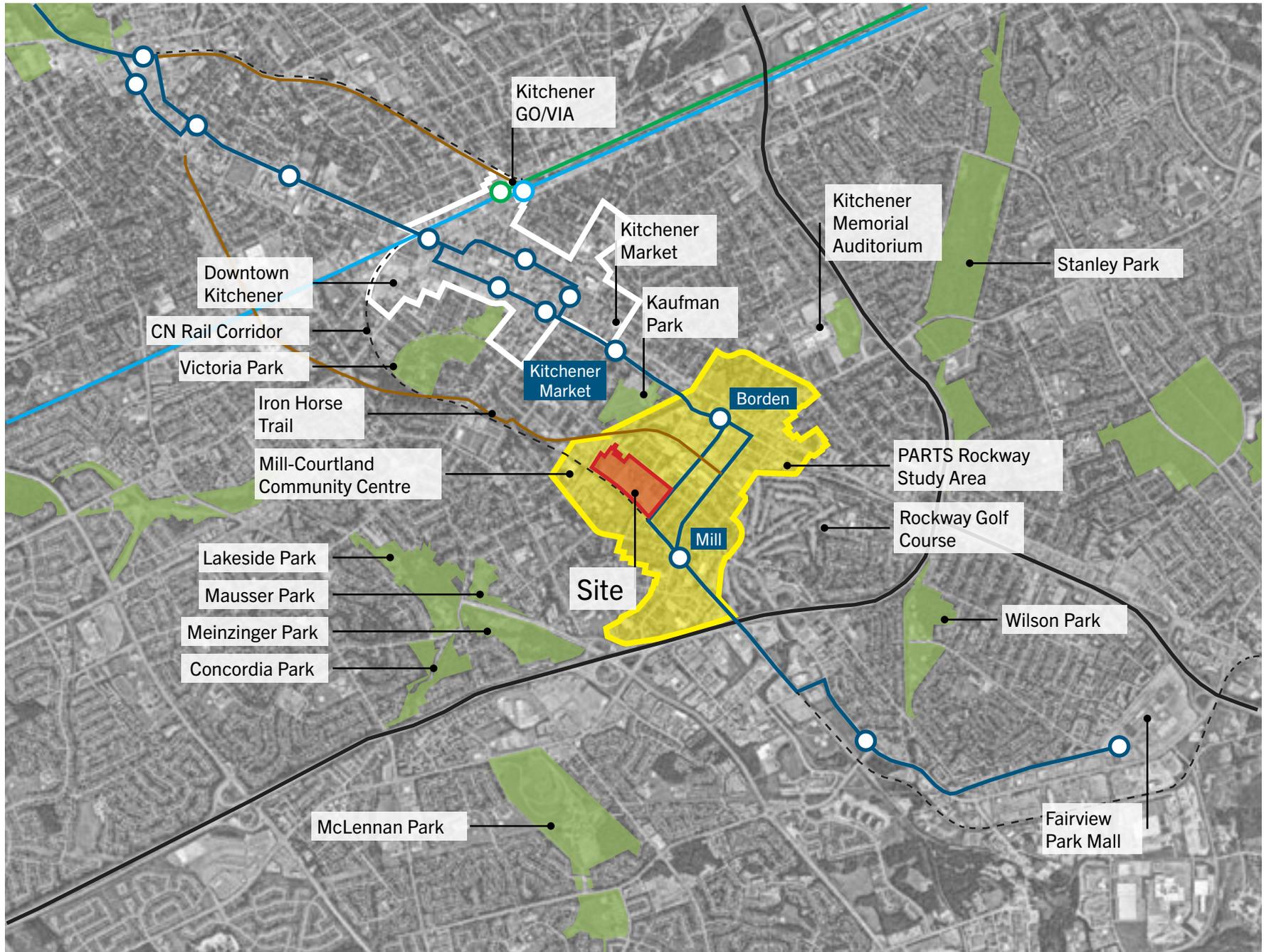
Within the new Rockway Station Area as part of the ION LRT system, the Site is within a short walk of two ION stations that will provide higher frequency east-west travel through Waterloo Region, connecting Downtown Kitchener, Uptown Waterloo and the universities to the west and Fairview Mall to the east. The Rockway ION Station would be accessed from the Site by either Kent Avenue or Borden Avenue and the Borden ION Station would be accessed from either Courtland Avenue or walkways along the rail tracks from the terminus of Borden Avenue. The higher frequency Route 205 iExpress runs across Kitchener along the Ottawa Street corridor with a northbound stop at Ottawa and Courtland and southbound stop at Courtland and Borden closest to the Site and stops at the Mill and Borden ION Stations. The local Route 8 (University-Fairview) runs along Courtland Avenue with existing stops at Palmer, Kent and Borden along the Site's frontage.



Courtland Avenue East Streetscape (pre-demolition)



Borden Avenue South Streetscape





Automobile Sales and Service on Courtland Avenue East facing the Site



Commercial Uses and grade change at Courtland Avenue and Stirling Avenue



Mill Street ION LRT Station



Mill-Courtland Community Centre at Corner of Mill Street and Stirling Avenue



Single Detached Residential on Courtland Avenue East



CN Rail Corridor and Townhouse Block abutting the south side of the Site



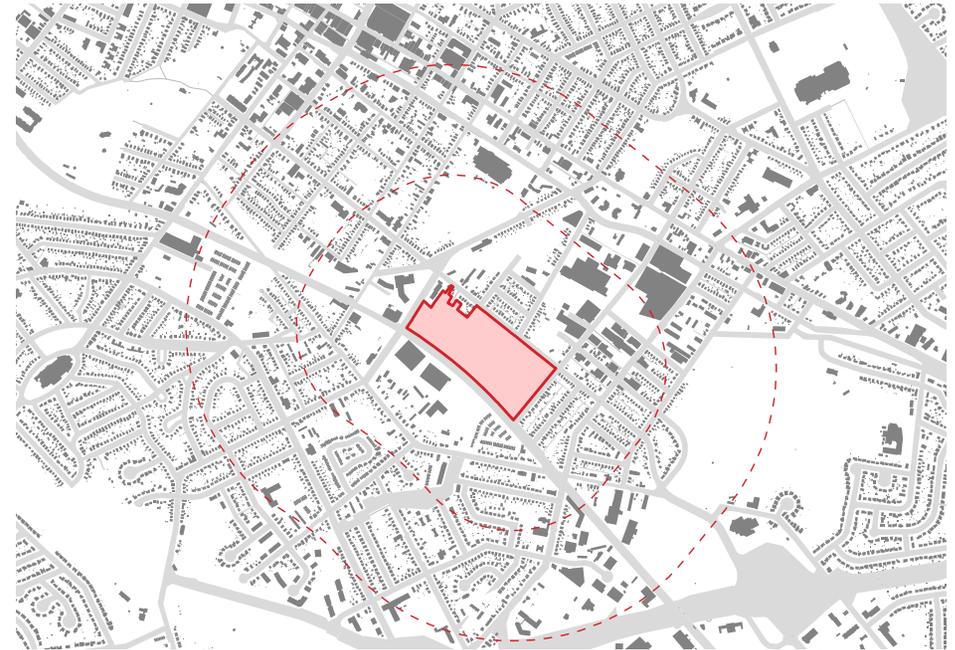
Single Detached Residential on Borden Street South facing the Site



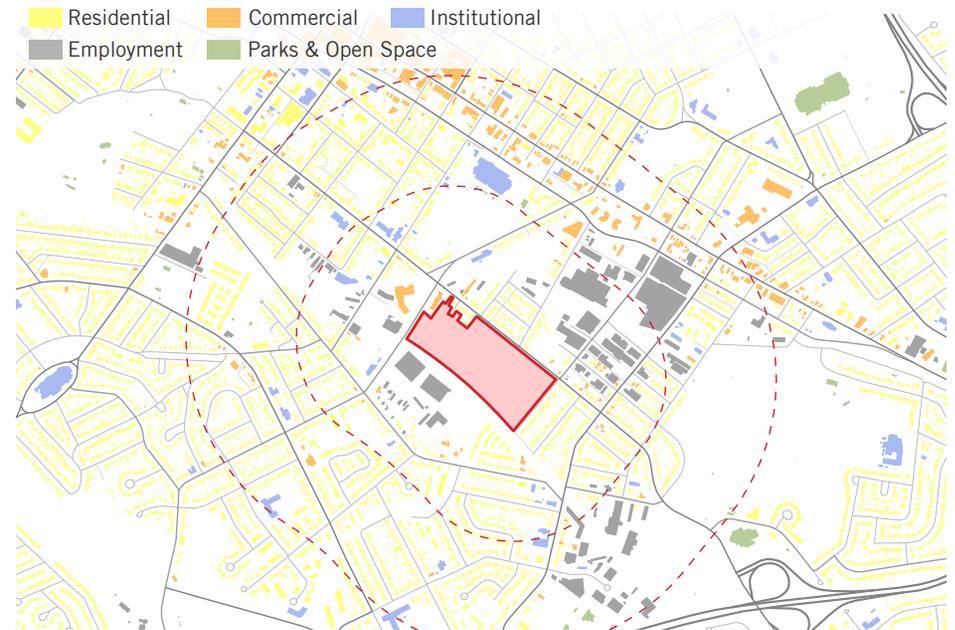
Residential lots on Palmer Avenue facing/abutting the Site

3.2 Land Use and Built Form

The Site's immediately surrounding context with 800 metres features a mixed land use pattern. Detached dwellings are primarily situated to the immediate southeast, east and north of the Site. A recent three-storey townhouse development ("Joy" townhouses) sits immediately to the southeast of the Site across the CNR rail line corridor. There is a small commercial plaza at the corner of Stirling Avenue and Courtland Avenue comprised of retail and service commercial uses. There is a smaller area of mixed industrial and employment uses to the southwest of the Site across the CN Rail corridor and a larger area to the northeast centered on the Borden Avenue corridor extending from Courtland Avenue to Charles Street, the latter comprised primarily of warehousing, packaging, sales, and other light industrial uses.



Built Form



Land Use

3.3 Transportation and Circulation

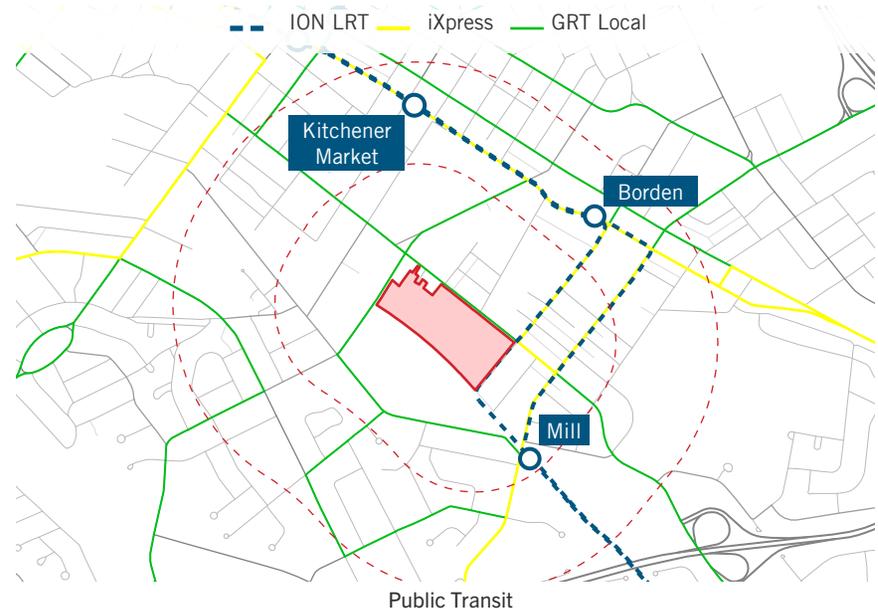
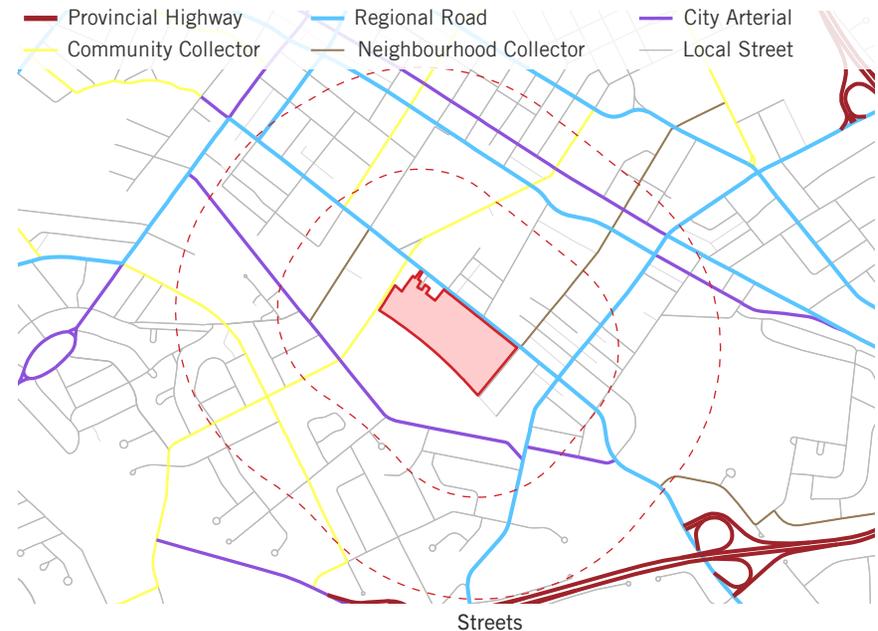
The surrounding neighbourhood is made up of a mixed street pattern, with a tight grid of streets in the pre-war residential areas, a curvilinear street pattern in the post-war residential areas, and a more open grid with large parcels in the employment areas. The Site abuts Courtland Avenue, Borden Street and Stirling Avenue. Courtland Avenue is a “Regional Road” with an existing 18 metre right-of-way containing two vehicle lanes with intermittent cycling lanes along its length. Borden Street is a “Local Street” with an existing 23 metre right-of-way containing two vehicle lanes and the southbound ION track. Borden Street ends at the CNR rail corridor at the southern edge of the Site, transitioning into a small public laneway. Stirling Avenue is a “Major Community Collector” with a 26 metre right-of-way containing a four-lane cross section, but it sits higher than the Site.

The CNR rail corridor abuts the entirety of the Site’s southern boundary. This rail line is a “Principal Branch Line” per CNR, which requires a minimum 15 metres separation distance to dwellings and attenuation fencing and berming. Crash walls are also considered by CNR in respect to safety protection measures.

Immediately adjacent to the Site, the street grid is interrupted by the large existing industrial parcels, the Shoemaker Creek corridor, and the CNR corridor. Kent Avenue currently terminates at Courtland Ave and Palmer Avenue extends past Courtland Avenue into the Site’s fabric. There are currently no connections across the CNR line between Stirling Avenue and Ottawa Avenue.

The neighbourhood is well-served by existing and planned transit services. Both the Mill and Borden ION stations are within a 10-minute walk (800 metres) of the Site. From the Site, the Mill ION Station would be accessed by either Kent Avenue or Borden Avenue and the Borden ION Station would be accessed from either Courtland Avenue or walkways along the rail tracks from the terminus of Borden Avenue. The higher frequency Route 205 iXpress runs across Kitchener along the Ottawa Street corridor with a northbound stop at Ottawa and

Courtland and southbound stop at Courtland and Borden closest to the Site and stops at the Mill and Borden ION Stations. The local Route 8 (University-Fairview) runs along Courtland Avenue with existing stops at Palmer, Kent and Borden along the Site’s frontage.



3.4 Parks and Open Space

There are several major parks and recreational facilities in the surrounding neighbourhood, including the Mill-Courtland Community Centre, Rockway Golf Course, and Kaufman Park. The Shoemaker Creek passes through the Site within an underground culvert, extending from Meinzinger Park and Mausser Park near Homer Watson Boulevard to the Schneider Creek, a short distance to the south of the Site. While there are several major park facilities within walking distance of the Site, there are no smaller neighbourhood level parks in the immediate vicinity.

The Iron Horse Trail provides immediate walking and cycling options within the surrounding neighbourhood, connecting to Downtown and Uptown Waterloo to the west and Fairview Park Mall to the east. There is an intermittent bike lane on Courtland Avenue as well as planned bike lanes on Stirling Avenue and Ottawa Street, which will provide a connection to the broader cycling network. There is also a planned pedestrian connection from the southern corner of the Site at Borden Street and the CNR corridor to the Mill ION Station.



3.5 Watercourses and Floodplain

The Site is located within the Shoemaker Creek and Schneider Creek subwatersheds. Most of the site drains to Shoemaker Creek to the north with the remainder draining to Schneider Creek to the north/west. Running underground through the Site, the Shoemaker Creek floodway is contained within a large closed concrete box culvert, which transitions at the downstream side of Courtland Avenue as an open concrete channel. Shoemaker Creek converges with Schneider Creek approximately 250 metres downstream of the Site. No stormwater management controls exist for the Schneiders complex. The Schneider Creek and Shoemaker Creek Regulatory Floodplain limits on the Site are defined as flood fringe only.





Stirling Avenue South Streetscape



Schneider Creek Culvert north of Courtland Ave E



Palmer Avenue Streetscape



Schneider Creek Culvert south of CN Rail Corridor

3.6 Streetscapes

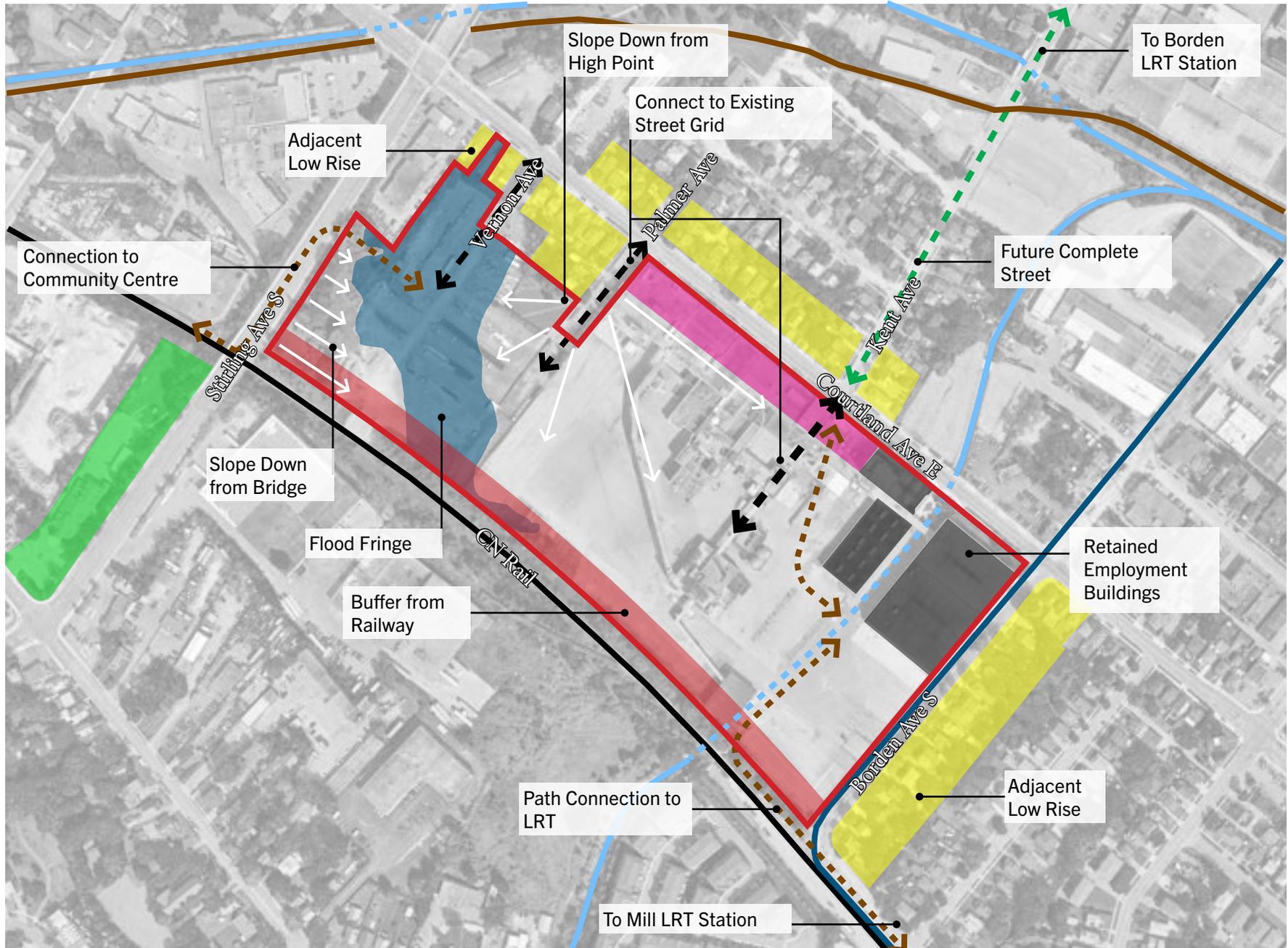
Courtland Avenue is a “Regional Road” with two vehicle lanes and intermittent cycling lanes. The pedestrian realm includes a combination of sidewalks with landscaped and hardscaped boulevards, and curb faced sidewalks. There are some street trees along the residential frontages. On-street parking is currently not permitted. The immediate streetscape is currently dominated by the existing factory plant building, which are currently being demolished. The existing Office building on the Site includes a small landscaped plaza and mature trees along the street frontage, while the Distribution building includes a larger sod area along its frontage. The land uses along the street are made up of a mix of one- and two- storey detached residential, commercial services (including sales, auto service, and local retail), and a large parking lot next to Shoemaker Creek.

Borden Street South is a “Local Street” that ends at the CNR corridor at the Site’s southern edge, where it transitions to a small public laneway. The street has two vehicle lanes with a single LRT track and catenary poles along the Site’s frontage. The existing Distribution building occupies approximately half of the Borden frontage, with the remainder occupied by a parking and storage area with a single driveway access across the LRT tracks. A chain link fence runs along a portion of the frontage between the LRT tracks and the existing Distribution building. The opposing street edge includes a sidewalk with landscaped boulevard and mature street trees, as well as on-street parking. Across Borden, properties contain one or two-storey detached dwellings with driveways fronting onto the street.

Stirling Avenue South is a “Major Community Collector Street” with a four-lane cross section. The pedestrian realm consists of a curbside walk with guardrails and retaining walls at the sidewalk edge. Beginning at Courtland Avenue, the street rises to pass above the CN Rail corridor to the south. Heavy vegetation growth on the supporting berm slopes obscure sightlines into the Site from most vantage points. There is a single vehicular driveway between Courtland Avenue and the CN Rail corridor, providing access to the commercial plaza on the north west corner.

Palmer Avenue is a “Local Street” that extends 80 metres south of Courtland Avenue into the Site’s fabric, providing access to two single detached houses on the west side of the street south of Courtland Avenue. There is a sidewalk along the western frontage, with a landscaped boulevard. The eastern frontage adjacent to the Site contains the edge of the existing plant structure, with mature trees softening the façade and blocking views into the Site.

Vernon Avenue is a “Local Street” that runs 55 metres south of Courtland Avenue into the Site. There are no residential lots fronting onto Vernon Avenue, however it provides access to the driveway of an adjacent residential lot. The street contains a sidewalk on the south side with landscaped boulevards.



Existing Site Constraints and Opportunities



Site Demolition Underway

4. DESIGN POLICY AND GUIDELINE REFERENCES

4.1 Kitchener Official Plan

Urban Structure Element

The Site is part of the “Major Transit Station Area”, which are to provide a focus for growth and development to support transit service levels, provide connections for various transportation modes to the transit system, achieve a mixture of uses where appropriate, and have pedestrian-friendly and transit-oriented streetscapes and buildings. Sections 3.C.2.18 and 3.C.2.19 identify that the City will prepare Station Area plans with the contents generally following the corresponding Regional policies.

Land Use Designation

The Official Plan Amendment seeks to change the Site to “Mixed Use” from “General Industrial”. The Mixed Use policies permit a broad range of uses at different scales and intensities depending on the over-arching urban structure element. Regarding urban design, Section 15.4.5 of the Kitchener Official Plan directs that development in Mixed Use designation are to be “transit-supportive, walkable and integrated and interconnected with other areas of the city”. Section 15.4.6 directs that “uses, built form and building design are compatible with surrounding low rise neighbourhoods and are pedestrian-oriented and human-scaled in order to positively contribute to the public realm”. Section 15.4.7 directs development and redevelopment within the Mixed Use designation are to “implement a high standard of urban design”.

Urban Design

Section 11 of the Official Plan contains general urban design policies that are used to evaluate movement patterns, the relationship between built form and open spaces, integration of natural and cultural resources and development impacts. General urban design policies that speak to the city’s skyline, CPTED principles, fire prevention, barrier-free accessibility, and shade. Site Design policies speak to street relationships and landscaping to improve abutting streetscapes; developments to improve aesthetic quality and be safe, comfortable, functional and provide circulation for all transportation modes; and site servicing and utilities to be screened from public view. Building Design, Massing and Scale design policies speak to human-scale proportions to support a comfortable and attractive public realm, including attractive building forms, façades, and roof designs; complementary design of new buildings; and architectural innovation and expression.

Section 17.E.10.5 identifies that urban design briefs/reports together with other design-related are meant to be used to

- a) *demonstrate that a proposed development or redevelopment is compatible;*
- b) *address the relationship to and the privacy of adjacent residential development; and,*
- c) *ensure compatibility with the existing built form and the physical character of the established area and/or neighbourhood.*

Other Design-Related Policies

- Section 8.C.1.15: City will “select suitable sites [for public parks], and plan for the complete integration of these sites with the integrated transportation system, the public transit system and multi-use pathway network”.
- Section 8.C.1.21: on-site recreation facilities and usable greenspace will be required in multiple housing development and affordable housing developments.
- Section 8.C.1.23: City will encourage “useable and accessible semi-public spaces in private developments that provide linkages and/or support arts, culture, recreation and leisure opportunities for its residents”.
- Section 7.C.4.1: City “will ensure that development and redevelopment strives to be increasingly sustainable”
- Courtland Avenue: identified as a “Regional Road”, which are principally meant for higher capacity “people and goods movement within, through and between municipalities”. Regional Roads are generally to have sidewalks on both sides of the street and dedicated on-street cycling facilities where appropriate, and new access points is to be regulated to maintain these streets’ traffic carrying capacity.
- Borden Avenue, Palmer Avenue and Kent Avenue: identified as a “Local Street”,

which are meant to “provide access to abutting properties and are not intended to carry high volumes of through traffic”. Local Streets are to have sidewalks on both sides of the street and shared on-road cycling facilities.

- Section 13.C.1.2: supports “opportunities to walk and cycle for convenient travel, recreational, health, environmental and economic reasons” through such means as “integrating pedestrian and cycling facilities into existing, expanded and new development areas” and “providing pedestrian and cyclist connections to transit stops”.
- Section 13.C.1.13: requires “new, multi-unit residential, commercial, industrial, office and institutional developments” to provide secure bicycle parking and encourages the provision of shower and change facilities for commuters.
- Section 13.C.1.6: encourages a mix of land uses to accommodate opportunities for walking to work and services without the need for driving or transit.
- Section 13.C.1.4: pedestrian-friendly streets will be designed by providing sufficiently wide sidewalks, minimizing conflicts with vehicular traffic through street design, and providing for more attractive, comfortable and safe streetscapes.
- Policy 13.C.2.1: “Type 2” Multi-Use Pathway planned through the Site’s

eastern portion, meant to provide a three-season north-south connection between Mill Street and Iron Horse Trail.

- Section 13.C.3.1: City “will ensure that all development and/or redevelopment proposals in areas serviced or planned to be serviced by public transit support the provision of an efficient, convenient and safe public transit service”.
- Section 13.C.3.12: City will apply the relevant TOD provisions of the Regional Official Plan for the consideration of development and redevelopment applications sites served by rapid transit or higher frequency transit.
- Section 13.C.7.3: “the incorporation of Transportation Demand Management measures” may be required.
- Section 13.C.7.4: contemplates “reduced parking requirements for development and/or redevelopment in accordance with Policy 13.C.8.2 where a comprehensive Transportation Demand Management Report is submitted to the satisfaction of the City”.
- Section 13.C.8.6: City will develop a parking reduction strategy for land within Major Transit Station Areas to recognize and encourage rapid transit use.

4.2 Rockway PARTS Plan

Kitchener's Planning Around Rapid Transit Stations (PARTS) plans provide a more land use and design direction for each of the ION Station Areas within Kitchener. The PARTS plans are meant to further the policy direction of the Region of Waterloo and Kitchener Official Plans concerning Major Transit Station Areas. The PARTS Rockway Plan was approved by City Council in December 2017 but has not yet been implemented through amendments to the Official Plan and Zoning By-law.

Station-Wide Strategies

The PARTS Rockway Plan was formulated based on a series of "Station-Wide Strategies" that sets the framework for capitalizing on the LRT investment in terms of land use and development patterns. This basis includes the following five strategic themes, each of which has nested series of specific strategies. The five themes include:

1. Creating a transit-supportive development pattern.
2. Designing streets as places.
3. Creating a strong park and open space network by improving connections between existing open spaces and providing a range of new open spaces.
4. Designing buildings that support placemaking and deliver an interesting and varied built environment.

5. Seamlessly integrating parking and servicing into a pedestrian-friendly and transit-supportive environment.

Key Directions

A series of "Key Directions" provides a general direction for land use and built form within the PARTS Rockway Plan. For the Site, Key Direction #8 calls for the "reurbanization of the form Schneiders site" as higher intensity mixed-use development of residential and non-residential uses. Key Direction #8 for the Site provides a set of eight area-specific land use and design strategies for the ultimate form of development.

- a) Implement a framework of new land use permissions on the site to accommodate a mix of housing, innovation employment and supportive commercial uses.
- b) Through redevelopment, a significant new on-site park should be provided. The park should be designed and oriented to establish a connection between Kent Avenue and the Shoemaker Creek corridor, provide amenity for on- and off-site users, and help celebrate the history of the site.
- c) As part of the redevelopment of the site, a logical network of streets and blocks should be provided. This may include the extension of adjacent streets into the site and connections via a logical network of public or private internal streets. Alternate right-of-way widths and standards may need to be considered as

long as services, utilities and amenities can appropriately be provided.

- d) Building height step-backs should be included in the zoning and design of buildings along Courtland Avenue, particularly for portions of buildings above four storeys. Attention should be given to the appropriate design of other mid-rise building areas on the site.
- e) Any buildings nine storeys and above should conform to the City's Tall Building guidelines and any related zoning regulations.
- f) Locate parking below grade, and / or within structures at the back of the site (subject to flood fringe policy criteria). Require reduced and shared parking between different uses on the site. Some surface parking could be considered in certain portions of the site during the initial phases of development to support the feasibility of new employment uses (in addition to the existing surface parking facility on the side of Courtland Avenue).
- g) Redevelopment should achieve a high standard of environmental (sustainability) performance and the feasibility of district energy should be studied.
- h) The site should incorporate green infrastructure, including on-site urban stormwater management features.

Preferred Land Use Plan

The preferred land use plan in the PARTS Rockaway Plan calls for the mixed-use redevelopment of the Site, including employment, multiple residential, and mixed-use buildings. Four land use designations apply to the site: “Innovation Employment”, “Mixed-Use Medium Density”, “High Rise Residential”, and “Mid-Rise Residential”. The intent is that these designations would form the basis for the future City-initiated Official Plan Amendment implements the PARTS Rockway preferred land use plan and other key policy directions.

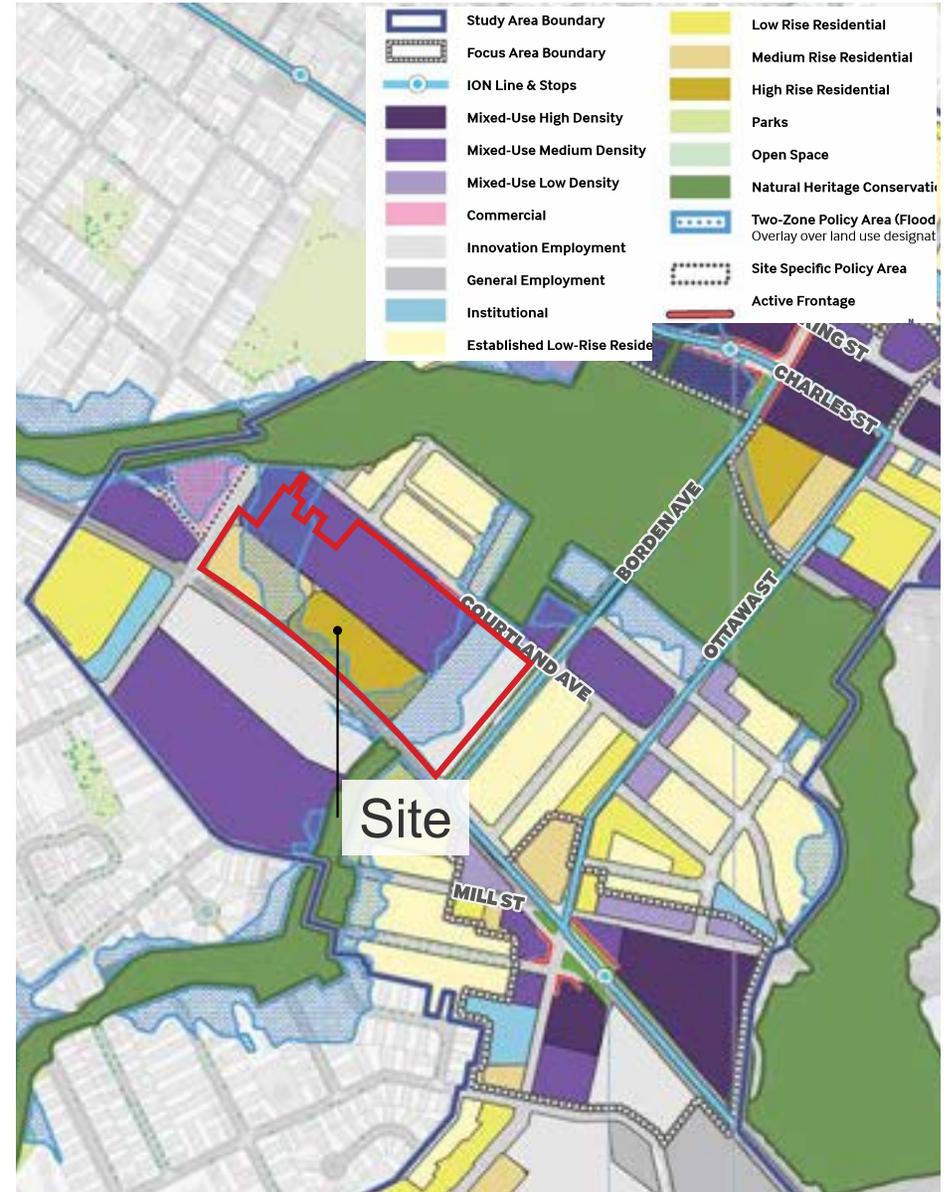
The Innovation Employment designation applies to the area around the Courtland and Borden intersection and extending along Borden to the railway. This designation is intended predominantly for office and high-tech manufacturing, including both large and small buildings, as well as opportunities for street related retail and restaurant uses to provide amenity. The Floor Space Ratio is meant to be between 0.6 to 2.0 and the maximum building height is 6 storeys.

The Mixed-Use Medium Density designation lines the remainder of the Site’s frontage portion along Courtland Avenue. This area is intended for a mixture of office, residential and retail uses with active uses at street level in a general form between 5 and 8 storeys in height, with parking in underground garages. The Floor Space Ratio is meant to be between 1.0 to 2.0 and the maximum building height is 8 storeys.

The High Rise Residential designation is on the eastern portion of the Site’s southern boundary shared with the CNR Railway edge, located away from the Courtland frontage. This area is intended for taller residential buildings greater than 8 storeys, building bases oriented to line streets and parks, and parking in underground garages. The Floor Space Ratio is meant to be between 2.0 to 4.0 and there is no maximum building height.

The Mid-Rise Residential designation is located to the west of the High Rise Residential designation, along the boundaries with the CNR Railway and Stirling Avenue. This area is intended for mid-rise

residential buildings with buildings between 4 and 8 storeys in height, buildings oriented to line streets and open spaces, and parking in underground garages. The Floor Space Ratio is meant to be between 1.0 to 2.0 and the maximum building height is 8 storeys.



4.3 Kitchener Urban Design Manual

PART A – Design Guidelines

Part A contains design guidelines on various land uses, built types, geographic areas, and urban structure elements. The below are relevant to the Site and the proposed development:

a) City-Wide (CW)

The City-Wide (“CW”) design guidelines seek the design of Kitchener as an inclusive, safe, accessible, comfortable, and appealing place to live, work and play. The Site Design guidelines in the City-Wide address built form, open space and site functionality.

b) Major Transit Station Areas (MTSA)

The Major Transit Station Areas (“MTSA”) guidelines apply generally for areas surrounding ION Stations; the Site is within the ION Mill Station area. The guidelines indicate they do not apply to Downtown sites, but they do inform design.

c) Tall Buildings (TB)

The Tall Building (“TB”) guidelines provide form and site guidance to building 9 or more storeys in height and are meant to be applied on a case-by-case basis.

d) Mid-Rise Buildings

The Mid-Rise Building (“MRB”) guidelines provide form and site guidance to buildings

up to and including 8 storeys in height and are meant to be applied on a case-by-case basis.

e) Low-Rise Commercial and Mixed-Use Building

The Low-Rise Commercial and Mixed-Use Building (“LRMUB”) guidelines providing site guidance to buildings between 1 and 4 storeys in height containing either commercial or a mix of non-residential and residential uses.

f) Structured Parking (SP)

The Structured Parking (“SP”) guidelines provides design guidance for stand-alone parking garages or integrated parking garages within a building.

g) Green Areas

The Green Areas (“GA”) guidelines that provide general design guidance for a range of park and open space types.

PART C – Design Standards

Part C contains design standards with specifications on technical details. Several standards are applicable to the proposed development, including those for access to roads, surface parking, outdoor lighting, accessibility, pedestrian-supportive development, transit-supportive development, rooftop mechanical equipment screening, emergency services, multiple residential, landscaping and natural features, and landscape design. These

technical aspects of the detailed design will be evaluated at a later stage of the review process through Site Plan Approval.



5. SITE DEVELOPMENT MASTER PLAN

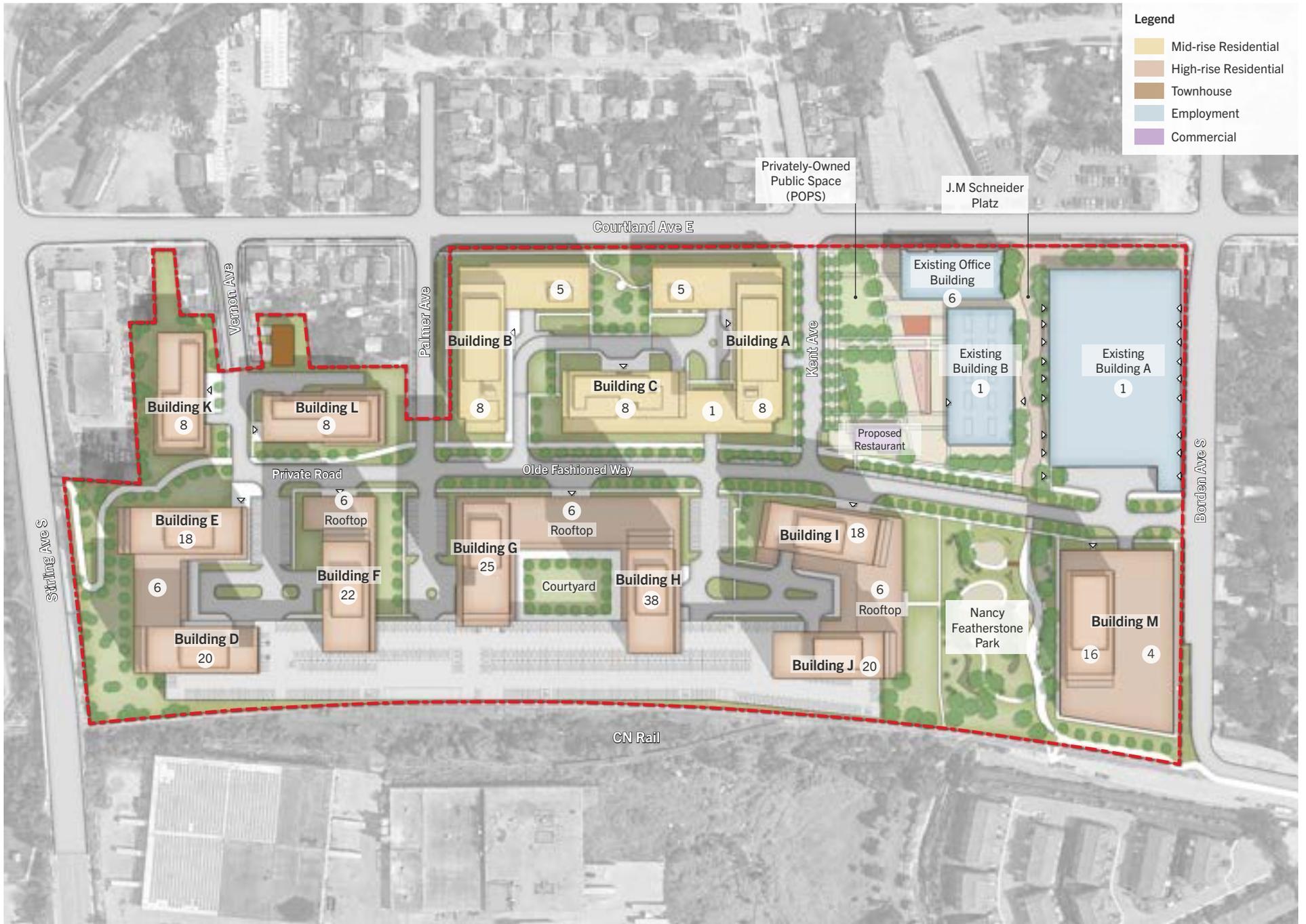
The former Schneiders property is one of the largest single redevelopment opportunities in the Rockway Station Area and the broader inner ring of neighbourhoods of Kitchener. At the time of closing, the Schneiders facility employed in the order of 1,200 employees and was a mainstay of the community throughout its history. Changing economic conditions related to larger industrial and manufacturing facilities resulted in its departure from the Kitchener landscape.

The proposed Site Development Master Plan, however, charts a transformative new vision for the Site. This vision strives to infuse a true mixed-use addition to Rockway Station Area that incorporates a mix of employment spaces for creative and innovative industries; varied housing choices in different forms; supporting retail, service and food spaces; and recreation and amenity spaces. The Site Development Master Plan seeks to ameliorate the jump in scale from traditional neighbourhood streets with the high-rise towers. The conventional approach of towers set upon podia create a particular placemaking challenge: the horizontal stratification makes it difficult to mentally establish a sense of address for the tall building and can also create jarring architectural juxtaposition with the elements at its base. The Site Development Master Plan resolves the scale differential by including a whole range of building sizes to create an urban gradient, while still using local setbacks to address microclimate concerns.

The Site Development Master Plan illustrates this vision for the Site's transformation over the next 10 to 15 years. It tailors the general intent of the Kitchener Official Plan, Urban Design Manual and PARTS Rockway Plan to the Site.

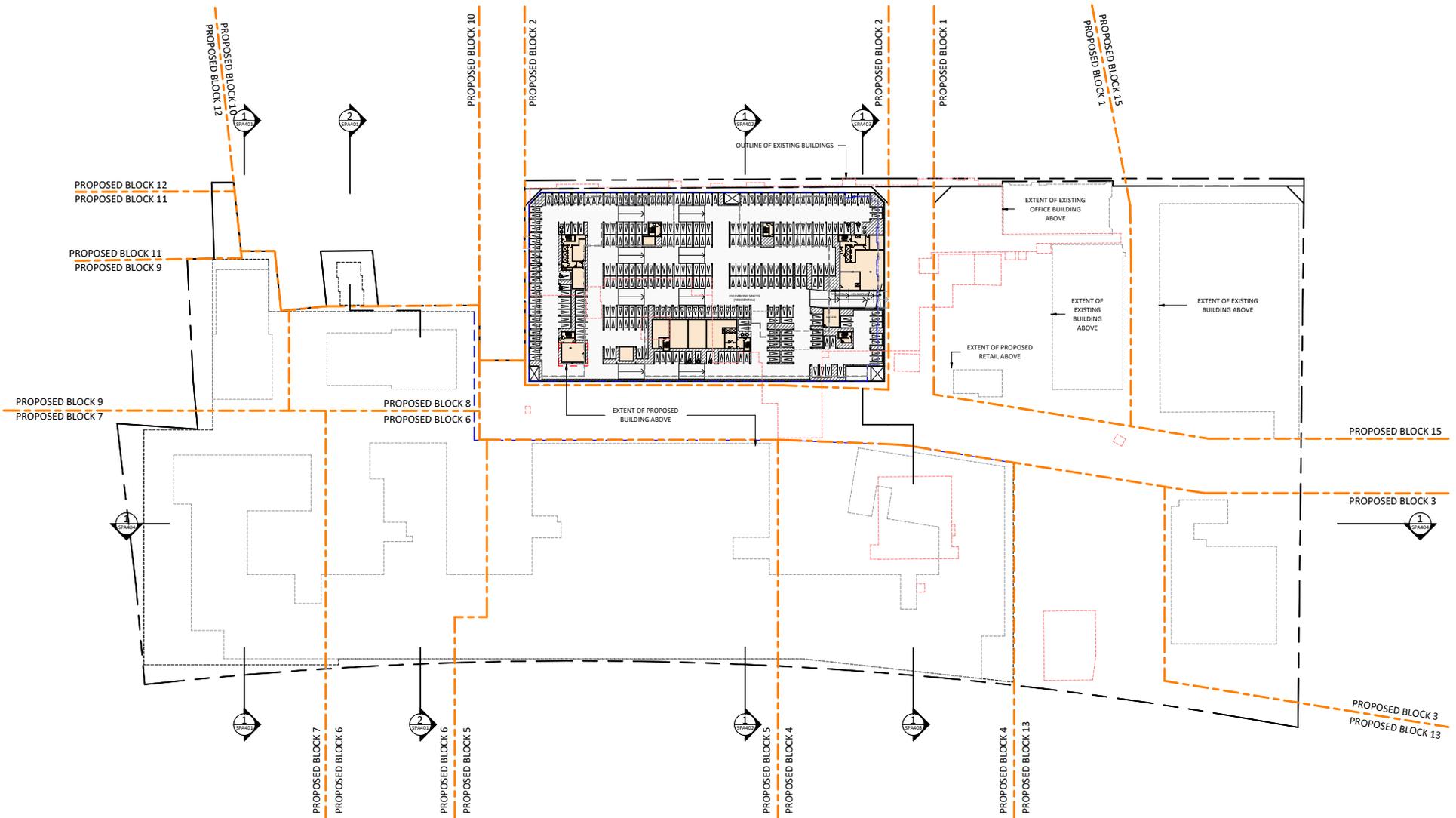
Three core building blocks organize the structure of the Site Development Master Plan:

- I: the Public Street Extensions
- II: the Public Park
- III: the Development Blocks

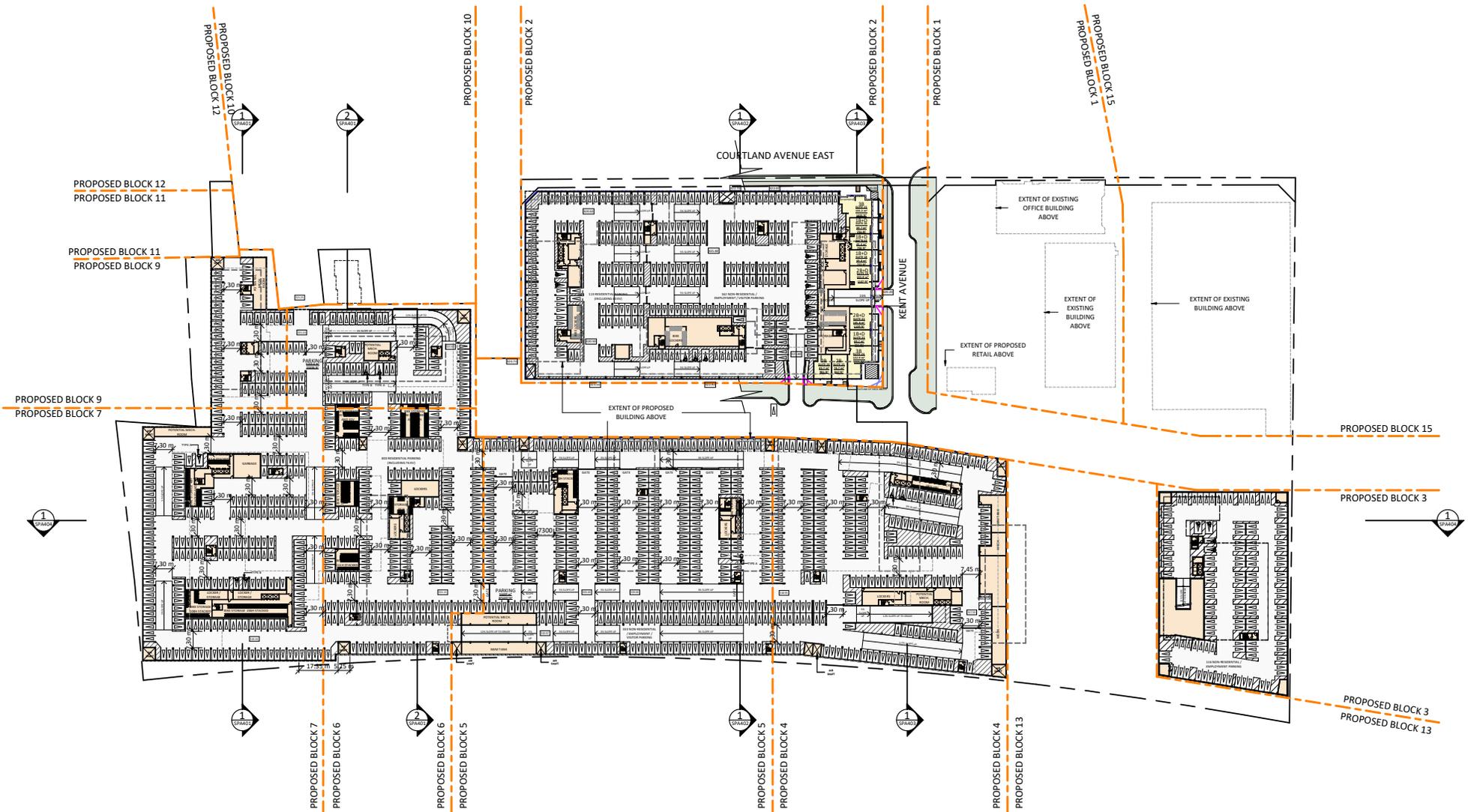


Overall Site Plan

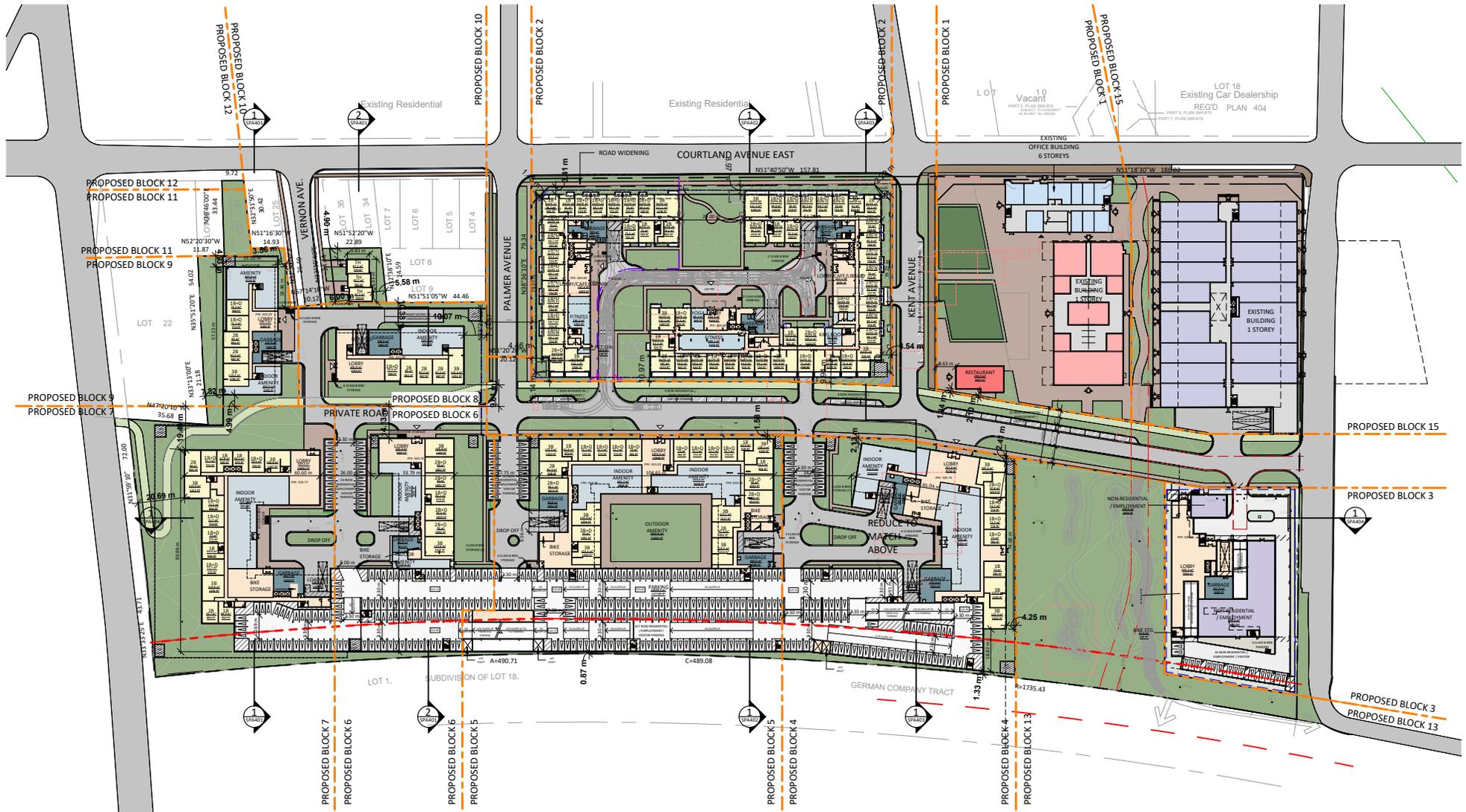
Parking Level 2 (Underground)



Parking Level 1 (Underground)



Four-storey Parking Garage (Above-Grade)



I: The Public Street Extensions (Addressed in Section 6)

Knitting the larger redevelopment Site into the fabric of the existing Rockway Station Area is a principal first move of the Site Development Master Plan. A connected street network and circulation pattern on the Site through extensions of new public streets will break up the property into a finer-grained fabric that is complemented by mid-block circulation routes, providing for a balanced vehicular and active transportation through the Site. These new public streets will be a series of attractive, active and pedestrian-oriented public streetscapes, achieved through building positioning, at-grade use and orientation, and supporting landscape design elements and features.

- **OLDE FASHIONED WAY** will be a new east-west 24-metre street running through the Site's centre as the principal people mover and tying the new urban fabric together.
- **KENT AVENUE** will extend into the Site from Courtland Avenue as a 20-metre street to connect into Olde Fashioned Way.
- **PALMER AVENUE** will also extend into the Site from Courtland Avenue as a 20-metre street to connect into Olde Fashioned Way.

Vehicular Circulation



Pedestrian Circulation



II: The Park and Plaza (Addressed in Section 7)

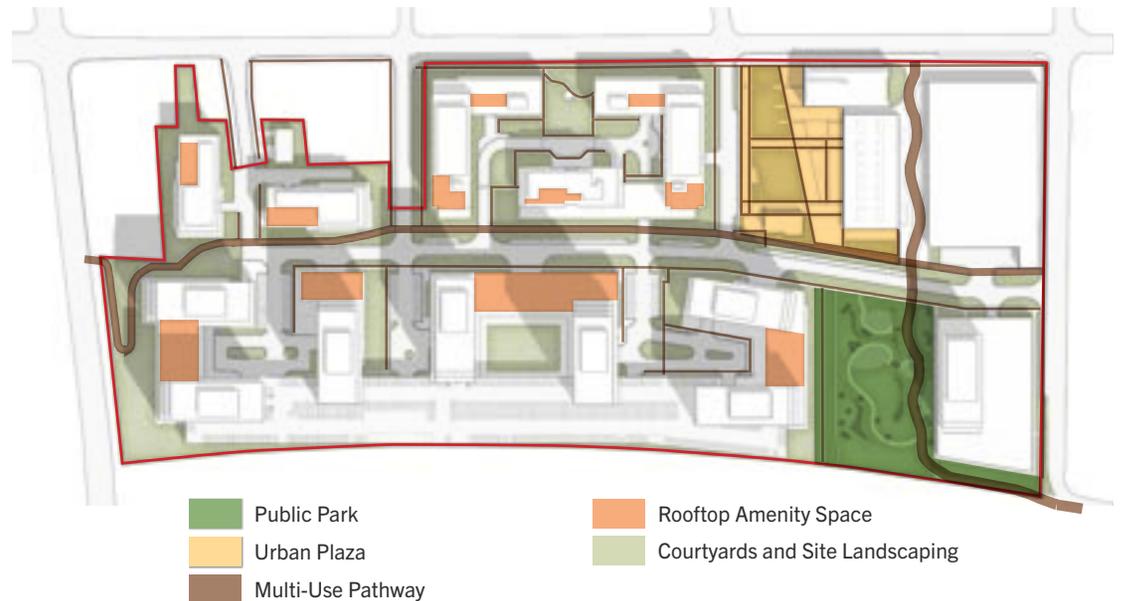
Prominent public-accessible spaces are key elements of a compact and mixed redevelopment such as the proposed in the Rockway Station Area.

The PARTS Rockway Plan calls for new parks and public open spaces as part of major developments that “include a range of amenities that respond to the character and needs of adjacent land uses and users” which, depending on adjacencies, “could include play structures, splash pads, skating areas, and more urban hardscaped plazas with seating and greenery”. New publicly-accessible spaces in the Site Development Master Plan is located and designed on the Site to achieve this aim in providing for the outdoor recreation and amenity needs for residents, employees and the public.

“NANCY FEATHERSTONE PARK” is a 0.71-hectare rectangular block situated in the southeast corner of the Site that will be a new neighbourhood public park intended with opportunities for walkways, open lawns, play structures, sitting areas, and supporting landscape treatments.

J.M. SCHNEIDER PLATZ, forming approximately 0.54 hectares of the re-purposed buildings development block, will be a privately-owned and publicly-accessible urban plaza complementing the public park with a range of programmed and open spaces supporting the urban form.

These publicly accessible open spaces would be complemented by the private amenity spaces on each of the development blocks, outlined in Section 7.4 below.



III: The Development Blocks (Addressed in Sections 8 through 12)

Development Block are driven by their relationship to roads and the surrounding urban fabric. As such, their requirements tend to be expressed in terms of access, permeability, massing and the spatial framing of streets. Twelve core development blocks result from the new street fabric. In total, these development blocks will contain approximately 3,338 residential units in low-rise, mid-rise and high-rise buildings as well as 11,000 square metres of office/employment space and 2,200 square metres of retail space in re-purposed buildings.

BLOCKS 1 AND 15 are 0.91-hectare and 0.79-hectare parcels at the corner of Courtland Avenue and Borden Avenue that will be re-purposed as a mixed-use employment cluster.

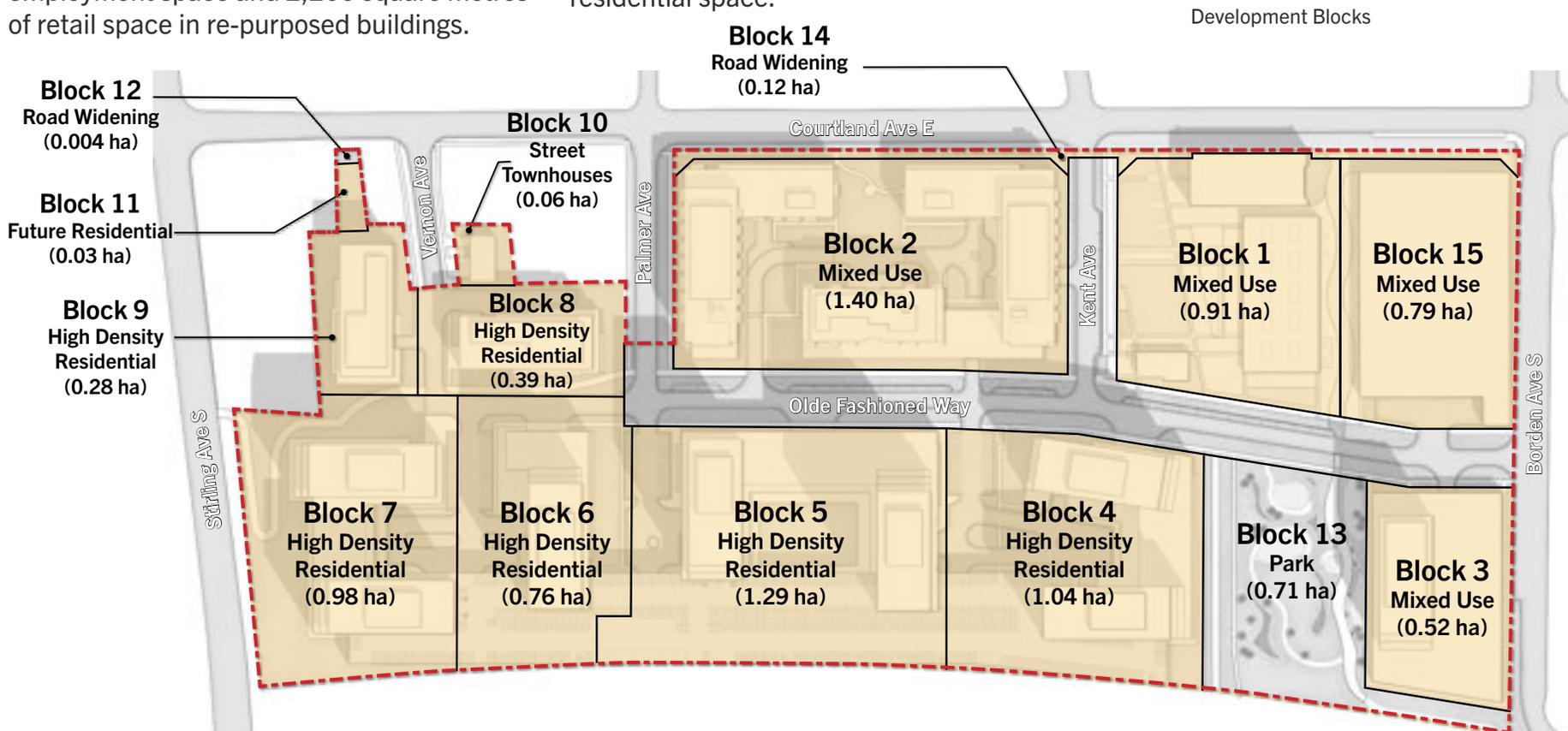
BLOCK 2 is a 1.40-hectare parcel along Courtland Avenue between Kent and Palmer that will be developed for mid-rise residential buildings.

BLOCK 3 is a 0.52-hectare parcel situated at the southwest corner of Borden Avenue and Olde Fashioned Way that will be developed for a high-rise residential building with non-residential space.

BLOCKS 4 TO 9 are 1.04-hectare, 1.29-hectare, 0.76-hectare, 0.98-hectare, 0.39-hectare and 0.28-hectare parcels of land between Olde Fashioned Way and the CN rail line that will contain multiple higher rise residential buildings.

BLOCK 10 is a 0.06-hectare parcel north of Block 8 that is intended for a small block of townhouses with access from Vernon Avenue.

BLOCK 11 is a 0.03-hectare parcel on Courtland Avenue that is held as a future development block.



6. STREET DESIGN OVERVIEW AND RESPONSE

6.1 Olde Fashioned Way

Olde Fashioned Way will be a new east-west street running from an extension of Palmer Street extension to Borden Avenue. It is designed with a 24-metre wide street right-of-way that will accommodate a central planted median, one travel lane in each direction, curb-side planted boulevards, a sidewalk on the south side, and a multi-use pathway and on-street parking on the north side.

The north-side multi-use pathway runs between Stirling Avenue and Borden Avenue and intersects with a second, north-south multi-use pathway running through “Nancy Featherstone Park” and J.M. Schneider Platz. The pathway will run through the park corridor south of Block 3 connecting to Borden Avenue and onto the Mill ION Station to the east. This alignment also accommodates a connection crossing the CNR rail line corridor and connecting to Mill Street to the south as part of the overall trail network.

6.2 Kent Avenue

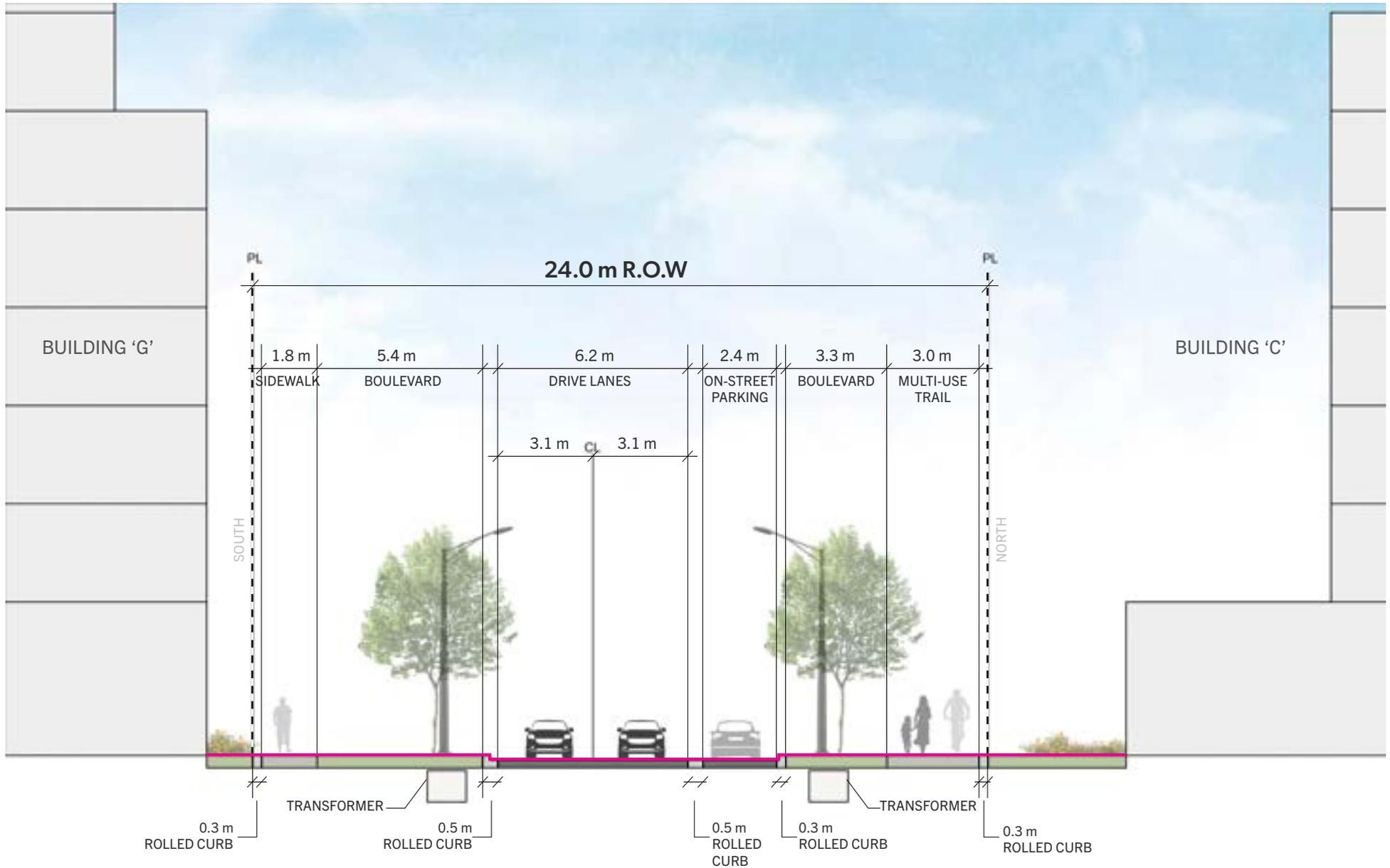
Kent Avenue will extend into the Site south of Courtland Avenue to connect into Olde Fashioned Way. It is designed with 20-metre wide street rights-of-way and will accommodate one travel lane in each direction, curb-side planted boulevards, sidewalks on both sides, and an on-street parking bays on one side. Portions of Kent Avenue will have similar LID measures in Olde Fashioned Way for infiltration purposes.

6.3 Palmer Avenue

Palmer Avenue will also extend into the Site south of Courtland Avenue to connect into Olde Fashioned Way. It is designed with 20-metre wide street rights-of-way and will accommodate one travel

lane in each direction, curb-side planted boulevards, sidewalks on both sides, and an on-street parking bays on one side. Portions of Palmer Avenue will have similar LID measures in Olde Fashioned Way for infiltration purposes.

24.0m R.O.W - Olde Fashioned Way Street Section



7. PARK AND OPEN SPACE DESIGN OVERVIEW AND RESPONSE

7.1 Nancy Featherstone Park

Block 13 in the southeast corner of the Site will be dedicated as a public park. This park is a 0.71-hectare rectangular parcel with approximately 50 metres of width along Olde Fashioned Way and 100 metres of depth extending to the CN rail line to the south. It is situated to be framed by the taller building forms on Blocks 3 and 4 to the east and west, respectively, and coordinated with the location of a new multi-use pathway that connects the development to the Mill ION Station.

The conceptual design programs this space as a “urban green” with opportunities for walkways, open lawns, play structures, sitting areas, and supporting landscape treatments. This space is meant to provide for more structured play space for residents within the development and the public. The detailed design for this urban green should consider:

- A meandering multi-use pathway through the space reflective of a naturalization of the Shoemaker Creek with variations in pathway width;
- A series of different play areas catering to different age groups;
- An open lawn space for more casual, flexible use;
- A public art installation in a prominent location along the multi-use pathway or park frontage, particularly one that is reflective of the Site’s history and past use;
- Pedestrian-scaled lighting and seating opportunities around the above activity spaces;
- Stormwater infiltration areas that are integrated into the landscape design and aesthetic of the space, rather than simply functional areas;

- Recognition of the interface of the park with both the abutting mixed-use buildings (Buildings I, J & M), concerning matters such as building entrances, amenity areas, connections and privacy/overlook.



Public Park Design Precedents



7.2 J.M. Schneider Platz

An urban plaza will be a privately-owned and publicly-accessible space as part of the adaptive re-use and redevelopment of the employment block. This publicly-accessible urban plaza extends the open space network from the public park on Block 13 across Olde Fashioned Way into Blocks 1 and 15, and towards the corner of Kent Avenue with Courtland Avenue. It is comprised of the larger open space contained by Kent Avenue, Olde Fashioned Way, and the new and retained buildings, as well as an outdoor corridor running between the retained buildings from Olde Fashioned Way to Courtland.

The conceptual design programs this space with a predominately hardscaped character to support spill-out spaces from abutting commercial buildings and provide opportunities for larger gatherings and functions. It is meant to complement the softscaped character and function of the public park. The detailed design for this urban plaza should consider:

- A combination of hardscaped and landscaped spaces to provide opportunities for a diversity of activities;
- Complementary spaces for the adaptive re-use of the existing buildings, providing space for restaurant patios and a diversity of outdoor amenities within the open space;
- A series of open lawn spaces for small recreation activities as well as hardscape areas with shelters and seating opportunities as part of a central square.
- Seating opportunities throughout the space with a combination of free-standing seating and integrated seatwalls, with supporting shade structures or features as appropriate;
- Structured programmable space to provide a diversity of uses and activities, such as stages and games tables;
- Spaces lining the abutting buildings providing spill-out space for ground floor commercial uses, such as patios or retail;
- Public art or heritage elements at prominent entrances to the

space, such as at the corner of Kent and Courtland, particularly with a character and finish that reflect the Site's industrial vernacular and history;

- The bounding public streets as flexible “flat” streets, with rolled curbs and bollards, to allow it to be closed for larger public events associated with the urban plaza;
- Tasteful, pedestrian-scaled lighting accents for night-time use of the spaces and routes through the space;
- Regular planting patterns of deciduous trees framing activity spaces for shade and separation;
- Massed feature planting areas in prominent locations for visual effect and colour; and
- Continuation of the meandering multi-use pathway from the public park through the corridor between the retained buildings, using a hard-scaped treatment and accommodating informal seating opportunities.

Urban Plaza Concept Plan

COURTLAND AVENUE EAST



Urban Plaza Design Precedents



7.3 Multi-Use Pathways

The public park and urban plaza are coordinated with the series of multi-use pathways running through the site. A multi-use pathway would run from the bend in Borden Avenue at the site's southeast corner, through the public park crossing Street One, and between the retained buildings on Blocks 1 and 15 towards Courtland Avenue. This alignment also accommodates a future connection crossing the CNR rail line corridor and connecting to Mill Street to the south as part of the overall trail network. This multi-use pathway intersects with the proposed east-west multi-use pathway running from Stirling Avenue to Borden Avenue through the Street One right-of-way and development blocks.

Multi-use trails should have a travelled width of at least 3 metres, outside of which may be edge landscaping or the street boulevard. They should have concrete or asphalt surfaces and be visually different from sidewalk surface materials in terms of texture and/or colour. Signage along the route, either trail side free-standing signs or those that are part of the trail surface, should be included at key locations for decision-making along the route.



7.4 Private Amenity Spaces

Publicly-accessible spaces will be complemented by private outdoor amenity spaces on residential development blocks for the use of building residents. The apartment blocks include at-grade courtyards between the buildings as well as rooftop communal terraces that provide opportunities for a range of casual use activities and functions, while the contemplated stacked townhouse forms provide individual rooftop terraces for residents.

The design of these different spaces should, when considered together, capture a broad range of functions and elements to diversify the recreation opportunities available to residents and visitors.

For courtyards:

- Courtyards should be formed by abutting building masses on the block, internalizing and insulating these spaces to a certain degree from the abutting public street and situated to maximize natural surveillance opportunities from buildings, streets and walkways.
- Courtyards should have clearly defined walkways through the space that are lined with canopy trees and plantings to frame the open space and connect with building entrances. Softscape areas within courtyards should include combinations of open sod areas, planting beds (raised or at-grade), and groundcover areas to provide opportunity for outdoor gathering of small groups and individual users. In such areas, the height, form, colour and seasonal qualities of tree and ground plantings should be considered based on their proposed use location and whether irrigation is present.
- Hardscape areas with courtyards should include walkways, sitting areas, and other activity spaces. Paving materials such as coloured or textured concrete should be used within the courtyard areas, with unit paving, or natural stone pavers used as accents and banding.

- Slopes within the courtyard hardscaped areas should be relatively level, with ramps provided where grade transition is required, or the use of cast-in-place seatwalls or raised planter beds should be considered where appropriate to retain grades and provide interest to the space.
- Elements such as plantings, decorative fencing, bollards, or structures should be used in combination to act as edge treatments and to frame points of interest or courtyard access points by providing differentiation between private, semi-private, and public areas.
- Consideration should be given to providing canopied structures for shade and shelter from the elements where group seating areas are proposed.
- All entrance points and walkways should be well lit, and distinguish which areas are public or private through the use of wall sconces, bollard and pathway lighting, as well as pedestrian scaled light standards where appropriate.



For rooftop terraces:

- Rooftop terraces can be located on the podium base or top storey rooftop and are typically more hardscaped in nature.
- Co-locating terraces with indoor amenity areas allows a flow between indoor and outdoor spaces for residents.
- The landscaped design of rooftop terraces can include a series of smaller “rooms” within the rooftop that provide for different functional areas and some privacy between spaces.
- Terraces should principally be hard surfaced for durability and incorporate informal and more formal seating areas including the potential for cooking and warming facilities, and opportunities for raised and deck planted plantings and trees.
- Green roof portions should be encouraged for planting, water-runoff, and cooling purposes.
- Terraces should incorporate mitigation measures of wind assessments, if any recognizing the proposed mid-rise form, to ensure comfortable outdoor living spaces.
- Terraces should be complemented by individual unit balconies and terraces where space and design intent permits.



7.5 Streetscape Landscaping

The setback space between the building wall and public right-of-way should incorporate a well-designed landscape treatment that bridges the gap between the public and private realms of the streetscape.

For residential buildings with ground floor residential units, ground level plantings should complement street trees within the public rights-of-way to provide interest and help distinguish the public-private boundary. Groupings of plant materials should be used to frame building elevations and accentuate building entrances and walkways. Ground level plantings should be selected based on form, hardiness, seasonal interest and colour, and maintenance requirements, with a preference for native species which demonstrate higher tolerances for urban conditions including heat, drought and salt exposure. A diversity of plant material that provides visual interest throughout the year should be used, including deciduous and coniferous species and combinations of shrubs, ornamental grasses and perennials

to achieve different forms and textures. Plantings along the street edge should be no more than 1 metres in height or 0.45 metres at street corners to avoid creating entrapment and to preserve sight line triangles.

For mixed-use buildings with ground floor commercial uses facing the public streets, landscape treatments should extend from the public sidewalk to the building front to establish a unified quality to that of the public realm. This is generally expected to a more hard-scaped environment with plantings to accentuate. Durable and easily maintained surface materials that provided opportunities for adding colour and breaking up the mass into smaller fields should be used. At-grade plantings and furnishing details can include raised concrete planters between entrances where space permits, decorative pedestrian-scaled lighting fixtures on poles along the internal roadway, and benches, bicycle racks, and trash receptacles near retail entrances. As well, larger planted areas can be accommodated, further to design guidance related to residential buildings above.



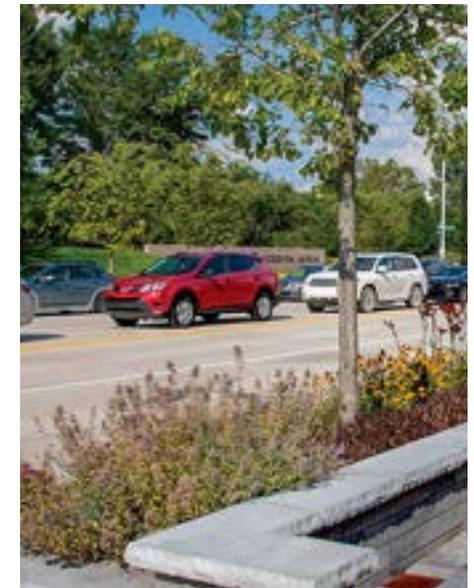
Decorative Pavers



A palette of native small trees and shrubs along site edges



A tapestry of low shrubs, perennials and grasses to add texture and seasonal interest to the ground plane



Decorative Low Garden Wall with Understory Plantings

8. BLOCKS 1 AND 15 DESIGN OVERVIEW AND RESPONSE

Courtland Innovation Employment & Mixed-Use

Blocks 1 and 15 are 0.91-hectare and 0.79-hectare parcels situated at the corner of Courtland Avenue and Borden Avenue, bound by Courtland Avenue, Borden Avenue, Kent Street and Olde Fashioned Way. The redevelopment of Blocks 1 and 15 reflect the “Innovation Employment” land use designation of the PARTS Rockway Plan. Its location corresponds to the three existing buildings retained on the Site (the Office, the Warehouse, and the Garage) that will be re-purposed as a mixed-use employment cluster, together with the addition of a fourth building for a complementary commercial function.



Blocks 1 and 15 buildings (highlighted) within the overall Metz development fabric

8.1 Building Placement and Scale

Inclusive Design – CW | MTSA

Compatibility – CW | MTSA | LRCMUB

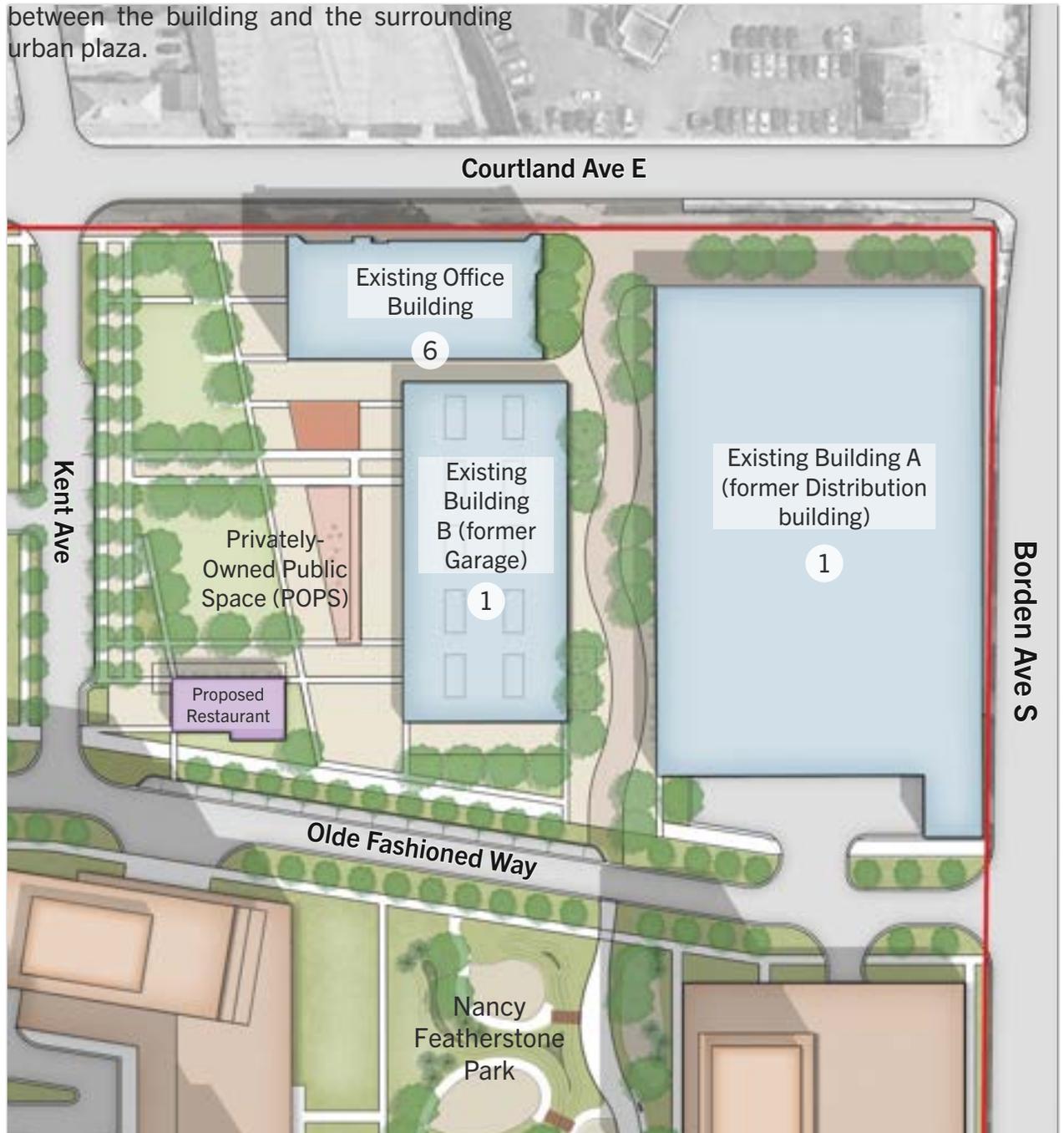
Built Form – CW | MTSA

From a building form perspective, Blocks 1 and 15 will remain relatively unchanged, as most of the building footprint is already set for its redevelopment. No additions or expansions of the retained building are contemplated at this time and most work on these buildings is related to exterior works and interior fit-up.

The PARTS direction calls for a maximum of 6 storeys for buildings, through new buildings or additions. The existing building heights of the re-purposed buildings are intended to remain unchanged (although additional floor space is to be created in the Warehouse building with a new second floor in the interior building cavity). The proposed new restaurant is meant to be a single storey building.

The existing building setbacks to Courtland Avenue and Borden Avenue are set and occupy most of the frontages, so new buildings are limited on Blocks 1 and 15. While an intimate relationship to street edges is generally desirable for commercial buildings, the proposed new commercial building (restaurant) should have flexibility in building setbacks that allows for alternative building positioning and orientation depending on the intended relationship

between the building and the surrounding urban plaza.

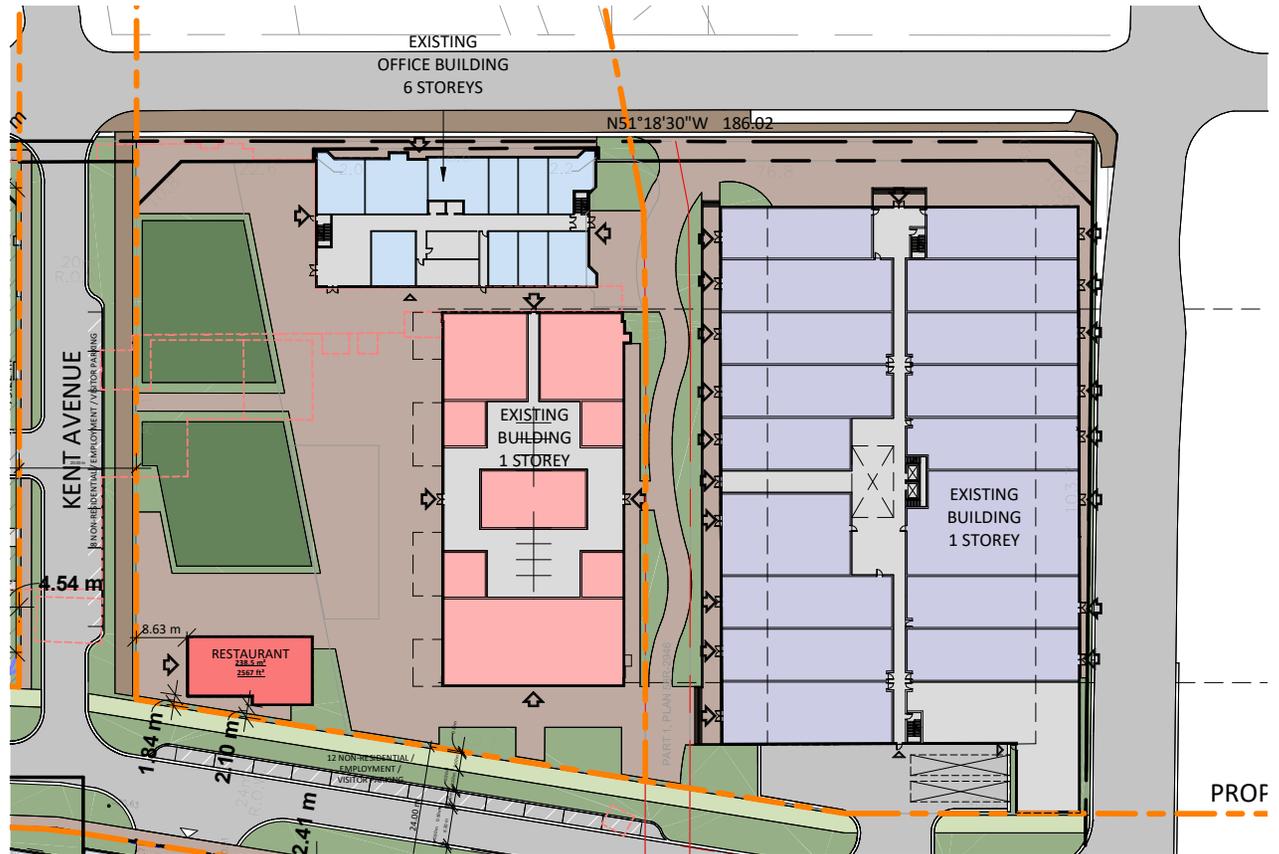


Building positioning and configuration for Blocks 1 and 15 designs

The existing 6-storey Office building along Courtland Avenue will be maintained generally in its current exterior form with an interior fit-up for office space. This building would accommodate approximately 6,370 square metres of office spaces on all floors. The ground floor exterior of this cast concrete building would be opened to better relate to the Courtland Avenue edge for pedestrian interaction with new office spaces on the upper floors, while exterior changes may be made to update and better fit with the intended character of the employment block.

The existing 1-storey Building A (previously used as a Distribution building) sitting at the corner of Courtland Avenue and Borden Avenue will be retained and will undergo significant exterior re-cladding and interior fit-out for new office space targeted to technology and creative industries. This building would accommodate approximately 9,860 square metres of office space on two floors, including the existing first floor and a new second floor. The design of these spaces would take advantage of the large volume and high ceilings (two storey equivalent building) to break up the larger building into a series of smaller office spaces that reflect contemporary trends for technology and creative businesses prevalent throughout Waterloo Region.

The existing 1-storey Building B (previously used as a Garage) building positioned between the two other buildings would be retained in its current form with exterior



Ground floor plans for Blocks 1 and 15 designs

works and interior-fit up for retail and service commercial spaces. This building would accommodate approximately 1,990 square metres of office space on one floor. This design of this building's spaces would emphasize the character of this existing red-brick building with retail openings that face out on the urban plaza to the west and the interior courtyard to the east shared with the other existing buildings. This space provides opportunities for a distinct retail character that relates to the existing building and its surrounding context of buildings and open

spaces.

Added to these re-purposed buildings, a new 1-storey building surrounds the intersection of Olde Fashioned Way and Kent Avenue on the Site. This building would be smaller scale in the order of 240 square metres of floor space. This new building is intended to accommodate a distinct restaurant as part of the employment block to serve the Site and broader neighbourhood, located as an activity point on the edge of the Platz.



Renderings of Re-purposed Distribution Building and Re-purposed Garage Building from Courtland Avenue

8.2 Vehicular Access and Circulation

Inclusive Design – CW | MTSA | MRB
Site Function – CW | MTSA | LRCMUB
Street Design – CW | MTSA

Vehicular access to Blocks 1 and 15 are purportedly limited to a single access from the Olde Fashioned Way frontage, providing access to existing loading facilities within the re-purposed Distribution building. This vehicular access is aligned with the driveway access on Block 3. There are no proposed parking facilities on Blocks 1 and 15 requiring vehicular access, so additional accesses to Olde Fashioned Way or Kent Avenue are not desired given they would interrupt J.M. Schneider Platz.

8.3 Pedestrian Access and Circulation

Inclusive Design – CW | MTSA | LRCMUB
Site Function – CW | MTSA | LRCMUB

Pedestrians will access Blocks 1 and 15 commercial uses from the Courtland Avenue and Kent Avenue public sidewalks and the multi-use pathway on Olde Fashioned Way as the principal movers of people to and from the block. The existing placement of the Office, Distribution and Garage buildings provides many options and opportunities for new openings for ground floor retail and commercial entrances. There are opportunities for multiple openings

directly onto the J.M. Schneider Platz, to the Courtland Avenue frontage, to Borden Avenue, and to the outdoor corridor between the Distribution and Garage buildings. Floor plans at the time of detailed design will dictate those decisions, noting the intent is for multiple access points for ground floor activity and animation throughout Blocks 1 and 15. Circulation routes through the Platz and corridor will be supported with surface materials, furnishings, landscaping and pedestrian-scale lighting that are high-quality, functional and universally accessible.

Cyclist access to the development is provided by the above driveways and walkways. Short-term visitor bicycle parking (Class B) is expected throughout Blocks 1 and 15 in secure locations surrounding building entrances. Long-term bicycle storage rooms (Class A) for commercial tenants and office users, per minimum zoning requirements, will be accommodated within the buildings at the time of detailed design.

Detailed design of Site Plan Approval will address ensuring safe and comfortable movements to and through Blocks 1 and 15. Walkways will be designed for universal accessibility and distinguished crossings through surface definition will be explored. Emergency signage and infrastructure will be addressed at detailed design. Lighting elements will address appropriate lighting levels for safety in higher pedestrian areas.

8.4 Loading and Service Areas

Site Function – CW | MTSA | LRCMUB

The existing loading bay on the Distribution building's southern end will be retained to service the building and other buildings, recognizing it will be substantially smaller in scale compared to past industrial activities. A building extension for the loading facilities extends south of the loading area and will screen views from Borden Avenue. Opportunities for fencing and screening plantings will be explored at the time of detailed design, where space and truck turning movements permit, between the loading area and the multi-use pathway along Olde Fashioned Way's northern side. This configuration will allow truck turning and maneuvering for loading and service functions on Blocks 1 and 15, and do not impact function on Olde Fashioned Way or Borden Avenue.

8.5 Parking

Inclusive Design – CW | MTSA | LRCMUB
Site Function – CW | MTSA | LRCMUB

Blocks 1 and 15 does not contain on-site parking facilities. Instead, the Blocks 1 and 15, commercial and office tenants will be served by the Owner's two existing surface parking areas on the other side of Courtland Avenue (one on Courtland Avenue facing the Site, the other on Kent Avenue). Ultimately though, Blocks 1 and 15 parking needs will

be served by the parking garage in Block 2 on the other side of Kent Avenue. Exits from the Block 2 parking garage on Kent Avenue will be provide convenient access to Blocks 1 and 15 through the intersections of Kent Avenue with Courtland Avenue and Olde Fashioned Way.

8.6 Building Facades, Materials and Articulation

Design for Outdoor Comfort – CW | MTSA | LRCMUB

Compatibility – CW | MTSA | LRCMUB

Built Form – CW | MTSA

The architectural approach for Blocks 1 and 15 are informed, and governed to a large degree, by the existing building fabric. The architectural intent for the retained buildings is to establish a contemporary character that blends new with old, transparent building faces at-grade contributing activity, and accents and features that support the key outdoor people place. Across all three re-purposed buildings and the new restaurant building, articulation features that support a pedestrian realm will be a priority, including careful consideration of windows and fenestration, entrance doors, and building canopies.

More specific design guidance will be further explored at the time of detailed Site Plan Approval design, given the variety of appropriate options and methods for re-purposing these building and in the interest

of keeping options open for flexibility of design. Notwithstanding this, the below is the general direction for each of the buildings from an exterior architecture perspective.

The Garage building warrants more subtle touches that build on its more traditional industrial vernacular. The Garage building is meant to embrace its industrial vernacular characterized by its red brick cladding. Additional openings for doors and windows are meant to support a range of smaller and larger retail and service commercial uses as the retail focus for the overall Site. A regular rhythm and frequency of new windows and retail entrances are encouraged, particularly along the west side facing the urban plaza and east side facing the outdoor corridor, although building tenancies and floor areas will dictate.

The Office building is expected to undergo more minimal exterior works related to further enhancing the pedestrian experience along Courtland. The Office building is expected to stay largely in its existing exterior condition as compared to the Distribution and Garage buildings. New ground floor retail uses as part of the Office building re-work should incorporate significant glazing components for transparency to the street and should consider accentuating canopies and signage to highlight the retail spaces. As well, attached or free-standing shade structures are encouraged on this side of the building to extent the function of retail and restaurants onto the urban plaza.

The Distribution building provides a large canvas for creative touches and coloration that meshes with the creative interior spaces and businesses and industries. The Distribution building is meant to be re-clad with contemporary materials and a regular rhythm of new window openings along the length of the Borden, Courtland and the elevations facing the outdoor corridor to provide natural light into the anticipated creative industries. This treatment is intended to carry up the height of this existing single storey building with a “double-storey” height. Entrances to this re-purposed *building have not been finalized as yet, but a series of entrances along Courtland as a principal entrance and along the outdoor corridor that “spill out” into this shared space are encouraged.

The new Restaurant building will have a minimum floor-to-floor height of 4.5 metres to accommodate internalized loading areas, flexibility for difference commercial uses and prominence of retail spaces as part of the ground floor realm. Transparency of the wall elevations and outdoor seating areas are particularly important considerations considering this building’s relationship with the urban plaza. Design features and treatment will reflect this prominence.

8.7 Block Landscaping

Inclusive Design – CW | MTSA | LRCMUB

Street Design – CW | MTSA

Shared Spaces – LRCMUB

Landscaping treatment on Blocks 1 and 15 are captured by the J.M. Schneider Platz discussion above in Section 7.2 above, which reflects generally all of the outdoor space on Blocks 1 and 15 (together with street edge plantings within rights-of-way). The Platz design concept provides a unified landscape scheme extending from the public rights-of-way featuring a characteristically urban balance of hardscaped and softscaped areas for different programming, including canopy trees throughout the space.

Detailed design will further explore and illustrate this shared private/public spaces. Lighting elements at the time of detailed Site Plan Approval design will address appropriate lighting levels for safety in these higher pedestrian activity areas. Opportunities for incorporating landscaping elements and surface treatment that promotes stormwater infiltration will be explored at detailed design.

8.9 Amenity Areas

Shared Spaces – CW | MTSA | LRCMUB

The J.M. Schneider Platz will provide the outdoor amenity space for Blocks 1 and 15, commercial units and office tenants, as outlined above in Section 7.2 above.

Units on the perimeter within the mixed-commercial Garage building may have small scale exclusive patio or café spaces lining the western length facing the Platz and/or eastern length facing the linear walking corridor. Similarly, the Restaurant building is expected to have a larger outdoor patio on the building's northern length, facing the Platz. These types of spaces are expected to be demarcated with fencing and landscaping to distinguish the public versus private space together with lighting and shade features, all of which will be refined through the detailed Site Plan Approval stage.

9. BLOCK 2 DESIGN OVERVIEW AND RESPONSE

Courtland Mid-Rise

Block 2 is a 1.40-hectare parcel situated along Courtland Avenue bounded by Kent Avenue, Palmer Avenue and Olde Fashioned Way. It will be developed for mid-rise residential uses in keeping with the location and direction of the “Mixed-Use Medium Density” land use designation of the PARTS Rockway Plan. Three buildings (Buildings A, B and C) containing a total of 439 apartment units are arranged on Block 2 in a perimeter fashion to provide street presence along Courtland Avenue East, Palmer Avenue, Kent Avenue and Olde Fashioned Way.



Block 2 buildings (highlighted) within the overall Metz development fabric

9.1 Ground Floor Design

Inclusive Design – CW | MTSA | MRB

Compatibility – CW | MTSA | MRB

Built Form – CW | MTSA | MRB

The mid-rise buildings on Block 2 are stand-alone residential buildings without any ground floor commercial space. Retail, restaurant and office functions are focused on the Blocks 1 and 15 cluster of the overall project. Notwithstanding this, the ground floor height at the abutting streets is generally 4.5 metres for each of Buildings A, B and C. The topographic changes, dropping from Palmer Avenue to Kent Avenue through Block 2, present different public realm interrelations in certain sections.

Along Kent Avenue, Building A sits flush with street edge along its length between Courtland Avenue and Olde Fashioned Way. These “liner” residential units edge the east side of Underground Parking Level 1 where it rises out of the ground given grade changes. These units accommodate direct entrances and at-grade amenity spaces lining the public sidewalk to provide an active ground floor interface along Kent Avenue.

Similarly, along Palmer Avenue, Building B sits flush with the street edge along its length between Courtland Avenue and Olde Fashioned Way. This occurs on Floor 1 where the Underground Parking Level 1 fully below finished grade. These units also accommodate direct entrances and at-grade amenity spaces lining the public sidewalk

to provide an active ground floor interface along Palmer Avenue.

Along Courtland Avenue, the ground floor of Building B carries a similar treatment to the Palmer Street frontage with the building ground floor sitting flush to grade with direction connections and at-grade amenity space. The eastern portion of the Building A frontage along Courtland Avenue has ground floor dwelling units connecting directly with the street edge. The remainder of the Building A frontage is the exposed parking garage wall that is articulated and detailed like the Olde Fashioned Way frontage. (noted below in the rendering on Page 49)

Building A’s ground floor wraps the corner from Kent Avenue onto the first portion of the Courtland Avenue with similar at-grade treatment of a liner residential unit. Rising from there, the ground floor relationship is one an articulated and detailed edge to the exposed Underground Parking Level 1, through material and colour choices to define.

Along Olde Fashioned Way, the ground floor treatment is the same as Courtland Avenue. The ends of Building A and Building B have similar interfaces with liner units or ground floor units, respectively, while Building C ground floor sits raised above the multi-use pathway with the same articulation, materiality and colouration on the exposed Underground Parking Level 1 wall as the Courtland Avenue treatment.



Ground floor relationship of Building A main residential entrance



Ground floor relationship of Building B main residential entrance



Ground floor relationship of Building C main residential entrance

9.2 Building Form Design

Inclusive Design – CW | DT | MTSA

Compatibility – CW | DT | MTSA | MRB

Built Form – CW | DT | MTSA | MRB

Placement and Orientation

The Block 2 building bases are positioned to provide a strong urban edge to all four bounding public street edges and surround/frame internal courtyard spaces. Along Courtland Avenue, Buildings A and B are situated 3.39 to 3.97 metres from the post-widened property line, providing a balance between street presence and space for ground floor residential units facing this principal street corridor. Along Kent Avenue and Palmer Avenue, Building A and B are situated 4.53 metres to Kent Avenue and 4.46 metres to Palmer Avenue. Buildings A and C have a common building base that act as connectors between towers. The bases of the Buildings B and A & C are situated 1.54 to 1.61 metres from the Olde Fashioned Way property line, parallel to the multi-use pathway along the street. The corner of the Building A frontage along Olde Fashioned Way has ground floor “liner” units from the Kent Avenue frontage and the remainder of the shared building base between Buildings A and C is the exposed parking garage wall that is articulated and detailed.

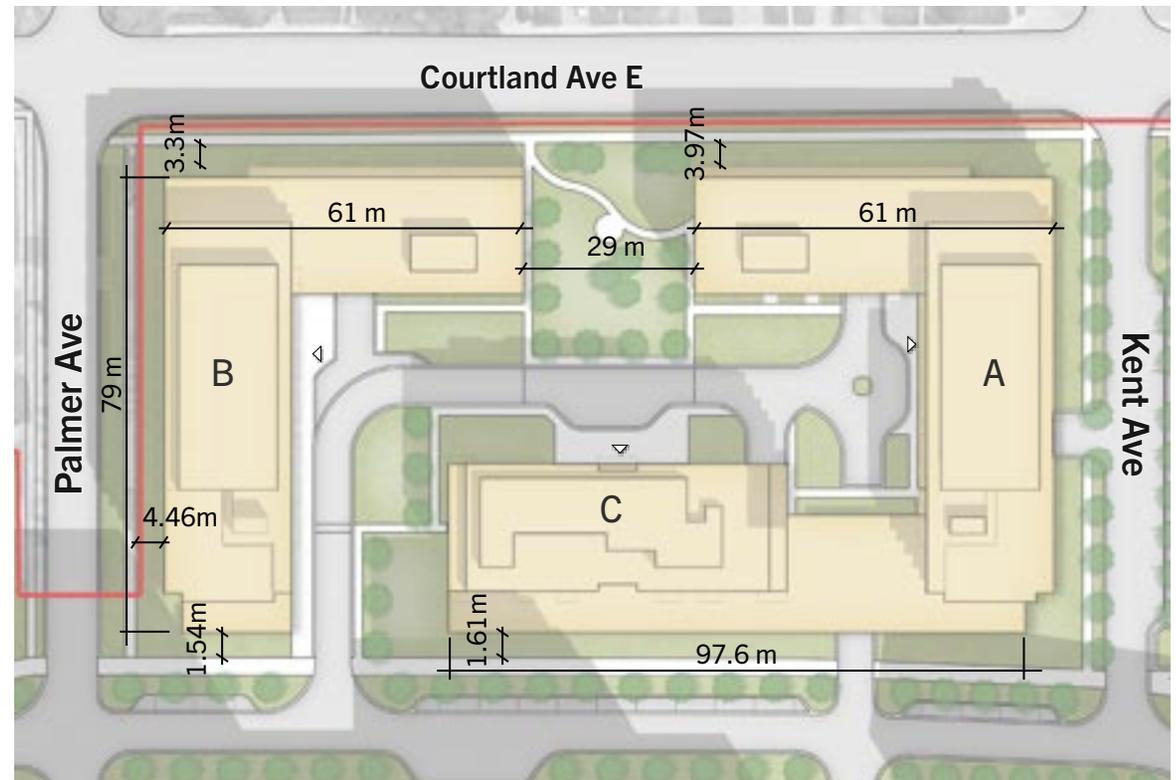
Building Length

Buildings A and B along Courtland Avenue are 61 metres long in keeping with the guidelines. This corresponds to the 5-storey lower base portions of these buildings.

Buildings A and B are 79 metres along Kent Avenue, slightly longer than the desired guideline of 70 metres. The building base’s length is mitigated in keeping with the guidelines by providing variation in the building articulations featuring notched setbacks at building corners to accommodate air shafts, projecting balconies, opening associated to the underground parking garage for Building A and direct connections via stairs to residential units.

base which acts a connector between the two buildings. The shared base is 97.6 metres in length along Olde Fashioned Way exceeding the desired guideline of 70 metres. The visual distinction of the shared base is achieved through a combination of horizontal and vertical articulation to break up the building mass, setbacks, mid-block building recession for underground parking and at-grade residential units with direct connections to the public realm at the corner of Kent Avenue and Olde Fashioned Way.

Building A and C has a shared building



Building positioning and configuration for Block 2 design



Rendering of Buildings A and C of Block 2 at the corner of Olde Fashioned Way and Kent Avenue

Height

Buildings A and B extend along Courtland Avenue and around either Kent Avenue/Olde Fashioned Way as a “C-shaped” building with a shared base connector with Building C or Palmer Avenue as “L-shaped” building, respectively. Building C completes the perimeter block configuration along Olde Fashioned Way. They are comprised of a 5-storey “lower base” facing Courtland Avenue and a perpendicular 8-storey “upper base” facing Kent Avenue or Palmer Avenue, respectively, forming the balance of the “L” configuration. Building A reads as a 9-storey building as viewed from Kent Avenue given the grade change across Block 2; the “liner” units at-grade here provide an active edge to the otherwise exposed edge of the

parking garage (Underground Parking Level 1) where it rises out of the ground. Building C is 8-storey with a one to two-storey building connector between Building A and C.

On the rooftop mechanical penthouse level, all three buildings do have a proportion of indoor amenity space (generally half of the enclosed space). This would technically trigger the definition of a 9th storey from a zoning perspective but does not meaningfully affect the building mass or height. Instead, it has other architectural benefits of transparent glazing on the roofline for such indoor amenity spaces.



Building Rendering and Elevations showing the Olde Fashion Way interface

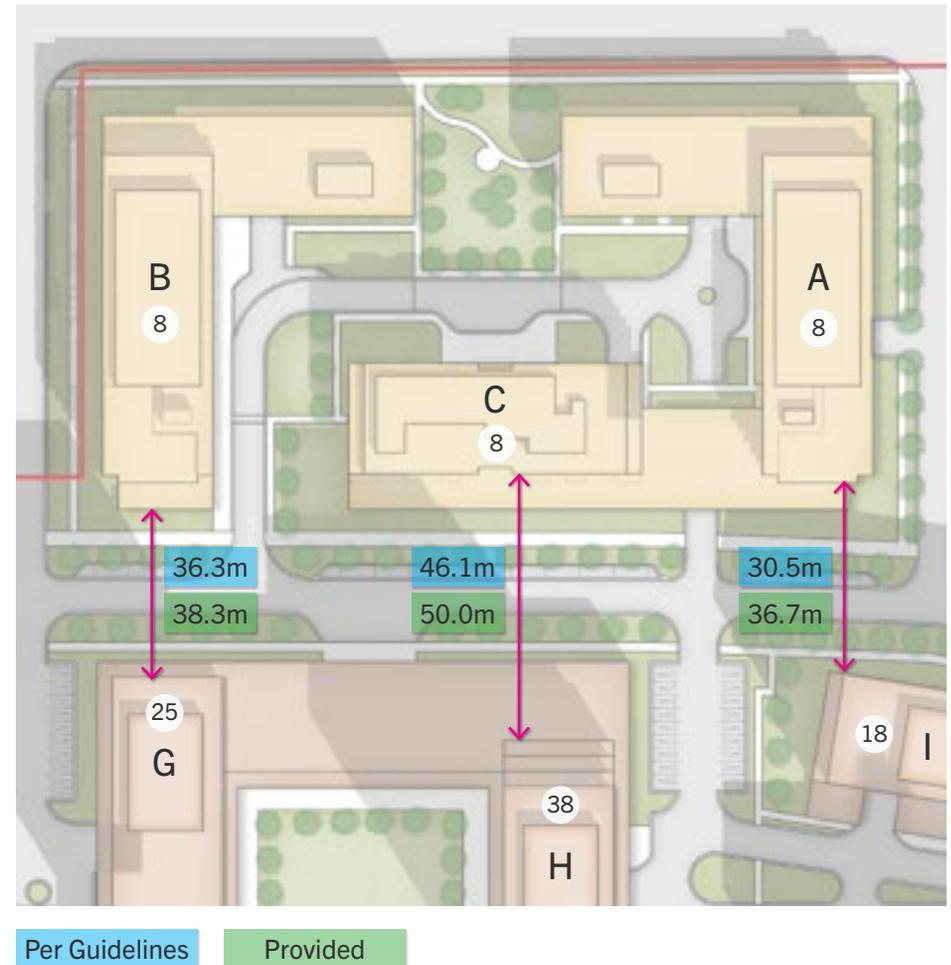
Relative Height, Separation and Overlook

For the Block 2 design, the Mid-Rise Building Guidelines suggest considering the contextual relationship to tall building form Block 4 as it relates to Relative Height, Separation and Overlook. Buildings G, H and I on Block 4 have an interface with Block 2 for these considerations.

For Relative Height, the 8-storey height of the Block 2 design is 25% to 50% of the height range of the Block 4 tall buildings, contributing the varied profile of the overall project.

For Overlook, Buildings C/H and Buildings A/I have minor overlaps in a perpendicular relationship. The Building B/G overlaps aligns as a full overlap, although this overlap is mitigated given the relationship is the shorter building ends as well as the exceedance of the Physical Separation distance.

For Physical Separation, Olde Fashioned Way (24 metre wide right-of-way) accommodates virtually all the suggested Physical Separation between the mid-rise buildings of Block 2 and the tall buildings on Block 4. All building relationships exceed the Physical Separation respective distance.



9.3 Vehicular Access and Circulation

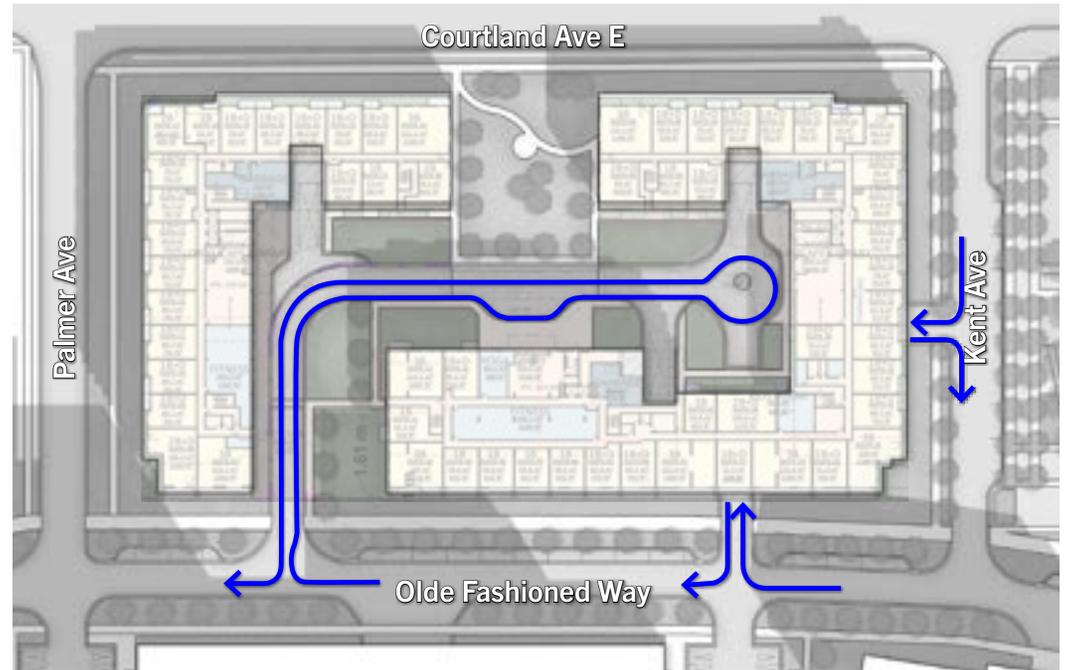
Inclusive Design – CW | MTSA | MRB

Site Function – CW | MTSA

Street Design – CW | MTSA | MRB

Streets & Open Space – MRB

The Block 2 design has three vehicular accesses, situated on the side or rear lot lines of the blocks away from Courtland Avenue. One is situated mid-block on Kent Avenue, providing access the sole access to the P2 parking garage level. Two accesses to Olde Fashioned Way flanking Building C are spaced to separate to Kent Avenue and Palmer Avenue and minimize interruptions of the Olde Fashioned Way multi-use pathway. The eastern access near Kent Avenue provides the sole access to the P1 parking level of the garage, aligned with a principal access to Block 4 across Olde Fashioned Way. The western access near Palmer Avenue provides access to surface drop-off and loading functions between all three buildings, as well as the emergency fire route.



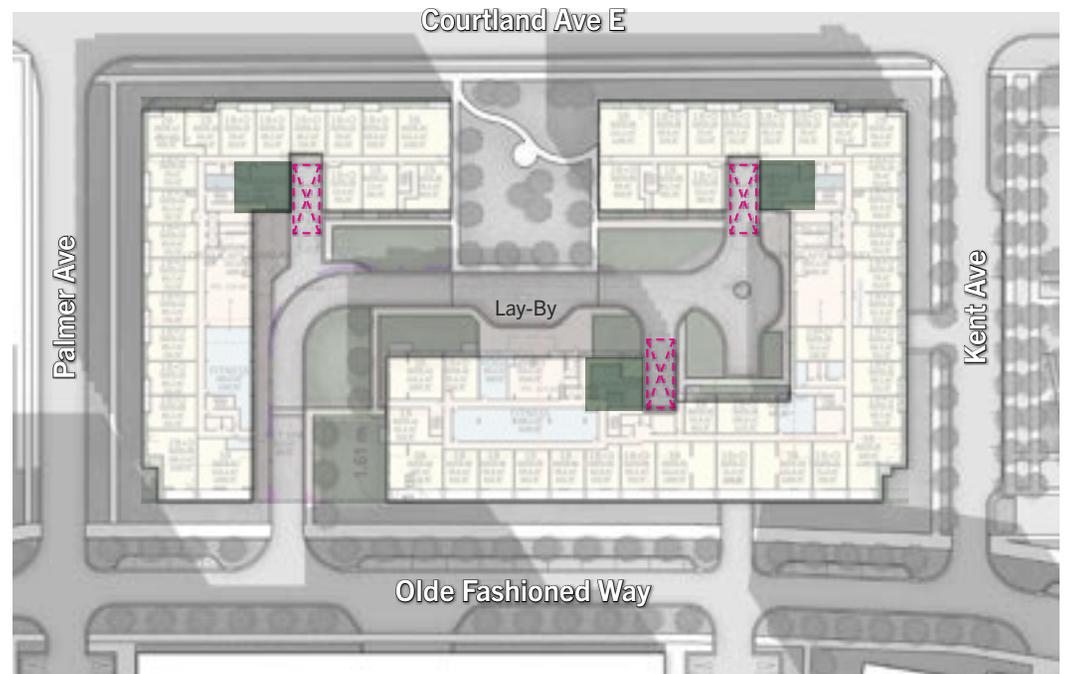
Vehicular Circulation Routes

➔ Vehicular Movements

9.4 Loading and Service Areas

Site Function – CW | DT | MTSA | MRB

Loading and service functions are internalized on Block 2, away from the four bounding public streets. Each of Buildings A, B and C are served by a dedicated “Type G” loading space for residents within the building base accessed either from the internal site driveways. These spaces directly connect to independent garbage storage rooms and move-in locations for each of the buildings. Each of the loading areas provides sufficient space for turn-around movements and maneuvering.



Block 2 highlighting loading and service areas

■ Garbage Room

▭ Loading Area

9.5 Pedestrian Access and Circulation

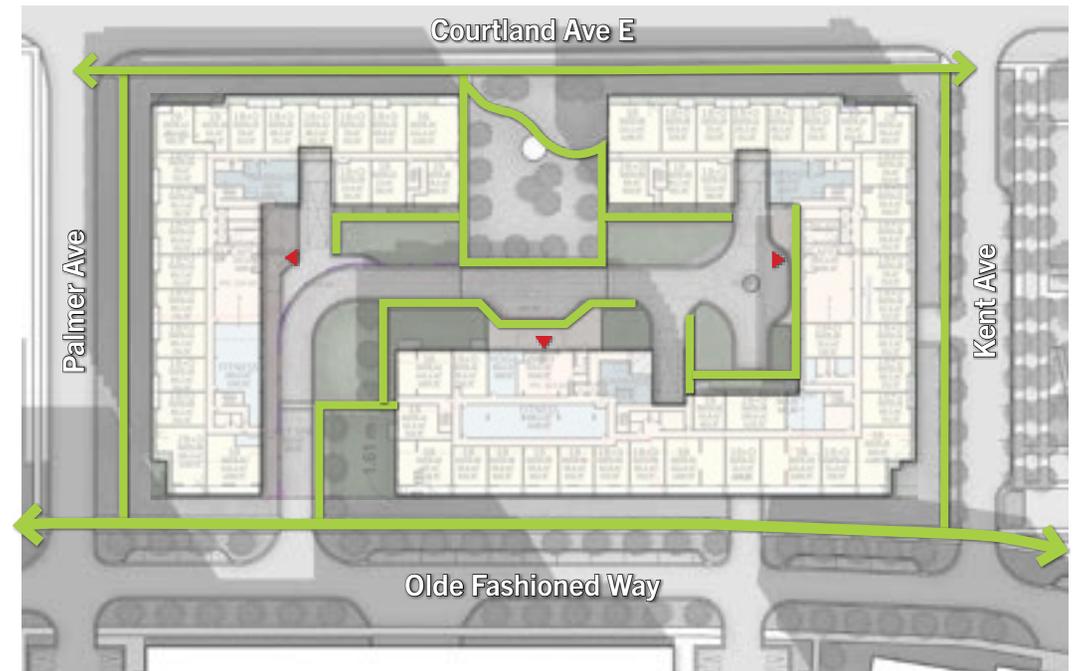
Inclusive Design – CW | MTSA | MRB

Site Function – CW | MTSA | MRB

Street Design – CW | MTSA

The public streets bounding Block 2 will provide public sidewalks (Courtland, Kent, Palmer) or a multi-use pathway (Olde Fashioned Way) lining the block's edge that will be the principal movers of people to and from Block 2. The ground floor lobby entrances are situated on the inward-facing sides of Buildings A, B and C, partly owing to changing grade conditions across Block 2. The at-grade amenity space between Buildings A and B provides the pedestrian site access to Block 2 from Courtland Avenue public sidewalk; the site walkway along the surface vehicular access provides the pedestrian site access from Olde Fashioned Way multi-use pathway. A series of site walkways line the inward building edges provides a connected circulation pattern through Block 2 and its at grade open spaces.

Further to the above shared connections, ground floor units along Courtland Avenue, Palmer Avenue, Kent Avenue and portions of Olde Fashioned Way provide direct entrances from the public sidewalk. These connect by individual walkways leading through at-grade outdoor spaces, enhancing an active residential interface with the street edges.



Ground floor plan showing building entrances and site walkway

- Pedestrian Movements
- ▲ Main Building Entrance

9.6 Parking

Inclusive Design – CW | MTSA | MRB

Site Function – CW | MTSA | MRB

Structured Parking – SP

All vehicular parking for Block 2 is within an underground parking garage. The P1 and P2 levels of the garage provide a total of 585 parking spaces. The levels are accessed independently from either Olde Fashioned Way (P1) or Kent Avenue (P2). A total parking count of 423 spaces will be served for residential needs including 53 parking spaces for visitors for Block 2 and 109 parking spaces will be served for commercial needs for Blocks 1 and 15 across Kent Avenue. The P1 level contains doors mid-block on the Kent Avenue frontage, flanking the driveway entrance, to provide convenient access for commercial-dedicated spaces on the P1 or P2 levels.

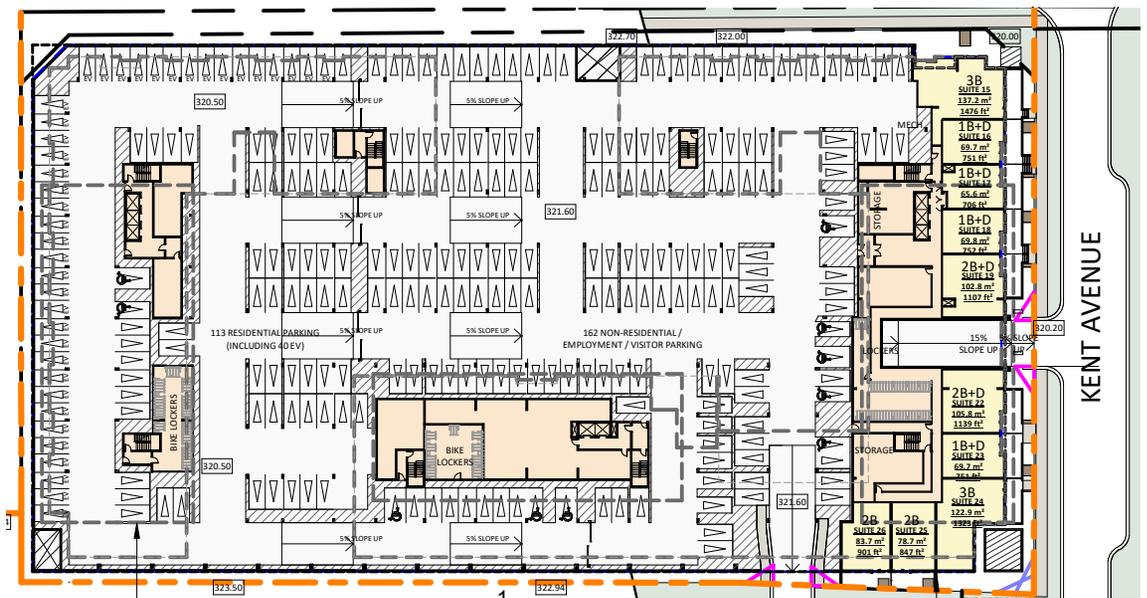
The eastern portion of the P1 level of the underground parking garage does emerge above grade in the location of Building A given Block 2's topography. Design-wise, the presence of these above-grade portions is minimized in two ways. The entirety of the Kent Avenue frontage and extending around the first 30 metres approximately onto Courtland Avenue and Olde Fashioned Way are lined with ground floor residential units with entrances onto the public sidewalks, providing an active residential edge to the parking garage. The balance of the exposed garage, where floor heights won't allow for liner units is designed with alternating pattern of coloured bands and lighting features for a refined, attractive finish to the exposed wall.

The proposed development satisfies the minimum

indoor (Class A) and outdoor (Class B) bicycle parking spaces of the MIX-2 Zone. The design contains a total of 264 Class A bicycle parking spaces distributed in three secure storage rooms in the P1 Level of the parking garage. The storage rooms each surround the garage elevator/stairwell locations for the respective Building they serve. As well, the detailed design will provide several locations in convenient, street-facing locations for 6 Class B bicycle parking spaces for building visitors.



Layout of P1 Parking Level (below) and P2 Parking Level (above)



9.7 Building Materials and Articulation

Outdoor Comfort Design – CW | MTSA | MRB

Compatibility – CW | MTSA | MRB

Built Form – CW | MTSA | MRB

All three buildings share a common architectural aesthetic blending contextually-inspired materiality and textures with contemporary finishes.

Buildings A and B share a mirrored exterior design. The “lower base” of these buildings is emphasized and grounded with a light brick-patterned pre-cast panels framing a regular pattern of glazed windows. This treatment extends generally for the first four storeys of the building except viewed as five storeys for Building A along Kent Avenue and surrounding three corners onto Olde Fashioned Way to pick up grades. The at-grade floor elevations are distinguished with larger expanses of floor-to-ceiling windows surrounding recessed glazed unit entrance doors.

The “upper base” transition begins on the stepped 5th floor where the solid-to-glass proportions changes with larger expanses of glass to lighten the building mass, while pulling up the lighter pre-cast materials in an accenting and division role. These glass-based proportions do extend downwards through the mid-building (and some ends) of the lower base, together with the wall plane receding, to visually break up the building lengths.

The Building C exterior designed carries a similar aesthetic but with a distinction in colour and subtle differences in articulation. Building C switches to a red brick-patterned pre-cast panel as the base material in a similar composition to Buildings A and B. This solid base extends from the ground floor through the 7th storey, above where the 8th storey transitions to taller expanses of transparent glass, further accentuating the setbacks on the 8th storey for a refined building top. This glass-based composition also extends mid-building on the long sides facing the streets to visually break up the building length.

Unit balconies are mixed in type and composition facing both outward-facing and inward-facing to maximize viewing relationship throughout Block 2. They include hanging balconies for many of the side and end units, inset balconies for locations at the mid-building glass break along the street faces as well as certain corner locations, and semi-recessed balconies in certain locations elsewhere. The balcony guard treatment is consistently glass throughout the three buildings.

The mechanical penthouses of each of the buildings are largely clad with light coloured pre-cast panels consistent with the remainder of the building architecture for the enclosed mechanical and service areas on the rooftop. The portion of the mechanical penthouse floor containing the indoor amenity rooms are clad with tall, continuous expanses of transparent glass. This materiality together with the penthouse setbacks provides a clean, refined finish to the building top.



Rendering snapshot of Block 2 architectural aesthetic



Aerial View of Block 2 Building Renderings

9.8 Block Landscaping

Inclusive Design – CW | MTSA | MRB

Street Design – CW | MTSA

Shared Spaces – MRB

The proposed building positioning and arrangement supports a strong urban edge on all four public street sides. Per Section 6 above regarding street design, the landscape intent within the bounding public rights-of-way is meant to be soft in nature and includes a regular pattern of deciduous trees along the sidewalk/multi-use pathway edge. Landscaping for the Block 2 edges are intended blend from this treatment within the abutting public rights-of-way into the private property in terms of softscaped treatments and deciduous trees where space and depth permit, consistent with a residential interface.

The on-site at-grade amenity areas will be a combination of hardscaped and softscaped spaces for resident use, including opportunities for small-scale recreation functional areas and features. Plantings may be in ground where soil depth above the parking garage permits or alternatively above-grade planted areas and planters. Spaces between the ground floor individual residential unit entrances and terraces facing the streets provides opportunities for small scale landscaping efforts to further enhance the residential streetscape image.

The above-grade landscape design consists of the rooftop communal terrace on the 5th and/or 8th floors of the three buildings. These terrace designs are expected to be principally composed of a hard surface treatment for durability and ease of maintenance.

Soft landscape treatments can be added through raised massed planted beds, including deciduous canopy trees within the beds and standalone, together with movable planters throughout the terrace. Formal and informal sitting and dining areas can be provided, including cooking and warming facilities. Privacy screens can provide a boundary between different functional “rooms” making up the rooftop terrace.

Detailed design will further explore and illustrate these public and public/private spaces. Lighting elements at the time of detailed Site Plan Approval design will address appropriate lighting levels for safety in these higher pedestrian activity areas. Opportunities for incorporating landscaping elements and surface treatment that promotes stormwater infiltration will be explored at detailed design.



Precedent example of at-grade courtyard spaces and landscaping

9.9 Amenity Areas

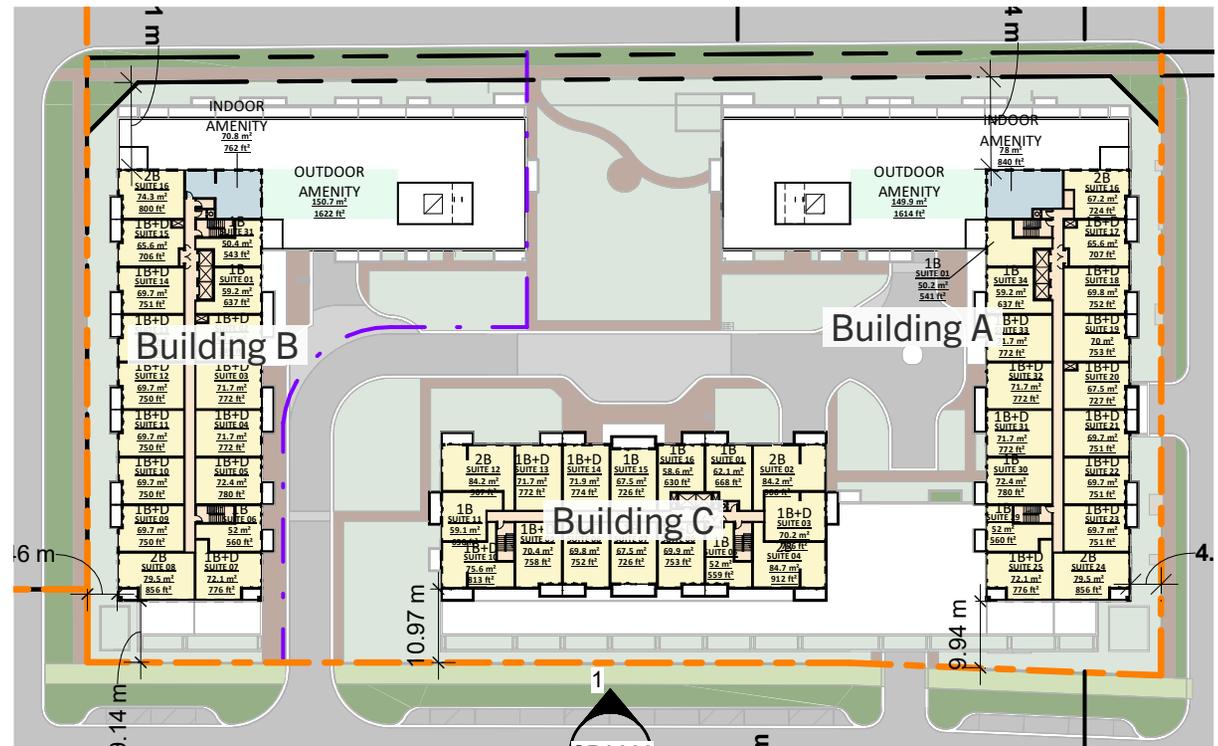
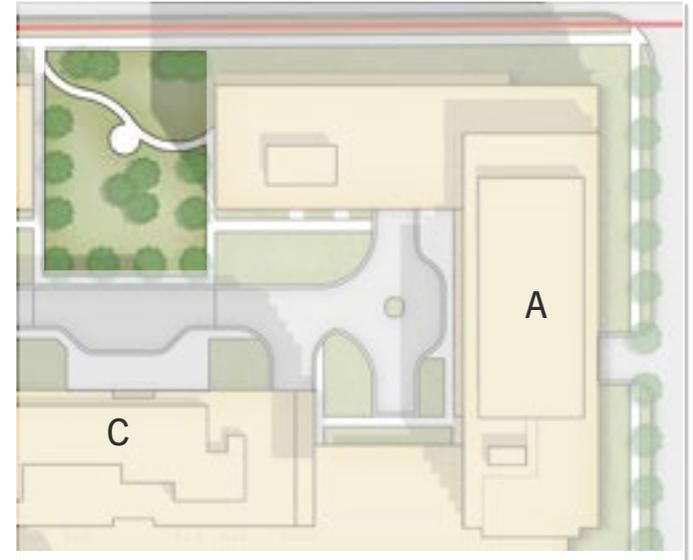
Shared Spaces – CW | MTSA | MRB

The Block 2 design contains several different indoor and outdoor amenity spaces for residents in at-grade locations and upper storey rooftop locations. These spaces are a combination of common shared spaces or private amenity spaces for individual units.

The ground level has multiple outdoor and indoor spaces for residents. There are series of connected outdoor at-grade common amenity spaces framed between the buildings or lining the building edges for residents that provide opportunities for a diverse range of hardscaped and softscaped spaces for resident use. These spaces vary in space and configuration as part of a connected system through the block. Ground floor units in all three buildings have private amenity spaces out front, whether smaller spaces lining the street edges for Buildings A and B or more generous, raised spaces for Building C facing Olde Fashioned Way. Also, there are several indoor amenity rooms for residents near the lobby of each building, facing internally on the block.

Rising in the upper storeys, each building has co-located indoor amenity rooms and outdoor terraces. Buildings A and B have rooftop outdoor terraces co-located with an indoor amenity room on top of both the “lower base” (5th floor rooftop) and the “upper base” (8th floor rooftop), facing towards Courtland Avenue. Building C has a rooftop outdoor terrace co-located with an indoor amenity room on the upper base (8th floor rooftop) facing internally on Block 2.

The outdoor function of these common terraces is complemented by the individual unit balconies for each unit throughout the 2nd through 8th storeys of each building. The configuration of these balconies includes recessed, semi-recessed and hanging balconies through the building mass, providing individual options for residents as well as refining and distinguished the architectural variation throughout the buildings.



Courtland courtyard space (above) and podium rooftop terraces on Buildings A and B (below)



Streetview of Olde Fashioned Way at the corner of Olde Fashioned Way and Kent Avenue

10. BLOCK 3 DESIGN OVERVIEW AND RESPONSE

High-Rise

Block 3 is a 0.58-hectare parcel situated at the southwest corner of Borden Avenue and Olde Fashioned Way. The proposed building (Building M) is a 16-storey high-rise mixed office and residential building, sitting atop a 4-storey podium base. A total of 1,000 square metres of non-residential/employment space is provided on the ground floor, while the subsequent floors will be residential consisting of 159 dwelling units. This block reflects the location and general intent of the “Innovation Employment” designation in the PARTS Rockway Plan, recognizing the integration of residential uses in mixed use forms.

Building M is meant to provide a transition between Borden Avenue and the taller buildings proposed on adjacent blocks (Blocks 4,5,6) to the west of the proposed public park. One level of underground parking, at grade surface parking and three levels of structure parking are proposed to serve residents and employees on Blocks 1 and 15, with single driveway access provided from Olde Fashioned Way and aligned with the driveway access on Blocks 1 and 15.



Rendering of Building M from Olde Fashioned Way

10.1 Ground Floor Design

Inclusive Design – CW | MTSA | MRB

Compatibility – CW | MTSA | MRB

Built Form – CW | MTSA | MRB

The building's footprint generally reflects a full-build out of the block. The ground floor occupies non-residential/employment uses, residential lobby area and driveway access to above-grade and below-grade parking levels. The building's taller ground floor height of 4.8 metres provides for flexibility of different commercial activities and sufficient space for loading functions.

The non-residential/employment uses has frontage along Oide Fashioned Way and Borden Avenue with direct access to the public sidewalks. The residential portion of the building faces "Nancy Featherstone Park" to maintain active visual interest along this public space. The at-grade visitors parking spaces will be provided at the back of the building, screened away from the public streets and public park edges.



Aerial View Rendering of Building M

10.2 Building Base Design

Inclusive Design – CW | MTSA
Compatibility – CW | MTSA | TB
Built Form – CW | MTSA | TB

Placement and Orientation

The building base is situated towards the northwest corner of Block 3, positioned with minimal setbacks to the Olde Fashioned Way and Borden Avenue frontages. This relationship provides a close interface with Olde Fashioned Way frontage to provide a strong urban edge and appropriately frame the public park similar to the facing side of Block 4. It sits generally 3 to 4.7 metres to Olde Fashioned Way and 3 metres to the western property line shared with “Nancy Featherstone Park”. The massing of the building base is designed as a mid-rise form, reaching up to 4 storeys in height. This height allows for a desired transition to the low-rise residential properties on the opposite side of Borden Avenue, ensuring compatibility with the surrounding context. Additionally, the tower placed above the fourth storey is stepback 28 meters from the edge of the building base abutting Borden Avenue. This stepback provides visual relief and creates a distinction between the base and the towers, contributing to a balanced and visually appealing composition.

The varied articulation and detailing throughout the base, and the considerable tower pull back from the base will ensure an appropriate pedestrian scale and streetwall design to the Borden Avenue.

10.3 Building Tower Design

Design for Outdoor Comfort – CW | MTSA
Compatibility – CW | MTSA | TB
Built Form – CW | MTSA | TB
Environment – TB

Height

Building M is a 16-storey high-rise mixed-use building sitting atop a 4-storey mid-rise podium.

Building Length

Building M’s podium is 85.8 metres in length and the building tower above is 54.5 metres in length.

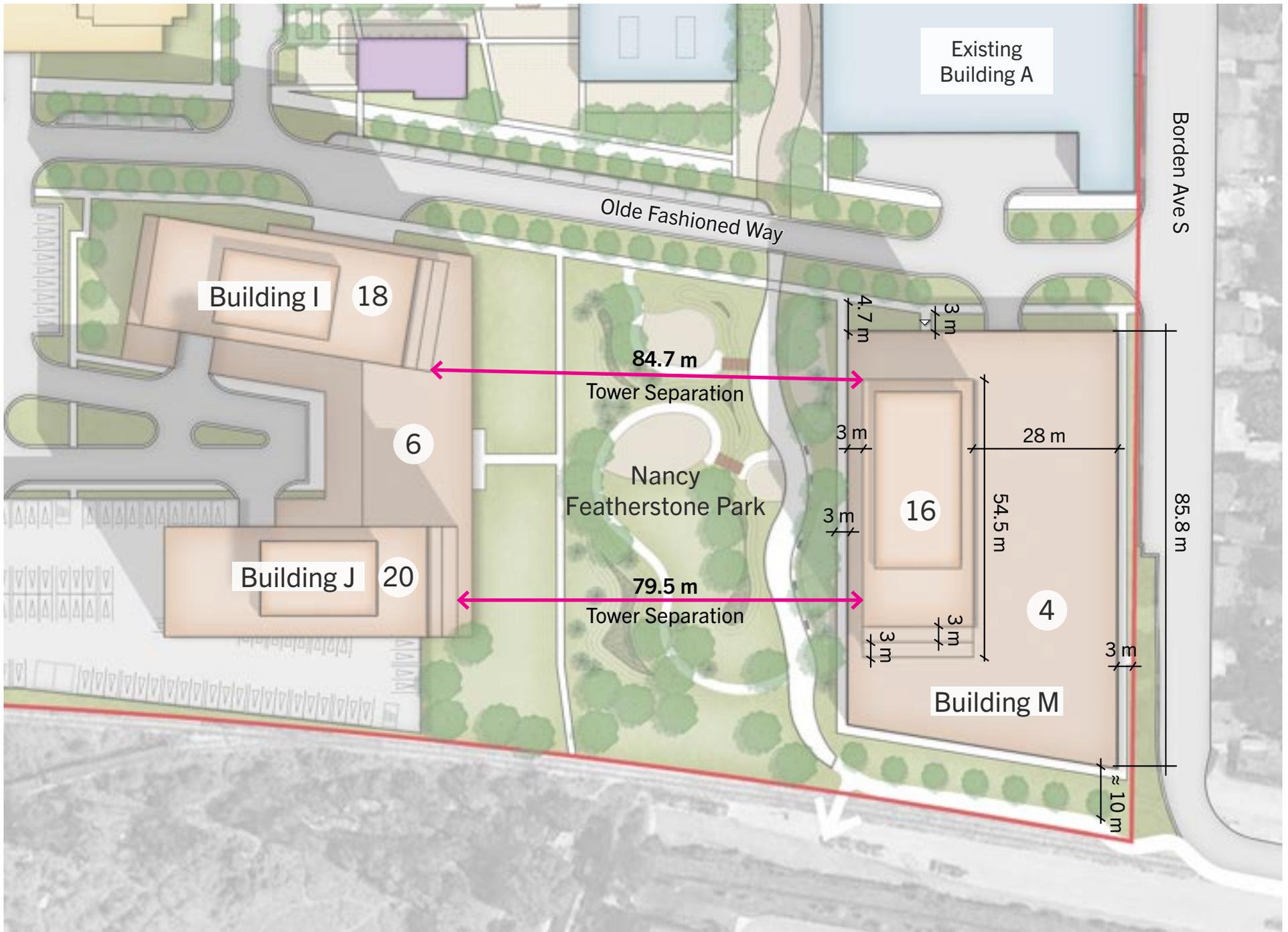
Upper Storey Stepbacks

Above the 4-storey podium, the tower steps back 3 metres from the western podium edge (facing “Nancy Featherstone Park”), 9.5 metres from Olde Fashioned Way, 28 metres from Borden Avenue and approximately 13 to 17 metres to the south side of the podium. The tower further steps back 3 metres from 12th and 14th storeys. The mechanical penthouse level step back at least 2.4 metres from long building sides and 11.4 metres on the south side.

Relative Height, Separation and Overlook

Building I and Building J on the facing Block 4 across “Nancy Featherstone Park” are relevant for Block 3 per the Tall and Mid-Rise Building Guidelines. The Relative Height of the 16-storey Building M generally meets the guidelines with a proportion of 80% to 88% in relation to the height of the 18-storey Building I and 20-storey Building J on Block 4. The Physical Separation of the 16-storey Building M meets the guidelines for separating towers as there is approximately 79 to 85 metres of separation to Buildings I and J on Block 4 (Building M only requires 25 metres on its own).

Towers of Building M and Building I have no overlap given the placement. Towers of Building M and Building J have a 28% overlap with the parallel orientation, generally in keeping with the suggested guidance and Overlap is further justified by the substantial actual separation provided as noted above as well as minimal privacy impacts with the shorter facing end of Tower J.



Building positioning and configuration for Block 3 design

10.4 Vehicular Access and Circulation

Inclusive Design – CW | MTSA | MRB

Site Function – CW | MTSA

Street Design – CW | MTSA | MRB

Streets & Open Space – MRB

Block 3 will be served by a single vehicular access from Olde Fashioned Way, connecting to the above and below grade parking garage. This access is aligned with the Blocks 1 and 15 access across Olde Fashioned Way accessing loading and service areas to minimize turning movement conflicts with larger vehicles.

10.5 Pedestrian Access and Circulation

Inclusive Design – CW | MTSA | MRB

Site Function – CW | MTSA | MRB

Street Design – CW | MTSA

The abutting public sidewalk along Olde Fashioned Way will provide the principal access to Block 3. Pedestrians will access the ground floor lobby entrances situated on the front portion of the building facing Olde Fashioned Way. Further to this principal connection, connections to the abutting Nancy Featherstone Park abutting to west and multi-use pathway abutting to the south are intended to provide further pedestrian connectivity on Block 3 to parks, open spaces and transit A defined pedestrian connection to the multi-use pathway will lead through Block 3 and link to the trailway connecting to the Mill ION Station.

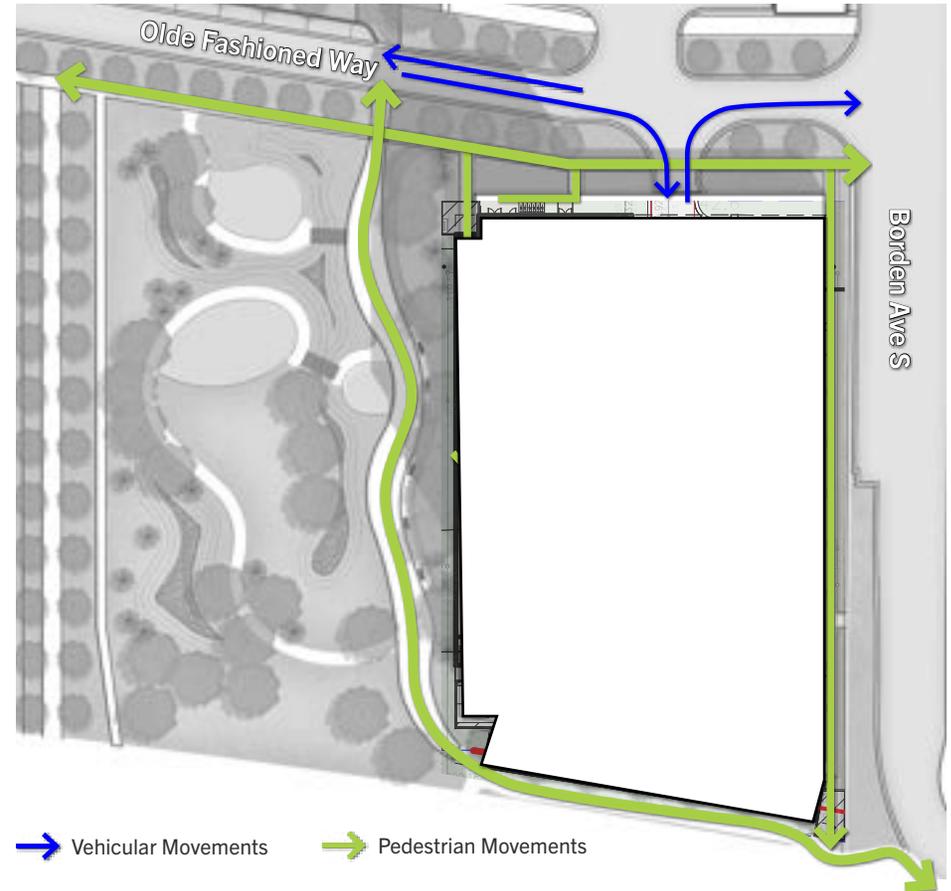
10.6 Loading and Service Areas

Site Function – CW | MTSA | MRB

Loading and service functions for the Building M will be internalized on Block 3, away from Olde Fashioned Way. They will include a dedicated loading space for residents within the building base

directly connect to independent garbage storage rooms and move-in locations in the building. The loading area will provide sufficient space for turn-around movements and maneuvering.

Pedestrian and Vehicular Circulation Routes



10.7 Parking

Inclusive Design – CW | MTSA | MRB

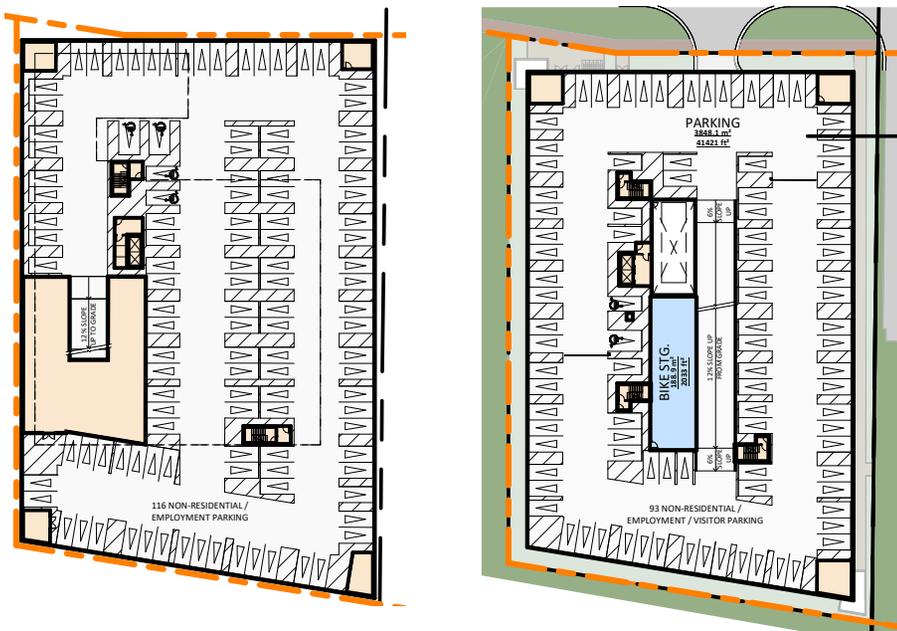
Site Function – CW | MTSA | MRB

Structured Parking – SP

Parking is contained within an integrated parking garage. The garage contains 413 parking spaces in total, intended as shared parking

between non-residential and residential uses including visitors. Parking is provided on one level of underground parking, three levels of structured parking (second to fourth storeys), accessed from the driveway from Olde Fashioned Way.

A total of 94 bicycle parking spaces will be provided, out of which 84 “Class A” indoor parking spaces (for residential and non-residential uses) will be provided in secure storage rooms on the ground floor and second floor. The remainder is 10 “Class B” parking spaces in secure outdoor locations surrounding the main building entrances for residents and at the back of the building for visitors using the non-residential uses.



Layout of P1 Parking Level (left) and Parking Levels 2 - 4 (right)

10.8 Building Materials and Articulation

Design for Outdoor Comfort – CW | MTSA | MRB

Compatibility – CW | MTSA | MRB

Built Form – CW | MTSA | MRB

The design of Building M is expected to employ a similar aesthetic to that of Block 2 outlined above. This includes a contextually-inspired materiality and textures with contemporary finishes and accentuation of the different tall building components (base, tower and top) through materiality, proportions, and articulation.

10.9 Block Landscaping

Inclusive Design – CW | MTSA | MRB

Street Design – CW | MTSA

Shared Spaces – MRB

Landscaping for the Block 3 edges will be designed to integrate with the Olde Fashioned Way streetscape (north), “Nancy Featherstone Park” design intent (west), multi-use pathway planting schemes (south), and the Borden Avenue streetscape (east). The edges on all four sides are generally intended as softscaped treatments with deciduous trees, where space permits, consistent with a residential interface.

10.10 Amenity Areas

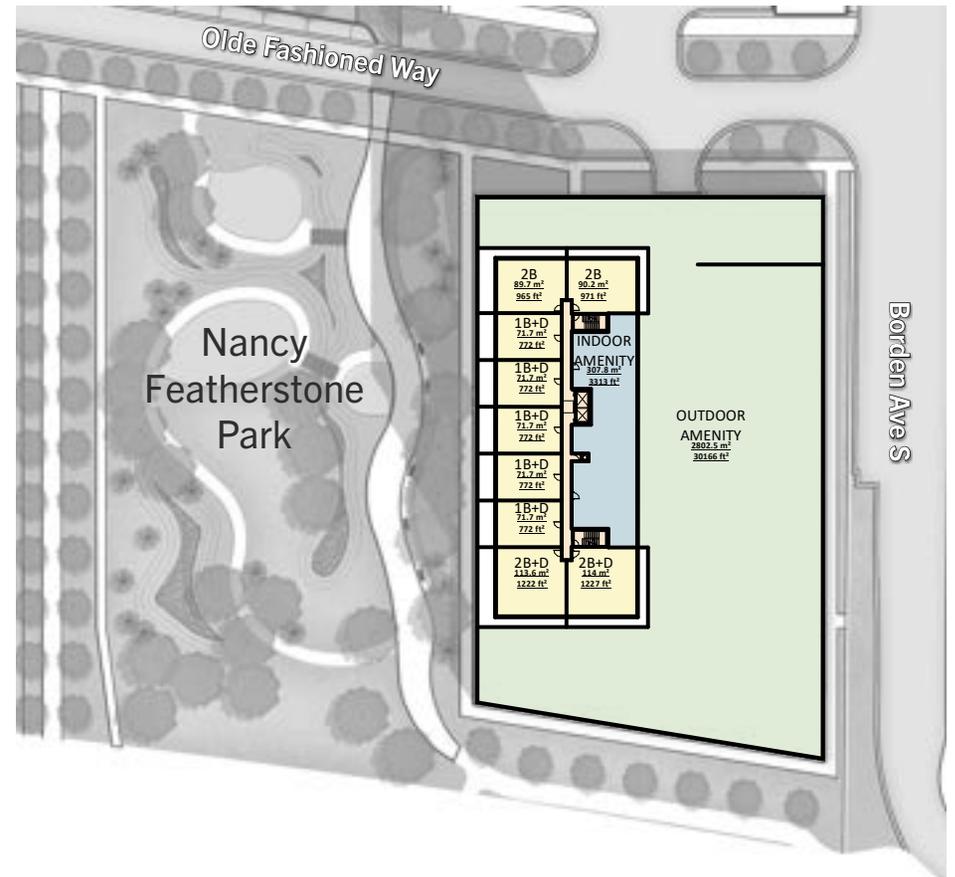
Shared Spaces – CW | MTSA | MRB

Building M’s podium-tower configuration provides a sizable rooftop space atop the building podium suited to outdoor rooftop terraces. Such terraces are expected to be principally composed of a hard surface treatment for durability and ease of maintenance. Soft landscape treatments can be added through raised massed planted beds, including deciduous canopy trees within the beds and standalone, together with movable planters throughout the terrace.

Formal and informal sitting and dining areas can be provided, including cooking and warming facilities. Privacy screens can provide a boundary between different functional “rooms” making up the rooftop terrace, as well as distinctions between exclusive resident and office worker spaces.

The outdoor function of these common terraces is complemented by the individual unit balconies expected for each unit throughout the 5th through 16th storeys of the building.

Detailed design will further explore and illustrate these public and public/private spaces. Lighting elements at the time of detailed Site Plan Approval design will address appropriate lighting levels for safety in these higher pedestrian activity areas. Opportunities for incorporating landscaping elements and surface treatment that promotes stormwater infiltration will be explored at detailed design.



Podium rooftop terraces on Building M

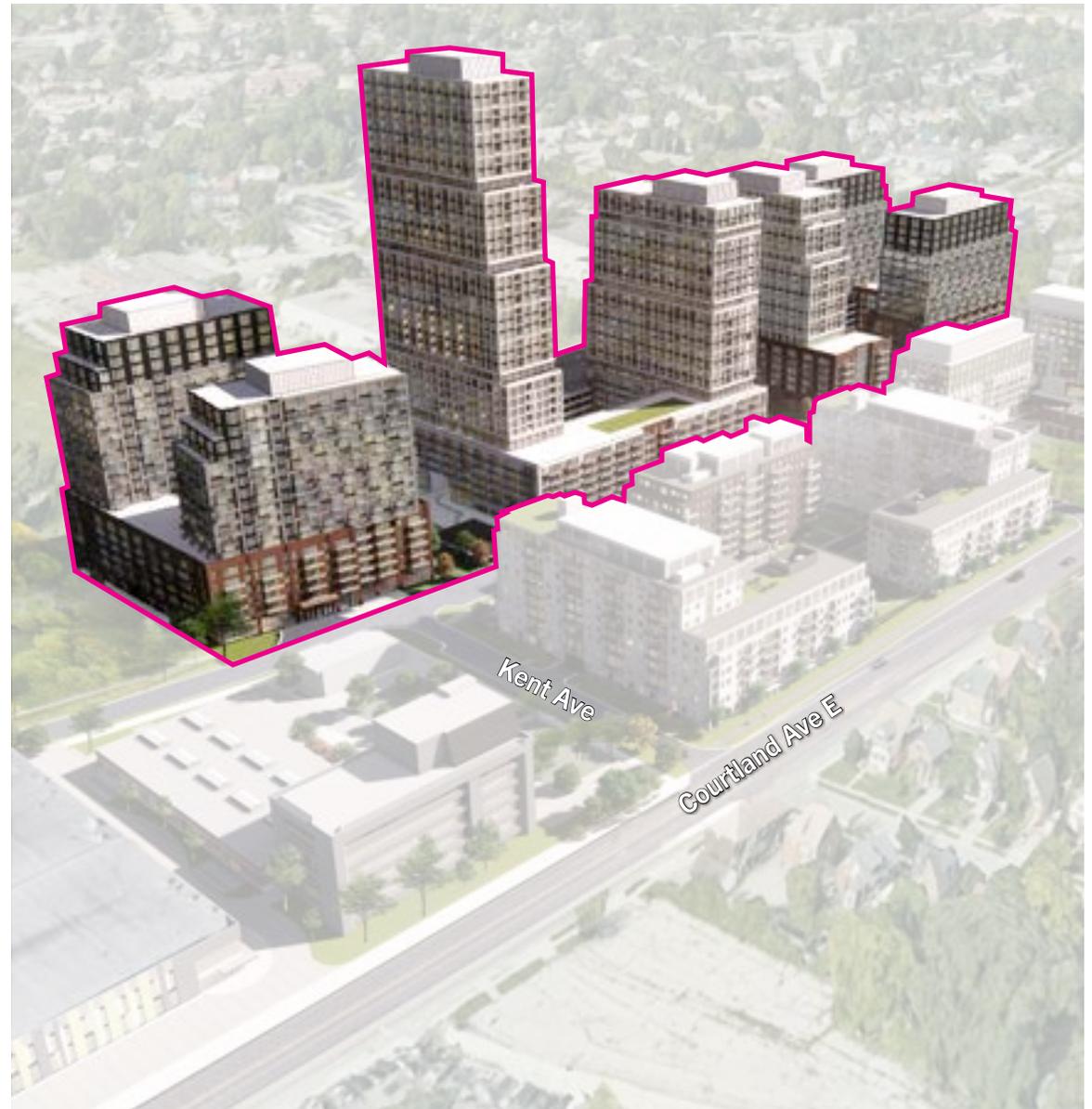
11. BLOCKS 4, 5, 6 & 7 DESIGN OVERVIEW AND RESPONSE

High-Rise Residential

Blocks 4, 5, 6 & 7 have a combined area of 4.07-hectares, situated along most of Olde Fashioned Way's south side and bounded by the CNR rail line to the south, the public park on Block 8 to the east, and Stirling Avenue South to the west. These blocks will accommodate higher rise residential forms and will contain the bulk of the proposed development's intensity and units. These blocks reflect the location and general intent of the "High Rise Residential" land use designation of the PARTS Rockway Plan.

Blocks 4, 5, 6 & 7 contain seven high-rise residential buildings (Buildings D through J) arranged along the Olde Fashioned Way frontage with a combined total of 2,540 apartment units. Building heights vary along the length of Block 4, ranging from 18 storeys to 38 storeys. Breakdown of apartment units for each block are as follows:

- Block 4 contains two high-rise residential buildings (Buildings J and I) with a total of 555 apartment units.
- Block 5 contains two high-rise residential buildings (Buildings G and H) with a total of 980 apartment units.
- Block 6 contains one high-rise residential building (Building F) with a total of 328 apartment units.
- Block 7 contains two high-rise residential buildings (Buildings E and D) with a total of 570 apartment units.



Blocks 4,5,6 & 7 buildings (highlighted) within the overall Metz development fabric

11.1 Building Groupings

With the exception of Building F which is a standalone residential building, the remaining six buildings (D,E,G,H,I,J) are arranged in three modules of two buildings each, connected by a mid-rise podium (six storeys in height) that link the buildings and provide a pedestrian scale edge to the Olde Fashioned Way between the towers. The spaces between the podium and towers contain a combination of at-grade and rooftop amenity spaces for residents, complementing the internal common amenity areas expected within the buildings.

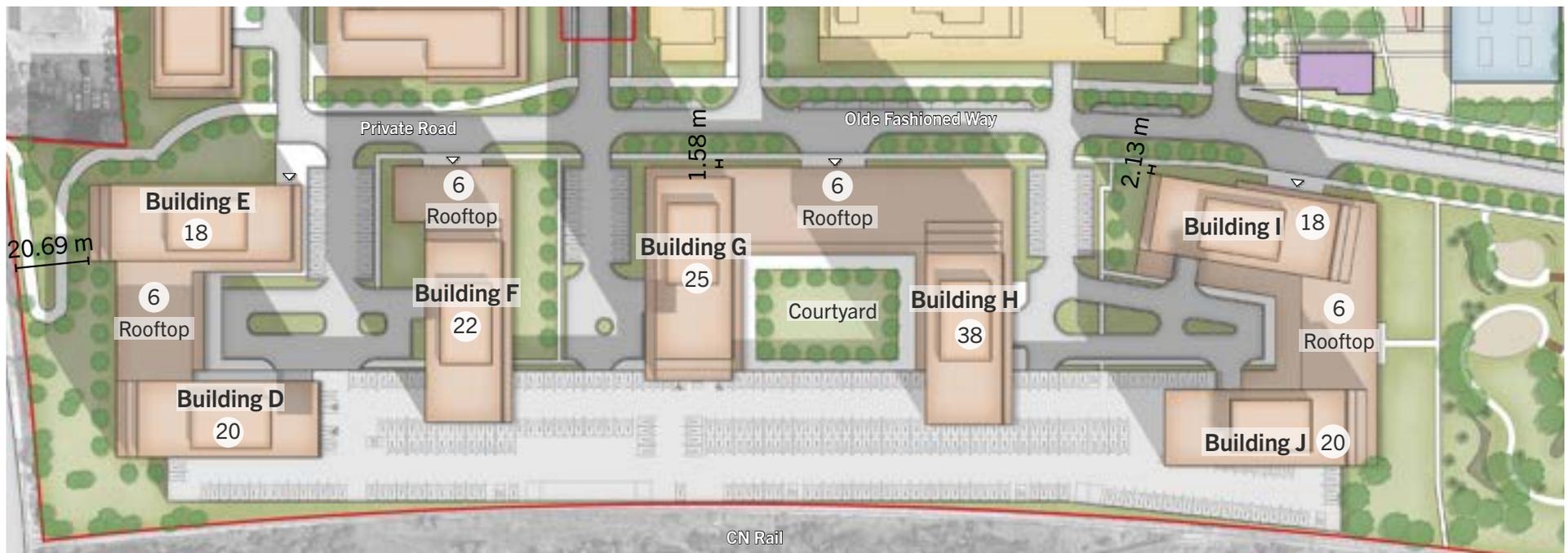
Grouping strategies focus on architectural and urban means to create commonality between buildings. Grouping strategies apply to all building types, not just the tallest ones. The lower levels of all buildings play an important role in defining the quality of the public realm. As such, it is important not to fixate on tall buildings and landmarks, but to dedicate attention to every building that addresses the street.

11.2 Building Base Design

Inclusive Design – CW | MTSA
Compatibility – CW | MTSA | TB
Built Form – CW | MTSA | TB

Blocks 4 - 7 buildings are arranged along Olde Fashioned Way to occupy majority of the street frontage of the block, forming continuous building edges while providing additional space for landscaping and pedestrian walkways. Building G-H are positioned parallel to Olde Fashioned Way with their narrow edges facing the street and looking to Courtland, to visually diminish the appearance of 25-38 storey towers looking north to south through the site. Buildings E, D, I and J are situated on the east and west ends of the block, facing internal streets within the blocks.

The base of the buildings are massed as mid-rise form up to six storeys in height. There are three modules of two buildings and one standalone building. Each module is linked by a connecting podium,



six storeys between Buildings D/E, G/H, and I/J. These connecting podiums provide multiple functions: accommodating entrances to the two buildings for drop-off purposes, providing for continuity of the architectural treatment of the building bases, screen large portions of the integrated parking structure, and enclosing outdoor courtyard space between the buildings.

The length of the buildings varies along Olde Fashioned Way, ranging generally between 60 and 100 metres with the connecting podiums in between the tower bases, excluding the portion of the 4-storey parking garage to the rear of Block 4 along the rail corridor. Although exceeding the general guideline length of 70 metres in some instances, the visual perception of these bases is mitigated by the regular rhythm of windows and articulation and reduced through the setbacks and height change of the connecting podiums.

Distinction of the building base will be achieved through a combination of tower recessions from the outside edges of the longer sides of the building modules, differentiation in colours and materials from that of the tower portions, and a consistent rhythm of transparent fenestration lining all sides. The ground floor heights of all seven buildings facing Olde Fashioned Way are generally 4.5 metres and 5.6 metres, which are meant to accommodate common amenity areas and functions of the building leading to the public streetscape. The ground floor has highly transparent glazed windows that frame around the building base to visually anchor the building. Residential units located within the podium and towers will include balconies overlooking the street and central courtyard. Taken together, this design will anchor the base of the buildings and provides an appropriate street edge condition, with variety created through the rhythm of building base and courtyards as the pairs of towers alternate.

The integrated 4-storey above-grade parking garage purposely lines the railway corridor for buffering purposes. The ends of the parking garage along the railway corridor are “tucked in” to minimize perception along those lengths. They are screened by the connecting podiums of the base from views from Olde Fashioned Street. The

architectural treatment where exposed along Blocks 4 - 7’s ends and in the spaces between the building modules will need to integrate these exposed edges within the overall architecture of the buildings, particularly for the ends facing the public park while recognizing the rear context and limited prominence of these rail-facing walls.

11.3 Building Tower Design

Design for Outdoor Comfort – CW | MTSA

Compatibility – CW | MTSA | TB

Built Form – CW | MTSA | TB

Environment – TB

Placement

The placement of the towers is partly a function of the blocks’s (Blocks 4 -7) contextual relationship with the railway corridor. Tower orientation was considered together with separation and overlook considerations. The shorter side of Towers F,G and H are oriented to Olde Fashioned Way and to the adjacent Blocks 2 and 8, to maximize separation while still meeting the intent for the overlook considerations. In addition to that, the towers generally step back from the street-facing sides of the building base. The setbacks are either modest at 3 metres for Tower I to Olde Fashioned Way to create a distinction between the base and tower portions or more substantial at 15.5 metres for Tower H to Olde Fashioned Way, 15 metres for Tower F to the private road for the purposes of tower offsets. This creates visual interest and a dynamic pedestrian-oriented streetwall that mediates the scale of proposed towers, and is well proportioned and responsive to Olde Fashioned Way.

Size & Proportion

The towers of Buildings D - J are composed of “large slabs” sitting atop the mid-rise building base, set at 20, 18, 22, 25, 38, 18 and 20 storeys in height respectively. Each tower consists of “lower” and “upper” sections created by a combination of additional setbacks



Rendering of Buildings I & J, as seen from Olde Fashioned Way

and architectural effects. The lower tower floorplates are 1,250 square metres and a length-to-width ratio above 1.6. The upper storeys of the towers step back at 3 metres on all towers and are generally between 1120 square metres to 1055 square metres.

Overlook

Towers D/F, Towers E/F, Towers H/I and Towers H/J have minor overlaps given its perpendicular relationship with shorter building ends. Towers D/E, Towers F/G, Towers G/H and Towers I/J have greater overlaps; however, the towers are staggered to increase the perceived tower separation distances and no projected balconies are proposed to minimize privacy concerns.

Relative Height

The tower heights have been varied as intended by the Tall Building Guidelines. The towers vary from 18 to 38 storeys across Blocks 4 - 7, with abutting height differences between towers principally between 65% and 88% relationship between shorter and taller towers. Buildings E/D and I/J situated at east and west ends of the southern blocks are similar, with only a two-storey difference, but variety is made up across the blocks south of Olde Fashioned Way. The heights are varied in the “random” pattern for variety and interest purposes with the shortest buildings at the east and west ends of the blocks where they transition to abutting properties on Stirling Avenue to west and the public park (Nancy Featherstone Park) on the Site to east. The tall buildings are stepped for variety and sculpted to reduce the appearance of mass and add visual interest to the upper building. Additional design refinement will occur at the Site Plan Approval stage employing materiality, balconies, use of colour, top design and other techniques to further reduce the appearance of mass and bulk.

Separation

The proposed tower arrangement incorporates and respects the design guidance for physical separation, recognizing there are some deficiencies. These deficiencies have been minimized to the extent possible, balanced with other tall building design considerations, and are mitigated in part by their situation.

The deficiency between Towers D/F, Towers E/F, Towers H/I and Towers H/J are mitigated in part by the perpendicular orientation and the fact that the separation is internal to the development rather than off-site. The oblique nature of the viewing angle of Tower I further reduces any potential privacy impacts. The greater deficiency of the upper tower portion is mitigated by the smaller floor plates and the reduced number of units viewing towards the other tower in those storeys (see page 80 for Table Summary of Physical Separation Distances).

11.4 Building Top Design

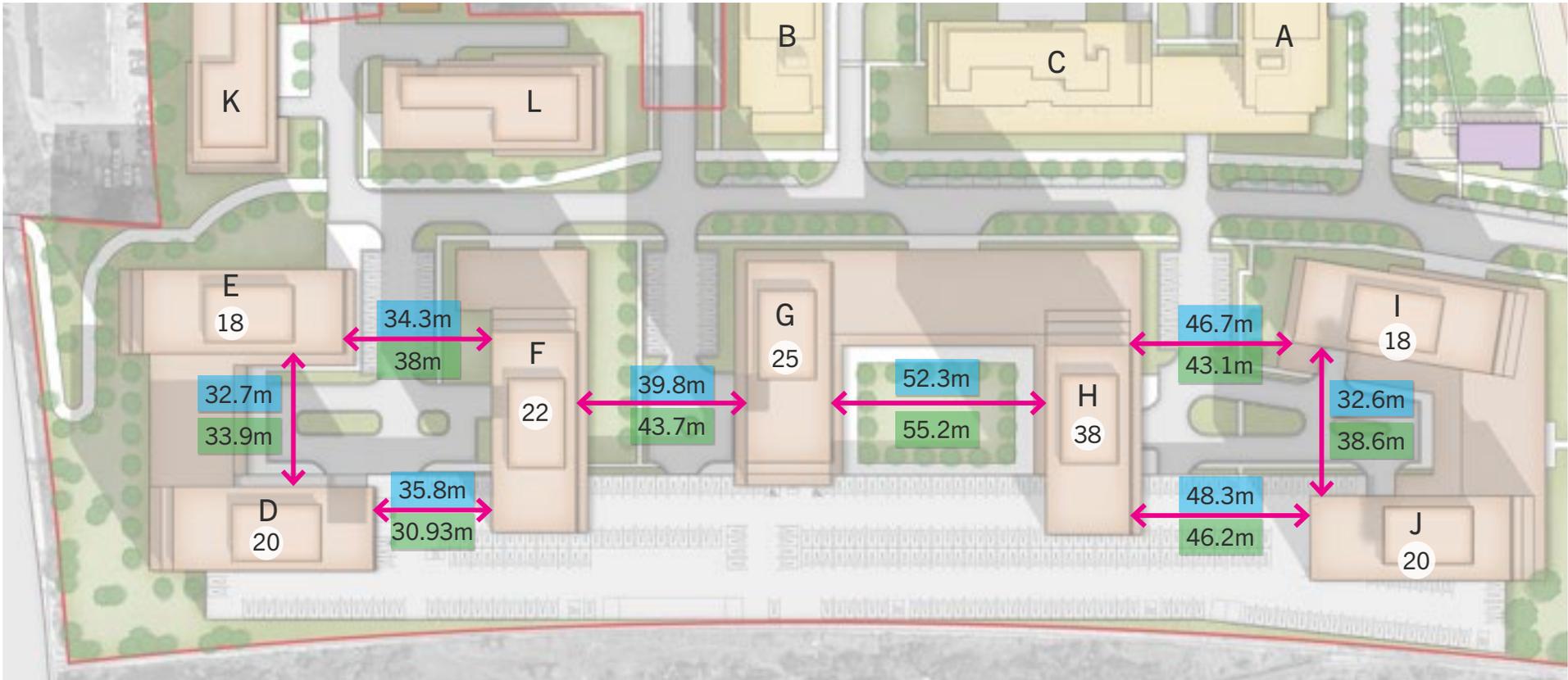
Design for Outdoor Comfort – CW | MTSA

Compatibility – CW | MTSA | TB

Built Form – CW | MTSA | TB

Environment – TB

The building tops of the seven buildings are finished with enclosed mechanical penthouses, setbacks of the uppermost storeys from the Olde Fashioned Way face, upper cornice lines and changes in cladding materials and colours. The collective skyline created from the Site Master Development Plan will positively contribute to the larger skyline, southeast of Downtown Kitchener, creating a visual anchor for the development in the overall context of the City. These details will be explored and detailed through the Site Plan Approval process, which may include further distinctions between the buildings.



Per Guidelines

Provided

Tower Dimensions

	TOWER	Height (m)	Length (m)	Width (m)	Area (sq.m)
Tower D					
Lower	6-16 storeys	49.5	57.6	21.7	1250
	17-18 storeys	56.2	54.6	21.7	1185
Upper	19-20 storeys	66.5	51.6	21.7	1120
Tower E					
Lower	6-14 storeys	43.8	57.6	21.7	1250
	15-16 storeys	50.5	54.6	21.7	1185
Upper	17-18 storeys	60.8	51.6	21.7	1120
Tower F					
Lower	6-15 storeys	55	57.6	21.7	1250
	16-19 storeys	64.8	54.6	21.7	1185
Upper	20-22 storeys	72.5	51.6	21.7	1120
Tower G					
Lower	6-15 storeys	50	57.6	21.7	1250
	16-22 storeys	72.2	54.6	21.7	1185
Upper	23-25 storeys	82	51.6	21.7	1120
Tower H					
Lower	6-12 storeys	37.1	57.6	21.7	1250
	13-22 storeys	72.2	54.6	21.7	1185
	23-29 storeys	94.4	51.6	21.7	1120
Upper	30-38 storeys	122.8	48.6	21.7	1055
Tower I					
Lower	6-14 storeys	46.9	57.6	21.7	1250
	15-16 storeys	53.6	54.6	21.7	1185
Upper	17-18 storeys	60.3	51.6	21.7	1120
Tower J					
Lower	6-16 storeys	49.5	57.6	21.7	1250
	17-18 storeys	56.2	54.6	21.7	1185
Upper	19-20 storeys	66.5	51.6	21.7	1120

Physical Separation Per Tower

TOWER	Distance per Guidelines (m)
Tower D	
6-16 storeys	14.2
17-18 storeys	15.3
19-20 storeys	17.1
Tower E	
6-14 storeys	12.6
15-16 storeys	13.7
17-18 storeys	15.6
Tower F	
6-15 storeys	15.8
16-19 storeys	17.5
20-22 storeys	18.7
Tower G	
6-15 storeys	14.4
16-22 storeys	19.7
23-25 storeys	21.1
Tower H	
6-12 storeys	10.6
13-22 storeys	19.7
23-29 storeys	24.3
30-38 storeys	29.8
Tower I	
6-14 storeys	13.5
15-16 storeys	14.6
17-18 storeys	15.5
Tower J	
6-16 storeys	14.2
17-18 storeys	15.3
19-20 storeys	17.1

Physical Separation

Facing Condition	Distance per Guidelines (m)	Proposed Distance (m)
Parallel Condition		
Lower		
Tower D to Tower E	26.8	33.9
Tower F to Tower G	30.2	43.7
Tower G to Tower H	25	55.2
Tower I to Tower J	27.7	30.2
Tower D to Off-site (abutting Stirling Ave)	12.6	22.5
Tower E to Off-site (abutting Stirling Ave)	12.6	20.6
Upper		
Tower D to Tower E	32.7	33.9
Tower F to Tower G	39.8	43.7
Tower G to Tower H	52.3 (21.2+31.2)	55.2
Tower I to Tower J	32.6	38.6
Tower D to Off-site (abutting Stirling Ave)	17.1	22.5
Tower E to Off-site (abutting Stirling Ave)	15.6	20.6
Perpendicular Condition		
Upper		
Tower D to Tower F	35.8	30.3
Tower E to Tower F	34.3	38
Tower H to Tower I	46.7 (15.5+31.2)	43.1
Tower H to Tower J	48.3 (17.1+31.2)	46.2

Table Summary of Physical Separation Distances

11.5 Vehicular Access and Circulation

Inclusive Design – CW | DT | MTSA

Site Function – CW | DT | MTSA

Street Design – CW | DT | MTSA | TB

Streets & Open Space – TB

Blocks 4-7 have three vehicular accesses from Olde Fashioned Way, connecting to the parking garage entrances and drop-off locations between the tower groupings. The eastern entrance is aligned with the Block 2 P1 garage level entrance on Olde Fashioned Way, providing access to the parking garage entrances at the base of Buildings H, I and J. The central entrance is aligned with the terminus of Palmer Avenue, providing access to the parking garage entrances at the base of Building G. The western entrance is accessed from a private roadway extending from Olde Fashioned Way leading to the parking garage entrances at the base of Buildings D, E and F. Each entrance courtyard has a separate drop-off location and turnaround facilities accessing lobby entrances and garbage/loading functional areas between the tower groupings. All four vehicular entrances have access to the ground floor of the fully integrated parking garage with connections to the underground as well as to upper garage levels.

11.6 Pedestrian Access and Circulation

Inclusive Design – CW | DT | MTSA

Site Function – CW | DT | MTSA

Street Design – CW | DT | MTSA | TB

Streets & Open Space – TB

All seven buildings on Blocks 4-7 will connect into the public sidewalks on Olde Fashioned Way and the private roadway extension through building entrances situated close to the sidewalk edge. The residential lobbies are regularly spaced between the vehicular access points for purposes of maximizing separation of pedestrian and vehicular traffic and circulation. The Buildings I and J interface with the public park on Block 13 will be explored at the time of Site

Plan Approval, which currently shows an on-site walkway lining the building length leading to the public sidewalk on Olde Fashioned Way.

Further to these principal pedestrian connections to the street, site walkways line the vehicular entrance driveways from Olde Fashioned Way and the private roadway. These minimum 1.5-metre wide walkways provide connections to functional areas internal to Blocks 4-7, including parking garage exit doors, indoor amenity areas, and indoor bike storage areas.

Detailed design of Site Plan Approval will address ensuring safe and comfortable movements to and through the Subject Site. Walkways will be designed for universal accessibility and distinguished crossings through surface definition will be explored. Emergency signage and infrastructure will be addressed at detailed design stage. Lighting elements will address appropriate lighting levels for safety in higher pedestrian areas.

11.7 Loading and Service Areas

Site Function – CW | DT | MTSA

Environment – TB

Loading and service functions are internalized in the development, away from the bounding public streets. Each of the towers is served by a dedicated loading space and a garbage/recycling room for residents within the building base accessed either from the internal site driveways from Olde Fashioned Way or from the private road. The blocks are sited to enable garbage trucks to easily maneuver for pickup within the planned internal driveways and do not impact municipal streets. Mechanical equipment and utility rooms are incorporated into the parking garage levels and rooftop spaces.

11.8 Parking

Inclusive Design – CW | DT | MTSA

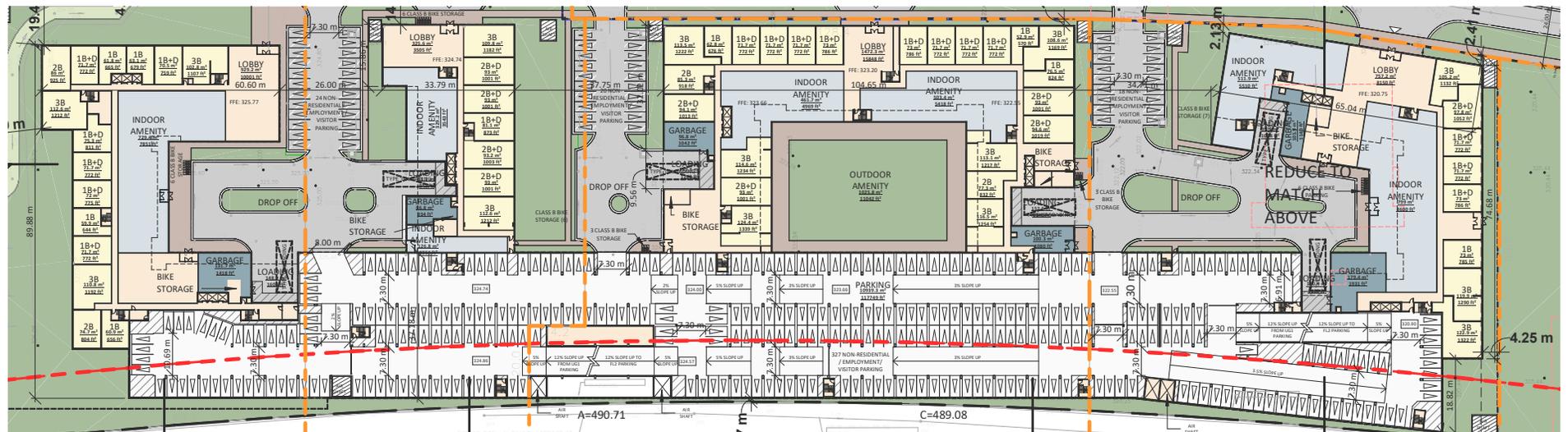
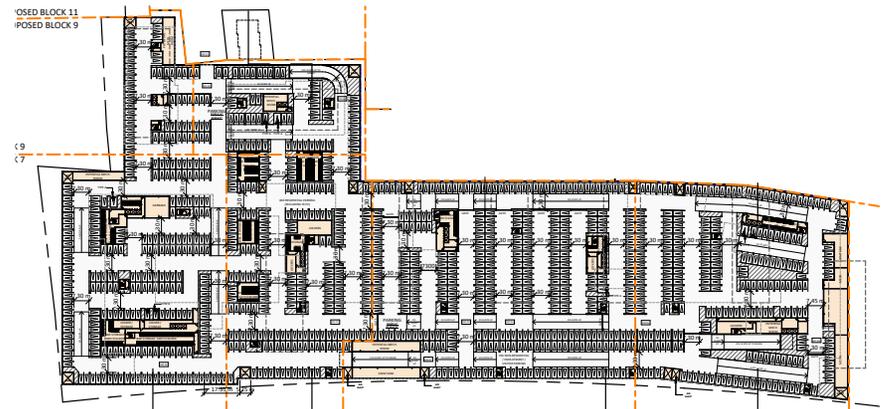
Site Function – CW | DT | MTSA

All car parking is internalized within an integrated parking garage shared between the seven towers on Blocks 4-7 and two towers on Blocks 8-9. A four-storey above-grade garage contains 1,705 parking spaces along the southern boundary of Block 4, providing for a buffer from the abutting the CNR rail line. In addition to the four-storey above-grade parking garage, there is one level of underground parking containing 1,136 parking spaces which lies under the entirety of Blocks 4-9, including the seven towers on Blocks 4-7 and above-grade parking structure. All seven buildings on Blocks 4-7 access the above-grade and underground parking through each of the three vehicular accesses from Olde Fashioned Way, which are aligned with those access driveways on Block 2 as well as with the terminus of Palmer Avenue to the north.

Of the total supply, 2,119 parking spaces are dedicated for residential units through the full garage, both underground and above-grade for Block 4-9. The remaining 722 parking spaces are dedicated for shared non-residential users and residential visitors. The parking

supply includes 40 barrier-free spaces that are generally distributed throughout all garage levels, situated close to the elevator bays on the respective floors for convenient access.

The proposed development satisfies the minimum indoor (Class A) and outdoor (Class B) bicycle parking spaces, containing 1,360 bicycling parking spaces. This total is principally comprised of 1,324 “Class A” indoor parking spaces are provided in secure storage rooms throughout smaller areas on the P1 and ground floor. The remainder is 36 “Class B” parking spaces in secure outdoor locations surrounding building entrances and along the streetscapes for easy access and circulation by visitors to the Site.



Layout of P1 Parking Level for Blocks 4-9 (above) and Ground Floor of the 4-storey Parking Garage (below)

11.9 Building Materials and Articulation

Design for Outdoor Comfort – CW | MTSA

Cultural & Natural Heritage – CW | MTSA | TB

Compatibility – CW | MTSA | TB

Built Form – CW | MTSA | TB

The proposed design uses a contemporary aesthetic blended with traditional, contextual inspirations when it comes to articulation and materiality. A common outcome of this development context has been the prevalence of the tower and podium building typology, where the lower portions of the building are expressed as one architectural component, and the tower as a second distinct vertical element. However, the proposed design is unified by a shared colour palette and materiality to establish balanced solid-to-glass proportions, window and entrance design, and aperture ratios and depths. The material strategy will be to utilize a palette that reflects robustness, durability, local character, and environmental performance. This aesthetic is achieved in a varied method throughout the different components of the buildings and between towers, per below.

Building Base

The podiums act as an anchor to the tower elements, located to frame and reinforce the street walls along Olde Fashioned Way and private road. The podiums along Olde Fashioned Way have been designed to provide an appropriately scaled transition to the adjacent uses, with setbacks for trees and planting that will establish a soft landscape treatment. The design emphasizes the use of red bricks (except for Buildings G and H), clear glazing with high ceilings and strategic arrangement of internal building uses to create a visual connection between the public and private realms. Transparent glass extends the height of the ground floor elevation interposed with lines of metal accents to demarcate divisions (horizontal and vertical). The main building entrances are clearly distinguished and are inset to provide weather protection for pedestrians. The ground floors will contain a mix of services, including privately accessed fitness rooms, multi-purpose rooms, and residential lobby areas. Projected balconies are

proposed for all units within the building base at a regular interval along the elevations, contributing to vertical articulation of the buildings, adding visual interest and breaking down the apparent scale of the longer building elevations.

Tower

The towers designs incorporate horizontal and vertical accents to create visual interest and distinguish the buildings. For Towers F, G and H have rhythmic modularity defined by window openings in contrasting colours, projected balconies regularly spaced on all elevations. The distinction between the tower stepbacks is further accentuated through changes in the composition of materials and building articulations such as by providing a continuous glazed curtain wall with narrow vertical lines of metal accent to demarcate divisions. They also give a depth to the façade to create a more visually interesting external skin to the building.

The façade design of Towers E&D and I&J situated on the east and west ends of the southern blocks are similar, featuring a three-tier volumetric massing (red brick cladding for base, lighter colour exterior façade for lower tower and a darker colour for the upper tower) with balconies at regular intervals of varying sizes corresponding to smaller to bigger dwelling units. Balconies are encased with light colour vertical bands alternating with window openings that are grouped together with a darker cladding material, contributing to the vertical definition of the tower design. The uppermost portion of the tower is designed with further stepbacks and is distinguished in a refined manner with transparent glass exterior that appears to be ‘interlocking’ with the lower tower which helps to break up massing and provide the illusion of multiple buildings.

Tower Top

The rooftop finish of each of the tower mechanical penthouses is stepped back from the tower portion of the building along to reduce the building profile. The mechanical penthouse has been designed to appear as an extension of the principal tower.



Rendering of Buildings G & H, as seen from Olde Fashioned Way



Rendering of Buildings E & F, as seen from private road

11.10 Block Landscaping

Inclusive Design – CW | MTSA
Street Design – CW | MTSA | TB
Streets & Open Space – TB

Olde Fashioned Way provides the public street edge for the Blocks 4-7 development. The building massing of the seven buildings on Blocks 4-7 reinforces an urban streetscape character to this public street, with buildings positioned close to the sidewalk edge but with variation and recession of portions of the built form to provide relief. Olde Fashioned Way's landscape design as well as the design of the landscape spaces on Blocks 4-7 facing the street will be determined at the time of Site Plan Approval. The public realm, while not fully designed at this stage, is conceptually illustrated in the Site Master Development Plan and renderings, and demonstrates that the desired human-scaled, varied and visually appealing streetscape can be achieved.

Lighting elements at the time of detailed Site Plan Approval design will address appropriate lighting levels for safety in these higher pedestrian activity areas. Water-efficient and drought-tolerant species will be incorporated into the landscape plans at the time of Site Plan Approval, including the consideration of rainwater collection and re-use as warranted and appropriate.

11.11 Amenity Areas

Shared Spaces – CW | MTSA | TB

The proposed public park on Block 13 and urban plaza on Blocks 1 provide the main recreation spaces for residents and employees on the overall Site. Complementing the function of these spaces, the Blocks 4-7 buildings contains a series of private amenity spaces for building residents and visitors. An at-grade landscaped courtyard space is provided between Buildings G and H with indoor amenity area facing this landscaped outdoor space. The connecting podium

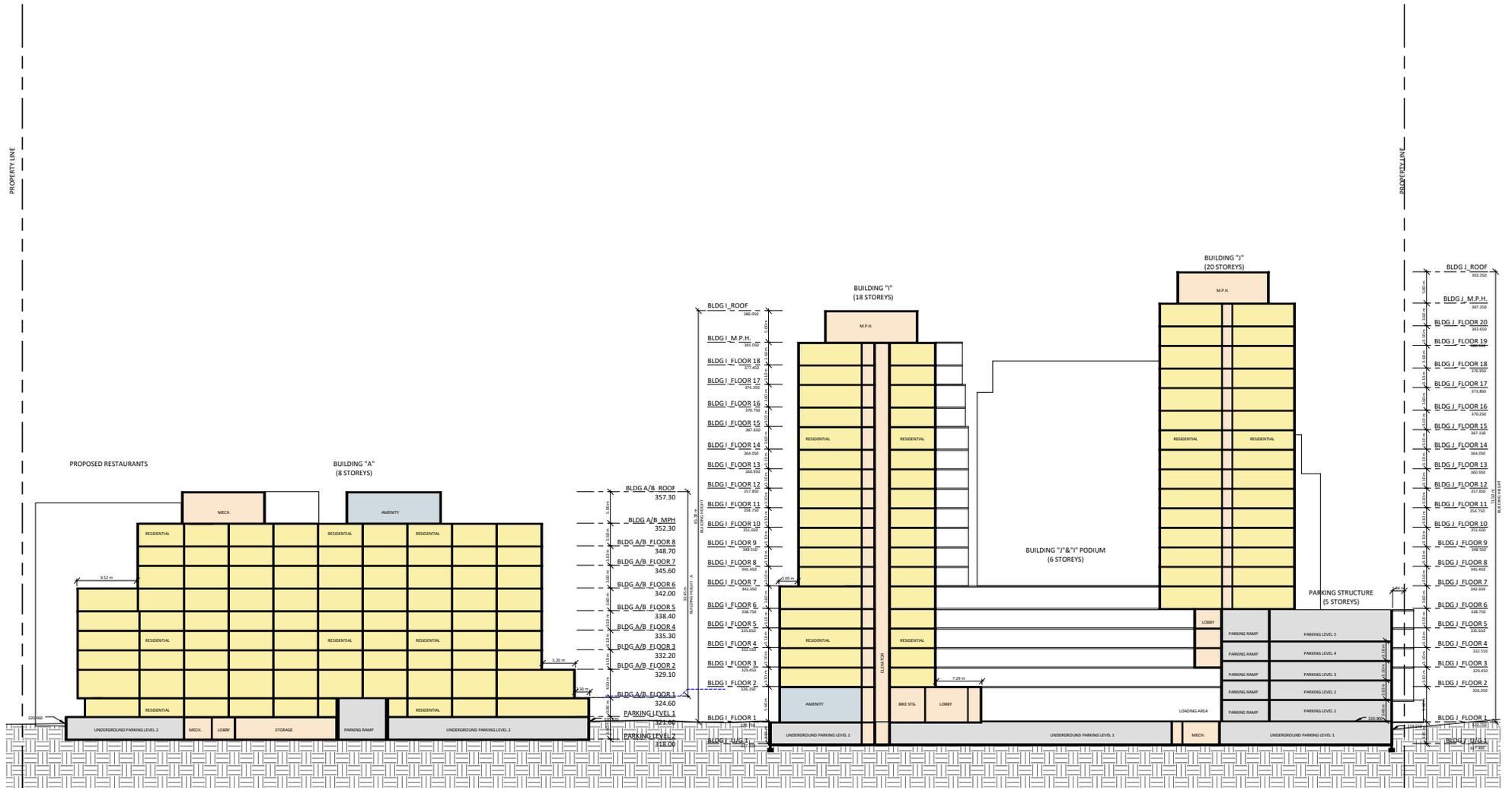
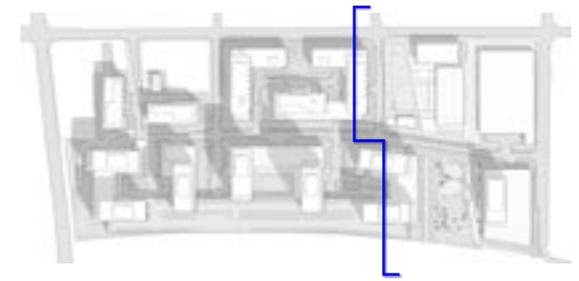
for all seven buildings provides opportunities for rooftop terraces for formal amenity space for residents. As well, balconies throughout the seven buildings provide additional amenity space for individual units. The size and configuration of these balconies varies depending on the context, including smaller recessed balconies and longer hanging balconies. The design details of these spaces will be determined through the Site Plan Approval process.

11.12 Microclimatic Impact Analysis

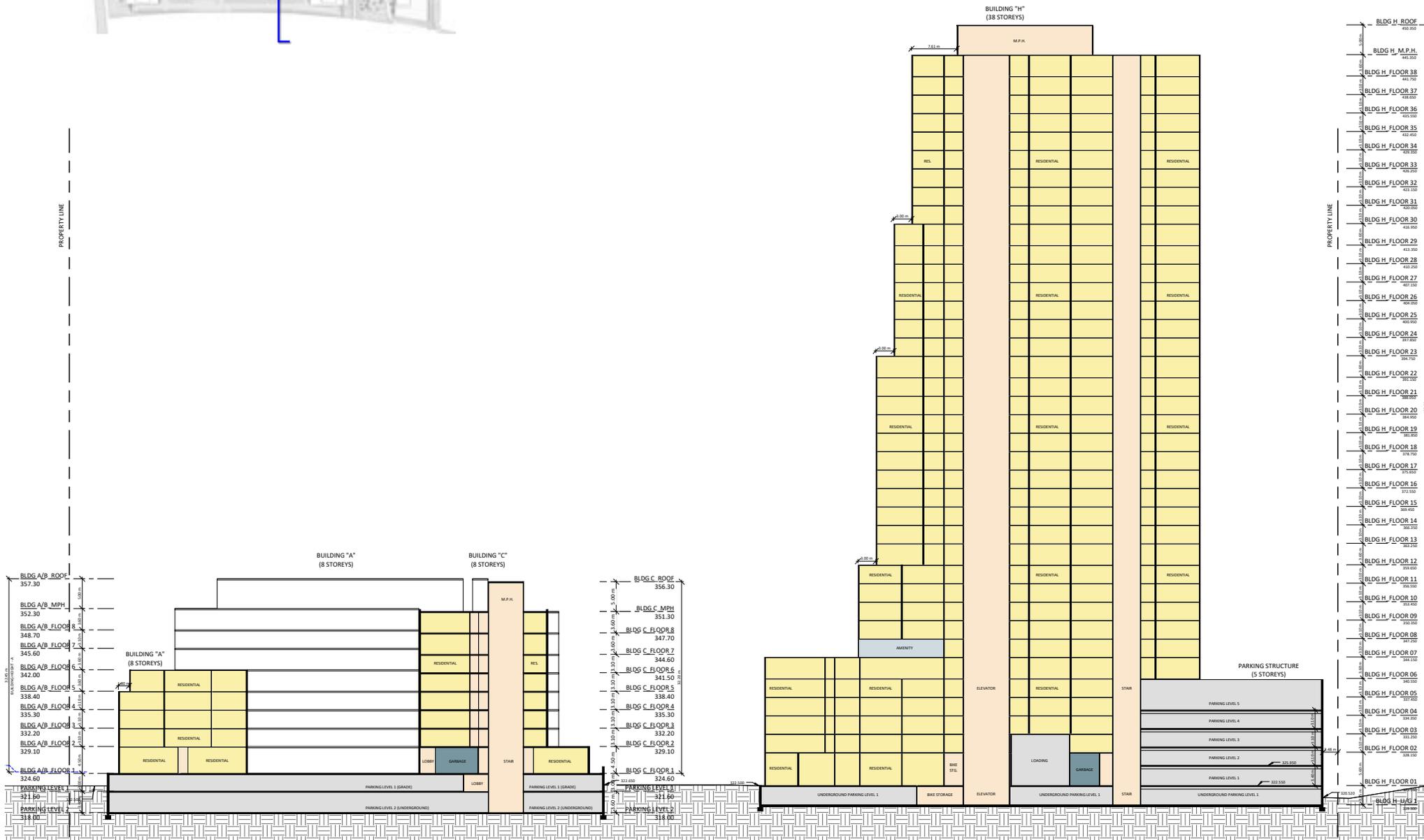
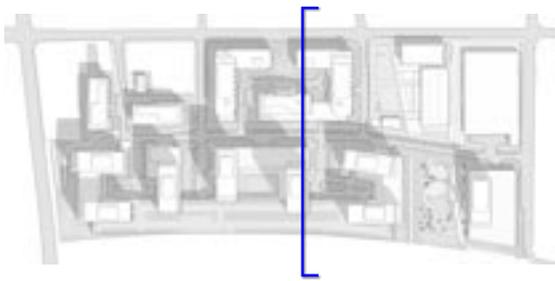
Design for Sustainability – CW | MTSA
Environment – TB

Shadow Analysis

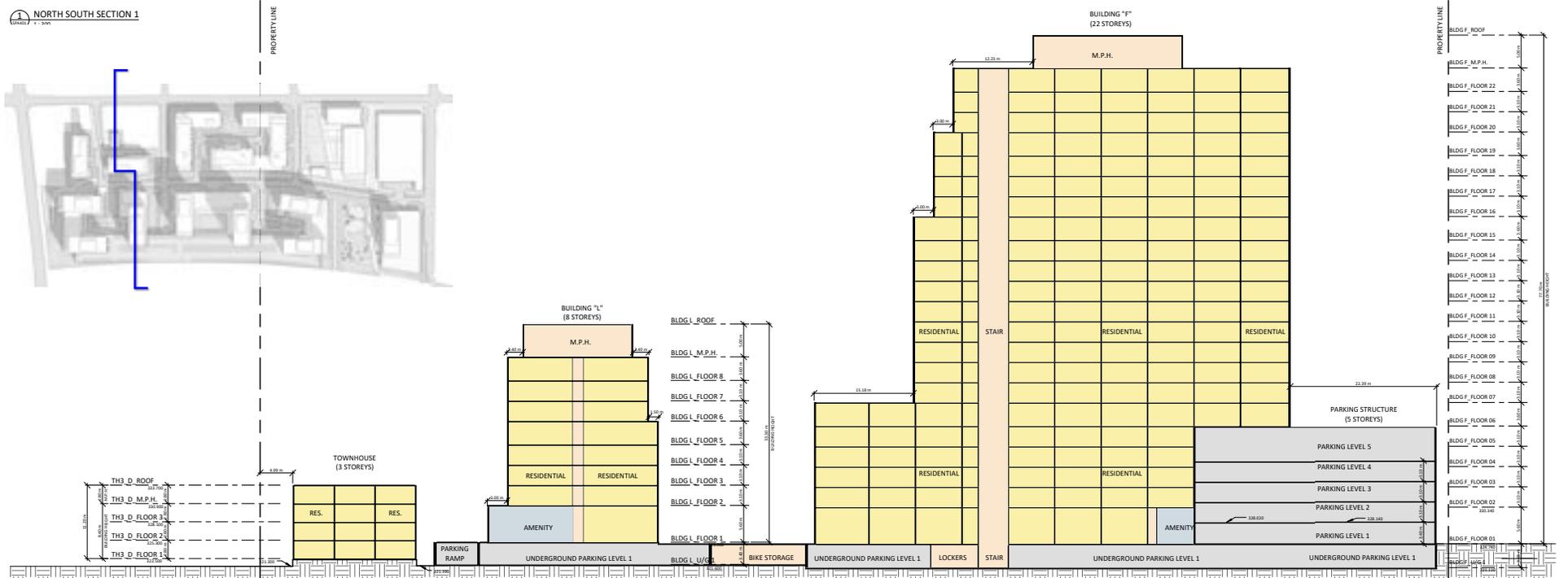
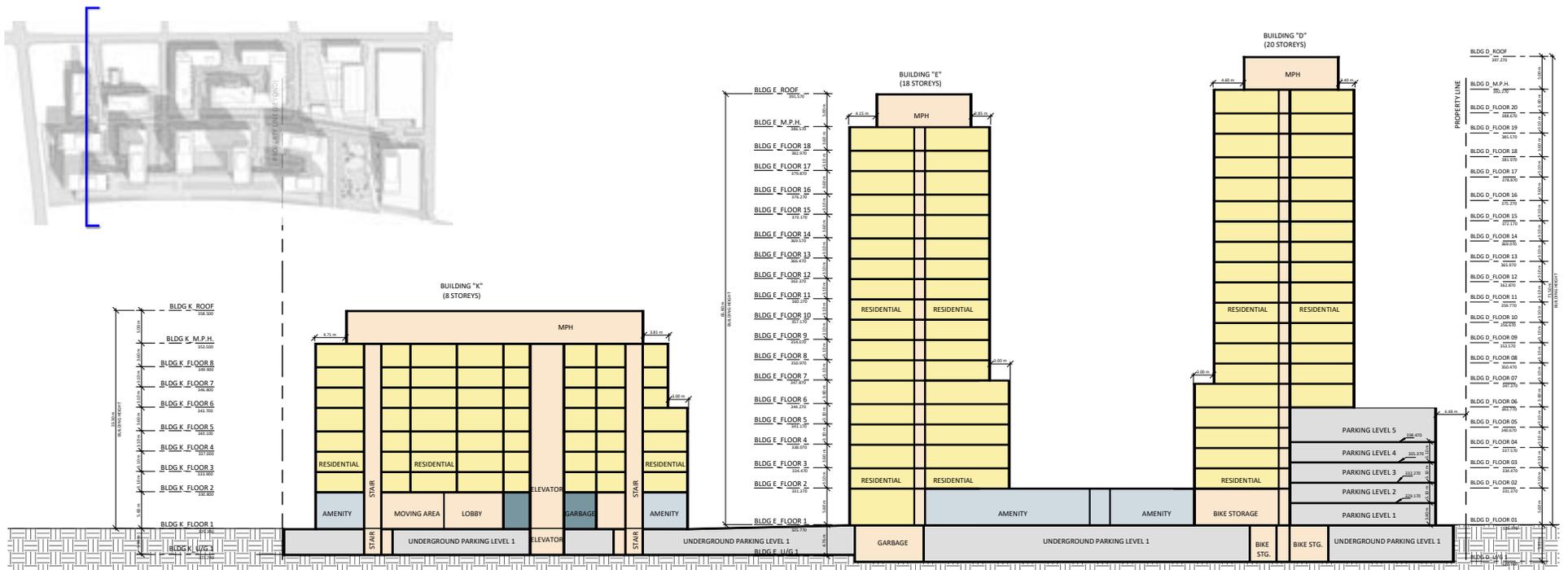
The shadow impact assessment is contained in Appendix A of this Urban Design Report.



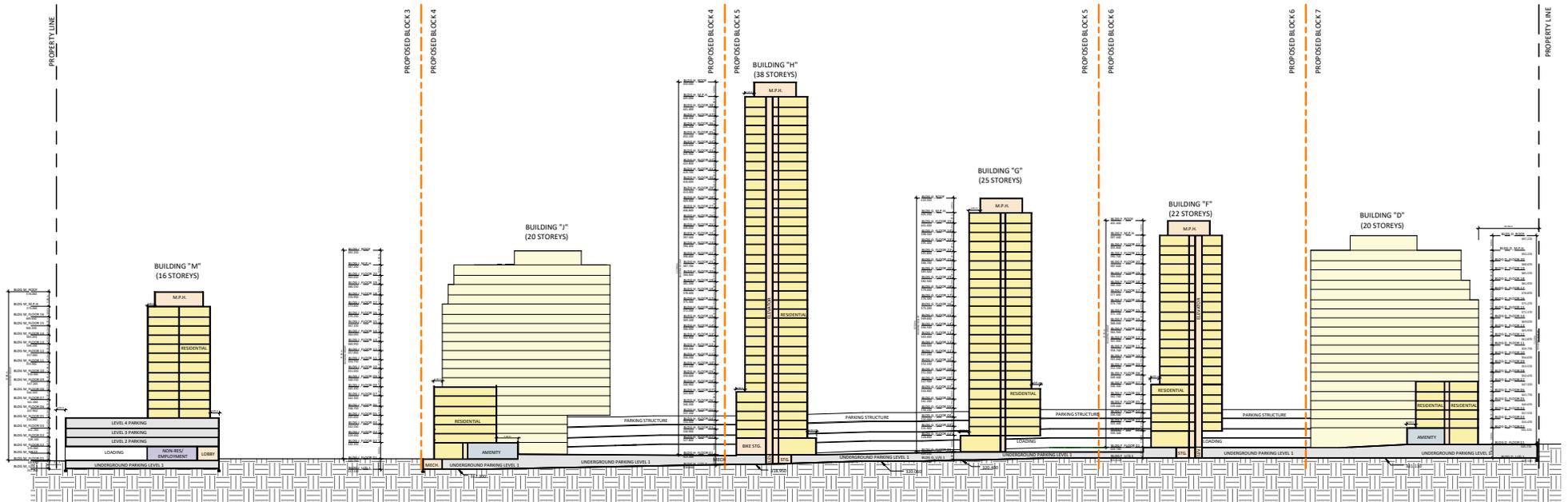
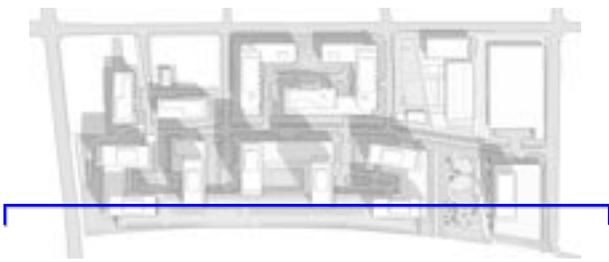
North-South Cross-section Views of the Buildings A, I and J



North-South Cross-section Views of the Buildings A, C and H



North-South Cross-section Views of the Buildings K, E and D (top) and Townhouse Block, Buildings L and F (bottom)



East-West Cross-section Views of the Buildings M, J, G, F and D

12. BLOCKS 8,9,10 & 11 DESIGN OVERVIEW AND RESPONSE

Mid-Rise Multiples

Blocks 8 and 9 are 0.28 hectare and 0.39 hectares in size, situated north of private road leading from Olde Fashioned Way. Two eight-storey residential buildings, Buildings L and K are proposed on Block 8 and Block 9, respectively. They are arranged to line the private driveways from Olde Fashioned Way and Vernon Avenue. Both Blocks 8 and 9 will be served by an underground parking garage.

The small 0.03-hectare Block 11 north of Building K with frontage on Courtland Avenue is reserved as a future development block and could be developed with Block 9 on the site or could be consolidated with other landholdings on Courtland Avenue if such a situation presents.

The 0.06-hectare parcel Block 10 north of Building L is intended for a small block of three-storey townhouses with access from Vernon Avenue.



Rendering of Buildings L and K as seen from private road

12.1 Ground Floor Design

Inclusive Design – CW | MTSA | MRB

Compatibility – CW | MTSA | MRB

Built Form – CW | MTSA | MRB

The mid-rise buildings on Blocks 8 and 9 are stand-alone residential buildings with a floor-to-floor height of 5.6 metres to accommodate internalized loading areas and flexibility of different activities. The ground floor is designed with grade-related dwellings units and indoor amenity spaces lining the multi-use pathway, and ample glazing to provide clear views into and out from ground floor uses facing the public realm along the private road. This promotes a safe and animated streetscape. The building base is setback from the street edge to accommodate landscape areas with tree planting. This will serve as transitional space between the multi-use pathway and the building interior to provide privacy.

There are three townhouse units arranged to line Vernon Avenue. The main entrance doors to each unit are accessed from individual driveways with sufficient space for soft landscaping and tree planting. The ground floor plane will include windows and doors, and porches may be considered. These details will be explored and detailed through the Site Plan Approval process.

12.2 Building Form Design

Placement and Orientation

Building K is positioned parallel to the private road, an extension of Olde Fashioned Way and Building L is oriented north-south, positioned parallel to the internal driveway shared between Blocks 8 and 9. Building L is setback 3 to 7 metres from the edge of the multi-use pathway. A 10.3-metre setback is provided from the building base to the property line abutting the existing detached dwellings along Palmer Avenue and Courtland Avenue and a 10-metre setback is provided from the building to the street edge along Palmer Avenue.

Building K is setback 7.8 to 12.5 metres from the west property line, to respect the interface with the existing Automobile sales building and provides appropriate transition. These setbacks are intended to animate the street while providing sufficient space for landscaping.

Building Length

Buildings K and L are 57 metres long and the townhouse block is 18.9 metres long in keeping with the guidelines.

Height

Building K and L are eight-storey buildings, measuring 33.3 metres in height in keeping with Medium Intensity Mixed Use designation of the PARTS Rockway Plan and providing opportunities for a more appropriate fit to abutting low-rise dwellings on Palmer Avenue and Courtland Avenue

Upper Storeys

Upper storey setbacks for Buildings K and L are focused along abutting interfaces to Buildings E and F, to the three-storey townhouse block to the north and along Palmer Avenue. Building K steps back 3 metres from the sixth storey and 3.8 metres from the mechanical penthouse level. Building L steps back 3 metres from the second storey and 1.5 metres from the sixth storey and 2.4 metres from the mechanical penthouse level.

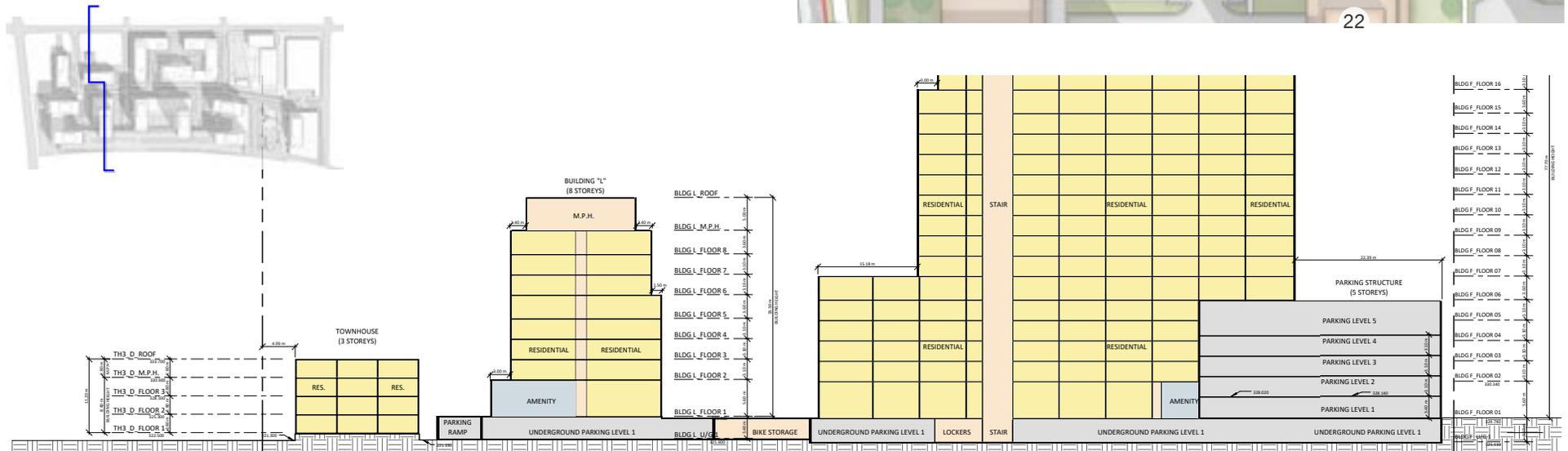
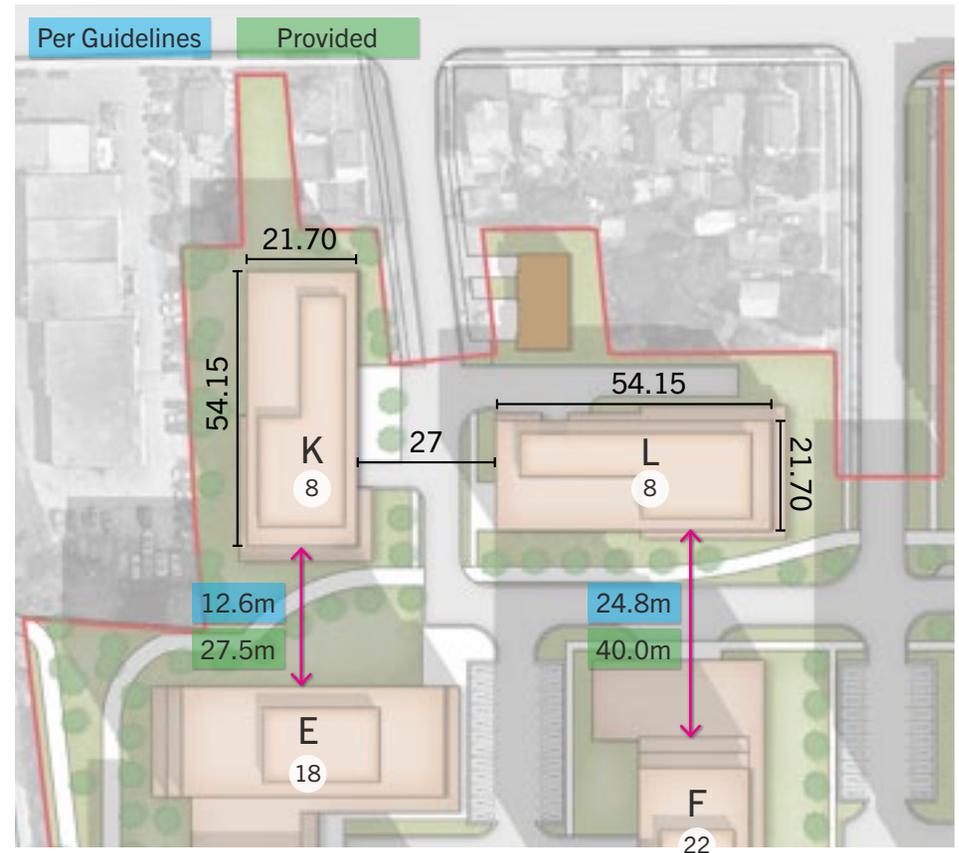
Relative Height, Separation and Overlook

For Block 8 and 9, the Mid-Rise Building Guidelines suggest considering the contextual relationship to tall building form Blocks 6 and 7 as it relates to Relative Height, Separation and Overlook. Buildings E and F on Blocks 6 and 7 have an interface with Blocks 8 and 9 for these considerations.

For Relative Height, the 8-storey height of the Blocks 8 and 9 designs are 36% to 44% of the height range of the Blocks 6 and 7 tall buildings.

For Overlook, Buildings E/K and Buildings F/L have minor overlaps in a perpendicular relationship. This overlap is further mitigated by the use of stepbacks and exclusion on balconies for the upper storeys for Buildings K and L as well as the exceedance of the Physical Separation distance.

For Physical Separation, all the suggested Physical Separation between the mid-rise buildings of Block 8/9 and the tall buildings on Block 6/7 satisfies and meets the recommended design guidance for Tall Buildings. All building relationships exceed the Physical Separation respective distance.



North-South Cross-section Views of Townhouse Block, Buildings L and F

12.3 Vehicular Circulation

Inclusive Design – CW | MTSA | MRB
Site Function – CW | MTSA | LRCMUB
Street Design – CW | MTSA

Vehicular access to Blocks 8 and 9 is provided by a private driveway linking to the private road extending from Olde Fashioned Way. The internal driveway access connects to the drop-off location between the buildings, access to the loading areas as well as to the underground parking garage situated behind Building L. Additional access is provided by way of Vernon Avenue, which will connect to an underground parking level.

12.4 Pedestrian Circulation

Inclusive Design – CW | DT | MTSA
Site Function – CW | DT | MTSA
Street Design – CW | DT | MTSA | TB

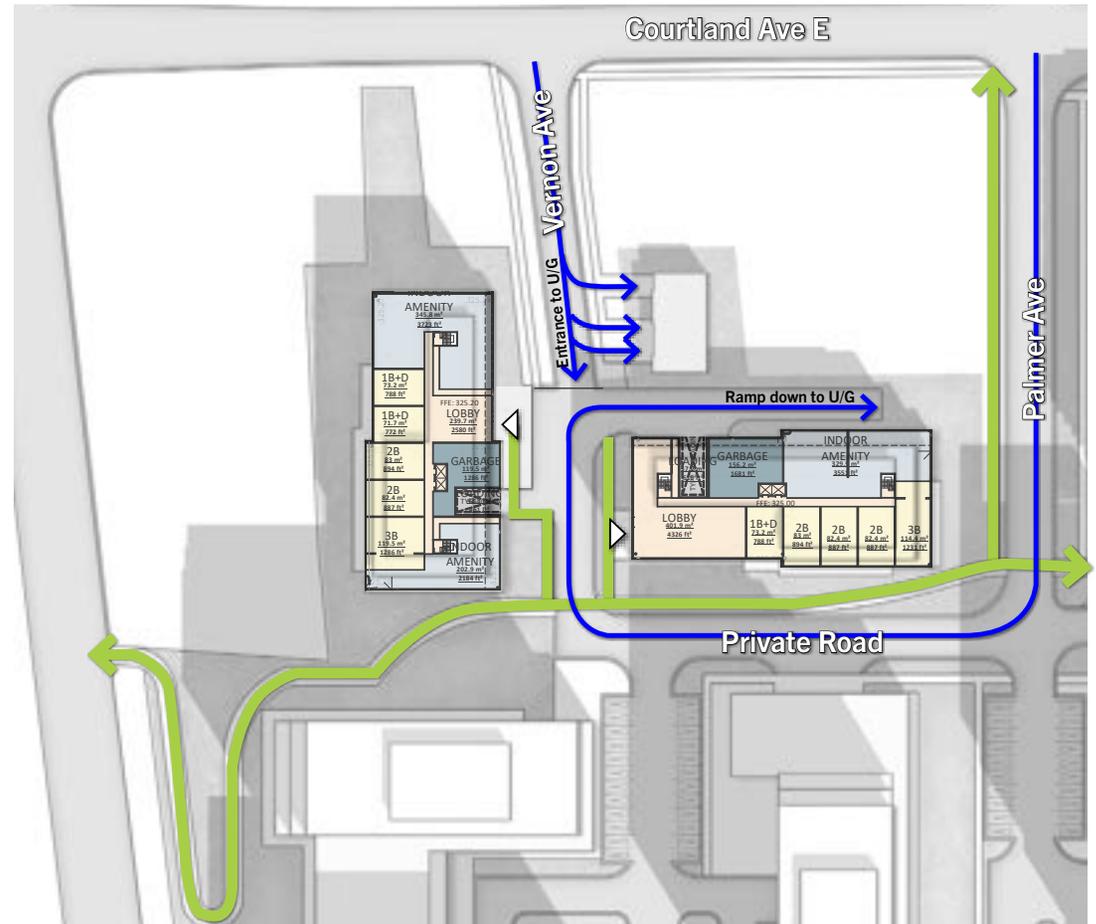
The main residential entrances to the Buildings K and L on Blocks 8 and 9 will connect to the multi-use pathway along the private road extending to Olde Fashioned Way. The townblock on Block 10 is accessible from the Vernon Avenue public sidewalk.

12.5 Parking and Loading

Site Function – CW | MTSA | MRB

Parking for Blocks 8 and 9 are accommodated within the underground parking garage. Loading and service functions are internalized in the development, away from the bounding public streets. Parking for the townhouse block have an individual driveway and an integrate parking garage on the ground floor.

Pedestrian and Vehicular Circulation Routes



→ Vehicular Movements → Pedestrian Movements

12.6 Building Materials and Articulation

Design for Outdoor Comfort – CW | MTSA | MRB
Compatibility – CW | MTSA | MRB
Built Form – CW | MTSA | MRB

All three buildings share a common architectural aesthetic, contextually-inspired materiality and textures with contemporary finishes. Buildings L and M share similar exterior design. The mid-rise building masses are well-articulated, both horizontally and vertically, with a variety of means. This includes considerations

for recessions and projections of the building envelope with a regular rhythm of divisions along the street as well as architectural touches related to changes in materials and colours, balcony design, and supporting architectural features. The indoor amenity spaces on the ground floor level consist of transparent glass that extends the height of the ground floor elevation interposed with lines of metal accents to demarcate divisions (horizontal and vertical), intending to anchor the building while the upper storeys are differentiated with white and grey masonry cladding which adds prominence to the paired balconies and window openings. Horizontal articulation includes differentiation of materials on the uppermost portion of the building with narrow vertical windows spaced closely which gives the appearance of a transparent glass wall. The mechanical penthouses of each of the buildings are largely clad with light coloured pre-cast

panels consistent with the remainder of the building architecture for the enclosed mechanical and service areas on the rooftop.

For the townhouse block, brick will be used as the principal material tying to the prevailing neighbourhood palette. All elevations will be treated with a high degree of articulation, recognizing an emphasis on the elevation containing the primary building entrances which will be articulated with canopies and/porches. Windows and doors are composed with a regular rhythm along the building length and end to the extent possible. Distinguished horizontal lines will be proposed throughout the building elevations to provide vertical distinction between the storeys.

Details of the building designs and materials will be further developed during the site plan process.



Rendering of Building L in relationship with Buildings F and E as seen from private road

12.7 Block Landscaping

Inclusive Design – CW | MTSA | LRCMUB

Street Design – CW | MTSA

Shared Spaces – LRCMUB

The edges of the blocks will incorporate enhanced greenspaces for residential entrances, as well as a unified urban design vocabulary to generate pedestrian activity, programmed for animation and all-seasonal interest. The buildings designs will include pedestrian protection from weather elements through extended overhead canopies at grade, strategically placed and designed; barrier-free pedestrian paving design accessing building entrances and a variety of plantings to provide year-round visual interest. In addition, there will be a high concentration of windows and entrances along the private road and along Palmer Avenue streetscape to further activate the streets and provide visual interest. Decorative paving materials are proposed along the building edges to create a unique pedestrian experience on-site and in addition, will assist with the reduction of heat islands. The use of distinctive coloured and textured paved materials will also ensure a seamless transition from the public to the private realm, allowing for barrier-free movement, where feasible.

12.8 Amenity Areas

Shared Spaces – CW | MTSA | LRCMUB

Buildings K and L include indoor amenity spaces located on the ground floor. These areas will function as multi-use common areas that can be programmed for different events/functions. This space is intended to be highly visible and transparent in order to provide animation along the adjacent public realms. Buildings K and L include indoor amenity spaces located on the ground floor. These areas will function as multi-use common areas that can be programmed for different events/functions. This space is intended to be highly visible and transparent in order to provide animation along the adjacent public realms. In addition, each dwelling unit will have access to private

outdoor amenity space in the form of a balcony. These balconies are further proposed to provide for varying depths, accommodating a variety of programming and use.

13. SUSTAINABLE DESIGN

Design for Sustainability – CW | DT | MTSA Environment – TB

Sustainable design entails a comprehensive, holistic approach to the design, construction, operation and maintenance of sites and buildings. While LEED or another rating system is not being targeted for the project, utilizing individual sustainability techniques, whether individually or as a group, are encouraged. Sustainability comes at three general levels: the neighbourhood, site, and building levels of design.

Neighbourhood Level Considerations

Neighbourhood-level sustainability comes from features or contextual situations that are naturally inherent from the Site. At the neighbourhood level, many sustainable benefits are inherent within the proposed redevelopment, including:

- Remediation and redevelopment of a brownfield site within the existing fabric of Kitchener’s Rockway area.
- Accommodation of different lifestyle needs for residents with a range of different housing types, forms and sizes.
- Provision of a complete neighbourhood with a potential for a mix of residential, commercial, community, and recreational activities.
- Provision of a compact neighbourhood with built form densities that efficiently use land and support rapid and local transit uses.
- Interconnected system of sidewalks, walkways, multi-use trails, on-street bicycle facilities, and open spaces that promote opportunities for active transportation choices.

Site Level Considerations

Site-level sustainability comes from the arrangement and design of the Site’s spaces and functions, outside of buildings. For designing the Site’s outdoor areas and functions at the more detailed stages of development, the following should be explored:

- Maximize the use of structured parking facilities (either underground or above ground) versus surface parking areas.
- Divide larger surface parking areas with landscaped areas to minimize impervious surfaces.
- Use permeable or pervious surface materials for surface parking areas.
- Use high albedo surface materials on surface parking areas, such as concrete or light coloured asphalt, to minimize heat absorption.
- Use deciduous trees in strategic locations surrounding buildings to provide natural shading.
- Select native species of plants that are hardy, salt tolerant, and sustainable in an urban environment.
- Use structural soils for street planting to establish a healthy canopy of trees along all streets over time.
- Use a diversity of street tree species to avoid a monoculture that may be susceptible to disease.
- Use xeriscape planting practices, including the use of drought-tolerant plant species, to avoid the need for irrigation systems and maximize water conservation efforts.
- Consider landscape schemes that use groundcover plants and mulching of plantings beds to reduce weeds and maintain soil

moisture, in lieu of sod that would require intensive watering and maintenance.

- Incorporate opportunities for utilizing non-potable water sources where irrigation is required, such as roof capture, in combination with efficient, centralized drip irrigation systems.
- Utilize rainwater practices for ground infiltration where re-use is not needed, such as permeable surfaces, drainage swales, infiltration trenches, or soakway pits.
- Undertake lighting plans that ensure a uniform level of lighting across the Site, accent pedestrian activity areas, and utilize energy efficient fixtures.
- Consider incorporating alternative roof designs and use (green roofs, blue roofs, or white roofs) on large exposed roofs of buildings, which may include above-grade parking structures or retained employment buildings.

Building Scale Considerations

Building-level sustainability comes from both exterior and interior design and finishes, recognizing the planning process concerns itself principally with the form. For laying out and designing buildings at the detailed stages of development, the following should be explored:

- Maximize the amount of north-facing building exposures which provide diffuse daylighting and south-facing passive solar heating opportunities
- Optimize energy efficiency within the building to exceed the minimum requirements of the Ontario Building Code.
- Incorporate indoor water design measures that satisfy, and exceed where possible, the Ontario Building Code in terms of water efficiency and the use of water efficient fixtures for the building.
- Balance the wall-to-window ratio between interests of energy

efficiency and urban design objectives for visibility and transparency.

- Maximize the amount of natural daylighting into building interiors to minimize energy use.
- Maximize the use of passive ventilation opportunities through building design to reduce energy requirements.
- Incorporate interior controls for climate and lighting that can be tailored to individual building users to optimize energy requirements.
- Incorporate internal areas for the collection and sorting for garbage, recyclables, and organic waste.
- Implement construction waste management plans that divert most construction waste from the landfill stream.
- Establish minimum thresholds for use of reused, recycled, or reclaimed materials in construction practices.
- Select materials on those that are regionally sourced and those that are renewable.
- Prioritize the selection of low-emitting materials through the interior design process in interests of quality indoor air quality.
- Implement a Transportation Demand Management plan for the building in keeping with TDM guidelines above.
- Consider incorporating alternative roof designs and use (green roofs, blue roofs, or white roofs) on large exposed roofs of buildings, which may include above-grade parking structures or retained employment buildings.

Transportation Demand Management

The Site inherently supports movement by transit and active modes given its advantages related to proximity to ION Stations, bus routes and Iron Horse Trail, the proposed compact and mixed-use nature of the development, and new public sidewalks, walkways, and bike

routes through the Site. The proposed development plan will include bicycle parking spaces (indoors and outdoors) as part of all residential and non-residential buildings and shower and change facilities within the non-residential buildings, which are both Transportation Demand Management (TDM) measures to reduce car travel needs. Minimum requirements for both measures are included with the proposed zoning for the Site.

These TDM measures support the minimum parking rates in the proposed zoning which are set below the current rates in Kitchener's By-law 85-1 (and in-line with those in the CROZBY by-law). Development providing the minimum parking rates should be encouraged as a further TDM measure, particularly given proximity to rapid transit options in the immediately surrounding area.

Further to these TDM measures regulated through zoning, other measures should be explored at the time of detailed design. Such TDM programs for buildings or grouping of buildings include such measures as shared parking between different land uses, Travelwise memberships, car share programs, TDM coordinator and support programs, unbundled parking, and paid parking.

14. SUMMARY AND CONCLUSIONS

The redevelopment of the 10.4-hectare former Schneiders property provides an opportunity to create a new higher density, mixed use neighbourhood in close proximity to two ION Rapid Transit stations. The site development strategy generally follows the land use and urban design direction of the recent PARTS Rockway Plan, and implements Provincial, Regional and Local land use policies.

The Master Plan illustrates the extension of local streets into the Site to connect the ‘old’ and ‘new’, Three buildings are being retained as an employment and commercial hub, with a new urban plaza located along Kent Street as the focal and meeting point for the neighbourhood. A new public park is being created and a multi-use trail established. A variety of mid-rise and high-rise residential buildings are proposed with lower buildings on the northern and western edge, and high-rise buildings with a four-storey parking structure along the railway. This layout achieves a compatible arrangement with adjacent neighbourhoods.

The “Design for Tall Buildings” Guidelines provide additional direction for the high-rise component of the neighbourhood. The Master Plan demonstrates general compliance with the guidelines through building bases and tops, variation of heights, provision of courtyards and amenity areas, quality streetscape, compatibility, microclimate and sustainability. The three pairs of high-rise buildings do have varying degrees of overlap between buildings, however this is common in high density neighbourhoods. Each pair of buildings has significant separation between them (26 to 38 metres) to afford privacy, and the pairing of buildings creates courtyards and private amenity rooftop areas.

This Master Plan demonstrates the appropriateness of the proposed Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision. Further urban design and architectural refinement will be made at the Site Plan Approval stage.

15. ADVISORY NOTES ON USE OF GUIDELINES

This concepts, images and illustrations in the Site Development Master Plan & Block Design Guidelines are intended to convey the overall broader vision for the Site. They are not intended for construction and therefore may not reflect the final product constructed, but rather the Guidelines are meant to illustrate the stated design approach for the redevelopment of the Site to be implemented through the Site Plan Approval process per City of Kitchener requirements.

They recognize the need for balance between design expectation at this point time in the process and flexibility of application to adjust to innovative design ideas, market conditions and envisioned built form that may also meet the broader design goals and City design policy. The images and concepts supporting the Guidelines are meant as general illustrations demonstrating the intent of the design guidance and should be read and applied as such.



APPENDIX A: SHADOW STUDY

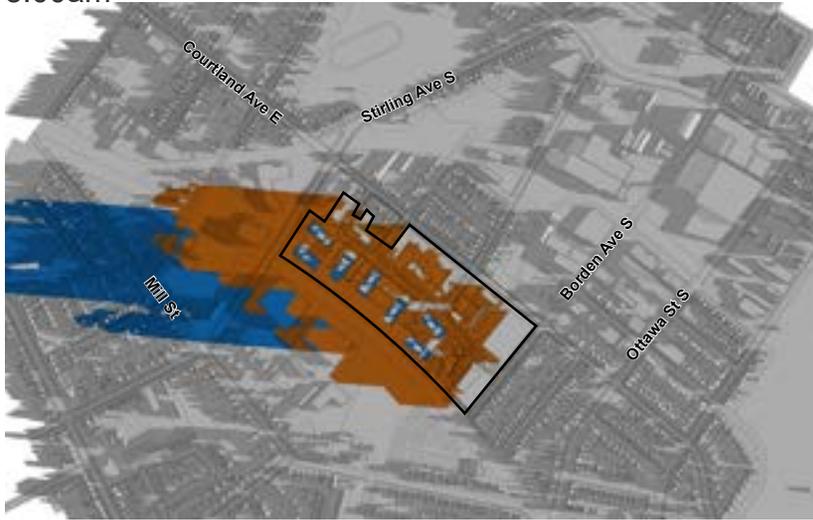
A Shadow Analysis was prepared for the site (GSP Group, April 2023 – Appendix A) for the test dates of June 21st, September 21st, and December 21st. The analysis demonstrates that shadows are generally contained within the site and do not significantly impact the private outdoor spaces of adjacent neighbourhoods. Within the site, the proposed public park and plaza have substantial parts in full sun for most of the test times. Public streets have varying degrees of shadows.

For the June 21st test date, conditions are favourable throughout the day. Olde Fashioned Way has intermittent shadows as a result of the towers during the 12:00 and 2:00 pm test times, but these shadows are narrow and move throughout the day. A limited number of neighbouring low rise residential properties to the southeast are only impacted after the 6:00 pm test time, therefore enjoying full sunlight for most of the day. The urban plaza and public park are unaffected during the 10:00 am, 12:00 pm and 2:00 pm test times.

For the September 21st test date, Olde Fashioned Way has no shadow impacts during the 10:00 am test time, but it has a more significant impact during the 12:00 pm test time. Around the 2:00 pm test time, shadows from the towers are intermittent along Olde Fashioned Way due to the narrow shape of the buildings, letting a significant amount of sunlight to pass through. The urban plaza and public park are unaffected during the 10:00 am, 12:00 pm and 2:00 pm test times.

MARCH 21

8:00am



9:00am



10:00am



11:00am



- Shadows - Mid Rise (1-8 Storeys)
- Shadows - Tower (9+ Storeys)



Shadow Impacts
Source: City of Kitchener Downtown Model (2016)

MARCH 21

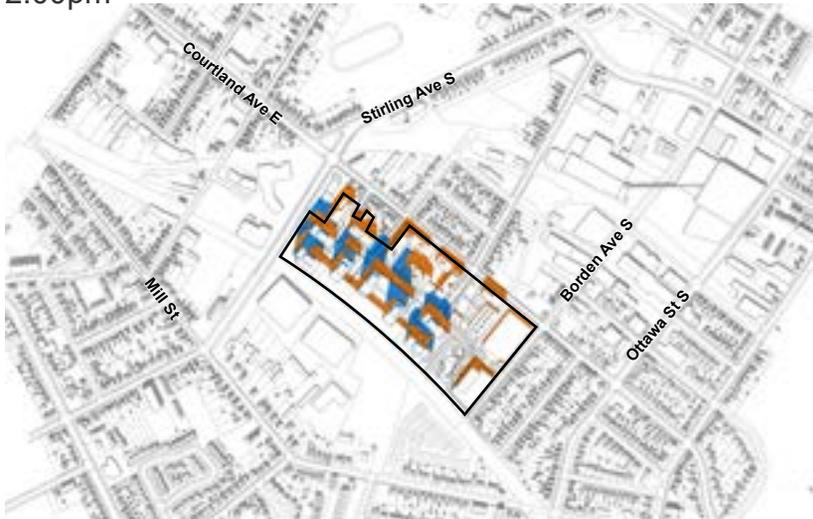
12:00pm



1:00pm



2:00pm



3:00pm



- Shadows - Mid Rise (1-8 Storeys)
- Shadows - Tower (9+ Storeys)



Shadow Impacts
Source: City of Kitchener Downtown Model (2016)

MARCH 21

4:00pm



5:00pm



6:00pm



- Shadows - Mid Rise (1-8 Storeys)
- Shadows - Tower (9+ Storeys)



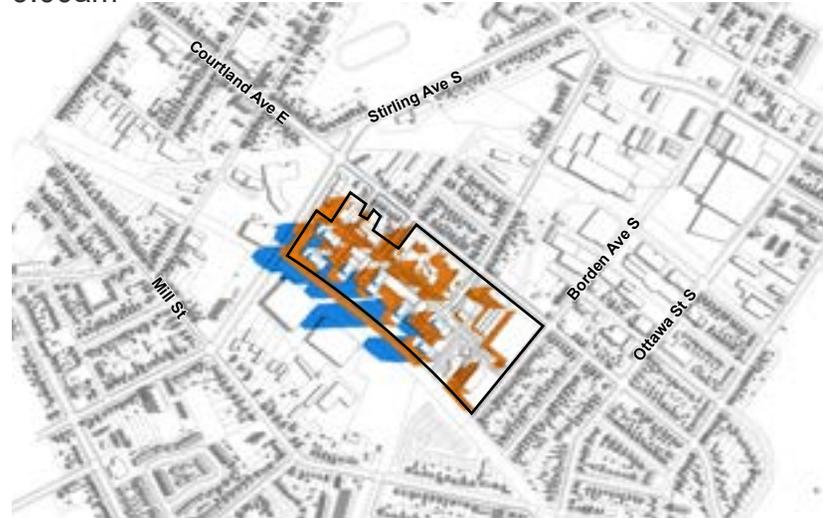
Shadow Impacts
Source: City of Kitchener Downtown Model (2016)

JUNE 21

8:00am



9:00am



10:00am



11:00am



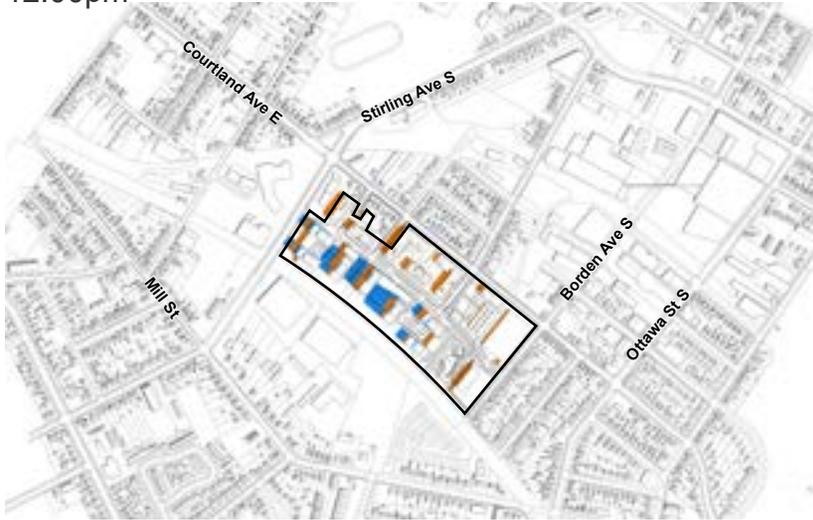
- Shadows - Mid Rise (1-8 Storeys)
- Shadows - Tower (9+ Storeys)



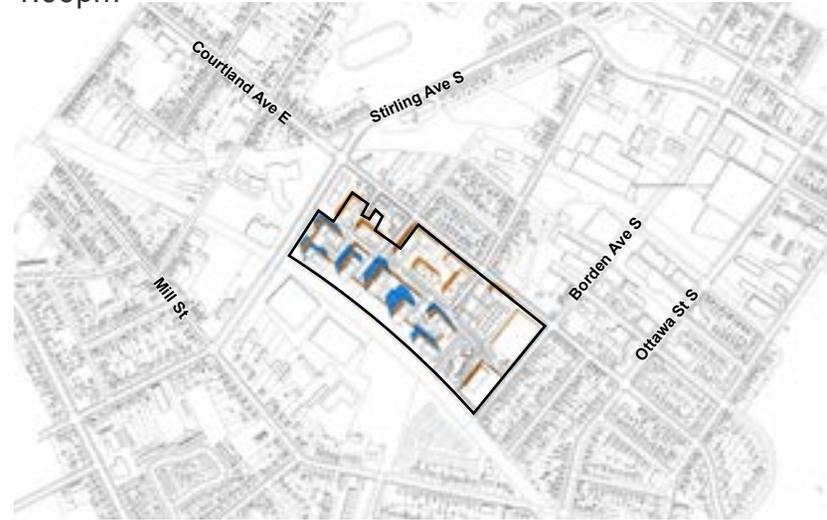
Shadow Impacts
Source: City of Kitchener Downtown Model (2016)

JUNE 21

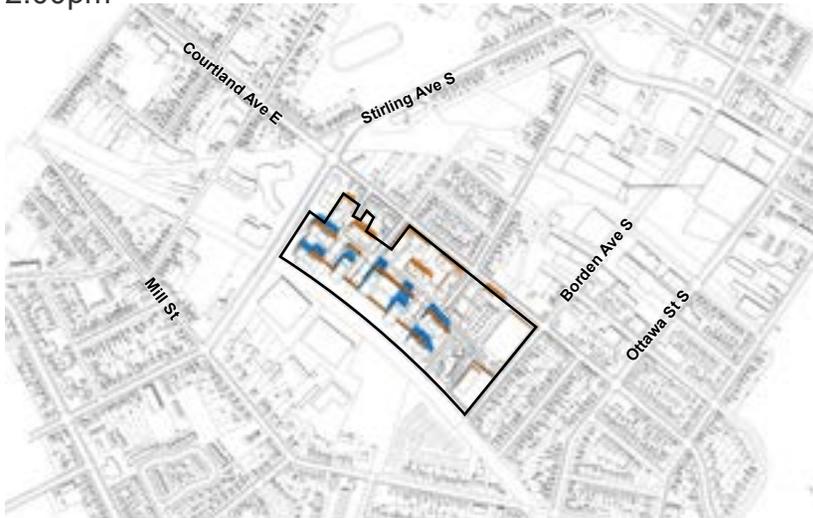
12:00pm



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- Shadows - Mid Rise (1-8 Storeys)
- Shadows - Tower (9+ Storeys)



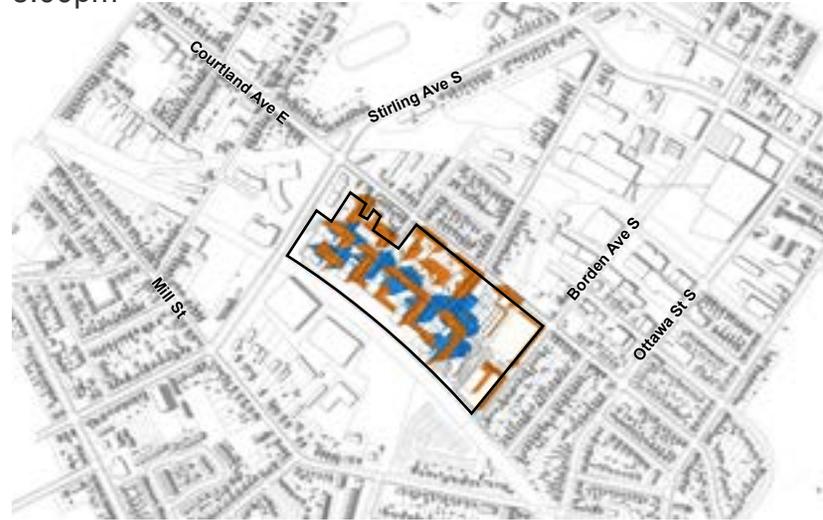
Shadow Impacts
Source: City of Kitchener Downtown Model (2016)

JUNE 21

4:00pm



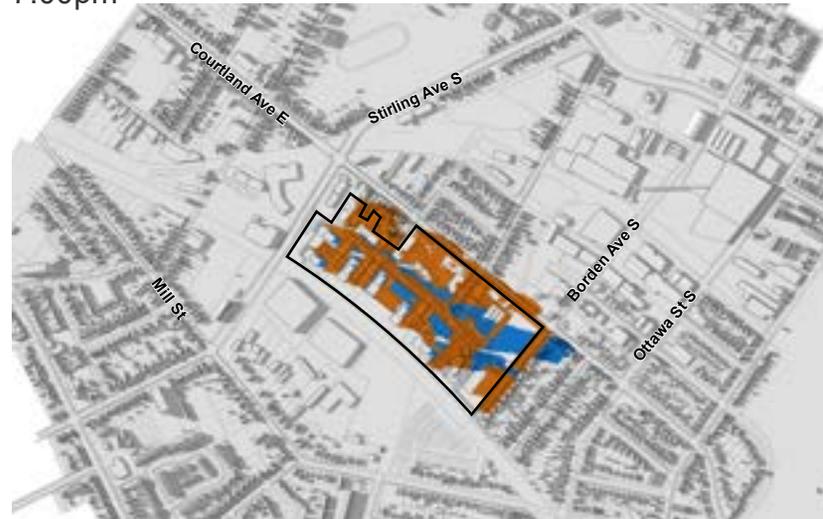
5:00pm



6:00pm



7:00pm



- Shadows - Mid Rise (1-8 Storeys)
- Shadows - Tower (9+ Storeys)



Shadow Impacts
Source: City of Kitchener Downtown Model (2016)

SEPTEMBER 21

8:00am



9:00am



10:00am



11:00am



- Shadows - Mid Rise (1-8 Storeys)
- Shadows - Tower (9+ Storeys)



Shadow Impacts
Source: City of Kitchener Downtown Model (2016)

SEPTEMBER 21

12:00pm



1:00pm



2:00pm



3:00pm



- Shadows - Mid Rise (1-8 Storeys)
- Shadows - Tower (9+ Storeys)



Shadow Impacts
Source: City of Kitchener Downtown Model (2016)

DECEMBER 21

9:00am



10:00am



11:00am



12:00pm



- Shadows - Mid Rise (1-8 Storeys)
- Shadows - Tower (9+ Storeys)



Shadow Impacts
Source: City of Kitchener Downtown Model (2016)



Date: March 31, 2020
To: Garrett Stevenson, Senior Planner
From: Sarah Coutu, Planner (Policy)
Brandon Sloan, Manager of Long Range Planning & Policy Planning
Subject: Pre-Submission Consultation – 263, 321-325 Courtland Avenue East, 230 & 240 Palmer Avenue and 30 Vernon Avenue (Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment)

The Long Range and Policy Planning Section has received the circulation of a Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment Applications for the development of the subject lands to redevelop the lands into a mixed-use community with residential, commercial, and employment. A Planning Justification Report prepared by GSP Group, dated April 2019, was submitted in support of these applications. Based on policy staff's review of the application and the Planning Justification Report, we offer the following comments for your consideration.

Planning Policy

The synopsis and analysis of applicable policies (provincial, regional and City) provided in Section 6 of the Planning Justification Report is quite helpful to address consistency and conformity. Unless otherwise noted in this memo, staff generally concurs with the conclusions of the report.

Growth Plan

Since the submission of the Planning Justification Report, the 2017 Growth Plan has been replaced by the 2019 A Place to Grow. Decisions made after May 16, 2019 must conform with the 2019 A Place to Grow. Accordingly, the section of the report that addresses the Growth Plan should be updated.

PARTS Rockway Plan/Neighbourhood Planning Review

As noted in the Justification Report, the subject site is located within the PARTS Rockway Plan. This Plan was approved by Council in December 2017. Since the approval of the PARTS Rockway Plan and the submission of the subject application, the City has drafted proposed amendments to the Official Plan and the new Zoning By-law (By-law 2019-051) through the Neighbourhood Planning Review process to implement this Plan. These proposed amendments were tabled at a Statutory Public Meeting in December 2019. The timing for bringing forward the Official Plan Amendment and the Zoning By-law Amendment to Council for consideration for approval is to be determined. Accordingly, depending on the timing of the consideration of the subject application, the applicable land use designations and zoning could change. Effort should be taken to align the development/land use designations/zoning with what has been proposed through the City led statutory process through the Neighbourhood Planning Review (NPR) for the subject lands. Additionally, consideration could be given to aligning the zoning more closely to the zoning in By-law No. 2019-051 which will eventually be applied or amending By-law No. 2019-051 to include the subject lands (depending on the timing of consideration of the application). As you are aware, Stage 1 of By-law No. 2019-051 was passed by Council in April 2019 and is currently under appeal. Stage 1 comprised of most zones, but not residential zones. Stage 2a

was endorsed by Council in October 2019 and will incorporate the residential base zones once Stage 1 is in effect. Assistance can be provided with respect to the detailed wording of the formal Amendments when preparing them for Council consideration.

Detailed Comments

*Block 1 (Subdivision), Area 1 (Official Plan Amendment), Area 1 (Zoning By-law Amendment)/
Block 3 (Subdivision), Area 3 (Official Plan Amendment), Area 3 (Zoning By-law Amendment)*

These lands are identified as Innovation Employment in the PARTS Rockway Plan to provide for predominantly office and high-tech manufacturing as well as opportunities for street related retail and restaurant uses. Accordingly, staff has proposed that these lands be designated Innovation Employment (new land use designation for Official Plan) and zoned EMP-6: Innovation Employment (new zone for Zoning By-law 2019-051). The applicant is proposing to change the land use designated to Mixed Use Corridor and zoning MU-2 but with a site specific policy/provision to prohibit residential uses. The Mixed Use designation and zoning (albeit with the proposed special policies and provisions) is not the most appropriate zone to implement the direction of the PARTS Rockway Plan. The purpose of the Mixed Use designation is to provide for both residential and non-residential uses; prohibiting residential uses through special policy/special regulation would negate this. Instead, these lands should receive an employment land use designation and an employment zone with special policies/provision to align more closely with the direction of lands identified for Innovation Employment.

We are pleased to see that three of the existing buildings are to be re-purposed.

On page 23 of the Planning Justification Report, it is estimated that the redevelopment would result in 5,125 residents and 842 jobs. There should be a greater balance between residents and jobs. When speaking specifically to the redevelopment of the subject site, pg 11 of the Plan notes that strategies to maintain and attract new employment should be balanced with a mix of new retail, service and residential uses.

A future 12 storey building with an FSR of 3.29 is proposed for Block 3. This is not in keeping with the direction for buildings within lands for Innovation Employment to be have a maximum height of 6 storeys and FSR of 2 and is not supported by staff.

Block 2 (Subdivision), Area 2 (Official Plan Amendment), Area 2 (Zoning By-law Amendment)

These lands are identified as Mixed-Use Medium Density in the PARTS Rockway Plan. Staff has proposed that these lands be designated Mixed Use with Specific Policy Area 3: Mixed Use – Medium to High Rise’ and zoned MIX-3: Medium to High Rise Mixed Use to allow for a maximum FSR of 4 and maximum building height of 8 storeys and 26 metres in height. The applicant is proposing that the lands be designated ‘Mixed Use Corridor’ and zoned Medium Intensity Mixed Use Corridor Zone (MU-2) with special policy/special provisions for increased heights (34 m rather than 24m) and FSR (4.5 rather than 2). Staff are amenable to the requested increases in height and FSR because: they are more keeping with direction in the PARTS Rockway Plan/proposed Official Plan and Zoning By-law amendment; and, the proposed regulations for stepping back the buildings will provide for a height transition from Courtland Ave. As noted previously, effort should be taken to align other aspects of the zoning for the site with the zoning proposed through the NPR process. We acknowledge that the proposed MIX-3 zoning includes a requirement for a minimum of 20% of non-residential gross floor area and that this may not be appropriate for the

subject site. Instead, the site specific zoning should explore ways to meet the intent of ensuring an appropriate supply of non-residential gross floor area relative to the supply of residential gross floor area. Assistance can be provided with respect to the detailed wording.

Staff are not supportive of the proposed special regulation to allow dwelling units to locate on the ground floor of a multiple dwelling. Active uses should be provided on the ground floor along Courtland Ave along the entire length of the street line façade. Additionally, a site specific provision should be added to require the minimum height of the ground floor to be 4.5m.

Block 4 (Subdivision), Area 4 (Official Plan Amendment), Area 4 & 7 (Zoning By-law Amendment)
This block is where the bulk of the proposed development's density and units (1,755) are proposed to be located within 6 towers ranging from 12 storeys in height to 33 storeys in height. These lands are identified as High Rise Residential in the PARTS Rockway Plan and staff has proposed that these lands be designated High Rise Residential and zoned RES-7: High Rise Residential Seven Zone. The applicant is proposing to designate the lands High Rise Residential and zoned R-9, but is requesting special policy/special regulation for the max FSR to be 8.0 instead of 4. While it is agreed this area of the subject lands is most appropriate for the greatest density and building height and could be greater than an FSR of 4, it is staffs opinion that the requested FSR of 8 is too dense and the siting/ height of some of buildings do not meet the Tall Building Guidelines.

Block 9 (Subdivision), Area 9 (Official Plan Amendment), Area 6 (Zoning By-law Amendment)
A 0.47 ha public park is proposed on Block 9. The assessment of parks and open space in the PARTS Rockway Plan revealed that the Rockway area is currently underserved by park space, particularly neighbourhood parks. Accordingly, one of the recommendations of the PARTS Rockway Plan (Recommendation 4, pg 78) was for the implementing Secondary Plan to indicate that on-site parkland dedication is a top priority for this area. According, in the draft Secondary Plan, the following policies have been included:

16.D.7.9 The City will actively search and use the existing Park Trust Fund and cash-in-lieu to develop new parks in the Rockway Secondary Plan area, particularly on sites that submit development or redevelopment applications.

16.D.7.10 The City will require a parkland dedication, in the form of lands rather than a cash-in lieu contribution, for the property at 321-325 Courtland Avenue East at such time as development or redevelopment applications are received for lands in this location.

As such, staff supports the proposal for lands to be dedicated but conclude that there should be more park space on the site. A second recommendation of the PARTS Rockway Plan (Recommendation 9, pg 78) is to continue to use a parkland dedication rate of 1 ha per 500 units for PARTS Rockway area. We agree with the applicant that using this rate would not be feasible for this proposed redevelopment. However, we are of the opinion that the provision of 0.47 is not enough for the site and the projected 5,125 residents. More park space should be provided on the site/the proposed density of the site should be reduced. Further, the phasing plan in Figure 8 of the Planning Justification Report indicates that this park would be part of Stage 2 of the development. The park should be provided in Stage 1 to serve the needs of residents in the initial stages of the redevelopment of the site.

Sustainability Measures

The PARTS Rockway Plan expresses that the City has an interest in positioning the Rockway Station Area to exhibit leadership and advance best practices in the areas of sustainability and resilience. Further, it provides specific recommendations for the redevelopment of the subject lands on Page 39. Recommendations g) and h) speak specifically to sustainability measures.

- g) Redevelopment should achieve a high standard of environmental (sustainability) performance and the feasibility of district energy should be studied.
- h) The site should incorporate green infrastructure, including on-site urban stormwater management features.

The PARTS Rockway Plan also stipulates that development in the area be equivalent to achieving a minimum LEED/LEED ND - Silver rating or comparable sustainable development standard. At the time of the Pre-Submission Application meeting, it was identified that a LEED ND feasibility analysis be conducted by a qualified professional prior to subdivision registration. Staff are pleased to see this analysis included with this application in Appendix D and upon cursory review, it would appear that the major topic elements are included, which is satisfactory to achieve the terms for our review. Policy staff are reviewing the applicable sections of the Planning Justification Report and Appendix D in more detail from an environmental and practicality standpoint and will provide more detailed comments under separate cover for this topic and any potential conditions of approval.

Density Calculations

Table 1 and 2 on Page 23 is helpful to assist with estimating the density potential. We appreciate that the assumptions utilize the City's approach and assumptions from our growth management program. We concur with the calculations that the proposed development would yield a density of 576 pj/ha. As noted in the comments pertaining to *Block 4 (Subdivision)*, *Area 4 (Official Plan Amendment)*, *Area 4 & 7 (Zoning By-law Amendment)*, we have concerns with the density. 576 pj/ha is much greater than the minimum 160 pj/ha required by the Growth Plan for Major Transit Station areas and exceeds the 170 pj/ha contemplated for the Mill Focus Areas in the PARTS Rockway Plan. Furthermore, the site was not identified within the Mill Focus Area which is intended for the greatest amount of density.

Affordable Housing

The PARTS Rockway Plan provides direction to consider requirements and promote incentives to encourage the provision of rental and/or affordable housing within Rockway to support diversity in tenure and affordability. Staff support the provision of small unit sizes to accommodate low and moderate households. Staff also support and encourage the efforts noted by the applicant to engage non-profit affordable housing providers for the development of affordable housing stock as part of Block 6. We are aware that the subject site is not within a focus area identified in the PART Rockway Plan, however, we still note that the Plan provided direction for the provision of a minimum of 20% affordable housing units within focus areas. Therefore, we would like to see greater than 3.5-5% of the total housing stock developed on the site developed as affordable housing units. We recommend that a meeting occur to determine an appropriate approach to the amount of units, affordability range, and operational aspects prior to approval.

You can advise the applicant that they may be eligible for development application fee and building permit fee exemptions if their development is including affordable rental housing units. More details about the Council policy, eligibility criteria and the application form are available at



<https://www.kitchener.ca/en/city-services/development-incentives-for-new-affordable-rental-housing.aspx>.

Urban Design

Comments have been provided under separate cover.

Summary

Staff are supportive of the redevelopment of this site for a mixed-use community and intensification of the site is desired. However, staff have concerns with the overall density of the site, particular the proposed FSR of 8 for Block 4 (High Rise Residential) and the implications of the possible overbuild of the site (i.e deficiency in on site parkland, compatibility with surrounding neighbourhood, etc). We also wish to see a greater mix of land uses achieved by having more of the lands designated for Employment. Further, it is recommended that there is further dialogue regarding the appropriate approach to the provision of affordable housing.

If you have any questions pertaining to these comments, please contact the undersigned.

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Planner (Policy)
519-741-2200 ext. 7069

Brandon Sloan, BES, MCIP, RPP
Manager, Long Range & Policy Planning
519-741-2200 ext. 7648

November 22, 2019

Garett Stevenson, 519-741-2200, ext. 7070

Yvonne Westerveld Cardoso; Karen Leasa, Parks & Cemeteries,
519-741-2600, ext. 4216 / ext.4176

Internal Staff Review – 321 Courtland Ave 'The Metz'

Introduction

To preface the below comments, we want to stress that Parks & Cemeteries feel very strongly that every community should be entitled to sufficient green space and that parkland is an essential requirement in building complete communities that are healthy, vibrant, and resilient. From an environmental, social, and economic perspective, the need for appropriately sufficient green space in an area that has already been highlighted as being deficient in parkland becomes even more critical as we move forward in the review of this application.

1.0 Parkland Dedication

The City of Kitchener Official Plan references two alternatives for requiring parkland dedication for new subdivision development. These are **5% of the land, or one hectare for every 500 dwelling units.**

- 1.1 **Parkland Calculation** - The 1 ha/500 unit alternative option for calculating parkland dedication is included in the Official Plan for extremely dense proposals similar to this application, where using the 5% model would render the park area woefully inadequate to meet the needs of the prospective residents.
- 1.2 **Parkland Deficit** - The proposed development is located in an area identified by the Parks Strategic Plan as one of the four 'neighbourhood parkland gap areas' in the city, and so an under-provision of parkland in a development proposing to add over 5000 additional residents and several hundred employees will overburden an undersized park in an underserved neighbourhood. Based on the neighbourhood parkland provision of 1.5 ha per 1000 people (City of Kitchener, Parks Strategic Plan) this amount of increase in residents alone should provide 7.69 hectares of parkland. We agree that this amount is not feasible, but we do strongly feel that the new parkland provision should be that of a neighbourhood park, greater than the proposed 0.47 ha urban green.

“The City will consider opportunities to enhance access to local parkland resources in areas that are underserved for neighbourhood parks and facilities based on the service area, provision level and location and targets established through the implementation of the Parks Strategic Plan.” (City of Kitchener Official Plan, 8.C.1.11)

To better understand this development in terms our typical Greenfield Subdivision process vs. Urban Infill conditions we have highlighted some major differences below:

Greenfield Subdivision	Urban Infill Subdivision
<ul style="list-style-type: none">- generally large land area- predominantly single family dwelling, semis, towns, with some low and medium rise multi units- generally low density- based on 5% calculation, generally enough land to meet parkland provision targets	<ul style="list-style-type: none">- generally high density on smaller land area than greenfield- Using 5% of land area does not begin to meet park provision requirements and is the reason why the 1 ha/500 units is included as an alternative in the City of Kitchener Official Plan

The per person unit rates identified for this application are 2.25 persons per unit for stacked townhomes and 1.8 persons per unit for apartments. This works out to an estimated **5125 new residents**. Increasing residential density through infill will only exacerbate the lack of public park access.

1.3 Amenity Spaces/POPs - We would note that private amenity space is a separate and additional requirement over and above parkland dedication – not to supplement it. In addition, while we do appreciate the value of privately-owned public spaces (POPs) when properly planned and maintained, POPs are not to be considered part of parkland dedication (City of Kitchener Official Plan, 8.C.1.34).

1.4 Green Infrastructure - While we could consider/accept green infrastructure in parks, we will not accept/include this area toward the overall park dedication requirement, as per the below excerpt from the City of Kitchener Development Manual (April 2015, G5):

“The City of Kitchener supports the integration of stormwater management facilities with passive recreational opportunities, where the intended function of either is not impaired in accordance with the Parkland Dedication Policy– i.e. stormwater management facilities will not be considered as part of parkland dedication. Where proposed, a review of the potential for integration of such facilities with recreational use will be review between the City and the Consultant and may be reviewed at a neighbourhood meeting as part of the planning process with the general public”

2.0 Parkland – Proposed Parcel Discussion

2.1 **Rockway Secondary Plan** - The gap in park provision has been captured in the Rockway Secondary Plan under the following references:

- Parks and Open Space Recommendations:

8. The City may need to pursue utilizing the Park Reserve Fund to acquire land to be used as park space within the underserved area. At minimum, at least 5.0ha of new parkland (beyond that shown in the preferred land use plan) may be needed in the long term to support large scale redevelopment of the area.

9. Continue to use a park dedication rate of 1 ha per 500 units for the Rockway Area.

- Public Realm Key Direction #3:

- As part of the redevelopment process for large sites, secure the provision of significant on-site public open spaces
- Where large sites span multiple development blocks, ensure that each major development block includes a new public open space
- New Parks should include a range of amenities that respond to the character and needs of adjacent land uses and users. Depending on adjacent users, this could include play structures, splash pads, skating areas, and more urban hardscaped plazas with seating and greenery
- As large sites are redeveloped over time, coordinate the design of respective new parks and open spaces to ensure the provision of a diversity of spaces that strategically address various community needs.
- Ensure new parks are designed to have a primary frontage on a street, providing visibility and an address
- Encourage active street-level uses, residential and office development to orient towards the park to provide animation and surveillance of these public spaces at all times of the day.

2.2 **Size of Parcel** – The existing proposed parcel is shown as 0.47ha of parkland. This does not meet the City's 1 ha/500 unit calculation (7.69 hectares), however Parks would like to propose additional parkland space be allocated where the Urban Design Report indicates 'Future Building L' / 12-Story Development and interim parking lot. This would provide frontage on Borden Ave., and allow for the possibility of a portion of the currently allocated 'public park' land to be used specifically for infiltration galleries or other possible stormwater facilities (not counted towards parkland).

2.3 **Location of Parcel** – Parks would prefer that the park has a more prominent frontage onto an exterior street such as Borden to allow for the existing neighbourhood to feel a

sense of connection to this new green space, and to not cut off this space by dense building massing. Proximity to the watercourse (if it were daylight) would provide a beneficial amenity and add to the enjoyment of the parkland and user experience.

- 2.4 Conflict with Proposed Green Infrastructure** – The Preliminary Stormwater Management Report (Stantec, April 2019) proposes Cleanwater collection (CWC) system conveying rooftop runoff from the subdivision to centralized infiltration trenches under the plaza and park area. These infiltration galleries are shown under virtually the entire extent of the ‘public park’, as well as a large majority of the ‘public plaza space’. As previously discussed, **we will not accept/include this area toward the overall park dedication requirement**, as per the City of Kitchener Development Manual (April 2015).

The ‘Infiltration Trench Profile’ detail indicates a min. 1.0m depth of cover over the facility. This effectively renders the parkland undevelopable. Footings for structures, excavations for play area surfacing, sufficient tree pit depths, sub-surface utilities and infrastructure to service the Urban Plaza are examples of some of the elements that would require a below-grade allocation of Parkland space. Even if these elements and excavations were able to be installed above the stormwater facility, complications would arise if/when the stormwater facility would have to be serviced and assets would potentially be damaged if they were layered on top of one another.

- 2.5 Overland Flow Route** - The Preliminary Stormwater Management Report (Stantec, April 2019) indicates to “ensure any blockage to the culvert conveying the Shoemaker Creek floodway does not have a negative effect on the site and provide an overland flow route if necessary”.

Parks will not accept overland flow routes through this specified public parkland as Section L5.1 ‘Park Grading’ of the City of Kitchener Development Manual also indicates that “Overland flow routes identified in the plan of subdivision shall not be located on lands identified as park dedication.”

- 2.6 Timing of Proposed Park Development** – Based on the ‘Preliminary Phasing Plan’ within the Planning Justification Report (GSP, April 2019) the Public Park is allocated within Stage Two of development. Because a large number of residential units are included within Phase 1 as well as Mixed Use and Employment, not having a public park green space for residents as well as those working or visiting would be to the detriment of the overall development and surrounding community.

3.0 Shoemaker Creek Watercourse

The PARTS: Rockway Plan recommends the open space be aligned with Shoemaker Creek for the potential to daylight the creek. Parks supports the alignment of envisions a day-lit creek to be integrated with the active/ passive portions of the park space, enhancing the open space experience with naturalized context and stormwater / watershed / ecological educational features.

Stormwater staff have indicated that the application should allow for daylighting of the watercourse, in accordance with the proposed zoning developed through the PARTS: Rockway and Midtown plans.

They have also indicated that the location of the proposed underground infiltration facilities are too close to the watercourse. With the recommendation of a further geotechnical scope of work to determine the appropriate setback from the watercourse – concurrently Parks would also request that this geotechnical investigation also indicate the depth of cover to the water table in land designated as parkland (without infiltration galleries present) so as to assess if the parkland parcel being indicated is actually developable land (ie. Depth will allow for appropriate footings, excavations, etc.).

4.0 Streetscape Design – Operational Comments

4.1 Common Comments

- Are the street cross-sections consistent with new 'Complete Streets' Standards?
- Recommend a follow-up meeting with all impacted Operational groups to review expectations and future ownership of the LID assets
- Asset ownership needs to be clearly understood and addressed both logistically and financially.
- Are there provisions for ROW drainage during winter months with frozen storage media? What is the redundancy if the system fails to infiltrate to the sub-drain?
- Utility corridors are shown under tree planting habitats. Assuming these are communications ducts, there will likely be a conflict with the utility owners and tree planting within the corridor. Suggest to move the duct bank under the trail / sidewalk to avoid all conflict of both the main duct and laterals
- A monitoring program is detailed in the written portion. This is not feasible to complete and maintain post-warranty. Consideration of long term management contracts and financial impact needs to be discussed
- Are there soil cell systems intended for the tree planting areas? There is no indication of approach to achieving soil volume. Depth and profile of soil volume needs to be

established to determine linear spacing. At the maximum depth (900mm) and minimum width (2.5m), the tree spacing is approximately 13 meters.

- Soil volume for each tree should be targeted at 30 cu.m. if shared facilities can be established.
- What is the purpose of permeable pavers if the infiltration is low? Recommend this to be asphalt pavement
- Sidewalk widths are shown at 1500mm. Is this reduced from 1800mm due to pressures within the ROW width?

4.2 Central Roadway

- Minimum 2.5m wide tree planting boulevards are recommended. The eastern boulevard is identified as 2.30m including the OPSD 600.080 curb at ~250mm.

4.3 Kent Ave.

- We do not have experience in combining LID systems and tree planting habitats. Should these LID measures move forward it would become a pilot project to test the viability of medium-large stature trees within infiltration zones.
- What is the infiltration method from the roadway to the tree planting / infiltration zone?
- We would suggest referring to DeepRoot cross section details of CB infiltration to engineered and/or planting medium with a redundancy connection to the STM main.
- Minimum 2.5m wide tree planting boulevards are recommended. The eastern boulevard is identified as 2.40m including the OPSD 600.080 curb at ~250mm.

5.0 Trail Corridor

5.1 General Comments

As per the current submission alignment, Parks recommends the multi-use pathway connection enter the site south of the proposed parking lot on Borden, turn east along the proposed open space aligned with Shoemaker Creek, and connect to a multi-use pathway network within a pedestrian oriented right of way cross section. Cross section to be developed in conjunction with Urban Design, Transportation and Planning, following intended urban design guidelines.

The connection is introduced in the PARTS: Rockway Plan under the following references:

- Mobility Key Direction #2 – Extend the Iron Horse Trail Network
 - Ensure redevelopment of the former Schneider's site provides space for the trail along the western edge of the site, including connections into and through the site to connect with the surrounding road network. A crossing of the rail corridor to connect into the Shoemaker Creek trail system (note: future) should also be incorporated

Therefore the City's goals for off road pedestrian network include:

- North-South trail along Street One centralized to the site to extend the MUP network already underway through various infill initiatives by the City of Kitchener (Mill St) and The Region of Waterloo (Grenville to Mill connection).
- At or above grade crossing of the CN rail (Goderich Exeter, Huron Spur) to connect to future MUP network west of the site.

5.2 LRT Crossing Coordination

The Region of Waterloo has recently constructed a trail/sidewalk at the southeast corner of the site. Further clarification is required to confirm if this crossing of the LRT tracks is an approved crossing and if any other details should be discussed.

6.0 Kitchener's Corporate Climate Action Plan

There were two items directly related to parks development for 2019-2026 Action items within Kitchener's Corporate Climate Action Plan:

Complete risk assessment and associated modeling to:

- Plant trees correctly and deliberately to support tree canopy on private and public lands with consideration of future climate conditions.
- Increase tree shade in urban areas and positioned to help mitigate flooding, wind and heat in open spaces and grounds of facilities.

Allowing for appropriate soil volumes to incorporate mature stature trees into both the streetscape and park development will help us to move closer to achieving Action Plan goals in the future.

END OF COMMENTS

City of Kitchener
Zone Change / Official Plan Amendment Comment Form

Address: 321 Courtland Ave 'The Metz'
Owner: 321 Courtland Ave Developments Inc
Application: OPA19/002/C/GS, ZBA19/005/C/GS, 30T-19201

Comments Of: Parks and Cemeteries
Commenter's Name: Lenore Ross, Karen Leasa
Email: Lenore.ross@kitchener.ca, karen.leasa@kitchener.ca
Phone: 519-741-2200 ext 7427 (LR)

Date of Comments: May 01 2023

- I plan to attend the meeting (questions/concerns/comments for discussion)
 No meeting to be held
 I do NOT plan to attend the meeting (no concerns)
-

Documents Reviewed:

- a. Proposed Draft Plan of Subdivision 30T-19201 dated March 14 2023
- b. MTE - Servicing and Grading Plans Rrev#2 dated March 14 2023
- c. Turner Fleischer – Masterplan Architectural Set 17 pages dated March 12 2023
- d. Turner Fleischer – Masterplan Statistics 3 pages dated March 12 2023

To Be Addressed Prior to Draft Plan Approval

1. The conceptual street cross-sections shown on C-700 must conform to the Complete Streets and Development Manual Guidelines. The proposed ROWs should accommodate required street trees on Olde Fashioned Way and Kent Ave and locate required soil cell infrastructure such that utility/servicing disruption to tree is minimized.
2. The POPS locations not over a hard structure must have the same RSC and CPU conditions as the municipal park. Please confirm this is acceptable.
3. All of the details of the monitoring program must be identified and accepted before the City accepts the solution.

Parkland Dedication

1. That 1.554 ha of parkland dedication be provided to the City of Kitchener as follows:

10.36ha x \$1,359,000x15% = \$2,11,886 - Bill 23 15% land/value cap = 1.554ha

- a. Multi-Use Trail subject to a public access easement, 0.08289 hectare (Block 6, Block 7, Block 8 and Block 9) at 50% value, being **0.04145 ha**
- b. POPS plaza space within Block 1, subject to a public access easement, 0.17704 hectare at 75% value, being **0.13278 ha**.
- d. Public Park (Block 13), 0.71 hectare at 100% value, being **0.71 ha**, and

City of Kitchener
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- e. Cash in lieu payment for 0.66977 hectare at a rate of \$1,359,000 ha.

Should the dedications outlined in a. through d. above be reduced, the Owner agrees to pay the difference as cash in lieu, in accordance with the Parkland Dedication Policy in place at the time of the site plan approval of the applicable block. The parkland dedication for the POPS plaza space within Block 1 will be confirmed through site plan approval and will only include suitable public use areas that are outside of buildings and exclusive use areas associated with the mixed use development.

Conditions of Draft Plan Approval

Revised conditions are highlighted. Questions highlighted

PART 1 General Conditions

1.1 In this Agreement,

m) “A Tree Planting Masterplan is a comprehensive plan that depicts the inter-relationship between engineering servicing, utility location (including Bell, Canada Post, Hydro and City utilities), tree planting, driveway location, on street parking and priority lot location and coordinates these plan features so as to minimize conflicts between these. The plan outlines anticipated tree plantings and associated soil volumes within all public ROW’s, parkland, and any other city-owned green spaces, as well as designated ‘POPS’ green spaces. This plan is to be submitted in lieu of the ‘Preliminary Street Tree Planting Plan’, and will follow the same requirements. It is intended to not only capture the street tree plantings, but the overall tree canopy allocation within the entire subdivision.” **(revised wording)**

1.5a) The SUBDIVIDER shall pay the cost of installation of the following public services:

sanitary sewers, drainage works, area grading, lot level grading, parks, boulevard multi-use pathways, multi-use pathways, multi-use pathways over private lands, storm water management ponds, storm sewers, watermains, underground electrical distribution plant and lighting with attendant conductors, pipes, pedestals and transformers, driveway ramps, streets, roundabouts, traffic calming measures, pavements, curbs, gutters, fences in public rights-of-way, park block grading, seeding and sodding, park fences or boundary markers, boulevard landscaping including trees, **soil cell infrastructure**, mailboxes, monuments, street name signs, traffic control signs, sidewalks and walkways and all necessary connections, other appurtenances and outlets to the foregoing services. **(revised wording)**

Zone Change / Official Plan Amendment Comment Form

1.23g) does this need to be modified to also reference the MUT *as easement* over Blocks 6, 7, 8 and 9?

PART 2 Prior to Grading

2.1

2.2

2.3.

2.4 The SUBDIVIDER shall provide preliminary / functional design drawings and grading plans for all park blocks and the entire multi-use pathway demonstrating that all required retaining walls will be on private lands and that access and maintenance requirements can be achieved for review and approval to the satisfaction of the Director of Operations and the Director of Planning in consultation with the Director of Engineering Services. All required retaining walls will be located on private lands.

2.5in accordance with preliminary / functional plan in 2.4

2.6

2.7

2.8

2.9

2.10

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2.14

2.15

NEW Conditions

1) **Prior to grading**, the Owner shall provide an Urban Forest Soils Report, to be prepared by a qualified Pedologist, or equivalent professional which details the location and condition of tree root habitat soils and demonstrates that soil conditions meet the CITY'S requirements for an urban forest to the satisfaction of the CITY'S Director of Operations in consultation with Urban Forestry.

Part 3 Prior to Servicing

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3.5.

Zone Change / Official Plan Amendment Comment Form

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3.14 the SUBDIVIDER shall produce an overall 'Tree Planting Masterplan' for the subdivision that outlines anticipated tree plantings and associated soil volumes within all public ROW's, parkland, and any other city-owned green spaces, as well as designated 'POPS' green spaces. This plan is to be submitted in lieu of the 'Preliminary Street Tree Planting Plan', but will follow the same requirements and is intended to not only capture the street tree plantings, but the overall tree canopy allocation within the entire subdivision. The plan will be submitted to the satisfaction of the CITY'S Director of Operations.

3.15

3.16

3.17

NEW Conditions

Part 4 Prior to Application of Any Building Permits in Each Stage

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4.17

City of Kitchener
Zone Change / Official Plan Amendment Comment Form

Part 5 Prior to Release of Agreement

- 5.1
- 5.2
- 5.3
- 5.4
- 5.5

NEW Conditions

Part 6 Other Time Frames

- 6.1
- 6.2
- 6.3
- 6.4
- 6.5
- 6.6
- 6.7
- 6.8
- 6.9
- 6.10 – see #1-3 below for possible revisions
- 6.11
- 6.12
- 6.13
- 6.14

NEW Conditions

1. Prior to registration or final site plan approval of blocks 1, 3, 4, 5, 6, 8, 9, or 10, whichever comes first, the Owner shall enter into a Developer-Build Park Agreement for Park Block 13 and MUT to Mill St ION Station, at the City's cost,
2. Within one year of registration or servicing whichever shall occur first or as specified in Developer Build Agreement??, The Owner shall complete the construction of all parks and multi-use pathways located within the associated Stage, to the satisfaction of the CITY'S Director of Operations in consultation with the CITY'S Director of Engineering Services in accordance with the approved detail

Zone Change / Official Plan Amendment Comment Form

design drawings and development budget as detailed in clause 3.17, approved engineering drawings and the CITY's Development Manual.

3. That the Owner agrees to pay to the City of Kitchener, 100% of costs associated with placemaking and/or traffic calming, for the portion of Borden Avenue South/Grenville Avenue, between the Park Block 13 multi-use trail connection and the Mill ION station multi-use trail connection, to a maximum of \$150,000 material cost, including street painting, traffic calming measures, way finding signage, but not including design and consultation costs. The City will lead the place making consultation with the Owner as a participant. Completion is 6.
4. Prior to registration or Prior to final site plan approval for Blocks 6,7, 8 and 9, the Owner shall enter into an Agreement with the City of Kitchener regarding maintenance of the multi use trail over Blocks 6, 7, 8 and 9. There have been a number of different scenarios mentioned for maintenance of the MUT over the years. First, they were going to maintain everything and wanted credit for that maintenance, then when the MUT was going to be primarily on City lands and only a bit over strata, we wanted to have an easement to do the maintenance, so the maintenance would be consistent. I am thinking a general requirement for an 'maintenance agreement' is a general enough clause and we can sort out who and what later...thoughts?
6. Immediately following Registration, The Owner agrees to sell the off-site parking lots to the City of Kitchener, valued at \$1,359,000.00/hectare TBD -legal/realty services
7. Prior to registration The Owner agrees to entering into a purchase and sale agreement with the City of Kitchener for the off-site parking lot lands TBD -legal/realty services
8. Immediately following Registration, The Owner dedicates to the City of Kitchener, Public Park (Block 13).
9. Prior to final site plan approval for Blocks 6,7, 8 and 9 The Owner dedicates to the City of Kitchener,
 - a. A public access easement for the Multi Use Trail located on Block 6, Block 7, Block 8 and Block 9, between Stirling Avenue and Olde Fashioned Way
10. As a condition of Site Plan Approval for Block 1, to dedicate to the City a public access easement and/or execute a POPs agreement with the City for at least 0.17704 hectares, prior to site plan approval. If the final approved POPs area is less than 0.17704 hectares, the difference will be paid as paid as cash in lieu of land in accordance with the Parkland Dedication Policy in place at the time of the site plan approval of the applicable block. The final parkland dedication for the POPS plaza space within Block 1 will only include suitable public use areas that are outside of buildings and exclusive use areas associated with the mixed use development.
11. That the Owner agrees to build at their cost the multi-use trail as follows:
 - a. a. Within Block 6, Block 7, Block 8 and Block 9, subject to public access easement,
 - b. b. Within the Olde Fashioned Way right-of-way between Palmer Avenue and Block 13, and
 - c. c. Within Block 13 Park from Olde Fashioned Way to Borden Avenue.
12. Prior to surface works or registration, whichever comes first, the City requires that a reserved fund be established for any future costs for disposal of impacted soils from the conveyed lands as well as (soil and groundwater) maintenance to the satisfaction of Director of Operations. The developer's consultant to provide a cost estimate for the maintenance program and fees for the well

Zone Change / Official Plan Amendment Comment Form

maintenance and decommissioning as a guarantee that will be completed. The City will have to determine how this will be funded.

Date: September 4, 2019
To: Garrett Stevenson
From: Katie Pietrzak
cc: Linda Cooper
Subject: Draft Plan of Subdivision 30T-19201
Zoning By-Law Amendment ZBA 19/005/C/GS
Official Plan Amendment OPA 19/002/C/GS
Auburn Developments (Schneider's Redevelopment)

Zoning By-Law Amendment Comments

Upon running the sanitary capacity flows through the City of Kitchener Sanitary Modeling System, it appears as though there are no capacity constraints in the downstream system. Engineering has no further concerns and is in support of the Zoning By-Law Amendment. Please note that Kitchener Utilities has no concerns with the proposed water distribution report provide. Engineering can support the Zoning By-Law Amendment.

To Be Addressed Prior to Draft Plan Approval

1. A separation comparison of the proposed underside of footing to the seasonally high groundwater table is required. Engineering has concerns with the high groundwater table and the 0.6m separation required from the underside of footings. This analysis must also look at groundwater mounding due to infiltration. Please identify if the dewatering proposed in the geotechnical report is temporary or on a permanent basis. There are infiltration galleries proposed in high ground water areas. It is identified that the infiltration trenches are less than 1.2 meters below grade and less than 1 meter above the high ground water elevation. This does not meet any of our current standards and therefore must be adjusted to do so.
2. None of the proposed sanitary or storm sewers are showing any pipe details. Please add these to the plan along with the individual service connections to each developable block.
3. **Quality** must be treated to an Enhanced Level. CB Shields alone do not provide this level of treatment and therefore the quality proposed does not achieve the SWM criteria for this site. How is the infiltration trench used as a quality unit? There is still an overflow to the storm sewer which discharges to the creek. This will also not provide the level of quality required.
4. Please provide the post and pre impervious percentages to support the limited to no **quantity control** proposed on the site.
5. The cross section and the plan and profile of Street One do not clearly identify how the infiltration trenches operates. Where does the clean water collector pipe under the sidewalk connect and what is the area needed below the permeable paver sidewalk? It is unclear as to what exactly is being infiltrated and what that area is. This makes it difficult to determine if the infiltration trenches are sized appropriately. Please provide clear sizing calculations for the infiltration trenches. After reading the sizing input I am

still unclear exactly how large you are proposing the trenches to be. Please keep in mind the first 30mm of rain water can be infiltrated from the roof tips as opposed to the 25mm proposed. If you can size the trenches to accommodate the extra water you may be able to achieve more **retention**.

6. Preliminary Grading plans to be updated to show all retaining walls completely on this developments property. It appears that the proposed retaining walls are either on or over certain property lines. A **letter of permission** is required from the railway as well as the property at the corner of Courtland and Sterling as the grades will not allow for the construction of the retaining walls without encroaching onto these properties. A letter of permission is also required to all the creation of a proposed ditch in the railway lands.
7. Sanitary sewers over 5.0m deep require a local sewer. There is one sanitary sewer that is 5.4m deep. Please adjust the slopes to allow for a shallower depth.
8. The cross-sections must conform to the Complete Streets and Development Manual Guidelines. The 20m ROW's on Palmer and Kent do not follow our standard cross-section with the storm sewer within the middle of the ROW and CB's on either side.

Conditions of Draft Plan Approval

Prior to Grading

9. The SUBDIVIDER shall provide confirmation to the satisfaction of the Director of Engineering Services that any on site monitoring wells, existing private wells and septic systems within the lands proposed to be graded that are required by the Director of Engineering to be decommissioned have been decommissioned in accordance with Ministry of Environment standards to the satisfaction of the CITY's Director of Engineering.

Prior to Servicing

10. The SUBDIVIDER agrees that where major overland flow routes are not on municipally owned lands, the owner must deed to the City a minimum 6.0 m wide drainage corridor. Further, service easements are to have a minimum 5.0 metre width.
11. Prior to Servicing or Registration which ever shall occur first, the SUBDIVIDER shall prepare a detailed engineering design for Storm Water Management and obtain approval thereof, from the CITY's Director of Engineering Services in consultation with the Grand River Conservation Authority and the Regional Municipality of Waterloo. The Stormwater Management design shall be in accordance with the Schneider Creek Subwatershed criteria. The approved engineering design for Storm Water Management will include a maintenance program for a period of 2 years post full build out of the subdivision, which will ensure stormwater management facilities function as designed to the satisfaction on the CITY's Director of Engineering. Any maintenance required during this period, prior to the municipality assuming the facilities, shall be at the sole expense of the SUBDIVIDER.
12. Immediately following area grading, the SUBDIVIDER shall provide a soils report, to be prepared by a qualified arborist/ or other qualified professional which details the location and condition of tree root habitat soils and demonstrates that soil conditions meet the

CITY'S requirements for an urban forest to the satisfaction of the CITY'S Director of Operations.

13. The SUBDIVIDER agrees to submit construction details for the proposed retaining walls to the satisfaction of the CITY's Director of Engineering Services, in consultation with the Director of Operations.

Other Time Frames

14. The SUBDIVIDER agrees to include the following clause in applicable offers of purchase and sale and tenancy agreements, which shall be registered on the title of the lands immediately upon registration for all lots with retaining walls:

"Purchasers/tenants are advised that a retaining wall is located on the subject property. The owner of this property also owns his/her section of the retaining wall. The retaining wall is not in public ownership. Monitoring, maintenance, inspection, repair and replacement of this retaining wall, including any associated costs, are the sole responsibility of the property owner. The City of Kitchener is in no way responsible for this retaining wall. Should this retaining wall fail, it is the property owner's responsibility to repair or replace his/her section of the retaining wall, at his/her cost."

Further Comments Noted

15. All reports must be stamped by a P.Eng.
16. The site area identified in the Functional Servicing Report does not match the site area in the SWM Report. Please confirm all reports relate to each other.

Please note that the Stormwater Management comments from Matt Wilson will follow in an alternate e-mail.

Further comments will be provided in the future regarding the various supporting documentation received, including updated conditions of Draft Plan Approval. The applicant is to provide a letter explaining how they have met each of the comments under "To Be Addressed Prior to Draft Plan Approval". If not all of the items have been addressed, the submission will be considered incomplete and returned to the applicant. If there are items listed in this letter which the applicant feels cannot be met, the undersigned should be contacted prior to submitting the next submission. I trust this is the information you require.

Katie Pietrzak, C.E.T.
Project Manager, Development Engineering

Garett Stevenson

From: Adam Clark
Sent: Thursday, January 30, 2020 12:07 PM
To: Garett Stevenson; Lenore Ross
Subject: RE: Auburn

This one looks pretty good, and I think it actually hits all of their needs AND all of ours. The only thing they need to compromise on now is doing two of the towers as non-slabs. I think I hit all the rest of their concerns; (a) six towers that can be built in identical pairs, (b) no building over the parking structure, (c) 2300 units total (give or take 100), not counting the final phase (which will shake out between 100 and 300, depending on form/height).

This scheme meets or exceeds separation between all 6 towers. There is a greatly increased separation between towers E (20 storey) and F (36 storey) from a 29m target to 48m. This is done purposefully to account for the overlook between those two towers missing their targets by a lot (target is 30%, tower E is at 48% and tower F is at 100%).

Broadly, this passes a shadow study on the east half of the property and fails on the west half. Site/developer constraints make it nearly impossible to improve this (reducing height will not help, only eliminating a tower will). We may consider this an acceptable compromise given the lack of impacts on other privately owned lands.

Other benefits: the park can grow much larger, which should help with concerns from Parks, Ops, and Eng. The park is very well framed by surrounding built form but without creating shadow impacts (the park is entirely in sun from 10am to 4pm during the equinox and barely shadowed outside of that) It also creates a direct active transportation connecting between the park and Kent Ave, per PARTS (aqua blue strip). It creates good built form view termini along both Palmer and Vernon (pink strips). The centre garage access can remain as-is. The western access will need to shift, but not dramatically. The parking garage is reduced from 253m to 238m, a loss of 75 spaces (total) over 5 levels of parking. That's a 4% loss, approximately, which can easily be made up if necessary.

Other than the change to the floor plate size and shape on towers F and G, all of this should be cost-neutral to implement. Those towers probably take a 5% hit on efficiency, so that would translate to having to find another 50 units. That difference is easily made up through the final phase of the project, or by finding a little wiggle room here and there on the podiums or towers (tower I could gain 2 storeys and still meet targets, that's more than half of those 50 units right there, if necessary. However, the 4 storey difference between towers H and I is 85%, meeting our relative height guideline exactly, so I don't want to offer that to them).

I think this is a near perfect compromise between their objectives and ours. Not sure what they have left to argue over. They might want to shift some height here and there but as long as they keep to these relationships and meet the targets we can make something work (within reason).

The Metz – TIS comments and questions

Parking & Cycling

1. One of the recommendations of the TIS states that the applicant 'implement 537 bicycle parking spaces required'.
 - a. Section 6.22 (page 58) states that the development would require 1,322 Class A spaces, and 54 Class B spaces.
 - b. Appendix P – PARTS TDM Checklist indicates that the applicant would be providing 974 spaces beyond the minimum required.
 - c. Clarification on the actual amount required, and what is being proposed is needed.
2. The 36 on-street parking spaces should not count towards the total parking provided on each individual site.
3. Additionally, as the current proposal includes the 292 spaces available in the existing parking lot that is planned to be a future development (Block 3), they should not be included in the parking statistics of the site as a whole.

Left Turn Lane Analyses

4. The language used for the Left Turn Remedial Measures section needs to be consistent in terms of the usage of 'eastbound' and 'westbound' - there seems to be some discrepancy between the wording used and the actual nomographs in Appendix O.
5. Why was the intersection of Borden @ Courtland not evaluated as the site will have a large impact on the volume and turning movements of this intersection?

Trip Distribution

6. What is the reasoning behind having a large portion of westbound vehicles travelling on Courtland Ave who intend on entering the development using Kent Ave and Palmer Ave to make their left turn into the development, as opposed to using Borden Ave and entering the site from the Borden Ave access?
 - a. 2035 Total Traffic forecasts shows only 26 vehicles in the AM Peak using the left turn at Borden Ave, while a total of 143 vehicles use Kent or Palmer to enter the

site. Most of the office parking would presumably be utilizing the existing surface parking lot for parking, which is much more easily accessible off of Borden Ave.

Craig Dumart

From: Leah Walter
Sent: Monday, May 15, 2023 3:00 PM
To: Katie Wood; Christopher Leishman
Cc: Craig Dumart
Subject: Re: Auburn Development (Schneider's)

Hi Katie,

We don't have any issues with what's being proposed. Sorry for the delay in responding!

Leah

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From: Katie Wood <Katie.Wood@kitchener.ca>
Sent: Monday, May 15, 2023 1:43:49 PM
To: Leah Walter <Leah.Walter@kitchener.ca>; Christopher Leishman <Christopher.Leishman@kitchener.ca>
Cc: Craig Dumart <Craig.Dumart@kitchener.ca>
Subject: FW: Auburn Development (Schneider's)

Hello,
I just wanted to follow up with the email I sent later last week. Planning has a deadline to finalize their report for the end of Friday. Any chance you could take a look at this. If you want to chat quickly I'm around the rest of today as well as most of the day tomorrow.

Sincerely,
Katie Wood, C.E.T.

Project Manager | Development Engineering | City of Kitchener
519-741-2200 ext. 7135 | TTY 1-866-969-9994 | katie.wood@kitchener.ca



From: Katie Wood
Sent: Thursday, May 11, 2023 9:56 AM
To: Leah Walter <Leah.Walter@kitchener.ca>; Christopher Leishman <Christopher.Leishman@kitchener.ca>
Cc: Carlos Reyes <Carlos.Reyes@kitchener.ca>
Subject: Auburn Development (Schneider's)

Hey Leah and Chris,

Last year you helped me answer a few questions regarding what this developer is proposing, regarding the number of CB shields and the clean water collection system. They have come back in showing the outdated placement of the storm sewer along the curb line instead of within the laneway. I've asked them to update the cross section to conform to the Complete Streets and Development Manual Guidelines. They have since updated the cross section that still looks off due to the sizing of the sewers and spacing. I have attached this new cross section for your reference.

As you can see, due to the size of the sewers and the required offsets, their storm is likely running under the CBs. Not a huge deal because they can offset the MHs in the road so there are no conflicts; however, is there any flexibility on moving the sanitary over which would then shift the storm away from the side of the road? The water would then shift to beneath the paved on-street parking. Again, not a huge issue but wanted to ask the question before finalizing as it could help with constructability.

Since this is not typical your thoughts on this would be very helpful.

Sincerely,

Katie Wood, C.E.T.

Project Manager | Development Engineering | City of Kitchener
519-741-2200 ext. 7135 | TTY 1-866-969-9994 | katie.wood@kitchener.ca





CANADA POST
2701 RIVERSIDE DRIVE SUITE N0820
OTTAWA ON K1A 0B1
CANADAPOST CA

POSTES CANADA
2701 PROM RIVERSIDE BUREAU N0820
OTTAWA ON K1A 0B1
POSTESCANADA CA

August 6, 2019

Garett Stevenson
Planner
Planning Division-City of Kitchener
PO Box 1118
Kitchener ON N2G 4G7

Reference: Draft Plan of Subdivision Application 30T-19201
263 & 321-325 Courtland Ave E. , 230 & 240 Palmer Ave, & 30 Vernon Ave
Auburn Developments (Schneider's Redevelopment) "The Metz"

GarettEric:

Canada Post Corporation appreciates the opportunity to comment on the above noted application and it is requested that the developer be notified of the following:

Canada Post has reviewed the proposal for the above noted Development Application and has determined that the completed project will be serviced by centralized mail delivery provided through Canada Post Community Mail Boxes (CMB).

In order to provide mail service to this development, Canada Post requests that the owner/developer comply with the following conditions:

- ⇒ The owner/developer will consult with Canada Post to determine suitable permanent locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans.
- ⇒ The Builder/Owner/Développeur will confirm to Canada Post that the final secured permanent locations for the Community Mailboxes will not be in conflict with any other utility; including hydro transformers, bell pedestals, cable pedestals, flush to grade communication vaults, landscaping enhancements (tree planting) and bus pads.
- ⇒ The owner/developer will install concrete pads at each of the Community Mailbox locations as well as any required walkways across the boulevard and any required curb depressions for wheelchair access as per Canada Post's concrete pad specification drawings.
- ⇒ The owner/developer will agree to prepare and maintain an area of compacted gravel to Canada Post's specifications to serve as a temporary Community Mailbox location. This location will be in a safe area away from construction activity in order that Community Mailboxes may be installed to service addresses that have occupied prior to the pouring of the permanent mailbox pads. This area will be required to be prepared a minimum of 30 days prior to the date of first occupancy.
- ⇒ The owner/developer will communicate to Canada Post the excavation date for the first foundation (or first phase) as well as the expected date of first occupancy.

- ⇒ The owner/developer agrees, prior to offering any of the residential units for sale, to place a "Display Map" on the wall of the sales office in a place readily available to the public which indicates the location of all Canada Post Community Mailbox site locations, as approved by Canada Post.
- ⇒ The owner/developer agrees to include in all offers of purchase and sale a statement, which advises the prospective new home purchaser that mail delivery will be from a designated Community Mailbox, and to include the exact locations (list of lot #s) of each of these Community Mailbox locations; and further, advise any affected homeowners of any established easements granted to Canada Post.
- ⇒ The owner/developer will be responsible for officially notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sales with specific clauses in the Purchase offer, on which the homeowners do a sign off.

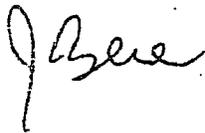
Multi-unit buildings with a common indoor entrance fall under Canada Post's multi-unit policy:

- The owner/developer will be required to provide and maintain the centralized mail facility (Lock Box Assembly) at their own expense. Buildings with 100 or more units require a rear loading LBA with dedicated secure mailroom.

Canada Post further requests the owner/developer be notified of the following:

- 1 The owner/developer of any condominiums will be required to provide winter snow clearance at the Community Mailbox locations
- 2 Any existing postal coding may not apply, the owner/developer should contact Canada Post to verify postal codes for the project
- 3 **The complete guide to Canada Post's Delivery Standards can be found at:**
https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual_en.pdf

Regards,



Jamie Bere
Delivery Services Officer | Delivery Planning
Canada Post
955 Highbury Ave N
London ON N5Y 1A3
519-280-7968
james.bere@canadapost.ca

Transportation Services comments for: 321-325 Courtland Ave East & 230, 240 Palmer Ave & 30 Vernon Ave “The Metz” (Zoning By-law)

Comments Provided By: Steve Ryder (519-741-2200 ext. 7152) – April 27, 2023

Application Description: The Owner is proposing to comprehensively redevelop the lands into a mixed-use community with residential, commercial, and employment uses.

Zoning By-law Amendment questions/comments:

*NOTE: City staff comments will appear in **RED***

The following comments are for proposed changes under section “Special Provisions - A.R.”:

- Minimum vehicle parking space requirements shall be as follows:
 - i) Multiple Dwelling: a. 0.165 spaces per dwelling unit for dwelling units <51.0 square metres in area, provided however that this does not apply to more than 40% of all dwelling units on lots affected by this subsection on Schedule 118 and 119 of Appendix “A”;
 - **No concerns.**
 - b. 0.8 spaces per dwelling unit for dwelling units >51.0 square metres in area;
 - **No concerns.**
 - ii) Visitor parking for Multiple Dwellings: 12.5% of parking spaces required by provision d)i);
 - **Would prefer a rate of 0.1 spaces per unit (applicant used this rate in the Master Statistics PDF in the submitted package of drawings)”**
 - iii) Non-Residential uses: 1 space per 50 square metres of gross floor area;
 - **No concerns.**
 - iv) All parking spaces required for visitor parking and non-residential uses shall be shared and be unassigned.
 - **Spaces should not be unassigned in the sense that they are open for free use of residential parking which could limit the availability of parking for commercial employees, customers and residential visitors.**
 - e) A minimum of 20 percent of the parking spaces required by provision d)i) for multiple dwellings shall be designed to permit the future installation of electric vehicle supply equipment.
 - **No concerns.**
 - f) Minimum bicycle parking requirements for Multiple Dwellings shall be:
 - i) 0.5 “Class A” Bicycle Parking Stalls per dwelling unit; and
 - **No concerns, however the updated TIS still refers to a total of 537 Class A spaces.**
 - ii) 6 “Class B” Bicycle Parking Stalls where more than 20 dwelling units are on a lot.
 - **No concerns.**
 - g) Off-street parking facilities required by provisions d), e) and f):

- i) May be located on any lot shown as affected by this subsection on Schedule Numbers 118 and 119 of Appendix “A” and shall not require an off-site parking agreement; and
 - **No concerns? Do we want off-site agreements?**
- ii) May be permitted to extend beyond a property line provided that all portions of the parking space are located on lots shown as affected by this subsection on Schedule Numbers 118 and 119 of Appendix “A”.
 - **No concerns as long as there are no encroachments into future City rights-of-way.**
- h) For the purposes of provision e), the definitions of “electric vehicle supply equipment” per Section 3 of Zoning By-law 2019-051 shall apply.
 - **No concerns.**
- i) For the purposes of provision f) the definitions of “Class A’ Bicycle Parking” and “Class B’ Bicycle Parking” per Section 3 of Zoning By-law 2019-051 shall apply and such spaces shall have a minimum width of 0.4 metres, length of 1.8 metres and vertical clearance of 1.2 metres and may be stacked.
 - **These should meet the standards set in Illustration 5-2 in Section 5 of ZBL 2019-051 (page 6 of 21):**
 - **Vertical clearance 2.1m, for example**
 - **Minimum width of 0.6m, etc.**

The following comments are for proposed changes under section “Special Provisions - B.R.”:

- **No concerns.**

The following comments are for proposed changes under section “Special Provisions - C.R.”:

- **No concerns.**

The following comments are for proposed changes under section “Special Provisions - D.R.”:

- **No concerns.**

The following comments are for proposed changes under section “Special Provisions - E.R.”:

Notwithstanding Section 4.2 of this By-law, on the land zoned High Intensity Mixed Use Corridor Zone (MU-3), shown as affected by this subsection on Schedule Numbers 118 and 119 of Appendix “A”, the following special regulations shall apply:

- a) FSR shall be obtained when the total Building Floor Area of all buildings on all lots subject to this subsection is divided by the total lot area of all lots subject to this subsection;
- b) The electric vehicle parking space provisions per Section 5.8b) through 5.8d) and 5.8f) and corresponding relevant definitions in Section 3 of Zoning By-law 2019-051 shall apply.

- **No concerns**

c) Minimum Bicycle Parking for non-residential uses shall be provided in accordance with Section 5.5a), b), d) and e) of Zoning By-law 2019-051 and at the minimum rates applicable to MIX Zones in Table 5.5 of Zoning By-law 2019-051.

- No concerns.

d) Electric vehicle parking facilities required by provision b) and bicycle parking facilities required by provision c) may be located on any lot shown as affected by this subsection on Schedule Number 118 of Appendix "A" and shall not require an off-site parking agreement.

- No concerns.

e) For the purposes of provision c) the definitions of "Class A' Bicycle Parking" and "Class B' Bicycle Parking" per Section 3 of Zoning By-law 2019-051 shall apply and such spaces shall have a minimum width of 0.4 metres, length of 1.8 metres and vertical clearance of 1.2 metres and may be stacked.

- Similar to comments above, these dimensions do not match what is standard in Section 5 of ZBL 2019-051 and should be updated to match.

The following comments are for proposed changes under section "Special Provisions - F.R.":

- No concerns.

The following comments are for proposed changes under section "Special Provisions - G.R.":

- No concerns.

The following comments are for proposed changes under section "Special Provisions - H.R.":

- No concerns.

The following comments are for proposed changes under section "Special Provisions - I.R.":

- No concerns.

The following comments are for proposed changes under section "Special Provisions - A.U.":

- No concerns.

The following comments are for proposed changes under section "Special Provisions - A.H.":

- No concerns.

The following comments are for proposed changes under section “Special Provisions – B.H.”:

- No concerns.

Transportation Services comments for: 321-325 Courtland Ave East & 230, 240 Palmer Ave & 30 Vernon Ave “The Metz” (Draft Plan of Subdivision)

Comments Provided By: Steve Ryder (519-741-2200 ext. 7152) – August 27, 2019

Application Description: The Owner is proposing to comprehensively redevelop the lands into a mixed-use community with residential, commercial, and employment uses.

Draft Plan of Subdivision comments:

1. Palmer Avenue – Transportation Services would prefer an 18.0m local right-of-way, rather than the proposed 20.0m width. It would be modelled after the City of Kitchener’s ‘Complete Streets – Local Roadway’ cross-section.
2. Street ‘One’ (Olde Fashioned Way) – Preferred to be reduced to a 20.0m right-of-way, rather than the proposed 24.0m width. This would be also be based on the City of Kitchener’s ‘Complete Streets – Minor Collector’ cross-section.
 - a. Recommend the removal of the centre median islands along Street One.
 - b. Lanes should be 3.5m as opposed to proposed 3.65m lanes.
3. Kent Avenue – Kent Avenue is identified in the PARTS Rockway Plan as a key active transportation route and connection to surrounding trails and cycling network. It would be preferred to see it as a 20.0m right-of-way, as well, utilizing the City of Kitchener’s ‘Complete Streets – Minor Collector Alternate’ cross-section.
 - a. Transportation Services recommends the addition of bike lanes along Kent Avenue from Courtland Ave East to Street ‘One’ – Kent Ave is identified in the PARTS plan as a key active transportation route and future location of on-road bike facilities. The connectivity will provide better access to the surrounding trail networks and neighbourhoods for the proposed development.
4. All concrete sidewalks located within the municipal right-of-ways should be 1.8m wide.

CIRCULATION RESPONSE FORM
Draft Plan of Subdivision Application 30T-19201
Official Plan Amendment Application OPA19/002/C/GS
Zoning By-law Amendment ZBA19/005/C/GS
263 & 321-325 Courtland Avenue East, 230 & 240 Palmer Avenue, and 30 Vernon Avenue
Auburn Developments (Schneider's Redevelopment)
"The Metz"

If you have NO concerns or comments, please complete and return this form.

If applicable, please return your comments in writing by mail, email, or fax by **July 31, 2019**.

Heritage Planning
Department/Agency

Victoria Brown
Name of Representative (please print)

July 30 2019
Date

VCB
Signature of Representative

Please direct all correspondence to:

Garett Stevenson, Planner
Phone: 519-741-2200 x7070
Email: garett.stevenson@kitchener.ca
Fax: 519-741-2624

Mail:
City Hall
200 King Street West,
6th Floor, PO Box 1118
Kitchener, ON N2G 4G7

Garett Stevenson

From: Iwona.Lipowski@HydroOne.com
Sent: Monday, July 08, 2019 8:34 AM
To: Garett Stevenson
Subject: Kitchener, 263, 321-325 Courtland Ave. East, 230, 240 Palmer Ave, 30 Vernon Ave. 30T-19201

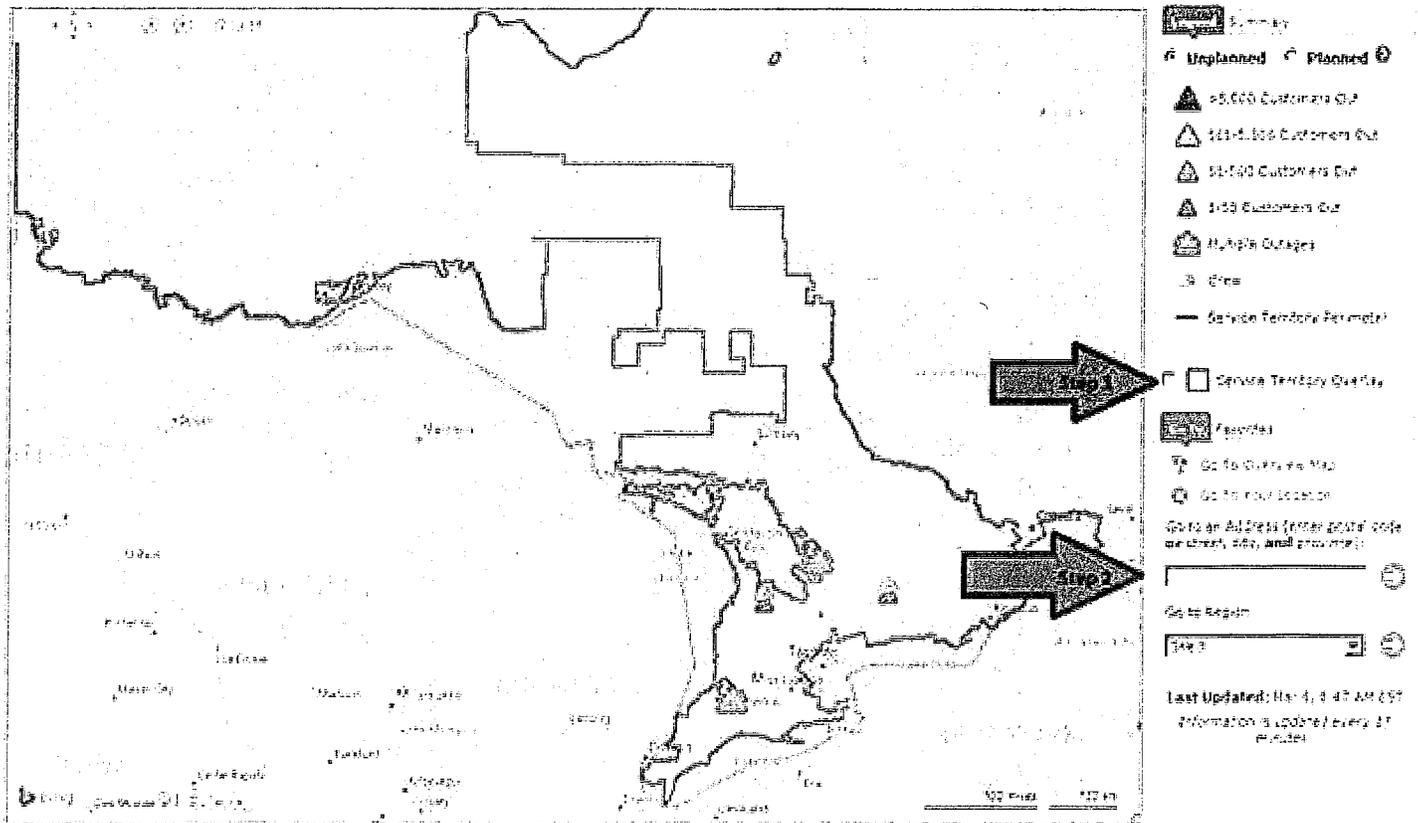
Hello,

We are in receipt of your Plan of Subdivision application, 30T-19201 dated June 25th, 2019. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at subdivision@Hydroone.com or 1-866-272-3330.

To confirm if Hydro One is your local distributor please follow the following link:
<http://www.hydroone.com/StormCenter3/>

Please select "Service Territory Overlay" and locate address in question by entering the address or by zooming in and out of the map



If you have any further questions or inquiries, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

If you have any questions please feel free to contact myself.

Thank you,

Iwona Lipowski

Special Services Support Clerk, Real Estate Department
 185 Clegg Road
 Markham, ON L6G 1B7
Iwona.Lipowski@HydroOne.com

On behalf of,

Dennis De Rango

Specialized Services Team Lead, Real Estate Department
 Hydro One Networks Inc.
 Tel: (905)946-6237

Email: Dennis.DeRango@HydroOne.com

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Garett Stevenson

From: Shawn Callon <shawn_callon@wrdsb.ca>
Sent: Wednesday, July 24, 2019 4:03 PM
To: Planning
Cc: Christine Kompter; Garett Stevenson
Subject: Re: Circulation for Comment - Draft Plan of Subdivision, Official Plan & Zoning By-law Amendments - 263 & 321-325 Courtland Avenue East, 230 & 240 Palmer Avenue, and 30 Vernon Avenue (Schneider's Redevelopment)

Hi Garett,

Planning staff of the Waterloo Region District School Board has reviewed the proposed application and expects school accommodation in the vicinity will be sufficient for the anticipated number of students; however, given this scale of development the Board asks that the following be considered as a condition of approval:

That the owner agree in the Subdivision/Condo and/or Site Plan Agreement to notify all purchasers of residential units and/or renters of same, by inserting the following clauses in all offers of Purchase and Sale/Lease, and that this remain on Title to the property/unit for heirs, successors and assigns:

“Whereas the Waterloo Region District School Board may designate this parcel of land as a Development Area for the purposes of school accommodation, and despite the best efforts of the Board, sufficient accommodation may not be available for all anticipated students. You are hereby notified that students may be accommodated in temporary facilities and/or bussed to a school outside the area, and further, that students may, in future, be transferred to another school.”

As this will be generating students who are expected to walk to area schools, the Board requests that pedestrian facilities be completed within and around the development to connect to existing streets, transit, and municipal trails.

Thank you,

Shawn Callon

On Tuesday, 25 June 2019 11:18:35 UTC-4, Christine.Kompter@kitchener.ca wrote:

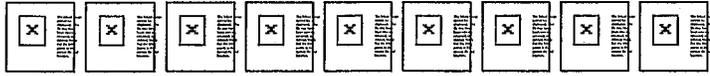
Please see attached. Comments and questions should be directed to **Garett Stevenson** – Planner (garett.stevenson@kitchener.ca; 519-741-2200 x7070).

Sincerely,

Christine Kompter

Administrative Assistant | Planning Division | City of Kitchener
200 King Street West, 6th Floor | P.O. Box 1118 | Kitchener ON N2G 4G7

519-741-2200 ext. 7425 | TTY 1-866-969-9994 | christine.kompter@kitchener.ca



Garett Stevenson

From: circulations@wsp.com
Sent: Friday, July 05, 2019 2:43 PM
To: Garett Stevenson
Subject: OPA (OPA19/002/C/GS), ZBLA (ZBA19/005/C/GS) and Draft Plan of Subdivision (30T-19201) - 263 & 321-325 Courtland Ave. E., 230 & 240 Palmer Ave. and 30 Vernon Ave.

2019-07-05

Garett Stevenson

Kitchener

''

Attention: Garett Stevenson

Re: OPA (OPA19/002/C/GS), ZBLA (ZBA19/005/C/GS) and Draft Plan of Subdivision (30T-19201) - 263 & 321-325 Courtland Ave. E., 230 & 240 Palmer Ave. and 30 Vernon Ave.; Your File No. OPA19/002/C/GS, ZBA19/005/C/GS, 30T-19201

Our File No. 85049

Dear Sir/Madam,

We have reviewed the circulation regarding the above noted application.

The following paragraph is to be included as a condition of approval:

“The Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements”.

We hereby advise the Developer to contact Bell Canada during detailed design to confirm the provision of communication/telecommunication infrastructure needed to service the development.

As you may be aware, Bell Canada is Ontario's principal telecommunications infrastructure provider, developing and maintaining an essential public service. It is incumbent upon the Municipality and the Developer to ensure that the development is serviced with communication/telecommunication infrastructure. In fact, the 2014 Provincial Policy Statement (PPS) requires the development of coordinated, efficient and cost-effective infrastructure, including telecommunications systems (Section 1.6.1).

The Developer is hereby advised that prior to commencing any work, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is available. In the event that such infrastructure is unavailable, the Developer shall be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure.

If the Developer elects not to pay for the above noted connection, then the Developer will be required to demonstrate to the satisfaction of the Municipality that sufficient alternative communication/telecommunication will be provided to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e., 911 Emergency Services).

WSP operates Bell Canada's development tracking system, which includes the intake and processing of municipal circulations. Please note, however, that **all responses to circulations and other requests, such as requests for clearance, come directly from Bell Canada, and not from WSP.** WSP is not responsible for the provision of comments or other responses.

As of June 1, 2019, Meaghan Palynchuk will be taking maternity leave and returning in the first quarter of 2020. In my absence please contact Ryan Courville for any matters concerning this file.

Yours truly,

Ryan Courville
Access Network Provisioning Manager
Municipal Relations
Phone: 416-570-6726
Email: planninganddevelopment@bell.ca

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Garett Stevenson

From: Wang, Shaun <SWang@KWHydro.ca>
Sent: Wednesday, July 03, 2019 5:08 PM
To: Garett Stevenson
Cc: Stewart, Gary; Theriault, John; Cameron, Greig
Subject: RE: Circulation for Comment - Draft Plan of Subdivision, Official Plan & Zoning By-law Amendments - 263 & 321-325 Courtland Avenue East, 230 & 240 Palmer Avenue, and 30 Vernon Avenue (Schneider's Redevelopment)

Garett,

Kitchener Wilmot Hydro has reviewed the draft plan and has the following comments:

The developer will need to make satisfactory arrangements with Kitchener Wilmot Hydro Inc. for servicing:

1. Kitchener-Wilmot Hydro has existing 3-phase overhead pole lines along both Courtland Ave. and along CN rail. To service the site, Kitchener-Wilmot Hydro needs to extend the 3-phase overhead pole line along Palmer Ave, Kent Ave, the proposed Street One and the park area (to tie to the existing pole line along the CN rail).
2. Any proposed above grade building façade must have a minimum clearance of 5.5 meters from the center of the existing and proposed hydro pole line.
3. Any change of the existing pole line alignment will be at the developer's cost.

Regards,

Shaun Wang, P. Eng.
System Planning & Projects Engineer
Kitchener-Wilmot Hydro Inc.
P: 519-745-4771 x6312
F: 519-745-0643
swang@kwhydro.ca



Greig Cameron, P.Eng., M.Sc.,
Vice President, Engineering & IT
Kitchener-Wilmot Hydro Inc.
PH: 519-749-6182

From: Christine.Kompter@kitchener.ca <Christine.Kompter@kitchener.ca>
Sent: June-25-19 11:18 AM
To: Aaron.McCrimmon-Jones@kitchener.ca; circulations@wsp.com; Dave.Seller@kitchener.ca;
DSDPlanningDivision@kitchener.ca; vped@feds.ca; thughes@grandriver.ca; Greg.Reitzel@kitchener.ca;
landuseplanning@hydroone.com; Jim.Edmondson@kitchener.ca; Cameron, Greig <GCameron@KWHydro.ca>;
Larry.Tansley@kitchener.ca; Linda.Cooper@kitchener.ca; Mike.Seiling@kitchener.ca; john.morrissey@ontario.ca;

Executivevp.lawanddevelopment@opg.com; Park.Planning@kitchener.ca; akutler@regionofwaterloo.ca;
ballen@regionofwaterloo.ca; CCrozier@regionofwaterloo.ca; jbhatia@regionofwaterloo.ca; syip@regionofwaterloo.ca;
PropDataAdmin@kitchener.ca; rparent@regionofwaterloo.ca; Rita.Delaney@kitchener.ca;
Robert.Morgan@kitchener.ca; Steven.Ryder@kitchener.ca; Steven.amirikah@uwaterloo.ca; planning@wcdsb.ca;
planning@wrdsb.ca; Ashley.DeWitt@kitchener.ca; Barb.Fairbairn@kitchener.ca; james.bere@canadapost.ca;
Carol.Bacon@kitchener.ca; Feras.AbdulHadi@kitchener.ca; ionn.Barton@kitchener.ca; MR21Enquiry@mpac.ca;
Nancy.Steinfield@kitchener.ca; blamondin@regionofwaterloo.ca; kfletcher@regionofwaterloo.ca;
msergi@regionofwaterloo.ca; SWOGR-PERMIT@rci.rogers.com; gkeep@uniongas.com

Subject: Circulation for Comment - Draft Plan of Subdivision, Official Plan & Zoning By-law Amendments - 263 & 321-325 Courtland Avenue East, 230 & 240 Palmer Avenue, and 30 Vernon Avenue (Schneider's Redevelopment)

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Please see attached. Comments and questions should be directed to **Garett Stevenson – Planner** (garett.stevenson@kitchener.ca; 519-741-2200 x7070).

Sincerely,

Christine Kompter
Administrative Assistant | Planning Division | City of Kitchener
200 King Street West, 6th Floor | P.O. Box 1118 | Kitchener ON N2G 4G7
519-741-2200 ext. 7425 | TTY 1-866-969-9994 | christine.kompter@kitchener.ca



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July 30, 2019

OR: 30T-19201

Garett Stevenson, Planner
Development Services Department - Planning
City of Kitchener, City Hall
P.O. Box 1118, 200 King Street West
Kitchener, Ontario N2G 4G7

**Re: Draft Plan of Subdivision Application 30T-19201, Official Plan Amendment Application OPA19/002/C/GS and Zoning By-law Amendment ZBA19/005/C/GS for 263 & 321-325 Courland Avenue East, 230 & 240 Palmer Avenue, and 30 Vernon Avenue, City of Kitchener
Auburn Developments (Schneider's Redevelopment), "The Metz"**

Dear Mr. Stevenson:

Further to your circulation letter dated June 25, 2019, please be advised that we will not be able to complete our review of the applications and accompanying reports by July 31, 2019. Accordingly, I would like to request an extension of this deadline. Upon completion of our review, I will forward our comments to the City of Kitchener, Region of Waterloo, and the applicant/agent.

We trust this information is of assistance. If you should have any further questions, please do not hesitate to call.

Yours Truly,

A handwritten signature in cursive script that reads "Trisha Hughes".

Trisha Hughes
Resource Planner
Grand River Conservation Authority

c.c. Katie Pietrzak, City of Kitchener
Barbara Steiner, City of Kitchener
Shilling Yip, Region of Waterloo



Administration Centre: 400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519-621-2761 Toll free: 1-866-900-4722 Fax: 519-621-4844 www.grandriver.ca

September 12, 2019

OR: 30T-19201

Garett Stevenson, Planner
Development Services Department - Planning
City of Kitchener, City Hall
P.O. Box 1118, 200 King Street West
Kitchener, Ontario N2G 4G7

Re: Draft Plan of Subdivision Application 30T-19201, Official Plan Amendment Application OPA19/002/C/GS and Zoning By-law Amendment ZBA19/005/C/GS for 263 & 321-325 Courland Avenue East, 230 & 240 Palmer Avenue, and 30 Vernon Avenue, City of Kitchener Auburn Developments (Schneider's Redevelopment), "The Metz"

Dear Mr. Stevenson:

In consideration of the above noted applications, the Grand River Conservation Authority (GRCA) has now undertaken a review of the following supporting materials:

- Letter from City of Kitchener, dated June 25, 2019
- Plan of Subdivision – Auburn Developments, dated February 14, 2019
- 321 Courtland Avenue, Kitchener ON Former Schneider's Plant – Preliminary Stormwater Management Report, prepared by Stantec, dated April 2019
- 321 Courtland Avenue, Kitchener ON Former Schneider's Plant – Preliminary Functional Servicing Report, prepared by Stantec, dated April 2019
- Geotechnical Investigation – Proposed Residential Development, prepared by Stonerise Construction Inc., dated April 25, 2019
- Final Scoped Hydrogeological Investigation, prepared by Stonerise Construction Inc., dated April 25, 2019

Based on our review of the above materials, we offer the following comments:

1. In addition to first floor elevations, which all need to be above the provided Regulatory Flood Elevations, all exterior openings need to be floodproofed as well to these elevations. Please provide building elevation plans for review.

2. Drawing C-400 – Concept Grading Plan, prepared by Stantec (last revised March 22, 2019), shows Vernon Avenue below the Regulatory Flood Elevation of 321.30 metres CGVD28. It also indicates that the entry into the underground parking garage will be below the applicable Regulatory Flood Elevation. Please provide detailed plans for any underground parking. It should be demonstrated that ingress and egress to the parking structures is “dry” where it can be practically achieved or floodproofed to an elevation that is safe. An engineer should review and confirm that any underground parking proposed within the floodplain can withstand hydrostatic pressure in the event of flooding.
3. The proposed grading plans should show the existing and proposed floodplain based on the Regulatory Flood Elevations applicable to the property.
4. The Preliminary Stormwater Management Report notes that water quantity control should maintain or reduce peak flow rates from the site to downstream receiving systems. Please provide the pre-development and post-development flows for comparison. We understand that under post-development conditions there is going to be less imperviousness, but please include information regarding the impact of development on peak flows as a result of grading and site design. Was the runoff distributed before and now concentrated? Comparison of the Existing Conditions Plans (Drawing C-050 and C-051) and the Concept Grading Plans (Drawings C-400 and C-401) give the impression that the western portion of the site, which was previously discharging to the southwest, is now graded such that almost all runoff will be directed to the east along Street One towards Kent Avenue. How will the peak flow compare between the two conditions for less frequent storm events like the 100 year? We understand that smaller events will be captured by the infiltration trenches and LID best management practices, but it should be demonstrated that peak flows at all locations are below or at pre-development levels for all events.
5. Please provide additional information for the infiltration trenches to demonstrate that the infiltration trenches can function properly. Further details for the infiltration trenches should be provided, including the bottom elevations and the seasonally high groundwater table elevations, to demonstrate that a minimum of 1 metre separation can be achieved during the wet season. Clearly identify how the seasonally high groundwater elevations were determined.
6. As per the Update of Schneider Creek Floodplain Mapping & Two-Zone Policies – Stirling Avenue to Sydney Street study (prepared by MMM Group, May 2016), any redevelopment scenario is to maintain flow conveyance (page 32). We previously recommended that the culvert be analyzed with some degree of blockage assumed to determine if an overland spill path should be provided. Based on Section 3.3.3 of the Preliminary Stormwater Management Report (page 3.11), a 0.40 metre blockage

depth will raise the regulatory flood elevation to 323.01 metres. Based on Drawing C-401, this would result in flooding of the existing buildings and some of the proposed buildings on the property (e.g. Buildings B, G, H and I). Please further assess the proposed plans to maintain flow conveyance.

7. The only water quality best management practice identified in the Preliminary Stormwater Management Report is CB shields for road runoff, which are not known to provide 80% quality control. Please clearly demonstrate how enhanced water quality targets are being met before stormwater outlets to the watercourses. Other best management practices may be required.

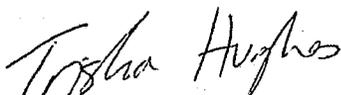
We also have the following advisory comment:

8. The proposed grading plan on Drawing C-401 shows that there is potential for 0.5 m of ponding occurring on Street One, east of Kent Ave and north of Building I, which can be a hazard in winter given the recent pattern of freeze and melt observed. We recommend reducing ponding on roadways to the extent possible.

We can confirm receipt of the subdivision fee of \$12,251.58. Based on information provided, we calculated the total subdivision base and per net hectare fee to be \$14,309.40. To date, more than the 70% of the base and per net hectare fee required with initial submission of a subdivision application has been received. The remaining subdivision base and per net hectare fee will be requested prior to issuance of conditions of draft plan approval.

We look forward to a response to our comments. If you have any questions, please do not hesitate to contact the undersigned at thughes@grandriver.ca or 519- 621-2763 ext. 2319.

Sincerely,



Trisha Hughes

Resource Planner

Grand River Conservation Authority

c.c. Katie Pietrzak, City of Kitchener
Barbara Steiner, City of Kitchener
Shilling Yip, Region of Waterloo



Administration Centre: 400 Clyde Road, P.O. Box 729, Cambridge, ON N1R 5W6

Phone: 519-621-2761 Toll free: 1-866-900-4722 Fax: 519-621-4844 www.grandriver.ca

May 10, 2023

Shilling Yip
Principal Planner
Planning, Development and Legislative Services
Regional Municipality of Waterloo
150 Frederick Street, 8th Floor
Kitchener ON N2G 4J3
dwelwood@regionofwaterloo.ca

Craig Dumart
Senior Planner
Planning Division
City of Kitchener
200 King Street West
Kitchener ON N2G 4G7
craig.dumart@kitchener.ca

**Re: Draft Plan of Subdivision 30T-19201, Official Plan Amendment
OPA19/002/C/GS and Zoning By-law Amendment ZBA19/005/C/GS
263 & 321-325 Courland Avenue East, 230 & 240 Palmer Avenue, and 30
Vernon Avenue, City of Kitchener
Auburn Developments**

Dear Mr. Yip and Mr. Dumart,

Grand River Conservation Authority (GRCA) staff have reviewed the above-noted application for a mixed-use subdivision.

Recommendation

The GRCA recommends draft plan approval of the subdivision, subject to conditions.

Documents Reviewed by Staff

Staff have reviewed the following documents submitted with this application:

- Functional Servicing Report (Stantec, September 2021)
- Stormwater Management Report (Stantec, September 2021)
- Architectural Plans (Turner Fleischer, received April 18, 2023)
- Servicing and Grading Plans (Stantec, revised April 14, 2023)

This follows our September 12, 2019 comments on the previous submission.

GRCA Comments

Our previous concerns have now been addressed. As a result, we are now in a position to recommend draft plan approval with the following conditions:

1. Prior to any grading or construction on the site and prior to registration of the plan, the owners or their agents submit the following plans and reports to the satisfaction of the Grand River Conservation Authority.
 - a. A detailed storm water management report in accordance with the 2003 Ministry of the Environment Report entitled "Stormwater Management Planning and Design Manual".
 - b. A detailed Lot Grading, Servicing and Storm Drainage Plan.
 - c. An Erosion and Siltation Control Plan in accordance with the Grand River Conservation Authority's Guidelines for sediment and erosion control, indicating the means whereby erosion will be minimized and silt maintained on-site throughout all phases of grading and construction.
 - d. The submission and approval of a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Permit from the GRCA prior to the construction in a wetland and/or grading in a regulated area and/or construction of the Stormwater Management outlet in a regulated area.

We trust that the municipality will ensure the Subdivider's Agreement between the owners and the municipality contain provisions for the completion and maintenance of the works in accordance with the approved plans and reports noted in Condition 1) above. Once the above has been met, we can issue GRCA's clearance of the subdivision to the municipality.

Advisory Comments

We note that Building M, Block 3 is proposed within 15 metres of the Shoemaker Creek culvert. We would advise the City to ensure that construction of and mass loading from the building does not impact the culvert, or that the building placement does not impair the City's ability to maintain / repair the culvert.

We can confirm receipt of the remaining review fees for this subdivision application in the amount of \$2,057.82. Additional fees will be required for final clearance, and separate fees will be required for a GRCA permit.

We trust this information is of assistance. If you have any questions or require additional information, please contact me at 519-621-2763 ext. 2292 or theywood@grandriver.ca.

Sincerely,



Trevor Heywood
Resource Planner
Grand River Conservation Authority

cc: Chris Pidgeon, GSP Group



PLANNING, DEVELOPMENT
AND LEGISLATIVE SERVICES
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Kitchener Ontario N2G 4J3 Canada
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Fax: 519-575-4466
www.regionofwaterloo.ca

David Welwood
File: 30T-19201
C14-60/2/19005
D17-40/2/19201

December 20, 2019

Garett Stevenson
Planner
City of Kitchener
200 King St. W., PO Box 1118
Kitchener, ON N2G 4G7
(via e-mail: Garett.Stevenson@kitchener.ca)

Dear Mr. Stevenson,

**Re: Addendum Post Circulation Comments (Noise)
Draft Plan of Subdivision 30T-19201
Official Plan and Zoning By-law Amendments
321 Courtland Ave. Developments Inc. (GSP Group Inc)
263 & 321-325 Courtland Ave E & 230 & 240 Palmer Ave
& 30 Vernon Ave**

City of Kitchener

The following comments are an addendum to the Regional post-circulation comments dated October 11, 2019 and represent staff's review of the Noise and Vibration Feasibility Assessment for the proposed residential development at 321 Courtland Avenue East, in the City of Kitchener, prepared by RWDI AIR Incorporated dated March 25, 2019. The Report assesses traffic noise from Courtland Avenue East and Stirling Avenue South and noise and vibration from Canadian National Railway line in the vicinity of the proposed development.

The development is bounded by Stirling Avenue to the west, Courtland Avenue East to the north, Borden Avenue to the east, and the Canadian National (CN) rail line to the south. The proposed development will consist of ten high rise residential buildings, eleven townhouse blocks, three existing buildings to be used for commercial uses, and one restaurant.

With respect to transportation related noise sources, two roadways that have the greatest potential to influence the proposed residential development are Courtland Avenue East to the north, and Stirling Avenue South to the west of the development. The location of the proposed development in relation to the major roadways is shown in

Figure 1 of the report.

This report examines the compatibility of the proposed development with existing environmental sources of sound and vibration. The influence of sound emissions from the proposed development on surrounding sensitive land uses has not been completed in detail as mechanical equipment information is not yet available. The compatibility of sound from the proposed development with surrounding residential land uses will be confirmed at a later development stage once the necessary mechanical information is available.

On-site stationary sources for the development are expected to consist of HVAC related equipment in the roof-top mechanical penthouse as well as exhaust fans. As the design is currently in progress, a detailed assessment of the noise impacts by the development on the surrounding environment is not possible. A detailed Noise Study will be required upon completion of HVAC and mechanical design.

Conclusions and Recommendations

Based on the results staff's review of the Noise and Vibration Feasibility Assessment, the following conclusions have been reached:

Outdoor Living Areas (OLA)

For the outdoor amenity spaces, calculated road noise levels do not exceed the 55 dBA criteria outlined in Table 1 of the report. Mitigation to reduce outdoor noise levels is not required. Noise levels for the OLA for the multi-residential building will be further reduced due to shielding from the proposed building. Standard balconies of less than 4 metres in depth are proposed for the multi-residential building. Balconies less than 4 metres in depth are not considered an outdoor amenity space and therefore noise control measures are not required.

Indoor Living Areas

Indoor sound levels are estimated by adjusting levels predicted at the plane of window and accounting for sound attenuation through windows or doors. Sound levels for the façade were predicted at the exterior of the building. A 28 dBA reduction in sound level from the exterior to interior was assumed through a closed window, based on a minimum Ontario Building Code window construction (i.e., double paned 3 mm glass with 13 mm air space).

Provision for central air conditioning to be installed in all units, allowing windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks (MECP).

The owner/developer will be required to enter into a registered agreement with the Regional Municipality of Waterloo for all units and the following warning clauses shall be included in agreements of Offers of Purchase and Sale, lease/rental agreements, condominium declarations.

Noise Warning Clauses

The following noise warning clauses will be required.

TYPE A:

"Purchasers/tenants are advised that sound levels due to increasing road and rail traffic on Courtland Avenue East and Stirling Avenue South and Canadian National Railway track may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks."

TYPE C:

All other Buildings

"This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks. The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MECP Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property."

TYPE D:

Buildings A & B

"This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment, Conservation & Parks. The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MOE Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property."

Warning: *"Canadian National Railway (CNR) or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land subject hereof. There may be alteration to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. CNR will not be responsible for any complaints or claims*

arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

Vibration

All train pass-bys were found to be less than 0.14 mm/s Root Mean Square (RMS) at 30 metres from the railway. Therefore, impacts at the residences are expected to comply with the Railway Association of Canada (RAC) and CN Rail limits. The 0.14 mm/s limit at 30 metres approximately corresponds to a vibration level of 1.18 mm/s Peak Particle Velocity (PPV) at 15 metres (i.e., the parking garage setback). Thus, impacts at the parking garage are expected to be below the Federal Transportation Authority (FTA) building damage limits. Therefore, no mitigation measures for rail vibration are required.

Ground-borne vibration levels were measured at the approximate location of the proposed residential façade, approximately 30 m from the railway right of way, and were found to be below railway guidelines. Ground-borne vibration levels exceed railway guidelines at the property line.

The following vibration warning clause shall also be included in the property and tenancy agreements and offers of purchase and sale for the dwelling units closest to the railway to inform the future owners and tenants of the possible vibration excesses.

“Purchasers/tenants are advised that due to the proximity of this dwelling to the nearby railway tracks, vibration from rail pass-bys may occasionally be perceptible within this unit.”

While Regional staff would also typically require a railway vibration study, we would defer this decision to the appropriate rail authority (see below). Alternatively, should the rail authority not comment on this application, the requirement for a rail vibration study would stand.

*Susanne Glenn-Rigny, MCIP, RPP, OUQ
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Holding Provision

Regional staff has also reviewed the study's stationary noise component. The report's Executive Summary contains broad recommendations including that an acoustical engineer be retained to further review of the noise aspects of the development once detailed building designs are known, as the current assessment is based on assumptions regarding building configuration and construction.

Given, the development will be phased, we recommend a holding provision be used to ensure any detailed study(ies) are undertaken and implemented.

Regional staff are currently working with the proponent's consultants on remaining requirements and will provide further comments under a separate cover. The remainder of the comments from our October 11, 2019 letter continue to apply.

Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,



David Welwood, MES, MCIP, RPP
Principal Planner

cc. Kevin Muir, GSP Group
Susanne Glenn-Rigny, Canadian National Railway



Region of Waterloo

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May 1, 2020

Matt Brouwer, P. Eng.
Senior Project Manager
Paradigm Transportation Solutions
5A-150 Pinebush Road
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File No.: C14-60/53 COURTLAND
Auburn Developments The Metz

Dear Mr. Brouwer:

**Re: Regional Response to Transportation Impact Study Memo, OPA
19/002/C/GS & ZBA 19/005/C/GS & 30T-19201, Auburn Developments “The
Metz”, 263 & 321-325 Courtland Avenue East, 230 & 240 Palmer Avenue,
and 30 Vernon Avenue, City of Kitchener**

Region of Waterloo staff have reviewed the Transportation Impact Study (TIS) entitled “Former Schneider’s Site Transportation Impact Study and Transportation Demand Management Report” completed by Paradigm Transportation Solutions Limited (dated April 2019) and the associated follow up Memo entitled “Former Schneider’s Site (Courtland Avenue, Kitchener) Courtland Avenue Left-Turn Lanes and Borden Avenue Access” also completed by Paradigm Transportation Solutions Limited (dated February 28, 2020). The following comments are provided.

Old Fashioned Way Access and Impacts to Courtland Avenue East & Borden Avenue South Intersection:

- The consultant has conducted the Synchro analyses under the two Old Fashioned Way full movement access scenarios for the Courtland Avenue East and Borden Avenue South intersection using signal timings that do not reflect how the traffic signals would operate in reality. Specifically, the signal timings under the AM peak hour models assume that Borden Avenue South would only receive the minimum green time, and the signal timings under the PM peak hour models assume that Borden Avenue South would only receive six seconds of green time. In reality, the current pedestrian timings at this intersection dictate that Borden Avenue South would require a minimum of 17 seconds of green plus clearance and these minimums would only increase over time (particularly if the number of Courtland Avenue East lanes increases). Additionally, the split for Borden Avenue South is significantly influenced by the LRT signal priority and would be much higher than the minimum splits in reality. So to summarize, while

DOCS: 3285857

the consultant has shown that the westbound left turn lane (WBL) at the Courtland Avenue East and Borden Avenue South intersection could work, they have based this conclusion using an underestimation of the amount of green time that would be allocated to Borden Avenue South. With more accurate splits, we expect that there would still be capacity issues at the Courtland Avenue East and Borden Avenue South intersection should left-turn movements significantly increase due to demand at the development site and, without the WBL lane, queues would be expected to extend into the Ottawa Street South and Courtland Avenue East intersection during the AM peak hour.

- Due to the anticipated capacity issues along Courtland Avenue East, the Region of Waterloo will limit the Old Fashioned Way access to allow outbound vehicle movements only (no inbound vehicle movements) in addition to the full inbound and outbound active transportation movements. This would also mitigate the need for a westbound left-turn lane at the Courtland Avenue East & Borden Avenue South intersection, and the associated replacement of dedicated bike lanes with sharrows.

Courtland Avenue & Kent Avenue Signal Warrants:

- While the memo did not provide updated traffic signal warrants at Courtland Avenue East & Kent Avenue for all three scenarios under assessment in this memo (full movement Old Fashioned Way access with and without left-turn lanes at Courtland Avenue East & Borden Avenue South; and an outbound only access at Old Fashioned Way), Region of Waterloo staff conducted the signal warrant analyses for the two missing scenarios as a quick check. Each of these 3 scenarios results in different traffic volumes at the Courtland Avenue & Kent Avenue intersection. Under all scenarios tested, the warrant analysis indicates that traffic signals are not warranted at Courtland Avenue East and Kent Avenue.
- The traffic signal analysis in Synchro for this intersection has used incorrect saturation flow rates. The consultant used a rate of 1550 (should be 1775 for the left-turn lane and 1650 for the shared through/right lane). Just an advisory comment.
- At this time the Region does not support the installation of full traffic signals at Courtland Avenue East & Kent Avenue since the traffic signal warrants are not met. While the traffic signal is not warranted for this intersection, please look at the feasibility of some level of pedestrian crossing of Courtland Avenue East near the Kent Avenue intersection as there will be a strong desire line to connect pedestrians from the proposed development with facilities along Kent Avenue. This analysis should also comment on the feasibility of using this pedestrian crossing treatment as a replacement for the existing pedestrian signals east of Kent Street.

Recommended Road Improvements to Courtland Avenue East:

- The memo provided the requested preliminary design plans showing the recommended Courtland Avenue East road improvements under both scenarios as discussed previously:
 - A continuous two way left turn lane on Courtland Avenue East from the Kent Avenue & Courtland Avenue East intersection to the Vernon Avenue & Courtland Avenue East intersection.
 - Auxiliary left turn lanes on Courtland Avenue East at Kent Avenue, Palmer Avenue and Vernon Avenue.
- While the Region of Waterloo is supportive of the proposed left turn lanes at the local municipal intersections, further review by Region of Waterloo staff will still be required to determine the desired future road cross section for Courtland Avenue East in this area.

Please provide an addendum to the TIS Memo addressing the above noted comments and submit to the Region of Waterloo and City of Kitchener. If any clarification is required prior to completing the addendum, please feel free to follow up with Region of Waterloo staff.

Yours Truly,



Jason Wigglesworth, C.E.T.
Transportation Planner
(519) 575-4835

CC: Jim Mallet, P. Eng, P.T.O.E. – Paradigm Transportation Solutions
David Welwood, MCIP, RPP – Region of Waterloo, Community Planning
Garett Stevenson, MCIP, RPP – City of Kitchener
Dave Seller – City of Kitchener
Kevin Muir, MCIP, RPP – GSP Group
Glenn Scheels, MCIP, RPP – GSP Group
Kevan Marshall – Region of Waterloo, Transportation Demand Management
Darryl Spencer, P. Eng. – Region of Waterloo, Transportation Planning



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October 21, 2020

Jim Mallet, M.A. Sc., P. Eng.
President and CEO
Paradigm Transportation Solutions
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Cambridge, ON N1R 8J8

File No.: C14-60/53 COURTLAND
Auburn Developments The Metz

Dear Mr. Mallet:

**Re: Regional Response to Transportation Impact Study Update, OPA
19/002/C/GS & ZBA 19/005/C/GS & 30T-19201, Auburn Developments "The
Metz", 263 & 321-325 Courtland Avenue East, 230 & 240 Palmer Avenue,
and 30 Vernon Avenue, City of Kitchener**

Region of Waterloo staff have completed the reviewed the Transportation Impact Study (TIS) information completed by Paradigm Transportation Solutions Limited in association with the proposed re-development of the former Schneider's Factory (Plan of Subdivision 30T-19201) and agree with the recommended Regional Road network improvements. A summary of the TIS submissions have been listed out below along with required road improvements associated with the proposed development:

- Original TIS submission "Former Schneider's Site Transportation Impact Study and Transportation Demand Management Report" dated April 2019 by Paradigm Transportation Solutions Limited.
- Update to TIS Memo "Former Schneider's Site (Courtland Avenue, Kitchener) Courtland Avenue Left-Turn Lanes and Borden Avenue Access" dated February 28, 2020 by Paradigm Transportation Solutions Limited.
- Region of Waterloo response Letter "Regional Response to Transportation Impact Study Memo, OPA 19/002/C/GS & ZBA 19/005/C/GS & 30T-19201, Auburn Developments 'The Metz', 263 & 321-325 Courtland Avenue East, 230 & 240 Palmer Avenue, and 30 Vernon Avenue, City of Kitchener" dated May 1, 2020 by the Region of Waterloo.
- Paradigm response letter "Regional Transportation Letter Dated 1 May 2020 Regarding 'The Metz' (Former Schneider's Factory – Courtland Avenue) – Response to Issues Noted" dated June 29, 2020 by Paradigm Transportation Solutions Limited.
- Paradigm follow up e-mail dated October 1, 2020.

Courtland Avenue East & Kent Avenue Signal Warrants:

While the Region of Waterloo will determine the ultimate timing of any traffic signalization at the intersection of Courtland Avenue East & Kent Avenue, Region of Waterloo staff concur with the recommendation that at a minimum the necessary underground infrastructure for signalization should be placed at the time of site redevelopment. Region of Waterloo staff will determine the timing and implementation of improvements to this intersection, and will keep the developer informed as to the timing. No further transportation analysis of the Courtland Avenue East & Kent Avenue intersection is required. The existing mid-block pedestrian signal on Courtland Avenue East will be removed and an Intersection Pedestrian Signal (IPS) to be located to the Courtland Avenue East & Kent Avenue intersection. This will include the installation of underground services for a future traffic control signal at this location, when warranted.

Recommended Road Improvements to Courtland Avenue East:

Two recommendation options regarding the Courtland Avenue East right of way between Vernon Avenue and Borden Avenue South have been developed and are under consideration by Region of Waterloo Transportation & Engineering staff:

- A continuous two way left turn lane on Courtland Avenue East from the Kent Avenue & Courtland Avenue East intersection to the Vernon Avenue & Courtland Avenue East intersection.
- Auxiliary left turn lanes on Courtland Avenue East at Kent Avenue, Palmer Avenue and Vernon Avenue.

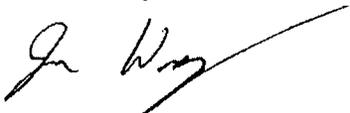
No further transportation related analysis of the Courtland Avenue East right of way is required at this time.

Future Old Fashioned Way Vehicular Access at Borden Avenue East:

In accordance with the Paradigm Transportation Solutions Limited letter dated June 29, 2020, the applicant agrees to limit the future Old Fashioned Way & Borden Avenue East access to one-way only function (egress only) based on the future improvements to the Courtland Avenue East & Kent Avenue intersection.

Region of Waterloo staff will continue to work with the developer and their associated consultants to implement the required improvements to the Region of Waterloo road network.

Yours Truly,



Jason Wigglesworth, C.E.T.
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CC: Matt Brouwer, P. Eng. – Paradigm Transportation Solutions
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David Welwood
File: 30T-19201
C14-60/2/19005
D17-40/2/19201

October 11, 2019

Garett Stevenson
Planner
City of Kitchener
200 King St. W., PO Box 1118
Kitchener, ON N2G 4G7

Dear Mr. Stevenson,

**Re: Post Circulation Comments
Draft Plan of Subdivision 30T-19201
Official Plan and Zoning By-law Amendments
321 Courtland Ave. Developments Inc. (GSP Group Inc)
263 & 321-325 Courtland Ave E &; 230 & 240 Palmer Ave
& 30 Vernon Ave**

City of Kitchener

The Region has completed its review of the recirculated draft plan of subdivision and the associated proposed Official Plan Amendment and Zone Change applications, and provides the following comments for your consideration.

The subject lands are 10.36 hectares in area and are located to the north of Courtland Avenue and west of Borden Avenue and consist of the former Schneider's factory. The lands are also bordered on the west by the Canadian National Railway and on the north by Stirling Avenue South. The lands are within walking distance of both the Rockway ION station and the Mill ION station.

The proponent is proposing to create a mixed-use redevelopment on the former factory site while retaining three existing buildings that formed part of the factory (an office, a garage and a distribution centre). The application for draft plan of subdivision would create 7 development blocks accommodating stacked townhouses, mid-rise residential development, high-rise residential, as well as employment and commercial land uses. The application also will create a park block and a small block for potential use as a

single-detached lot. The draft plan of subdivision is proposed to be developed in three stages.

The application to amend the City's official plan will re-designate the subject lands from the existing "General Industrial" designation and Special Policy 9 of Section 13.4.4 of the 1994 City of Kitchener Official Plan to a range of designations to permit the proposed development including Mixed-Use Corridor, High Density Multiple Residential, Medium Density Multiple Residential and Neighbourhood Park. The development will also be subject to proposed site-specific policies for mixed-use, residential, and park designations reflecting the direction of the City's 2014 Official Plan (which is currently under appeal) and the PARTS Rockway Plan.

The application to amend the zoning by-law will change the zoning from the General Industrial (M-2) Zone and Special Regulation Provisions 1R and Special Use Provisions 155U and 159U to new mixed-use, medium and high density residential and park zones to implement the proposed official plan amendment. Special regulation provisions for the subject lands will address parking matters and zoning requirements for future lots within the subdivision and to recognize a variety of site-specific exceptions to zone requirements (e.g., setbacks, maximum building height, maximum floor space ratio, amount of retail space, etc.). A holding (H) provision will require the completion and acknowledgement of a Record of Site Condition (RSC) prior to development of residential uses.

REGIONAL COMMENTS

2019 A Place to Grow: Growth Plan for the Greater Golden Horseshoe

The Planning Justification Report addresses the requirements of the 2017 Growth Plan for the Greater Golden Horseshoe (the Growth Plan). A Place to Grow: The Growth Plan for the Golden Horseshoe (2019) replaces the 2017 version and all decisions made on or after May 16, 2019 shall conform with the 2019 A Place to Grow.

This section of the Planning Justification Report should be revised to reflect the updated requirements of the 2019 Growth Plan.

Regional Official Plan

The Region is satisfied that the proposed development conforms with Policy 2.C.2 as it will help achieve the reurbanization target that at least 45 per cent of new development occurring annually within the region be constructed within the Built-Up Area designation. The development also aligns with the policies for development in urban areas set out in Policy 2.D.1. We recommend that the Owner/Developer consider ways of promoting future building designs and orientations that incorporate energy conservation features and the use of alternative and/or renewable energy as per Policy 2.D.1 (h).

The subject lands are within walking distance of two light rail transit (LRT) stations, Borden and Mill. The proposed redevelopment has a compact form with a mix of residential and commercial land uses and is supportive of the ROP's policy direction on directing growth to major transit station areas.

As per Policy 2.D.7, the City of Kitchener has developed a station area plan for the surrounding neighbourhood, the Rockway PARTS Plan. The Plan specifically recognizes the former Schneider's site as an underutilized employment site with opportunities for transit-supportive redevelopment. The Rockway PARTS Plan has not yet been incorporated into the City's official plan, however, these applications are intended to align future development of the site with the PARTS Plan.

As per Policy 2.D.10, prior to an area municipality establishing policies on MTSA's, development applications within an MTSA must be reviewed in accordance with the transit oriented development policies of Policy 2.D.2 of the ROP. The Region is supportive of the applications since they:

- Contain an interconnected and multi-modal street pattern that encourages walking, cycling or the use of transit and supports mixed-use development;
- Supports a compact urban form that locates the majority of transit supportive uses within a comfortable walking distance of transit stops;
- Provides a mix of land uses that allow people to walk or take transit;
- Promotes medium and higher density development as close as possible to transit stops;
- Fosters walkability by creating a pedestrian-friendly environment
- Supports a high quality public realm; and
- Provides access to different transportation modes.

Employment Land Conversion

Section 1.3.2.2 of the Provincial Policy Statement (PPS) permits the conversion of land within employment areas to non-employment uses through a comprehensive review only where it is demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion. Section 2.2.5.9 of A Place to Grow: A Growth Plan for the Greater Golden Horseshoe, 2019 (the Growth Plan) permits the conversion of employment areas to non-employment uses through a municipal comprehensive review (a new official plan or official plan amendment initiated under Section 26 of the Planning Act).

While the site is currently designated General Industrial and has been historically considered an employment area, the City of Kitchener undertook a Comprehensive Review of Employment Lands (CREL) study in 2010 which determined that lands in Major Transit Station Areas (MTSAs) should not be considered employment areas, and that there is a sufficient supply of employment areas to meet future needs elsewhere in the City. The work of CREL has been further implemented through the station area plan for the area surrounding the subject properties (the Rockway PARTS Plan), which includes the entirety of the subject lands. It is also noted that Section 15.D.12.22 of the City's in-effect official plan permits land use designation changes for the subject lands without the need for a municipal comprehensive review.

Staff understands that the intent of the official plan amendment application is to 'accelerate' conformity of the site with the Rockway PARTS Plan which specifically foresees the redevelopment of the site into a more residential and mixed-use environment.

Regional staff is therefore satisfied that the requirement in the PPS and the Growth Plan for a comprehensive review prior to the conversion of the site to non-employment uses have been met.

Furthermore staff notes that portions of the site will continue to be used for employment uses including approximately 750 employees.

Record of Site Condition

The subject property is identified in the Region's Threats Inventory Database as a potentially contaminated site. In accordance with the Region of Waterloo's Implementation Guideline for the Review of Development Applications on or Adjacent to Known and Potentially Contaminated Sites, a Record of Site Condition (RSC) is required and can be implemented through a Holding provision. It is the Region's understanding that the proponent is currently in the process of obtaining a RSC for the property.

Housing Affordability

The Region supports the provision of a full range of housing including affordable housing. Staff recommend that the proponent meet with Housing Services to discuss the proposal in more detail and to explore opportunities for providing a range of affordable units through partnerships or programs, and consider increasing the number of affordable housing units proposed and dispersing them throughout the entire development in each phase.

The proposed development is anticipated to contain approximately 2,011 residential units and 807 mixed-use units.

For the purposes of evaluating the affordability of an ownership unit, based on the definition in the ROP, the purchase price is compared to the least expensive of:

Housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households	\$425,087
Housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area	\$306,094

In order for an owned unit to be deemed affordable, the maximum affordable house price is \$306,094.

For the purposes of evaluating the affordability of a rental unit, based on the definition of affordable housing in the ROP, the average rent is compared to the least expensive of:

A unit for which the rent does not exceed 30 per cent of the gross annual household income for low and moderate income households	\$1,310
A unit for which the rent is at or below the average market rent (AMR) in the regional market area	Bachelor: \$796 1-Bedroom: \$1,021 2-Bedroom: \$1,210 3-Bedroom: \$1,247 4+ Bedroom: \$1,254

In order for a unit to be deemed affordable, the average unit rent for the property must be at or under the average market rent in the regional market area, as listed above.

Hydrogeology and Source Water Protection

The following comments relate to requirements from the Region's Hydrogeology and Source Water staff:

- 1) Scoped Hydrogeological Investigation

The following comments on the scoped Hydrogeological Investigation will need to be addressed as conditions of draft approval:

- a. The report did not evaluate the potential for the site to use geothermal energy systems. As a result, geothermal energy systems will be prohibited for each parcel created as part of this subdivision. The Region will require that this prohibition be registered on title. This prohibition will be registered on title as a condition of draft approval.
- b. The report indicates that groundwater monitoring will occur bi-monthly for water levels for the next year. Continuous water level monitoring (i.e., installation of pressure transducers with data logging capabilities) needs to be completed to confirm the high water table at the site for the next year. This is necessary to confirm the suitability of the site to use sub-surface infiltration galleries. The results of this monitoring will need to be provided in an updated scoped hydrogeological investigation to the satisfaction of the Region, City and the Grand River Conservation Authority (GRCA) as a condition of draft plan approval.
- c. Groundwater quality data was not provided in the report. A minimum of one round of groundwater quality data must be provided in an updated scoped hydrogeological investigation, to the satisfaction of the Region, City and GRCA, as a condition of draft plan approval.
- d. A during- and post-development groundwater monitoring program was not proposed in the report. This must be submitted in an updated scoped hydrogeological investigation as a condition of draft plan approval.
- e. All monitoring wells not proposed to be included in the during- and post-development groundwater monitoring program must be decommissioned in accordance with O. Reg. 903 (as amended). The proponent will need to enter into a development agreement to complete this work as a condition of draft plan approval.
- f. Upon completion of the during- and post-development groundwater monitoring program, all monitoring wells must be decommissioned in accordance with O. Reg. 903 (as amended). The proponent will need to enter into a development agreement to complete this work as a condition of draft plan approval.
- g. The Region will not support continuous active or passive dewatering around footings, slabs or foundations. If structures are proposed below the water table, waterproof foundation and footing wraps will be required in order to keep those structures dry. As a condition of draft approval, the proponent will need to enter into a development agreement indicating that

no buildings will be constructed that will utilize active or passive dewatering mechanisms to keep below-grade structures dry.

2) Preliminary Stormwater Management Report

Regional hydrogeology staff also reviewed the Preliminary Stormwater Management Report and require the following items to be addressed in an updated Preliminary Stormwater Management Report prior to the issuance of draft approval on the proposed plan of subdivision:

- a. A pre-and post-development water budget must be presented in terms of m^3 /annum. A detailed breakdown must be included to show the different components of evapotranspiration (ET), runoff and infiltration for both pre-and post-development.
- b. A high water table is present across some portions of the site, to the extent that the proposed infiltration system under Street One will only be 1.2 metres below ground surface (mgbs) and only 0.7 m above the high water table. The Region has concerns that, due to the significant amount of infiltration proposed as part of the subdivision, groundwater mounding may occur beneath the infiltration systems which could lead to a potential reduction in the efficacy of the infiltration system itself (if the mounded water table increases to the same elevation as the bottom of the infiltration system). The Region is also concerned that groundwater mounding could cause problems with foundations for on-site and off-site buildings. The updated Preliminary Stormwater Management Report must address and evaluate the potential for groundwater mounding.
- c. The Region does not support the use of permeable pavers on private road rights-of-ways for the purpose of stormwater control, because maintenance is critical to the efficacy of this infrastructure. Due to the proposed private ownership of Road One, it is not possible to guarantee that the required maintenance will be completed to prevent clogging of the pavers. The updated Preliminary Stormwater Management Report must provide a breakdown of how much infiltration and runoff are proposed post-development from each source (i.e., permeable pavers, paved surfaces, rooftops, pervious areas, etc.).
- d. It is the Region's understanding that the City of Kitchener generally does not allow infiltration galleries to be constructed within parkland and open space areas that will be conveyed to the City because they require the operational flexibility to install buildings, below-grade structures, etc. on parklands. The presence of an infiltration gallery would prevent them from considering these uses in the future. If the City is not accepting of this proposed location for the rooftop water infiltration system, the proponent

will need to identify an alternative location in an updated Preliminary Stormwater Management Report.

In addition, the following are conditions of draft plan approval:

- a. Large conveyance infiltration facilities will be utilized to infiltrate significant quantities of stormwater. In-situ soil testing must be completed at these locations to confirm the suitability of the soils to receive the proposed volumes of runoff. This testing must be completed and the results presented and discussed in a Final Stormwater Report prior to subdivision registration, to the satisfaction of the Region, City and GRCA.
- b. The developer will be required to enter into an agreement to complete a Final Stormwater Management Plan as a condition of draft plan approval.

The Region generally does not support direct infiltration of runoff from paved surfaces unless required to meet the pre-development infiltration rates. Based on the volumes proposed for infiltration compared to pre-development volumes (to be submitted in an updated Preliminary Stormwater Management Report), the Region might not support some or all of the infiltration from Street One, Kent Avenue and Palmer Avenue that is currently proposed in the Preliminary Stormwater Management Report.

3) Salt Management Plan

The Salt Management Plan submitted for the entire subdivision recommends best practices with regards to winter maintenance across the entire site. Individual Salt Management Plans (SMPs) will be required for each subdivision block containing multiple residential and/or commercial and/or employment land uses. The SMPs must indicate that a Smart About Salt-certified contractor will be used for winter maintenance practices. The developer must enter into an agreement to complete the SMP prior to site plan control for each individual block as noted above, to the satisfaction of the Region, as a condition of draft plan approval.

4) Other Comments

The proponent will be required to decommission any existing water supply wells that may have previously serviced the previous operations at the site. In addition, any historical septic systems must be removed from the subject property.

Therefore, as conditions of draft approval the proponent will be required to enter into a development agreement to:

- a. provide a letter report documenting the presence of historical wells, and documentation showing proper decommissioning of these wells; and

- b. Remove any historical septic systems from the subject property.

Water Services

In general, comments from water service staff relate to the consistency between reports. For example, Section 5.1 of the Planning Justification Report (PJR) states that "Water supply will be provided through connections to the existing 300mm watermain on Courtland and 150mm watermain on the Borden stub." However, Section 5.1.3 of the Functional Servicing Report (FSR) states that connections will be made to the 300mm on Courtland Ave and the 150mm on Palmer Ave. While providing a water connection under the ION corridor to Borden Ave is not desirable, there is a process in place to do so. If the FSR is the desired approach, an updated PJR will be required prior to draft approval.

Also, Appendix F of the FSR shows the pipe sizes and locations throughout the property. The concept servicing plan shows some pipes with sizes which are not consistent with Appendix F (e.g., proposed watermain connecting to the Palmer stub is shown as 200mm in C-100 the concept servicing plan (C-100, C-101) while Appendix F it is shown as a 300mm). The proponent should make elements like these clear and consistent in C-100 and C-101. An explanation should be provided in the FSR prior to draft approval if pipe sizes are changed since model was completed.

The proponent has not made clear where the watermain connections or the water service connections will be. The PJR states connections will be from Courtland Ave and Borden Ave while the FSR states connections will be from Courtland Ave and Palmer Ave. The PJR should be updated and provided for review prior to draft plan approval.

In addition, the proponent outlines in Section 5.1.4 of the FSR that pressure reducing valves are required. The subject property is located in Kitchener Zone 4 with a static hydraulic grade line of 384 mASL. As a condition of draft approval, any development with a finished road elevation below 327.8 mASL will require individual pressure reducing devices on each water service in accordance with Section B.2.4.7 of the *Design Guidelines and Supplemental Specifications for Municipal Services* for January 2019.

As a condition of draft approval, the proponent will be required to provide an updated concept servicing plan to show individual service connections to the separate blocks/properties and buildings.

With regard to the Architectural Site Plan, the proponent should be aware that according to OBC 3.2.9.7.(4), if a building is 84m or more high, the building shall be serviced by no fewer than two sources of water supply from a public water system.

The Region reserves the right to verify building heights, the number of service connections and to provide final comments in the site plan approval process.

Transportation Planning

Regional Road Dedication

This section of Regional Road 53 (Courtland Avenue East) has a designated road width of 26.213m (86ft) as identified in Schedule 'A' of the ROP. A road widening dedication along the subject property frontage with Courtland Avenue East of approximately 4.0m (13.12ft) will be required along the Courtland Avenue East frontage with the subject property. The road widening dedication along Courtland Avenue East may be reduced where existing buildings, to be retained, will encroach into the 4.0m road widening dedication. The road widening dedication should be reduced to approximately 0.3048m (1ft) from the existing building face where applicable.

This section of Regional Road 66 (Borden Avenue) has a designated road width of 20.00m (65.61ft). No further road widening dedication is required along Borden Avenue. Additionally, daylight triangles are required at the intersection of each existing local municipal road (Vernon Avenue, Palmer Avenue and Borden Avenue) and at each proposed local municipal road (Kent Avenue). Each daylight triangle to be dedicated should measure 7.62m x 7.62m (25ft x 25ft) in size and measured post road widening along Courtland Avenue East. Please ensure that the road widening dedication and daylight triangle dedication are correctly shown on all the Site Plan and Engineering Plans.

The land designated for road widening and daylight triangles must be dedicated to the Region of Waterloo for road allowance purposes and must be dedicated without cost and free of encumbrance. The owner/applicant must engage an Ontario Land Surveyor (OLS) to prepare a draft Reference Plan which illustrates the required road widening and daylight triangle dedications. Prior to registering the Reference Plan, the OLS should submit a draft copy of the plan for review by the Transportation Planner. Upon approval by Regional staff, the draft Reference Plan should be deposited and Regional staff will complete the dedication process. The Applicant's Solicitor will prepare the land transfer document and submit the document to the Legal Assistant for registration.

As noted above, an RSC is required for the proposed development. As a result, a Phase I and Phase II Environmental Site Assessment (ESA) will be required for the lands to be dedicated to the Region of Waterloo. If environmental documentation is available for the property and includes the dedication lands, please provide these to Region of Waterloo corridor planning staff for review. The subject property to be dedicated to the Region of Waterloo for road widening purposes should be excluded from the RSC documentation. If the RSC has progressed already and it is not possible to exclude the property please provide any Phase I and II documentation developed for the property.

Access Permit/TIS/Access Regulation

A comprehensive Transportation Impact Study (TIS)/Transportation Demand Study (TDM) has been submitted with the application package. The study, entitled "Former Schneider's Site Transportation Impact Study and Transportation Demand Management Report" completed by Paradigm Transportation Solutions Limited and dated April 2019 has been circulated to Region of Waterloo staff. **Formal comments will be provided under separate cover and revisions to the TIS/TDM may be required.**

Improvements to the Regional Road network recommended in the TIS/TDM (when approved by Region of Waterloo staff) may require the completion of a Functional Plan, Cost Estimate, Legal Agreement and Related Funds (letter of credit, certified cheque or bank draft), all to be implemented under a Region of Waterloo construction project.

A Regional Road Access Permit will be required for the proposed Kent Avenue Municipal Road extension into the subject property. The application form for a Regional Road Access Permit can be found on the Region of Waterloo website <https://www.regionofwaterloo.ca/en/doing-business/applications-licences-and-permits.aspx> and there is a \$230 fee associated with the permit application.

Stormwater Management & Site Grading

Region of Waterloo staff have received a hard copy and electronic copy of the revised "Functional Servicing and Stormwater Management Report" dated March 15, 2019 and completed by WalterFedy. While the Region of Waterloo has no major concerns with the report, **a review of the report is underway by Regional staff and comments will be provided under separate cover.** Prior to draft approval, any concerns identified through this review will need to be addressed prior to draft approval.

Please note that detailed stormwater management briefs/reports and associated Engineering Plans will be required for each individual block directly fronting the Regional Road network in association with future Site Plan applications.

Transit Planning

Grand River Transit (GRT) currently operates Route 6 along this section of Courtland Avenue East, with two existing transit stops directly fronting the proposed development. The proposed development will increase transit ridership in this area and necessitates the upgrading of existing transit facilities. The existing Courtland Avenue East & Kent Avenue intersection will require a concrete shelter pad, transit shelter, and provisions for electrical conduit. GRT staff will require the owner/applicant to provide funds for the transit shelter (\$11,000) and would like to work with the owner/applicant to ensure that a sufficient concrete shelter pad, landing pad and conduit is installed in association with a future Site Plan application. Please make the certified funds payable to the Region of Waterloo.

Environmental Noise

An Environmental Noise and Vibration Feasibility Study completed by RWDI and dated March 25, 2019 has been submitted with the application package. **Region of Waterloo staff have received the study and comments will be provided under separate cover.** Any of the issues and recommendations of this review will need to be addressed prior to draft approval.

Additional draft approval requirements and outstanding items will be identified in these comments (e.g., noise warning clauses, noise attenuation measures).

Other

Site Plan Comments

Each individual block requiring future Site Plan control will be subject to Region of Waterloo review and conditions. This includes a Site Plan review fee of \$805 for each individual Site Plan.

Airport Comments

The proposed development partially lies within the Region of Waterloo Airport International Airport Zoning Regulations (AZR), specifically within the approach surface for Runway 08. The Region of Waterloo International Airport is currently undertaking an update to the AZR, including an analysis of the building height requirements within the approach surface. Based on the information provided, Tower H for the proposed development is the critical tower with a height of 440m ASL, and estimated location of N4809596, E541971. The proposed AZR elevation at this location is 433m ASL. The current AZR is 463.6m ASL. Therefore Tower H is approximately 7m above the

proposed AZR, but 23.6m below the current AZR. Any additional obstacles on this tower would increase the protrusion above the proposed AZR.

The proposed Region of Waterloo International Airport AZR will not be in effect for at least two years. However, we have determined that the current AZR is inadequate for the future development of the airport, which is why the Region of Waterloo is currently updating the AZR with a lower elevation. The airport will consider grandfathering the tower into the Region's AZR if it can be determined that it will not impact instrument approach procedures. This can be completed through an aeronautical assessment by a third party prior to draft plan approval. Conversely, the owner/applicant can wait until the Region of Waterloo completes the updated AZR to determine the exact height limit for the proposed development. We recommend that the developer meet with Regional/Airport staff to discuss development options. **Depending on the outcome, the zoning by-law may need to be amended to specify a different maximum height.**

Brownfield Eligibility

The owner has demolished over 700,000 sq. ft. of industrial space on the subject site and is eligible for a redevelopment allowance in accordance with Regional Development Charge By-law 19-037. We understand the applicant would like to include a draft plan condition to allow for an agreement to allocate redevelopment allowance in an alternate manner as contemplated in Section 4(6) of the By-law. Regional Planning and Finance staff would like to have further discussion with the applicant with respect to the proposed allocation before considering a draft plan condition.

Minor and Editorial Suggestions

Please note that Page 72 of the PJR refers to the amendment bringing forward "appealed language of Section 6.C.2.9 in the 2014 Official Plan". However, the version of the City's official plan on the website does not show these sections as under appeal.

Next Steps

Outstanding Items

The Region is supportive of the redevelopment of the former Schneiders' site properties, however, there are several items in the reports and studies provided that need to be addressed before the Region can support draft approval. The items which must be addressed prior to draft approval are summarized in the bullet list below:

1. **An updated stormwater management report** is required which addresses or includes the following items (from Pages 7 and 8):

- A pre- and post-development water budget must be presented in terms of m³/annum. A detailed breakdown must be included to show the different components of evapotranspiration (ET), runoff and infiltration for both pre- and post-development.
- A high water table is present across some portions of the site, to the extent that the proposed infiltration system under Street One will only be 1.2 metres below ground surface (mgs) and only 0.7 m above the high water table. The Region has concerns that, due to the significant amount of infiltration proposed as part of the subdivision, groundwater mounding may occur beneath the infiltration systems which could lead to a potential reduction in the efficacy of the infiltration system itself (if the mounded water table increases to the same elevation as the bottom of the infiltration system). The Region is also concerned that groundwater mounding could cause problems with foundations for on-site and off-site buildings. The updated Preliminary Stormwater Management Report must address and evaluate the potential for groundwater mounding.
- The Region does not support the use of permeable pavers on private road rights-of-ways for the purpose of stormwater control, because maintenance is critical to the efficacy of this infrastructure. Due to the proposed private ownership of Road One, it is not possible to guarantee that the required maintenance will be completed to prevent clogging of the pavers. The updated Preliminary Stormwater Management Report must provide a breakdown of how much infiltration and runoff are proposed post-development from each source (i.e., permeable pavers, paved surfaces, rooftops, pervious areas, etc.).
- It is the Region's understanding that the City of Kitchener generally does not allow infiltration galleries to be constructed within parkland and open space areas that will be conveyed to the City because they require the operational flexibility to install buildings, below-grade structures, etc. on parklands. The presence of an infiltration gallery would prevent them from considering these uses in the future. If the City is not accepting of this proposed location for the rooftop water infiltration system, the proponent will need to identify an alternative location in an updated Preliminary Stormwater Management Report.

2. An updated PJR and FSR should be submitted to:

- Ensure consistency between the PJR and the FSR regarding the location and parameters of water supply and service connections to the site (see comments on page 9);

- Show consistency between Appendix F and the concept servicing plans regarding pipe sizes regarding the proposed connection to the Palmer stub (see comments on page 9); and
 - The PJR to reflect the 2019 Growth Plan.
3. Regional staff must complete a review of the stormwater management plan and the site grading plan and provide comments;
 4. Regional staff must complete a review of the Environmental Noise and Vibration Feasibility Study and provide comments;
 5. Discussions between the Owner/Developer and the Airport should occur, or an aeronautical assessment should be undertaken by a third party, which results in an exact height limit to comply with the AZR. Depending upon the outcome, the height limit may need to be built into the amending zoning by-law (see comments on pages 12 and 13); and
 6. Further discussion with the applicant regarding a proposed alternative allocation of regional development charges.

A full list of draft approval conditions can not be provided until the above-items are addressed satisfactorily to the Region. However, preliminary draft approval conditions based on the information provided are included in Attachment 'A'. **These conditions are draft and subject to change.**

As described earlier in this letter, other Regional comments are forthcoming (e.g., regarding the TIS/TDM study, the Functional Servicing and Stormwater Report, and the Environmental Noise and Vibration Feasibility Study) and additional outstanding items and draft approval conditions will be identified at that time.

Additionally, the Developer must submit \$5,750 for the Official Plan amendment, payable after City Council adopts the Official Plan amendment by-law.

The Region acknowledges receipt of \$9,115, the fee required for the original submission of a complete plan of Subdivision, and \$1,150 for the associated zoning by-law amendment.

The Developer should also be advised that any future development on the subject lands will be subject to provisions of Regional Development Charge By-law 19-037 or any successor thereof.

Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,

A handwritten signature in cursive script that reads "Dave Welwood".

David Welwood, MES, MCIP, RPP
Principal Planner

cc. Kevin Muir, GSP Group

Attachment 'A'

Preliminary Conditions of Draft Approval

1. That prior to final approval of any phase, the Owner/Developer completes a Record of Site Condition (RSC) in accordance with Ontario Regulation 153/04 for all lands within this plan. In the event the RSC is audited, the Regional Municipality of Waterloo must be advised by the Ministry of the Environment, Conservation and Parks that the requirements of an audit, if any, are completed to the satisfaction of the Ministry of the Environment, Conservation and Parks. One (1) copy of the completed RSC and Ministry acknowledgment must be forwarded to the Regional Commissioner of Planning, Development and Legislative Services. Alternatively, prior to final approval the Region shall be advised that a zoning by-law for the property is in effect which includes a Holding provision requiring completion of a Record of Site Condition, acknowledged by the Ministry of the Environment, Conservation and Parks, to the satisfaction of the Region.
2. That the Owner/Developer enter into an agreement with the Region to be registered on title prohibiting the use of geothermal energy systems on the subject lands. Alternatively, this could be addressed through the site specific zoning by-law amendment for the subject lands.
3. That an updated scoped hydrogeological investigation be provided to the satisfaction of the Region, the City and the Grand River Conservation Authority (GRCA) confirming/addressing:
 - o The suitability of the site to use sub-surface infiltration galleries, and which includes the results of continuous water level monitoring (i.e., installation of pressure transducers with data logging capabilities) to confirm the high water table at the site for a year following draft approval.
 - o Groundwater quality data
 - o A during and post-development groundwater monitoring program;
4. That the Owner/Developer enter into an agreement with the Region to ensure the following to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services:
 - o All monitoring wells not proposed to be included in the during and post-development groundwatering program shall be decommissioned in accordance with Ontario Regulation 903;

- Upon completion of the during and post-development groundwater monitoring program, all monitoring wells must be decommissioned in accordance with Ontario Regulation 903, as amended, and
 - No buildings will be constructed that will utilize active or passive dewatering mechanisms to keep below-grade structures dry.
5. That the Owner/Developer provide a Final Stormwater Report to the satisfaction of the Region, the City and the GRCA which includes the result of in-situ soil testing at the location of any large conveyance infiltration facilities to confirm the suitability of the soils to receive the proposed volumes of runoff.
 6. The Owner/Developer will be required to enter into an agreement with the Region to complete a Final Stormwater Management Plan as a condition of draft plan approval.
 7. That the Owner/Developer will be required to enter into an agreement with the Region to provide a letter report documenting the presence of historical wells, and documentation showing the proper decommissioning of these wells; and to remove any historical septic systems from the subject property.
 8. That the Owner/Developer will be required to submit a Salt Management Plan (SMP) for the entire subdivision which recommends best practices with regards to winter maintenance across the entire site. Individual SMPs will be required for each subdivision block containing multiple residential and/or commercial and/or employment land uses. The SMPs must indicate that a Smart About Salt-certified contractor will be used for winter maintenance practices. The Owner/Developer will be required to enter into an agreement to complete the SMPs for each individual block as noted above to the satisfaction of the Region.
 9. That the Owner/Developer will be required to enter into an agreement with the Region to require individual pressure reducing devices on each water service below 327.8 mASL;
 10. That the Owner/Developer will provide an updated concept servicing plan to the satisfaction of the Region, showing individual service connections to the separate blocks/properties and buildings.
 11. That the Owner/Developer provides a Phase 1 and Phase 2 ESA report and dedicates a road widening to the Regional Municipality of Waterloo at no cost or encumbrance to the Region, along the frontage of Regional Road 53 (Courtland Avenue East) with the subject properties (i.e., Blocks 10 and 11).
 12. That the Owner/Developer dedicates daylight triangles to the Region of Waterloo at no cost to the Region, at the intersection of each proposed and existing local municipal roads (Vernon, Palmer, Borden, Kent) with Regional roads. Road

widening dedications and daylight triangle dedications shall be shown on all site plan and engineering drawings.

13. That the Owner/Developer must obtain a Regional Road Access Permit for the proposed Kent Avenue municipal road extension into the subject property;
14. That the Owner provide funds to Grand River Transit for the construction for a new transit shelter, including a concrete shelter pad and provisions for electrical conduit, to be installed as part of site plan control.

DRAFT



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Melissa Mohr
File Nos:
D18-20/2/19201
C14-60/2/19005
D17-40/2/19201

May 23, 2023

Craig Dumart
Senior Planner
City of Kitchener
200 King St. W., PO Box 1118
Kitchener, ON N2G 4G7

Dear Mr. Dumart,

**Re: Post Circulation Comments
Draft Plan of Subdivision 30T-19201
Official Plan OPA 19/01 and Zoning By-law Amendment
ZBA19/05
321 Courtland Ave. Developments Inc. (GSP Group Inc)
263 & 321-325 Courtland Ave E & 230 & 240 Palmer Ave &
30 Vernon Ave
City of Kitchener**

The Region has completed its review of the recirculated draft plan of subdivision and the associated proposed Official Plan Amendment and Zone Change applications, and provides the following comments for your consideration.

Original Proposal:

The subject lands are 10.36 hectares in area and are located to the north of Courtland Avenue and west of Borden Avenue and consist of the former Schneider's factory. The lands are also bordered on the west by the Canadian National Railway and on the north by Stirling Avenue South. The lands are within the Mill Station ION Major Transit Station Area (MTSA).

The proponent is proposing to create a mixed-use redevelopment on the former factory site while retaining three existing buildings that formed part of the factory (an office, a garage and a distribution centre). The application for draft plan of subdivision would create seven (7) development blocks accommodating stacked townhouses, mid-rise residential development, high-rise residential, as well as employment and commercial

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Page 1

land uses. The application also will create a park block and a small block for potential use as a single-detached lot. The draft plan of subdivision is proposed to be developed in three stages.

Current Proposal:

The applicant has proposed a 14 Block Plan of Subdivision on a 10.36 ha parcel of land bordered by Courtland Avenue to the north, Borden Avenue to the East, Stirling Avenue to the West and the Canadian National Railway to the south as follows:

- Block 1: proposed 1.70 ha Mixed Use parcel of land (unknown number of units)
- Block 2: proposed 1.40 ha mixed use parcel of land (528 units)
- Block 3: proposed 0.52 ha Mixed Use parcel of land (159 units)
- Block 4: proposed 1.04 ha High Density Residential parcel of land (555 units)
- Block 5: proposed 1.29 ha High Density Residential parcel of land (980 units)
- Block 6: proposed 0.76 ha High Density Residential parcel of land (328 units)
- Block 7: proposed 0.98 ha High Density Residential parcel of land (570 units)
- Block 8: proposed 0.39 ha Medium Density Residential parcel of land (107 units)
- Block 9: proposed 0.28 ha Medium Density Residential parcel of land (108 units)
- Block 10: proposed 0.06 ha parcel of land with proposed Street Townhouses (3 residential units)
- Block 11: proposed 0.03 ha residential parcel of land
- Block 12: proposed 0.004 ha parcel of land for a road widening
- Block 13: proposed 0.71 ha parcel of land for a public park
- Block 14: proposed 0.12 ha parcel of land for a road widening

These blocks are accessed via Courtland Avenue and an extension from Palmer Avenue, Kent Avenue (running north/south) and a new road called Olde Fashioned Way (running East/West). Olde Fashioned Way connects to Borden Avenue. The applicant has proposed approximately 3,338 residential units within nine (9) blocks along with 19,528.4m² of non-residential space and 3,876 vehicular parking spaces within underground parking structures.

The subject lands are located in the Urban Area of the Region and designated Built Up Area in the Regional Official Plan. In addition, the subject lands are located in the Mill Major Transit Station Area (MTSA). The subject lands are designated General Industrial with Special Policy Area 9 in the Mill Courtland Woodside Park Neighbourhood Secondary Plan and zoned M-2 with special Regulation 1R and special use provisions 155U and 159 U in Zoning By-law 85-1.

The applicant has proposed an **Official Plan Amendment** to redesignate the property from the General Industrial designation with Special Policy Area 9 to the Mixed- Use Corridor with Special Policy Area 9a, High Density Multiple Residential with Special Policy Area 9b, Low Density Multiple Residential and Neighbourhood Park designations. The applicant has proposed a **Zoning By-law Amendment** to rezone the subject lands from the M-2 Zone with special Regulation 1R and Special Use

Provisions 155U and 159U to the Residential-5 (R-5), Residential -8 (R-8), Residential – 9 (R-9) zone, High Intensity Mixed Use Corridor Zone (MU-3) Zone and Public Park (P1) zone all with special regulations.

REGIONAL COMMENTS

Regional Official Plan

The subject lands are designated “Urban Area” and “Built-Up Area” on Schedule 3a of the Regional Official Plan (ROP) and the site is designated General Industrial in the Mill Courtland Woodside Park Secondary Plan in the City of Kitchener Official Plan. The subject lands are also located within the Mill Major Transit Station Area (MTSA).

Built Up Area Policies:

The development concept proposes a higher density development that contributes to the achievement of the minimum annual intensification target established for the Built-Up Area of Kitchener of 60%. Section 2.F of the ROP establishes policies to support the achievement of the minimum intensification targets within the delineated Built-Up Area. Growth is directed to the Built Up Area of the Region to make better use of infrastructure that can assist in transitioning the Region into an energy efficient, low carbon community. Furthermore, intensification within the Built-Up Area assists the gradual transition of existing neighbourhoods within the Region into 15-minute neighbourhoods that are compact, well connected places that allow all people of all ages and abilities to access the needs for daily living within 15 minutes by walking, cycling or rolling.

Major Transit Station Area Policies:

The subject lands are located within the Mill Major Transit Station Area (MTSA). The development contributes to the minimum density target established for the Mill Station MTSA of 160 people and jobs per hectare. As MTSA's are considered Strategic Growth Areas, the Region is supportive of increased density, uses and activity within these areas. Regional staff understand that the development is proposed to contribute to the density target that provides a mix of residential and commercial uses within the Mill Major Transit Station Area.

Development within Major Transit Station Areas is to be transit-supportive with development that prioritizes access to the transit station in accordance with Regional Official Plan Policy 2.D.2.2. Regional staff understand that there are many internal pedestrian walkways proposed on the subject lands that lead to Borden Avenue and Courtland Avenue West. In addition, these connections facilitate additional connections to the Mill ION station. Regional staff encourage the City of Kitchener to consider a maximum parking rate within the site-specific zoning by-law amendment as the development is located within the Mill ION Station area and a reduction in overall parking required on the subject lands will encourage opportunities for walking, cycling and rolling.

Finally, the housing form proposed through these applications include apartment style residential units. The type of housing proposed through this development will provide additional mix of housing form within this area.

Employment Land Conversion

The subject lands are currently designated General Industrial in the City of Kitchener Official Plan. As per policy 2.2.5.9 of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), the conversion of lands within employment areas to non-employment uses may be permitted only through a Municipal Comprehensive Review (MCR). Through Regional Official Plan Amendment No. 6 (ROPA 6) (approved by the Ministry of Municipal Affairs and Housing with modifications on April 11, 2023), the Region comprehensively assessed employment land need to 2051 and established the Regional Employment Area designation. The subject lands are not located within the Provincially Significant Employment Zones established through the Growth Plan and are not included within the Regional Employment Area. Based on the above, Regional staff have no objection to the redesignation of these lands to non-employment uses.

In addition, Regional staff understand that the City of Kitchener has undergone a Secondary Plan (Rockway Parts Secondary Plan) exercise for the area around the Mill Station ION Stop. The subject lands are included in the Rockway Parts Secondary Plan, which envisions the subject lands transitioning from an industrial land use to mixed-use higher density residential and commercial uses.

Regional staff is therefore satisfied that the requirement in the PPS and the Growth Plan for a comprehensive review prior to the conversion of the site to non-employment uses has been met.

Rail Compatibility

The subject lands are directly adjacent to a Canadian National Railway Branch line. New development adjacent to branch lines are recommended to be 15m from the railway right-of-way in accordance with the Federation of Canadian Municipalities and the Railway Association of Canada "Guidelines for New Development in Proximity to Railway Operations" (Dialog & J.E. Coulter Associated Limited, May 2013). Regional staff require a signed and stamped compliance letter from a qualified Professional Engineer licensed to practice in the Province of Ontario demonstrating that the proposed development has been designed in accordance with the Federation of Canadian Municipalities and Railway Association of Canada guidelines. The compliance letter shall be required as a condition of draft plan approval and shall be provided to the satisfaction of the Regional Municipality of Waterloo.

Record of Site Condition

The subject property is identified in the Region's Threats Inventory Database as a potentially contaminated site. In accordance with the *Region of Waterloo's Implementation Guideline for the Review of Development Applications on or Adjacent to Known and Potentially Contaminated Sites*, a Record of Site Condition (RSC) is

required and can be implemented through a Holding provision. The required wording for the Holding Provision shall be:

That a holding provision shall apply to the entirety of the subject lands until a Record of Site Condition (RSC) in accordance with O. Reg. 153/04, as amended, has been filed on the Ministry of Environment, Conservation and Parks (MECP) Environmental Site Registry and the RSC and Ministry's Acknowledgement letter is received to the satisfaction of the Regional Municipality of Waterloo. The Holding provision can be lifted in stages as each block is developed.

Regional staff request that the lands to be dedicated to the Region through road dedication be excluded from the RSC.

Hydrogeology and Source Water Protection

Regional staff have the following comments regarding the Hydrogeological Investigation and the Stormwater Management Report:

Scoped Hydrogeological Investigation

The following shall be addressed within the Site-Specific Zoning By-law and as a condition of draft approval:

- a. The report did not evaluate the potential for the site to use geothermal energy systems. As a result, the Region shall require a prohibition on geothermal energy systems to be included in the site-specific Zoning By-law Amendment for the entirety of the subject lands. The required wording for the prohibition is:

Geothermal Wells are prohibited on site. A geothermal well is defined as a vertical well, borehole or pipe installation used for geothermal systems, ground-source heat pump systems, geo-exchange systems or earth energy systems for heating or cooling; including open-loop and closed-loop vertical borehole systems. A geothermal well does not include a horizontal system where construction or excavation occurs to depths less than five meters unless the protective geologic layers overlaying a vulnerable aquifer have been removed through construction or excavation.

- b. The report indicates that groundwater monitoring will occur bi-monthly for water levels for the next year. Continuous water level monitoring (i.e., installation of pressure transducers with data logging capabilities) needs to be completed to confirm the high water table at the site for the next year. This is necessary to confirm the suitability of the site to use sub-surface infiltration galleries. The results of this monitoring will need to be provided in an updated scoped hydrogeological investigation to the satisfaction of the Region, City and the Grand River Conservation Authority (GRCA) as a condition of draft plan approval.
- c. Groundwater quality data was not provided in the report. A minimum of one round of groundwater quality data must be provided in an updated scoped hydrogeological

investigation, to the satisfaction of the Region, City and GRCA, as a condition of draft plan approval.

- d. A during- and post-development groundwater monitoring program was not proposed in the report. This must be submitted in an updated scoped hydrogeological investigation as a condition of draft plan approval.
- e. All monitoring wells not proposed to be included in the during- and post-development groundwater monitoring program must be decommissioned in accordance with O. Reg. 903 (as amended) as a condition of draft plan approval.
- f. Upon completion of the during- and post-development groundwater-monitoring program, all monitoring wells must be decommissioned in accordance with O. Reg. 903 (as amended) as a condition of draft plan approval.
- g. The Region will not support continuous active or passive dewatering around footings, slabs or foundations. If structures are proposed below the water table, waterproof foundation and footing wraps will be required in order to keep those structures dry. As a condition of draft approval, the proponent will need to enter into a development agreement indicating that no buildings will be constructed that will utilize active or passive dewatering mechanisms to keep below-grade structures dry.

Preliminary Stormwater Management Report

The following shall be addressed as a condition of draft plan approval:

- a. A pre-and post-development water budget must be presented in terms of $m^3/annum$. A detailed breakdown must be included to show the different components of evapotranspiration (ET), runoff and infiltration for both pre- and post-development.
- b. The Region does not support the use of permeable pavers on private road rights-of-ways. This must be reflected in the stormwater management report(s) submitted to the Region as a condition of draft plan approval.
- c. The developer will be required to enter into an agreement to complete a Final Stormwater Management Plan as a condition of draft plan approval.

Please be advised that the Region generally does not support direct infiltration of runoff from paved surfaces unless required to meet the pre-development infiltration rates. Large conveyance infiltration facilities will be utilized to infiltrate significant quantities of stormwater. In-situ soil testing must be completed at these locations to confirm the suitability of the soils to receive the proposed volumes of runoff. This testing must be completed and the results presented and discussed in a Final Stormwater Report prior to subdivision registration, to the satisfaction of the Region, City and GRCA.

Existing Wells Onsite:

The proponent will be required to decommission any existing water supply wells that may have previously serviced the previous operations at the site as a condition of draft plan approval.

Airport Comments

The proposed development is located within the Region of Waterloo International Airport, Airport Zoning Regulations (AZR) area, and are located under the approach surface of Runway 08. The AZR currently permits an existing maximum elevation of 460.50 m ASL with a maximum height restriction of 136.5m. The Region's proposed AZR proposes a maximum height of 431.0 mASL with a maximum height restriction of 107.0m.

An Aeronautical Assessment was prepared and confirmed that a maximum height limitation of 440m ASL is acceptable at this site. In accordance with the Aeronautical Assessment prepared for this site, **Regional staff recommend that the maximum elevation of 440m ASL be implemented within the site-specific Zoning By-law Amendment.**

As part of the future site plan application, the applicant shall submit the building height information to Nav Canada's land use program

<https://www.navcanada.ca/en/aeronautical-information/land-use-program.aspx>. A

separate land use form is also required for the crane once that information is known.

As part of the future site plan application, the applicant shall submit an Aeronautical Assessment Form if an exemption to the current airport zoning regulations is required for the building or crane, to Transportation Canada. Their website is

<https://tc.canada.ca/en/aviation/general-operating-flight-rules/markings-lighting-obstacles-air-navigation>.

Transportation Planning

Subdivision, Official Plan Amendment and Zoning By-law Amendment Stage:

Environmental Noise:

The Report assesses traffic noise from Courtland Avenue East and Stirling Avenue South and noise and vibration from Canadian National Railway line in the vicinity of the proposed development.

The development is bound by Stirling Avenue to the west, Courtland Avenue East to the north, Borden Avenue to the east, and the Canadian National (CN) rail line to the south. The proposed development will consist of multiple high-rise residential buildings with three existing buildings to be used for commercial uses, and one restaurant.

With respect to transportation related noise sources, two roadways that have the greatest potential to influence the proposed residential development are Courtland Avenue East to the north, and Stirling Avenue South to the west of the development.

The location of the proposed development in relation to the major roadways is shown in Figure 1 of the report.

This report examines the compatibility of the proposed development with existing environmental sources of sound and vibration. The influence of sound emissions from the proposed development on surrounding sensitive land uses has not been completed in detail as mechanical equipment information is not yet available. The compatibility of sound from the proposed development with surrounding residential land uses will be confirmed at a later development stage once the necessary mechanical information is available.

On-site stationary sources for the development are expected to consist of HVAC related equipment in the roof-top mechanical penthouse as well as exhaust fans. As the design is currently in progress, a detailed assessment of the noise impacts by the development on the surrounding environment is not possible. A detailed Noise Study will be required upon completion of HVAC and mechanical design.

Based on the results staff's review of the Noise and Vibration Feasibility Assessment, the following conclusions have been reached:

Outdoor Living Areas (OLA)

For the outdoor amenity spaces, calculated road noise levels do not exceed the 55 dBA criteria outlined in Table 1 of the report. Mitigation to reduce outdoor noise levels is not required. Noise levels for the OLA for the multi-residential building will be further reduced due to shielding from the proposed building. Standard balconies of less than 4 metres in depth are proposed for the multi-residential building. Balconies less than 4 metres in depth are not considered an outdoor amenity space and therefore noise control measures are not required.

Indoor Living Areas

Indoor sound levels are estimated by adjusting levels predicted at the plane of window and accounting for sound attenuation through windows or doors. Sound levels for the façade were predicted at the exterior of the building. A 28 dBA reduction in sound level from the exterior to interior was assumed through a closed window, based on a minimum Ontario Building Code window construction (i.e., double paned 3 mm glass with 13 mm air space).

Provision for central air conditioning to be installed in all units, allowing windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks (MECP).

The owner/developer will be required to enter into a registered agreement with the Regional Municipality of Waterloo for all units and the following warning clauses shall be included in agreements of Offers of Purchase and Sale, lease/rental agreements, condominium declarations.

Noise Warning Clauses

The following noise warning clauses will be required.

"Purchasers/tenants are advised that sound levels due to increasing road and rail traffic on Courtland Avenue East and Stirling Avenue South and Canadian National Railway track may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks."

All other Buildings

"This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks. The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MECP Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property."

Buildings A & B

"This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment, Conservation & Parks. The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MOE Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property."

Warning: *"Canadian National Railway (CNR) or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land subject hereof. There may be alteration to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. CNR will not be responsible for any complaints or claims*

arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

Vibration

All train pass-bys were found to be less than 0.14 mm/s Root Mean Square (RMS) at 30 metres from the railway. Therefore, impacts at the residences are expected to comply with the Railway Association of Canada (RAC) and CN Rail limits. The 0.14 mm/s limit at 30 metres approximately corresponds to a vibration level of 1.18 mm/s Peak Particle Velocity (PPV) at 15 metres (i.e., the parking garage setback). Thus, impacts at the parking garage are expected to be below the Federal Transportation Authority (FTA) building damage limits. Therefore, no mitigation measures for rail vibration are required.

Ground-borne vibration levels were measured at the approximate location of the proposed residential façade, approximately 30 m from the railway right of way, and were found to be below railway guidelines. Ground-borne vibration levels exceed railway guidelines at the property line.

The following vibration-warning clause shall also be included in the property and tenancy agreements and offers of purchase and sale for the dwelling units closest to the railway to inform the future owners and tenants of the possible vibration excesses.

“Purchasers/tenants are advised that due to the proximity of this dwelling to the nearby railway tracks, vibration from rail pass-bys may occasionally be perceptible within this unit.”

While Regional staff would also typically require a railway vibration study, we would defer this decision to the appropriate rail authority (see below). Alternatively, should the rail authority not comment on this application, the requirement for a rail vibration study would stand.

*Agente principale/Senior Officer
Planification et développement communautaires/
Community Planning and Development
Affaires juridiques/Law Department
935, rue de La Gauchetière Ouest
15e étage
Montréal (Québec) H3B 2M9
Téléphone: (514) 399-7844
Télécopieur: (514) 399-4296
Cell (514) 919-7844
Email: proximity@cn.ca mailto:*

Stationary Noise:

Regional staff has also reviewed the study's stationary noise component of the noise study. The report's Executive Summary contains broad recommendations including that an acoustical engineer be retained to further review of the noise aspects of the

development once detailed building designs are known, as the current assessment is based on assumptions regarding building configuration and construction.

Given the development will be phased, Regional staff shall require a registered development agreement to ensure a detailed transportation, rail and stationary noise study shall be submitted for each block as a condition of draft plan approval. Furthermore, a subsequent condition shall require the implementation of the findings contained within the studies to the satisfaction of the Regional Municipality of Waterloo and City of Kitchener. The condition of draft plan approval shall be:

THAT prior to final approval, the Owner/Developer shall enter into a Registered Development Agreement with the Regional Municipality of Waterloo to submit a detailed transportation, rail and stationary noise study for each block within the Plan of Subdivision to the satisfaction of the Regional Municipality of Waterloo. The Owner/Developer further agrees to:

- a. Enter into a registered development agreement with the Regional Municipality of Waterloo and/or the City of Kitchener to implement any recommendations and implementation measures for each block to the satisfaction of the Regional Municipality of Waterloo.

Regional Road Dedication:

This section of Courtland Avenue East (Regional Road 53) has a designated road width of 26.213m (86ft) as per Schedule 'A' of the Regional Official Plan and a road dedication along Courtland Avenue East of approximately 4.0m (13.12ft) will be required. The road widening dedication along Courtland Avenue East may be reduced where existing buildings, to be retained, will encroach into the 4.0m road widening dedication. The road widening dedication should be reduced to approximately 0.3048m (1ft) from the existing building face where applicable.

This section of Borden Avenue (Regional Road 66) has a designated road width of 20.00m (65.61ft). No further road widening dedication is required along Borden Avenue; however, daylight triangles are required at the intersection of each existing local municipal road (Vernon Avenue, Palmer Avenue and Borden Avenue) and at each proposed local municipal road (Kent Avenue). Each daylight triangle to be dedicated should measure 7.62m x 7.62m (25ft x 25ft) in size and measured post road widening along Courtland Avenue East. Please ensure that the road widening dedication and daylight triangle dedication are correctly shown on all the Site Plan and Engineering Plans. Please ensure that the road widening dedication and daylight triangle dedication are correctly shown on all the Site Plan and Engineering Plans.

The land designated for road widening and daylight triangles must be dedicated to the Region of Waterloo for road allowance purposes and must be dedicated without cost and free of encumbrance.

The land designated for road widening and daylight triangles must be dedicated to the Region of Waterloo for road allowance purposes and must be dedicated without cost

and free of encumbrance. The owner/applicant must engage an Ontario Land Surveyor (OLS) to prepare the draft M-Plan, which illustrates the required road widening and daylight triangle dedications. Prior to registering the M-Plan, the OLS must submit a draft copy of the plan for review by the Transportation Planner. Upon approval by Regional staff, the M- Plan should be deposited and Regional staff will complete the dedication process. The applicant's Solicitor will prepare the land transfer document and submit the document to the Legal Assistant for registration.

As noted above, an RSC is required for the proposed development. As a result, a Phase I and Phase II Environmental Site Assessment (ESA) will be required for the lands to be dedicated to the Region of Waterloo. If environmental documentation is available for the property and includes the dedication lands, please provide these to Region of Waterloo corridor planning staff for review. The subject property to be dedicated to the Region of Waterloo for road widening purposes should be excluded from the RSC documentation. If the RSC has progressed already and it is not possible to exclude the property please provide any Phase I and II documentation developed for the property.

Please be advised that the road dedications shall be completed as a condition of draft plan approval.

Furthermore, additional lands for any road/intersection improvements must be dedicated to the Region. These improvements may be identified through the functional design for the road improvements identified through a revised TIS/Safety Analysis, as mentioned in the following comments.

Access Permit/TIS/Access Regulation

A Revised Transportation Impact Study (TIS) including a Railway Safety Analysis for any LRT/Railway Crossings including the pedestrian pathways/sidewalks is required as a condition of draft plan approval to the satisfaction of the Region of Waterloo.

The TIS recommends a number of improvements to the Regional and Local Municipal Road network including:

- The construction of a two way left turn lane on Regional Road 53 (Courtland Avenue East) between Borden Avenue (Regional Road 66) and Vernon Avenue.
- A new traffic control signal at the Courtland Avenue East and Kent Avenue intersection.

Improvements to the Regional Road network recommended in the TIS/TDM (when approved by Region of Waterloo staff) may require the completion of a Functional Plan, Cost Estimate, Legal Agreement and Related Funds (letter of credit, certified cheque or bank draft), to the satisfaction of the Regional Municipality of Waterloo.

In addition, a Regional Road Access Permit will be required for the proposed Kent Avenue Municipal Road extension into the subject property. The application form for a Regional Road Access Permit can be found on the Region of Waterloo website

<https://www.regionofwaterloo.ca/en/doing-business/applications-licences-and-permits.aspx> and there is a \$230 fee associated with the permit application.

Stormwater Management & Site Grading

A detailed Stormwater Management Report shall be required as a condition of draft plan approval for each block within the plan of subdivision.

Transit Planning

Grand River Transit (GRT) currently operates Route 6 along this section of Courtland Avenue East, with two existing transit stops directly fronting the proposed development. The proposed development will increase transit ridership in this area and necessitates the upgrading of existing transit facilities. The existing Courtland Avenue East & Kent Avenue intersection will require a concrete shelter pad (4.5m x 2.3m in size), transit shelter, and provisions for electrical conduit. GRT staff will require the owner/applicant to provide funds for the transit shelter (\$12,000). To ensure the upgraded transit facilities are implemented through a future site plan application, the Region shall require the following condition of draft plan approval:

- THAT prior to final approval, the Owner/Developer shall provide funds to Grand River Transit for the construction for a new transit shelter, including a concrete shelter pad and provisions for electrical conduit.

GRT Requirements at Site Plan Stage:

The existing stop #2718, described above, should be identified on the "Overall Site Plan" and any other relevant plans, when formally submitted for approval. No improvements are planned for this stop at this time. If as part of this development, the location of the existing concrete landing pad is altered in any way, the applicant will be required to reinstall a concrete transit landing pad of 9.5m x 2m in size (or the full boulevard depth to the sidewalk) at the approximate location of the existing stop but no closer than 20m from the Palmer Avenue intersection.

As discussed above, the revised location of the trail, exiting the subject property at Borden Ave. /Grenville Ave. shall be moved completely off of the Canadian National (CN) right of way and relocated onto the subject lands. The trail must be identified on the "Overall Site Plan" and any other relevant plans when formally submitted for approval. Regional staff are available to meet with the applicant to discuss the required safety improvements for the trail crossing of the LRT tracks, and the associated costs, prior to the applicant's submission for Site Plan Approval.

Additionally, the recirculated plan of subdivision has increased residential density on the subject property, and proposed mixed-use office on a block previously identified as 'future development'. This proposal now warrants a north bound GRT Stop for Route 6 on Courtland Ave E. on the other lands owned by the applicant legally described as Plan 404 Part Lots 9 and 10, RP58R-3650, Part 4. The applicant should be made

aware that when this additional land is developed, transit stop infrastructure may be required as part of that development application.

Servicing/Work Permit/Municipal Consent:

Any new servicing/update to the existing services/ removal of the existing servicing within the Regional right-of-way will require approval through a separate process of Municipal Consent.

A Regional Road Work Permit must be obtained prior to start of any work within the Regional right-of-way.

Site Plan Application Stage:

Application Fees:

Each individual block requiring future Site Plan control will be subject to Region of Waterloo review and conditions. This includes a Site Plan review fee of \$805 for each individual Site Plan.

Housing Affordability

The following Regional policies and initiatives support the development and maintenance of affordable housing:

- Regional Strategic Plan
- 10-Year Housing and Homelessness Plan
- Building Better Futures Framework
- Region of Waterloo Official Plan

The Region supports the provision of a full range of housing options, including affordable housing and is pleased to see this development incorporating 135 units at an 80% of market rate level of affordability. Should this development application move forward, staff recommend that the applicant consider providing a number of affordable (as defined in the Regional Official Plan) housing units on the site as well. Rent levels and house prices that are considered affordable according to the Regional Official Plan are provided below in the section on affordability.

In order for affordable housing to fulfill its purpose of being affordable to those who require rents or purchase prices lower than the regular market provides, a mechanism should be in place to ensure the units remain affordable and establish income levels of the households who can rent or own the homes.

Staff further recommend meeting with Housing Services to discuss the proposal in more detail and to explore opportunities for partnerships or programs and mechanisms to support a defined level of affordability.

For the purposes of evaluating the affordability of an ownership unit, based on the definition in the Regional Official Plan, the purchase price is compared to the least expensive of:

Housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households	\$385,500
Housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area	\$576,347

*Based on the most recent information available from the PPS Housing Tables (2021).

In order for an owned unit to be deemed affordable, the maximum affordable house price is \$385,500.

For the purposes of evaluating the affordability of a rental unit, based on the definition of affordable housing in the Regional Official Plan, the average rent is compared to *the least expensive of:*

A unit for which the rent does not exceed 30 per cent of the gross annual household income for low and moderate income renter households	\$1,470
A unit for which the rent is at or below the average market rent (AMR) in the regional market area	Bachelor: \$950 1-Bedroom: \$1,134 2-Bedroom: \$1,356 3-Bedroom: \$1,538 4+ Bedroom: \$3,997

*Based on the most recent information available from the PPS Housing Tables (2021)

In order for a rental unit to be deemed affordable, the average rent for the proposed units which have fewer than 3 bedrooms must be at or below the average market rent in the regional market area as shown above. For proposed units with three or more bedrooms, the average rent for the units must be below \$1,470.

Conclusions:

The Region has no objection to the above noted applications subject to the implementation of the following regulation, holding provision, prohibition and attached conditions of draft plan approval:

1. Regional staff recommend that the maximum height of 440m ASL be implemented within the site-specific Zoning By-law Amendment.
2. That a holding provision shall apply to the entirety of the subject lands until a Record of Site Condition (RSC) in accordance with O. Reg. 153/04, as amended, has been filed on the Ministry of Environment, Conservation and Parks (MECP) Environmental Site Registry and the RSC and Ministry's Acknowledgement letter is received to the satisfaction of the Regional Municipality of Waterloo. The holding provision can be lifted in stages as each block is developed.

And that the following prohibition be included in the Zoning By-law:

1. Geothermal Wells are prohibited on site. A geothermal well is defined as a vertical well, borehole or pipe installation used for geothermal systems, ground-source heat pump systems, geo-exchange systems or earth energy systems for heating or cooling; including open-loop and closed-loop vertical borehole systems. A geothermal well does not include a horizontal system where construction or excavation occurs to depths less than five meters unless the protective geologic layers overlaying a vulnerable aquifer have been removed through construction or excavation.

In addition to the above, please be advised that any future development on the subject lands will be subject to provisions of Regional Development Charge By-law 19-037 or any successor thereof.

Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,



Melissa Mohr, MCIP, RPP
Senior Planner

cc. Chris Pidgeon, GSP Group, Heather Price, GSP Group

Attachment 'A'

Conditions of Draft Approval

1. THAT prior to final approval, the Owner/Developer submit an updated scoped hydrogeological investigation be provided to the satisfaction of the Region, the City and the Grand River Conservation Authority (GRCA) confirming/addressing:
 - a. The suitability of the site to use sub-surface infiltration galleries, and which includes the results of continuous water level monitoring (i.e., installation of pressure transducers with data logging capabilities) to confirm the high water table at the site for a year following draft approval.
 - b. Groundwater quality data
 - c. A during and post-development groundwater monitoring program;
2. THAT prior to final approval, the Owner/Developer enter into an agreement with the Region to ensure the following to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services:
 - a. All monitoring wells not proposed to be included in the during and post-development ground watering program shall be decommissioned in accordance with Ontario Regulation 903;
 - b. Upon completion of the during and post-development groundwater monitoring program, all monitoring wells must be decommissioned in accordance with Ontario Regulation 903, as amended, and
 - c. No buildings will be constructed that will utilize active or passive dewatering mechanisms to keep below-grade structures dry.
3. THAT prior to final approval, the Owner/Developer provide a Final Stormwater Report for each block to the satisfaction of the Region, the City and the GRCA, which includes the result of in-situ soil testing at the location of any large conveyance infiltration facilities to confirm the suitability of the soils to receive the proposed volumes of runoff. In addition, the following shall be addressed to the satisfaction of the Regional Municipality of Waterloo:
 - a. A pre-and post-development water budget must be presented in terms of m³/annum. A detailed breakdown must be included to show the different components of evapotranspiration (ET), runoff and infiltration for both pre- and post-development.
 - b. The Region does not support the use of permeable pavers on private road rights-of-ways. This must be reflected in the stormwater management report(s) submitted to the Region as a condition of draft plan approval.

4. THAT prior to final approval, the Owner/Developer will be required to enter into an agreement with the Region to complete a Stormwater Management Plan for each block to the satisfaction of the Regional Municipality of Waterloo;
5. THAT prior to final approval, the Owner/Developer will be required to enter into an agreement with the Region to provide a letter report documenting the presence of historical wells, and documentation showing the proper decommissioning of these wells to the satisfaction of the Regional Municipality of Waterloo;
6. THAT prior to final approval, the Owner/Developer will be required to enter into an agreement with the Region to require individual pressure reducing devices on each water service below 327.8 mASL;
7. THAT prior to final approval, the Owner/Developer will provide an updated concept servicing plan to the satisfaction of the Region, showing individual service connections to the separate blocks/properties and buildings;
8. THAT prior to final approval, the Owner/Developer shall submit a Revised Transportation Impact Study including a Railway Safety Analysis for any LRT/Railway Crossings including the pedestrian pathways/sidewalks to the satisfaction of the Region of Waterloo;
9. THAT prior to final approval, the Owner/Developer provides a Phase 1 and Phase 2 ESA report and dedicates a road widening to the Regional Municipality of Waterloo at no cost or encumbrance to the Region, along the frontage of Regional Road 53 (Courtland Avenue East) all to the satisfaction of the Regional Municipality of Waterloo;
10. THAT prior to final approval, the Owner/Developer dedicates the daylight triangles measured 7.62m x 7.62m (25ft x 25ft) post any road widenings to the Region of Waterloo at no cost to the Region, at the intersection of each proposed and existing local municipal roads (Vernon, Palmer, Borden, Kent) with Regional roads;
11. THAT prior to final approval, the Owner/Developer must obtain a Regional Road Access Permit for the proposed Kent Avenue municipal road extension into the subject property and connection of Olde Fashioned Way to Borden Avenue to the satisfaction of the Regional Municipality of Waterloo;
12. THAT prior to final approval, the Owner/Developer will be required to enter into a development agreement with the Regional Municipality of Waterloo for all units and the following warning clauses shall be included in agreements of Offers of Purchase and Sale, lease/rental agreements and any future condominium declaration(s):

The following noise warning clauses will be required for all units:

"Purchasers/tenants are advised that sound levels due to increasing road and rail traffic on Courtland Avenue East and Stirling Avenue South and Canadian National Railway track may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks."

"Purchasers/tenants are advised that due to the proximity of this dwelling to the nearby railway tracks, vibration from rail pass-bys may occasionally be perceptible within this unit."

"This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks. The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MECP Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property."

Buildings A & B

"This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment, Conservation & Parks. The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MOE Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property."

Warning: *"Canadian National Railway (CNR) or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land subject hereof. There may be alteration to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."*

13. That prior to final approval, the Owner/Developer shall provide a Functional Plan, Cost Estimate, Legal Agreement and Related Funds (letter of credit, certified cheque or bank draft) for any improvements to the Regional Road network, all to the satisfaction of the Regional Municipality of Waterloo including:
 - a. That prior to final approval, the Region has the necessary physical and financial resources to construct all required road improvements; and,
 - b. That the above be fulfilled to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.
14. THAT prior to final approval, the Owner/Developer provide funds to Grand River Transit for the construction for a new transit shelter, including a concrete shelter pad and provisions for electrical conduit; and,
15. THAT prior to final approval, the Owner/Developer shall provide a compliance letter from a qualified Professional Engineer licensed to practice in the Province of Ontario to demonstrate that the proposed development is in accordance with the Federation of Canadian Municipalities and the Railway Association of Canada "Guidelines for New Development in Proximity to Railway Operations" (Dialog & J.E. Coulter Associated Limited, May 2013), to the satisfaction of the Regional Municipality of Waterloo, and in consultation with the Canadian National Railway (CN) and that any required mitigation measures through this report and any completed noise studies will be secured through an agreement and/or conditions of draft approval.
16. THAT prior to final approval, the Owner/Developer shall enter into a Registered Development Agreement with the Regional Municipality of Waterloo to submit a detailed transportation, rail and stationary noise study for each block within the Plan of Subdivision to the satisfaction of the Regional Municipality of Waterloo. The Owner/Developer further agrees to:
 - a. enter into a registered development agreement with the Regional Municipality of Waterloo and/or the City of Kitchener to implement any recommendations and implementation measures for each block to the satisfaction of the Regional Municipality of Waterloo.

Garett Stevenson

From: Peters, Angela
Sent: Wednesday, October 9, 2019 10:27 AM
To: Garett Stevenson
Subject: RE: Schneiders "Metz" redevelopment

Thanks for the response Garett.

The process seems to be taking a long time. It's been weeks/months since there was any sign of work being done. It would be nice if we could be kept up-to-date. Would you happen to have the name or email of an Auburn contact we could reach out to for issues/questions? Or should we continue to go thru you?

Angela Peters

From: Garett.Stevenson@kitchener.ca <Garett.Stevenson@kitchener.ca>
Sent: Wednesday, October 9, 2019 9:55 AM
To: Peters, Angela
Subject: RE: Schneiders "Metz" redevelopment

Hello,

I have heard back from Auburn and I can confirm that the demolition is at a standstill because they are in the process of finding a new demolition contractor to complete the work.

Auburn confirmed that they have noticed some siding falling off and will investigate the issue and resolve immediately. I understand they are having issues with continuous break ins, graffiti and breaking of windows which they are addressing first.

The grass cutting is on a contract however due to safety concerns the lawn maintenance contractor is not allowed to enter the site and cut down weeds on the interior of the project. They will ask their contractor to have one of their staff cut down the weeds on the interior of the site.

Thanks,

Garett

Garett Stevenson, BES, RPP, MCIP
Planner | Planning Division | City of Kitchener
519-741-2200 x 7070 | TTY 1-866-969-9994 | garett.stevenson@kitchener.ca





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From: Peters, Angela <>
Sent: Thursday, October 03, 2019 8:57 AM
To: Garrett Stevenson <Garrett.Stevenson@kitchener.ca>
Subject: RE: Schneiders "Metz" redevelopment

Hi Garrett

Sorry for the late response.

Thanks for passing this information on. I attended an information mtg way back last yr however I was out of town for the recent Aug 2019 mtg.

Yes...pls add me to the distribution list for further updates.

Can you confirm for me what stage of the process the redevelopment is at right now? The "Timing and Process" page does not include any dates.

I have noticed that work seems to be at a standstill and most of the equipment is gone. I've heard a neighborhood rumor that (remediation?) work at the sight has stopped, apparently due to financial issues with the developer/investors.

Is there any truth to the work stoppage?

A couple of concerns I have at the moment:

Mine and my neighbor Tiffany own homes c... 3. The building and landscape are showing lack of "attention". Pieces of siding are falling off or hanging from the building. Garbage is collecting along the fence. The lawn/weeds have recently been cut but prior to that there was a long period of time that showed lack of attention. We are hoping someone could come remove the siding and perhaps check on the building & grounds from time to time to ensure it doesn't become dilapidated.

Also, dirt and dust from the site blows into everyone's yards causing a mess on decks, patios, furniture, bbqs etc. If we open windows, it gets into our homes as well. Thankfully this will be less of an issue with the change of the season however, next spring/summer we will be back to the same problem. We would appreciate if the city could work with the developer to do what they can to minimize the dust, perhaps wetting the grounds.

In recent years it seems that Borden Ave South has been under continuous construction with infrastructure changes, followed by light rail preparation and now the "Metz" development. With potentially 10 years of construction ahead, I'm hoping the city and the developer will do their best to support the existing neighborhood.

Feel free to pass this email on to anyone you feel should be included.

Thanks

Angela Peters

†
€

From: Garett.Stevenson@kitchener.ca <Garett.Stevenson@kitchener.ca>
Sent: Monday, September 16, 2019 11:00 AM
To: Peters, Angela <
Subject: Schneiders "Metz" redevelopment

Hello,

Thanks for reaching out regarding this application. The application is "in circulation", meaning that the City is currently consulting with residents, internal departments, and external agencies on the proposal.

We have had a public meeting already – the initial circulation letter, the presentations from the public meeting, and the comment sheet are online. Scroll to the last bullet:

<https://www.kitchener.ca/en/planning-and-development-consultations.aspx#Proposed-Subdivision-Official-Plan--Zoning-By-law-Amendments--Auburn-Development-Schneiders-Redevelopment>

Don't worry about the commenting deadline, I welcome your comments. If you have any questions, please do not hesitate to contact me.

I will also add you to the distribution list so you'll be informed on every step along the way.

Thanks,

Garett

Garett Stevenson, BES, RPP, MCIP
Planner | Planning Division | City of Kitchener
519-741-2200 x 7070 | TTY 1-866-969-9994 | garett.stevenson@kitchener.ca



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Garett Stevenson

From: George Sweetman
Sent: Tuesday, August 20, 2019 8:33 AM
To: Brandon Sloan
Cc: Garett Stevenson
Subject: Re: Potential opportunities in Kitchener

Hello Brandon and Garett. Thanks very much for the introduction.

We would love to have the opportunity to meet with the developer and explore how we might be able to contribute to the project and ideally provide some affordable housing to the community.

Feel free to pass along my contact information and we look forward to continuing the discussions.

Thanks again.

George

George Sweetman

From: Brandon.Sloan@kitchener.ca <Brandon.Sloan@kitchener.ca>
Sent: Monday, August 19, 2019 4:53 PM
To: George Sweetman
Cc: Garett.Stevenson@kitchener.ca <Garett.Stevenson@kitchener.ca>
Subject: Potential opportunities in Kitchener

Hi George – hope you were able to get more info and some questions answered regarding the RSC matter. Will be nice to see things progress with your new site in Kitchener. Regarding other future possibilities, we just had a meeting about an important redevelopment site that is going through the planning phase. The City and community have strongly indicated that this large scale redevelopment needs to include some affordable housing. The developer is willing to at least consider and may have started some discussions with potential partners (as it is not their direct line of business). Perhaps we should connect you with them to see if there is a possible match here. From what I recall of some of your locational criteria, this could be suitable.

I'd like to introduce you to one of our planner's, Garett who is managing the redevelopment application if referring to. I'm hoping that with this virtual intro perhaps with your blessing he can connect you with the current landowner/developer. This is a large site that will likely have several development blocks or phases created.

Brandon Sloan

Manager, Long Range & Policy Planning | Planning Division | City of Kitchener
519-741-2200 x7648 | TTY 1-866-969-9994 | brandon.sloan@kitchener.ca

Garett Stevenson

From: Brielle Harrison
Sent: Friday, August 09, 2019 12:07 PM
To: Garett Stevenson
Subject: Re: Proposed Subdivision, Official Plan & Zoning By-law Amendments – Auburn Development (Schneiders Redevelopment)

Hi Garett,

Here is some feedback I have after reviewing the Developers proposal - they are proposing a significant amount of high rise apartments. Originally, we were told there would be two, but I see 6(?!?!?) on their proposal. This is going to block a lot of views, be aesthetically unappealing, and really increase the amount of traffic in the neighbourhood. Further, allowing them to build 6 high rise apartments in an area where there are currently none sets a bad precedent for the entire neighbourhood.

Courtland, and other nearby streets are all two lane streets, without the ability to increase them to 4 lane streets. There is already significant congestion whenever there is any roadwork - what are the plans to mitigate this? I see they are proposing a continuous left turn lane - not a bad idea, but where is the space for this going to come from - expropriating existing properties? Or will they be sacrificing some of their land that runs along Courtland to accommodate this?

I'm intrigued by their proposal to increase the walk space on Mill, but I'm not sure how to envision this, since Mill street is significantly far away from the Schneider's factory and is also hampered by narrow sidewalks and no room to increase walkway space by cutting down laneways since it's currently a 2 lane street. Where on Mill street are they proposing this?

Thanks, Brielle Harrison

On Thu, 25 Jul 2019 at 16:46, <Garett.Stevenson@kitchener.ca> wrote:

Hello,

The City's Planning and Development Consultations webpage has now been updated with materials presented at the Neighbourhood Information Meeting last week.

Please click the link below and scroll to the bottom of the page:

<https://www.kitchener.ca/en/planning-and-development-consultations.aspx>

I apologize for the delay in posting – I was experiencing some technical issues. As such, I am happy to extend the commenting deadline to August 31, 2019.

Please do not hesitate to reach out with any questions. Enjoy your summer, I will be in touch in the fall once all comments have been received and considered.

Thanks,

Garett

Garett Stevenson, BES, RPP, MCIP

Planner | Planning Division | City of Kitchener

519-741-2200 x 7070 | TTY 1-866-969-9994 | garett.stevenson@kitchener.ca



Garett Stevenson

From: Debbie Chapman
Sent: Thursday, July 18, 2019 10:44 AM
To: Garett Stevenson
Cc: Janine Oosterveld; Alain Pinard
Subject: the metz - Paul

Thanks for all for leading the meeting at the Mill Courtland CC the other evening. I thought it was well orchestrated.

I received a call this morning from a resident who was at the meeting. He expressed a few concerns that he wanted reiterated. His biggest concern has to do with traffic. Can you tell me what the parking requirements are for that property? I assume we are still working under the 1985 zoning bylaws. If I recall correctly, Auburn plans to have .9 to 1.1 per residential unit. Is this below the 1985 zoning bylaw requirements? How many more cars could one expect accessing the retail and office space on a daily basis?

Given his concerns about traffic, he was wondering if the city would be willing to buy land in order to create an exit onto Stirling and/or Ottawa. This would reduce the traffic on Borden and Courtland. As he pointed out there could be an increase of 3,000 to 6,000 vehicles entering and leaving the site daily. Additional exits make sense to me. Has this been considered?

Finally, he would really like to see a grocery store on site. Is this something that is being negotiated with Auburn? What would have to be done to make this happen? I realize we cannot require the developer to include one, but we could probably impress upon them the virtue of one.

I also have a question about the residential unit distribution. How many units will be rentals and how many condominiums? Also what is the proposed size distribution of the units in the condos and in the rentals? I recall mention of one and two bedroom units.

Thank you in advance for your responses.

Debbie Chapman

Councillor Ward 9 | City of Kitchener
519.741.2200 x 2798 | TTY 1-866-969-9994 | debbie.chapman@kitchener.ca



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Garett Stevenson

From: Mike Leddy <mleddy@kitchener.ca>
Sent: Monday, February 1, 2021 6:53 PM
To: Debbie Chapman
Cc: Garett Stevenson; Rosa Bustamante
Subject: [EXTERNAL] Re: Re: Re: Re: Schnieders Redevelopment

Hello Councilwoman Chapman and Mr Stevenson

Thank you for your reply

Indeed, my concern with the impact this development will have on my neighbourhood, turning our street into a freeway, has prompted me to consult brokers into the selling my home.

I fail to understand why not all traffic from this site can not be directed to Courtland Ave, a main arterial road through this area. Instead, the traffic seems directed parallel to this road and through Borden and Grenville.

I would like an opportunity to speak on the topic and of neighborhood input and consultation, which seems minimal.

I can be available most afternoons this week. I will be home most of the day Friday if any time after 10am works for you.

Thank You again

Mike Leddy

On Sat, Jan 30, 2021 at 2:19 PM Debbie Chapman <Debbie.Chapman@kitchener.ca> wrote:
Hi Mike,

As you saw in Garett's recent message there will be a public engagement in the Spring. That does not preclude you or others from contacting me with your concerns. If a group of neighbours wanted to hold a zoom call with me before the spring, I would be happy to facilitate that.

Debbie Chapman

Councillor | Ward 9 | City of Kitchener | 200 King St. W. N2G 4G7
O: 519.741.2798 /C: 226.752.7104 | TTY 1-866-969-9994 | debbie.chapman@kitchener.ca
Our 24 Hour Contact Line for Issues or Questions 519-741-2345



From: Mike Leddy <[redacted]>
Sent: Thursday, January 28, 2021 8:57 PM
To: Garrett Stevenson <Garrett.Stevenson@kitchener.ca>
Cc: Debbie Chapman <Debbie.Chapman@kitchener.ca>; Rosa Bustamante <Rosa.Bustamante@kitchener.ca>
Subject: [EXTERNAL] Re: Re: Re: Schnieders Redevelopment

Hello Councilwoman Chapman

Could you possibly help make aware the residents of Borden and Grenville ave of the impact this development may have on our neighbourhood? There may be as many as 5000 cars needing to access this site daily. The Four story parking structure proposed certainly confirms that. Can the neighbourhood possibly get help from our elected officials to make aware and offer a voice?

Mike Leddy

Grenville Ave

On Fri, Jan 22, 2021 at 6:47 PM Mike Leddy <[redacted]> wrote:
Hi Garrett

Thank you for the response. I have to say though, i have never received a mailing for meetings for this project. I found our only about one meeting that was held at Cameron Heights in August of 2019 and at that time, the only plan presented was the City of Kitcheners Rockway plan regarding the plan presented in regards to the LRT project. Will all residents of Borden and Grenville Ave be informed of meetings through a mailing? Would it be possible for me to receive resources to canvas our neighborhood regarding this plan and making sure there is awareness? Perhaps a printing of the plan I can present to all residents of our neighborhood with a canvas as well as a contact list.

I have presented concerns with this development and asked for communications as far as July of 2019 but I have not seen any communications until I communicate. The Auburn development website has not been updated for a final plan since 2019 and neither has the any changes to the cities site plan. This is a major development that will have have a major impact on my neighborhood and there should have be input from all area residents.

Mike Leddy

On Fri, Jan 22, 2021 at 6:10 PM Garrett Stevenson <Garrett.Stevenson@kitchener.ca> wrote:

Hi Mike,

I will be sure to make sure that residents in the area are aware of the engagement (when scheduled) so staff can answer all their questions.

I will be in touch.

Garrett

From: Mike Leddy <Mike.Leddy@kitchener.ca>
Sent: Wednesday, January 20, 2021 10:12 PM
To: Garrett Stevenson <Garrett.Stevenson@kitchener.ca>
Cc: Debbie Chapman <Debbie.Chapman@kitchener.ca>; Rosa Bustamante <Rosa.Bustamante@kitchener.ca>
Subject: [EXTERNAL] Re: Re: Schnieders Redevelopment

Hi Garrett

Thank you for your reply. I just wonder, do you feel the people that live on Borden Ave and Grenville Ave have been made well aware through public notice that there is a great chance that the character of this neighbourhood may change greatly with this development? Has a traffic study been done and what is an acceptable increase in volume? This development proposes 15 000 plus residents? I certainly do not propose stopping the development, I welcome it and it is very exciting I would propose that rather than make the access to Borden of Old Fashion Way one way but to eliminate that access all together. All access should instead from this development should instead be directly to Courtland ave.

I appreciate your correspondence

Mike Leddy

On Wed, Jan 20, 2021 at 5:36 PM Garrett Stevenson <Garrett.Stevenson@kitchener.ca> wrote:

Hi Mike,

Thanks for reaching out. Since we last emailed, I have been working with City and Regional staff to address issues that were identified by the community as well as review staff – including transportation and traffic.

City and Regional staff have been analyzing different transportation scenarios, including potentially making the future street "Old Fashion Way" a one way out to Borden, which will restrict any inbound traffic from your street to the site.

I will be holding a digital public engagement meeting this winter (February or March) to provide a full update to the community as changes are vetted through technical reviews. I can confirm you are on the

circulation list. We are still working on technical updates due to ground water and parkland – once we have a better understanding of what other changes to the development will be required, I will provide update materials online and set up the engagement event - I will update the community before any final decisions are made.

If you want to chat about this project, I am happy to connect any time. My number below redirects to my home office.

Thanks,

Garett

Garett Stevenson, BES, RPP, MCIP

Senior Planner | Planning Division | City of Kitchener

519-741-2200 x 7070 | TTY 1-866-969-9994 | garett.stevenson@kitchener.ca



Residents are encouraged to visit kitchener.ca/covid19 for the most up-to-date information about City services.

From: Mike Leddy

Sent: Wednesday, January 20, 2021 11:25 AM

To: Garett Stevenson <Garett.Stevenson@kitchener.ca>

Cc: Debbie Chapman <Debbie.Chapman@kitchener.ca>

Subject: [EXTERNAL] Re: Schnieders Redevelopment

Hello

I wanted to follow up on the plan finalization on the Shnidrs re development, has there been a decision as to whether access to Grenvill from Bordan will remain or will be closed off? I am very concerned we could see a great increase in traffic on our previously dead end street.

Mike Leddy

On Fri, Dec 20, 2019 at 4:46 PM <Garett.Stevenson@kitchener.ca> wrote:

Hi Mike,

Details of the application can be found online here (third last item):

<https://www.kitchener.ca/en/planning-and-development-consultations.aspx>

Copies of all the reports that were submitted with the application can be found online here:

<https://www.schneiderredevelopment.com/planning-approvals-process>

Kitchener City Council is the ultimate approval authority for Zoning By-law Amendments and Regional Council (delegated to staff) is the final approval authority of Official Plan Amendments,

The current zoning can be found online here:

[M-2](#) [1R](#) [155U](#) [159U](#)

Thanks,

Garett

From: Mike Leddy <Mike.Leddy@kitchener.ca>
Sent: Thursday, December 19, 2019 8:56 AM
To: Debbie Chapman <Debbie.Chapman@kitchener.ca>
Cc: Garrett Stevenson <Garrett.Stevenson@kitchener.ca>
Subject: Re: Schnieders Redevelopment

Hi Garrett

Who makes the decision on the by-law amendments to allow the changes to current zoning? Can I view the applications someplace and find out current zoning?

If the area was never zoned for this type of development, then infrastructure, (ie roads) have never been built to support it correct?

Mike Leddy

On Wed, Dec 18, 2019 at 9:03 PM <Debbie.Chapman@kitchener.ca> wrote:

Thanks for the update Garrett.

Debbie Chapman

Councillor Ward 9 | City of Kitchener

519.741.2200 x 2798 | TTY 1-866-969-9994 | debbie.chapman@kitchener.ca



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From: Garrett Stevenson
Sent: Wednesday, December 18, 2019 3:53 PM
To: 'Mike Leddy' <>
Cc: Debbie Chapman <Debbie.Chapman@kitchener.ca>
Subject: RE: Schnieders Redevelopment

Hello,

The Official Plan Amendment and Zoning By-law Amendment applications that are currently under review propose the increased residential density – high rise residential is not currently permitted.

A project of this scale takes time before major updates or changes are made. Once we have an update on the transportation improvements, I will be in touch with the residents of Borden and Grenville to consider options. Nothing has been decided and the applications will not be scheduled for consideration by Council before Planning and Transportation staff have an opportunity to circle back with the community to provide an update.

Thanks for checking in. I will be in touch with you in the New Year.

Thanks,

Garrett

Garrett Stevenson, BES, RPP, MCIP
Senior Planner | Planning Division | City of Kitchener
519-741-2200 x 7070 | TTY 1-866-969-9994 | garrett.stevenson@kitchener.ca



From: Mike Leddy ·
Sent: Tuesday, December 17, 2019 9:49 AM
To: Garrett Stevenson <Garrett.Stevenson@kitchener.ca>
Cc: Debbie Chapman <Debbie.Chapman@kitchener.ca>
Subject: Re: Schnieders Redevelopment

Hello

I wanted to follow up to my previous email regarding the development on the former Schneiders lands to find out if any decisions have been made regarding this proposal? I am most concerned with density of the plan and the effect this could have on an already very congested Courtland ave. Does the zoning for that area permit the building heights and density proposed? Are there there any updated on the proposal to close Borden to Grenville?

Thanks You

Mike Leddy

On Thu, Aug 15, 2019 at 4:49 PM <Garrett.Stevenson@kitchener.ca> wrote:

Hello Mr. Leddy,

Thank you for your comment. Sorry for the delay, I was waiting for a meeting this afternoon with City and Regional transportation to review the conclusions of the Transportation Impact Study that was provided with the application before I responded.

The comprehensive transportation review for this site includes looking at many options including reviewing surrounding streets, potentially restricting certain turns, adding left turn lanes, access design, etc. The idea of closing Grenville and Borden is being considered, among several other ideas. Traffic and transportation options were key topics of conversations at the public meeting.

City and Regional staff continue to review options to address traffic impacts and to enhance and improve active and transit options for the development and the community.

You mentioned that you reviewed the City's website – the Developer has also posted all of the reports online if you are interested.

<https://www.schneiderredevelopment.com/planning-approvals-process>

I will also add you to the circulation list so you receive written notice of upcoming meetings.

Thanks,

Garett

Garett Stevenson, BES, RPP, MCIP

Planner | Planning Division | City of Kitchener

519-741-2200 x 7070 | TTY 1-866-969-9994 | garett.stevenson@kitchener.ca



From: Mike Leddy [n>](#)
Sent: Wednesday, August 14, 2019 8:55 AM
To: Garett Stevenson <Garett.Stevenson@kitchener.ca>
Subject: Fwd: Schnieders Redevelopment

Hello

I wanted to express my concern regarding the traffic impact around the proposed Schnieders land redevelopment. I did not receive an invitation to the meeting July 15th so I have been trying to get information on the official plan. I live on Grenville Ave so maybe we are not part of the mailing list. I just found the proposal

on the cities website and was able to read it. I expressed my concerns to the Councillor for our ward but I saw in the letter to contact you by August 15th for concerns. I have attached the letter I wrote to her regarding my concerns. I think the traffic on my street will greatly increase with a development of this size exiting to Borden. I believe people will cut through our street to access Courtland avenue. It would be great if the exit to Borden could be eliminated altogether, there are 3 other proposed exits to Courtland in the plan. It is a substantial development with over 5000 residents so even if 5 percent decide to exit by cutting through Grenville that could be hundreds of cars per hour during the morning or afternoon rush.

Thanks

Mike Leddy

Kitchener, On

----- Forwarded message -----
From: **Mike Leddy**
Date: Tue, Aug 13, 2019 at 4:15 PM
Subject: Schnieders Redevelopment
To: <debbie.chapman@kitchener.ca>

Hello Councillor Chapman

I recently saw the plan for the re development and although it looks quite exciting I have to express my concern with the traffic it will bring to the area. I already find that Courtland is quite backed up now and I am already often stuck at the bottom of the hill on Courtland near Stirling. I am unsure why the traffic has become so snarled as it was not really been an issue until the last 3 years or so. I see that a major arterial road seems to be planned running parallel to Courtland and exiting onto Borden. As a resident I am concerned that our quiet street will become a cut through street to access this development as well as Courtland in peak hours. This so often happens to quiet streets when busy arterial roads become clogged in rush hour. We witnessed it several times over the past few years during the closure of other roads around us for construction. Cars sped up the road and sped out again when people realized that they could exit to any other road.

I know that traffic was not cited as a concern in the official plan but I can tell you I am concerned that we will go from a quiet dead end street to a major, speedy thoroughfare for this development.

I am wondering if council or city planners might consider closing the end of Borden to make both Dead end streets to eliminate the possibility of becoming pass through roads? I know this is drastic but I am unsure why even now they are connected as the route is seldom used by residents.

I am also wondering where I can get a better image of the proposed development? I have seen the one published in the Record but it is a little difficult to read see. The plan shown on the Auburn site is the City of Kitchener study completed around all ION neighborhoods, not the specific plan they are going to develop. I have not seen any meetings planned where the neighborhood was invited in past the Feb 2018 meeting held at Cameron Heights. I have been watching the Auburn website for any meeting announcements. I would like to attend any meetings regarding this site plan.

Mike Leddy

Kitchener, On

Garett Stevenson

From: Rebecca S
Sent: Saturday, July 27, 2019 3:15 PM
To: Garett Stevenson
Subject: Re: Proposed Subdivision, Official Plan & Zoning By-law Amendments – Auburn Development (Schneiders Redevelopment)

Hi Garett,

I have a few questions about the proposed development plan. Would it be possible for someone from planning to provide a response to my questions?

- I am concerned about the limited amount of public space included in the proposed development. I understand that ~5.6ha of open space is required based on the City's Parkland dedication policy, and that only ~0.47ha of public space has been included in the plans. Why is so little public space proposed as part of the development?
- Within the J.M. Schneider Square, there are two areas identified as "depressed areas for SWM." These areas represent a significant portion of the public park. Why is the developer not responsible for treating stormwater from the development outside of lands that will be turned over to the public? This takes away from the potential use and functionality of this space. Will these lands become inundated with stormwater during rainfall events? If so, how will this affect the use of the public space.

On Thu, Jul 25, 2019 at 4:46 PM <Garett.Stevenson@kitchener.ca> wrote:

Hello,

The City's Planning and Development Consultations webpage has now been updated with materials presented at the Neighbourhood Information Meeting last week.

Please click the link below and scroll to the bottom of the page:

<https://www.kitchener.ca/en/planning-and-development-consultations.aspx>

I apologize for the delay in posting – I was experiencing some technical issues. As such, I am happy to extend the commenting deadline to August 31, 2019.

Please do not hesitate to reach out with any questions. Enjoy your summer, I will be in touch in the fall once all comments have been received and considered.

Garett Stevenson

From: Rebecca S <
Sent: Thursday, August 8, 2019 12:09 PM
To: Garett Stevenson
Subject: Re: Proposed Subdivision, Official Plan & Zoning By-law Amendments – Auburn Development (Schneiders Redevelopment)

Interesting! Thank you. Looks like there are no plans to move beyond golf uses anytime soon. It is a tremendously valuable piece of land, especially considering the densification that is planned in the surrounding neighbourhood. Any opportunity to provide access to the ~90% (or more) of the population who do not golf would be a bit win for the community.

Thanks for passing this along,
Rebecca

On Thu, Aug 8, 2019 at 11:54 AM <Garett.Stevenson@kitchener.ca> wrote:

Hello,

I have heard back from our Golf folks and received the following response:

"I anticipate Rockway Golf Course will continue to operate as a golf course for many years ahead. That doesn't mean it will be exclusively for golf. We are working with the KW Nordic Ski Club to move their winter outdoor skiing track to the golf course. We would love to add an outdoor rink as well if the weather cooperates. We will also continue to have a need for food and beverage service and banquet bookings and would be interested in exploring opportunities for a year round restaurant. We are exploring an indoor golf simulator for the post golf season."

I hope this helps to answer your question.

Thanks,

Garett

From: Rebecca S <

Sent: Saturday, July 27, 2019 11:15 AM

To: Garrett Stevenson <Garrett.Stevenson@kitchener.ca>

Subject: Re: Proposed Subdivision, Official Plan & Zoning By-law Amendments – Auburn Development (Schneiders Redevelopment)

Hi Garrett,

Thank you for your presentation the other day. This is unrelated to the Schneider development site, but I was wondering about the future of the Rockway Golf course. I understand the city is trying to expand winter uses of this site. Is there any will to explore other year-round uses for this property (other than golf)? With all the development expected in Rockway Centre in the coming decades, repurposing the golf course as parkland could serve as an important centre for this community. I understand this is city owned land, has there been any discussion at the city related to the future of this site?

Have a great weekend,

Rebecca

On Thu., Jul. 25, 2019, 4:46 p.m. <Garrett.Stevenson@kitchener.ca> wrote:

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Garett Stevenson

From: elyse vaile <elyse.vaile@cityofkitchener.ca>
Sent: Monday, September 23, 2019 8:46 PM
To: Garett Stevenson
Subject: Re: Proposed Subdivision, Official Plan & Zoning By-law Amendments – Auburn Development (Schneiders Redevelopment)

Hi Garett,

Has there been any update on the development? I just want to confirm the following questions will be answered:

- What is the plan for the service road between Grenville and Borden? As discussed we don't want this to become a regular route for people
- Traffic study to be completed for Grenville Ave
- There is a lane way connecting Ottawa and Grenville that shows up on Google Maps, this needs to be removed to prevent regular use
- Parking during construction – where will contractors park?
- Construction – please confirm there will be no construction traffic on Grenville eg. dump trucks etc.
- A bollard required for path to LRT from Grenville, we've seen a couple people try to drive down this path recently.

Thank you,
Elyse

On Thu, Jul 25, 2019 at 4:46 PM <Garett.Stevenson@kitchener.ca> wrote:

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Thanks,

Garett

Garett Stevenson, BES, RPP, MCIP

Planner | Planning Division | City of Kitchener

519-741-2200 x 7070 | TTY 1-866-969-9994 | garett.stevenson@kitchener.ca



Auburn Developments (Schneiders Redevelopment) "The Metz"
263 & 321-325 Courtland Avenue East, 230 & 240 Palmer Avenue, and 30 Vernon Avenue
Neighbourhood Information Meeting Comment Form

Thank you for attending the Neighbourhood Information Meeting. Please provide your feedback using this comment sheet. Please return (by mail, email or fax) to the address listed on the back of this form by August 15, 2019.

1. Do you have any comments on the proposed draft plan of subdivision (new roads and blocks)?

It's unfortunate there's no road access on Ho. Stirling Ave. to separate car traffic and Ion trains on Borden. That street (Borden) will be a bottleneck. ~~and potential~~

2. Do you have any comments on the proposed land use designations and zoning by-law regulations (the policies and rules/regulations that will guide future development)?

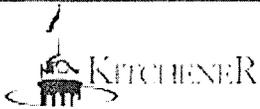
3. Do you have any additional ideas to suggest for the proposed development concept?

Need public transit connection(s) to Ion stations which are long walks away for elderly or otherwise infirm people.

4. Do you have any additional comments or concerns regarding the proposed development concept?

5. What do you think it is the single most important issue for Planning staff and Council to consider for these applications?

Your Address: _____



Please complete this section if you attended the Neighbourhood Information Meeting. The City's Planning Division appreciates your input on the meeting as well. Please circle 1 to 5 below.

1. I found the information to be presented in a clear and understandable manner.
(disagree strongly) 1.....2.....3.....4.....(5)(agree strongly)

2. I feel that my questions and concerns were heard by City staff.
(disagree strongly) 1.....2.....3.....4.....5 (agree strongly)

3. I found the meeting location and time convenient.
(disagree strongly) 1.....2.....3.....4.....(5)(agree strongly)

4. How did you find out about the Neighbourhood Information Meeting?

Notice at Mill Courtland Community Centre.

5. Do you have any other comments regarding this Neighbourhood Information Meeting?

Thank you for taking the time to fill out this form. To ensure that we receive only one set of comments from each individual, staff can only consider comments if they include a name and address. Please note that all comments and addresses noted on this form may be used as part of a public staff report; however your name and any other personal identifying information will be kept confidential in accordance with Freedom of Information regulations.

Name: David Warnica
Signature: David Warnica
Address: W. Orange St.
Phone: _____
Email: warnica.war.mca@icn.com
Date: Jul 19/15.

To learn more about the planning process, you can check out the Ministry of Municipal Affairs and Housing's publication Citizens' Guide to Land Use Planning at:
<http://www.mah.gov.on.ca/Page338.aspx>

Please Direct All Questions, Comments, and Forms to:
Garett Stevenson, Planner
519.741.2200 x 7070
garett.stevenson@kitchener.ca
City Hall, P.O. Box 1118
200 King Street West, Kitchener, Ontario N2G 4G7
FAX: 519.741.2624, TDD\TYT: 866.969.9994



Auburn Developments (Schneiders Redevelopment) "The Metz"
 263 & 321-325 Courtland Avenue East, 230 & 240 Palmer Avenue, and 30 Vernon Avenue
Neighbourhood Information Meeting Comment Form

Thank you for attending the Neighbourhood Information Meeting. Please provide your feedback using this comment sheet. Please return (by mail, email or fax) to the address listed on the back of this form by August 15, 2019.

1. Do you have any comments on the proposed draft plan of subdivision (new roads and blocks)?

I am very concerned with the plan for Olde Fashioned Way exiting to Bordon. I believe this will greatly increase traffic on Green willb & Bordon

2. Do you have any comments on the proposed land use designations and zoning by-law regulations (the policies and rules/regulations that will guide future development)?

No

3. Do you have any additional ideas to suggest for the proposed development concept?

I would like to see a larger Park and more commercial development

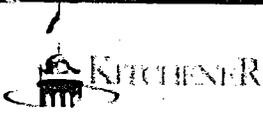
4. Do you have any additional comments or concerns regarding the proposed development concept?

Very high density for the area. I am concerned with how Courtland Ave can handle such an increase as it is very busy now

5. What do you think it is the single most important issue for Planning staff and Council to consider for these applications?

traffic Patterns & congestion

Your Address: _____, On



Please complete this section if you attended the Neighbourhood Information Meeting. The City's Planning Division appreciates your input on the meeting as well. Please circle 1 to 5 below.

- 1. I found the information to be presented in a clear and understandable manner.
(disagree strongly) 1.....2.....3.....4.....5 (agree strongly)
- 2. I feel that my questions and concerns were heard by City staff.
(disagree strongly) 1.....2.....3.....4.....5 (agree strongly)
- 3. I found the meeting location and time convenient.
(disagree strongly) 1.....2.....3.....4.....5 (agree strongly)
- 4. How did you find out about the Neighbourhood Information Meeting?

5. Do you have any other comments regarding this Neighbourhood Information Meeting?

Thank you for taking the time to fill out this form. To ensure that we receive only one set of comments from each individual, staff can only consider comments if they include a name and address. Please note that all comments and addresses noted on this form may be used as part of a public staff report; however your name and any other personal identifying information will be kept confidential in accordance with Freedom of Information regulations.

Name: Mike Luddy

Signature: *Mike Luddy*

Address:,

Phone:

Email:

Date:

To learn more about the planning process, you can check out the Ministry of Municipal Affairs and Housing's publication Citizens' Guide to Land Use Planning at:
<http://www.mah.gov.on.ca/Page338.aspx>

Please Direct All Questions, Comments, and Forms to:
 Garrett Stevenson, Planner
 519.741.2200 x 7070
garrett.stevenson@kitchener.ca
 City Hall, P.O. Box 1118
 200 King Street West, Kitchener, Ontario N2G 4G7
 FAX: 519.741.2624, TDD\TYT: 866.969.9994

Craig Dumart

From: Mike Leddy ✓
Sent: Friday, August 26, 2022 12:07 PM
To: Craig Dumart
Cc: Debbie Chapman
Subject: Re: The Metz

Hey Craig

Thanks for the call to discuss the traffic planning. It is disappointing that access to Borden is deemed necessary for emergency services. I still believe the 3 other access to the site at Palmer, Kent and Vernon should suffice. Asso, it looks like the Old Fashioned way is a divided road, so it's hard to understand how an accident could block all those roads.

I would like to understand the traffic calming that was proposed at the meeting. Specifically the traffic calming on the road connecting Borden and Grenville, Making the connecting road from Bordan to Grenville Ave feel like a walking path would be the ultimate solution. Having a commitment from the City on these measures rather than just a proposal would also alleviate my concerns.

On the plan to make the Old Fashioned Way exit to Bordan, how long will it be one way? Is it a single lane exit and for how far? Have these provisions been committed to or likely to change as well?

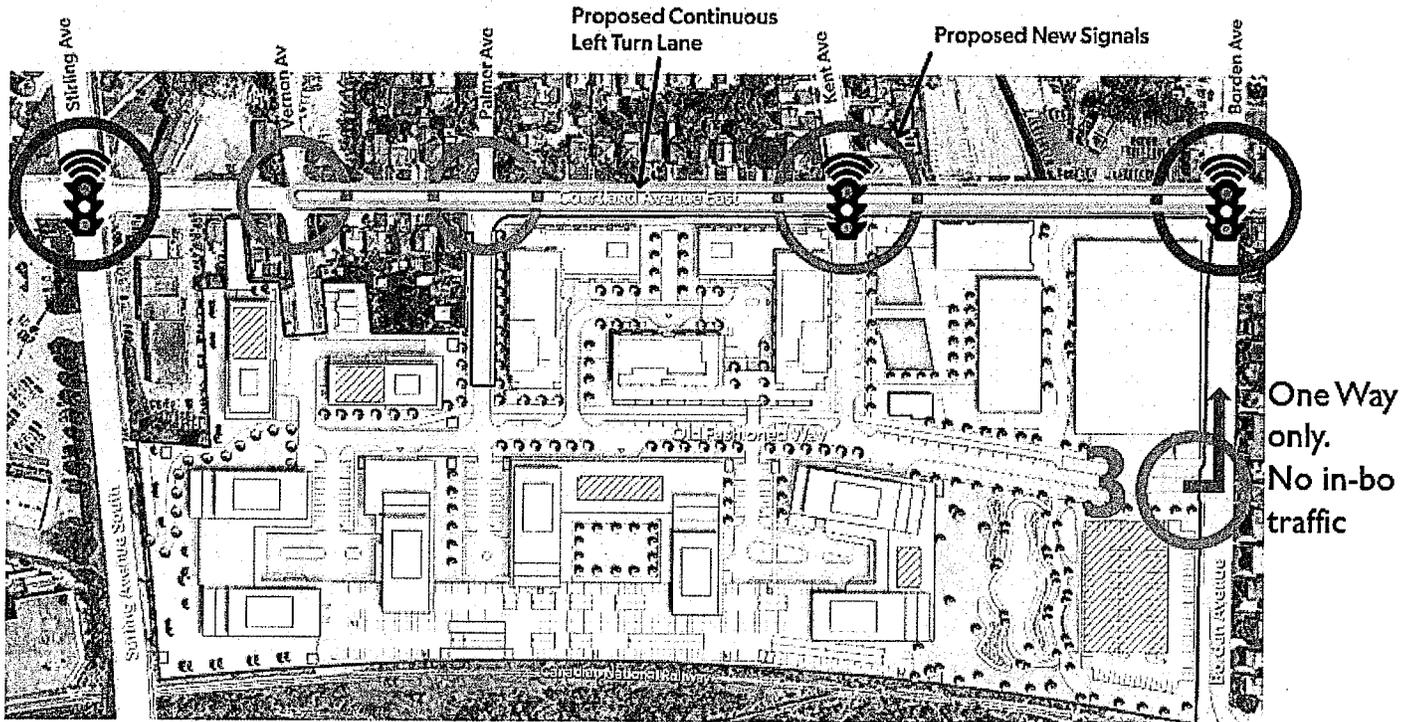
Mike

On Fri, Aug 26, 2022 at 11:00 AM Craig Dumart <Craig.Dumart@kitchener.ca> wrote:

I have availability 11-11:15 this am. I was hoping to provide some clarification on the proposed road networks as there may be some confusion on what is proposed as there are exits to and from the site at Vernon and Palmer Avenue and Kent Avenue (see below).

Traffic Impact Study - Recommendations

- 1 = Continuous Left Turn Lane along Courtland from Vernon to Borden
- 2 = New signalized intersection at Courtland and Kent
- 3 = Out-bound traffic only from Olde Fashioned Way to Borden



Craig Dumart, BES, MCIP, RPP

Senior Planner | Planning Division | City of Kitchener
 (519) 741-2200 ext 7073 | TTY 1-866-969-9994 | craig.dumart@kitchener.ca



Want to know more about planning? short videos mapping tool walking tours and more!

Hi mike,

Are you available today or later in the week next week to discuss (I am off Monday-Wednesday) I would be happy to set up a call to discuss the proposal with you.

Craig

Get Outlook for iOS

From: Mike Leddy
Sent: Thursday, August 25, 2022 12:20:20 PM
To: Debbie Chapman <Debbie.Chapman@kitchener.ca>; Craig Dumart <Craig.Dumart@kitchener.ca>
Subject: The Metz

You don't often get email from
Hello Counselor Chapman

[why this is important](#)

I have to say, I was very disappointed that at this stage of the project, there is still no concrete plan to deal with traffic concerns on Borden and Grenville. There are some loose proposals, but nothing concrete. I firmly believe people from this project will treat our streets as their driveway, and probably a high speed one at that. We go "maybe's", but not solutions to concerns brought up over 2 years ago. No left turns from Courtland to Borden would incentivize cars to use Grenville even more to gain access to Old Fashioned Way. There needs to be some concrete deterrence put into place to stop cars from using that cut through from Grenville to Borden. Putting a "no left turn" at the Old Fashioned Way-Borden intersection will have little effect on people doing just that. Making Courtland to Borden a "no left turn" intersection will only incentivize the cut through of Grenville especially if there is congestion on Courtland. I looked at the traffic report and Grenville is mentioned at all.

This is a very large development, with a great deal of residents, which does not really fit into the surrounding neighbourhood. It will have a significant impact on our neighbourhood, I am simply asking to know what the actual plan will be to address traffic concerns to alleviate our concerns of suddenly living on an arterial road.

Here is a concrete solution-eliminate the access to Borden altogether and direct all traffic to Courtland and if that is insufficient figure out a way to get the traffic to the next arterial road-Stirling ave. Why must our enjoyment of

our quiet-dead end street now be comprised for this development. Short of that, lets see something concrete put out there.

35% of the inhabitants not using cars seems wildly optimistic. Especially if they are putting 3000 parking spots on the site with 2400 units. should it not be 1600 parking spots?

Mike Leddy

NOTICE OF PUBLIC MEETING

for a development in your neighbourhood

263 & 321-325 Courtland Ave. E., 230-240 Palmer Ave. and 30 Vernon Ave.



Concept Drawing



Mixed
Use



3 to 38
Storeys



3338
Residential
Units

The City of Kitchener will consider applications for a Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment for the subject lands located at 263 & 321-325 Courtland Ave. E., 230 & 240 Palmer Ave. and 30 Vernon Ave. The Owner is proposing to comprehensively redevelop the lands into a mixed-use community with residential, commercial, and employment uses. Three existing buildings are proposed to remain, including the 6 storey office building, the large distribution warehouse building, and the former maintenance garage. The existing buildings will be re-purposed for a mix of employment uses. **New** buildings are proposed to range from 3 to 38 storeys in height. In total, approximately 3338 residential units, including 135 affordable units are proposed in various forms throughout the site.

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Have Your Voice Heard!

Planning & Strategic Initiatives Committee

Date: **June 19, 2023**

Location: **Council Chambers,
Kitchener City Hall
200 King Street West
or Virtual Zoom Meeting**

Go to **kitchener.ca/meetings**
and select:

- Current agendas and reports
(posted 10 days before meeting)
- Appear as a delegation
- Watch a meeting

To learn more about this project, including
information on your appeal rights, visit:

**[www.kitchener.ca/
PlanningApplications](https://www.kitchener.ca/PlanningApplications)**

or contact:

Craig Dumart, Senior Planner
craig.dumart@kitchener.ca
519.741.2200 x7073

REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: June 19, 2023

SUBMITTED BY: Garrett Stevenson, Interim. Director of Planning, 519-741-2200 ext. 7070

PREPARED BY: Brian Bateman, Senior Planner, 519-741-2200 ext. 7869

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: May 25, 2023

REPORT NO.: DSD-2023-260

SUBJECT: 130-140 Highland Road East
Official Plan Amendment Application OPA22/016/H/BB
Zoning By-law Amendment Application ZBA22/028/H/BB
Owner: 270 Development Inc.

RECOMMENDATION:

That Official Plan Amendment Application OPA22/016/H/BB for 270 Development Inc. be adopted, in the form shown in the Official Plan Amendment attached to Report DSD-2023-260 as Attachments A, and, accordingly, forwarded to the Regional Municipality of Waterloo for approval; and,

That Zoning By-law Amendment Application ZBA22/028/H/BB for 270 Development Inc. be approved in the form shown in the Proposed By-law and Map No. 1, attached to Report DSD-2023-260 as Attachments 'B'; and further,

That the Urban Design Brief prepared by MHBC Planning, (Revised dated April 2023), attached as Attachment 'C' to report DSD-2023-260 be endorsed, and that staff be directed to implement the Urban Design Brief through future Site Plan Approval processes.

REPORT HIGHLIGHTS:

The purpose of this report is to evaluate and provide planning recommendations regarding the Official Plan Amendment and Zoning By-law Amendment applications requested by 270 Spadina Inc. for the subject lands, addressed as. 130-140 Highland Road West and 270 Spadina Avenue. It is Planning staff's recommendation that the Official Plan Amendment be adopted and the Zoning By-law Amendment be approved.

The proposed amendments will support the creation of a high-rise residential development with a building height of 17 storeys, 211 dwelling units, commercial space and ground floor live/work units, within a Neighbourhood Node. As a Neighbourhood Node, this site is planned for intensification. Additionally, 130 Highland Road West is a former gas station and through the re-development, the lands will be cleaned up and remediated.

Community engagement included:

- Circulation of a preliminary notice postcard to property owners and occupants within 240 metres of each of the subject lands;

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

- Installation of billboard notice signs;
 - Virtual neighbourhood meeting held on February 9, 2023;
 - Postcard advising of the statutory public meeting was circulated to all property owners and occupants within 240 metres of the subject lands, those who responded to the preliminary circulation, and those who attended the neighbourhood meeting;
 - Notice of the public meeting was published in The Record on May 26, 2023.
- This report supports the delivery of core services.

EXECUTIVE SUMMARY:

Official Plan and Zoning By-law Amendment applications have been submitted for the redevelopment of properties municipally known as 130 and 140 Highland Road East. The site includes the recently refurbished Phase 1 building and Phase included a 6-storey addition to the existing 6-storey multiple dwelling, which is currently under construction, on the portion of the subject lands known as 270 Spadina Road East. Phase III of the redevelopment (the subject of this report) will include the development of the portion of the lands known as 130-140 Highland Road East with a 17-storey purpose built rental multiple residential building located at the corner of Highland Road West and Spadina Avenue. The subject lands are legally described as Part Lot 366 Subdivision of Lot 17 German Company Tract German Company Tract Part Lot 2 of Plan 183 in Kitchener. Planning staff is recommending that the Official Plan Amendment be adopted, and the Zoning By-law Amendment be approved.

REPORT:

The subject lands are located on the northwest corner of the intersection of Highland Road East and Spadina Road East and are bounded by residential lots to the west, a mix of commercial and residential lands to the south, residential lands to the east, and parkland to the north.

The subject lands have a total land area of approximately 0.92 hectares (2.26 acres). A portion of the subject lands have been vacant (140 Highland Road East) for several years and is the site of a former gas station. The portion of the subject land currently occupied by a single storey chiropractor's office (130 Highland Road East), is proposed to be demolished. Phase III is illustrated on Figure 2 below.

Phase III of the proposal includes the re-development of the subject lands to a medium to high density residential use consisting of a seventeen (17)-storey (51.2 metres in height) rental apartment building with 211 dwelling units comprised of 1 and 2 bedroom units, as well as 1 and 2 bedroom with optional dens, 4 live/work units and 98 square metres of commercial floor space. A Floor Space Ratio (FSR) of 5.17 is proposed for the site. The FSR has changed from what was originally submitted and advertised at 3.17. The development proposal has not changed, however.

The initial proposal had included the 270 Spadina Avenue property, and it has been determined the owner is unable to consolidate 270 Spadina Avenue with 130 and 140 Highland as first proposed. This reduces the lot area resulting in an increase in FSR. As a result, only 130 and 140 Highland Road East are now included in the applications to amend the Official Plan and Zoning By-law. 270 Spadina Avenue will retain its existing land use designation and zoning.

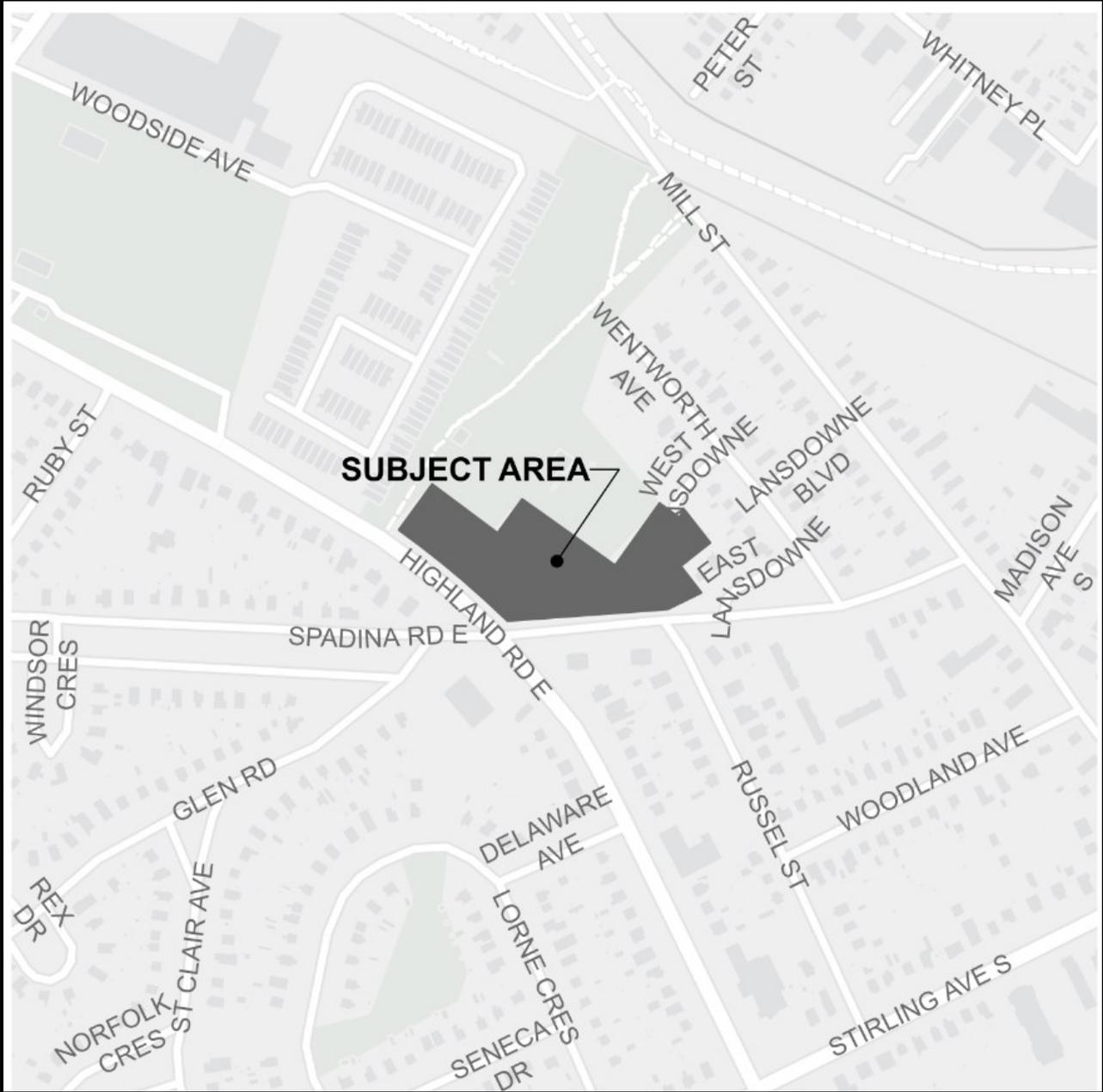


Figure 1 – Subject Property



Figure 3 – Conceptual renderings showing: 1. Top view - the proposed development looking from the intersection of Highland and Spadina; 2. Bottom view (left) - rear view of building (note the large step back at 11-storeys) and 3. Bottom view (right) - is a side view of the building looking from Highland Road nearest the In-Town development to the west of the subject property. (Vive Developments)

Through the pre-application process, the owner worked to address the concerns of staff regarding compatibility and activation of uses at the corner and along Spadina Avenue. In the opinion of staff, the conceptual plan has effectively addressed these matters. Height and massing have been pulled

away from low-rise residential lands to the west with the introduction of a significant step back of the building at 11 storeys. This design feature concentrates height and massing to the middle of the site. This is evident on Figure 3. Also, there are no balconies facing the adjacent low rise residential use, in response to concerns of overlook into rear yards. Spadina Avenue has been activated with commercial and live/work type units along the frontage.

To facilitate the redevelopment of the subject lands, the applicant is requesting an Official Plan Amendment (OPA) and a Zoning By-law Amendment (ZBA). The purpose of the OPA is to re-designate the subject lands from 'Low Density Commercial Residential to 'High Density Commercial Residential with Special Policy Area 16' in the Mill-Courtland Woodside Park Neighbourhood Secondary Plan. The redevelopment of this site proposes the construction of a building having a height of 17 storeys (51.2 metres) not including roof top mechanicals; a FSR of 5.17 and parking at a ratio of 0.59 parking spaces per dwelling unit to facilitate the proposed development. As mentioned previously, 270 Spadina Avenue has now been excluded which has resulted in revised FSR and parking figures. The proposed development remains unchanged so therefore the revisions to the OPA and ZBA are technical in nature.

The purpose of the ZBA is to change the zoning from "Commercial Residential One (CR-1)" to Commercial Residential Three (CR-3) with Special Regulation 791R and Holding Provision 103H. The new zoning will implement the proposed development such as an increased Floor Space Ratio (FSR), reduced side yard and side yard abutting a street, and reduced parking/visitor parking. Details of the proposed zoning will be discussed in a later section of the report.

Provincial Policy Statement, 2020:

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Section 1.4.3 (b) of the PPS promotes all types of residential intensification, and sets out a policy framework for sustainable, healthy, liveable and safe communities. The PPS promotes efficient development and land use patterns, as well as accommodating an appropriate mix of affordable and market-based residential dwelling types with other land uses, while supporting the environment, public health and safety. Provincial policies promote the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

To support provincial policies relating to the optimization of infrastructure, transit and active transportation, the proposed land use designation and zoning for the subject facilitate a compact form of development which efficiently uses the subject lands. Also, the lands are within close proximity to transit, including three local bus routes (Route 1 and 16 and iXpress 204).

Additionally, the lands are within proximity to the Iron Horse Trail and several local parks including Highland Courts Park, Veterans Green and Woodside Park, the ION and the Mill-Courtland Community Centre. The proposed development would make efficient use of existing services and adjacent arterial roadway, Highland Road, and nearby Queen Street.

Provincial policies support the provision of a broad range of housing, noting that the applicant advises the development would be a purpose-built rental project, consisting of one- and two-bedroom units with or without dens.

Planning staff is of the opinion that the requested amendments will facilitate the redevelopment of the subject lands on Highland Road East with high-density development that is compatible with the surrounding area, will contribute towards achieving a complete community, is transit supportive and will make use of the existing infrastructure. No new public roads would be required for the proposed development and Engineering staff has confirmed there is capacity in the sanitary sewer to permit intensification on the subject lands.

Based on the foregoing, staff is of the opinion that the requested amendments conform to the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan):

The Growth Plan supports the development of complete and compact communities that are designed to support healthy and active living, make efficient use of land and infrastructure, provide for a range and mix of housing types, jobs, and services, at densities and in locations which support transit viability and active transportation.

Policy 2.2.6.1(a) states that municipalities will support housing choice through the achievement of the minimum intensification and density targets in this plan by identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents.

Policies 2.2.1.4 states that applying the policies of the Growth Plan will support the achievement of complete communities that:

- feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
- improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
- provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- expand convenient access to:
 - a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
 - public service facilities, co-located and integrated in community hubs;
 - an appropriate supply of safe, publicly accessible open spaces, parks, trails, and other recreational facilities; and
 - healthy, local, and affordable food options, including through urban agriculture;
- provide for a more compact built form and a vibrant public realm, including public open spaces;
- mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and
- integrate green infrastructure and appropriate low impact development.

In addition, the Growth Plan supports planning for a range and mix of housing options and higher density housing options that accommodate a range of household sizes in locations that provide access to transit and other amenities.

The subject lands are within proximity to transit, parks, trails, and a community centre. Therefore, the proposed development will provide a diversity of housing, will utilize existing servicing and infrastructure more efficiently and effectively thereby achieving a complete and compact community.

Planning staff is of the opinion that the requested amendments conform to the Growth Plan.

Regional Official Plan (ROP):

Urban Area policies of the ROP identify that the focus of the Region's future growth will be within the Urban Area. The subject lands are designated Built Up Area in the ROP. The proposed development conforms to Policy 2.D.1 of the ROP since this area provides for the physical infrastructure and community infrastructure to support the proposed development, including transportation networks, municipal drinking-water supply and wastewater systems, and a broad range of social and public health services. Regional policies require Area Municipalities to plan for a range of housing in terms

of form, tenure, density and affordability to satisfy the various physical, social, economic and personal support needs of current and future residents.

ROP Amendment 6 was recently approved by the Province that sets a new region-wide intensification target of a minimum of 60 percent of new residential development to occur annually within the delineated built-up area. As well, it seeks to achieve transit-supportive development throughout the Urban Area with a diverse mix of land uses, housing types and open spaces in proximity to each other and a more vibrant Urban Area characterized by more compact development patterns. The proposed development will provide for a more compact built form on the subject lands, is located near within walking distance of several transit stops and recreational open space areas and contributes to a diverse mix of housing types in the surrounding neighbourhood.

The requested amendments would facilitate development that is well supported by hard and soft infrastructure and services. The proposed developments would provide rental housing at a higher density along with commercial use via live/work units.

Regional staff supports the request and has indicated it has no objections to the proposed applications and have requested a holding provision to require detailed transportation and stationary noise study and a Record of Site Condition Geothermal wells are not permitted.

Planning staff is of the opinion that the requested amendments conform to the Regional Official Plan.

City of Kitchener Official Plan

Urban Structure

The Official Plan establishes an Urban Structure for the City of Kitchener and provides policies for directing growth and development within this structure. Intensification Areas are targeted throughout the Built-up Area in key locations to accommodate and receive the majority of development or redevelopment for a variety of land uses. Primary Intensification Areas include the Urban Growth Centre (Downtown), Major Transit Station Areas, City Nodes, Community Nodes, and Urban Corridors, per Policy 3.C.2.3 of the Official Plan. As per policy 3.C.2.4, Secondary Intensification Areas are Neighbourhood Nodes and Arterial Corridors. These areas may experience intensification at a smaller scale. Such intensification may be permitted provided that the planned function of the structure component is not compromised.

The portion of the subject lands that are addressed as 130-140 Highland Road West are located within a Neighbourhood Node in the 2014 Kitchener Official Plan, while 270 Spadina Avenue is located within the Community Area.

Neighbourhood Nodes are identified as a Secondary Intensification Areas in the City of Kitchener's Official Plan on Map 2 – Urban Structure. As per 3.C.2.4, Secondary Intensification Areas may experience intensification at a smaller-scale and include Neighbourhood Nodes, Arterial Corridors and other site-specific opportunities. Such intensification may be permitted provided that the planned function of the structure component is not compromised.

The planned function of Neighbourhood Nodes is to serve the day-to-day commercial needs of surrounding residential areas and are encouraged to be cycling and pedestrian friendly. Within an area identified as a Neighbourhood Node the applicable land use designations may include Mixed Use and/or Commercial. The implementing zoning may impose a minimum and/or maximum percentage or amount of floor space for residential and/or non-residential uses to ensure an appropriate combination of uses and to achieve the planned function of Neighbourhood Nodes. The proposed development is planned for mixed use, providing 4 live/work units, 97 square metres of commercial floor space and 211 purpose-built rental dwelling units through Phase III re-development plans.

Planning staff is of the opinion that the proposal will help to increase density in an area well served by nearby transit while ensuring development directly fronting Highland Road West is pedestrian- and transit- friendly. The development proposal has been designed so that height and massing are located within the middle of the site further away from Low Rise Residential located west of Highland Court Park and across Highland Road from a gas station and nearby commercial plaza. In this way, the proposal is context sensitive to surrounding lands. The proposal also provides for live/work units and 97 square metres of commercial floor space that not only activates the Spadina Avenue streetscape but also supports the planned function of the node.

Planning staff is of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment will support a development that complies with the City's Neighbourhood Node policies and contributes to the vision for a sustainable and more environmentally friendly city.

Housing Policies

Section 4.1.1 of the City's Official Plan states that it is a City objective to provide for an appropriate range, variety and mix of housing types and styles, densities, tenure and affordability to satisfy the varying housing needs of the Kitchener community through all stages of life. In addition, 4.C.1.12. states that "The City favours a land use pattern which mixes and disperses a full range of housing types and styles both across the city as a whole and within neighbourhoods." The development proposed for the subject lands will increase the range of dwelling units available in the city, and within the neighbourhood. The site development concept includes a mix of 1-, and 2- bedroom, with or without dens, rental units. The range of unit types in this location will appeal to a variety of household needs. The mixed-use nature of the proposed redevelopment as well as the building form will assist in achieving complete community.

Housing policies in Section 4 of the Official Plan also support infill redevelopment to make better use of the City's existing infrastructure, to provide a variety and integration of different forms of housing while ensuring compatibility and mitigation of impacts are achieved with existing surrounding development. Given location on a Major Community Collector Road, surrounding context, Provincial, Regional and City policy direction, and design considerations that incorporate building step backs, staff is of the opinion that the proposed Official Plan Amendment from "Low Density Commercial Residential" and "Medium Density Multiple Residential" to "High Density Commercial Residential" is appropriate and in the public interest.

Existing and Proposed Land Use Designation – Mill Courtland Woodside Park Secondary Plan (MCWPSP)

According to the Official Plan, eight of the City's ten Secondary Plans contain lands that are located within the Major Transit Station Areas as shown on Map 2 and are proposed to be reviewed as part of the City's Station Area Planning exercise outlined in Policy 3.C.2.18. Policy 16.D.1.2. states that it is intended that the land use polices and land use designations in the secondary plans that contain Rapid Transit Station Stops will be reviewed and revised upon the completion of Station Area Plans wherein it will be determined what changes, if any, need to happen to implement the planned function of Major Transit Station Areas. Through the Neighbourhood Planning Review, and now the Growing Together Project, this work is underway but has been on hold pending the update to the Region's Official Plan and several Provincial directives. The proposed plan is to remove the subject lands from the Secondary Plan and designate it Mixed Use. However, until that process is finalized these lands remain as part of the MCWPSP.

According to the Mill Courtland-Woodside Park Secondary Plan the subject lands are designated "Low Density Commercial Residential". "Low Density Commercial Residential" permits multiple residential uses to a maximum density of 100 units per hectare with a Floor Space Ratio of 1.0 or one times the lot area coverage in above ground building floor area. The intent of this designation is to recognize existing areas of small scale commercial and residential development and to allow for

low rise, low density residential redevelopment of such areas with commercial, institutional, and residential uses. Commercial and residential uses may be located within one building or as separate buildings.

The proposed OPA will redesignate the subject lands from “Low Density Commercial Residential” to “High Density Commercial Residential”. The proposed “High Density Commercial Residential” will permit a maximum Floor Space Ratio of 5.17 rather than the 4.0 that is permitted by the land use designation. This is reflected in the proposed Special Policy for these lands.

The intent of the “High Density Residential Commercial” designation is to allow for higher density redevelopment to a mix of uses including multiple residential, office, institutional, and limited commercial uses on Arterial and Collector roads which lead to and from the Downtown. Residential densities are permitted to exceed 200 units per hectare provided the FSR of 4.0 is not exceeded. The addition of the proposed Phase III building, the overall density of the site of 5.17 FSR does exceed the maximum permitted FSR of 4.0. An increase in FSR over 4.0 is appropriate at this location because it is within a Neighbourhood Node and is within walking distance to many amenities and public transportation. The proposed third phase of the development proposes a mix of 211 residential units, 97 square metres of commercial floor space and 4 live work units on the ground floor and first storeys of the 5 storeys podium for the 17-storey building. The live work units will activate the streetscape, provide neighbourhood scaled commercial uses, and they meet the criteria in Sections 4.C.1.37- 4.C.3.40 of the Official plan as they are of an appropriate massing and scale that is in keeping with the character with the neighbourhood.

Urban Design

The City’s Urban Design policies are outlined in Section 11 of the City’s OP. In the opinion of staff, the development proposed for the subject lands on Highland Road East meets the intent of these policies, specifically: Streetscape; Safety; Universal Design; Site Design; Building Design, and Massing and Scale Design. To address these policies, an Urban Design Brief was submitted and has been reviewed by City staff. The Urban Design Brief outlines the vision and principles guiding the site design and informs the proposed zoning by-law regulations.

Streetscape – The proposed building and primary building entrances will be oriented towards the street and will support the character of the surrounding area. The proposed development will have direct access to the public sidewalk, landscaping along street frontages, and a visually appealing building façade that enhances the public realm experience. Active uses at grade will activate the streetscape. The building design will be compatible with the surrounding streetscape, with regard to scale, placement, materials, and landscape and architectural features.

Safety – As part of the site plan approval process, staff will ensure Crime Prevention Through Environmental Design (CPTED) principles are achieved and that the site meets the Ontario Building Code and the City’s Emergency Services Policy.

Universal Design – The development will be designed to comply with Accessibility for Ontarians with Disabilities Act and the Ontario Building Code.

Skyline – The proposed tower will provide a new feature on the City’s skyline within the area. The proposed building will create visual interest from several different vantage points.

Site Design, Building Design, Massing and Scale – The subject site is designed to have buildings that are developed at a scale that is compatible with the existing and planned built form for the surrounding area. The building has been designed so that height and massing are concentrated in the center of the site and away from the low rise built form. It is corner site and commercial uses activate on Highland Road East? (N Node) Spadina Avenue. The primary vehicular access is on

Highland Road, which is a major roadway. Parking is both surface (for visitor) and underground for residents.

Tall Building Guidelines

The has also been reviewed for compliance with the City's Design for Tall Buildings Guidelines (part of the City's Urban Design Manual). The objective of this document is to:

- achieve a positive relationship between high-rise buildings and their existing and planned context;
- create a built environment that respects and enhances the city's open space system, pedestrian and cyclist amenities and streetscapes;
- create human-scaled pedestrian-friendly streets, and attractive public spaces that contribute to livable, safe and healthy communities;
- promote tall buildings that contribute to the view of the skyline and enhance orientation, wayfinding and the image of the city;
- promote development that responds to the physical environment, microclimate and the natural environment including four season design and sustainability; and,
- promote tall building design excellence to help create visually and functionally pleasing buildings of architectural significance.

Shadow Impact Study

A Shadow Analysis was provided within the Urban Design Brief. According to the Design for Tall Building Guidelines, a shadow analysis is meant "to demonstrate how a proposed development is designed to mitigate unwanted microclimatic impacts" and directs that daily access to at least 5 hours of cumulative direct sunlight to nearby sidewalks and open spaces should be maintained under equinox conditions.

Overall, the study demonstrates there are significant continuous periods of no shadowing impact from the proposed building on surrounding properties; over 5 hours of cumulative direct sunlight are provided to nearby sidewalks and open space. Staff is satisfied with the findings of the analysis.

Wind Study

The owner completed a pedestrian level wind preliminary impact assessment for the subject lands on Highland Road East. This assessment was reviewed by Urban Design staff. The assessment concludes the development is not expected to have significant wind influence on neighbouring properties. Wind control features will be required through the future site plan application and a full Wind Assessment will be required and reviewed at this future stage. Any mitigation measures to address pedestrian level wind impacts will be implemented through the site and building design through the site plan approval process.

Planning staff recommends endorsement of the Urban Design Brief for the subject lands and directly staff to implement the design brief at the site planning stage.

Transportation and Parking Policies

The Official Plan supports an integrated transportation system which incorporates active transportation, allows for the movement of people and goods and promotes a vibrant, healthy community using a combination of land use designations and urban design initiatives that make a wide range of transportation choices viable. As aforementioned, the subject lands are located at the corner of Highland Road East (Major Community Collector Street) and Spadina Avenue (Minor Community Collector Street) and adjacent to three bus routes. It is also within walking distance to the Iron Horse Trail, the downtown and ION. The subject proposal will support current and future transit service and build transit ridership.

Parking policies in Section 13 of the Official Plan are to ensure adequate parking standards and regulations are in place and enforced and to reduce parking space demand in support of active

transportation and transit and potential redevelopment of surface parking lots especially in intensification areas. The City may however consider adjustments to parking requirements for properties within an area or areas, where the City is satisfied that adequate alternative parking facilities are available, where developments adopt transportation demand management (TDM) measures or where sufficient transit exists or is to be provided. In that regard, a TDM assessment was submitted as part of the Traffic Impact and Parking Study by the applicant in support of a request to have a lowered parking rate with the proposed development. This report was reviewed by Transportation Planning staff and the proposed parking rate is supported. Residents or visitors to this development have several different alternative modes of transportation available to them, therefore reducing dependency on a private motor vehicle. Below is a list of those alternative modes of transportation.

- Cycling - access to the Iron Horse Trail less than 400m from the site
- Pedestrian walkability - concrete sidewalks are both sides of roadways in the surrounding area and provides access to the downtown and St. Mary's hospital.
- Grand River Transit Route #1 and #16, and iXpress route 204 are less than 200 metres from the site, providing access within the Region of Waterloo to major destinations including Uptown Waterloo, Conestoga Mall and Fairway Park Mall.

Transportation Demand Management (TDM) strategies include unbundled parking and that a total of 91 bicycle parking spaces are being provided and should be allocated as follows:

- 85 Class A bicycle parking spaces.
- 6 Class B bicycle parking spaces.

Sustainable Development

Section 7.C.4.1 of the City's Official Plan ensures developments will increasingly be sustainable by encouraging, supporting and, where appropriate, requiring:

- a) compact development and efficient built form;
- b) environmentally responsible design (from community design to building design) and construction practices;
- c) the integration, protection and enhancement of natural features and landscapes into building and site design;
- d) the reduction of resource consumption associated with development; and,
- e) transit-supportive development and redevelopment and the greater use of other active modes of transportation such as cycling and walking.

The applicant submitted a Sustainability Statement in support of the development proposed for the subject lands on Highland Road West. Environmental Planning staff reviewed this statement and supports the proposals since several sustainable measures have been proposed or are being considered for the development. As part of a future site plan application, a Sustainability Statement will be required which will further explore and/or confirm additional sustainability measures that are best suited to the development.

Official Plan Amendment Conclusions

Based on the above noted policy analysis, Planning staff is of the opinion that the requested Official Plan Amendment represents good planning and recommends that the requested Official Plan Amendment be adopted.

Proposed Zoning By-law Amendment to Zoning By-law 85-1:

The 'Commercial-Residential Three Zone (CR-3)' with Special Regulation Provision 791R and Holding Provision 103H is proposed for the entire subject lands. The proposed CR-3 zone with

Special Regulation 791R will permit a maximum height of 17 storeys or 51.2 metres (not including roof top mechanicals), a Floor Space Ratio (FSR) of 5.17 for the entire site, a parking reduction of 0.59 parking spaces per dwelling unit, a minimum building step back above the 11th storey of 3.0 metres and front yard, side yard and exterior side yard setback reductions are proposed given the irregular lot configuration and layout of development. These are detailed below in Table 1. The numbers in red note deficiencies in zoning and where a site-specific request has been made.

Table 1- Zoning Compliance Review

Regulation	Proposed	Proposed CR-3 with Special Regulation Provision	Complies	Justification
Minimum Floor Space Ratio	5.17	1.0	Y	
Maximum Floor Space Ratio	5.17	4.0	N	The Neighbourhood Node designation along with other policies support additional density.
Minimum Lot Width	84.2 m	15 m	Y	
Minimum Front Yard	0.0 m	3.0 m	N	As a corner property within an urban in context, the setback allows the building to be closer to the street edge to create a pedestrian oriented streetscape.
Minimum Side Yard Abutting a Street	0 m	3.0 m	N	The building setback varies along the Highland Road street edge to create visual interest. As a corner property within an urban in context, the setback allows the building to be closer to the street edge to create a pedestrian oriented streetscape.
Minimum Side Yard	5.8 m	1.2 m	Y	
Minimum Rear Yard	9.5 m	7.5 metres or one half the building height, whichever is greater shall be required.	Y	
Height	Max. 17 storeys or 52 m	No height limit	Y	
Minimum Landscaped Area	**	10 percent of lot area	TBD	Will be determined at the site planning stage – no

				reduction is being sought.
Maximum total gross leasable commercial space for personal services and convenience retail	97 sq. m	Not in excess of 20 percent of the gross floor area and in no case in excess of 550.0 sq. metres of gross leasable commercial space	Y	
Parking & Visitor Parking	0.59 parking spaces/dwelling unit and .089 visitor parking spaces/dwelling unit	1.25 parking spaces/dwelling unit inclusive of a .20 visitor parking spaces/dwelling unit	N	Transportation policy in the OP supports parking reductions in key areas of the City using TDM measures given proximity to transit and trails. Furthermore, a Parking Study was submitted to justify reduced parking rates at this location that has been supported by Transportation Planning.

Based on the above, the requested Zoning By-law Amendment is appropriate, permits residential intensification on an underutilized lot, and aligns with the proposed Official Plan Amendment.

Holding Provision (103H)

The Region has requested that a holding provision be included in the zoning by-law amendment until such time as a detailed noise study has been submitted and that a Record of Site Condition be acknowledged by the Province. In addition, staff is recommending that a Holding Provision (103H) be applied to address a request by the owner to use Highland Courts Park entrance off Highland Road to access visitor parking spaces located to the rear of the proposed building. No decision has been made. This request will be evaluated through a separate City process but is subject to a Holding Provision. The intent of the Holding Provision is to ensure adequate terms are established for the requested property right, to the satisfaction of Council, prior to the holding provisions being lifted. Should access not be granted by the City, the owner will have to re-configure the surface parking component accordingly. This would not alter the proposed land use designation being sought and the applications can be considered in advance of the final determination of the access.

Department and Agency Comments:

Circulation of the OPA and ZBA was undertaken in January 2023 to all applicable City departments and other review authorities. All concerns have been addressed through changes to the proposal through the application review or through recommended holding provisions. Copies of the comments are found in Attachment 'E' of this report.

The following list represents a summary of primary reports and studies that were considered as part of the requested OPA and ZBA:

- A Planning Justification Report, prepared by MHBC Planning, dated November 2022;
- An Urban Design Brief, prepared by MHBC Planning, dated November 2022;

- An Architectural package, including the Site Plan, truck movement plan, elevations, and floor plan drawings, prepared by NEO Architecture Inc., dated November 22nd 2022;
- An Existing Conditions, Removals, and Sediment & Erosion Control Plan, prepared by Strik Baldinelli, & Moniz, dated October 2022;
- A Servicing Feasibility Study, prepared by Strik, Baldinelli & Moniz, dated October 24th, 2022;
- A Wind Study, prepared by the Boundary Layer Wind Tunnel Laboratory at Western University, dated October 14th 2022;
- A Shadow Study, prepared by NEO Architecture Inc., dated October 2022;
- A Noise Feasibility Study, prepared by HGC Engineering and dated October 18th, 2022;
- A Traffic Impact Study and Parking Justification Study, prepared by Paradigm, dated October 2022; and,
- A Tree Preservation Plan, prepared by Aboud & Associates Inc., dated October 20

Community Input & Staff Responses

WHAT WE HEARD

- 
693 households (occupants and property owners) were circulated and notified
- 
Approximately 32 people/households provided written comments
- 
A City-led Neighbourhood Meeting was held on February 9, 2023 and approximately 40 different users logged on

In response to community circulation related to the subject lands, staff received written responses from 32 households, which are included as Attachment ‘F’. Most of the comments received expressed concerns with the development proposal although there were several comments in support. A Virtual Neighbourhood Meeting was held on February 9, 2023. In addition, staff had follow-up one-on-one correspondence with members of the public.

A high-level summary of what staff heard from the community regarding the proposal for the subject lands on Lancaster, along with staff responses, are noted below:

What Staff Heard from the Community	Staff Response
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<p><u>Transportation Concerns:</u></p> <ul style="list-style-type: none"> • Road systems already overwhelmed, especially intersection of Highland/Spadina • Limited transit and pedestrian options • Pedestrian conflicts with residents and visitor wanting to use Highland Courts Park's access • Increased traffic and pollution on Highland Road E. 	<p>A Transportation Impact Study (TIS) was submitted and reviewed and supported by the City's Transportation staff. It notes that the intersection of Highland Road and Spadina Road is forecast to operate under capacity with the proposed development in place. The TIS indicates that the southbound queues on Highland Road extend beyond the proposed access location under existing conditions but queues disperse quickly during each signal cycle. The proposed development is anticipated to make up approximately 6% of the southbound forecast volumes on Highland Road between the proposed access and signalized intersection at Spadina Avenue.</p> <p>The subject lands are served by transit, noting that the lands are located on three local bus routes (Routes #1, 16, and iXpress 204).</p> <p>The City will take into consideration potential pedestrian conflicts with vehicles in its assessment of the owners request to use the park access and in the design of all vehicles accesses through the site planning process.</p> <p>The development is seeking a reduction in parking so fewer vehicles will be coming to the site. In addition, the parking will be unbundled from the units. That means not every unit will have parking</p> <p>It is anticipated that the traffic generated by the proposed development will form approximately 5% of total traffic on Highland Road and less than 2% on Spadina Road. Highland Road and Spadina Road are forecast to operate under capacity.</p>
<p><u>Built Form & Character Concerns:</u></p> <ul style="list-style-type: none"> • The proposal is incompatible in terms of scale, height, and density • The existing character and charm of the area will be impacted negatively. • This is not compatible with the surrounding area. • This will be precedent setting • Will block views into the Park • Shadow/Wind Impacts 	<p>The Official Plan currently allows for the possibility of building heights up to 3 storeys and an increased Floor Space Ratio through an OPA/ZBA. The applicant is seeking to increase these permissions to allow a building height of 17 storeys and an FSR of 5.17. The proposal therefore represents an increase to height and massing permissions. The subject lands are also one of the largest redevelopment sites within the area and are identified as a 'Neighbourhood Node' in the Official Plan. Generally, nodes are identified as strategic locations within the City where densification is encouraged at varying intensities depending on geography and criteria.</p> <p>An Official Plan and Zoning By-law are not fixed documents. They evolve and change though time as society changes and preferences evolve. The Planning Act is established with provisions for municipalities to consider changes to the Official Plan and Zoning By-law. As outlined in the above Planning Analysis, Planning staff is</p>

	<p>of the opinion that the requested height and massing increases are appropriate.</p> <p>Compatibility/Compatible is defined in the OP as land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area without causing unacceptable adverse effects, adverse environmental impacts or adverse impacts. Compatibility or compatible should not be narrowly interpreted to mean “the same as” or even as “being similar to”. This is to say that taller buildings can exist within a context of lower building forms providing they can exist in harmony and without adverse impacts. Supporting documentation has demonstrated that the proposal is compatible with the neighbourhood and impacts associated with the proposed height and massing are mitigated through design (building step backs), location (corner property on arterial roadway and adjacent land use) distance separation and gradation of building heights (17 to 6 to 2 storeys).</p> <p>Applications for development are reviewed on their own merits, not on the basis of precedent.</p> <p>Views into the park are already constrained by the existing one storey commercial building. The as-of-right zoning would allow for up to 3 storeys, further constraining views.</p> <p>Shadow and Wind Impact assessments were undertaken by the owner as part of his application submission. These have been reviewed and accepted by staff.</p>
<p><u>Parking Concerns:</u></p> <ul style="list-style-type: none"> • Insufficient parking is proposed for the site • Parking will overflow onto streets within the nearby low rise residential area 	<p>As part of the application submission, the applicant provided a Parking Study that was prepared by Paradigm Transportation Solutions and reviewed by City Transportation Services staff. Transportation Services staff advise that to assist in reducing vehicle dependency, there are Transportation Demand Management strategies being employed for this development, which include unbundled parking, provision of Class A bicycle parking spaces, connectivity to existing pedestrian facilities, existing Grand River Transit routes and future cycling facilities, that support a parking reduction. Transportation Services staff advise that they have no concerns with the parking rates ultimately outlined in the draft Zoning By-law Amendment.</p> <p>The City has an on-street parking by-law along with a process to deal with complaints related to on-street parking concerns. Residents are encouraged to check out the City’s website for more information related to this matter: Parking bylaws - City of Kitchener.</p> <p>City sanctioned parking on Spadina presently allows for residents to park on Spadina during the construction of the Phase 2 building addition and underground parking, which</p>

	is nearing completion. This should dissipate once the underground parking garage is operational for Phase 2. Additional underground and surface parking is proposed for Phase 3.
<p><u>Construction Impacts:</u></p> <ul style="list-style-type: none"> • Tired of on-going construction • Noise and dust • Impact on adjacent housing 	<p>Staff acknowledge that the new development will continue construction on site and it can be disruptive to the neighbourhood. The City will work with the developer to ensure noise and dust are minimized as much as possible.</p> <p>It is staff's understanding that pre-and post-construction surveys of adjacent properties will be undertaken by the developer as due diligence to the potential construction impacts on neighbouring foundations or other structural components.</p>
<p><u>Property Values</u></p> <ul style="list-style-type: none"> • Development will lower property values • Rental means low income • This area is an Exclusive/Prestigious area 	<p>Planning staff are not able to predict the impact of a new development on property values. For assessment purposes, which is used to calculate taxes, MPAC assesses property based on up to 200 different factors including the size of lot and house, the quality of construction, as well as many others. The assessed value usually differs from the market value of a property, and market value is influenced by numerous factors as well.</p> <p>The City favours a mix of all housing forms in all tenures in all communities to support a continuum of housing.</p> <p>Rental housing can be a more affordable housing option for residents in our community - this neighbourhood has many City-owned community amenities to serve a growing community within walking distance to downtown, trails, parks and transit station areas.</p> <p>The City plans for inclusiveness and housing for all people for all stages of their lives in all neighbourhoods. This community is a proven example that growing communities, with a variety of housing forms, especially on underutilized contaminated parcels, adds new life and vibrancy to a neighbourhood. The adjacent <i>In Towns</i> redevelopment built on a former foundry site is an example of this.</p>
<p><u>Heritage Concerns:</u></p> <ul style="list-style-type: none"> • The development is not in keeping with the St. Mary's Heritage District 	<p>This property does not fall within the St. Mary's Heritage District and therefore a Heritage Impact Assessment was not required nor does the proposal conflict with any Heritage policies.</p>

Planning Conclusions

In considering the foregoing, Planning staff is supportive of the requested Official Plan Amendment (OPA) and Zoning By-law Amendments (ZBAs) to permit 130-140 Highland Road West to be developed with a high-density residential development, including 4 live/work units and 97 square metres of commercial floor space. Staff is of the opinion that the subject applications are consistent

with policies of the Provincial Policy Statement (2020), conform to Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, and the City of Kitchener Official Plan and represent good planning. Planning staff recommends that the OPA be adopted and the ZBA be approved

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City’s website with the agenda in advance of the Council / Committee meeting. A large billboard notice sign was posted on the subject properties and information regarding the application and neighbourhood meeting was posted to the City’s website in January 2023. A Neighborhood Meeting was held on February 9, 2023. A postcard advising of the statutory public meeting was circulated to all residents and property owners within 240 metres of the subject lands, Notice of the Statutory Public Meeting was also posted in The Record on May 26, 2023 (see Attachment D).

CONSULT – The requested Official Plan Amendment and Zoning By-law Amendment was circulated to residents and property owners within 240 metres of the subject lands in January 2023. In response to this circulation, staff received written responses from 32 households / residences, which are summarized as part of this staff report. Planning staff also had one-on-one conversations with residents on the telephone and responded to emails.

PREVIOUS REPORTS/AUTHORITIES:

- Planning Act, R.S.O. 1990, c. P.13
- Growth Plan, 2020
- Provincial Policy Statement, 2020
- Regional Official Plan
- ROP Amendment 6
- City of Kitchener Official Plan, 2014
- City of Kitchener Zoning By-law 85-1

REVIEWED BY: Malone-Wright, Tina – Interim Manager of Development Review, Planning Division

APPROVED BY: Readman, Justin - General Manager, Development Services

ATTACHMENTS:

- Attachment A & A1 – Proposed Official Plan Amendment & Map
- Attachment B & B1 – Proposed Zoning By-law Amendment & Map 1
- Attachment C – Urban Design Brief
- Attachment D – Newspaper Notice
- Attachment E – Department and Agency Comments
- Attachment F – Community Comments

**AMENDMENT NO. TO THE OFFICIAL PLAN
OF THE CITY OF KITCHENER**

**CITY OF KITCHENER
130-140 Highland Road East**

AMENDMENT NO. TO THE OFFICIAL PLAN

OF THE CITY OF KITCHENER

130-140 Highland Road East

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APPENDIX 2	Minutes of the Meeting of Planning and Strategic Initiatives Committee
APPENDIX 3	Minutes of the Meeting of City Council

**AMENDMENT NO. TO THE OFFICIAL PLAN
OF THE CITY OF KITCHENER**

SECTION 1 – TITLE AND COMPONENTS

This amendment shall be referred to as Amendment No. XX to the Official Plan of the City of Kitchener. This amendment is comprised of Sections 1 to 4 inclusive and Schedule 'A'.

SECTION 2 – PURPOSE OF THE AMENDMENT

The purpose of this amendment is to redesignate the lands on Mill Courtland Woodside Park Neighbourhood Secondary Plan from Low Density Commercial Residential to High Density Commercial Residential with Special Policy 16 to permit an increased Floor Space Ratio and building height to facilitate the development of a 17-storey multiple residential building having 211 dwelling units, comprised of 1 and 2 bedroom units, as well as 1 and 2 bedroom with optional dens, 4 live/work units and 98 square metres of commercial floor space.

SECTION 3 – BASIS OF THE AMENDMENT

The subject lands are located at 130 and 140 Highland Road East. The subject lands are designated 'Low Density Commercial Residential' in the Mill Courtland Woodside Park Secondary Plan, which forms part of the 1994 Official Plan. The Low Density Commercial Residential designation in the Mill Courtland Woodside Park Secondary Plan recognizes existing small scale commercial and residential development and allows low density redevelopment with commercial, residential and institutional uses to a maximum Floor Space Ratio (FSR) of 1.0 and a maximum density of 100 units per hectare per lot, provided the maximum FSR is not exceeded. The subject lands are also situated within a Neighbourhood Node on the Urban Structure Map 2 of the Official Plan.

The City of Kitchener is currently undergoing a review of its central neighbourhoods and these lands are proposed to be removed from the Secondary Plan area as part of this review.

Since the adoption of the 1994 Plan and the associated Secondary Plans the City has adopted a new Official Plan in 2014 and is currently in the process of reviewing the Secondary Plan Areas as part of a Neighbourhood Planning Review (NPR) which is ongoing. The preliminary indicators of the NPR propose a reorganization and delineation of the Secondary Planning Areas including these lands, which will be excluded from the future Mill Courtland and Rockway Secondary Plan. Instead, it is proposed to have a designation of Mixed Use Low Rise. The Mixed Use Low Rise designation contemplated through the Neighborhood Planning review proposes a maximum Floor Space Ratio of 2.0 and 4 storey or 14 metres height for buildings.

It is important to note that this policy direction is not yet in effect, but it demonstrates a commitment to slightly higher FSR and a mid-rise built form for development, which is consistent with the existing mid-rise 6 storey multiple residential building located on the adjacent lands at 270 Spadina Road east. This would also provide transition in the built form massing, scale and density from the stable neighbourhood to the east of Woodside Park.

The subject lands are comprised of 130-140 Highland Road East. The westerly portion of the subject lands (130 Highland) currently contain a single storey office building, while the easterly portion (140 Highland Road East) has been vacant for 11 years and previously contained a gas station. Together, these lands will be redeveloped with a 17 storey purpose built rental apartment that has 98m² of ground floor commercial uses as well as 4 live-work units at grade to activate the streetscape along Highland Road East and Spadina Avenue with commercial space and live/work units. The proposed tower is well removed from surrounding low rise residential development, backs onto Woodside Park, and is opposite a neighbourhood commercial plaza and a gas station.

The proposed height and density have been oriented to the middle of the property in order to maintain appropriate distances from low rise residential areas to the north and east. The Special Policy limits the maximum FSR to 5.17 and limits the height on the lands to 17 storeys. Adjacent lands to the east currently contain an L-shaped building on site (Phase I and II) which is a six storey building that provides a gradual transition in height from the subject lands to the low rise neighbourhoods to the east.

The subject lands are located within walking distance from the Urban Growth Centre and are within 372 metres of the Iron Horse Trail and several parks. The proposed development includes a multiple residential development at a density to support both transit usage and active transportation. The site will include a variety of transportation demand management measures in order to encourage the use of alternative modes of transportation including active transportation and public transit.

The proposed development will implement the vision as set out in the Official Plan as being a compact, dense and transit supportive site. The site will provide purpose built rental housing, as an alternative to home ownership. The redevelopment of these underutilized and vacant lands (eastern portion) are located along a major collector road (Highland Road East) which connects to Queen Street and is just minutes from the downtown core and the light rail transit route. Its prominent location makes it ideal for the density proposed. Both commercial and live/work units are proposed along the Highland Road East/Spadina Avenue frontages which will activate the streetscape and will support the planned function of a Neighbourhood Node. A Neighbourhood Node supports intensification providing it is compatible with surrounding lands.

The maximum floor space ratio, building height, density, front and side yard setbacks for the building, provision of a private at grade amenity space for one unit, as well as on-site parking will be regulated in the site-specific amending zoning by-law to ensure urban design elements are implemented and onsite constraints are addressed.

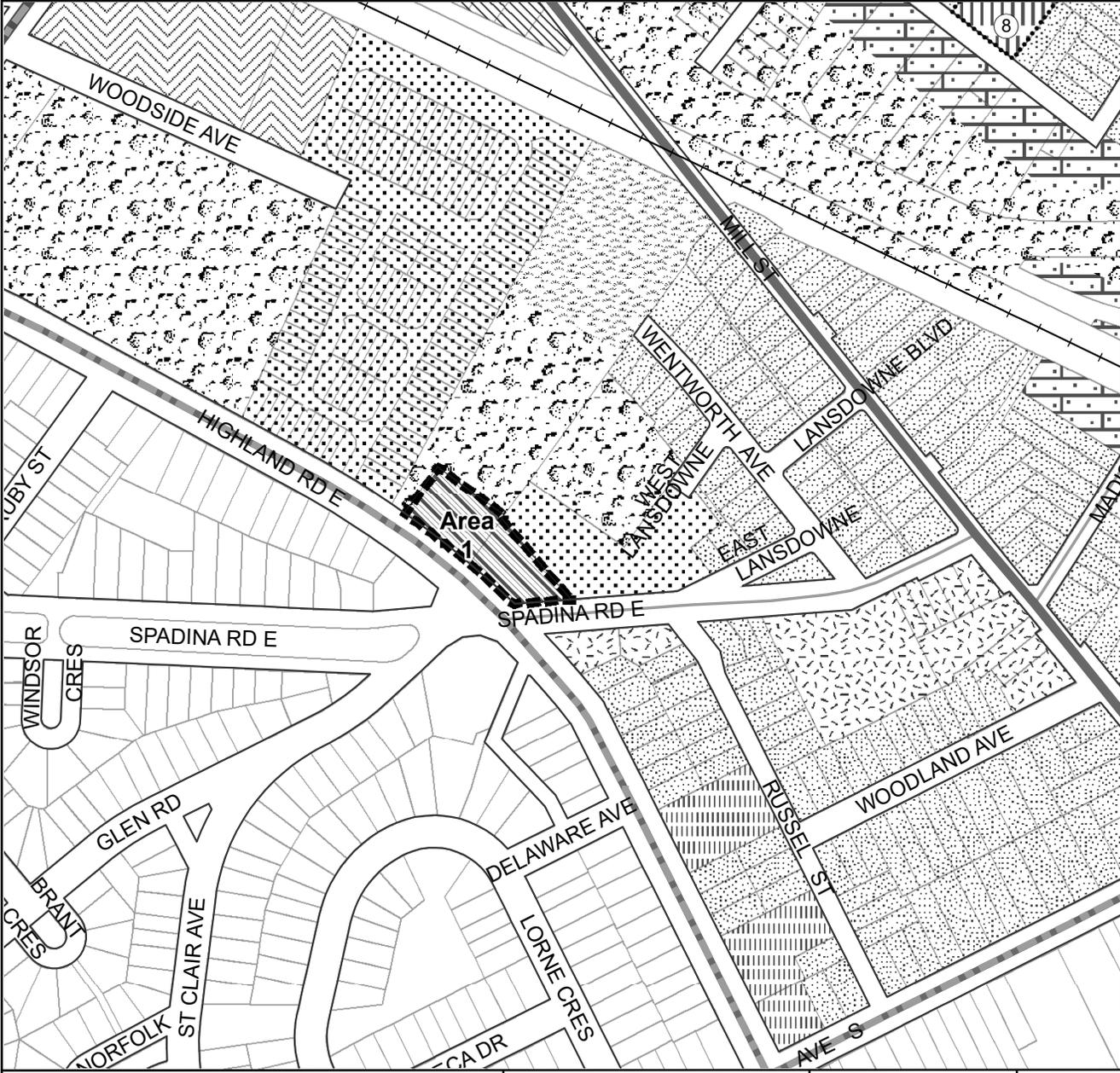
The proposal is consistent with the Provincial Policy Statement, conforms to the Growth Plan and complies with the Regional Official Plan and ROP 6, as it promotes walkability, is transit-supportive, maximizes the use of existing and new infrastructure, and assists in development of this area as a compact and complete community through a range of uses. The proposed development is therefore considered good planning.

SECTION 4 – THE AMENDMENT

1. The 1994 City of Kitchener Official Plan is hereby amended as follows:
 - a) Part 3, Section 13.4.4 Special Policies is amended by adding new Policy 13.4.4.16 thereto as follows:

“13.4.4.16. Notwithstanding the High Density Commercial Residential land use designation and policies for lands municipally addressed as 130-140 Highland Road East, the maximum *Floor space Ratio* shall be 5.17 and the maximum building height shall be 17 storeys.
 - b) Map 12 – Mill Courtland Woodside Park Neighbourhood Plan for Land Use is amended by redesignating from ‘Low Density Commercial Residential’ to ‘High Density Commercial Residential’ with Special Policy Area No. 16’ on the lands municipally known as 130 and 140 Highland Road East, as shown on the attached Schedule “A”.

**CITY OF KITCHENER OFFICIAL PLAN
AMENDMENT TO MAP 12
MILL COURTLAND WOODSIDE PARK
NEIGHBOURHOOD SECONDARY PLAN**



-  Low Rise Conservation
-  Low Density Multiple Residential
-  Medium Density Multiple Residential
-  Low Density Commercial Residential
-  Medium Density Commercial Residential
-  High Density Commercial Residential
-  Neighbourhood Institutional
-  Community Institutional
-  Mixed Use Corridor
-  General Industrial
-  Neighbourhood Park
-  Open Space
-  Boundary of Secondary Plan
-  Special Policy Area
-  Primary Arterial Road
-  Secondary Arterial Road
-  Major Collector Road
-  Connector Road
-  Area 1 of Amendment
-  From Low Density Commercial Residential
To High Density Commercial Residential
With Special Policy Area 16

SCHEDULE 'A'

SPADINA HOLDING (KITCHENER) CORPORATION;
HIGHLAND HOLDING (KITCHENER) CORPORATION

130-140 HIGHLAND RD E



SCALE 1:4,000

DATE: MAY 30, 2023

REVISED:

OFFICIAL PLAN AMENDMENT OPA22/016/H/BB

ZONE BY-LAW AMENDMENT ZBA22/028/H/BB

City of Kitchener

DEVELOPMENT SERVICES DEPARTMENT, PLANNING

FILE:
OPA22016HBB_SCHA_12
.mxd

PROPOSED BY-LAW

_____, 2023

OF THE

CORPORATION OF THE CITY OF KITCHENER

(Being a by-law to amend By-law No. 85-1, as amended, known as the
Zoning By-law for the City of Kitchener
– Spadina Holdings (Kitchener) Corporation and Highland Holding (Kitchener)
Corporation – 130 and 140 Highland Road East)

WHEREAS it is deemed expedient to amend Zoning By-law 85-1 for the lands specified above;

NOW THEREFORE the Council of The Corporation of the City of Kitchener enacts as follows:

1. Schedule Numbers 86 and 87 of Appendix “A” to By-law 85-1 are hereby amended by changing the zoning applicable to the parcel of land specified and illustrated as Area 1 on Map No. 1 attached hereto, from Commercial Residential One Zone (CR-1) to Commercial Residential Three Zone (CR-3) with Special Regulation Provision 791R and Holding Provision 103H.
2. Schedule Numbers 86 and 87 of Appendix “A” to By-law 85-1 are hereby further amended by incorporating additional zone boundaries as shown on Map No. 1 attached hereto.
3. Appendix “D” to By-law 85-1 is hereby amended by adding Section 791R thereto as follows:
 - “791R. Notwithstanding Sections 6, 6.1.2 a), 6.1.2 b)vi), and 46.3 of this By-law, for the lands zoned CR-3, as shown on Schedule Numbers 86 and 87 of Appendix “A”, the following additional regulations shall apply:
 - i. The maximum Floor Space Ratio (FSR) shall be 5.17;
 - ii. The minimum front yard shall be 0.0 metres along Spadina Road East;
 - iii. The minimum rear yard setback shall be 1.5 metres;
 - iv. The minimum side yard setback abutting a street shall be 0.6 metres along the Highland Road frontage;

- v. The minimum interior side yard setback be 1.5 metres;
- vi. The maximum building height shall be 17 storeys or 52.0 metres (not including mechanical penthouse);
- vii. The minimum step back above the 11th floor shall be 3.0 metres;
- viii. The minimum off street parking shall be 0.5 parking spaces per dwelling unit;
- ix. Zero parking shall be provided for non-residential uses;
- x. The total visitor parking shall be 0.095 parking spaces per dwelling unit;
- xi. A minimum of 98 m² (1000 sq.ft.) of at grade commercial uses shall be provided;
- xii. A minimum of 4 live work units shall be provided;
- xiii. For Multiple Residential uses, a minimum of 92 Class A bicycle parking stalls and 6 Class B bicycle stalls shall be provided;
- xiv. Geothermal wells are prohibited.”

4. Appendix “F” to By-law 85-1 is hereby amended by adding Section 103H thereto as follows:

“103. Notwithstanding Section 46 of this Bylaw, within the lands zoned Commercial Residential Three Zone CR-3 (791R) as shown as affected by this subsection on Schedule Numbers 86 and 87 of Appendix “A”, only those uses which lawfully existed on the date of passing of this By-law, shall be permitted to continue until such time as this Holding Provision is removed by by-law once the City of Kitchener is in receipt of a letter from the Regional Municipality of Waterloo, advising that:

- a) a Record of Site Condition (RSC) in accordance with O. Reg. 153/04, as amended, has been filed with the Ministry of Environment, Conservation and Parks (MECP) Environmental Site Registry;
- b) the Regional Municipality of Waterloo has received an approved copy of the RSC and the Ministry’s RSC Acknowledgement letter,
- c) a detailed stationary noise study has been completed and submitted to the satisfaction of the Regional Municipality of Waterloo which addresses implementation measures and reviews the potential impacts of the development on site noise sensitive receptors (e.g. HVAC system on the

sensitive points of reception) and the impacts of the development on adjacent noise sensitive uses.

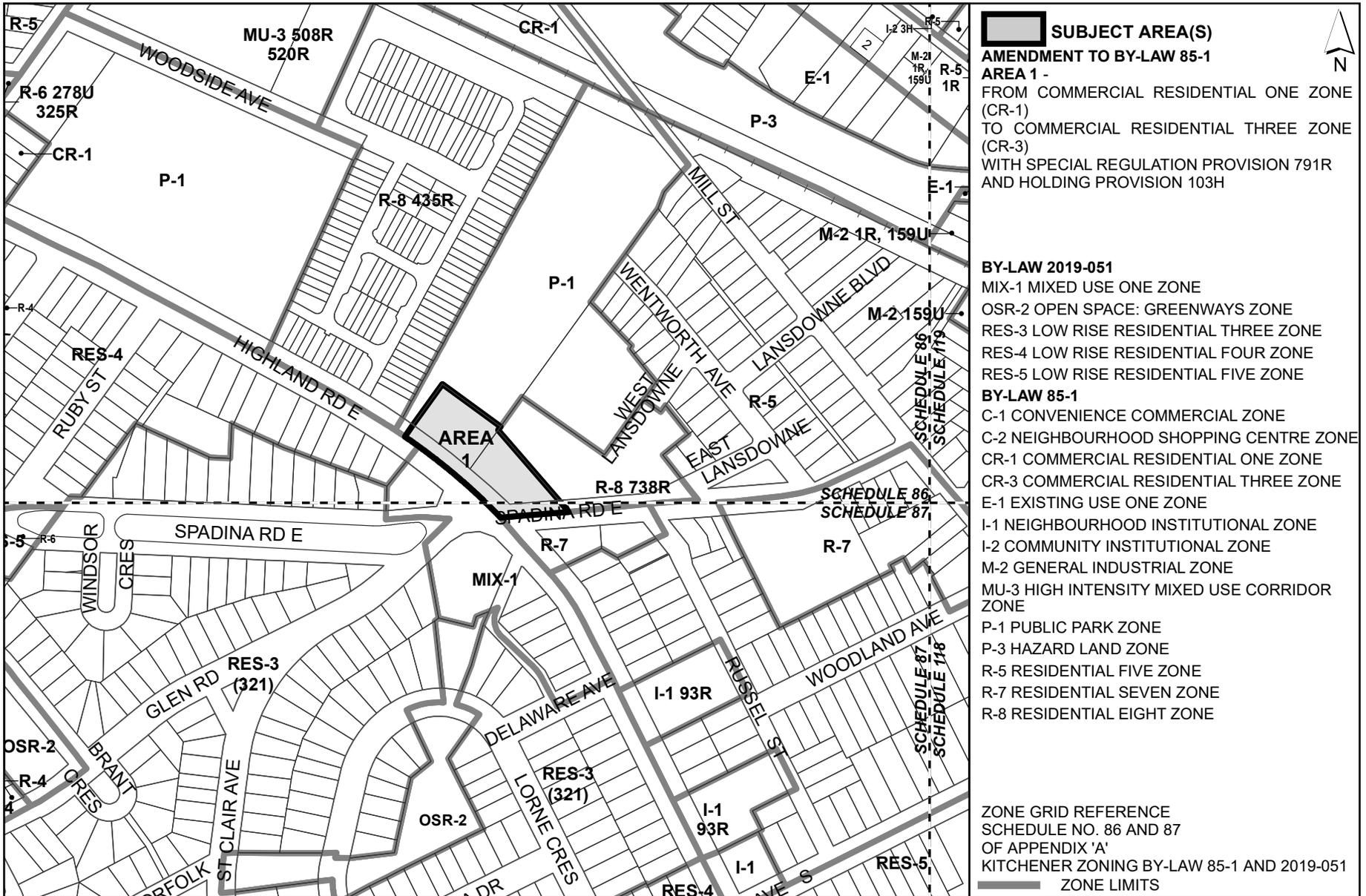
d) legal access is obtained over Highland Courts Park to the satisfaction of the City of Kitchener.”

5. This By-law shall become effective only if Official Plan Amendment No. __, 130 and 140 Highland Road East comes into effect, pursuant to Section 24(2) of The Planning Act, R.S.O. 1990, c. P.13, as amended.

PASSED at the Council Chambers in the City of Kitchener this __day of _____, 2023.

Mayor

Clerk



MAP NO. 1

SPADINA HOLDING (KITCHENER) CORPORATION;
 HIGHLAND HOLDING (KITCHENER) CORPORATION

130-140 HIGHLAND RD



SCALE 1:4,000

DATE: MAY 30, 2023

ZONING BY-LAW AMENDMENT ZBA22/028/H/BB

OFFICIAL PLAN AMENDMENT OPA22/016/H/BB

City of Kitchener

DEVELOPMENT SERVICES DEPARTMENT, PLANNING

FILE:
 ZBA22028HBB_MAP1
 .mxd

NOTICE OF PUBLIC MEETING

for a development in your neighbourhood
130-140 Highland Rd. W. & 270 Spadina Ave.



Concept Drawing



Mixed
Use



Floor Space
Ratio of 3.17



17 Storeys,
404 Dwelling
Units

Have Your Voice Heard!

Planning & Strategic Initiatives Committee

Date: **June 19, 2023**

Location: **Council Chambers,
Kitchener City Hall
200 King Street West
or Virtual Zoom Meeting**

Go to **kitchener.ca/meetings**
and select:

- Current agendas and reports
(posted 10 days before meeting)
- Appear as a delegation
- Watch a meeting

To learn more about this project, including
information on your appeal rights, visit:

**[www.kitchener.ca/
PlanningApplications](https://www.kitchener.ca/PlanningApplications)**

or contact:

Brian Bateman, Senior Planner
brian.bateman@kitchener.ca
519.741.2200 x7869

The City of Kitchener will consider applications to amend the City's Official Plan and Zoning By-law to provide for a consistent land use designation and zoning to be applied across the subject properties to allow for a mixed-use development comprising of a 17 storey multiple dwelling with ground floor commercial, live/work units along Spadina Avenue and underground and surface parking as part of Phase 3 of the re-development plans. 211 dwelling units are proposed in Phase 3 bringing the total number of units for all Phases to 404 dwelling units, 281 parking spaces and 92 bicycle storage spaces.



URBAN DESIGN BRIEF

130 & 140 HIGHLAND ROAD E, & 270 SPADINA ROAD EAST
CITY OF KITCHENER

PREPARED BY:
MHBC PLANNING



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Section 1

1.1 INTRODUCTION

MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC Planning) has been retained the 270 Development Inc. to prepare an Urban Design Brief for the redevelopment of the property municipally known as 130-140 Highland Road East (hereinafter referred to as the “subject lands”) as Phase III of a larger consolidated land holding which includes the recently redeveloped and currently under construction Phases I and II respectively, of lands known as 270 Spadina Road East. In order to permit the proposed redevelopment, the approval of amendments to the City of Kitchener Official Plan and Zoning By-law are required.

The Phase III of the proposal includes the redevelopment of the subject lands to a high density residential use consisting of a seventeen (17)-storey rental apartment building (with a 5 storey podium and an 10 storey tower) with 210 units comprised of 1 and 2 bedroom units, as well as 1 and 2 bedroom with optional dens. Structured and surface parking are proposed.

The purpose of this Urban Design Brief is to describe the development proposal including the design objectives, provide insight as to why design decisions are appropriate given the site specific context and describe how the proposal is consistent with and supportive of the City of Kitchener urban design policies and directives.

1.2 SITE DESCRIPTION AND CONTEXTUAL ANALYSIS

The subject lands are municipally addressed as 130 & 140 Highland Road East and 270 Spadina Road East are located in the City of Kitchener and Region of Waterloo. The lands have an area of 0.92 hectares with frontage onto Highland Road East and Spadina Road East.

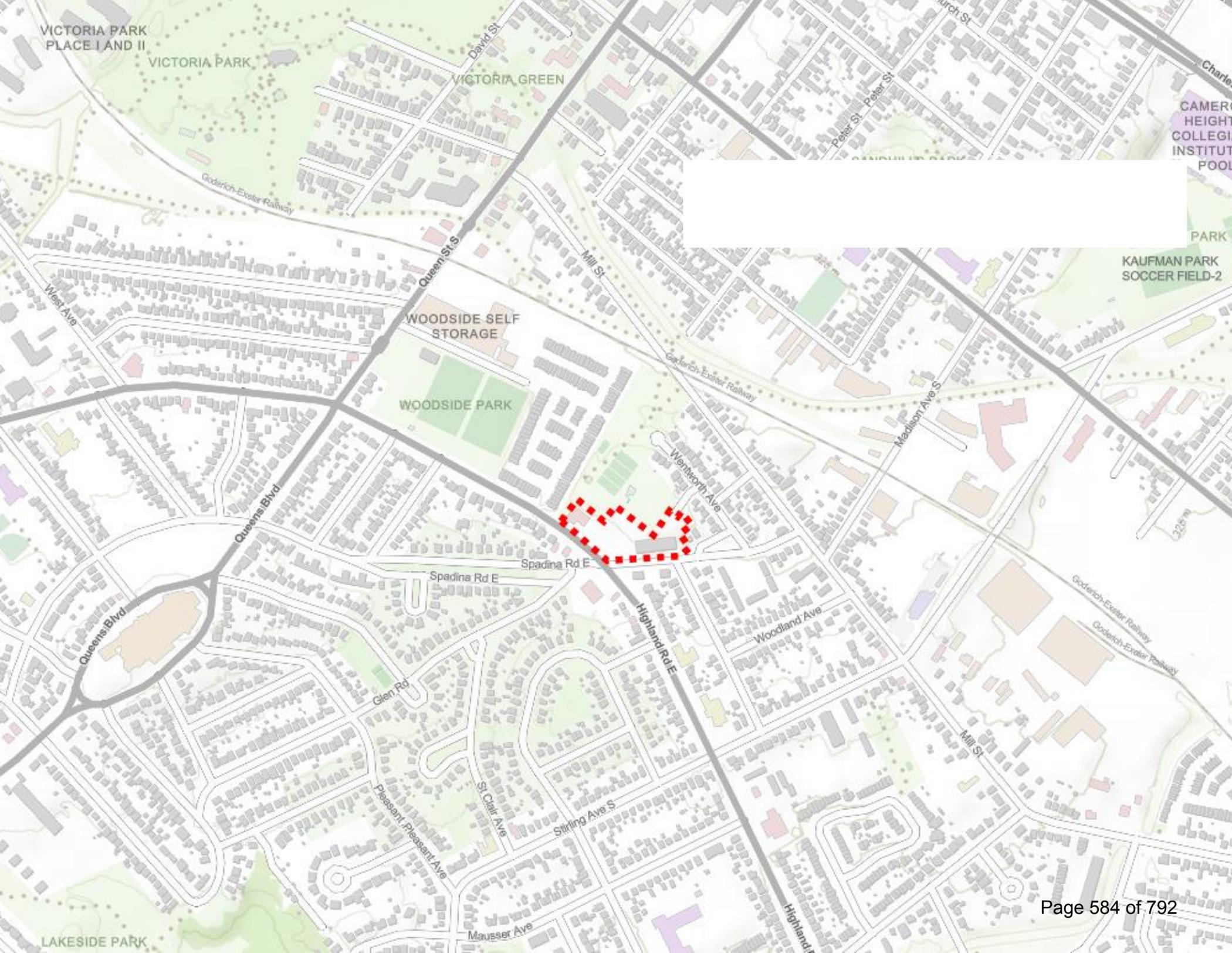
The subject lands are located in the Mill Courtland Woodside Park neighbourhood and are surrounded by a mix of land uses including

commercial uses immediately south of the site, parkland uses directly north of the site, and residential uses along Highland Road East and Spadina Road East.

The subject lands are also well served by existing Grand River Transit (GRT) bus routes. Four GRT bus routes exist within 500 metres of the subject lands (Route 16, Route 1, Route 2, and iXpress Route 2004) including iXpress Route 204 providing connections throughout the City and Region to key locations, including Grand River Hospital, St. Mary’s General Hospital, Conestoga College, and to the broader Region via connecting bus routes and the ION Light Rail Transit (LRT) at multiple stations.

Sidewalks are provided on both sides of the streets along Highland Road East and Spadina Road East. In terms of cycling infrastructure, the City of Kitchener Cycling and Trails Master Plan proposes a separated bicycle lane along Highland Road East through to Hoffman Street in the south and Winstow Drive to Spadina Road East in the east providing connections to the greater active transportation network. Cycling and pedestrian connections are proximate the site through Highland Courts Park with connections to the Iron Horse Trail which is a Primary Multi-Use Pathway/Connection that connects Downtown Kitchener to Uptown Waterloo are also present near the site.

The subject lands are located in close proximity to several commercial uses along Highland Road East. These uses are within walking distance (less than 100 metres) and serve day to day needs of the neighbourhood and include a bakery, several convenience stores, personal services, and a gas station. In terms of institutional uses, the subject lands are located within walking distance (less than 750 metres) from St. Bernadette Catholic School and St. Mary’s General Hospital (less than 800 metres). Recreational uses (Woodside Park, Highland Courts Park, Lorne Park, Glendale Park, and access to the Iron Horse Trans Canada Trail) are located within a 5 minute walking distance of the subject lands.



VICTORIA PARK
PLACE I AND II

VICTORIA PARK

VICTORIA GREEN

CAMERON
HEIGHTS
COLLEGE
INSTITUTE
POOL

PARK

KAUFMAN PARK
SOCCER FIELD-2

WOODSIDE SELF
STORAGE

WOODSIDE PARK

Spadina Rd E

Spadina Rd E

Woodland Ave

to include a mix of residential uses, including residential, commercial, and retail uses. The surrounding area includes a site near the below:

NORTH - The area to the north of the subject property includes a residential development with a mix of residential and commercial uses. The area is bounded by the intersection of Highway 101 and Highway 102. The area is currently zoned R-100 and is being re-zoned to a mixed-use zone.



EAST - The area to the east of the subject property includes a residential development with a mix of residential and commercial uses. The area is bounded by the intersection of Highway 101 and Highway 102. The area is currently zoned R-100 and is being re-zoned to a mixed-use zone.

Highway 101/102



SOUTH - The area to the south of the subject property includes a residential development with a mix of residential and commercial uses. The area is bounded by the intersection of Highway 101 and Highway 102. The area is currently zoned R-100 and is being re-zoned to a mixed-use zone.



WEST - The area to the west of the subject property includes a residential development with a mix of residential and commercial uses. The area is bounded by the intersection of Highway 101 and Highway 102. The area is currently zoned R-100 and is being re-zoned to a mixed-use zone.



Mass property information being sent to the public through the public website
www.ci.fond-du-lac.wi.us



Map showing the proposed location of the site in the City of Chicago, Illinois. The site is located at the intersection of [Street Name] and [Street Name].



DESIGN (CALLER) OBJECTIVES

To develop a course that will cover the subject areas:

To promote development of confidence in a High Quality design community that engages with the surrounding area and provides for connectivity to the working and living fabric of the urban system. The approach design will address the following details, in order of importance to the learner, but not necessarily according to the course content or emphasis on the subject matter through delivery and the scope will be the course the course the following are the objectives of the course:

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Section 2

2.1 SITE DESIGN

The development proposal includes a residential infill redevelopment of the subject lands that will provide a compact built form, complement existing uses, and enhance the public realm along Highland Street East and Spadina Road East.

The proposed Phase III of the redevelopment includes a seventeen (17)-storey rental apartment building consisting of a 5-storey well-defined podium with a 10-storey tower. Phase III proposes a mixture of surface, underground and structured parking that provides for a total of 118 parking spaces (including 13 visitor spaces and 3 barrier free spaces at grade in the surface lot at the rear of the proposed building) internal to the site as well as two bike storage rooms (Type A) that provide indoor parking for 91 bicycles.

The proposed development will provide the Mill Courtland Woodside Park neighbourhood with 210 additional residential units including a mix of one bedroom, and two bedroom units as well as 1 and 2 bedroom units with optional dens ranging in size from 41 sq. metres to 85 sq. metres for a site total of 403 units. The 5 storey podium contains 4 Live-work units at the ground and first storey levels to provide a mix of uses (commercial and residential) that will help activate the street frontage along Highland Road East. Vehicular access to the structured parking area is off of Highland Road East. Access to the surface level parking is off of the laneway. Multiple pedestrian accesses are proposed along Highland Road East, including the primary entry to the principal lobby area. Access to the entryway is planned as barrier free.

The proposed building for Phase III has been oriented with frontage onto Highland Road East to define the street edge and reinforce a human scale by providing direct connections to the existing public realm, streetscape and active transportation network. The existing surrounding uses have been considered in the design of the proposed development.

The proposed development has been designed to provide frequent pedestrian connections to the public realm through building entrances,

parking, proposed walkways and connections. Barrier free sidewalks have been provided leading directly from the public realm and parking areas to the principle building entrances. Building entrances are planned to be highly visible and well lit with pedestrian scaled lighting.

The proposed Phase III development includes a range of residential unit types with amenity areas and landscaped features throughout. A common outdoor amenity space is provided above grade above the structured parking at the northeast corner of the site. Shared access will be provided from the adjacent Spadina Phase 2 outdoor amenity space to the proposed development, creating a well integrated amenity. Individual private balconies will be provided for each unit with many units facing onto the interior courtyard. The development design is intended to provide an attractive area with open spaces for a range of recreational uses.

2.2 BUILT FORM, MASSING & ARTICULATION

The massing of the proposed Phase III building is broken up using a number of techniques including changes in building materials/colours; projections; recessions; and varying window sizes. A 5-storey well-defined podium that steps up to a 10-storey tower has been designed along the Highland Road East frontage.

The massing of the building has been designed to create a comfortable and engaging pedestrian environment, which is further enhanced through the provision of landscape and streetscape improvements.

The use of building materials, defined pedestrian entries and building orientation will assist in creating a human scale of development. The building design demonstrates a contemporary architectural expression and will be constructed of high quality materials.

The proposed Phase III development has been designed with consideration to the existing built form context, particularly other low-rise and mid-rise both existing and planned within the area. The building tower is stepped back from the western façade of the building to ensure an appropriate transition from adjacent townhouse dwellings and to minimize shadowing impacts. Overall, the proposed development will assist in the continued intensification and development of a neighbourhood node through the addition of a residential building within walking distance to amenities within the area.

• Performance: single statements are usually not used.

- Self-reporting data of system are not within the solution.

MAINTENANCE

It is often key to success if it is possible to informance of the user to be that good and the user is not to be a success. The management of the system is often to be a regular task. It is being a consequence of the discovery of a system management to be a regular task. It is being a consequence of the discovery of a system management to be a regular task. It is being a consequence of the discovery of a system management to be a regular task.

Rendering of proposed building South and East Facades



Rendering of Westside with
top section highlighted in red



Rendering of West and East
together in color Figure 1

Site Design

Design 10.1 illustrates an analysis of the proposed development against the 2014 Local Plan.

The design responds to many of the Local Plan 10.1.10 have been addressed through the proposed design of the site. As follows: improvements to the accessibility of the site may be achieved through the creation of new, convenient and functional pedestrian and cycle routes incorporating the enhanced proposed building as well as the proposed new pedestrian footpaths. The proposed development of proposed means of transport routes to improve accessibility.

Building Design, Massing and Scale Design

The building design responds to many of the 2014 Local Plan 10.1.10. Design 10.1.10.1 and 10.1.10.2 have been addressed through the proposed design of the site. As follows: improvements to the accessibility of the site may be achieved through the creation of new, convenient and functional pedestrian and cycle routes incorporating the enhanced proposed building as well as the proposed new pedestrian footpaths. The proposed development of proposed means of transport routes to improve accessibility.

The proposed development will be designed to be in accordance with the 2014 Local Plan 10.1.10.1 and 10.1.10.2. The proposed development will be designed to be in accordance with the 2014 Local Plan 10.1.10.1 and 10.1.10.2. The proposed development will be designed to be in accordance with the 2014 Local Plan 10.1.10.1 and 10.1.10.2.

DESIGN OF RICHMOND URBAN DESIGN MANUAL

The Design of Richmond Urban Design Manual will be designed to be in accordance with the 2014 Local Plan 10.1.10.1 and 10.1.10.2. The proposed development will be designed to be in accordance with the 2014 Local Plan 10.1.10.1 and 10.1.10.2.

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Design 10.1.10.1 - Design 10.1.10.2

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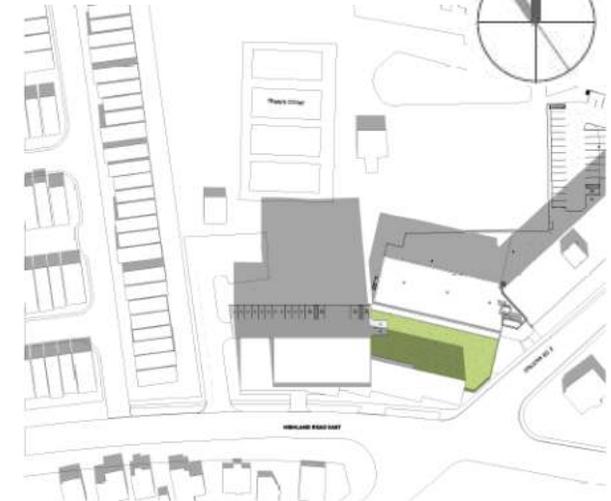
4' Maximum Daylight Equinox Views



① **SPRING EQUINOX 10H**
1:1000



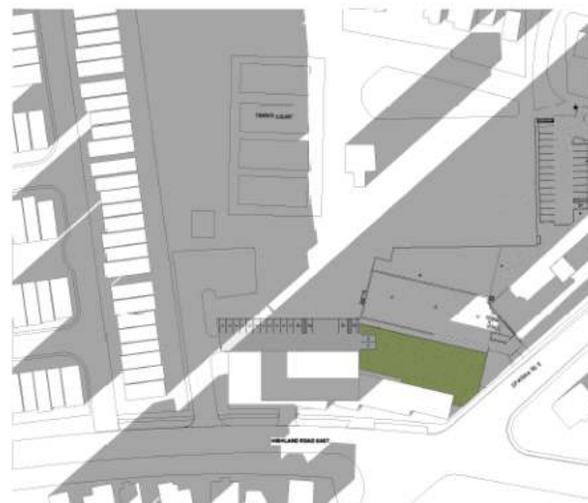
② **SPRING EQUINOX 12H**
1:1000



③ **SPRING EQUINOX 14H**
1:1000



④ **SPRING EQUINOX 16H**
1:1000



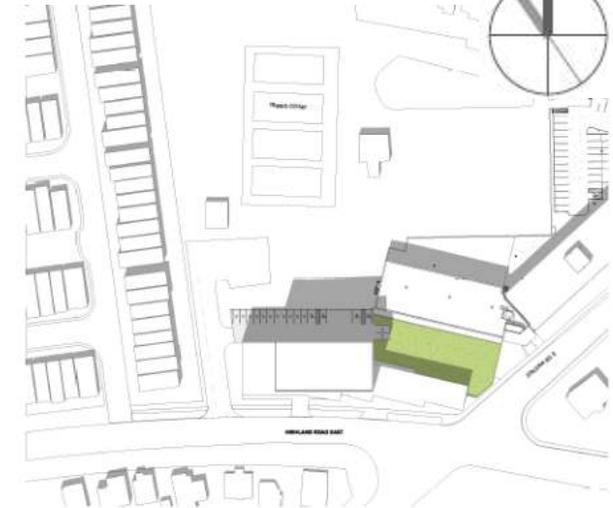
⑤ **SPRING EQUINOX 18H**
1:1000

4' Accessibility - Summer Solstice



1 SUMMER SOLSTICE 10H
1:1000

2 SUMMER SOLSTICE 12H
1:1000



3 SUMMER SOLSTICE 14H
1:1000



4 SUMMER SOLSTICE 16H
1:1000



5 SUMMER SOLSTICE 18H
1:1000

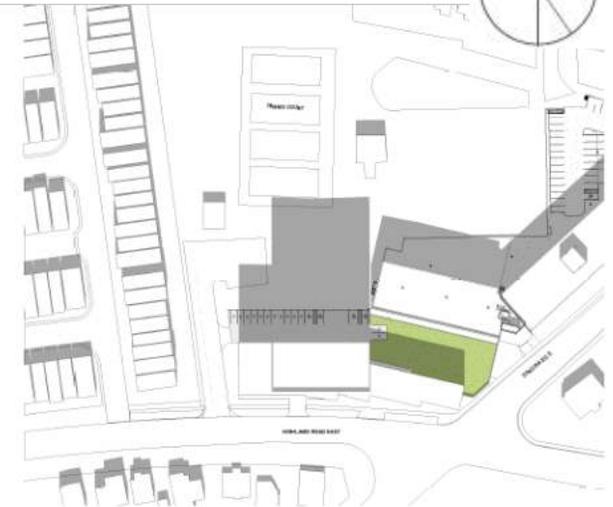
4'4' maximum height building footprint



1 FALL EQUINOX 10H
1:1000



2 FALL EQUINOX 12H
1:1000



3 FALL EQUINOX 14H
1:1000



4 FALL EQUINOX 16H
1:1000



5 FALL EQUINOX 18H
1:1000

Section 5 Conclusions

5.1 CONCLUSIONS

The proposed development will contribute to a high quality urban environment that integrates with the surrounding area and provides for connectivity to the existing and planned public transportation network. The proposed design will:

- (1) provide transit-sustainable facilities;
- (2) provide a mix of uses in a walkable neighborhood to the surrounding urban center;
- (3) take advantage of the public transit through building the additional design and construction to facilitate existing connectivity with the transit network.

In conclusion, the development satisfies the design objectives for the City Urban Design policies.

The plan also identifies additional elements in the design, including the additional design and construction to the existing guidelines provided in the City Urban Design Policy.

From: Niall Melanson
Sent: Friday, January 13, 2023 1:36 PM
To: rjohnston@sbmltd.ca; Brian Bateman
Cc: Angela Mick; Louise Sanford; Shailesh Shah
Subject: 130-140 Highland Road East, ZBA22/028/H/BB - Engineering & KU clearance

Good afternoon Brian

Please be advised that Engineering and Kitchener Utilities have reviewed SBM's Functional Servicing Report and can provide our clearance for the ZBA.

Rob – Please be advised that the City will be reconstructing this stretch of Highland Road East this year. It would be beneficial for all if we could coordinate service lateral installation with the City's reconstruction project. At a minimum Engineering would expect to see a Site Plan Application made by the owner. I would suggest following up with Vive. Please let me know if you have further questions.

Cheers

Niall Melanson, C.E.T.

Project Manager | Development Engineering | City of Kitchener
519-741-2200 Ext. 7133 | TTY 1-866-969-9994 | niall.melanson@kitchener.ca

From: Proximity <proximity@cn.ca>
Sent: Monday, January 16, 2023 4:11 PM
To: Brian Bateman
Subject: 2023-01-16_CN_RES_Circulation for Comment - OPA/ZBA (130-140 Highland Rd. E. & 270 Spadina Ave.)
Attachments: [130-140 Highland Agency Letter.pdf](#); [OPA22016HBB_SCHA_12.pdf](#); [ZBA22028HBB_MAP1.pdf](#)

Hello Brian,

Thank you for consulting CN on the application mentioned in subject. CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval for the segment of the project identified as Area 2 in attached location plan:

1. The Owner shall engage a consultant to undertake an analysis of noise. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.
2. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”
3. The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the noise isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
4. The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
5. The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

CN anticipates the opportunity to review a N&V study taking into consideration CN development guidelines.

Thank you and do not hesitate to contact me with any questions.

Best regards

Ashkan Matlabi, Urb. OUQ. MBA

Urbaniste sénior / Senior Planner (CN Proximity)
Planning, Landscape Architecture and Urban Design
Urbanisme, architecture de paysage et design urbain



E : proximity@cn.ca
T : 1-438-459-9190
1600, René-Lévesque Ouest, 11e étage
Montréal (Québec)
H3H 1P9 CANADA
wsp.com

From: Christine Kompter <Christine.Kompter@kitchener.ca>
Sent: Tuesday, January 10, 2023 1:24 PM
To: Proximity <proximity@cn.ca>; _DL_#_DSD_Planning <DSD-PlanningDivision@kitchener.ca>; Bell - c/o WSP <circulations@wsp.com>; Carlos Reyes <Carlos.Reyes@kitchener.ca>; Darren Kropf <Darren.Kropf@kitchener.ca>; Dave Seller <Dave.Seller@kitchener.ca>; David Paetz <David.Paetz@kitchener.ca>; Ellen Straus <Ellen.Straus@kitchener.ca>; Enova Power Corp. - Greig Cameron <greig.cameron@enovapower.com>; Enova Power Corp. - Shaun Wang <shaun.wang@enovapower.com>; Feds <vped@feds.ca>; GRCA - Planning (planning@grandriver.ca) <planning@grandriver.ca>; Greg Reitzel <Greg.Reitzel@kitchener.ca>; Hydro One - Dennis DeRango <landuseplanning@hydroone.com>; Jim Edmondson <Jim.Edmondson@kitchener.ca>; Justin Readman <Justin.Readman@kitchener.ca>; Katherine Hughes <Katherine.Hughes@kitchener.ca>; Mike Seiling <Mike.Seiling@kitchener.ca>; Ontario Power Generation <Executivevp.lawanddevelopment@opg.com>; Park Planning (SM) <Park.Planning@kitchener.ca>; Region - Planning <PlanningApplications@regionofwaterloo.ca>; Property Data Administrator (SM) <PropDataAdmin@kitchener.ca>; Robert Morgan <Robert.Morgan@kitchener.ca>; Steven Ryder <Steven.Ryder@kitchener.ca>; Sylvie Eastman <Sylvie.Eastman@kitchener.ca>; WCDSB - Planning <planning@wcdsb.ca>; WRDSB - Board Secretary (elaine_burns@wrdsb.ca) <elaine_burns@wrdsb.ca>; WRDSB - Planning <planning@wrdsb.ca>
Cc: Brian Bateman <Brian.Bateman@kitchener.ca>
Subject: Circulation for Comment - OPA/ZBA (130-140 Highland Rd. E. & 270 Spadina Ave.)

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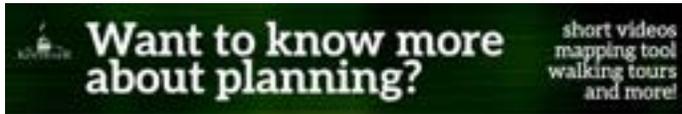
Please see attached - additional documents available for review in [ShareFile](#). Comments or questions should be directed to **Brian Bateman**, Senior Planner (brian.bateman@kitchener.ca; 519-741-2200 x7869).

Christine Kompter

Administrative Assistant | Planning Division | City of Kitchener

200 King Street West, 6th Floor | P.O. Box 1118 | Kitchener ON N2G 4G7

519-741-2200 ext. 7425 | TTY 1-866-969-9994 | christine.kompter@kitchener.ca



City of Kitchener - Comment Form

Project Address: 130, 140 Highland Rd. E.

Application Type: OPA and ZBA

Comments of: Environmental Planning (Sustainability) – City of Kitchener

Commenter's name: Gaurang Khandelwal

Email: gaurang.khandelwal@kitchener.ca

Phone: 519-741-2200 x 7611

Written Comments Due: NA

Date of comments: May 26, 2023

1. Plans, Studies and/or Reports submitted and reviewed as part of a complete application:

- Sustainability Statement – 130, 140 Highland Rd. E., prepared by MHBC, dated November 24, 2022
- Sustainability Statement (Updated) – 130&140 Highland Road E, prepared by MHBC, dated March 24, 2023

2. Comments & Issues:

I have reviewed the documentation (as listed above) to support an Official Plan Amendment and a Zoning By-law Amendment for the proposed development of a 17-storey apartment building with a total of 211 units, regarding sustainability and energy conservation and provide the following:

- Although the Ontario Building Code (OBC) is advanced, going forward all developments will need to include robust energy conservation measures as the City (and Region of Waterloo) strive to achieve our greenhouse gas reduction target.
- **Based on my review of the supporting documentation, the Official Plan and Zoning Bylaw Amendments can be supported as several sustainable measures have been proposed or are being considered for the development.**
- A Sustainability Statement (as per the City's Terms of Reference) will be required as part of a complete Site Plan Application which can further explore and/or confirm additional sustainability measures that are best suited to the development as the design evolves.
- Potential items for further consideration:
 - Alternative water supply systems such as rainwater harvesting or grey water reuse, or the ability to incorporate such systems in the future

3. **Policies, Standards and Resources:**

- Kitchener Official Plan Policy 7.C.4.5. The City will encourage and support, where feasible and appropriate, alternative energy systems, renewable energy systems and district energy in accordance with Section 7.C.6 to accommodate current and projected needs of energy consumption.
- Kitchener Official Plan Policy 7.C.6.4. In areas of new development, the City will encourage orientation of streets and/or lot design/building design with optimum southerly exposures. Such orientation will optimize opportunities for active or passive solar space heating and water heating.
- Kitchener Official Plan Policy 7.C.6.8. Development applications will be required to demonstrate, to the satisfaction of the City, energy is being conserved or low energy generated.
- Kitchener Official Plan Policy 7.C.6.27. The City will encourage developments to incorporate the necessary infrastructure for district energy in the detailed engineering designs where the potential for implementing district energy exists.

4. **Advice:**

- As part of the Kitchener Great Places Award program every several years there is a Sustainable Development category. Also, there are community-based programs to help with and celebrate and recognize businesses and sustainable development stewards (Regional Sustainability Initiative - <http://www.sustainablewaterlooregion.ca/our-programs/regional-sustainability-initiative> and TravelWise - <http://www.sustainablewaterlooregion.ca/our-programs/travelwise>).
- The '[Sustainability Statement Terms of Reference](#)' can be found on the City's website under 'Planning Resources' at ... <https://www.kitchener.ca/SustainabilityStatement>

From: Barbara Steiner
Sent: Wednesday, January 11, 2023 3:46 PM
To: Brian Bateman
Cc: Sandro Bassanese; Lenore Ross
Subject: City Envl Plng (Natl Hrtg) - OPA/ZBA (130-140 Highland Rd. E. & 270 Spadina Ave.) OPA22/016/H/BB and ZBA22/028/H/BB
Attachments: [2022-11-01 - 140 - Aboud - 22-124A 140 Highland Road East Kitchener TPP 2022-10-31.pdf](#)

Brian:

Thank you for forwarding the Tree Preservation Plan (Aboud & Associates Inc. 31 Oct 2022) required under the City's *Tree Management Policy* (rev. 2001) as a supporting study to the application for OPA / ZBA. For these types of development applications (i.e. not SP) Environmental Planning staff are normally responsible for review and comment as opposed to Urban Design staff.

Because the re-development at **270 Spadina Rd E** has been the subject of a SPA for some years, and trees affected have been extensively reviewed by Urban Design staff (S. Bassanese), **we are deferring any (further) comment to Urban Design for that area of the application.**

With the addition of 130 and 140 Highland Rd E to the application, I have reviewed the Tree Preservation Plan submitted and observe:

1. Trees at **140 Highland Rd E** that existed in April 2019 were removed prior to April 2020, presumably as approved with the development / SPA at 270 Spadina Rd E. **Comment also deferred to Urban Design staff.**
2. Trees at **130 Highland Rd E** are restricted to those in shared ownership with the City (Highland Courts Park) and are comprised of Siberian Elms (proposed removal), White Mulberry (proposed removal), and one Little-leaf Linden which is proposed to be retained (but potentially impacted). No natural heritage values (i.e. retention representative of Ontario biodiversity) associated with the fate of these non-native trees will be impaired. So, therefore, **we defer the review and decision-making on the fate of these trees to City Parks / Forestry staff.**

Therefore, City Environmental Planning staff have no further concerns with Official Plan Amendment **OPA22/016/H/BB** or Zoning By-law Amendment **ZBA22/028/H/BB**.

Barbara Steiner

Senior Environmental Planner | Planning | City of Kitchener
519-741-2200 X7293 | TTY 1-866-969-9994 | barbara.steiner@kitchener.ca



From: Christine Kompter <Christine.Kompter@kitchener.ca>
Sent: Tuesday, January 10, 2023 1:24 PM
To: CNR <proximity@cn.ca>; _DL_#_DSD_Planning <DSD-PlanningDivision@kitchener.ca>; Bell - c/o WSP <circulations@wsp.com>; Carlos Reyes <Carlos.Reyes@kitchener.ca>; Darren Kropf

<Darren.Kropf@kitchener.ca>; Dave Seller <Dave.Seller@kitchener.ca>; David Paetz <David.Paetz@kitchener.ca>; Ellen Straus <Ellen.Straus@kitchener.ca>; Enova Power Corp. - Greig Cameron <greig.cameron@enovapower.com>; Enova Power Corp. - Shaun Wang <shaun.wang@enovapower.com>; Feds <vped@feds.ca>; GRCA - Planning (planning@grandriver.ca) <planning@grandriver.ca>; Greg Reitzel <Greg.Reitzel@kitchener.ca>; Hydro One - Dennis DeRango <landuseplanning@hydroone.com>; Jim Edmondson <Jim.Edmondson@kitchener.ca>; Justin Readman <Justin.Readman@kitchener.ca>; Katherine Hughes <Katherine.Hughes@kitchener.ca>; Mike Seiling <Mike.Seiling@kitchener.ca>; Ontario Power Generation <Executivevp.lawanddevelopment@opg.com>; Park Planning (SM) <Park.Planning@kitchener.ca>; Region - Planning <PlanningApplications@regionofwaterloo.ca>; Property Data Administrator (SM) <PropDataAdmin@kitchener.ca>; Robert Morgan <Robert.Morgan@kitchener.ca>; Steven Ryder <Steven.Ryder@kitchener.ca>; Sylvie Eastman <Sylvie.Eastman@kitchener.ca>; WCDSB - Planning <planning@wcdsb.ca>; WRDSB - Board Secretary (elaine_burns@wrdsb.ca) <elaine_burns@wrdsb.ca>; WRDSB - Planning <planning@wrdsb.ca>
Cc: Brian Bateman <Brian.Bateman@kitchener.ca>
Subject: Circulation for Comment - OPA/ZBA (130-140 Highland Rd. E. & 270 Spadina Ave.)

Please see attached - additional documents available for review in [ShareFile](#). Comments or questions should be directed to **Brian Bateman**, Senior Planner (brian.bateman@kitchener.ca; 519-741-2200 x7869).

Christine Kompter

Administrative Assistant | Planning Division | City of Kitchener
200 King Street West, 6th Floor | P.O. Box 1118 | Kitchener ON N2G 4G7
519-741-2200 ext. 7425 | TTY 1-866-969-9994 | christine.kompter@kitchener.ca





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TTY: 519-575-4608
Fax: 519-575-4466
www.regionofwaterloo.ca

Melissa Mohr 1-226-752-8622
File: D17/2/22016
C14/2/22028
April 6, 2023

Brian Bateman
Senior Planner
City of Kitchener
200 King Street West, 6th Floor
P.O. Box 1118, Kitchener, ON
N2G 4G7

Dear Mr. Bateman,

**Re: Proposed Official Plan Amendment OPA 22/16 and
Zoning By-law Amendment ZBA 22/28
130-140 Highland Road East and 270 Spadina Road East
MHBC Planning Inc. (C/O Pierre Chauvin) on behalf of
270 Developments Inc. (C/O Vive Development
Corporation
CITY OF KITCHENER**

MHBC Planning has submitted a site-specific Official Plan Amendment and Zoning By-law Amendment Application for a development proposal at 130-140 Highland Road East and 270 Spadina Avenue (referred to as subject lands) in the City of Kitchener.

There is a six (6)-storey residential building that is under construction on the lands described as 270 Spadina Avenue and the applicant has proposed to consolidate this property with the lands addressed as 130-140 Highland Road East and add a seventeen (17)-storey purpose built rental apartment building on the lands. The proposed building consists of a 5-storey podium with a 12-storey tower with 122 residential units proposed within the building. Vehicular access is proposed from Highland Road East and Spadina Road East. Structured parking has also been proposed with access to the parking structure from Highland Road East. Vehicular access to the site is proposed from Highland Road East and Spadina Road East with pedestrian access to the new building from Highland Road East.

The subject lands are located in the Urban Area and designated Built Up Area in the Regional Official Plan. The site is designated Low Density Commercial Residential and

Medium Density Residential in the City of Kitchener Official Plan and zoned Commercial Residential One Zone (CR-1) Zone, Medium Density Residential and Special Regulation 738R in the City of Kitchener Zoning By-law. The applicant has requested an **Official Plan Amendment** to redesignate the lands from the Low Density Commercial Residential and Medium Density Multiple Residential to the High Density Commercial Residential designation. The Applicant has requested a **Zoning By-law Amendment** to rezone the subject lands from Commercial Residential One Zone (CR-1) Zone, Medium Density Residential Zone and Special Regulation 738R to Commercial Residential Three Zone (CR-3) Zone with site-specific special regulations for the height of the building, step backs, setbacks and parking provisions tailored to the development. These amendments will facilitate the additional density proposed on site and permit site-specific provisions tailored to the development.

The Region has had the opportunity to review the proposal and offers the following:

Regional Comments

Consistency with Provincial Legislation and Regional Official Plan Conformity

The subject lands are designated “Urban Area” and “Built-Up Area” on Schedule 3a of the Regional Official Plan (ROP) and the site is designated Low Density Commercial Residential and Medium Density Multiple Residential in the Mill Courtland –Woodside Park Secondary Plan in the City of Kitchener Official Plan.

Planned Community Structure:

The majority of the Region’s future growth will occur within the Urban Area designation with a substantial portion of this growth directed to the existing Built-Up Area of the Region through reurbanization. Focal points for reurbanization include Urban Growth Centres, Township Urban Growth Centres, Major Transit Station Areas, Reurbanization Corridors and Major Local Nodes (ROP Section 2.B).

Development occurring within the Urban Area shall be planned in a way that contributes to the creation of complete communities with development patterns densities and an approximate use of land uses that support walking, cycling and the use of transit serviced by a municipal drinking-water supply system and a municipal wastewater system. It is Regional staff’s understanding that the development proposes additional apartment style housing units that are a different housing form than what is otherwise available within the immediate area. In addition, Regional staff understand that the proposed development is to connect to local the municipal water and sanitary services available in the Highland Road East right of way.

ROPA 6 Adopted Policies:

The subject lands are located in the Built Up Area as designated through ROPA 6. The development concept proposes a higher density development that contributes to the minimum intensification target established for the Built Up Area of Kitchener of 60%. Section 2.F of ROPA 6 establishes policies to support the achievement of the minimum intensification targets within the delineated built up area. Growth is directed to the Built Up Area of the Region to make better use of infrastructure, transition the Region of

Waterloo into an energy efficient, low carbon community and support the gradual transition of existing neighbourhoods into 15 minute neighbourhoods where compact well connected places that allow all people of all ages and abilities to access the needs for daily living within 15 minutes by walking, cycling or rolling.

Further to the above, ROPA 6 encourages and supports higher density developments that provide for a range of housing forms. The apartment style units proposed through this development will promote an alternative housing form than what is readily available within the immediate neighbourhood and it will contribute to the creation of the 15-minute neighbourhood envisioned within the plan with access to transit along Highland Road East.

In addition to the above planning comments, Regional staff have the following technical comments relating to the proposed Official Plan Amendment and Zoning By-law Amendment:

Environmental Threats/Record of Site Condition:

There are known and high environmental threats on the subject lands due to past/historic uses of the site for various manufacturing uses. As a density increase of a sensitive land use has been proposed on the subject lands, a Record of Site Condition and Ministry Acknowledgement letter shall be required for the entirety of the subject lands in accordance with the Region of Waterloo's *Implementation Guideline for the Review of Development Applications On or Adjacent to Known and Potentially Contaminated Sites*.

Regional staff acknowledge that the lands described as 270 Spadina Road East have an existing Record of Site Condition (RSC) filed on them (RSC # 225764) including a Ministry Acknowledgment Letter. Since the Record of Site Condition and Ministry Acknowledgement Letter were not received for 130-140 Highland Road East as part of the Complete Application for the Official Plan Amendment or Zoning By-law Amendment, the Region shall require a Holding Provision to be implemented as part of the Zoning By-law Amendment prohibiting the proposed development until the submission of the RSC and the Ministry's Acknowledgement Letter have been received to the satisfaction of the Regional Municipality of Waterloo for the lands municipally addressed as 130 and 140 Highland Road East. The following wording is required for the holding provision:

That a holding provision shall apply to the entirety of the subject lands until a Record of Site Condition (RSC) in accordance with O. Reg. 153/04, as amended, has been filed on the Ministry of Environment, Conservation and Parks (MECP) Environmental Site Registry and the RSC and Ministry's Acknowledgement letter is received to the satisfaction of the Regional Municipality of Waterloo.

Noise Study Peer Review (transportation and stationary noise):

A peer review of the Environmental Noise Study entitled "Noise Feasibility Study Proposed Residential Development, 130-140 Highland Road East, Kitchener, Ontario,

Canada” prepared by HGC Engineering dated October 18, 2022, was completed by RWDI and their comments are attached to this letter. Based on the attached comments, additional information is needed to support the assertions and results provided within the noise study. The issues raised through the attached comments from RWDI must be addressed. To ensure the Region received a satisfactory Noise study, the Region shall require a holding provision be implemented within the site-specific Zoning By-law Amendment. The required wording for the Holding Provision shall be:

That a holding provision shall apply to the entirety of the subject lands until a satisfactory detailed transportation (road) and stationary noise study has been completed and implementation measures addressed to the satisfaction of the Regional Municipality of Waterloo. The detailed stationary noise study shall review the potential impacts of the points of reception (e.g. HVAC systems) on the sensitive points of reception and the impacts of the development on adjacent noise sensitive uses.

Corridor Planning:

Future Site Plan Stage

Transit Planning/Transportation Demand Management (TDM):

Regional Transit staff have reviewed the Transportation Impact Study (TIS) and Parking Study that was submitted with the application and have the following comments related to transit and TDM measures:

Regional staff are supportive of reduced parking supplies, the provision of unbundled parking and surplus bike parking as impactful TDM measures for this site. The applicant includes additional TDM strategies within section 8.6 of the Planning Justification Report to justify additional parking reductions including the implementation of subsidized transit passes. If this tool is implemented, it requires a commitment from the owner/applicant to manage, administer, and fund the full cost of monthly transit passes for the residents of the building. In addition, if subsidized transit passes are implemented within this development, further consultation and confirmation of expectations between all three parties (Applicant, City, Region (GRT) is required. Another TDM strategy proposed by the applicant is the provision for car-sharing vehicles to be used on site. Please note that the most established car-sharing program in Waterloo Region is Communauto. Regional staff understand that Communauto offers unique programming to “launch” a car share vehicle through a business agreement with the property owner. Please contact Janet MacLeod jmacleod@communauto.ca to learn more about opportunities about the car share program at Communauto.

In addition to the above, Grand River Transit (GRT) staff respectfully request the PARTS TDM Checklist and note that additional comments may be provided once the review of the checklist is completed.

Finally, please note that this stretch of Highland Road East is identified in the City of Kitchener’s 10-year capital forecast for reconstruction in 2023.

Transit Requirements:

Grand River Transit (GRT) operates Route 16 on Highland Road East adjacent to the subject lands. Please be advised that no changes to this route are planned.

There are transit stops in the vicinity of the site. Transit stop no. 3105 is located on the east side of Highland Road at the south side of the intersection of Highland Road East and Spadina Road East, approximately 75m from the subject lands. It features a combined shelter/landing pad. Transit stop no. 2820 is located on the west side of Highland Road East at the Highland Road East and Spadina Road East intersection, which features a stop pole and landing pad in the boulevard.

In anticipation of additional density at the subject lands, transit stop no. 3105 will be relocated to the Highland Road East frontage and will be upgraded with additional transit amenities. Through a future Site Plan application, the owner/developer shall be responsible to provide for the following transit amenities:

- a) Construction of a 9.5m x 2m landing pad, preferably at the same time as the City's reconstruction of Highland Road East as indicated above;
- b) Provide funds for a 4m x 3.2 transit shelter likely adjacent to the parking lot nearside of the proposed driveway on Highland Road East; and
- c) Provide a 5m x 3m easement for a shelter pad. Please be advised that the pad may be required on the Highland Road East frontage behind the sidewalk (likely adjacent to the parking lot near the driveway).

For clarification in this regard, please contact Bridget Coady at 519-585-7597 ext. 7379 or via email: bcoady@regionofwaterloo.ca

Hydrogeology and Source Water Programs

The subject lands are located in Wellhead Protection Sensitive Area 8 (WPSA 8); therefore, Regional staff require a prohibition on geothermal energy to be written into the zoning by-law. The required wording for the prohibition is:

Geothermal Wells are prohibited on site. A geothermal well is defined as a vertical well, borehole or pipe installation used for geothermal systems, ground-source heat pump systems, geo-exchange systems or earth energy systems for heating or cooling; including open-loop and closed-loop vertical borehole systems. A geothermal well does not include a horizontal system where construction or excavation occurs to depths less than five meters unless the protective geologic layers overlaying a vulnerable aquifer have been removed through construction or excavation.

Housing Services

The following Regional policies and initiatives support the development and maintenance of affordable housing:

- Regional Strategic Plan
- 10-Year Housing and Homelessness Plan
- Building Better Futures Framework
- Region of Waterloo Official Plan

The Region supports the provision of a full range of housing options, including affordable housing. Rent levels and house prices that are considered affordable according to the Regional Official Plan are provided below. Should this development application move forward, staff ask the Owner/Developer to consider providing a number of affordable housing units on the site, as defined in the Regional Official Plan.

In order for affordable housing to fulfill its purpose of being affordable to those who require rents or purchase prices lower than the regular market provides, a mechanism should be in place to ensure the units remain affordable and establish income levels of the households who can rent or own the homes.

For the purposes of evaluating the affordability of an ownership unit, based on the definition in the Regional Official Plan, the purchase price is compared to the least expensive of:

Housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households	\$385,500
Housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area	\$576,347

*Based on the most recent information available from the PPS Housing Tables (2021).

In order for an owned unit to be deemed affordable, the maximum affordable house price is \$385,500.

For the purposes of evaluating the affordability of a rental unit, based on the definition of affordable housing in the Regional Official Plan, the average rent is compared to *the least expensive of*:

A unit for which the rent does not exceed 30 per cent of the gross annual household income for low and moderate income renter households	\$1,470
A unit for which the rent is at or below the average market rent (AMR) in the regional market area	Bachelor: \$950 1-Bedroom: \$1,134 2-Bedroom: \$1,356 3-Bedroom: \$1,538 4+ Bedroom: \$3,997

*Based on the most recent information available from the PPS Housing Tables (2021)

In order for a rental unit to be deemed affordable, the average rent for the proposed units which have fewer than 3 bedrooms must be at or below the average market rent in the regional market area as shown above. For proposed units with three or more bedrooms, the average rent for the units must be below \$1,470.

Fees

Please be advised that the Region acknowledges receipt of the Official Plan Amendment and Zoning By-law Amendment review fees totalling \$10,000 (received February 14, 2023).

Follow Up:

The Region is not satisfied with the Environmental Noise study as per the attached comments. Please be advised that the Region must be satisfied with the conclusions, recommendations and implementation measures for transportation and stationary noise therefore, the Region shall require a holding provision to ensure the study is addressed appropriately.

Conclusions:

The Region has no objection to the Official Plan Amendment and Zoning By-law Amendment subject to the following being implemented within the site-specific Zoning By-law Amendment:

1. The implementation of a holding provision to obtain detailed transportation and stationary noise study to the satisfaction of the Regional Municipality of Waterloo. The required wording for the holding provision is:

That a holding provision shall apply to the entirety of the subject lands until a satisfactory detailed transportation (road) and stationary noise study has been completed and implementation measures addressed to the satisfaction of the Regional Municipality of Waterloo. The detailed stationary noise study shall review the potential impacts of the points of reception (e.g. HVAC systems) on the sensitive points of reception and the impacts of the development on adjacent noise sensitive uses.

2. The implementation of a holding provision to obtain a Record of Site Condition and Ministry Acknowledgement Letter on the lands addressed as 130 and 140 Highland Road East. The required wording for the holding provision is:

That a holding provision shall apply to the entirety of the subject lands until a Record of Site Condition (RSC) in accordance with O. Reg. 153/04, as amended, has been filed on the Ministry of Environment, Conservation and Parks (MECP) Environmental Site Registry and the RSC and Ministry's Acknowledgement letter is received to the satisfaction of the Regional Municipality of Waterloo.

And,

3. That a geothermal prohibition be implemented within the site specific Zoning By-law. The required wording for the prohibition is:

Geothermal Wells are prohibited on site. A geothermal well is defined as a vertical well, borehole or pipe installation used for geothermal systems, ground-source heat pump systems, geo-exchange systems or earth energy systems for heating or cooling; including open-loop and closed-loop vertical borehole systems. A geothermal well does not include a horizontal system where construction or excavation occurs to depths less than five meters unless the protective geologic layers overlaying a vulnerable aquifer have been removed through construction or excavation.

Please be advised that further implementation measures may be required at this stage once the Region has received a satisfactory noise study.

Next Steps:

Please be advised that any future development on the lands subject to the above-noted application will be subject to the provisions of Regional Development Charge By-law 19-037 or any successor thereof.

Further, please accept this letter as our request for a copy of the decision pertaining to this application. Should you have any questions, please do not hesitate to contact me.

Yours truly,



Melissa Mohr, MCIP, RPP
Senior Planner

- C. MHBC Planning Inc. C/O Pierre Chauvin and/or Juliane von Westerholt (Applicant), 270 Developments Inc. C/O Vive Development Corporation (Owner)

From: Mike Seiling
Sent: Tuesday, January 10, 2023 2:26 PM
To: Brian Bateman
Subject: FW: Circulation for Comment - OPA/ZBA (130-140 Highland Rd. E. & 270 Spadina Ave.)
Attachments: [130-140 Highland Agency Letter.pdf](#); [OPA22016HBB_SCHA_12.pdf](#); [ZBA22028HBB_MAP1.pdf](#)

Building; no concerns

From: Christine Kompter <Christine.Kompter@kitchener.ca>
Sent: Tuesday, January 10, 2023 1:24 PM
To: CNR <proximity@cn.ca>; _DL_#_DSD_Planning <DSD-PlanningDivision@kitchener.ca>; Bell - c/o WSP <circulations@wsp.com>; Carlos Reyes <Carlos.Reyes@kitchener.ca>; Darren Kropf <Darren.Kropf@kitchener.ca>; Dave Seller <Dave.Seller@kitchener.ca>; David Paetz <David.Paetz@kitchener.ca>; Ellen Straus <Ellen.Straus@kitchener.ca>; Enova Power Corp. - Greig Cameron <greig.cameron@enovapower.com>; Enova Power Corp. - Shaun Wang <shaun.wang@enovapower.com>; Feds <vped@feds.ca>; GRCA - Planning (planning@grandriver.ca) <planning@grandriver.ca>; Greg Reitzel <Greg.Reitzel@kitchener.ca>; Hydro One - Dennis DeRango <landuseplanning@hydroone.com>; Jim Edmondson <Jim.Edmondson@kitchener.ca>; Justin Readman <Justin.Readman@kitchener.ca>; Katherine Hughes <Katherine.Hughes@kitchener.ca>; Mike Seiling <Mike.Seiling@kitchener.ca>; Ontario Power Generation <Executivevp.lawanddevelopment@opg.com>; Park Planning (SM) <Park.Planning@kitchener.ca>; Region - Planning <PlanningApplications@regionofwaterloo.ca>; Property Data Administrator (SM) <PropDataAdmin@kitchener.ca>; Robert Morgan <Robert.Morgan@kitchener.ca>; Steven Ryder <Steven.Ryder@kitchener.ca>; Sylvie Eastman <Sylvie.Eastman@kitchener.ca>; WCDSB - Planning <planning@wcdsb.ca>; WRDSB - Board Secretary (elaine_burns@wrdsb.ca) <elaine_burns@wrdsb.ca>; WRDSB - Planning <planning@wrdsb.ca>
Cc: Brian Bateman <Brian.Bateman@kitchener.ca>
Subject: Circulation for Comment - OPA/ZBA (130-140 Highland Rd. E. & 270 Spadina Ave.)

Please see attached - additional documents available for review in [ShareFile](#). Comments or questions should be directed to **Brian Bateman**, Senior Planner (brian.bateman@kitchener.ca; 519-741-2200 x7869).

Christine Kompter

Administrative Assistant | Planning Division | City of Kitchener
200 King Street West, 6th Floor | P.O. Box 1118 | Kitchener ON N2G 4G7
519-741-2200 ext. 7425 | TTY 1-866-969-9994 | christine.kompter@kitchener.ca



From: Trevor Heywood <theywood@grandriver.ca>
Sent: Tuesday, January 10, 2023 2:55 PM
To: Brian Bateman
Subject: RE: Circulation for Comment - OPA/ZBA (130-140 Highland Rd. E. & 270 Spadina Ave.)

Hey Brian,

This is not regulated by the GRCA and we have no comment.

Regards,

Trevor Heywood
Resource Planner
Grand River Conservation Authority

400 Clyde Road, PO Box 729
Cambridge, ON N1R 5W6
Phone: 519-621-2763 ext. 2292
Email: theywood@grandriver.ca
www.grandriver.ca | [Connect with us on social media](#)

From: Christine Kompter <Christine.Kompter@kitchener.ca>
Sent: January 10, 2023 1:24 PM
To: CNR <proximity@cn.ca>; _DL_#_DSD_Planning <DSD-PlanningDivision@kitchener.ca>; Bell - c/o WSP <circulations@wsp.com>; Carlos Reyes <Carlos.Reyes@kitchener.ca>; Darren Kropf <Darren.Kropf@kitchener.ca>; Dave Seller <Dave.Seller@kitchener.ca>; David Paetz <David.Paetz@kitchener.ca>; Ellen Straus <Ellen.Straus@kitchener.ca>; Enova Power Corp. - Greig Cameron <greig.cameron@enovapower.com>; Enova Power Corp. - Shaun Wang <shaun.wang@enovapower.com>; Feds <vped@feds.ca>; Planning <planning@grandriver.ca>; Greg Reitzel <Greg.Reitzel@kitchener.ca>; Hydro One - Dennis DeRango <landuseplanning@hydroone.com>; Jim Edmondson <Jim.Edmondson@kitchener.ca>; Justin Readman <Justin.Readman@kitchener.ca>; Katherine Hughes <Katherine.Hughes@kitchener.ca>; Mike Seiling <Mike.Seiling@kitchener.ca>; Ontario Power Generation <Executivevp.lawanddevelopment@opg.com>; Park Planning (SM) <Park.Planning@kitchener.ca>; Region - Planning <PlanningApplications@regionofwaterloo.ca>; Property Data Administrator (SM) <PropDataAdmin@kitchener.ca>; Robert Morgan <Robert.Morgan@kitchener.ca>; Steven Ryder <Steven.Ryder@kitchener.ca>; Sylvie Eastman <Sylvie.Eastman@kitchener.ca>; WCDSB - Planning <planning@wcdsb.ca>; WRDSB - Board Secretary (elaine_burns@wrdsb.ca) <elaine_burns@wrdsb.ca>; WRDSB - Planning <planning@wrdsb.ca>
Cc: Brian Bateman <Brian.Bateman@kitchener.ca>
Subject: Circulation for Comment - OPA/ZBA (130-140 Highland Rd. E. & 270 Spadina Ave.)

Please see attached - additional documents available for review in [ShareFile](#). Comments or questions should be directed to **Brian Bateman**, Senior Planner (brian.bateman@kitchener.ca; 519-741-2200 x7869).

Christine Kompter

Administrative Assistant | Planning Division | City of Kitchener

200 King Street West, 6th Floor | P.O. Box 1118 | Kitchener ON N2G 4G7

519-741-2200 ext. 7425 | TTY 1-866-969-9994 | christine.kompter@kitchener.ca



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From: Katey Crawford
Sent: Friday, May 12, 2023 9:27 AM
To: Brian Bateman
Subject: RE: 130-140 Highland and 270 Spadina UDB revised
Attachments: [15213AX_UDB_revised May 11th \(november 23\) 2022_Draft v2.pdf](#)

Hi Brian,

The attached UDB is acceptable.

Thanks,

Katey

From: Brian Bateman <Brian.Bateman@kitchener.ca>
Sent: Friday, May 12, 2023 9:02 AM
To: 'Juliane vonWesterholt' <jvonwesterholt@mhbcplan.com>
Cc: Katey Crawford <Katey.Crawford@kitchener.ca>
Subject: RE: 130-140 Highland and 270 Spadina UDB revised

Thanks, Juliane.

Brian Bateman, MCIP, RPP

Senior Planner

City of Kitchener

519-741-2200 x7869, TTY 1-866-969-9994



From: Juliane vonWesterholt <jvonwesterholt@mhbcplan.com>
Sent: Thursday, May 11, 2023 3:11 PM
To: Brian Bateman <Brian.Bateman@kitchener.ca>
Cc: Katey Crawford <Katey.Crawford@kitchener.ca>
Subject: 130-140 Highland and 270 Spadina UDB revised
Importance: High

Hi Brian,

Here is the revised UDB for your files. Hope this is all you need to move forward with the applications!

Have a good afternoon.

Sincerely,

Juliane von Westerholt

JULIANE von WESTERHOLT BES, MCIP, RPP
Associate

MHBC Planning, Urban Design & Landscape Architecture

540 Bingemans Centre Drive, Suite 200 | Kitchener | ON | N2B 3X9 | T 519 576 3650 X
720 | C 519 504 1044 | F 519 576 0121 | jvonwesterholt@mhbcplan.com

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From: Lenore Ross
Sent: Wednesday, April 12, 2023 4:34 PM
To: Brian Bateman; Katey Crawford; Dave Seller
Cc: Sandro Bassanese
Subject: RE: 270 Spadina Inc., OPA22/016/H/BB and ZBA22/028/BB

Hi Brian,

The updated TPEP and valuation is acceptable for the OPA/ZBA. Additional changes may be necessary if/when detailed design is advanced.

The revised truck turning movement plan *appears* to show an acceptable path for garbage pick up that stays out of the anticipated multiuse trail, however, **I will let Dave provide this clearance.** I don't think the preliminary design for the Highland Road reconstruction and cycling improvements is public yet so the updated truck movement plan does not incorporate the 1.8m sidewalk or the cycle track accurately...but it may be sufficient for the OPA/ZBA. Again, if/when detailed design is advanced, there may need to be refinements in the amount/configuration of land necessary for physical parkland dedication at the Highland Courts Park entrance. The use of the park access will be subject to separate approvals and agreements through Legal and the required changes/upgrades to the park entrance will be at the sole cost of the developer as part of the future site plan application.

I had noted in my previous comments that adequate land *on-site* should be provided to accommodate required tree planting adjacent to Highland Courts Park and while the response matrix indicates that the revised site plan addresses this comment, the surface parking and below grade parking structure still appear to be only 1m off the property line and while this setback is not covered by zoning there will need to be a visual barrier in this space and the preliminary grading plan anticipates a low retaining wall...there will not be room for trees.

Regards,

Lenore

From: Brian Bateman <Brian.Bateman@kitchener.ca>
Sent: Thursday, April 6, 2023 1:26 PM
To: Katey Crawford <Katey.Crawford@kitchener.ca>; Lenore Ross <Lenore.Ross@kitchener.ca>; Dave Seller <Dave.Seller@kitchener.ca>
Cc: Sandro Bassanese <Sandro.Bassanese@kitchener.ca>
Subject: FW: 270 Spadina Inc., OPA22/016/H/BB and ZBA22/028/BB

Hello Katey, Lenore & Dave,

I have been meaning to send this email to you earlier – apologize for the delay. Attached is a letter from MHBC responding to issues you have identified with the proposal. Can you kindly review at your earliest convenience and advise if the response and plans address your concerns. Much appreciated.

Brian Bateman, MCIP, RPP
Senior Planner
City of Kitchener

519-741-2200 x7869, TTY 1-866-969-9994



From: Pierre Chauvin <pchauvin@mhbcplan.com>
Sent: Friday, March 24, 2023 5:05 PM
To: Brian Bateman <Brian.Bateman@kitchener.ca>
Cc: Stephen Litt <sl@vivedevelopment.ca>; Mark Hocolik <mh@vivedevelopment.ca>; Laird A Robertson <laird@NEOarchitecture.ca>; Santiago <santiago@neoarchitecture.ca>; Juliane vonWesterholt <jvonwesterholt@mhbcplan.com>
Subject: 270 Spadina Inc., OPA22/016/H/BB and ZBA22/028/BB

Hi Brian,
Please find attached our response to the agency/department comments received. Due to size of the files, I have included the attachments to the letter in the following dropbox link.

<https://www.dropbox.com/t/5skR5G0kxXekyX7i>

We look forward to continuing to work with you to move this exciting project forward.
Thanks,

Vacation Alert: I will be off from March 30th to April 11th.

PIERRE CHAUVIN, MA, MCIP, RPP | Partner

MHBC Planning, Urban Design & Landscape Architecture

540 Bingemans Centre Drive, Suite 200 | Kitchener | ON | N2B 3X9 | T 519 576 3650 X 701 | C 519 580 4912 | F 519 576 0121 | pchauvin@mhbcplan.com

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From: Planning <planning@wcdsb.ca>
Sent: Monday, January 16, 2023 9:09 AM
To: Brian Bateman
Subject: RE: Circulation for Comment - OPA/ZBA (130-140 Highland Rd. E. & 270 Spadina Ave.)

Good Morning Brian,

The Waterloo Catholic District School Board has reviewed the subject application and based on our development circulation criteria have the following comment(s)/condition(s):

A) That any Education Development Charges shall be collected prior to the issuance of a building permit(s).

B) That the developer shall include the following wording in the site plan agreement to advise all purchasers of residential units and/or renters of same:

“In order to limit risks, public school buses contracted by Student Transportation Services of Waterloo Region (STSWR), or its assigns or successors, will not travel on privately owned or maintained right-of-ways to pick up and drop off students, and so bussed students will be required to meet the bus at a congregated bus pick-up point.”

If you require any further information, please contact me by e-mail at Jordan.Neale@wcdsb.ca.

Thank you,
Jordan Neale
Planning Technician, WCDSB
480 Dutton Dr, Waterloo, ON N2L 4C6
519-578-3660 ext. 2355

From: Christine Kompter <Christine.Kompter@kitchener.ca>
Sent: Tuesday, January 10, 2023 1:24 PM
To: CNR <proximity@cn.ca>; _DL_#_DSD_Planning <DSD-PlanningDivision@kitchener.ca>; Bell - c/o WSP <circulations@wsp.com>; Carlos Reyes <Carlos.Reyes@kitchener.ca>; Darren Kropf <Darren.Kropf@kitchener.ca>; Dave Seller <Dave.Seller@kitchener.ca>; David Paetz <David.Paetz@kitchener.ca>; Ellen Straus <Ellen.Straus@kitchener.ca>; Enova Power Corp. - Greig Cameron <greig.cameron@enovapower.com>; Enova Power Corp. - Shaun Wang <shaun.wang@enovapower.com>; Feds <vped@feds.ca>; GRCA - Planning (planning@grandriver.ca) <planning@grandriver.ca>; Greg Reitzel <Greg.Reitzel@kitchener.ca>; Hydro One - Dennis DeRango <landuseplanning@hydroone.com>; Jim Edmondson <Jim.Edmondson@kitchener.ca>; Justin Readman <Justin.Readman@kitchener.ca>; Katherine Hughes <Katherine.Hughes@kitchener.ca>; Mike Seiling <Mike.Seiling@kitchener.ca>; Ontario Power Generation <Executivevp.lawanddevelopment@opg.com>; Park Planning (SM) <Park.Planning@kitchener.ca>; Region - Planning <PlanningApplications@regionofwaterloo.ca>; Property Data Administrator (SM) <PropDataAdmin@kitchener.ca>; Robert Morgan <Robert.Morgan@kitchener.ca>; Steven Ryder

<Steven.Ryder@kitchener.ca>; Sylvie Eastman <Sylvie.Eastman@kitchener.ca>; Planning <planning@wcdsb.ca>; WRDSB - Board Secretary (elaine_burns@wrdsb.ca) <elaine_burns@wrdsb.ca>; WRDSB - Planning <planning@wrdsb.ca>
Cc: Brian Bateman <Brian.Bateman@kitchener.ca>
Subject: Circulation for Comment - OPA/ZBA (130-140 Highland Rd. E. & 270 Spadina Ave.)

Caution - External Email - This Message comes from an external organization. Do NOT click on unrecognized links or provide your username and/or password.

Please see attached - additional documents available for review in [ShareFile](#). Comments or questions should be directed to **Brian Bateman**, Senior Planner (brian.bateman@kitchener.ca; 519-741-2200 x7869).

Christine Kompter

Administrative Assistant | Planning Division | City of Kitchener
200 King Street West, 6th Floor | P.O. Box 1118 | Kitchener ON N2G 4G7
519-741-2200 ext. 7425 | TTY 1-866-969-9994 | christine.kompter@kitchener.ca



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From: Dave Seller
Sent: Thursday, March 23, 2023 11:47 AM
To: Brian Bateman
Subject: UPDATED OPA/ZBA comments: 130, 140 Highland Rd E

City of Kitchener

Application Type: Official Plan and Zoning By-law Amendments

Application: Official Plan Amendment OPA22/016/H/BB
Zoning By-law Amendment ZBA22/028/H/BB

Project Address: 130, 140 Highland Road East & 270 Spadina Road East

Comments of: Transportation Services

Commenter's Name: Dave Seller

Email: dave.seller@kitchener.ca

Phone: 519-741-2200 ext. 7369

Date of Comments: March 23, 2023

- a. After reviewing the Transportation Impact Study, Parking Study and Access and Circulation Review (October 2022) submitted by Paradigm Transportation Solutions Limited, Transportation Services offer the following comments.

The applicant is proposing a 17 storey residential development consisting of 211 apartment units, with a total of 121 vehicle parking spaces, which results in a parking ratio of 0.57 spaces per unit. The development is estimated to generate 52 AM and 62 PM peak hour vehicle trips. The AM and PM peak hour trips include the 2031 Region of Waterloo mode share reduction. The site will be serviced by two full moves access point along Highland Road East. One site access is proposed to be a shared access with the City of Kitchener Highland Courts Park access for the surface parking area and a new access point between Spadina Road East and the Highland Courts Park access is proposed for the underground parking area.

The two intersections noted below were reviewed under existing traffic conditions and were expressed as Level of Service (LOS), v/c ratios and vehicle delay. The analysis indicated that the two intersections are operating with acceptable level of service and within capacity in the AM and PM peak hours.

- Highland Road East at Spadina Road East
- Highland Road East at Highland Courts Park access

Under the forecasted 2027 total traffic volumes, the three intersections noted below were analyzed and indicated that they are operating with acceptable level of service and within capacity in the AM and PM peak hours. It should be noted that the Highland Courts Park access and the parking garage access are operating with a LOS C or better during the AM and PM peak hours. At times vehicle queues are forecasted to extend past the parking garage access along Highland Road East and based on Paradigm's traffic counts/video observations, the queues are expected to disperse quickly within each cycle of the traffic signal at Highland Road East at Spadina Road East.

- Highland Road East at Spadina Road East

- Highland Road East at Highland Courts Park access
- Highland Road East at parking garage access

Further analysis was completed, as some residents have concerns regarding traffic operations along Highland Road East due to the proposed development. A review of the existing conditions and future 2027 conditions along Highland Road East was completed and the worst-case statistics were taken from the AM and PM peak hours and are noted below.

Existing conditions along Highland Road East at Spadina Road East and Highland Road East at Highland Courts Park access are operating with a LOS A, vehicle delays of 9 seconds or less, v/c ratios of 0.42 or less and vehicle queuing of approximately 8 vehicles (52m) or less. The future 2027 conditions along Highland Road East at Spadina Road East, Highland Road East at Highland Courts Park access and Highland Road East at parking garage access are operating with a LOS A, vehicle delays of 10 seconds or less, v/c ratios of 0.46 or less and vehicle queuing of approximately 9 vehicles (59m) or less.

Therefore, a comparison between the existing conditions and future 2027 conditions along Highland Road East noted minor increases of 1 second in vehicle delay, 0.04 in v/c ratios and 1 vehicle in queuing. Increases in these characteristics are to be expected and are also minor in nature, therefore, Transportation Services would not expect the road network to be negatively impacted.

A left turn lane analysis was completed utilizing Transportation Association of Canada (TAC) and Ministry of Transportation (MTO) guidelines along Highland Road East at Highland Courts Park access and the parking garage access for the 2027 total traffic volumes and it was determined that left turn lanes along Highland Road East is not recommended. The City of Kitchener supports this recommendation.

Based on the results of the Institute of Transportation Engineers (ITE) rates, proxy site data and auto ownership in the area, the forecasted residential parking ratios are between 0.55 and 0.73 spaces per unit, which results in a parking supply of 116 to 154 vehicles, where the applicant is proposing 121 parking spaces.

Residents or visitors to this development have several different alternative modes of transportation available to them, to reduce dependency on the motor vehicle and to support a reduced parking ratio. Below is a list of those alternative modes of transportation.

- Cycling - access to the Iron Horse Trail less than 400m from the site
- Pedestrian walkability - concrete sidewalks are both sides of roadways in the surrounding area and provides access to the downtown with a 12 minute walk and a 9 minute walk to St. Mary's hospital.
- Grand River Transit Route #16, less than 200m from the site, with connections to ION Route 301, which provide access within the Region of Waterloo to major destinations including Uptown Waterloo, Conestoga Mall and Fairway Park Mall.

Truck turning movements for the garbage/loading access to be resubmitted, as the truck is in conflict with the proposed bike lane along Highland Courts Park access.

In support of a reduced parking rate, the following Transportation Demand Management (TDM) strategies must be provided for this development. That vehicle parking is unbundled from the sale/rent agreement for each dwelling unit and that a total of 91 bicycle parking spaces are being provided and should be allocated as follows.

- 85 Class A bicycle parking spaces
- 6 Class B bicycle parking spaces

It should be noted that a portion of the Class A bicycle parking could be located within the individual residential units, whether they are supported vertically or horizontally. Access to secure Class A bicycle parking should have external ground floor access and an internal access to the secure room.

Therefore, based on Paradigm's analysis and recommendations, Transportation Services is supportive of the proposed residential parking ratio of 0.57 spaces per unit and TDM strategies note above. Of the 121 parking spaces provided, 100 spaces be allocated for the residential portion and 21 spaces be allocated for visitor parking. The visitor parking is based on 10% of the number of dwelling units.

Dave Seller, C.E.T.

Traffic Planning Analyst | Transportation Services | City of Kitchener
519-741-2200 ext. 7369 | TTY 1-866-969-9994 | dave.seller@kitchener.ca

Staff Report

Development Services Department



www.kitchener.ca

REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: June 19, 2023

SUBMITTED BY: Garrett Stevenson, Interim Director of Planning, 519-741-2200 ext. 7070

PREPARED BY: Katie Anderl, Senior Planner
Gaurang Khandelwal, Planner
Tanya Roberts, Project Manager
Janine Oosterveld, Manager of Customer Experience and Project Management

WARD(S) INVOLVED: All Wards

DATE OF REPORT: June 8, 2023

REPORT NO.: DSD-2023-239

SUBJECT: Implementation of Bill 13, Bill 109, and Bill 23
City-Initiated Official Plan Amendment OPA23/001/K/TR
City-Initiated Zoning By-law Amendment ZBA23/004/K/TR

RECOMMENDATION:

1. That City Initiated Official Plan Amendment OPA23/001/K/TR, for the purpose of implementing Bill 13, Bill 109, and Bill 23, including policies to delegate certain minor zoning by-law amendments to staff, policies to update public consultation matters, and to update the Official Plan to reflect new Provincial legislation, be adopted, in the form shown in the Official Plan Amendment attached to Report DSD-2023-239 as Appendix 'A1', and accordingly forwarded to the Region of Waterloo for approval, and
2. That City Initiated Zoning By-law Amendment Application ZBA23/004/K/TR to amend Zoning By-law 85-1, be approved in the form shown in the "Proposed By-law" attached to Report DSD-2023-239 as Appendix 'B1', and

That City Initiated Zoning By-law Amendment Application ZBA23/004/K/TR to amend Zoning By-law 2019-051, be approved in the form shown in the "Proposed By-law" attached to Report DSD-2023-239 as Appendix 'B2', for the purpose of adding new regulations for developments no longer subject to site plan control relating to design and site functionality elements, and to align with new permissions for Additional Dwelling Units, and

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

3. That the By-law 2005-170 and By-law 2007-042 and By-law 2012-069, being the City of Kitchener Delegated Approval By-law, as amended, be repealed and replaced with the “Proposed By-law” attached to Report DSD-2023-239 as Appendix ‘C’, to delegate minor zoning by-law amendments including the removal of Holding provisions and zoning by-law amendments which are minor in nature to make clerical, technical, administrative, and other minor amendments to the Zoning By-law to the Director of Planning, and
4. That the By-law 2007-41, as amended by By-law 2012-070, being Chapter 683 – Site Plan Control of the Municipal Code, as amended, be repealed, and replaced with the “Proposed By-law” attached to Report DSD-2023-239 as Appendix ‘D’, for the purpose of updating the Municipal Code to align with revised site plan control requirements in the Planning Act, and
5. That the By-law 2013-093, being Chapter 620 - Demolition Control of the Municipal Code, be amended by the “Proposed By-law” attached to Report DSD-2023-239 as Appendix ‘E’, to include lands zoned RES 1 through RES-5 within the Demolition Control Area, and
6. That Council Policy MUN-PLA-1095 - Public Participation in the Planning Process, be amended by the “Proposed Council Policy” attached to Report DSD-2023-239 as Appendix ‘F’, to recognize current practices which include postcard notifications to property owners and occupants within 240 metres, to have digital Neighbourhood Meeting for development applications, and to allow for revised notice requirements, and,
7. That Council Policy FIN-GRA-2006 - Development Charges Payment for Affordable Rental Housing and FIN-PLA-2031 - Affordable Housing Development Charges Waiver Policy, attached as Appendix ‘G’, be repealed in their entirety as due to recent changes to the Development Charges Act through Bill 23, non-profit housing developments are now exempt from paying Development Charges (DCs), and further,
8. That two additional FTEs be added to the core complement of the Planning Division to support the timely review of development application in accordance with the timeframes prescribed by Provincial legislation.

REPORT HIGHLIGHTS:

- The purpose of this report is to implement amendments to the Official Plan, zoning bylaws and other city bylaws and policies to address changes to provincial legislation over the past year to build housing faster. The three provincial bills addressed through this report include Bill 13, Bill 109, and Bill 23, addressing changes to the Planning Act and Development Charges Act (associated with affordable housing only), as summarised in Table 1.
- In April 2022, Bill 109, *More Homes for Everyone Act* came into effect with the intent to “reduce red tape” by speeding up the development approvals process by imposing fiscal penalties for municipalities if decisions for Zoning By-law amendments with or without an Official Plan amendment, and approvals for Site Plan applications do not meet prescribed timelines.

- In the summer of 2022, staff initiated a review of the City’s development review processes to satisfy the legislated timelines of Bill 109, while mitigating financial risks to the corporation. While many of the resulting improvements have streamlined processes at a staff level, some require Council approval through this report including matters to implement new procedural options added to the Planning Act through Bill 13, *Supporting People and Businesses Act, 2021* such as expanding matters Council may delegate to include minor zoning by-law amendments to help streamline planning decisions.
- In November 2022, the Province introduced Bill 23, *More Homes Built Faster Act*, which is an omnibus bill impacting nine different development-related Acts. The purpose of Bill 23 is to further streamline approvals for housing and reduce barriers and costs to development. Given the breadth of changes resulting from Bill 23, this report includes amendments to several City polices and bylaws to ensure alignment with the legislation.
- Financial implications of this report relate to achieving legislated timelines to avoid fee refunds for Zoning By-law amendment and Site Plan application fees which are now identified in applicable reports to Council. While most applications, to date, have met the legislated timelines, additional process changes are needed to maintain those results.
- Community engagement included a virtual Community Meeting on March 29th, 2023.
- A request to add two full time employees (FTEs) to the Planning Division to adequately and effectively resource the review of development applications within the prescribed timeframes. Development review staff and management time has been utilized to support the implementation of *Housing For All* as well as other planning projects. Two additional FTEs would create development review staff and management capacity for the review of development applications.
- This report supports the delivery of core services.

Table 1: Summary of Staff Recommendations

<u>New Requirement</u>	<u>Implication</u>	<u>Recommended Change</u>
Planning Application fees for Zoning By-law Amendment and Site Plan Applications are now subject to refunds	Decreased revenue to the Planning Division	Approve amendments to the Official Plan which proposes the enactment of tools to increase speed and efficiency of review including; <ul style="list-style-type: none"> - Use of Holding Provisions for additional technical study, - Delegated authority for minor zoning by-law amendments, including lifting holding provisions, to the Director of Planning, - Updated and clarified requirements for complete applications,

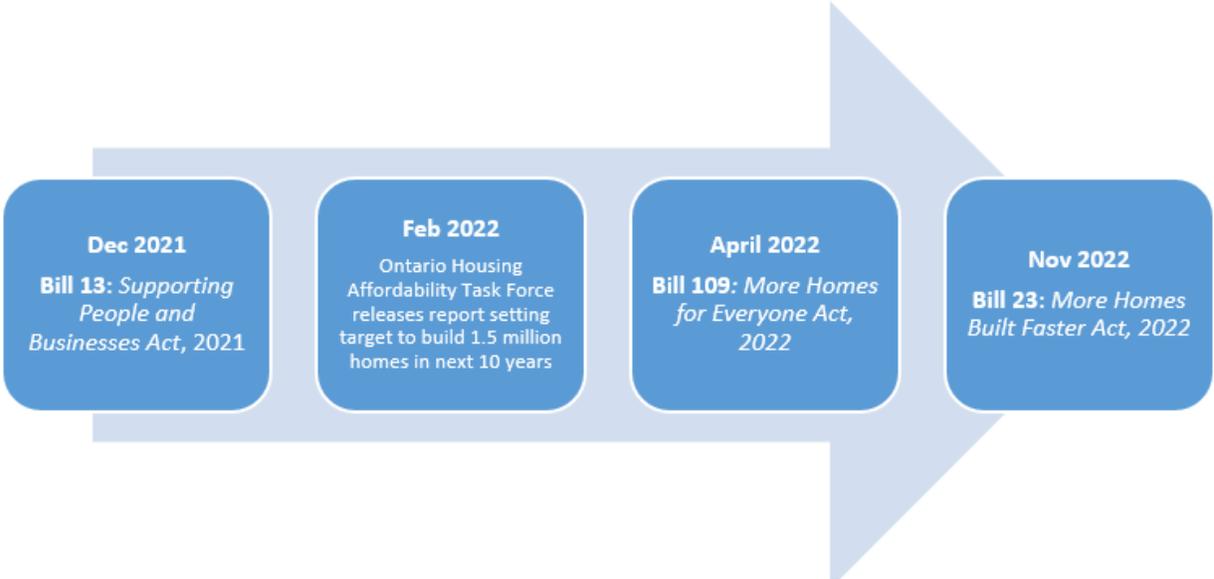
		<ul style="list-style-type: none"> - Shorten statutory public consultation notice period to align with staff report posting, and to allow for greater agenda setting flexibility, and - Digital neighbourhood meetings for every single development application scheduled when the application is received. <p>Consistent focus on continuous improvement for end-to-end file management including additional software, process improvements, etc. Support additional FTEs to the Planning Division to increase development applications review capacity.</p>
Residential buildings with 10 units or less are exempt from site plan control	Limited municipal authority to regulate matters of exterior design and appearance of buildings through the site plan process	<p>Approve a Zoning By-law Amendment to incorporate certain design standards from the urban design manual into Zoning By-laws to ensure safe and functional sites, including;</p> <ul style="list-style-type: none"> - minimum street line façade opening, - minimum front yard landscaped, - minimum driveway width, and parking lot standards. <p>Updates to Site Plan Control By-law to reflect Provincial legislative changes.</p>
Non-profit housing developments are now exempt from paying Development Charges (DCs)	Development Charges for “Non-profit housing developments” are now exempted and do not need to be funded by the Affordable Housing Reserve Fund.	Repeal Council policies FIN-GRA 2006 & FIN-PLA-2031 as they are redundant with exemptions in the Development Charges Act.

Minor zoning by-laws can be delegated to Staff	The administrative burden on Council for routine and minor zoning by-law amendments such as the removal of holding provisions when conditions are fulfilled can be reduced. Delegated approval authority will allow for more efficient and streamlined method for minor zoning by-law amendments.	Approve a revised staff delegation by-law to delegate minor zoning by-law amendments including the removal of Holding provisions and zoning by-law amendments which are minor in nature to make clerical, technical, administrative, and other minor amendments to the Director of Planning.
New definition of a “parcel of urban residential land.” Land within an area of settlement where residential use, other than ancillary residential use, is permitted by by-law and which is served by municipal sewer and water services	Allows up to three (3) units per lot (i.e., up to 3 units in the primary building, or up to 2 in primary building and one in ancillary building or structure)	Approve a Zoning By-law Amendment to permit up to 3 dwelling units on a parcel of urban residential land.
Site Plan must be delegated to staff	Removal of Council and public participation in the Site Plan process	Approve a revised Site Plan Control By-law.

BACKGROUND:

To address the housing crisis and get more homes built faster, the Province has enacted a series of legislated changes to streamline development applications and reduce costs to development. The flowchart in Figure 1 below summarizes Provincial action addressed in this report to address the housing crisis.

Figure 1: Overview of legislative changes relating to housing



First, Bill 13, *Supporting People and Businesses Act, 2021*, which received royal assent on December 2, 2021, introduced amendments to the Planning Act to add a new authority to further delegate planning decisions dealing with minor amendments to zoning by-laws, such as temporary use by-laws, lifting of a holding provision or other minor zoning by-law amendments. This new authority requires a municipality to establish official plan policies specifying the criteria to be used to define by-laws that may be delegated. In addition to approval of an Official Plan amendment, modifications to the municipal delegation by-law are required. Municipalities can choose to use this tool to streamline development application timelines.

In February 2022, the Ontario Affordability Task Force released a report setting a target to build 1.5 million homes in the next 10 years. This target along with some of the report's 55 recommendations were the impetus for provincial legislation that followed.

Next, Bill 109, *More Homes for Everyone Act, 2022*, came into effect in April 2022. Bill 109 is a first step response to the Ontario Housing Affordability Task Force Report. It made changes to the Planning Act requiring municipalities to refund Zoning By-law amendment and Site Plan application fees if a decision or approval, respectively, is not reached within legislated timeframes. The new regulations for fee refunds took effect on January 1, 2023. Staff note that there is currently legislation under consideration as part of Bill 97 that would amend the effective date to July 1, 2023.

Finally, Bill 23, *More Homes Built Faster Act, 2022* came into effect in November 2022, in response to the housing supply crisis and the province's ambitious target to build 1.5 million homes within the next 10 years. Bill 23 amends nine key provincial statutes. This report addresses changes to the *Development Charges Act* related to exemptions to development charges for affordable housing projects. It also addresses changes to the Planning Act that broaden as-of-right permissions for up to three units on a property for single detached dwellings, semi-detached dwellings and street fronting townhouses and new restrictions to Site Plan control related to residential developments with 10 units or less and building elevation review.

Bill 13, Bill 109, and Bill 23 are implementing measures to address the housing crisis. With their enactment, the City of Kitchener must adjust its operations to address these legislative changes to land use planning, municipal financing, and local governance. This report provides recommendations to update policies and bylaws and provides Council with an update on staff-level process improvements in response to these new provincial directives.

REPORT:

Recent Provincial updates have made impactful changes to the Planning Act and other legislation, with the intent to bring more housing to market more quickly. In response to these changes, staff recommend amendments to the Official Plan, the Zoning By-laws, and various other by-laws and Council policies. The recommended changes work together in many instances and the discussion in this report has been separated into three key areas of change:

- enacting tools that reduce review timelines (Bill 109 and Bill 13 implementation);
- mandatory changes to deliver housing (Bill 23 implementation); and,
- staff-initiated process improvements that do not require amendments to policies or by-laws.

Enacting Tools that Reduce Review Timelines (Bill 109 and Bill 13 Implementation):

The first set of changes enact and strengthen tools to help the City reduce review timelines so that decisions can be made within the legislated timeframes. New legislation provides financial incentive to make decisions on certain application types, namely, Site Plan Approvals, and Zoning By-law amendments within legislated timelines by mandating the incremental refund of application fees.

Changes in these areas will help the City in the following ways:

- ensure applications are complete at the time they are accepted so that the 'clock' doesn't start until all supporting documentation is received;
- reducing the administrative burden on Council for routine and minor zoning by-law amendments such as the removal of holding provisions when conditions are fulfilled;
- better aligning the notice of a statutory public meeting with reporting timelines which will provide additional time for issue resolution and ensure that the report is available when notice is given; and,
- implementing as a standard practice, online public consultation, and engagement tools, including enhanced public notices.

Legislated Changes to Deliver Housing (Bill 23 Implementation):

The second category of amendments are those which have been mandated by the Province to reduce planning process. These changes include:

- no longer permitting the use of Site Plan Control for residential developments with 10 units or less on a parcel of urban residential land with limited exceptions;
- permitting up to 3 dwelling units on a parcel of urban residential land; and,
- removing the municipality's ability to approve the aesthetics or character of a building (including materials, architectural style, colour, etc.).

Staff-initiated process improvements that do not require amendments to policies or by-laws:

The final category is a report back to Council on actions initiated by staff over the past year to address development review efficiencies to streamline processes without the need for amendments to policies or by-laws.

The following sections of this report outline the various policy documents and by-laws which are proposed to be updated and have been organized into the categories as described above. Together with the proposed changes to the Official Plan and Zoning By-laws, in many cases the Planning Act and Municipal Act requires that the municipality enact an implementation by-law. The City of Kitchener has several such by-laws required or permitted by the Planning Act including the Site Plan Control By-law, Delegated Approval Authority By-law, Pre-Submission Consultation By-law, and Demolition Control By-law. Several of these City by-laws are recommended to be updated as part of this body of work. There are also policies of Council which provide Council's direction regarding certain processes, that should be updated such as the Public Participation Policy. Changes to the Official Plan, policies and by-laws are discussed in the context of each tool. Details of the proposed amendments and specific rationale can be found in the Appendices.

A. Enacting Tools to Reduce Review Timelines

This section makes recommendations in the following policies and bylaws:

- Pre-Submission Consultation – amend complete application requirements in the Official Plan.

- Delegated Approval Authority – amend Official Plan policies and the Delegated Approval Authority By-law to allow delegation of minor Zoning By-law amendments including the removal of Holding Provisions to the Director of Planning.
- Public Participation and Notice Requirements – amend policies of the Official Plan and the Public Participation Policy to permit a modified timing for notice of statutory public meeting from 20 to 10 days, and to recognize enhanced notice practices and virtual meeting options.

Pre-Submission Consultation

Pre-Submission Consultation meetings are required in advance of an applicant submitting a formal application for a Site Plan, Zoning By-law Amendment, Official Plan Amendment, Plan of Subdivision, and Plan of Vacant Land Condominium, and may be required for some Minor Variance or Consent applications. Through this process, the City and agency staff have an opportunity to review and provide early feedback on a development proposal and identify the information and materials that are required to be submitted with a development application for it to be deemed complete under the Planning Act. Requiring this information and material at the time a development application is submitted helps to ensure staff and agencies have all the information needed to review a development proposal. Once the application is complete, a decision must be made within the timeframe provided by the Planning Act (i.e., 60 days for Site Plan Approval, 90 days for Zoning By-law Amendments and 120 days for Zoning Bylaw amendments associated with an Official Plan Amendment) or portions of application fees must be returned.

The City of Kitchener has a robust Pre-Submission Consultation process. The Official Plan has contained policies requiring consultation for specified development applications since 2008, and an enacting Pre-Submission Consultation By-law was passed at that time. Through the recent Development Services Review these processes were refined and updated so that the overall customer experience was improved. The City's Pre-Submission Consultation processes ensure that new applications include all the necessary plans, reports, and studies at the time they are deemed complete. Since Bill 109 was enacted, staff have made several internal process changes that do not require Council approval or consideration, such as refinements to Records of Consultation which are issued outlining the list of information and materials that are required as part of an application.

Staff recommend minor amendments to the Official Plan to update and refine policies, and to update the list of plans and studies that may be required as part of a Complete Application. These changes are detailed and described in Appendix 'A1' (Proposed Official Plan Amendment) and Appendix 'A2' (Proposed Official Plan Amendment with Rationale). No changes are proposed to the Pre-Submission Consultation By-law.

Delegated Approval Authority

The Planning Act prescribes the required decision-making processes and authority with respect to various types of Planning Act decisions including for Official Plan Amendments, Zoning By-law Amendments, Site Plans, Plans of Subdivision, etc. In many instances the approval authority is Council. In some instances, however, a Council may delegate their decision-making authority by enacting policies in the Official Plan and passing a by-law to delegate approval authority to staff. The City of Kitchener Council has delegated approval authority to staff for various Planning Act decisions including Site Plan Approval, Minor Modifications to Plans of Subdivision, Demolition Control and others. Bill 13 amended the

Planning Act to permit a Council to delegate approval authority to staff for minor zoning by-law amendments including the removal of Holding Provisions.

The Planning Division has identified several benefits to increasing the use of delegation:

- It frees up Council time to focus on strategic priorities.
- It frees up municipal staff time preparing detailed Council reports on routine approvals.
- It will help to avoid unnecessary delays on planning applications that implement Council-approved policies and regulations.
- It retains the ability for elected officials to provide input directly to staff (and vice versa).
- It allows elected officials to defer to judgement of professional staff for matters which are straightforward and technical in nature.
- There are potential cost and time savings for applicants that support objectives of building housing faster and cost-effectively.

This report recommends that delegated authority be granted for both removal of Holding provisions and zoning by-law amendments which are minor in nature to make clerical, technical, administrative, and other minor amendments to the Zoning By-law, as detailed below.

Holding Provisions:

First, Section 36 of the Planning Act authorizes municipalities to apply a Holding Provision to an amending zoning by-law to delay development of a site until certain and specific conditions have been met. The City's Official Plan permits the use of Holding Provisions in situations where it is necessary or desirable to zone lands for development or redevelopment in advance of the fulfillment of specific requirements and conditions, and where the details of the development or redevelopment have not yet been fully resolved. Holding Provisions may be used for purposes including: orderly staging of development; confirming adequate transportation and servicing infrastructure, and community services; mitigation of negative impacts resulting from the proximity of lands to transportation and utility corridors, incompatible land uses or any other source of nuisance or hazard to public health and welfare (commonly through the approval of a Noise Study and/or Record of Site Condition); and, to satisfy the policies of this Plan related to cultural heritage conservation, urban design, Site Plan control, and protection of the natural environment. To meet decision-making timelines of the Planning Act and to avoid mandatory fee refunds, staff anticipate more frequent application of Holding Provisions for site specific Zoning By-law Amendments so that detailed site matters can be resolved after a decision has been made on a change in land use or regulation.

Holding Provisions are applied to lands through a Zoning By-law amendment, which is approved by Council. Currently, when the conditions have been met (e.g., the required study is approved, or certain works have been completed), the Holding Provision can be removed. The removal of the Holding Provision is not appealable by anyone other than the applicant and does not require a formal public meeting or public notice other than a newspaper notice. Currently, when the conditions required by a Holding Provision have been fulfilled, an applicant must apply for a Zoning By-law amendment to remove the holding provision. When the application is received, planning staff complete a review to ensure that the condition(s) have been fulfilled to the satisfaction of the requesting City department or agency. If staff

are satisfied, a report is prepared and provided to Committee and Council recommending that a zoning by-law be passed to remove the Holding Provision. If the condition is fulfilled, the Holding Provision must be removed, and the uses permitted by the underlying zoning take effect (which were originally subject of public meetings and Council approval).

Given the administrative nature of the removal of holding provisions, staff recommend that Council delegate approval authority for the removal of Holding Provisions to the Director of Planning. The studies required by holding provisions are technical and clearance is provided by the requesting City department or agency, regardless of who has the authority to pass the by-law to remove the Holding Provision. Public notice of the removal of the Holding Provision is provided, however the decision does not require a statutory public meeting and Council has previously decided on underlying zoning permissions. Removal of the Holding Provisions simply confirms that the technical condition approved by Council has been met.

Minor Amendments:

Next, staff also recommend that Council delegate approval authority for other minor Zoning By-law amendments to the Director of Planning. Such amendments are necessary from time to time to make minor changes such as, altering language for consistency and refining language to assist with clarity in interpretation. Such changes do not impact the effect of the zoning regulations.

To delegate authority for both the removal of Holding Provisions and minor Zoning By-law amendments, the Planning Act requires that the Official Plan provide policies to specify the types of by-law amendments that may be delegated. The Planning Act also provides that Council may withdraw this authority at any time, or on a case-by-case basis. As a next step, staff will develop administrative procedures to implement a new internal process where approval authority has been delegated.

Staff recommend that new Official Plan policies are enacted delegating the approval of both removal of Holding Provisions and minor Zoning By-law amendments to the Director of Planning. These changes are detailed and described in Appendix 'A1' (Proposed Official Plan Amendment) and Appendix 'A2' (Proposed Official Plan Amendment with Rationale). Together with the proposed amendments to the Official Plan, staff recommend that the City's Delegated Approval Authority By-law is amended as detailed in Appendix 'C'.

Public Participation and Notice Requirements

The City of Kitchener has adopted robust public participation processes that, in most cases, exceed Planning Act requirements. These were refined and updated through the Development Services Review and have been implemented by staff. As part of this body of work, staff have reviewed current public participation processes for alignment with the Public Participation Policy and legislated timelines. Changes to public participation policies and notice requirements include the following:

- To recognize the enhanced current public notice practices and virtual meetings that were initiated in recent years in the Public Participation Policy;
- To reduce notice of the statutory public meeting from 20 days to 10 days per the Alternative Notice requirements introduced through Bill 13;
- To eliminate the need for public consultation for minor zoning by-law amendments which are proposed to be delegated to the Director of Planning also in accordance with Alternative Notice Requirements; and,

- To remove public participation policies relative to Site Plan Control to align with Bill 109 timelines.

Enhanced Notice Practices and Virtual Meetings:

Public engagement is a key part of municipal decision-making around development. Through the Development Services Review, Kitchener has moved to more equity-informed citizen engagement opportunities. Changes to public engagement practices for Official Plan and Zoning By-law amendments and Plans of Subdivision include:

- Circulating all residents (occupants/renters) and property owners within 240 meters of the subject lands (Planning Act only requires 120 meters);
- Standardized, visually appealing, and easy-to-read postcards, property signs, and newspaper notifications replaced technical, text-based formats for public planning notices, which were difficult to understand and created a barrier to engagement and understanding;
- The postcard and newspaper ads provide basic information on a development application and directs the readers to the City's Development Application webpage;
- Development Applications webpage/mapping tool with current development application information; and,
- Virtual Neighbourhood Meetings for all applications.

Community response has been positive on the new, user-friendly approach to access information on development applications using an intuitive and visual map-based interface. In addition, this creates transparency and goes above and beyond Planning Act requirements by providing access to all studies, reports, and engagement opportunities related to planning applications in one location.

During the COVID-19 global pandemic, neighborhood meetings were shifted to a digital format. This proved to be an effective and efficient way to have initial engagements on development applications with the broader community. Digital engagements reduced some barriers to participation including travel time and expense as well as childcare. Digital meetings are recorded and posted on the City's website and can be watched at any time following the meeting benefiting those that could not attend as well as those that want to rewatch to gain a better understanding. A call-in number is also provided for community residents without internet access to attend the meeting. Attendance for neighbourhood meetings has remained consistent and, as a result, neighborhood meetings are now held for all development applications, whereas pre-pandemic in person engagements were utilized only for major development proposals.

According to a 2021 report released by Statistics Canada, Kitchener-Cambridge-Waterloo is tied for the second fastest growing area in Canada. This has required staff to meet and sustain a higher-than-normal level of demand in terms of development approvals. Digital neighborhood meetings provide considerable time and financial savings for engagements. Staff can deliver these engagements effectively from home in the evening outside of standard business hours when community members are available to participate. With the high volume of development applications in recent years, the virtual meeting format also reduced impacts on staff resourcing including a reduction in over-time hours and streamlined bookings (with no venue limitations and associated rental fees)

Given the need to consider development applications within prescribed timeframes or face fee refunds, Planning staff recommend that digital neighborhood meetings continue for site specific development applications. Minor amendments are proposed to the Official Plan to recognize that engagement may be electronic or in person. These changes are detailed and described in Appendix 'A1' (Proposed Official Plan Amendment) and Appendix 'A2' (Proposed Official Plan Amendment with Rationale). Further, Planning staff recommend an amendment to Council Policy MUN-PLA-1095 (Public Participation in the Planning Process) to reflect current practices as provided in Appendix 'F'.

Site Plan Public Participation Policies:

Bill 109 requires Site Plan approval to be delegated to staff for applications made on or after July 1, 2022. Site plan approval has already been delegated to staff in the City of Kitchener, however the current Public Participation in the Planning Process Council policy outlines certain criteria when a site plan would be publicly circulated for comment. As Site Plan approval is now strictly delegated to staff and an approval must be granted within 60 days to avoid application fee refunds, Council Policy MUN-PLA-1095 should be amended to remove circulation requirements for certain site plan applications as reflected in Appendix 'F'.

Alternative Notice Measures:

The Planning Act prescribes that a notice of the statutory public meeting be provided 20 days in advance of the meeting taking place. Bill 13 amended the Planning Act to allow a Council to permit alternative notice requirements by enacting policies in the Official Plan. The City consults with the public early in the application process by circulating notice of the application, receiving comments, and holding a Neighbourhood Meeting for every Official Plan Amendment, Zoning By-law Amendment, and Subdivision application. As noted in the previous sections regarding enhanced notice practices, the public is well-informed and able to provide meaningful input into the application process, as well as ask questions and work with staff and an applicant to resolve concerns. However, due to reduced timelines for application review, staff is more limited in time following initial engagement to resolve issues before finalizing a recommendation report. Following initial public circulation of notice of the application and the neighbourhood meeting, staff work to resolve concerns of the public and any technical concerns identified by City departments or agencies. Staff must then complete a staff report to schedule the statutory public meeting. Staff recommend two instances where adopting alternative notice requirements would be beneficial and describe the rationale and purpose below:

1. To reduce notice of the statutory public meeting from 20 days to 10 days

The Planning Act requires that notice of a Statutory Public Meeting be given 20 days in advance of the meeting. In the City of Kitchener, as Statutory Public Meetings are typically held on a Monday, this requires that notices appear in the newspaper three Fridays before the meeting. However, staff reports, which contain recommendations are not publicly available until 10 days before the meeting. Staff recommends that Council approve an Official Plan policy which would permit that notice of the Statutory Public Meeting be provided at least 10 days prior to the meeting, rather than 20 days. This would ensure that the staff report and recommendations are available when the meeting is advertised. A postcard advising of the Statutory Public Meeting will continue to be mailed to people who participated in the process and those living or

owning property within 240 metres of the subject site, also about 10 days in advance of the meeting. Staff is of the opinion that because of the robust public consultation in practice with proposed updates to the Public Participation Policy, interested members of the public will be engaged in advance of the Statutory Public Meeting, and that 10 days is sufficient notice.

2. To eliminate the need for public consultation for minor amendments which are proposed to be delegated to the Director of Planning.

Public consultation is not required for the removal of a Holding Provision, however would be required for other minor amendments. Minor amendments that are clerical or administrative and which assist with consistency and clarity in interpretation do not have an impact to the effect of zoning regulations. Staff recommend that Council approve Official Plan policies which would eliminate the need for public consultation for this scope of amendment.

Staff recommend that new Official Plan policies are adopted providing for alternative notice requirements, as provided for by the Planning Act. These changes are detailed and described in Appendix 'A1' (Proposed Official Plan Amendment) and Appendix 'A2' (Proposed Official Plan Amendment with Rationale). Corresponding changes are proposed to the Public Participation Policy in Appendix 'F'.

B. Legislated Changes to Deliver Housing

This section makes recommendations in the following policies and bylaws to reflect changes associated with Bill 23:

- Additional Dwelling Units (3 units per lot) – amend the Official Plan and Zoning By-laws to align with permissions for Additional Dwelling Units.
- No Site Plan Control for Development with 10 Units or Less – amend Official Plan policies, the Site Plan Control By-law and the Zoning By-laws for regulations related to residential development with 10 dwelling units or less on a parcel of land that are now exempt from Site Plan Control.
- Urban Design (Exterior Design) – amend Official Plan policies to respond to reduced review authority for building elevation review through Site Plan Control.
- Removal of Development Charge Deferral and Development Charge Waiver policies for Affordable Housing – repeal policies which are redundant with exemptions in the Development Charges Act.

Additional Dwelling Units (3 units per lot)

Bill 23 made changes to Section 16(3) and 35.1 of the Planning Act. Official Plans and Zoning By-laws now cannot contain policies and regulations that have the effect of prohibiting the use of up to three residential units in association with a single-detached house, a semi-detached house, or a street townhouse on a parcel of urban residential land. The changes make it mandatory for municipalities to permit up to three residential units in association with a single-detached house, a semi-detached house, or a street townhouse on land where residential use other than ancillary residential use is permitted. Performance standards may still be in place except those related to requiring more than one parking space for each additional unit and regulating the minimum floor area of each additional unit.

Kitchener's Official Plan already has policies in place that support attached and detached additional dwelling units. Staff recommend they are updated to align with the Planning Act requirements to permit up to three dwelling units on a lot, and the matters which may be considered in implementing Zoning By-law regulations including requirements for parking, regulations which help ensure compatibility such as heights and massing, setbacks, landscape buffers and pedestrian access. Further, to comply with legislated requirements, staff recommend updates to Area Specific or Site-Specific policies and associated Zoning By-law provisions where additional dwelling units were previously prohibited, and an update to the definition of Low-Rise Residential Land Uses to include additional dwelling units. Official Plan policy changes are detailed and described in Appendix 'A1' (Proposed Official Plan Amendment) and Appendix 'A2' (Proposed Official Plan Amendment with Rationale).

Kitchener's Zoning By-laws currently permit additional residential units to some capacity. The proposed changes to the Zoning By-laws align with the recent Planning Act mandates. Key changes to the Zoning By-laws include:

- Permitting up to three residential units where a single-detached dwelling, a semi-detached dwelling, or a street townhouse dwelling is a permitted use. This includes permitting attached and detached Additional Dwelling Units in Commercial Residential, Mixed Use and Institutional zones in addition to the Residential zones of Zoning By-law 85-1.
- Amending site specific provisions (223, 226, 232, 253) of Zoning By-law 2019-051 and special use provisions (319, 352, 470) of Zoning By-law 85-1 that have the effect of prohibiting up to three residential units.
- Enabling up to three parking spaces to be arranged in tandem on a driveway.
- Enabling three-unit buildings to be purpose-built by deleting regulations that limit two additional dwelling units to existing buildings and updating the definition of multiple dwelling to a building that contains four or more dwelling units. This also includes clarifying that three-unit buildings will be permitted where a single-detached dwelling with two additional dwelling units (attached) is permitted.

No Site Plan Control for Development with 10 Units or Less and Changes to Exterior Design Review through Site Plan

Bill 23 made changes to Section 41 of the Planning Act which effect how municipalities can exercise site plan control. The changes include exclusion of all aspects of site plan control for residential development up to 10 units except in certain cases, and removal of exterior design consideration from site plan control for all developments. To address these changes, staff recommend changes to the Official Plan, Site Plan Control By-law and Zoning By-laws.

Official Plan Amendment:

First, in accordance with legislated changes staff recommends that Official Plan policies be updated to comply with the new regulations. Specifically, staff recommend updates to the policies which provide for a Site Plan Control Area, and outlines what types of development are subject of Site Plan Control, and what may be considered through site plan control to ensure consistency with the Planning Act.

In addition with respect to the enacted provisions that remove the consideration of exterior design from Site Plan Control, an applicant may be required to prepare site specific Urban Design Reports, Briefs, Guidelines or Scorecard, and staff will continue to review development proposals regarding all matters of urban design that continue to be in

effect. The outcome of these changes is that staff can longer approve how a building looks in terms of architectural styles, aesthetics, materials, color, or appearance. Staff will continue to provide feedback and comments to applicants through the Site Plan review process and will continue to require urban design review and adherence to urban design policies and guidelines through other parts of the development review process, such as through Official Plan and Zoning By-law amendments.

Staff recommend amendments to Official Plan policies to ensure compliance with the new Planning Act provisions, while maintaining and updating policies that require consideration of urban design throughout the development process. Staff recommend that where relevant, Official Plan policies be updated to include the Urban Design Scorecard, as a site-specific urban design evaluation tool, and recommend that a new definition of Urban Design Scorecard be added. Official Plan policy changes are detailed and described in Appendix 'A1' (Proposed Official Plan Amendment) and Appendix 'A2' (Proposed Official Plan Amendment with Rationale).

Site Plan Control By-law Update (Municipal Code):

Staff recommend repealing and replacing Chapter 683 of the Municipal Code (Site Plan Control) with the draft chapter attached as Appendix 'D' to this report. To ensure consistency with the Planning Act, changes are proposed to reference language in the Planning Act. To limit the updates that may be required to the Municipal Code, references the Planning Act will not include specific sections of the Act, to ensure alignment with Provincial legislation which may change from time-to-time allowing regulations in the Planning Act to be implemented without further updates. While now required by Bill 109, Kitchener has previously delegated site plan approval to staff. The definition of "development" is proposed to be removed from Chapter 683 and instead referring to the Planning Act. Additionally, minor edits were made to reflect current staff titles.

Zoning By-law Amendments:

Proposed changes to the Zoning By-laws in relation to changes to site plan control are detailed in Appendices 'B1', 'B2' and 'B3'. Key changes include:

- Introducing regulations to address design and site functionality elements for residential development with less than 10 units where a site plan application is no longer required. At this time, the regulations are limited to:
 - a minimum street line façade openings of 20% including at least one pedestrian entrance to the building;
 - a minimum of 20% of the front yard to be landscaped excluding hard surface landscape elements such as walkways, patios, decks, or pathways; and,
 - a minimum driveway width of 2.6 metres, except where the driveway is immediately adjacent to a building or structure in which case the minimum driveway width will be 3.0 metres.
- Enabling staff to undertake zoning checks through Zoning Occupancy Certificates where a site plan application can no longer be required, including any development where the resultant number of units are equal to or less than 10 and does not contain a non-residential use except permitted home occupation/business use.
- Updating the definition of a parking lot to include a minimum of one drive aisle and adding regulations associated with parking lots for a development not requiring site plan approval. The regulations are limited to a 1.5 metre setback from the side and rear lot lines for the parking lot, and a minimum drive aisle width of 6 metres.

Excluding these types of developments and matters from Site Plan Control has implications on staff's ability to review and mitigate matters related to parking lot functionality, grading (property drainage), building design and appearance, and new servicing. Staff are recommending zoning regulations that support safe, functional, and healthy projects while maintaining a scope that meets the objectives of provincial legislation.

Finally, with the exclusion of Site Plan control for residential development up to 10 units, the Building Division is also evaluating the Building By-law in coordination with other development review staff to determine amendments that may be needed such as applying the Emergency Services Policy (e.g., fire routes). Building staff will be reporting back to Council in August with proposed changes to the Building By-law.

Demolition Control By-law

Staff recommend amending the Demolition Control By-law to provide greater clarity to confirm that a Demolition Control Area is inclusive of properties zoned RES-1 through RES-5. The current by-law was approved prior to the approval of Zoning By-law 2019-051 and therefore does not recognize the RES zone nomenclature. This amendment is technical in nature and does not change the intent of the Demolition Control By-law. Refer to Appendix 'E' for the proposed Demolition Control By-law amendment.

Removal of Development Charge Deferral and Development Charge Waiver policies for Affordable Housing"

In response to public engagement during the 2022 budget process, Council made a capital investment of \$2,000,000 towards an Affordable Housing Reserve Fund. Council subsequently approved a Development Charges (DC) waiver policy using this fund to pay 100% of DCs for eligible non-profit developments.

Due to recent changes to the Development Charges Act through Bill 23, non-profit housing developments are now exempt from paying Development Charges (DCs). As a result, Council Policies FIN-GRA-2006 and FIN-PLA-2031, that provided financial incentives for non-profit affordable housing developments by deferring or waiving DCs for eligible developments, have become redundant. Table 2 below summarizes the purpose of these policies and the results they have had for supporting non-profit affordable housing developments since their inception.

Table 2: Development Charges (DCs) Council Related Policies

Council Policy	Purpose	Results
FIN-GRA-2006	Allows deferred payment of City DCs for eligible non-profit rental housing developments from the time of building permit to the time of occupancy	10 affordable housing developments 261 units \$1,900,000 DCs deferred
FIN-PLA-2031	Waives City DCs for eligible non-profit housing developments	2 affordable housing developments 86 units \$727,000 DCs waived

Staff recommend that these policies be repealed given that they are no longer necessary. These policies are attached in Appendix 'G'.

C. Staff-initiated process improvements that do not require amendments to policies or by-laws

Bill 109 Action Plan Update

The intent of Bill 109 is to reduce development application timelines by adding fiscal consequences of having to refund applicants if legislated timelines are not met. At the time that this Bill was introduced, Council requested that staff report back on steps taken to address the mandated timelines. As a result of Bill 109, the Planning Division evaluated the development application review processes for Official Plan and Zoning Bylaw amendments and Site Plan applications with the goal of achieving timelines to avoid or minimize mandatory refunds. The current approach was assessed, and an implementation action plan was created to streamline and improve processes. Phase 1 of these process improvements was undertaken at a staff level and are now operational. The action plan takes a comprehensive yet phased approach to implementing Bill 109.

Example of Phase 1 process improvements:

- End-to-end file management tool to aid workload management.
- Standardized template for planning reports.
- Post-circulation meetings with staff and agencies for Official Plan and Zoning by-law amendment applications.
- Changes to conditional approval for Site Plan applications including procedure updates and the use of red-line drawings.

This report (DSD 2023-239) is part of Phase 2 with the process changes identified in the previous sections to be implemented as the decision comes into effect.

Phase 2 process improvements:

- Implementation of Bill 13, Bill 109, Bill 23 – Council Report:
 - Official Plan Amendments (OPAs) to support the legislative timelines.
 - Zoning By-law Amendments (ZBAs) to support the legislative timelines.
 - By-law and policy updates to support the legislative timelines.
- Staff training and established procedures
- Staff to track timelines and fee refunds, where applicable

PLANNING CONCLUSIONS:

Updates to Provincial legislation have made impactful changes to the Planning Act and other legislation, with the objective to bring more housing to market more quickly. In response to these changes, staff are recommending changes to the following:

- Official Plan (2014),
- Zoning By-law (By-law 85-1),
- Zoning By-law (By-law 2019-051),
- Delegated Approval By-law (By-law 2012-069),
- Site Plan Control By-law (By-law 2012-070),
- Demolition Control By-law (By-law 2013-093),
- Council Policy MUN-PLA-1095 Public Participation in the Planning Process,

- Council Policy FIN-GRA-2006 Development Charges Payment for Affordable Rental Housing, and
- Council Policy FIN- PLA-2031 Affordable Housing Development Charges Waiver Policy.

Staff is of the opinion that the proposed amendments to the Council Policies, City By-laws, and the Official Plan Amendment and Zoning By-law Amendments are consistent with and conform to the Planning Act, Provincial Policy Statement (2020), the Places to Grow Act (2005) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) and the Regional Official Plan (2010) and represents good planning.

CITY & AGENCY COMMENTS:

Circulation of the proposed Official Plan and Zoning By-law Amendments was undertaken in April 2023 to all applicable City departments and other review authorities. No significant concerns were identified by any commenting City department or agency and any necessary revisions and updates were made based on initial feedback. Copies of the comments are found in Appendix ‘H’ of this report. An overview of the identified concerns and staff responses are found below in Table 3.

Table 3: Summary of Agency Comments and Staff Response

Initial Feedback Received	Commenting Agency/Dept	Response
Minor suggested revisions to proposed Official Plan policies. Transportation team were not supportive of the addition of "required" to parking lot definition or a 2.6 metre driveway width.	City of Kitchener Transportation	Incorporated feedback re: suggested revisions to Official Plan, as appropriate. The word “required” from the proposed ‘parking lot’ definition is now removed and ‘and a minimum of one drive aisle’ is added. Consensus to maintain 2.6 metres driveway width where no building/encroachments exist and minimum driveway width of 3 metres, otherwise.
No specific concerns relative to proposed policy and zoning by-law amendments but hopes to collaborate more with City on design of schools and including schools as part of “complete communities”. Location of school sites – more flexibility would be beneficial.	Waterloo Catholic District School Board	Staff acknowledged their response.
No specific concerns relative to proposed policy and zoning	Waterloo Region District School Board	Staff acknowledged their response.

<p>by-law amendments but general concerns of Bill 23 regarding calculation of student yields and integrity of long-range enrolment projections, especially with regards to assessing ADUs and multiple dwelling units. Challenges with the current funding model for school planning. Hopes to collaborate with City to mitigate challenges relating to growth.</p>		
<p>Minor suggested revisions to proposed Official Plan policies.</p>	<p>City of Kitchener Parks & Cemeteries</p>	<p>Incorporated feedback re: suggested revisions to proposed Official Plan policies, as appropriate.</p>
<p>High level consultation with planning team to get feedback on the approach to Bill 23 implementation.</p>	<p>City of Kitchener Planning – presentation to planning staff meeting on March 3, 2023.</p>	<p>Follow-up meeting and further consultations with zoning review staff and policy staff.</p>
<p>Feedback was generally positive with no major concerns. Information was circulated to the group with a 2-week deadline for comments. No comments were received.</p>	<p>Kitchener Development Liaison Committee - presentation to KDLC on March 10, 2023.</p>	<p>No response required.</p>
<p>No specific concerns were identified, but general help requested to understand changes impacting building.</p>	<p>Building - Presentation to Building Management Team on May 3, 2023.</p>	<p>Planning staff will support the team with change management as changes to Planning Act exempt residential units of 10 or less from Site Plan control, which has impacts on building review.</p>

COMMUNITY INPUT & STAFF RESPONSES:

WHAT WE HEARD



Notice of the applications and Community meeting was posted to the City’s website and in The Record March 10, 2023.



No Comments were received from community members.



A City-led Community Meeting was held on March 29, 2023, and seven (7) different users logged on. Staff addressed comments asked during the meeting and did not receive any follow up submissions from the community.

An overview of the identified concerns and staff responses are found below in Table 4.

Table 4: Overview of concerns or questions and staff responses from Community Meeting

<i>Concern or Question</i>	<i>Response</i>
That ADUs may be used for short-term rentals	Licensing staff are currently reviewing shared accommodations and short-term rentals. Results will be forthcoming under separate cover.
Provision of sufficient green space in core areas	Growing Together work will be addressing this to find appropriate balance for green space. For parking lots in the rear lot, we are proposing rear yard setbacks that would provide soil volume requirements and landscaping.
Are there minimum property frontage requirements for ADUs?	The Zoning By-laws have performance standards in place including a minimum lot width requirement of 13.1 metres for two ADUs (attached) or one ADU (detached).
If notice period is shortened, can we notify the public of planning applications earlier?	As soon as an application comes in, staff initiate notification to the public through a newspaper ad, notice sign, posting info on our website, and through postcards. Digital format and links for neighbourhood meetings will be provided and notice will be given early in the process.

Are there changes to committee of adjustment - notice or process?	No changes to timelines and notification. Bill 23 amended the Planning Act such that a third party can no longer appeal decision made by the Committee of Adjustment. Only applicants and prescribed agencies outlined by the Planning Act can appeal.
Changes to Urban Design	New regulations limit the City's ability to enforce urban design guidelines for building design elements such as materials and colours that we would previously review through Site Plan approval, but the City can continue to review zoning aspects of building elevations.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendations have no impact on the Capital Budget.

Operating Budget – Bill 109 introduced a requirement for a municipality to refund zoning by-law amendment and site plan application fees if a decision is not made within a prescribed timeframe as outlined below in Table 5.

Table 5: Fee refunds summary for Site Plan and Zoning By-law amendment applications

	No Refund	50% Refund	75% Refund	100% Refund
Zoning By-law Amendment	Decision made by day 90	Decision made day 91 to 149	Decision made day 150 to 209	Decision made day 210 or later
Zoning By-law Amendment associated with an Official Plan Amendment	Decision made by day 120	Decision made day 121 to 179	Decision made day 180 to 239	Decision made day 240 or later
Site Plan	Approval by day 60	Approval day 61 to 89	Approval day 90 to 119	Approval day 120 or later

The Planning Division does not have a funding source or budget for refunding planning application fees. Rather, amendments to processes outlined in this report are recommended to support streamlined approval times for development applications, reduce the instances where fee refunds will have to be issued, and reduce the potential impact to the operating budget.

Planning staff will continue to report potential financial implications on each application when the staff report for the application is presented to the Planning and Strategic Initiatives Committee meeting.

For the period of January to May 2023, the City has lost just over \$2M in development charges (DC) revenues due to Bill 23. If this trend were to continue over the entire year, the City would lose a total of just under \$5M in DC revenues in 2023.

Based on an average of 64 calculations completed in 2023 to determine post-Bill 23 parkland requirements, on average the amount of parkland dedication collection has been reduced by 71.9% compared to pre-Bill 23 requirements.

Staff are requesting an additional two FTEs within the Planning Division to increase capacity for the review of development applications. These FTEs will be paid with revenue from development applications.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City’s website with the agenda in advance of the Council / Committee meeting. Following the initial circulation referenced below, notice of the statutory public meeting was circulated to all residents and property owners responding to the preliminary circulation. Notice of the Statutory Public Meeting was also posted in The Record on May 26, 2023 (a copy of the Notice may be found in Appendix ‘I’).

CONSULT – Notice of the proposed Official Plan Amendment and Zoning By-law Amendment and notice of the Community Meeting were posted to the City’s website and posted in The Record on March 10, 2023. In response to this circulation, staff received did not receive written responses from the public. Seven participants attended the Community Meeting held on March 29, 2023. Proposed amendments were presented to the Kitchener Development Liaison Committee on March 10, 2023.

PREVIOUS REPORTS/AUTHORITIES:

- *Municipal Act, 2001*
- *Planning Act, 1990*
- *Bill 109, More Homes for Everyone Act, 2022*
- *Bill 13, Supporting People and Businesses Act, 2021*
- *Bill 23, More Homes Built Faster Act, 2022*
- *DSD-2022–192 titled “Province of Ontario More Homes for Everyone Plan (Bill 109)” and DSD-2022-199 titled “Addendum Report to DSD-2022-192 Province of Ontario More Homes for Everyone Plan (Bill 109)”*
- *DSD-2022–501 titled “Bill 23 More Homes Built Faster Act - Kitchener Comments”*

REVIEWED BY: Tina Malone-Wright – Interim Manager of Development Review, Planning Division

APPROVED BY: Justin Readman - General Manager, Development Services

ATTACHMENTS:

Appendix A1 - Proposed Official Plan Amendment

- Appendix A2 - Proposed Official Plan Amendment Rationale
- Appendix B1 - Proposed Zoning By-law 85-1 Amendment
- Appendix B2 - Proposed Zoning By-law 2019-051 Amendment
- Appendix B3 - Proposed Zoning By-law Amendment Details and Rationale
- Appendix C - Proposed Amendment to the City of Kitchener Delegated Approval Authority By-law
- Appendix D - Proposed Amendment to the City of Kitchener Site Plan Control By-law
- Appendix E - Proposed Amendment to the City of Kitchener Demolition Control By-law
- Appendix F - Proposed Amendment to Policy MUN-PLA-1095 - Public Participation in the Planning Process
- Appendix G - FIN-GRA-2006 - Development Charges Payment for Affordable Rental Housing and FIN-PLA-2031 - Affordable Housing Development Charges Waiver Policy
- Appendix H - City and Agency Circulation Comments
- Appendix I - Newspaper Notice - Notice of Statutory Public Meeting

AMENDMENT NO. ## TO THE OFFICIAL PLAN
OF THE CITY OF KITCHENER

CITY OF KITCHENER

AMENDMENT NO. ## TO THE OFFICIAL PLAN
OF THE CITY OF KITCHENER

CITY OF KITCHENER

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SECTION 1 – TITLE AND COMPONENTS

This amendment shall be referred to as Amendment No. ____ to the Official Plan of the City of Kitchener. This amendment is comprised of Sections 1 to 4 inclusive.

SECTION 2 – PURPOSE OF THE AMENDMENT

The purpose of the Official Plan Amendment is to incorporate certain modifications to the text of the Official Plan to meet the requirements of the Planning Act, to implement and respond to Bill 23, Bill 109 and to enact regulations introduced through Bill 13 in order to support delivery of housing.

SECTION 3 – BASIS OF THE AMENDMENT

Recent Provincial updates have made impactful changes to the Planning Act and other legislation, with the objective to bring more housing to market more quickly. In response to these changes, staff are recommending various amendments to the Official Plan, which will be further implemented in the City's Zoning By-laws (85-1 and 2019-051), and various other implementing by-laws and Council policies. The recommended changes work together and are focussed into two key areas of change:

Enacting Tools that Reduce Review Timelines (Bill 109 and Bill 13 Implementation):

The first set of changes enact and strengthen tools to help the City reduce review timelines so that decisions can be made within the legislated timeframes. New legislation provides financial incentive to make decisions on certain application types such as Site Plan Approvals, and Official Plan and Zoning By-law amendments by mandating the incremental refund of development application fees.

Changes in these areas will help the municipality ensure applications are complete at the time they are accepted so that the 'clock' doesn't start until all supporting documentation is received; reducing the administrative burden on Council for routine and minor zoning bylaw amendments such as removing holding provisions when conditions are fulfilled, or enacting administrative changes; and better aligning the notice of a statutory public meeting with reporting timelines which provide additional time for issue resolution, and ensures that a report is available when notice is given.

Mandatory Changes to Deliver Housing (Bill 23 Implementation):

The second category of amendments are those which have been mandated by the Province to reduce planning process associated with smaller scale residential developments. These changes include no longer permitting the use of Site Plan Control for residential developments with 10 units or less on a parcel of urban residential land with limited exceptions, permitting up to 3 dwelling units on a parcel of urban residential land, and removing the municipality's ability to approve the aesthetics or character of a building (including materials/colour, etc).

Further details with respect to the amended policies may be found in Appendix A2 of report DSD-2023-239. Staff is of the opinion that the Official Plan amendment is consistent with and conforms to the Planning Act, Provincial Policy Statement (2020), the provincial Places to Grow Act (2005) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) and the Regional Official Plan (2010), and represents good planning.

SECTION 4 – THE AMENDMENT

1. The City of Kitchener Official Plan is hereby amended as follows:
 - a) Table of Contents, Part E, Section 17.E.20 Committee of Adjustment is amended by adding “Submission Requirements ...17-39” after “Change in Use... 17-38”;
 - b) Part C, Section 4.C.1, Policy 4.C.1.7. is amended by adding the words “, cross-sections” following “elevation drawings”, by deleting the words “architectural design”, and by adding the phrase “, conforms to zoning, and provides for a healthy, safe, accessible and sustainable building and site design” after the word “buffering”;
 - c) Part C, Section 4.C.1, Policy 4.C.1.8. a) is amended by adding the phrase “and will have regard to Section 11 of this Plan, the *City’s Urban Design Manual*, and any site-specific *Urban Design Brief* or *Urban Design Report and Urban Design Scorecard.*” following the word “neighbourhood”;
 - d) Part C, Section 4.C.1 is amended by deleting “Policy 4.C.1.23” in its entirety and replacing it with the following:

“4.C.1.23 The City, in accordance with Planning Act and other applicable legislation, will permit up to three *dwelling units* on a lot, unless otherwise limited by the policies of this Plan, and in accordance with the *City’s Zoning By-law*, in order to provide additional housing options to Kitchener homeowners and residents.

Additional *dwelling units* will be permitted as follows:

 - a) The addition of up to two additional *dwelling unit(s)* (attached), within a single detached dwelling, a semi-detached dwelling or a street-townhouse dwelling, and
 - b) The addition of up to one additional *dwelling unit* (detached) and one additional *dwelling unit* (attached) within a single detached dwelling, a semi-detached dwelling or a street-townhouse dwelling.

Additional *dwelling units* (attached) and additional *dwelling units* (detached) may be further regulated by the *City’s Zoning By-law.*”;
 - e) Part C, Section 4.C.1, Policy 4.C.1.24. is amended by deleting the first sentence “The *City*, in accordance with Planning Act and other applicable legislation, will permit a stand-alone additional *dwelling unit* (detached), as an ancillary use to single detached dwellings, semi-detached dwellings and street townhouse dwellings”, by deleting the word “an” following the word “permitting”, adding “(s)” after the word “unit”, in the 2nd sentence and by deleting subsection d) and the sentence “Additional *dwelling units* (detached) will be subject to site plan control” and replacing it with the following:

“d) the site layout considers other requirements including servicing, pedestrian and vehicular access, stormwater management, grading and drainage, tree

preservation, and provision of amenity areas, landscaped buffers and visual screening; and

- e) up to one parking space may be required for each Additional *Dwelling Unit*.”;
- f) Part C, Section 11.C.1, Policy 11.C.1.1 is amended by adding the phrase “and in accordance with the Planning Act.” following the words “Urban Design Manual”;
- g) Part C, Section 11.C.1, Policy 11.C.1.6 is amended by replacing the phrase “and/or *urban design report*” with “*urban design report* and/or *urban design scorecard*”, and by adding “and which may be adopted by Council.” following “Section 17.E.10”;
- h) Part C, Section 11.C.1, Policy 11.C.1.9 is amended by adding the phrase “, and in accordance with the Planning Act” following the words “Site Plan Control”;
- i) Part C, Section 11.C.1, Policy 11.C.1.30 a) is amended by deleting the word “aesthetic”;
- j) Part C, Section 11.C.1, Policy 11.C.1.31 is amended by adding the words “and cycling” following the word “pedestrian”, deleting the word “attractive”, and adding the phrase “that are accessible, safe and have a functional relationship to the street,” following the word “streetscapes”;
- k) Part C, Section 11.C.1, Policy 11.C.1.32 is amended by adding the sentence “ An owner/applicant may be required to prepare an *Urban Design Brief, Urban Design Report, Urban Design Scorecard* and/or *Urban Design Guidelines*, in support of a *development application.*” following “locations.”;
- l) Part D, Section 15.D.2 is amended by deleting “Policy 15.D.2.31” in its entirety and replacing it with the following:

“15.D.2.31 Applications for *development and/or redevelopment* will be reviewed to ensure conformity with to Section 11 of this Plan and the *Urban Design Guidelines* contained within the *City’s Urban Design Manual*, and any site-specific *Urban Design Guidelines, Urban Design Brief, Urban Design Report* and/or *Urban Design Scorecard.*”;
- m) Part D, Section 15.D.12, Policy 15.D.12.2.a) ii) is amended by deleting the phrase “, only single detached and duplex dwellings will be permitted to a”, by adding the word “the” prior to the word “maximum”, and by replacing the word “of” with the phrase “will be” following the word “density”;
- n) Part D, Section 15.D.12, Policy 15.D.12.16 is deleted in its entirety.
- o) Part E, Section 17.E.2, Policy 17.E.2.18 is amended by adding the phrase “, and any alternative notice procedures outlined in Section 17.E.3 of this Plan” following “Planning Act”;
- p) Part E, Section 17.E.3, Policy 17.E.3.3 is amended by adding “, and may provide alternative measures for informing and obtaining the views of the public, in accordance with the Planning Act.” following “as deemed appropriate”;

- q) Part E, Section 17.E.3. is amended by adding the following new Policies 17.E.3.5, 17.E.3.6 and 17.E.3.7 after Policy 17.E.3.4 and existing Policies 17.E.3.5, 17.E.3.6 and 17.E.3.7 are renumbered 17.E.3.8, 17.E.3.9 and 17.3.E.10 accordingly:

“17.E.3.5 Notification of a public meeting for the adoption of the Official Plan, Official Plan Amendments, and *Zoning By-law* Amendments, as required by the Planning Act, will be given to the public, and prescribed persons and public bodies at least 10 days prior to the date of the meeting and the notice will be given in accordance with the applicable requirements of the Planning Act.

17.E.3.6 Notice of the intention to pass an amending by-law to remove a Holding “H” symbol will be given in accordance with the applicable requirements of the Planning Act.

17.E.3.7 Public meetings under the Planning Act will not be required for minor amendments to the *Zoning By-law*.

Notice of the proposed minor amendments and information regarding who is entitled to appeal will be given to the public by posting on the *City’s* website, and electronic notice will be given to prescribed persons and public bodies, a minimum of 10 days prior to a decision being made.”;

- r) Part E, Section 17.E.3, Policy 17.E.3.10. e) (as renumbered) is amended by adding the words “electronic or in person” before the word “public”;
- s) Part E, Section 17.E.3, Policy 17.E.3.10. f) (as renumbered) is amended by adding the words “electronic or in person” before the word “workshops”;
- t) Part E, Section 17.E.3, Policy 17.E.3.10. g) (as renumbered) is amended by adding the words “electronic or in person” before the word “public”;
- u) Part E, Section 17.E.10, Policy 17.E.10.1 is amended by adding the phrase “in accordance with the Planning Act” following the words “complete application”, and by deleting “Policy 17.E.10.1 c)” in its entirety and renumbering Policy 17.E.10.1 d) to 17.E.10.1 c) accordingly;
- v) Part E, Section 17.E.10, Policy 17.E.10.2 is amended by adding the following sentences to the end of the policy after the words “Site Plan”; “A Pre-Submission Consultation Meeting may be required for a Consent Application if other information and materials are needed to inform the Consent application.

A Pre-Submission Consultation Meeting will include an electronic or in-person meeting to consult on the development proposal, and may include collaborative components such as a visioning workshop, a design charette, and site walk(s).”;

- w) Part E, Section 17.E.10, Policy 17.E.10.3 is amended by adding the phrase at the start of the second sentence “Where the requirement for this meeting has been waived,” following the words “Consultation Meeting.” in the first sentence;

- x) Part E, Section 17.E.10.4.c) is amended by adding the phrase “and in accordance with any standard or customized Terms of Reference(s).” following the word “Council”;
- y) Part E, Section 17.E.12, Policy 17.E.12.6 is amended by adding the phrase “and public meetings” after the words “such applications” and adding “and alternative notice procedures contained in Section 17.E.3 of this Plan.” following “Planning Act”;
- z) Part E, Section 17.E.12 is amended by adding Policy 17.E.12.7 thereto as follows:

“17.E.12.7 Council may, by By-law, delegate to the Director of Planning, the authority to approve minor amendments to the Zoning By-law including but not limited to:

- a) a by-law to remove a holding symbol; and
- b) updates to assist with clarity and interpretation where the effect of the regulation is not substantively changed.”;

- aa) Part E, Section 17.E.13 is amended by adding Policy 17.E.13.8 thereto as follows:

“17.E.13.8. Council may, by By-law, delegate to the Director of Planning, the authority to approve a zoning by-law in accordance with Policy 17.E.13.7”;

- bb) Part E, Section 17.E.20 is amended by adding Policy 17.E.20.11 thereto as follows:

“Submission Requirements

17.E.20.11 The City will not accept an application to the Committee of Adjustment for processing unless such *development application* includes the necessary information and materials, in accordance with Planning Act regulations.

Other information and materials may be required as part of a complete application for consent. Such materials may be identified in a Record of Pre-Submission Consultation where a Pre-Submission Consultation Meeting is held, or may include other information and materials identified by the *City* that are necessary to review the Committee of Adjustment application, such as but not limited to:

- a) Site Plan and Elevation drawings;
- b) Environmental Studies;
- c) Servicing Reports or Studies; and
- d) Tree Preservation/Enhancement Plan”;

- cc) Part E, Section 17.E.22, Policy 17.E.22.1 is amended by deleting “Section 17.E.22.1. b)” in its entirety and replacing it with the following:

“b) Residential uses which are not considered ‘development’, in accordance with section 41 of the Planning Act, including for example single detached dwellings; semi-detached dwellings; and street-townhouse dwellings, cluster townhouse dwellings and multiple dwellings where there are 10 dwelling units or less on a parcel of land. Notwithstanding the foregoing, a

Site Plan Control Area may include development where Site Plan Control is permitted by the Planning Act, for example a land lease community home, or three or more mobile homes.

- dd) Part E, Section 17.E.22 is amended by deleting “Policy 17.E.22.3” in its entirety and replacing it with the following:
 - “17.E.22.3 Proposed *development and/or redevelopment* within the Site Plan Control Area may not be permitted until such time as the City has approved drawings and plans (including a site plan, elevation drawings and cross-section views) for all buildings and structures to be erected (including all buildings to be used for residential purposes regardless of the number of *dwelling units*, and where considered ‘development’ in accordance with Section 41 of the Planning Act), and for site development works, and sustainable design elements within the *City* and/or *Region’s* right-of-way, in accordance with the Planning Act”;
- ee) Part E, Section 17.E.22, Policy 17.E.22.9 is amended by adding the phrase “and Provincial Legislation” following the words “Urban Design Manual”;
- ff) Part F, Schedule A: Glossary of Terms the definition for “Low Rise Residential Land Uses” is amended by deleting the phrase “duplex dwellings” and replacing it with the phrase “additional dwelling units attached and detached”
- gg) Part F, Schedule A: Glossary of Terms is amended by adding the term “Urban Design Scorecard” after the term “Urban Design Report”:
 - “**Urban Design Scorecard** – an urban design evaluation tool that may be required to be completed by an owner/applicant to demonstrate how a development application implements the *City’s Urban Design Manual*. An urban design scorecard may be required instead of an *Urban Design Report*.”; and
- hh) Part F, Schedule B: Other Information and Materials is amended as follows:
 - i) Section 1. Cultural Heritage Resources is amended by adding “Commemoration Plan”, “Cultural Heritage Protection Plan”, “Hoarding Plan”, “Risk Management Plan”, “Salvage and Documentation Plan”, and “Temporary Protection Plan” to the table in the appropriate alphabetical order;
 - ii) Section 3. Environmental/Natural Heritage/Natural Hazards is amended by adding “Arborist Report including International Society of Arboriculture Valuation of Trees” in the table after “Aggregate/Mineral Resource Analysis”;
 - iii) Section 4. Environmental/Servicing and Infrastructure is amended by adding “Topographical Survey” in the table after “Soils or Geotechnical Study”;
 - iv) Section 6. Planning, “Site Plan” in the table is amended to read as “Site Plan, Building Cross-sections, Floor Plans”;

- v) Section 6. Planning “Sustainability Report/ Checklist” in the table is amended to read as “Sustainability Report/Statement/Checklist”;
- vi) Section 6. Planning “Urban Design Brief or Report” in the table is amended to read as “Urban Design Brief, Urban Design Report, or Urban Design Scorecard”;
- vii) Section 7. Transportation is amended by adding “Fire Route and Emergency Turnaround Plan (with unit numbering)”, “Parking Justification Report”, “Right-of-way Cross-Sections”, “Streetscape Plan”, and “Truck Turning Movement Plan” to the table in the appropriate alphabetical order.

NOTICE OF PUBLIC MEETING

for city-wide amendments to implement changes by the provincial government related to housing



Have Your Voice Heard!
Planning & Strategic Initiatives Committee

Date: **June 19, 2023**
Location: **Council Chambers,
Kitchener City Hall
200 King Street West
or Virtual Zoom Meeting**

Go to **kitchener.ca/meetings** and select:

- Current agendas and reports (posted 10 days before meeting)
- Appear as a delegation
- Watch a meeting

To learn more about this project, including information on your appeal rights, visit: **www.kitchener.ca/PlanningApplications** or contact: **Tanya Roberts, Project Manager**
tanya.roberts@kitchener.ca
519.741.2200 x7704



3 Units Permitted Per Lot



New Zoning Regulations



New Parking Lot Regulations



Legislated Policy Updates

City Planning and Building staff are proposing amendments to the Official Plan, Zoning by-law, and other policies and bylaws in response to recent changes to provincial legislation:
Bill 13, **Supporting People and Businesses Act**, 2021
Bill 109, **More Homes for Everyone Act**, 2022
Bill 23, **More Homes Built Faster Act**, 2022

These bills are implementing measures to address the province-wide housing crisis. This meeting will outline the City's proposed amendments and updates in response to these new provincial directives.

Appendix A2 - Propose Revisions to Official Plan Policies

Highlight indicates new or revised wording

Existing Policy #	Current Wording	Proposed Policy/Amendment	Rationale
HOUSING			
4.C.1.7	<p>The City may require a site plan, elevation drawings, landscaping plans and any other appropriate plans and/or studies, to support and demonstrate that a proposed development or redevelopment is compatible with respect to built form, architectural design, landscaping, screening and/or buffering. These requirements are intended to address the relationship to adjacent residential development, to ensure compatibility with the existing built form and the community character of the established neighbourhood and to minimize adverse impacts.</p>	<p>The City may require a site plan, elevation drawings, cross-sections, landscaping plans and any other appropriate plans and/or studies, to support and demonstrate that a proposed development or redevelopment is compatible with respect to built-form, architectural design, landscaping, screening and/or buffering, conforms to zoning, and provides for a healthy, safe, accessible and sustainable building and site design. These requirements are intended to address the relationship to adjacent residential development, to ensure compatibility with the existing built form and the community character of the established neighbourhood and to minimize adverse impacts.</p>	<p>Clarifications to policy in to align with changes to Planning Act regulations, that limit review of elevations for architecture, and aesthetic design etc.</p>
4.C.1.8.	<p>Where a special zoning regulation(s) or minor variance(s) is/are requested, proposed or required to facilitate residential intensification or a redevelopment of lands, the overall impact of the special zoning regulation(s) or minor variance(s) will be reviewed, but not limited to the following to ensure, that:</p> <ul style="list-style-type: none"> a) Any new buildings and any additions and/or modifications to existing buildings are appropriate in massing and scale and are compatible with the built form and the community character of the established neighbourhood. b) <i>...(no further changes recommended)</i> 	<p>Where a special zoning regulation(s) or minor variance(s) is/are requested, proposed or required to facilitate residential intensification or a redevelopment of lands, the overall impact of the special zoning regulation(s) or minor variance(s) will be reviewed, but not limited to the following to ensure, that:</p> <ul style="list-style-type: none"> a) Any new buildings and any additions and/or modifications to existing buildings are appropriate in massing and scale and are compatible with the built form and the community character of the established neighbourhood, and will have regard to Section 11 of this Plan, the City's Urban Design Manual, and any site specific Urban Design Brief or Urban Design Report. 	<p>Additional wording that helps to identify approved City Policies and Guidelines and other documents which inform what is considered appropriate with regard to massing, scale, compatibility and character in the context of a proposed development.</p>

4.C.1.23	<p>The City will support the addition of an additional dwelling unit(s), attached, within a residential unit, where desirable and appropriate unless otherwise limited by the policies of this Plan, and in accordance with the City's Zoning By-law, in order to provide another housing option to Kitchener homeowners and residents.</p>	<p>The City, in accordance with the Planning Act and other applicable legislation, will permit up to three dwelling units on a lot, unless otherwise limited by the policies of this Plan, and in accordance with the City's Zoning By-law, in order to provide additional housing options to Kitchener homeowners and residents, and in accordance with the Planning Act.</p> <p>Additional dwelling units will be permitted as follows:</p> <ul style="list-style-type: none"> a) The addition of up to two additional dwelling unit(s) (attached), within a single detached dwelling, a semi-detached dwelling or a street-townhouse dwelling, and b) The addition of up to one additional dwelling unit (detached) and one additional dwelling unit (attached) within a single detached dwelling, a semi-detached dwelling or a street-townhouse dwelling. <p>Additional dwelling units (attached) and additional dwelling units (detached) may be further regulated by the City's Zoning By-law.</p>	<p>Replace policy with updated version which includes up to 3 dwelling units on a lot.</p>
4.C.1.24.	<p>The City, in accordance with Planning Act and other applicable legislation, will permit a stand-alone additional dwelling unit (detached), as an ancillary use to single detached dwellings, semi-detached dwellings and street townhouse dwellings. The following criteria will be considered as the basis for permitting an additional dwelling unit (detached).</p> <ul style="list-style-type: none"> a) the use is subordinate to the main dwelling on the lot; 	<p>The City, in accordance with Planning Act and other applicable legislation, will permit a stand-alone additional dwelling unit (detached), as an ancillary use to single detached dwellings, semi-detached dwellings and street townhouse dwellings. The following criteria will be considered as the basis for permitting an additional dwelling unit(s) and may be incorporated into Zoning By-law Regulations:</p>	<p>Updates to wording specifying what may be considered in implementing Zoning Regulations for additional dwelling units.</p> <p>Removal of reference to site plan control.</p>

	<p>b) the use can be integrated into its surroundings with negligible visual impact to the streetscape;</p> <p>c) the use is compatible in design and scale with the built form on the lot and the surrounding residential neighbourhood in terms of massing, height and visual appearance; and</p> <p>d) other requirements such as servicing, parking, access, stormwater management, tree preservation, landscaping and the provision of amenity areas.</p> <p>Additional dwelling units (detached) will be subject to site plan control</p>	<p>a) the use will be subordinate to the main dwelling on the lot;</p> <p>b) the use will be integrated into its surroundings with negligible visual impact to the streetscape;</p> <p>c) the use will be compatible in design and scale with the built form on the lot and the surrounding residential neighbourhood in terms of massing, height and visual appearance;</p> <p>d) other requirements such as servicing, parking, access, stormwater management, tree preservation, landscaping and the provision of amenity areas.</p> <p>d) the site layout considers other requirements including servicing, pedestrian and vehicular access, stormwater management, grading and drainage, tree preservation, and provision of amenity areas, landscaped buffers and visual screening.</p> <p>e) up to one parking space may be required for each Additional Dwelling Unit.</p> <p>Additional dwelling units (detached) will be subject to site plan control</p>	
SECTION 11: URBAN DESIGN			
11.C.1.1	The City will require high quality urban design in the review of all development applications through the implementation of the policies of this Plan and the City's Urban Design Manual.	The City will require high quality urban design in the review of all development applications through the implementation of the policies of this Plan and the City's Urban Design Manual, and in accordance with the Planning Act.	Adding wording to link policy back to what may be permitted by the Planning Act.

11.C.1.6	A site specific urban design brief and/or urban design report may be required of an owner/applicant in support of a development application in accordance with Section 17.E.10.	A site specific Urban Design Brief, Urban Design Report and/or Urban Design Scorecard may be required of an owner/applicant in support of a development application in accordance with Section 17.E.10, and may be adopted by Council.	Updated to incorporate option of Urban Design Scorecard and updated process.
11.C.1.9	Detailed standards to achieve urban design objectives will be contained in and implemented through a number of supporting documents and processes, including, but not limited to: the City's Urban Design Manual, including detailed Urban Design Briefs, the Zoning By-law, Community Plans, Secondary Plans, the Sign By-Law, Heritage Conservation District Plans, the Development Manual, Subdivision Control and Site Plan Control.	Detailed standards to achieve urban design objectives will be contained in and implemented through a number of supporting documents and processes, including, but not limited to: the City's Urban Design Manual, including detailed Urban Design Briefs, the Zoning By-law, Community Plans, Secondary Plans, the Sign By-Law, Heritage Conservation District Plans, the Development Manual, Subdivision Control and Site Plan Control, and in accordance with the Planning Act.	Adding wording to link policy back to what may be permitted by the Planning Act.
11.C.1.30 a)	The City will, through the Site Plan Control process: a) consider individual site elements to improve the aesthetic quality of the development from the public realm, adjacent properties and on site; b) <i>...(no further changes recommended)</i>	The City will, through the Site Plan Control process: a) consider individual site elements to improve the aesthetic quality of the development from the public realm, adjacent properties and on site;	Refined wording removing reference to aesthetic.
11.C.1.31	The City will ensure new buildings are designed, existing buildings are redeveloped, expanded, converted or renovated to enhance pedestrian usability, respects and reinforce human scale, create attractive streetscapes and contribute to rich and vibrant urban places.	The City will ensure new buildings are designed, existing buildings are redeveloped, expanded, converted or renovated to enhance pedestrian and cycling usability, respects and reinforce human scale, create attractive streetscapes that are accessible, safe and have a functional relationship to the street , and contribute to rich and vibrant urban places.	Add reference to include cycling useability in design of site and building design, and to clarify that streetscape design should be accessible, safe and functional in relation to the street.
11.C.1.32	The City will require special design consideration for buildings located at priority locations.	The City will require special design considerations for buildings at priority locations. An owner/applicant may be required to prepare an Urban Design Brief, Urban Design	Additional wording to specify the mechanism for achieving high quality urban design at priority locations.

		Report, Urban Design Scorecard and/or Urban Design Guidelines, in support of a development application.	
LAND USE POLICIES			
15.D.2.31	The City may withhold Site Plan Approval until such time as developments and redevelopments demonstrate adherence to the City’s Urban Design Manual and Downtown specific urban design guidelines. Such guidelines could include, but not limited to, preferred architectural styles, preferred building materials and preferred building massing.	Applications for development and/or redevelopment will be reviewed to ensure conformity with Section 11 of this Plan and the Urban Design Guidelines contained with the City’s Urban Design Manual, and any site-specific Urban Design Guidelines, Urban Design Brief, Urban Design Report and/or Urban Design Scorecard.	New wording replacing the existing policy. The purpose of this regulation is to ensure that development proposals are reviewed having regard to area and site-specific urban design guidelines, reports and briefs.
15.D.12.2 a) ii)	ii) where a municipally-provided wastewater collection system is determined to be available by the City, only single detached and duplex dwellings will be permitted to a maximum net residential density of 4 units per hectare. Any such development will be compatible with the estate lots in the Hidden Valley Residential Community;	ii) where a municipally-provided wastewater collection system is determined to be available by the City, only single detached and duplex dwellings will be permitted to a the maximum net residential density will be of 4 units per hectare. Any such development will be compatible with the estate lots in the Hidden Valley Residential Community;	Amended to comply with Planning Act Regulations.
15.D.12.16	Notwithstanding the Low Rise Residential land use designation on the lands located in Lower Doon, duplex dwellings and second dwelling units in semi-detached dwellings will not be permitted.	Delete.	Does not comply with Planning Regulations.
IMPLEMENTATION AND ADMINISTRATION			
OFFICIAL PLAN			
17.E.2.18	Notice of Official Plan Amendments will be given in accordance with the procedures as provided for in the Planning Act.	Notice of Official Plan Amendments will be given in accordance with the procedures as provided for in the Planning Act, and alternative notice procedures outlined in s. 17.E.3.5.	Update to indicate that notice may be given in accordance with alternative notice procedure policies.
PUBLIC CONSULTATION			

17.E.3.3	The City will follow the public notification procedures and regulations regarding planning matters that are contained in the Planning Act. Notwithstanding, the City may exceed these requirements as deemed appropriate.	The City will follow the public notification procedures and regulations regarding planning matters that are contained in the Planning Act. Notwithstanding, the City may exceed these requirements as deemed appropriate, and may provide alternative measures for informing and obtaining the views of the public, in accordance with the Planning Act.	Adding enacting OP policies to permit alternative measures for informing and obtaining view of the public.
NEW - 17.E.3.5		Notification of a public meeting for the adoption of the Official Plan, Official Plan Amendments, and Zoning By-law Amendments as required by the Planning Act will be given to the public, and prescribed persons and public bodies at least 10 days prior to the date of the meeting and the notice will be given in accordance with the applicable requirements of the Planning Act.	Adding a new policy establishing alternative notice procedures for a public meeting. Proposing to provide notice a minimum of 10 days prior to public meeting rather than 20 days. This will align with availability of staff report and continues to provide the public appropriate notice of the public meeting.
NEW - 17.E.3.6		Notice of the intention to pass an amending by-law to remove a Holding "H" symbol will be given in accordance with the applicable requirements of the Planning Act.	Policy specifying that Notice for the removal of a Holding Provision shall be in accordance with the Planning Act. The Planning Act does not currently specify a minimum notice period for removing Holding Provisions. Council must give notice of its intention to pass the by-law, current practice is to provide newspaper notice and this would continue if approval authority for removal of Holding provisions is delegated to staff.
NEW - 17.E.3.7		Public meetings under the Planning Act will not be required for minor amendments to the Zoning By-law. Notice of the proposed minor amendments and information regarding who is entitled to appeal will be given to the public by posting on the City's website, and electronic notice will be given to prescribed persons and	Minor administrative and technical changes do not affect the purpose of the regulations or the permissions and therefore staff is of the opinion that no purpose is served by holding a public meeting or providing 20 days notice.

		public bodies, a minimum of 10 days prior to a decision being made.	
17.E.3.6	<p>The City may use a variety of communication methods to seek input on planning matters or to provide information to the general public. Depending on the issues and in accordance with the Planning Act, the City will choose the most appropriate method of communication.</p> <p>Communication may be in the form of:</p> <ul style="list-style-type: none"> a) direct mail outs; b) public notice signs; c) newspaper advertisements d) surveys, electronic or mail out; e) public information open houses; f) workshops/charettes; g) public meetings; and/or, h) the City web site and/or other forms of social media. 	<p>The City may use a variety of communication methods to seek input on planning matters or to provide information to the general public. Depending on the issues and in accordance with the Planning Act, the City will choose the most appropriate method of communication.</p> <p>Communication may be in the form of:</p> <ul style="list-style-type: none"> a) direct mail outs; b) public notice signs; c) newspaper advertisements d) surveys, electronic or mail out; e) electronic or in-person public information open houses; f) electronic or in-person workshops/charettes; g) electronic or in-person public meetings; and/or, h) the City web site and/or other forms of social media. 	<p>New wording to specify that engagement may be electronic or in person. This will align with recommended changes to the Public Participation Policy.</p>
COMPLETE APPLCIATION REQUIEMENTS			
17.E.10.1	<p>The City will not accept an application for a Plan of Subdivision, a Plan of Vacant Land Condominium, an Official Plan Amendment, a Zoning By-law Amendment, a Consent and/or a Site Plan for processing unless such development application is considered to be a complete application. To be deemed complete an application must satisfy the following:</p> <ul style="list-style-type: none"> a) include all applicable statutory requirements, including the submission of the prescribed information and the requirements as listed on the application forms and the required studies and plans and/or drawings; b) be submitted with the prescribed fee; 	<p>The City will not accept an application for a Plan of Subdivision, a Plan of Vacant Land Condominium, an Official Plan Amendment, a Zoning By-law Amendment, a Consent and/or a Site Plan for processing unless such development application is considered to be a complete application, in accordance with the Planning Act. To be deemed complete an application must satisfy the following:</p> <ul style="list-style-type: none"> a) include all applicable statutory requirements, including the submission of the prescribed information and the requirements as listed on the application forms and the required studies and plans and/or drawings; b) be submitted with the prescribed fee; 	<p>Adding wording to link policy back to what may be required by the Planning Act.</p> <p>Subsection c – Record does not need to be submitted as the City retains a copy on file.</p>

	<p>c) include the Record of Pre-Submission Consultation, where a Pre-Submission Consultation Meeting is required; and,</p> <p>d) include any other information and materials that are necessary to support the application that have been identified by either the City or at the Pre-Submission Consultation Meeting.</p>	<p>e) include the Record of Pre-Submission Consultation, where a Pre-Submission Consultation Meeting is required; and,</p> <p>d) include any other information and materials that are necessary to support the application that have been identified either by the City or in the Record of Pre-Submission Consultation.</p>	
17.E.10.2.	<p>An owner/applicant will be required to participate in a Pre-Submission Consultation Meeting prior to the submission of an application for a Plan of Subdivision, a Plan of Vacant Land Condominium, an Official Plan Amendment, a Zoning By-law Amendment and/or a Site Plan.</p>	<p>An owner/applicant will be required to participate in a Pre-Submission Consultation Meeting prior to the submission of an application for a Plan of Subdivision, a Plan of Vacant Land Condominium, an Official Plan Amendment, a Zoning By-law Amendment and/or a Site Plan. A Pre-Submission Consultation Meeting may be required for a Consent Application if other information and materials are needed to inform the Consent application.</p> <p>A Pre-Submission Consultation Meeting will include an electronic or in-person meeting to consult on the development proposal, and may include collaborative components such as a visioning workshop, a design charette, and site walk(s).</p>	<p>Identify requirement for pre-submission for consent.</p> <p>Consent applications do not require pre-submission consultation, however pre-submission consultation is available. Additional policies are proposed in the Committee of Adjustment policies (see 17.E.20.11).</p> <p>New paragraph to specify that a consultation meeting may be electronic or in-person and that collaborative components may be included.</p>
17.E.10.3.	<p>Notwithstanding Policy 17.E.10.2, the City may waive the requirement for a Pre-Submission Consultation Meeting, where the City has identified that, due to the nature of the proposal, the need for and scope of required other information and materials can be determined without Pre-Submission Consultation Meeting. The City will provide the owner/applicant with a form that identifies the necessary other information and materials to be submitted with the application(s) to deem it complete.</p>	<p>Notwithstanding Policy 17.E.10.2, the City may waive the requirement for a Pre-Submission Consultation Meeting, where the City has identified that, due to the nature of the proposal, the need for and scope of required other information and materials can be determined without Pre-Submission Consultation Meeting. Where the requirement for this meeting has been waived, the City will provide the owner/applicant with a Record of Consultation that</p>	<p>Additional wording for clarity.</p>

		identifies the necessary other information and materials to be submitted with the application(s) to deem it complete.	
17.E.10.4 c)	<p>The purpose of the Pre-Submission Consultation Meeting is to identify any other information and materials, as listed in Schedule B: Other Information and Materials, which may be necessary and required to review the application. Some of these other materials as listed in Schedule B may be scoped or waived through Pre-Submission Consultation. Where other information and materials have been identified to be submitted with the development application the other information and materials will be:</p> <p>a) in keeping with the scope and complexity of the application(s);</p> <p>b) prepared by a qualified professional (as defined in applicable legislation or alternatively to the satisfaction of the City) retained by and at the expense of the owner/applicant;</p> <p>c) prepared in accordance with any applicable Federal, Provincial and Regional Guidelines and Policies and any City Guidelines or Policies that have endorsed by Council; and,</p> <p>d) Other Information and Materials required to process a Site Plan Approval Application will be limited to those matters set out under Section 41 of the Planning Act, as may be amended from time to time.</p>	<p>The purpose of the Pre-Submission Consultation Meeting is to identify any other information and materials, as listed in Schedule B: Other Information and Materials, which may be necessary and required to review the application. Some of these other materials as listed in Schedule B may be scoped or waived through Pre-Submission Consultation. Where other information and materials have been identified to be submitted with the development application the other information and materials will be:</p> <p>a) in keeping with the scope and complexity of the application(s);</p> <p>b) prepared by a qualified professional (as defined in applicable legislation or alternatively to the satisfaction of the City) retained by and at the expense of the owner/applicant;</p> <p>c) prepared in accordance with any applicable Federal, Provincial and Regional Guidelines and Policies; any City Guidelines or Policies that have endorsed by Council; and in accordance with any a standard or customized Terms of Reference(s).</p> <p>d) Other Information and Materials required to process a Site Plan Approval Application will be limited to those matters set out under Section 41 of the Planning Act, as may be amended from time to time.</p>	Updated subsection c to include an example of a Council Approved Guideline, and to specify that Terms of Reference may be provided.
ZONING BY-LAW			

17.E.12.6	The City will consider all applications to amend the Zoning By-law and will provide notice of such application in accordance with the provisions and regulations of the Planning Act.	The City will consider all applications to amend the Zoning By-law and will provide notice of such application and public meetings in accordance with the provisions and regulations of the Planning Act, and alternative notice procedures outlined in Section 17.E.3 of this Plan.	Updated to indicate that alternative notice procedure may be followed.
NEW 17.E.12.7		Council may, by By-law, delegate to the Director of Planning, the authority to approve minor amendments to the Zoning By-law including but not limited to: a) a by-law to remove a holding symbol; and b) updates to assist with clarity and interpretation where the effect of the regulation is not substantively changed.	Policy giving authority for Council to delegate approval authority to the Director of Planning to remove a holding provision and to make minor amendments and revisions to the Zoning By-law, where the effect of regulations is not substantively changed.
HOLDING PROVISIONS			
NEW 17.E.13.8		City Council may, by By-law, delegate to the Director of Planning, the authority to enact a by-law in accordance with policy 17.E.13.7.	Policy giving authority for Council to delegate approval authority to the Director of Planning to remove Holding Provisions. (PA 39.2)
COMMITTEE OF ADJUSTMENT			
NEW 17.E.20.11	ADD "Submission Requirements"	The City will not accept an application to the Committee of Adjustment for processing unless such development application includes the necessary information and materials, in accordance with Planning Act regulations. Other information and materials may be required as part of a complete application for consent. Such materials may be identified in a Record of Pre-Submission Consultation where a Pre-Submission Consultation Meeting is held, or may include other information and materials identified by the City that are necessary to review the Committee of Adjustment application, such as but not limited to:	New policy to ensure submission of complete applications for consents. Section 53(3) of the Planning Act requires enacting Official Plan policies.

		<p>a) Site Plan and Elevation drawings;</p> <p>b) Environmental Studies;</p> <p>c) Servicing Reports or Studies;</p> <p>d) Tree Preservation/Enhancement Plan</p>	
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SITE PLAN CONTROL			
17.E.22.1	<p>The City will establish, by by-law, a Site Plan Control Area which will encompass all of the lands within the boundaries of the city and will be applicable to all development or redevelopment excluding:</p> <p>a) farm operations, farm buildings and the residence of the farm operator on agriculturally zoned land; and,</p> <p>b) single detached dwellings, semi-detached dwellings and duplexes except those:</p> <p style="padding-left: 20px;">i) permitted within or contiguous to lands designated Natural Heritage Conservation or natural hazardous lands;</p> <p style="padding-left: 20px;">ii) those single detached dwellings, semi-detached dwellings and duplexes forming part of a vacant land condominium, zero lot line, linked housing, or similar innovation in house grouping developments; and,</p> <p style="padding-left: 20px;">iii) those which are a cultural heritage resource or have cultural heritage value and/or interest.</p>	<p>The City will establish, by by-law, a Site Plan Control Area which will encompass all of the lands within the boundaries of the city and will be applicable to all development, or redevelopment excluding:</p> <p>a) farm operations, farm buildings and the residence of the farm operator on agriculturally zoned land; and,</p> <p>b) single detached dwellings, semi-detached dwellings and duplexes except those:</p> <p style="padding-left: 20px;">i) permitted within or contiguous to lands designated Natural Heritage Conservation or natural hazardous lands;</p> <p style="padding-left: 20px;">ii) those single detached dwellings, semi-detached dwellings and duplexes forming part of a vacant land condominium, zero lot line, linked housing, or similar innovation in house grouping developments; and,</p> <p style="padding-left: 20px;">iii) those which are a cultural heritage resource or have cultural heritage value and/or interest.</p>	<p>Maintain existing policy which establishes a Site Plan Control Area that includes the entire city. Site Plan Control will be applicable to all development as defined and permitted by the Planning Act.</p> <p>The Planning Act currently excludes the following from the definition of development:</p> <ul style="list-style-type: none"> - Residential development where there are 10 dwelling units or less on a parcel of land - Portable classrooms on a school site <p>In addition, site plan control will not be required for farm operations on agriculturally zoned lands.</p> <p>New Planning Act regulations are under consideration in Bill 97 which may permit site plan control to be required for site containing dwelling units within 300m of a rail corridor, or 120m of a shoreline, and policies have been drafted so that site plan control may be applied in accordance with the Planning Act.</p>

		<p>b) Residential uses which are not considered 'development', in accordance with section 41 of the Planning Act, including for example single detached dwellings; semi-detached dwellings; and street-townhouse dwellings, cluster townhouse dwellings and multiple dwellings where there are 10 dwelling units or less on a parcel of land. Notwithstanding the foregoing, a Site Plan Control Area may include development where Site Plan Control is permitted by the Planning Act, for example a land lease community home, or three or more mobile homes.</p>	<p>Land lease community homes and sites with 3 or more mobile homes continue to be defined as development and Site Plan Control is permitted.</p>
<p>17.E.22.3.</p>	<p>Proposed development or redevelopment within the Site Plan Control Area may not be permitted until such time as the City has approved drawings showing plan, elevation and cross-section views for all buildings to be erected (including all buildings to be used for residential purposes regardless of the number of units) and for other site development works sufficient to display the following:</p> <p>a) exterior building design considerations including, without limitation:</p> <ul style="list-style-type: none"> i) character ii) scale iii) appearance iv) design features v) sustainable design vi) signage, where applicable <p>b) Design elements within and/or adjacent to City and/or Regional right-of-way, including without limitation:</p> <ul style="list-style-type: none"> i) trees, shrubs and/or hedges ii) other plantings and groundcover iii) permeable paving materials 	<p>Proposed development and/or redevelopment within the Site Plan Control Area may not be permitted until such time as the City has approved drawings and plans (including a site plan, elevation drawings and cross-section views) for all buildings and structures to be erected (including all buildings to be used for residential purposes regardless of the number of dwelling units, and where considered 'development' in accordance with section 41 of the Planning Act), and for site development works, and sustainable design elements within the City and/or Region's right-of-way, in accordance with the Planning Act.</p>	<p>Policy has been updated and simplified to maintain consistency with Planning Act regulations moving forward.</p> <p>The Planning Act requires that the OP include policies which permit the review of plans, elevations and cross-sections for residential buildings containing 25 dwelling units or less.</p>

	<ul style="list-style-type: none"> iv) street furniture v) curb cuts and driveway ramps vi) waste, recycling and composting containers vii) bicycle parking facilities viii) public transit facilities, where applicable <p>c) Site development works and site design including, without limitation:</p> <ul style="list-style-type: none"> i) landscaping ii) lighting iii) grading and drainage iv) erosion and sedimentation control v) stormwater management design and areas vi) barrier-free and universal accessibility vii) pedestrian access and bicycle facilities viii) loading and parking areas ix) facilities for the storage of garbage, recycling and other waste material x) outdoor amenity and/or play facilities, where appropriate xi) locations for public art xii) signage, where applicable 		
17.E.22.9.	The City will ensure the principles of barrier-free and universal accessibility for all persons, in accordance with the standards as outlined in the Urban Design Manual, will be implemented during the preparation and review of site development proposals and improvement plans and programs	The City will ensure the principles of barrier-free and universal accessibility for all persons, in accordance with the standards as outlined in the Urban Design Manual and Provincial legislation , will be implemented during the preparation and review of site development proposals and improvement plans and programs	Add reference to Provincial legislation (AODA)
PART F – Schedule A: Glossary of Terms			
Low Rise Residential Land Uses	single detached dwellings, duplex dwellings, semi-detached dwellings, street and cluster townhouse dwellings and low-rise multiple dwellings.	single detached dwellings, duplex dwellings additional dwelling units attached and detached , semi-detached dwellings, street and cluster townhouse dwellings and low-rise multiple dwellings.	Add reference to additional dwelling units in definition of Low Rise Residential Land Uses
NEW		Urban Design Scorecard – an urban design evaluation tool that may be required to be completed by an	New definition

		owner/applicant to demonstrate how a development application implements the City's Urban Design Manual. An Urban Design Scorecard may be required instead of or in association with an Urban Design Report or Urban Design Brief.	
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PART F - Schedule B: Other Information and Materials (New items are highlighted)

1. Cultural Heritage Resources
Archaeological Assessment
Commemoration Plan
Corridor Enhancement Plan
Cultural Heritage Protection Plan
Heritage Conservation Plan
Heritage Design Guidelines or Brief
Heritage Impact Assessment (HIA)
Heritage Permit Application
Hoarding Plan
Risk Management Plan
Salvage and Documentation Plan
Structural Assessment (Building Conditions Report)
Temporary Protection Plan
2. Digital Plans
Site Plan in accordance with City digital submission standards
Subdivision Plan or Condominium Plan in accordance with City digital submission standards
3. Environmental/Natural Heritage/Natural Hazards
Aggregate/Mineral Resource Analysis
Arborist Report including International Society of Arboriculture Valuation of Trees
Chloride Impact Study
Cut and Fill Analysis

Environmental Impact Study (EIS)
Floodline Delineation Study
Hydraulics Study
Hydrogeological Assessment
Local Air Quality Study
Master Drainage Study
Slope Stability/Erosion Hazard Study and Report
Studies and/or Plans required by Kitchener's Tree Management Policy (General Vegetation Overview)
Detailed Vegetation Plan,
Tree Preservation/Enhancement Plan
Subwatershed Master Plan
Watershed Plan
4. Environmental/Servicing and Infrastructure
Alternative or Renewable Energy Systems Feasibility Study
District Energy System Feasibility Study
District Heating Feasibility Study
Energy Audit
Energy Conservation Efficiency Study
Environmental Implementation Report as required by an approved (sub)watershed plan
Environmental Site Assessment and/or Record of Site Condition
Functional Servicing Report
Grading and Drainage Control Plan
Integrated Energy Master Plan
Municipal Financial Impact Assessment
Municipal or Private Water Supply Analysis Study
Preliminary Grading Plan
Preliminary Stormwater Management Report and Plan
Private Servicing Study
Sanitary Sewer Capacity Analysis Study
Soils or Geotechnical Study
Topographical Survey
Update to an existing Stormwater Management Plan

Water Conservation Plan
Water Distribution Analysis
5. Land Use Compatibility
3-Dimensional Modeling
Agricultural Impact Assessment
Angular Plane Analysis
Building Elevation Drawings
CPTED (Crime Prevention Through Environmental Design) Report
Dust Impact Assessment
Health Impact Assessment
Land Use Compatibility Study
Landfill Impact Study
Minimum Distance Separation Assessment
Noise Study
Odour Impact Assessment
Shadow Study
Snow Deposition Study
Vibration Study
Wind Study
6. Planning
Affordable Housing Report
Concept Plan
Design and Vision Session in accordance with the Neighbourhood Design Guidelines
Existing Conditions Plan
Neighbourhood Design Report or Brief
Planning Justification Study
Rental Conversion Assessment
Retail Impact Study
School Accommodation Issues Assessment
Site Plan, Building Cross-Sections, Floor Plans
Site Walk in accordance with the Neighbourhood Design Guidelines

Sustainability Report/ Checklist
Sustainability Report/Statement/Checklist
Urban Design Brief, Urban Design Report or Urban Design Scorecard
7. Transportation
Active Transportation Connectivity Plan
Driveway Location and On-Street Parking Plan
Fire Route & Emergency Turnaround Plan (with unit numbering)
Parking Analysis
Parking Justification Report
Pedestrian Route and Sidewalk Analysis
Roundabout Feasibility Analysis
Right-of-way Cross Sections
Streetscape Plan
Traffic Calming Options Report
Transit Assessment
Transportation Demand Management Report
Transportation Impact Study
Truck Turning Movement Plan

PROPOSED BY – LAW

_____, 2023

BY-LAW NUMBER ____

OF THE

CORPORATION OF THE CITY OF KITCHENER

(Being a by-law to amend By-law 85-1, as amended,
known as the Zoning By-law for the City of Kitchener)

WHEREAS it is deemed expedient to amend By-law 85-1;

NOW THEREFORE the Council of the Corporation of the City of Kitchener
enacts as follows:

1. Subsection 2.3 of By-law Number 85-1 is hereby amended to add the portions of the below text that are highlighted in grey, and delete portions of the below text with a strikethrough:

“No change may be made in the type of use of any land covered by this By law or change in the type of use of any building on any such land without a Zoning (Occupancy) Certificate being issued by the Director of Planning to the effect that the proposed use is not contrary to this By law. A Zoning (Occupancy) Certificate shall be required for each use contained within a building containing multiple uses. Notwithstanding the above, no zoning (occupancy) certificate shall be required for a single detached dwelling with or without one additional dwelling unit (attached), ~~additional dwelling unit (detached)~~, duplex dwelling, semi-detached dwelling with or without one additional dwelling unit (attached), semi-detached duplex dwelling, ~~street townhouse dwelling~~, private home daycare or commercial parking facility.”

2. Section 2 of By-law Number 85-1 is hereby amended by adding the following new regulation:

“2.5 TECHNICAL REVISIONS TO THE ZONING BY-LAW

Technical revisions may be made to this By-law without the need for a Zoning By-law Amendment. Technical revisions means the correction of numbering, cross-referencing, grammar, punctuation or typographical errors, mapping errors, or revisions to format in a manner that does not change the intent of this By-law.”

3. Section 4.2 of By-law Number 85-1 is hereby amended by adding the following new definition in proper alphabetical order:

“**“Additional Dwelling Unit (Attached)”** means the use of a single detached dwelling, semi-detached house, or street townhouse dwelling where a separate self-contained dwelling unit is located within the principal building.”

4. Section 4.2 of By-law Number 85-1 is hereby amended by deleting the definition of “Driveway” and replacing it with the following new definition in proper alphabetical order:

“**Driveway**” means a vehicle route that provides access from a street or lane to a drive aisle, parking space, or parking lot.”

5. Section 4.2 of By-law Number 85-1 is hereby amended to add the portions of the below text in the definition of “Multiple Dwelling” that are highlighted in grey, and delete portions of the below text in the definition of “Multiple Dwelling” with a strikethrough:

“**Multiple Dwelling**” means a building containing ~~three~~**four** or more dwelling units but shall not include a street townhouse dwelling or semi-detached dwelling.”

6. Section 4.2 of By-law Number 85-1 is hereby amended to add the portions of the below text in the definition of “Parking Lot” that are highlighted in grey:

“**Parking Lot**” means an area located on a lot which contains four or more parking spaces and a minimum of one drive aisle.”

7. Section 4.2 of By-law Number 85-1 is hereby amended by adding the following new definition in proper alphabetical order:

“**Principal**” means, when used to describe a use, the primary use carried out on the lot or within a building or structure, and, when used to describe a building or structure, means the building or structure in which the primary use is conducted, or intended to be conducted.”

8. Section 5.22 of By-law Number 85-1 is hereby amended by inserting a new Subsection 5.22.1 thereto:

“5.22.1 ONE ADDITIONAL DWELLING UNIT (ATTACHED)”

One Additional Dwelling Unit (Attached) may be permitted in association with a Single Detached Dwelling, a Semi-Detached House or a Street Townhouse Dwelling in accordance with the regulations specified by the zone category and applying to Single Detached Dwelling, Semi-Detached House, or Street Townhouse Dwelling in which an Additional Dwelling Unit (Attached) are located and in addition to and as amended by the following:

- a) One Additional Dwelling Unit (Attached) shall only be located in the same building as a Single Dwelling, a Semi-Detached House, or a Street Townhouse Dwelling;
- b) An Additional Dwelling Unit (Attached) shall be connected to full municipal services.

5.22.1.1 ONE ADDITIONAL DWELLING UNIT (ATTACHED) AND DUPLEXES

- .1 A Duplex Dwelling shall be considered as a Single Detached Dwelling with One Additional Dwelling Unit (Attached) and a Semi-Detached Duplex House shall be considered as a Semi-Detached House with One Additional Dwelling Unit (Attached).
 - .2 New Duplex Dwellings or Semi-Detached Duplex House may be permitted in accordance with regulations set out in Section 5.22.1 One Additional Dwelling Unit (Attached).”
9. Section 5.22 of By-law Number 85-1 is hereby amended by inserting a new Subsection 5.22.2 thereto:

“5.22.2 TWO ADDITIONAL DWELLING UNITS (ATTACHED)

Two Additional Dwelling Units may be permitted in association with a Single Detached Dwelling, a Semi-Detached House, or a Street Townhouse Dwelling in accordance with the regulations specified by the zone category and applying to Single Detached Dwelling, Semi-Detached House, or Street Townhouse Dwelling in which the two Additional Dwelling Units (Attached) are located and in addition to and as amended by the following:

- a) two Additional Dwelling Units (Attached) shall be connected to full municipal services;
 - b) a maximum of one pedestrian entrance to the principal building shall be located on each street line façade, except where more pedestrian entrances are existing;
 - c) no more than two Additional Dwelling Units (Attached) are permitted on a lot;
 - d) the maximum number of Dwelling Units on a lot shall be three;
 - e) the minimum lot area shall be 395 square metres or in accordance with the minimum lot area specified by the zone category for the principal dwelling type, whichever is greater;
 - f) the minimum lot width shall be 13.1 metres or in accordance with the minimum lot width specified by the zone category for the principal dwelling type, whichever is greater;
 - g) the minimum landscaped area shall be 20%.”
10. Section 5 of By-law Number 85-1 is amended by inserting a new Subsection 5.33 thereto:

“5.33 Four to Ten Dwelling Units on a Lot

Four (4) to ten (10) Dwelling Units on a lot without any non-residential use except permitted home business uses shall be permitted in accordance with the regulations specified by the zone category for the Dwelling(s) and shall have:

- a) a minimum of 20% street line façade opening which includes at least one (1) pedestrian entrance to the principal building;
- b) a minimum 20% of the front yard landscaped, excluding surface walkways, patios, decks, playgrounds or pathways;

- c) a minimum driveway width of 2.6 metres;
- d) despite section 5.33 c), where a driveway is immediately adjacent to any building or structure on a lot, the driveway including any curbing shall be a minimum 3.0 metres wide.”

11. Subsection 6.1.1.1 b) of By-law Number 85-1 is amended to add the portions of the below text that are highlighted in grey, and delete portions of the below text with a strikethrough:

“b) Single Detached Dwellings with or without Additional Dwelling Unit(s), Semi-Detached Dwellings with or without Additional Dwelling Unit(s), and Duplex Dwellings with or without one Additional Dwelling Unit (Attached) or an Additional Unit (Detached); Residential Care Facility having less than 9 residents; and a Lodging House having less than 9 residents

On a lot containing a Single Detached Dwelling with or without Additional Dwelling Unit(s), Semi-Detached Dwelling with or without Additional Dwelling Unit(s), or Duplex Dwelling with or without one Additional Dwelling Unit (Attached) or an Additional Dwelling Unit (Detached); Residential Care Facility having less than 9 residents; or a Lodging House having less than 9 residents: (Amended: By-law 2021-040, S.9)

- i) The off-street parking required for such dwellings shall be located a minimum distance of 6 metres from the street line.

~~Notwithstanding the above, a Duplex Dwelling, Semi-Detached Dwelling containing two dwelling units, any principal dwelling with an Additional Dwelling Unit(s) (Attached) or Additional Unit (Detached), or a Residential Care Facility having less than 9 residents, all of which require a minimum of two parking spaces, shall be permitted to locate one of the required parking spaces on the driveway less than 6 metres from the street line and may be arranged in tandem. For any principal dwelling) or Additional Dwelling Unit (Detached), up to three required parking spaces may be arranged in tandem.~~ Notwithstanding the above, where two or three parking spaces are required, one of the required parking spaces shall be permitted to locate on the driveway less than 6 metres from the street line and up to three parking spaces may be arranged in tandem.”

12. Subsection 6.1.1.1 c) of By-law Number 85-1 is amended to add the portions of the below text that are highlighted in grey, and delete portions of the below text with a strikethrough:

“c) Street Townhouse Dwellings with or without an Additional Dwelling Unit(s) (Attached) or Additional Dwelling Unit (Detached)

On a lot containing a Street Townhouse Dwelling with or without an Additional Dwelling Unit(s) (Attached) or Additional Dwelling Unit (Detached):

- i) The off-street parking required for such dwelling shall not be located within the minimum front yard or the minimum side yard abutting a street, except in the case

of a Street Townhouse Dwelling containing ~~two Dwelling Units or any Street Townhouse Dwelling containing an~~ Additional Dwelling Unit(s) (Attached) or Additional Dwelling Unit (Detached), in which case one required off-street parking space may be located in a driveway within the minimum front yard or minimum side yard abutting a street. (Amended: By-law 2021-040, S.12)

- ii) a) A driveway shall be located leading directly from a street or lane to a parking space located a minimum distance of 6.0 metres from the street line and shall have a minimum width of 2.6 metres.
- b) A driveway may be widened to a maximum of 65% of the lot width or 6 metres, whichever is the lesser.
- c) A driveway and widening thereof may be used for the parking of vehicles provided that a parking space on the driveway or the widening meets the minimum length requirements of Section 6.1.1.2 d). (Amended: By-law 2018-125, S.13)
- iii) Notwithstanding clause ii) above, on a corner lot an access driveway shall not be located closer than 9 metres to the intersection of the street lines abutting the lot. For the purpose of this subsection iii), where one or more parking spaces are provided with a setback of less than 12 metres, the driveway including any widening shall be deemed to be at least the same width as the parking spaces, for a minimum distance of 12 metres from the parking space, measured perpendicular to the end of the parking space closest to the street.
- iv) In the case of a Street Townhouse Dwelling containing ~~two Dwelling Units and any Street Townhouse Dwelling with an~~ Additional Dwelling Unit(s) (Attached) or Additional Dwelling Unit (Detached), each additional required parking space may be arranged in tandem behind the first required space.
- v) Within a front yard, side yard or side yard abutting a street, motor vehicles shall only be parked on a driveway conforming with Section 6.1.1.1.
- vi) The driveway shall be comprised of a material that is consistent throughout the driveway and that is distinguishable from all other ground cover or surfacing, including landscaping or walkways, within the front yard, side yard or side yard abutting a street.”

13. Subsection 6.1.1.2 of By-law Number 85-1 is amended by inserting a new Subsection h) thereto:

- “h) Where a parking lot is provided for a development that does not require site plan approval pursuant to Section 41 of the Planning Act, the following regulations shall apply:
 - i) the parking lot shall be setback a minimum of 1.5 metres from side lot line and rear lot line; and,

ii) the minimum drive aisle width shall be 6 metres.”

14. Subsection 6.1.2 a) of By-law Number 85-1 is amended by inserting “Additional Dwelling Unit (Attached) into Column 1 in proper alphabetical order with a corresponding “1 for each dwelling unit” in Column 2.
15. Sections 31.1, 32.1, 33.1, 42.1, 43.1, 44.1, 45.1, 46.1, 47.1, 47A.1, 53.1, 54.1, 55.1 of By-law Number 85-1 are hereby amended by inserting “Additional Dwelling Unit (Attached)” and “Additional Dwelling Unit (Detached)” into the existing list of permitted uses thereto in proper alphabetical order.
16. Sections 35.1, 36.1, 37.1, 38.1, 39.1, 40.1, 41.1 of By-law Number 85-1 are hereby amended by inserting “Additional Dwelling Unit (Attached)” into the existing list of permitted uses thereto in proper alphabetical order.
17. Sections 31.3, 32.3, 33.3, 42.2, 43.2, 44.3, 45.3, 47.2, 47A.3, 53.2, 54.2, 55.2 of By-law Number 85-1 are hereby amended by inserting the following new regulation thereto in proper numerical order:

“For Additional Dwelling Unit (Detached)

In accordance with regulations set out in Section 5.22 of this By-law.”

18. Sections 31.3, 32.3, 33.3, 36.2, 37.2, 38.2, 39.2, 40.2, 41.2, 42.2, 43.2, 44.3, 45.3, 47.2, 47A.3, 53.2, 54.2, 55.2 of By-law Number 85-1 are hereby amended by inserting following new regulation thereto in proper numerical order:

“For Additional Dwelling Unit (Attached)

One Additional Dwelling Unit (Attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law.

Two Additional Dwelling Units (Attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law.”

19. Section 35 of By-law Number 85-1 is hereby amended by inserting the following new subsection 35.5 thereto:

“35.5 For Additional Dwelling Unit (Attached)

One Additional Dwelling Unit (Attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law.

Two Additional Dwelling Units (Attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law.”

20. Sections 32.3, 33.3, 40.2, 41.2, 42.2, 43.2, 44.3, 45.3, 47.2, 47A.3, 53.2, 54.2, 55.2 of By-law Number 85-1 are hereby amended by inserting following new regulation thereto in proper numerical order:

“For Lots with Four to Ten Dwelling Units

4 to 10 dwelling units on a lot provided without any non-residential use except permitted home business uses shall be permitted in accordance with the regulations in this Section as applicable and Section 5.33.”

- 21. Section 39.1 of By-law Number 85-1 is hereby amended by deleting “Multiple Dwelling” from the list of permitted uses thereto.
- 22. Section 39.2.4 of By-law Number 85-1 is hereby amended by deleting “Multiple Dwelling” from the title and deleting the following row thereto of the existing table:

“Maximum Number of Dwelling Units in Three Dwelling Units.”
a Multiple Dwelling
- 23. Section 39.2A of By-law Number 85-1 is hereby amended to read as follows:

“39.2A FOR ALL USES

Maximum Number of Dwellings Per Lot	One plus Unit(s)”	Additional Dwelling
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- 24. Section 46 of By-law 85-1 is hereby amended by inserting the following new regulations thereto:

“46.4 For Additional Dwelling Unit (Detached)

In accordance with regulations set out in Section 5.22 of this By-law.”

46.5 For Additional Dwelling Unit (Attached)

One Additional Dwelling Unit (Attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law.

Two Additional Dwelling Units (Attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law.

46.6 For Lots with Four to Ten Dwelling Units

4 to 10 dwelling units on a lot provided without any non-residential use except permitted home business uses shall be permitted in accordance with the regulations in this Section as applicable and Section 5.33.”

- 25. Section 319 of “Appendix C – Special Use Provisions for Specific Lands” of By-law Number 85-1 is hereby deleted in its entirety.
- 26. Section 352 b) of “Appendix C – Special Use Provisions for Specific Lands” of By-law Number 85-1 is hereby deleted.

27. Section 470 c) of “Appendix C – Special Use Provisions for Specific Lands” of By-law Number 85-1 is hereby deleted.
28. This By-law shall become effective only if Official Plan Amendment No. (Implementation of Bill 13, Bill 109, and Bill 23) comes into effect, pursuant to Section 24(2) of The Planning Act, R.S.O. 1990, c. P.13, as amended.

PASSED at the Council Chambers in the City of Kitchener this
day of _____, 2023.

Mayor

Clerk

BY-LAW NUMBER
OF THE
CORPORATION OF THE CITY OF KITCHENER
(Being a by-law to amend By-law 2019-051, as amended,
known as the Zoning By-law 2019 for the City of Kitchener
– Implementation of Bill 13, Bill 109, and Bill 23)

WHEREAS it is deemed expedient to amend By-law 2019-051;

NOW THEREFORE the Council of the Corporation of the City of Kitchener enacts as follows:

1. Subsection 1.8 of By-law Number 2019-051 is amended to add the portions of the below text that are highlighted in grey, and delete portions of the below text with a strikethrough:

“Despite Subsection a), no Zoning Occupancy Certificate shall be required for a *single detached dwelling* with or without one *additional dwelling unit (attached)*, *semi-detached dwelling* with or without one *additional dwelling unit (attached)*, ~~*street townhouse dwelling*~~, ~~*additional dwelling unit(s) (attached)*~~, ~~*additional dwelling unit (detached)*~~, or *private home day care*.”

2. Section 3 of By-law Number 2019-051 is amended to add the portions of the below text that are highlighted in grey, and delete portions of the below text with a strikethrough in the following definitions:

“**Dwelling, Multiple** – means the use of a *building* containing ~~four~~^{three} or more *dwelling units*, and can include a *stacked townhouse dwelling* and *back-to-back townhouse dwelling*. A *multiple dwelling* is not a *street townhouse dwelling*, *mixed use building*, *cluster townhouse dwelling*, *single detached dwelling* with *additional dwelling units (attached)* or *semi-detached dwelling* with *additional dwelling units (attached)*.”

“**Parking Lot** – means an area located on a *lot* which contains four or more *parking spaces* and a minimum of one *drive aisle*.”

3. Subsection 4.12.2 of By-law Number 2019-051 is amended to add the portions of the below text that are highlighted in grey, and delete portions of the below text with a strikethrough:

“Two *additional dwelling units (attached)* may be permitted in association with a *single detached dwelling*, a *semi-detached dwelling unit* or a *street townhouse dwelling unit* in accordance with the regulations specified by the *zone* category and applying to *single*

detached dwellings, semi-detached dwellings, or street townhouse dwellings in which the two *additional dwelling units (attached)* are located and in addition to and as amended by the following:

- a) two *additional dwelling units (attached)* shall be connected to full municipal services;
- b) a maximum of one pedestrian entrance to the *principal building* shall be located on each *street line façade*, except where more pedestrian entrances are *existing*;
- c) no more than two *additional dwelling units (attached)* are permitted on a *lot*;
- d) the minimum *lot area* shall be 395 square metres or in accordance with Table 7-2, whichever is greater;
- e) the minimum *lot width* shall be 13.1 metres or in accordance with Table 7-2, whichever is greater;
- f) the minimum *landscaped area* shall be 20%;
- g) ~~two *additional dwelling units (attached)* shall only be permitted in *existing buildings*;~~

~~additions to an existing *single detached dwelling* must be attached to the rear of *principal building* and shall not extend into any *side yard* farther than the extent of the *existing principal building* and provided such addition does not exceed 25 percent of the *existing building's building floor area*.~~

Unless otherwise provided for in this By-law, in any zone where two *additional dwelling units (attached)* are permitted, a *dwelling* with three (3) *dwelling units* shall also be permitted and considered a *single detached dwelling* with two *additional dwelling units (attached)* in accordance with regulations specified by the zone category and in this section.”

- 4. Subsection 4.12.3 o) of By-law Number 2019-051 is amended to add the portions of the below text that are highlighted in grey, and delete portions of the below text with a strikethrough:

“Despite Section 5.3.3 a) ii), where three *parking spaces* are required in accordance with Table 5-3, ~~two~~ *three parking spaces* may be *tandem parking spaces*; and,

- 5. Section 4 of By-law Number 2019-051 is amended by inserting new Subsection 4.12.4 thereto:

“4.12.4 Four to Ten Dwelling Units on a Lot

Four (4) to ten (10) *dwelling units* on a *lot* without any non-residential *use* except permitted *home occupation uses* shall be permitted in accordance with the regulations specified by the zone category for the *dwelling(s)* and shall have:

- a) a minimum of 20% *street line façade opening* which includes at least one (1) pedestrian entrance to the *principal building*;
- b) a minimum 20% of the *front yard landscaped*, excluding surface walkways, patios, decks, playgrounds or pathways;
- c) a minimum *driveway* width of 2.6 metres;
- d) despite section 4.12.4 c), where a *driveway* is immediately adjacent to any *building* or *structure* on a *lot*, the *driveway* including any curbing shall be a minimum 3.0 metres wide.”

6. Section 5.3 of By-law Number 2019-051 is amended by inserting a new Subsection e) thereto:

- “e) Where a *parking lot* is provided for a development that does not require site plan approval pursuant to Section 41 of the Planning Act, the following regulations shall apply:
- i) The *parking lot* shall be setback a minimum of 1.5 metres from *side lot line* and *rear lot line*; and,
 - ii) The minimum *drive aisle* width shall be 6 metres.”

7. Section 5.3.3 of By-law Number 2019-051 is amended to add the portions of the below text that are highlighted in grey, and delete portions of the below text with a strikethrough:

- a) On a *lot* containing a *single detached dwelling*, *semi-detached dwelling*, *street townhouse dwelling*, *additional dwelling unit(s) (attached)*, *additional dwelling unit (detached)*, *small residential care facility*, *lodging house* having less than 9 residents, or *home occupation*:
 - i) *Parking spaces* shall be located a minimum distance of 6 metres from a *street line*;
 - ii) Despite Subsection i), where two or more *parking spaces* are required, one *parking space* may locate on the *driveway* within 6 metres of the

front lot line or exterior side lot line and may be a tandem parking space; and,

Illustration 5-1: One Tandem Parking Space – Option A

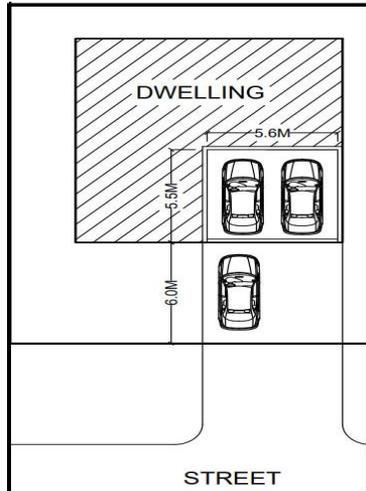
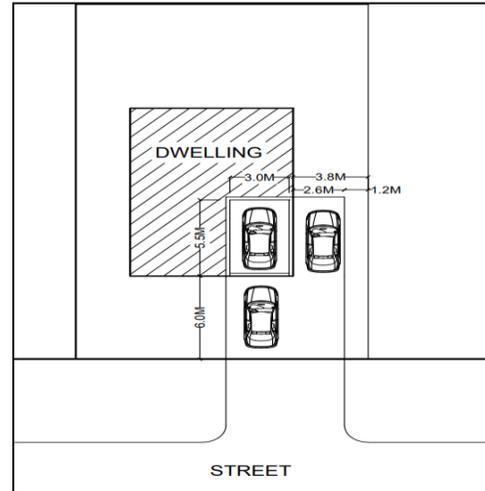


Illustration 5-2: One Tandem Parking Space – Option B



- iii) Despite Subsection ii) where three *parking spaces* are required on a *lot* that contains an ~~additional dwelling unit (attached)~~ and an ~~additional dwelling unit (detached)~~, one *parking space* may locate on the *driveway* within 6 metres of the *front lot line* or *exterior side lot line* and ~~two~~ **three** *parking spaces* may be *tandem parking spaces*; and
- iv) Not more than one *parking space* for a *home occupation* may be located in a *rear yard*, except in the case of a *corner lot*, a *through lot*, or a *lot* abutting a *lane*.

~~b) On a lot containing a street townhouse dwelling:~~

- ~~i) parking spaces shall be located a minimum distance of 6 metres from a street line.~~

eb) On a lot containing a *multiple dwelling, dwelling unit, cluster townhouse dwelling, lodging house* having 9 residents or more, or a *large residential care facility*:

- i) *parking spaces* shall not be located within the *front yard* or within the *exterior side yard*. In no case shall any *parking spaces* be located within 3 metres of the *front lot line, exterior side lot line* or *street line*; and,
- ii) despite Subsection i), *parking spaces, loading spaces, or drive aisles* located in an enclosed portion of a *building* entirely below *grade*, may have a minimum *setback* of 0 metres from a *front lot line, side lot line, and rear lot line*.

8. Table 7-1 of By-law Number 2019-051 is amended to add the portions of the below text that are highlighted in grey:

“Table 7-1: Permitted Uses within the Residential Zones

Use	RES-1	RES-2	RES-3	RES-4	RES-5	RES-6	RES-7
Residential Uses							
<i>Single Detached Dwelling</i>	✓	✓	✓	✓	✓		
<i>Additional Dwelling Units (Attached)(1)</i>	✓	✓	✓	✓	✓		
<i>Additional Dwelling Units (Detached)(2)</i>	✓	✓	✓	✓	✓		
<i>Semi-Detached Dwelling</i>			✓	✓	✓		
<i>Townhouse Dwelling – Street</i>				✓(3)	✓(4)		
<i>Townhouse Dwelling – Cluster (7)</i>					✓(4)	✓	
<i>Multiple Dwelling (7)</i>				✓(3)	✓	✓	✓
<i>Lodging House</i>				✓	✓	✓	✓
<i>Continuing Care Community</i>					✓	✓	✓
<i>Hospice</i>		✓	✓	✓	✓	✓	✓
<i>Residential Care Facility, Small</i>		✓	✓	✓	✓	✓	✓
<i>Residential Care Facility, Large</i>					✓	✓	✓
Non-Residential Uses							
<i>Artisan’s Establishment (5)</i>						✓	✓
<i>Community Facility (5)</i>						✓	✓
<i>Convenience Retail (5)</i>						✓	✓
<i>Day Care Facility (5)</i>						✓	✓
<i>Financial Establishment (5)</i>							✓
<i>Health Office (5)</i>							✓
<i>Home Occupation (6)</i>	✓	✓	✓	✓	✓	✓	✓
<i>Office (5)</i>						✓	✓
<i>Personal Services (5)</i>							✓
<i>Studio (5)</i>						✓	✓

Additional Regulations for Permitted Uses Table 7-1

- (1) Shall be permitted in accordance with 4.12.1 and 4.12.2.
- (2) Shall be permitted in accordance with 4.12.3.
- (3) The maximum number of *dwelling units* in a *dwelling* shall be 4.
- (4) The maximum number of *dwelling units* in a *dwelling* shall be 8.
- (5) Permitted non-residential uses must be located within a *multiple dwelling* (despite the definition of *multiple dwelling* in Section 3) and are limited in size in accordance with the regulations in Table 7-6.
- (6) Shall be permitted in accordance with 4.7.
- (7) 4 to 10 *dwelling units* on a *lot* provided without any non-residential use except permitted *home occupation uses* shall be permitted in accordance with the regulations in Table 7-5 or Table 7-6 as applicable and Section 4.12.4.”

9. “Additional Regulations for Multiple Dwellings and Non-Residential Uses Table 7-6” of By-law Number 2019-051 is amended to add the portions of the below text that are highlighted in grey, and delete portions of the below text with a strikethrough:

“(1) A *multiple dwelling* ~~up to~~ *with* 4 *dwelling units* shall have a minimum *lot width* of 15.0 metres.

(2) Combined total *Floor Space Ratio* of all uses on the *lot*.

(3) For ~~*multiple dwellings with 4 dwelling units or more*~~, each *dwelling unit* located at ground floor level shall have a patio area adjacent to the *dwelling unit* with direct access to such *dwelling unit*.

(4) The total *gross floor area* of all non-residential uses shall not exceed 25% of the total *gross floor area* on a *lot*.

(5) The maximum *building height* shall be 25 metres within 15 metres of a *lot* with a (RES-6) Medium Rise Residential Six Zone.

(6) The regulations within Table 7-6 shall not apply to an *existing multiple dwelling* on an *existing lot*.

(7) Individual *buildings* will not be required to achieve the minimum *floor space ratio* where there is an approved Urban Design Brief that includes a Master Site Plan that demonstrates the overall development can achieve the minimum *floor space ratio*.

(8) For lands identified in [Appendix D – Established Neighbourhoods Area](#), the minimum and maximum *front yard* shall be in accordance with [Section 7.6](#).

(9) For lands identified in [Appendix C – Central Neighborhoods](#), the maximum *building height* shall be in accordance with [Section 7.5](#).

10. Site Specific Provision (223) of Section 19 of By-law Number 2019-051 is amended to delete the following:

“c) an *additional dwelling unit (attached)* associated with a *semi-detached dwelling*;”

11. Site Specific Provision (226) of Section 19 of By-law Number 2019-051 is amended to delete the following:

“*additional dwelling unit (detached)* and”

12. Site Specific Provision (232) of Section 19 of By-law Number 2019-051 is amended to delete the following:

“c) *additional dwelling unit (attached)* in association with a *semi-detached dwelling*;”

13. Site Specific Provision (253) of Section 19 of By-law Number 2019-051 is amended to delete the following:

“a) *additional dwelling unit (attached)*;

b) *additional dwelling unit (detached)*;”

14. This By-law shall become effective only if Official Plan Amendment No. (Implementation of Bill 13, Bill 109, and Bill 23) comes into effect, pursuant to Section 24(2) of The Planning Act, R.S.O. 1990, c. P.13, as amended.

PASSED at the Council Chambers in the City of Kitchener this day of , 2023.

Mayor

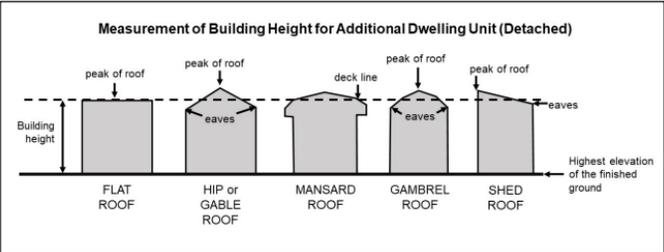
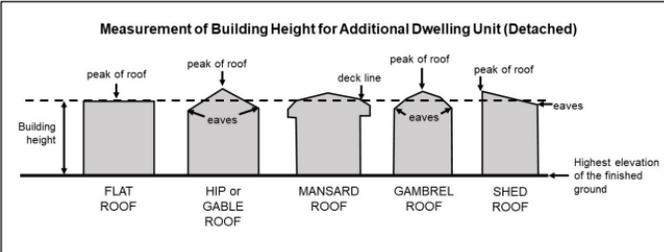
Clerk

Zoning By-law 2019-051

Existing Section/Regulation	Proposed Amendment	Rationale
<p>Section 1 – General Scope and Administration 1.8 ZONING OCCUPANCY CERTIFICATE a) No change may be made in the type of use of any premises covered by this By-law without the issuance of a Zoning Occupancy Certificate. A Zoning Occupancy Certificate shall be required for each use on a lot or within a building containing multiple uses. b) Despite Subsection a), no Zoning Occupancy Certificate shall be required for a single detached dwelling, semi-detached dwelling, street townhouse dwelling, additional dwelling unit(s) (attached), additional dwelling unit (detached), or private home day care. c) Nothing in this By-law applies to prevent the issuance of a Zoning Occupancy Certificate for a permitted use within lands, building, or structures established in accordance with the Transition Provisions of Section 18.</p>	<p>Section 1 – General Scope and Administration 1.8 ZONING OCCUPANCY CERTIFICATE a) No change may be made in the type of use of any premises covered by this By-law without the issuance of a Zoning Occupancy Certificate. A Zoning Occupancy Certificate shall be required for each use on a lot or within a building containing multiple uses. b) Despite Subsection a), no Zoning Occupancy Certificate shall be required for a single detached dwelling with or without one additional dwelling unit (attached), semi-detached dwelling with or without one additional dwelling unit (attached), or private home day care. c) Nothing in this By-law applies to prevent the issuance of a Zoning Occupancy Certificate for a permitted use within lands, building, or structures established in accordance with the Transition Provisions of Section 18.</p>	<ul style="list-style-type: none"> - Enabling Zoning Occupancy Certificates for street townhouse dwellings and additional dwelling units (ADUs) to support the detailed zoning review that was previously conducted through a site plan process.
<p>Section 3 – Definition Dwelling, Multiple – means the use of a building containing three or more dwelling units, and can include a stacked townhouse dwelling and back-to-back townhouse dwelling. A multiple dwelling is not a street townhouse dwelling, mixed use building, cluster townhouse dwelling, single detached dwelling with additional dwelling units (attached) or semi-detached dwelling with additional dwelling units (attached).</p>	<p>Section 3 – Definition Dwelling, Multiple – means the use of a building containing four or more dwelling units, and can include a stacked townhouse dwelling and back-to-back townhouse dwelling. A multiple dwelling is not a street townhouse dwelling, mixed use building, cluster townhouse dwelling, single detached dwelling with additional dwelling units (attached) or semi-detached dwelling with additional dwelling units (attached).</p>	<ul style="list-style-type: none"> - Enabling purpose-built three-unit dwellings in zones where three residential units are permitted through Bill 23 changes
<p>Section 3 – Definition Parking Lot – means an area located on a lot which contains four or more parking spaces “ADD”.</p>	<p>Section 3 – Definition Parking Lot – means an area located on a lot which contains four or more parking spaces and a minimum of one drive aisle.</p>	<ul style="list-style-type: none"> - Redefining Parking Lot definition where at four or more parking spaces are provided with a drive aisle
<p>Section 4 – General Regulations 4.12.2 Two additional Dwelling Units (Attached) Two additional dwelling units (attached) may be permitted in association with a single detached dwelling in accordance with the regulations specified by the zone</p>	<p>Section 4 – General Regulations 4.12.2 Two additional Dwelling Units (Attached) Two additional dwelling units (attached) may be permitted in association with a single detached dwelling, a semi-detached dwelling unit or a street townhouse dwelling</p>	<ul style="list-style-type: none"> - Clarifying that two additional dwelling units (attached) are permitted in association with

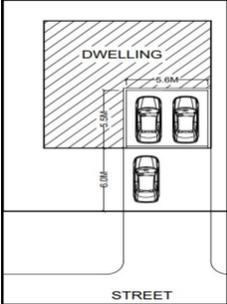
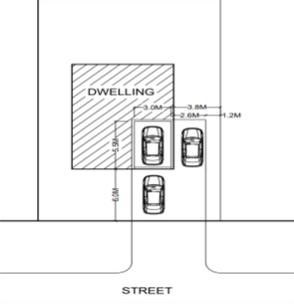
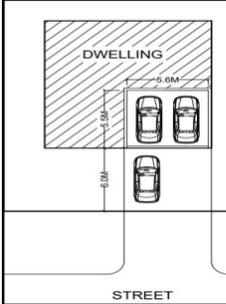
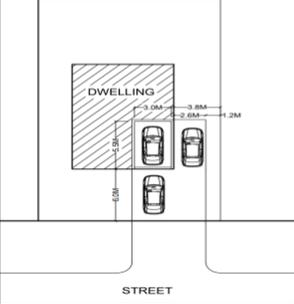
Existing Section/Regulation	Proposed Amendment	Rationale
<p>category and applying to single detached dwellings in which the two additional dwelling units (attached) are located and in addition to and as amended by the following:</p> <p>a) two additional dwelling units (attached) shall be connected to full municipal services;</p> <p>b) a maximum of one pedestrian entrance to the principal building shall be located on each street line façade, except where more pedestrian entrances are existing;</p> <p>c) no more than two additional dwelling units (attached) are permitted on a lot;</p> <p>d) the minimum lot area shall be 395 square metres or in accordance with Table 7-2, whichever is greater;</p> <p>e) the minimum lot width shall be 13.1 metres or in accordance with Table 7-2, whichever is greater;</p> <p>f) the minimum landscaped area shall be 20%;</p> <p>g) two additional dwelling units (attached) shall only be permitted in existing buildings; additions to an existing single detached dwelling must be attached to the rear of principal building and shall not extend into any side yard farther than the extent of the existing principal building and provided such addition does not exceed 25 percent of the existing building's building floor area.</p> <p>NEW REGULATION</p>	<p>unit in accordance with the regulations specified by the zone category and applying to single detached dwellings, semi-detached dwellings, or street townhouse dwellings in which the two additional dwelling units (attached) are located and in addition to and as amended by the following:</p> <p>a) two additional dwelling units (attached) shall be connected to full municipal services;</p> <p>b) a maximum of one pedestrian entrance to the principal building shall be located on each street line façade, except where more pedestrian entrances are existing;</p> <p>c) no more than two additional dwelling units (attached) are permitted on a lot;</p> <p>d) the minimum lot area shall be 395 square metres or in accordance with Table 7-2, whichever is greater;</p> <p>e) the minimum lot width shall be 13.1 metres or in accordance with Table 7-2, whichever is greater;</p> <p>f) the minimum landscaped area shall be 20%;</p> <p>g) DELETED</p> <p>DELETED</p> <p>Unless otherwise provided for in this By-law, in any zone where two additional dwelling units (attached) are permitted, a dwelling with three (3) dwelling units shall also be permitted and considered a single detached dwelling with two additional dwelling units (attached) in accordance with regulations specified by the zone category and in this section.</p>	<p>each semi-detached dwelling unit and street townhouse dwelling unit</p> <ul style="list-style-type: none"> - Removing ADUs association with only existing buildings - Removing addition to existing single detached dwellings in association with ADUs – with this change, an addition will be regulated through underlying zone regulations - Enabling purpose-built three-unit dwelling in zones where three residential units are permitted through Bill 23 changes.
<p>Section 4 – General Regulations 4.12.3 Additional Dwelling Units (Detached)</p>	<p>Section 4 – General Regulations 4.12.3 Additional Dwelling Units (Detached)</p>	

Existing Section/Regulation	Proposed Amendment	Rationale
<p>One additional dwelling unit (detached) may be permitted in association with a single detached dwelling, semi-detached dwelling unit or street townhouse dwelling unit in accordance with the regulations specified by the zone category in which an additional dwelling unit (attached) is permitted, and as amended by the following:</p> <p>a) for the purposes of Section 4.12.3, the area that is designed to be a separate lot for a street townhouse dwelling or semi-detached dwelling shall be considered to be a lot;</p> <p>b) an additional dwelling unit (detached) shall only be permitted on the same lot as a single detached dwelling, semi-detached dwelling or street townhouse dwelling, with or without one additional dwelling unit (attached);</p> <p>c) an additional dwelling unit (detached) shall not be permitted on the same lot as a single detached dwelling with two additional dwelling units (attached);</p> <p>d) an additional dwelling unit (detached) shall not be severed from the lot containing the single detached dwelling, semi-detached dwelling or street townhouse dwelling;</p> <p>e) the additional dwelling unit (detached) shall be connected to full municipal services;</p> <p>f) no more than one additional dwelling unit (detached) is permitted on a lot;</p> <p>g) the building floor area of the additional dwelling unit (detached) shall not exceed fifty percent of the building floor area of the single detached dwelling, semi-detached dwelling unit or street townhouse dwelling unit on the same lot, or 80 square metres, whichever is less;</p> <p>h) the minimum lot area shall be 395.0 square metres or in accordance with applicable regulations included in Table 7-2, 7-3 or 7-4, whichever is greater;</p> <p>i) the minimum lot width shall be 13.1 metres or in accordance with applicable regulations included in Table 7-2, 7-3 or 7-4, whichever is greater;</p>	<p>One additional dwelling unit (detached) may be permitted in association with a single detached dwelling, semi-detached dwelling unit or street townhouse dwelling unit in accordance with the regulations specified by the zone category in which an additional dwelling unit (attached) is permitted, and as amended by the following:</p> <p>a) for the purposes of Section 4.12.3, the area that is designed to be a separate lot for a street townhouse dwelling or semi-detached dwelling shall be considered to be a lot;</p> <p>b) an additional dwelling unit (detached) shall only be permitted on the same lot as a single detached dwelling, semi-detached dwelling or street townhouse dwelling, with or without one additional dwelling unit (attached);</p> <p>c) an additional dwelling unit (detached) shall not be permitted on the same lot as a single detached dwelling with two additional dwelling units (attached);</p> <p>d) an additional dwelling unit (detached) shall not be severed from the lot containing the single detached dwelling, semi-detached dwelling or street townhouse dwelling;</p> <p>e) the additional dwelling unit (detached) shall be connected to full municipal services;</p> <p>f) no more than one additional dwelling unit (detached) is permitted on a lot;</p> <p>g) the gross floor area of the additional dwelling unit (detached) shall not exceed fifty percent of the building floor area of the single detached dwelling, semi-detached dwelling unit or street townhouse dwelling unit on the same lot, or 80 square metres, whichever is less;</p> <p>h) the minimum lot area shall be 395.0 square metres or in accordance with applicable regulations included in Table 7-2, 7-3 or 7-4, whichever is greater;</p> <p>i) the minimum lot width shall be 13.1 metres or in accordance with applicable regulations included in Table 7-2, 7-3 or 7-4, whichever is greater;</p>	

Existing Section/Regulation	Proposed Amendment	Rationale
<p>j) a building containing an additional dwelling unit (detached) shall be located a minimum of 0.6 metres from a rear lot line and interior side lot line;</p> <p>k) an additional dwelling unit (detached) shall not be located in the front yard or exterior side yard;</p> <p>l) for an additional dwelling unit (detached), the maximum building height shall be:</p> <p>a. 4.5 metres for a hip, gable, shed, or gambrel roof, measured to the mid point between the eaves and the peak of the roof, excluding the eaves of any projections;</p> <p>b. 4.5 metres for a mansard roof, measured to the deck line;</p> <p>c. 3 metres for a flat roof, measured to the peak of the roof;</p>  <p>m) for a shed roof where the peak of the roof is more than 4.5 metres from the highest elevation of the finished ground, the highest exterior wall shall not face a rear lot line or side lot line closer than 4.5 metres, except where the lot line is a street line or lane;</p> <p>n) an unobstructed walkway that is a minimum 1.1 metres in width shall be provided from a street to the additional dwelling unit (detached). The walkway shall not be located within a required parking space;</p> <p>o) Despite Section 5.3.3 a) ii), where three parking spaces are required in accordance with Table 5-3, two parking spaces may be tandem parking spaces; and,</p> <p>p) Despite Section 5.6, where a lot is within 800 metres of a Light Trail Transit (LRT) station as shown on Appendix E,</p>	<p>j) a building containing an additional dwelling unit (detached) shall be located a minimum of 0.6 metres from a rear lot line and interior side lot line;</p> <p>k) an additional dwelling unit (detached) shall not be located in the front yard or exterior side yard;</p> <p>l) for an additional dwelling unit (detached), the maximum building height shall be:</p> <p>a. 4.5 metres for a hip, gable, shed, or gambrel roof, measured to the mid point between the eaves and the peak of the roof, excluding the eaves of any projections;</p> <p>b. 4.5 metres for a mansard roof, measured to the deck line;</p> <p>c. 3 metres for a flat roof, measured to the peak of the roof;</p>  <p>m) for a shed roof where the peak of the roof is more than 4.5 metres from the highest elevation of the finished ground, the highest exterior wall shall not face a rear lot line or side lot line closer than 4.5 metres, except where the lot line is a street line or lane;</p> <p>n) an unobstructed walkway that is a minimum 1.1 metres in width shall be provided from a street to the additional dwelling unit (detached). The walkway shall not be located within a required parking space;</p> <p>o) Despite Section 5.3.3 a) ii), where three parking spaces are required in accordance with Table 5-3, three parking spaces may be tandem parking spaces; and,</p> <p>p) Despite Section 5.6, where a lot is within 800 metres of a Light Trail Transit (LRT) station as shown on Appendix E,</p>	<p>- Enabling tandem parking for three parking spaces</p>

Existing Section/Regulation	Proposed Amendment	Rationale
no parking space shall be required for the additional dwelling unit (detached).	no parking space shall be required for the additional dwelling unit (detached).	
New Regulation	<p>4.12.4 Four to Ten dwelling units on a lot Four to ten dwelling units on a lot without any non-residential use except permitted home occupation uses shall be permitted in accordance with the regulations specified by the zone category for the dwelling(s) and shall have:</p> <p>a) a minimum of 20% street line façade opening which includes at least one (1) pedestrian entrance to the principal building;</p> <p>b) a minimum 20% of the front yard landscaped, excluding surface walkways, patios, decks, playgrounds or pathways;</p> <p>c) a minimum driveway width of 2.6 metres;</p> <p>d) despite section 4.12.4 c), where a driveway is immediately adjacent to any building or structure on a lot, the driveway including any curbing shall be a minimum of 3.0 metres wide.</p>	<ul style="list-style-type: none"> - Incorporates design and site functionality elements for development with 10 units or less now exempt from Site Plan Approval. - Activating the street and avoiding a blank street facing wall that promotes healthy transportation choices and visual surveillance of the street from a safety perspective - Ensure that a portion of the front yard will include permeable landscaping to support climate mitigation including streetscape cooling effect and water infiltration. - requiring a minimum one-way driveway leading to a parking lot for development with 10 units or less
<p>Section 5 – Parking, Loading, and Stacking 5.3 Parking Space and Parking Lot Provisions a) Where a parking lot is situated on a lot and abuts a residential zone, a visual barrier shall be provided and maintained between the parking lot and such abutting residential lot line in accordance with Section 4.18 herein. b) All parking lots shall be provided with adequate means of ingress and egress to and from a street or lane in a forward motion, and shall be arranged so as not to interfere with the normal public use of a street or lane. c) Parking spaces, drive aisles, driveways, and parking lots shall be provided and maintained with stable surfaces such as asphalt, concrete, or other hard-surfaced material as approved by the Director of Planning or designate.</p>	<p>Section 5 – Parking, Loading, and Stacking 5.3 Parking Space and Parking Lot Provisions a) Where a parking lot is situated on a lot and abuts a residential zone, a visual barrier shall be provided and maintained between the parking lot and such abutting residential lot line in accordance with Section 4.18 herein. b) All parking lots shall be provided with adequate means of ingress and egress to and from a street or lane in a forward motion, and shall be arranged so as not to interfere with the normal public use of a street or lane. c) Parking spaces, drive aisles, driveways, and parking lots shall be provided and maintained with stable surfaces such as asphalt, concrete, or other hard-surfaced material as approved by the Director of Planning or designate.</p>	

Existing Section/Regulation	Proposed Amendment	Rationale
<p>d) All required visitor parking spaces shall be clearly identified, demarcated, and reserved at all times</p> <p>New Regulations</p>	<p>d) All required visitor parking spaces shall be clearly identified, demarcated, and reserved at all times</p> <p>e) Where a parking lot is provided for a development that does not require site plan approval pursuant to Section 41 of the Planning Act, following regulations shall apply:</p> <p>i) The parking lot shall be setback a minimum of 1.5 metres from side lot lines and rear lot lines; and,</p> <p>ii) The minimum drive aisle width shall be 6 metres.</p>	<ul style="list-style-type: none"> - Regulations for parking lot not provided or going through Site Plan Approval - for adequate setback from adjacent properties and soil volumes for landscaping, grading and drainage - for maneuvering of vehicles
<p>Section 5 – Parking, Loading, and Stacking</p> <p>5.3.3 Location of Parking Spaces for Residential Uses</p> <p>a) On a lot containing a single detached dwelling, semi-detached dwelling, ADD, additional dwelling unit(s) (attached), additional dwelling unit (detached), small residential care facility, lodging house having less than 9 residents, or home occupation:</p> <p>i) Parking spaces shall be located a minimum distance of 6 metres from a street line;</p> <p>ii) Despite Subsection i), where two or more parking spaces are required, one parking space may locate on the driveway within 6 metres of the front lot line or exterior side lot line and may be a tandem parking space; and,</p>	<p>Section 5 – Parking, Loading, and Stacking</p> <p>5.3.3 Location of Parking Spaces for Residential Uses</p> <p>a) On a lot containing a single detached dwelling, semi-detached dwelling, street townhouse dwelling, additional dwelling unit(s) (attached), additional dwelling unit (detached), small residential care facility, lodging house having less than 9 residents, or home occupation:</p> <p>i) Parking spaces shall be located a minimum distance of 6 metres from a street line;</p> <p>ii) Despite Subsection i), where two or more parking spaces are required, one parking space may locate on the driveway within 6 metres of the front lot line or exterior side lot line and may be a tandem parking space; and,</p>	

Existing Section/Regulation	Proposed Amendment	Rationale
<p data-bbox="149 175 401 217">Illustration 5-1: One Tandem Parking Space – Option A</p>  <p data-bbox="443 175 762 217">Illustration 5-2: One Tandem Parking Space – Option B</p>  <p data-bbox="138 581 800 964">iii) Despite Subsection ii) where three parking spaces are required on a lot that contains an additional dwelling unit (attached) and an additional dwelling unit (detached), one parking space may locate on the driveway within 6 metres of the front lot line or exterior side lot line and two parking spaces may be tandem parking spaces; and iv) Not more than one parking space for a home occupation may be located in a rear yard, except in the case of a corner lot, a through lot, or a lot abutting a lane.</p> <p data-bbox="111 976 779 1073">b) On a lot containing a street townhouse dwelling: i) parking spaces shall be located a minimum distance of 6 metres from a street line.</p> <p data-bbox="111 1084 800 1427">c) On a lot containing a multiple dwelling, dwelling unit, cluster townhouse dwelling, lodging house having 9 residents or more, or a large residential care facility: i) parking spaces shall not be located within the front yard or within the exterior side yard. In no case shall any parking spaces be located within 3 metres of the front lot line, exterior side lot line or street line; and, ii) despite Subsection i), parking spaces, loading spaces, or drive aisles located in an enclosed portion of a building entirely below grade, may have a minimum</p>	<p data-bbox="873 175 1125 217">Illustration 5-1: One Tandem Parking Space – Option A</p>  <p data-bbox="1167 175 1486 217">Illustration 5-2: One Tandem Parking Space – Option B</p>  <p data-bbox="863 581 1524 753">iii) Despite Subsection ii) where three parking spaces are required on a lot DELETED, one parking space may locate on the driveway within 6 metres of the front lot line or exterior side lot line and three parking spaces may be tandem parking spaces; and</p> <p data-bbox="863 829 1524 964">iv) Not more than one parking space for a home occupation may be located in a rear yard, except in the case of a corner lot, a through lot, or a lot abutting a lane.</p> <p data-bbox="831 976 978 1003">b) DELETED.</p> <p data-bbox="831 1084 1524 1427">c) On a lot containing a multiple dwelling, dwelling unit, cluster townhouse dwelling, lodging house having 9 residents or more, or a large residential care facility: i) parking spaces shall not be located within the front yard or within the exterior side yard. In no case shall any parking spaces be located within 3 metres of the front lot line, exterior side lot line or street line; and, ii) despite Subsection i), parking spaces, loading spaces, or drive aisles located in an enclosed portion of a building entirely below grade, may have a minimum</p>	<p data-bbox="1556 570 1976 776">- Wherever 3 parking spaces are required, one parking space can be on a driveway within 6 m of the front lot line or exterior lot line and three parking spaces may be tandem parking spaces</p> <p data-bbox="1556 922 1955 987">- Enabling parking space options for street townhouses.</p>

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Small		✓	✓	✓	✓	✓	✓	Residential Care Facility, Large					✓	✓	✓	Non-Residential Uses								Artisan’s Establishment (5)						✓	✓	Community Facility (5)						✓	✓	Convenience Retail (5)						✓	✓	Day Care Facility (5)						✓	✓	Financial Establishment (5)							✓	Health Office (5)							✓	Home Occupation (6)	✓	✓	✓	✓	✓	✓	✓	Office (5)						✓	✓	Personal Services (5)							✓	Studio (5)						✓	✓	<p>SECTION 7 – Residential Zones (RES) 7.2 PERMITTED USES</p> <p style="text-align: center;">Table 7-1: Permitted Uses within the Residential Zones</p> <table border="1" data-bbox="837 418 1486 967"> <thead> <tr> <th>Use</th> <th>RES-1</th> <th>RES-2</th> <th>RES-3</th> <th>RES-4</th> <th>RES-5</th> <th>RES-6</th> <th>RES-7</th> </tr> </thead> <tbody> <tr><td colspan="8">Residential Uses</td></tr> <tr><td>Single Detached Dwelling</td><td>✓</td><td>✓</td><td>✓</td><td>✓</td><td>✓</td><td></td><td></td></tr> <tr><td>Additional Dwelling Units 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Existing Section/Regulation	Proposed Amendment	Rationale
<p>NEW REGULATION</p>	<p>(7) 4 to 10 dwelling units on a lot provided without any non-residential use except permitted home occupation uses shall be permitted in accordance with the regulations in Table 7-5 or Table 7-6 as applicable and Section 4.12.4</p>	
<p>SECTION 7 – Residential Zones (RES) Table 7-6: For Multiple Dwellings and Non-Residential Uses</p> <p>Additional Regulations for Multiple Dwellings and Non-Residential Uses Table 7-6</p> <p>(1) A multiple dwelling up to 4 dwelling units shall have a minimum lot width of 15.0 metres.</p> <p>(2) Combined total Floor Space Ratio of all uses on the lot.</p> <p>(3) For multiple dwellings with 4 dwelling units or more, each dwelling unit located at ground floor level shall have a patio area adjacent to the dwelling unit with direct access to such dwelling unit.</p> <p>(4) The total gross floor area of all non-residential uses shall not exceed 25% of the total gross floor area on a lot.</p> <p>(5) The maximum building height shall be 25 metres within 15 metres of a lot with a (RES-6) Medium Rise Residential Six Zone.</p> <p>(6) The regulations within Table 7-6 shall not apply to an existing multiple dwelling on an existing lot.</p> <p>(7) Individual buildings will not be required to achieve the minimum floor space ratio where there is an approved Urban Design Brief that includes a Master Site Plan that demonstrates the overall development can achieve the minimum floor space ratio.</p> <p>(8) For lands identified in Appendix D – Established Neighbourhoods Area, the minimum and maximum front yard shall be in accordance with Section 7.6.</p> <p>(9) For lands identified in Appendix C – Central Neighborhoods, the maximum building height shall be in accordance with Section 7.5.</p>	<p>SECTION 7 – Residential Zones (RES) Table 7-6: For Multiple Dwellings and Non-Residential Uses</p> <p>Additional Regulations for Multiple Dwellings and Non-Residential Uses Table 7-6</p> <p>(1) A multiple dwelling with 4 dwelling units shall have a minimum lot width of 15.0 metres.</p> <p>(2) Combined total Floor Space Ratio of all uses on the lot.</p> <p>(3) For multiple dwellings DELETED, each dwelling unit located at ground floor level shall have a patio area adjacent to the dwelling unit with direct access to such dwelling unit.</p> <p>(4) The total gross floor area of all non-residential uses shall not exceed 25% of the total gross floor area on a lot.</p> <p>(5) The maximum building height shall be 25 metres within 15 metres of a lot with a (RES-6) Medium Rise Residential Six Zone.</p> <p>(6) The regulations within Table 7-6 shall not apply to an existing multiple dwelling on an existing lot.</p> <p>(7) Individual buildings will not be required to achieve the minimum floor space ratio where there is an approved Urban Design Brief that includes a Master Site Plan that demonstrates the overall development can achieve the minimum floor space ratio.</p> <p>(8) For lands identified in Appendix D – Established Neighbourhoods Area, the minimum and maximum front yard shall be in accordance with Section 7.6.</p> <p>(9) For lands identified in Appendix C – Central Neighborhoods, the maximum building height shall be in accordance with Section 7.5.</p>	<p>- Clarifying language for multiple dwellings which are proposed to be defined as a minimum of 4 units</p>

Section 19 – Site Specific Provisions

Existing Site-Specific Provision	Proposed Amendment	Rationale
<p>(223) – Within the lands zoned RES-5 and shown as affected by this provision on Zoning Grid Schedule 239 of Appendix A, the maximum number of dwelling units in a multiple dwelling shall be five and the following uses shall not be permitted:</p> <ul style="list-style-type: none"> a) hospice; b) lodging house; c) an additional dwelling unit (attached) associated with a semi-detached dwelling; and, d) street townhouse dwelling. 	<p>(223) – Within the lands zoned RES-5 and shown as affected by this provision on Zoning Grid Schedule 239 of Appendix A, the maximum number of dwelling units in a multiple dwelling shall be five and the following uses shall not be permitted:</p> <ul style="list-style-type: none"> a) hospice; b) lodging house; c) DELETED; and, d) street townhouse dwelling. 	<p>Amending to permit ADUs in association with a semi-detached dwelling</p>
<p>(226) – Within the lands zoned RES-5 and shown as affected by this provision on Zoning Grid Schedule 193 of Appendix A, the following shall apply:</p> <ul style="list-style-type: none"> a) the only form of multiple dwelling permitted shall be cluster townhouse dwelling, in accordance with the following regulations: <ul style="list-style-type: none"> i. the maximum building height shall be 9.0 metres, and residential buildings are permitted to have a maximum of one-storey; ii. parking shall be provided at a rate of 1.3 spaces per dwelling unit; iii. off-street parking may not be located between any building façade and Trafalgar Avenue; and, iv. fences with a height greater than 0.9 metres shall not be permitted between any building façade and Trafalgar Avenue. b) additional dwelling unit (detached) and lodging house shall not be permitted. 	<p>(226) – Within the lands zoned RES-5 and shown as affected by this provision on Zoning Grid Schedule 193 of Appendix A, the following shall apply:</p> <ul style="list-style-type: none"> a) the only form of multiple dwelling permitted shall be cluster townhouse dwelling, in accordance with the following regulations: <ul style="list-style-type: none"> i. the maximum building height shall be 9.0 metres, and residential buildings are permitted to have a maximum of one-storey; ii. parking shall be provided at a rate of 1.3 spaces per dwelling unit; iii. off-street parking may not be located between any building façade and Trafalgar Avenue; and, iv. fences with a height greater than 0.9 metres shall not be permitted between any building façade and Trafalgar Avenue. b) DELETED lodging house shall not be permitted. 	<p>Amending to permit detached ADU</p>
<p>(232) – Within the lands zoned RES-5 and shown as affected by this provision on Zoning Grid Schedule 239 of Appendix A, the maximum number of dwelling units in a multiple dwelling shall be five and the following uses shall not be permitted:</p> <ul style="list-style-type: none"> a) hospice; b) lodging house; 	<p>(232) – Within the lands zoned RES-5 and shown as affected by this provision on Zoning Grid Schedule 239 of Appendix A, the maximum number of dwelling units in a multiple dwelling shall be five and the following uses shall not be permitted:</p> <ul style="list-style-type: none"> a) hospice; b) lodging house; 	<p>Amending to permit attached ADU in association with semi-detached dwelling</p>

<p>c) additional dwelling unit (attached) in association with a semi-detached dwelling; and, d) street townhouse dwelling.</p>	<p>c) DELETED and, d) street townhouse dwelling.</p>	
<p>(253) – Within the lands zoned RES-5 and shown as affected by this provision on Zoning Grid Schedule 107 and 108 of Appendix A, the following uses shall not be permitted: a) additional dwelling unit (attached); b) additional dwelling unit (detached); c) lodging house; d) semi-detached dwelling; and, e) single detached dwelling.</p>	<p>(253) – Within the lands zoned RES-5 and shown as affected by this provision on Zoning Grid Schedule 107 and 108 of Appendix A, the following uses shall not be permitted: a) DELETED; b) DELETED; c) lodging house; d) semi-detached dwelling; and, e) single detached dwelling.</p>	<p>Amending to permit attached ADU in association with street townhouse dwelling</p>

Zoning By-law 85-1

Existing Section/Regulation	Proposed Amendment	Rationale
<p>Section 2 – Administration 2.3 ZONING (OCCUPANCY) CERTIFICATE No change may be made in the type of use of any land covered by this By-law or change in the type of use of any building on any such land without a Zoning (Occupancy) Certificate being issued by the Director of Planning to the effect that the proposed use is not contrary to this By-law. A Zoning (Occupancy) Certificate shall be required for each use contained within a building containing multiple uses. Notwithstanding the above, no zoning (occupancy) certificate shall be required for a single detached dwelling, additional dwelling unit (detached), duplex dwelling, semi-detached dwelling, street townhouse dwelling, private home daycare or commercial parking facility.</p>	<p>Section 2 – Administration 2.3 ZONING (OCCUPANCY) CERTIFICATE No change may be made in the type of use of any land covered by this By-law or change in the type of use of any building on any such land without a Zoning (Occupancy) Certificate being issued by the Director of Planning to the effect that the proposed use is not contrary to this By-law. A Zoning (Occupancy) Certificate shall be required for each use contained within a building containing multiple uses. Notwithstanding the above, no zoning (occupancy) certificate shall be required for a single detached dwelling with or without one additional dwelling unit (attached), DELETED, duplex dwelling, semi-detached dwelling with or without one additional detached dwelling (attached), semi-detached duplex dwelling, DELETED private home daycare or commercial parking facility.</p>	<ul style="list-style-type: none"> - Enabling the requirement for Zoning Occupancy Certificates for street townhouse dwellings and ADUs detached and two attached to conduct a detailed zoning review that was formerly conducted through site plan
<p>Section 2 – Administration New Regulation</p>	<p>Section 2 – Administration 2.5 TECHNICAL REVISIONS TO THE ZONING BY-LAW Technical revisions may be made to this By-law without the need for a Zoning By-law Amendment. Technical revisions mean the correction of numbering, cross-referencing, grammar, punctuation or typographical errors, mapping errors, or revisions to format in a manner that does not change the intent of this By-law.</p>	<ul style="list-style-type: none"> - Adopting regulation from ZBL 2019-051 to enable technical revisions without the need for an amendment to the by-law
<p>Section 4 – Definitions 4.2 Specific New Definition</p>	<p>Section 4 – Definitions 4.2 Specific “Additional Dwelling Unit (Attached)” means the use of a single detached dwelling, semi-detached house, or street townhouse dwelling where a separate self-contained dwelling unit is located within the principal building.</p>	<ul style="list-style-type: none"> - Adopting definition from ZBL 2019-051
<p>Section 4 – Definitions “Driveway” means a private road giving access from a public street to a building or parking space. (By-law 2007-231, S.2)</p>	<p>Section 4 – Definitions “Driveway” means a vehicle route that provides access from a street or lane to a drive aisle, parking space, or parking lot.</p>	<ul style="list-style-type: none"> - Adopting definition from ZBL 2019-051

Existing Section/Regulation	Proposed Amendment	Rationale
<p>Section 4 – Definitions "Multiple Dwelling" means a building containing three or more dwelling units but shall not include a street townhouse dwelling or semi-detached dwelling.</p>	<p>Section 4 – Definitions "Multiple Dwelling" means a building containing four or more dwelling units but shall not include a street townhouse dwelling or semi-detached dwelling.</p>	<ul style="list-style-type: none"> - Enabling purpose-built three-unit dwelling in zones where three residential units are permitted through Bill 23 changes
<p>Section 4 – Definitions "Parking Lot" means an area located on a lot which contains four or more parking spaces ADD.</p>	<p>Section 4 – Definitions "Parking Lot" means an area located on a lot which contains four or more parking spaces and a minimum of one drive aisle.</p>	<ul style="list-style-type: none"> - Redefining Parking Lot definition where at four or more parking spaces are provided with a drive aisle
<p>Section 4 – Definitions NEW DEFINITION</p>	<p>Section 4 – Definitions "Principal" means, when used to describe a use, the primary use carried out on the lot or within a building or structure, and, when used to describe a building or structure, means the building or structure in which the primary use is conducted, or intended to be conducted.</p>	<ul style="list-style-type: none"> - New definition of principal from Zoning By-law 2019-051 to clarify use of principal building on properties that include one or more ADU
<p>Section 5 – General Regulations NEW REGULATION</p>	<p>Section 5 – General Regulations 5.22.1 One Additional Dwelling Unit (Attached) One additional dwelling unit (attached) may be permitted in association with a single detached dwelling, a semi-detached house or a street townhouse dwelling in accordance with the regulations specified by the zone category and applying to single detached dwelling, semi-detached house, or street townhouse dwelling in which an additional dwelling unit (attached) are located and in addition to and as amended by the following: a) One additional dwelling unit (attached) shall only be located in the same building as a single detached dwelling, a semi-detached house, or a street townhouse dwelling; b) An additional dwelling unit (attached) shall be connected to full municipal services.</p> <p>5.22.1.1 One Additional Dwelling Unit (Attached) and Duplexes 1. A duplex dwelling shall be considered as a single detached dwelling with one additional dwelling unit</p>	<ul style="list-style-type: none"> - Regulations for one ADU attached adapted from ZBL 2019-051 - Clarifying the regulations for one ADU (attached) only permitted with a single detached dwelling, semi-detached dwelling or street townhouse is a permitted use

Existing Section/Regulation	Proposed Amendment	Rationale
	<p>(attached) and a semi-detached duplex house shall be considered as a semi-detached house with one additional dwelling unit (attached).</p> <p>2. New duplex dwellings or semi-detached duplex house may be permitted in accordance with regulations set out in Section 5.22.1 One Additional Dwelling Unit (Attached).</p>	<ul style="list-style-type: none"> - Clarification that duplex is considered as a single detached dwelling or semi-detached dwelling with one attached ADU to clarify how to apply zoning regulations. - New duplexes will be considered as single detached dwelling or semi-detached dwelling with one attached ADU moving forward.
<p>Section 5 – General Regulations NEW REGULATION</p>	<p>Section 5 – General Regulations 5.22.2 Two Additional Dwelling Units (Attached) Two additional dwelling units may be permitted in association with a single detached dwelling, a semi-detached house, or a street townhouse dwelling in accordance with the regulations specified by the zone category and applying to single detached dwelling, semi-detached house, or street townhouse dwelling in which the two additional dwelling units (attached) are located and in addition to and as amended by the following:</p> <ul style="list-style-type: none"> a) two additional dwelling units (attached) shall be connected to full municipal services; b) a maximum of one pedestrian entrance to the principal building shall be located on each street line façade, except where more pedestrian entrances are existing; c) no more than two additional dwelling units (attached) are permitted on a lot; d) the maximum number of dwelling units on a lot shall be three; e) the minimum lot area shall be 395 square metres or in accordance with the minimum lot area specified by the zone category for the principal dwelling type, whichever is greater; f) the minimum lot width shall be 13.1 metres or in accordance with the minimum lot width specified by the zone category for the principal dwelling type, whichever is greater; 	<ul style="list-style-type: none"> - Regulations for two ADUs (attached) adapted from ZBL 2019-051 - Establishing that two ADUs (attached) are only permitted if the single detached dwelling, semi-detached house (i.e. one side of a semi-detached dwelling) or street townhouse unit is a permitted use -

Existing Section/Regulation	Proposed Amendment	Rationale
	g) the minimum landscaped area shall be 20%.	
<p>Section 5 – General Regulations NEW REGULATION</p>	<p>Section 5 – General Regulations 5.33 Four to Ten Dwelling Units on a Lot Four (4) to ten (10) dwelling units on a lot without any non-residential use except permitted home occupation uses shall be permitted in accordance with the regulations specified by the zone category for the dwelling(s) and shall have: a) a minimum of 20% street line façade opening which includes at least one (1) pedestrian entrance to the principal building; b) a minimum 20% of the front yard landscaped, excluding surface walkways, patios, decks, playgrounds or pathways; c) a minimum driveway width of 2.6 metres; d) despite section 5.33 c), where a driveway is immediately adjacent to any building or structure on a lot, the driveway including any curbing shall be a minimum of 3.0 metres wide.</p>	<ul style="list-style-type: none"> - Incorporates design and site functionality elements for development with 10 units or less now exempt from Site Plan Approval. - Activating the street and avoiding a blank street facing wall that promotes healthy transportation choices and visual surveillance of the street from a safety perspective - Ensure that a portion of the front yard will include permeable landscaping to support climate mitigation including streetscape cooling effect and water infiltration. - requiring a minimum one-way driveway leading to a parking lot for development with 10 units or less
<p>Section 6 - OFF-STREET PARKING AND OFF-STREET LOADING 6.1 OFF-STREET PARKING .1 REGULATIONS .1 Location b) <u>Single Detached Dwellings, Semi-Detached Dwellings, and Duplex Dwellings with or without an Additional Dwelling Unit (Detached); Residential Care Facility having less than 9 residents; and a Lodging House having less than 9 residents</u></p>	<p>Section 6 - OFF-STREET PARKING AND OFF-STREET LOADING 6.1 OFF-STREET PARKING .1 REGULATIONS .1 Location b) <u>Single Detached Dwellings with or without Additional Dwelling Unit(s), Semi-Detached Dwellings with or without Additional Dwelling Unit(s), and Duplex Dwellings with or without one Additional Dwelling Unit(s) (Attached) or an Additional Unit (Detached); Residential Care Facility having less than 9 residents; and a Lodging House having less than 9 residents</u></p>	<ul style="list-style-type: none"> - Clarifying that these regulations also apply to ADUs (attached)

Existing Section/Regulation	Proposed Amendment	Rationale
<p>On a lot containing a Single Detached Dwelling, Semi-Detached Dwelling, or Duplex Dwelling with or without an Additional Dwelling Unit (Detached); Residential Care Facility having less than 9 residents; or a Lodging House having less than 9 residents: (Amended: By-law 2021-040, S.9)</p> <p>i) The off-street parking required for such dwellings shall be located a minimum distance of 6 metres from the street line.</p> <p>Notwithstanding the above, a Duplex Dwelling, Semi-Detached Dwelling containing two dwelling units, any principal dwelling with an Additional Dwelling Unit (Detached), or a Residential Care Facility having less than 9 residents, all of which require a minimum of two parking spaces, shall be permitted to locate one of the required parking spaces on the driveway less than 6 metres from the street line and may be arranged in tandem. For any principal dwelling containing an Additional Dwelling Unit (Detached), up to three required parking spaces may be arranged in tandem. (Amended: By-law 2021-040, S.10)</p>	<p>On a lot containing a Single Detached Dwelling with or without Additional Dwelling Unit(s), Semi-Detached Dwelling with or without Additional Dwelling Unit(s), or Duplex Dwelling with or without one Additional Dwelling Unit(s) (Attached) or an Additional Unit (Detached); Residential Care Facility having less than 9 residents; or a Lodging House having less than 9 residents: (Amended: By-law 2021-040, S.9)</p> <p>i) The off-street parking required for such dwellings shall be located a minimum distance of 6 metres from the street line.</p> <p>Notwithstanding the above, where two or three parking spaces are required, one of the required parking spaces shall be permitted to locate on the driveway less than 6 metres from the street line and up to three parking spaces may be arranged in tandem.</p>	<p>- Simplifying language to permit up to three parking spaces in tandem.</p>
<p>Section 6 - OFF-STREET PARKING AND OFF-STREET LOADING 6.1 OFF-STREET PARKING .1 REGULATIONS .1 Location c) Street Townhouse Dwellings with or without an Additional Dwelling Unit (Detached)</p> <p>On a lot containing a Street Townhouse Dwelling with or without an Additional Dwelling Unit (Detached): (Amended: By-law 2021-040, S.11)</p>	<p>Section 6 - OFF-STREET PARKING AND OFF-STREET LOADING 6.1 OFF-STREET PARKING .1 REGULATIONS .1 Location c) Street Townhouse Dwellings with or without Additional Dwelling Unit(s) (Attached) or Additional Unit (Detached)</p> <p>On a lot containing a Street Townhouse Dwelling with or without an Additional Dwelling Unit(s) (Attached) or</p>	<p>- Clarifying that these regulations also apply to ADUs (attached)</p>

Existing Section/Regulation	Proposed Amendment	Rationale
<p>i) The off-street parking required for such dwelling shall not be located within the minimum front yard or the minimum side yard abutting a street, except in the case of a Street Townhouse Dwelling containing two Dwelling Units or any Street Townhouse Dwelling containing an Additional Dwelling Unit (Detached), in which case one required off-street parking space may be located in a driveway within the minimum front yard or minimum side yard abutting a street. (Amended: By-law 2021-040, S.12)</p> <p>ii) a) A driveway shall be located leading directly from a street or lane to a parking space located a minimum distance of 6.0 metres from the street line and shall have a minimum width of 2.6 metres. (By-law 2005-106, S.12) (Housekeeping Amendment)</p> <p>b) A driveway may be widened to a maximum of 65% of the lot width or 6 metres, whichever is the lesser.</p> <p>c) A driveway and widening thereof may be used for the parking of vehicles provided that a parking space on the driveway or the widening meets the minimum length requirements of Section 6.1.1.2 d). (Amended: By-law 2018-125, S.13) (By-law 94-183, S.14[b], as amended by By-law 95-106, S.5[a]) (Amended: By-law 2012-034, S.27)</p> <p>iii) Notwithstanding clause ii) above, on a corner lot an access driveway shall not be located closer than 9 metres to the intersection of the street lines abutting the lot. For the purpose of this subsection iii), where one or more parking spaces are provided with a setback of less than 12 metres, the driveway including any widening shall be deemed to be at least the same width as the parking spaces, for a minimum distance of 12 metres from the parking space, measured perpendicular to the end of the parking space closest to the street. (By-law 2012-034, S.28)</p>	<p>Additional Dwelling Unit (Detached): (Amended: By-law 2021-040, S.11)</p> <p>i) The off-street parking required for such dwelling shall not be located within the minimum front yard or the minimum side yard abutting a street, except in the case of a Street Townhouse Dwelling containing Additional Dwelling Unit(s) (Attached) or Additional Dwelling Unit (Detached), in which case one required off-street parking space may be located in a driveway within the minimum front yard or minimum side yard abutting a street. (Amended: By-law 2021-040, S.12)</p> <p>ii) a) A driveway shall be located leading directly from a street or lane to a parking space located a minimum distance of 6.0 metres from the street line and shall have a minimum width of 2.6 metres. (By-law 2005-106, S.12) (Housekeeping Amendment)</p> <p>b) A driveway may be widened to a maximum of 65% of the lot width or 6 metres, whichever is the lesser.</p> <p>c) A driveway and widening thereof may be used for the parking of vehicles provided that a parking space on the driveway or the widening meets the minimum length requirements of Section 6.1.1.2 d). (Amended: By-law 2018-125, S.13) (By-law 94-183, S.14[b], as amended by By-law 95-106, S.5[a]) (Amended: By-law 2012-034, S.27)</p> <p>iii) Notwithstanding clause ii) above, on a corner lot an access driveway shall not be located closer than 9 metres to the intersection of the street lines abutting the lot. For the purpose of this subsection iii), where one or more parking spaces are provided with a setback of less than 12 metres, the driveway including any widening shall be deemed to be at least the same width as the parking spaces, for a minimum distance of 12 metres from the parking space, measured perpendicular to the end of the parking space closest to the street. (By-law 2012-034, S.28)</p>	

Existing Section/Regulation	Proposed Amendment	Rationale
<p>iv) In the case of a Street Townhouse Dwelling containing two Dwelling Units and any Street Townhouse Dwelling with an Additional Dwelling Unit (Detached), each additional required parking space may be arranged in tandem behind the first required space. (Amended: By-law 2021-040, S.13)</p> <p>v) Within a front yard, side yard or side yard abutting a street, motor vehicles shall only be parked on a driveway conforming with Section 6.1.1.1. (By-law 2007-231, S.16)</p> <p>vi) The driveway shall be comprised of a material that is consistent throughout the driveway and that is distinguishable from all other ground cover or surfacing, including landscaping or walkways, within the front yard, side yard or side yard abutting a street. (By-law 2007-231, S.16) (Amended: By-law 2012-034, S.29)</p>	<p>iv) In the case of a Street Townhouse Dwelling containing Additional Dwelling Unit(s) (Attached) or Additional Unit (Detached), each additional required parking space may be arranged in tandem behind the first required space. (Amended: By-law 2021-040, S.13)</p> <p>v) Within a front yard, side yard or side yard abutting a street, motor vehicles shall only be parked on a driveway conforming with Section 6.1.1.1. (By-law 2007-231, S.16)</p> <p>vi) The driveway shall be comprised of a material that is consistent throughout the driveway and that is distinguishable from all other ground cover or surfacing, including landscaping or walkways, within the front yard, side yard or side yard abutting a street. (By-law 2007-231, S.16) (Amended: By-law 2012-034, S.29)</p>	
<p>Section 6 - OFF-STREET PARKING AND OFF-STREET LOADING 6.1 OFF-STREET PARKING .1 REGULATIONS .2 <u>Design Standards</u></p> <p>NEW REGULATION</p>	<p>Section 6 - OFF-STREET PARKING AND OFF-STREET LOADING 6.1 OFF-STREET PARKING .1 REGULATIONS .2 <u>Design Standards</u></p> <p>h) Where a parking lot is provided for a development that does not require site plan approval pursuant to Section 41 of the Planning Act, the following regulations shall apply: 1. the parking lot shall be setback a minimum of 1.5 metres from side lot line and rear lot line; and, 2. the minimum drive aisle width shall be 6 metres.</p>	<ul style="list-style-type: none"> - Regulations for parking lot not provided or going through Site Plan Approval - for adequate setback from adjacent properties and soil volumes for landscaping, grading and drainage - drive aisle for maneuvering of vehicles
<p>Section 6 - OFF-STREET PARKING AND OFF-STREET LOADING 6.1 OFF-STREET PARKING</p>	<p>Section 6 - OFF-STREET PARKING AND OFF-STREET LOADING 6.1 OFF-STREET PARKING</p>	

Existing Section/Regulation	Proposed Amendment	Rationale										
<p>.2 OFF-STREET PARKING SCHEDULES (By-law 92-232, S.5[b]) a) Off-Street Parking Schedule for All Zones Except Downtown Zones (By-law 92-232, S.5[c])</p> <p>Parking spaces shall be provided in the minimum quantity specified in Column 2 hereunder for each use listed in Column 1, subject to Subsection b) hereof.</p> <table border="0" data-bbox="96 493 821 776"> <thead> <tr> <th data-bbox="96 493 457 526"><u>Column 1</u></th> <th data-bbox="457 493 821 526"><u>Column 2</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="96 602 457 667">Additional Dwelling Unit (Detached)</td> <td data-bbox="457 602 821 776">1 for each dwelling unit, or 0 where the lot is located within 800 metres of a Light Rail Transit (LRT) station as shown on Appendix I.</td> </tr> </tbody> </table>	<u>Column 1</u>	<u>Column 2</u>	Additional Dwelling Unit (Detached)	1 for each dwelling unit, or 0 where the lot is located within 800 metres of a Light Rail Transit (LRT) station as shown on Appendix I.	<p>.2 OFF-STREET PARKING SCHEDULES (By-law 92-232, S.5[b]) a) Off-Street Parking Schedule for All Zones Except Downtown Zones (By-law 92-232, S.5[c])</p> <p>Parking spaces shall be provided in the minimum quantity specified in Column 2 hereunder for each use listed in Column 1, subject to Subsection b) hereof.</p> <table border="0" data-bbox="821 493 1545 776"> <thead> <tr> <th data-bbox="821 493 1182 526"><u>Column 1</u></th> <th data-bbox="1182 493 1545 526"><u>Column 2</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="821 526 1182 591">Additional Dwelling Unit (Attached)</td> <td data-bbox="1182 526 1545 558">1 for each dwelling unit</td> </tr> <tr> <td data-bbox="821 602 1182 667">Additional Dwelling Unit (Detached)</td> <td data-bbox="1182 602 1545 776">1 for each dwelling unit, or 0 where the lot is located within 800 metres of a Light Rail Transit (LRT) station as shown on Appendix I.</td> </tr> </tbody> </table>	<u>Column 1</u>	<u>Column 2</u>	Additional Dwelling Unit (Attached)	1 for each dwelling unit	Additional Dwelling Unit (Detached)	1 for each dwelling unit, or 0 where the lot is located within 800 metres of a Light Rail Transit (LRT) station as shown on Appendix I.	<p>- Specifying parking minimum for Additional Dwelling Unit (Attached)</p>
<u>Column 1</u>	<u>Column 2</u>											
Additional Dwelling Unit (Detached)	1 for each dwelling unit, or 0 where the lot is located within 800 metres of a Light Rail Transit (LRT) station as shown on Appendix I.											
<u>Column 1</u>	<u>Column 2</u>											
Additional Dwelling Unit (Attached)	1 for each dwelling unit											
Additional Dwelling Unit (Detached)	1 for each dwelling unit, or 0 where the lot is located within 800 metres of a Light Rail Transit (LRT) station as shown on Appendix I.											
<p>Section 31 – NEIGHBOURHOOD INSTITUTIONAL ZONE (I-1) 31.1 PERMITTED USES ADD</p> <p>Day Care Facility Duplex Dwelling Dwelling Unit (By-law 98-108, S.5) Educational Establishment Home Business (By-law 94-1, S.8) Hospice (By-law 2013-124, S.33) Private Home Day Care Religious Institution Residential Care Facility Semi-Detached Dwelling Single-Detached Dwelling</p>	<p>Section 31 – NEIGHBOURHOOD INSTITUTIONAL ZONE (I-1) 31.1 PERMITTED USES Additional Dwelling Unit (Attached) Additional Dwelling Unit (Detached) Day Care Facility Duplex Dwelling Dwelling Unit (By-law 98-108, S.5) Educational Establishment Home Business (By-law 94-1, S.8) Hospice (By-law 2013-124, S.33) Private Home Day Care Religious Institution Residential Care Facility Semi-Detached Dwelling Single-Detached Dwelling</p>	<p>- Permitting ADUs in this zone since single detached, semi-detached and duplex dwellings are permitted uses</p>										
<p>Section 31 – NEIGHBOURHOOD INSTITUTIONAL ZONE (I-1)</p>	<p>Section 31 – NEIGHBOURHOOD INSTITUTIONAL ZONE (I-1)</p>	<p>- Reference to General Regulations sections</p>										

Existing Section/Regulation	Proposed Amendment	Rationale
<p>31.3 REGULATIONS New Regulations</p>	<p>31.3 REGULATIONS .6 For Additional Dwelling Unit (Detached) In accordance with regulations set out in Section 5.22 of this By-law. .7 For Additional Dwelling Unit (Attached) One Additional Dwelling Unit (attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law. Two Additional Dwelling Units (Attached) may be permitted in accordance with regulations set out in Section 5.22.2 of this By-law</p>	
<p>Section 32 – COMMUNITY INSTITUTIONAL ZONE (I-2) 32.1 PERMITTED USES ADD</p> <p>Artisan's Establishment Convenience Retail Day Care Facility Duplex Dwelling Dwelling Unit (By-law 98-108, S.5) Educational Establishment Financial Establishment Health Office Health Clinic Home Business (By-law 94-1, S.8) Hospice (By-law 2013-124, S.35) Multiple Dwelling Personal Services Private Home Day Care Religious Institution Residential Care Facility Semi-Detached Dwelling Single-Detached Dwelling Social Service Establishment Street Townhouse Dwelling</p>	<p>Section 32 – COMMUNITY INSTITUTIONAL ZONE (I-2) 32.1 PERMITTED USES Additional Dwelling Unit (Attached) Additional Dwelling Unit (Detached)</p> <p>Artisan's Establishment Convenience Retail Day Care Facility Duplex Dwelling Dwelling Unit (By-law 98-108, S.5) Educational Establishment Financial Establishment Health Office Health Clinic Home Business (By-law 94-1, S.8) Hospice (By-law 2013-124, S.35) Multiple Dwelling Personal Services Private Home Day Care Religious Institution Residential Care Facility Semi-Detached Dwelling Single-Detached Dwelling Social Service Establishment Street Townhouse Dwelling</p>	<p>- Permitting ADUs in this zone since single detached, semi-detached and duplex dwellings are permitted uses</p>

Existing Section/Regulation	Proposed Amendment	Rationale
<p>Section 32 – COMMUNITY INSTITUTIONAL ZONE (I-2) 32.3 REGULATIONS .5 For Artisan's Establishment, Day Care Facility, Educational Establishment, Health Office, Health Clinic, Hospice, Religious Institution, Residential Care Facility with 9 Residents or more, Social Service Establishment, Multiple Dwelling and Veterinary Services</p>	<p>Section 32 – COMMUNITY INSTITUTIONAL ZONE (I-2) 32.3 REGULATIONS .5 For Artisan's Establishment, Day Care Facility, Educational Establishment, Health Office, Health Clinic, Hospice, Religious Institution, Residential Care Facility with 9 Residents or more, Social Service Establishment, Multiple Dwelling and Veterinary Services</p>	-
<p>Section 32 – COMMUNITY INSTITUTIONAL ZONE (I-2) 32.3 REGULATIONS New Regulations</p>	<p>Section 32 – COMMUNITY INSTITUTIONAL ZONE (I-2) 32.3 REGULATIONS .9 For Additional Dwelling Unit (Detached) In accordance with regulations set out in Section 5.22 of this By-law. .10 For Additional Dwelling Unit (Attached) One Additional Dwelling Unit (attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law. Two Additional Dwelling Units (Attached) may be permitted in accordance with regulations set out in Section 5.22.2 of this By-law .11 For Lots with Four to Ten Dwelling Units 4 to 10 dwelling units on a lot provided without any non-residential use except permitted home occupation uses shall be permitted in accordance with the regulations in this Section as applicable and Section 5.33</p>	<p>- Reference to General Regulations sections for ADUs</p> <p>- Reference to General Regulations sections for lots with 4 to 10 units</p>
<p>Section 33 – MAJOR INSTITUTIONAL ZONE (I-3) 33.1 PERMITTED USES ADD</p> <p>Arena Auditorium Community Centre Convenience Retail Day Care Facility Educational Establishment</p>	<p>Section 33 – MAJOR INSTITUTIONAL ZONE (I-3) 33.1 PERMITTED USES Additional Dwelling Unit (Attached) Additional Dwelling Unit (Detached)</p> <p>Arena Auditorium Community Centre Convenience Retail Day Care Facility Educational Establishment</p>	<p>- Permitting ADUs in this zone since a street townhouse dwelling is a permitted use. An ADU will only be permitted in association with a street townhouse.</p>

Existing Section/Regulation	Proposed Amendment	Rationale
Financial Establishment Health Office Health Clinic Home Business (By-law 94-1, S.8) Hospital Lodging House Medical Laboratory Multiple Dwelling Museum Personal Services Private Home Day Care Religious Institution Residential Care Facility Social Service Establishment Stadium Street Townhouse Dwelling Studio Veterinary Services	Financial Establishment Health Office Health Clinic Home Business (By-law 94-1, S.8) Hospital Lodging House Medical Laboratory Multiple Dwelling Museum Personal Services Private Home Day Care Religious Institution Residential Care Facility Social Service Establishment Stadium Street Townhouse Dwelling Studio Veterinary Services	
Section 33 – MAJOR INSTITUTIONAL ZONE (I-3) 33.3 REGULATIONS New Regulations	Section 33 – MAJOR INSTITUTIONAL ZONE (I-3) 33.3 REGULATIONS .5 For Additional Dwelling Unit (Detached) In accordance with regulations set out in Section 5.22 of this By-law. .6 For Additional Dwelling Unit (Attached) One Additional Dwelling Unit (attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law. Two Additional Dwelling Units (Attached) may be permitted in accordance with regulations set out in Section 5.22.2 of this By-law .7 For Lots with Four to Ten Dwelling Units 4 to 10 dwelling units on a lot provided without any non-residential use except permitted home occupation uses shall be permitted in accordance with the regulations in this Section as applicable and Section 5.33	<ul style="list-style-type: none"> - Reference to General Regulations sections for ADUs - Reference to General Regulations sections for lots with 4 to 10 units

Existing Section/Regulation	Proposed Amendment	Rationale
<p>Section 35 – RESIDENTIAL ONE ZONE (R-1) 35.1 PERMITTED USES ADD Additional Dwelling Unit (Detached) (By-law 2021-040, S.16) Home Business (By-law 94-1, S.8) Private Home Day Care Residential Care Facility (By-law 2012-140, S.7) Single Detached Dwelling</p>	<p>Section 35 – RESIDENTIAL ONE ZONE (R-1) 35.1 PERMITTED USES Additional Dwelling Unit (Attached) Additional Dwelling Unit (Detached) (By-law 2021-040, S.16) Home Business (By-law 94-1, S.8) Private Home Day Care Residential Care Facility (By-law 2012-140, S.7) Single Detached Dwelling</p>	<p>- Permitting ADUs in this zone since a single detached dwelling is a permitted use</p>
<p>Section 35 – RESIDENTIAL ONE ZONE (R-1) ADD</p>	<p>Section 35 – RESIDENTIAL ONE ZONE (R-1) 35.5 For Additional Dwelling Unit (Attached) One Additional Dwelling Unit (attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law. Two Additional Dwelling Units (Attached) may be permitted in accordance with regulations set out in Section 5.22.2 of this By-law.</p>	<p>- Reference to General Regulations sections for ADUs</p>
<p>Section 36 – RESIDENTIAL TWO ZONE (R-2) 36.1 PERMITTED USES ADD Additional Dwelling Unit (Detached) (By-law 2021-040, S.16) Duplex Dwelling (By-law 94-183, S.20) Home Business Private Home Day Care Residential Care Facility Single Detached Dwelling</p>	<p>Section 36 – RESIDENTIAL TWO ZONE (R-2) 36.1 PERMITTED USES Additional Dwelling Unit (Attached) Additional Dwelling Unit (Detached) (By-law 2021-040, S.16) Duplex Dwelling (By-law 94-183, S.20) Home Business Private Home Day Care Residential Care Facility Single Detached Dwelling</p>	<p>- Permitting ADUs to this zone since a single detached dwelling is a permitted use</p>
<p>Section 36 – RESIDENTIAL TWO ZONE (R-2) 36.2 REGULATIONS ADD</p>	<p>Section 36 – RESIDENTIAL TWO ZONE (R-2) 36.2 REGULATIONS .4 For Additional Dwelling Unit (Attached) One Additional Dwelling Unit (attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law.</p>	<p>- Reference to General Regulations sections for ADUs</p>

Existing Section/Regulation	Proposed Amendment	Rationale
	Two Additional Dwelling Units (Attached) may be permitted in accordance with regulations set out in Section 5.22.2 of this By-law.	
<p>Section 37 – RESIDENTIAL THREE ZONE (R-3) 37.1 PERMITTED USES ADD Additional Dwelling Unit (Detached) (By-law 2021-040, S.16) Duplex Dwelling (By-law 94-183, S.20) Home Business Private Home Day Care Residential Care Facility Single Detached Dwelling</p>	<p>Section 37 – RESIDENTIAL THREE ZONE (R-3) 37.1 PERMITTED USES Additional Dwelling Unit (Attached) Additional Dwelling Unit (Detached) (By-law 2021-040, S.16) Duplex Dwelling (By-law 94-183, S.20) Home Business Private Home Day Care Residential Care Facility Single Detached Dwelling</p>	<ul style="list-style-type: none"> - Permitting ADUs in this zone since a single detached dwelling is a permitted use
<p>Section 37 – RESIDENTIAL THREE ZONE (R-3) 37.2 REGULATIONS ADD</p>	<p>Section 37 – RESIDENTIAL THREE ZONE (R-3) 37.2 REGULATIONS .4 For Additional Dwelling Unit (Attached) One Additional Dwelling Unit (attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law. Two Additional Dwelling Units (Attached) may be permitted in accordance with regulations set out in Section 5.22.2 of this By-law.</p>	<ul style="list-style-type: none"> - Reference to General Regulations sections for ADUs
<p>Section 38 – RESIDENTIAL FOUR ZONE (R-4) 38.1 PERMITTED USES ADD Additional Dwelling Unit (Detached) (By-law 2021-040, S.16) Duplex Dwelling (By-law 94-183, S.20) Home Business Private Home Day Care Residential Care Facility Semi-Detached Duplex Dwelling (Amended: By-law 2021-040, S.22) Semi-Detached Dwelling Single Detached Dwelling</p>	<p>Section 38 – RESIDENTIAL FOUR ZONE (R-4) 38.1 PERMITTED USES Additional Dwelling Unit (Attached) Additional Dwelling Unit (Detached) (By-law 2021-040, S.16) Duplex Dwelling (By-law 94-183, S.20) Home Business Private Home Day Care Residential Care Facility Semi-Detached Duplex Dwelling (Amended: By-law 2021-040, S.22) Semi-Detached Dwelling Single Detached Dwelling</p>	<ul style="list-style-type: none"> - Permitting ADUs in this zone since a single detached dwelling, semi-detached dwelling, duplex dwelling, and a semi-detached duplex dwelling are permitted uses

Existing Section/Regulation	Proposed Amendment	Rationale
<p>Section 38 – RESIDENTIAL FOUR ZONE (R-4) 38.2 REGULATIONS ADD</p>	<p>Section 38 – RESIDENTIAL FOUR ZONE (R-4) 38.2 REGULATIONS .6 For Additional Dwelling Unit (Attached) One Additional Dwelling Unit (attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law. Two Additional Dwelling Units (Attached) may be permitted in accordance with regulations set out in Section 5.22.2 of this By-law.</p>	<ul style="list-style-type: none"> - Reference to General Regulations sections for ADUs
<p>Section 39 – RESIDENTIAL FIVE ZONE (R-5) 39.1 PERMITTED USES ADD Additional Dwelling Unit (Detached) (By-law 2021-040, S.16) Duplex Dwelling Home Business Hospice (By-law 2013-124, S.37) Lodging House Multiple Dwelling Private Home Day Care Residential Care Facility Semi-Detached Duplex Dwelling (Amended: By-law 2021-040, S.22) Semi-Detached Dwelling Single Detached Dwelling</p>	<p>Section 39 – RESIDENTIAL FIVE ZONE (R-5) 39.1 PERMITTED USES Additional Dwelling Unit (Attached) Additional Dwelling Unit (Detached) (By-law 2021-040, S.16) Duplex Dwelling Home Business Hospice (By-law 2013-124, S.37) Lodging House DELETED Private Home Day Care Residential Care Facility Semi-Detached Duplex Dwelling (Amended: By-law 2021-040, S.22) Semi-Detached Dwelling Single Detached Dwelling</p>	<ul style="list-style-type: none"> - Permitting ADUs in this zone since a single detached dwelling, semi-detached dwelling, duplex dwelling, and semi-detached duplex dwelling are permitted uses - R-5 only permits a maximum of 3 dwelling units in a multiple dwelling. Given the update to the definition of multiple dwelling, the use can be removed from the list of permitted uses.
<p>Section 39 – RESIDENTIAL FIVE ZONE (R-5) 39.2 REGULATIONS .4 For Multiple Dwelling, Hospice and Lodging House Maximum Number of Dwelling Units in a Multiple Dwelling : Three dwelling units.</p>	<p>Section 39 – RESIDENTIAL FIVE ZONE (R-5) 39.2 REGULATIONS .4 For DELETED Hospice and Lodging House DELETED</p>	<ul style="list-style-type: none"> - R-5 only permits a maximum of 3 dwelling units in a multiple dwelling. Given the update to the definition of multiple dwelling, the regulations can be updated.
<p>Section 39 – RESIDENTIAL FIVE ZONE (R-5) 39.2 REGULATIONS ADD</p>	<p>Section 39 – RESIDENTIAL FIVE ZONE (R-5) 39.2 REGULATIONS .8 For Additional Dwelling Unit (Attached)</p>	<ul style="list-style-type: none"> - Reference to General Regulations sections for ADUs

Existing Section/Regulation	Proposed Amendment	Rationale
	<p>One Additional Dwelling Unit (attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law.</p> <p>Two Additional Dwelling Units (Attached) may be permitted in accordance with regulations set out in Section 5.22.2 of this By-law.</p>	
<p>Section 39 – RESIDENTIAL FIVE ZONE (R-5) 39.2A FOR ALL USES Maximum Number of Dwellings Per Lot: One plus an Additional Dwelling Unit (Detached)</p>	<p>Section 39 – RESIDENTIAL FIVE ZONE (R-5) 39.2A FOR ALL USES Maximum Number of Dwellings Per Lot: One plus Additional Dwelling Unit(s)</p>	<ul style="list-style-type: none"> - Expanding to permit attached ADUs
<p>Section 40 – RESIDENTIAL SIX ZONE (R-6) 40.1 PERMITTED USES ADD Additional Dwelling Unit (Detached) (By-law 2021-040, S.16) Duplex Dwelling Home Business Hospice (By-law 2013-124, S.39) Lodging House Multiple Dwelling Private Home Day Care Residential Care Facility Semi-Detached Duplex Dwelling (OMB Order PL140037, By-law 2013-149 (Amended), S.7) Semi-Detached Dwelling Single Detached Dwelling Street Townhouse Dwelling</p>	<p>Section 40 – RESIDENTIAL SIX ZONE (R-6) 40.1 PERMITTED USES Additional Dwelling Unit (Attached) Additional Dwelling Unit (Detached) (By-law 2021-040, S.16) Duplex Dwelling Home Business Hospice (By-law 2013-124, S.39) Lodging House Multiple Dwelling Private Home Day Care Residential Care Facility Semi-Detached Duplex Dwelling (OMB Order PL140037, By-law 2013-149 (Amended), S.7) Semi-Detached Dwelling S ingle Detached Dwelling Street Townhouse Dwelling</p>	<ul style="list-style-type: none"> - Permitting ADUs in this zone since a single detached dwelling, semi-detached dwelling, duplex dwelling, and semi-detached duplex dwelling are permitted uses
<p>Section 40 – RESIDENTIAL SIX ZONE (R-6) 40.2 REGULATIONS ADD</p>	<p>Section 40 – RESIDENTIAL SIX ZONE (R-6) 40.2 REGULATIONS .10 For Additional Dwelling Unit (Attached) One Additional Dwelling Unit (attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law.</p>	<ul style="list-style-type: none"> - Reference to General Regulations sections for ADUs

Existing Section/Regulation	Proposed Amendment	Rationale
	<p>Two Additional Dwelling Units (Attached) may be permitted in accordance with regulations set out in Section 5.22.2 of this By-law.</p> <p>.11 For Lots with Four to Ten Dwelling Units</p> <p>4 to 10 dwelling units on a lot provided without any non-residential use except permitted home business uses shall be permitted in accordance with the regulations in this Section as applicable and Section 5.33.</p>	<ul style="list-style-type: none"> - Reference to General Regulations sections for lots with 4 to 10 units
<p>Section 41 – RESIDENTIAL SEVEN ZONE (R-7) 41.1 PERMITTED USES ADD Additional Dwelling Unit (Detached) (By-law 2021-040, S.16) Duplex Dwelling Home Business Lodging House Multiple Dwelling Private Home Day Care Residential Care Facility Semi-Detached Duplex Dwelling (OMB Order PL140037, By-law 2013-149 (Amended), S.9) Semi-Detached Dwelling Single Detached Dwelling Street Townhouse Dwelling</p>	<p>Section 41 – RESIDENTIAL SEVEN ZONE (R-7) 41.1 PERMITTED USES Additional Dwelling Unit (Attached) Additional Dwelling Unit (Detached) (By-law 2021-040, S.16) Duplex Dwelling Home Business Lodging House Multiple Dwelling Private Home Day Care Residential Care Facility Semi-Detached Duplex Dwelling (OMB Order PL140037, By-law 2013-149 (Amended), S.7) Semi-Detached Dwelling Single Detached Dwelling Street Townhouse Dwelling</p>	<ul style="list-style-type: none"> - Permitting ADUs in this zone since a single detached dwelling, semi-detached dwelling, duplex dwelling, and semi-detached duplex dwelling are permitted uses
<p>Section 41 – RESIDENTIAL SEVEN ZONE (R-7) 41.2 REGULATIONS ADD</p>	<p>Section 41 – RESIDENTIAL SEVEN ZONE (R-7) 41.2 REGULATIONS .11 For Additional Dwelling Unit (Attached) One Additional Dwelling Unit (attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law. Two Additional Dwelling Units (Attached) may be permitted in accordance with regulations set out in Section 5.22.2 of this By-law. .12 For Lots with Four to Ten Dwelling Units</p>	<ul style="list-style-type: none"> - Reference to General Regulations sections for ADUs

Existing Section/Regulation	Proposed Amendment	Rationale
	4 to 10 dwelling units on a lot provided without any non-residential use except permitted home business uses shall be permitted in accordance with the regulations in this Section as applicable and Section 5.33.	- Reference to General Regulations sections for lots with 4 to 10 units
<p>Section 42 – RESIDENTIAL EIGHT ZONE (R-8) 42.1 PERMITTED USES ADD</p> <p>Duplex Dwelling Home Business Lodging House Multiple Dwelling Private Home Day Care Residential Care Facility Semi-Detached Dwelling existing on the date that the R-8 Zone was applied to the land. (By-law 94-183, S.32) Single Detached Dwelling existing on the date that the R-8 Zone was applied to the land. (By-law 94-183, S.32) Street Townhouse Dwelling</p>	<p>Section 42 – RESIDENTIAL EIGHT ZONE (R-8) 42.1 PERMITTED USES Additional Dwelling Unit (Attached) Additional Dwelling Unit (Detached) Duplex Dwelling Home Business Lodging House Multiple Dwelling Private Home Day Care Residential Care Facility Semi-Detached Dwelling existing on the date that the R-8 Zone was applied to the land. (By-law 94-183, S.32) Single Detached Dwelling existing on the date that the R-8 Zone was applied to the land. (By-law 94-183, S.32) Street Townhouse Dwelling</p>	- Permitting ADUs attached and detached in this zone since an existing single detached dwelling and semi-detached dwelling, duplex dwelling, and street townhouse are permitted uses
<p>Section 42 – RESIDENTIAL EIGHT ZONE (R-8) 42.2 REGULATIONS ADD</p>	<p>Section 42 – RESIDENTIAL EIGHT ZONE (R-8) 42.2 REGULATIONS .12 For Additional Dwelling Unit (Detached) In accordance with regulations set out in Section 5.22 of this By-law. .13 For Additional Dwelling Unit (Attached) One Additional Dwelling Unit (attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law. Two Additional Dwelling Units (Attached) may be permitted in accordance with regulations set out in Section 5.22.2 of this By-law. .14 For Lots with Four to Ten Dwelling Units 4 to 10 dwelling units on a lot provided without any non-residential use except permitted home business uses shall</p>	<p>- Reference to General Regulations sections for ADUs</p> <p>- Reference to General Regulations sections for lots with 4 to 10 units</p>

Existing Section/Regulation	Proposed Amendment	Rationale
	be permitted in accordance with the regulations in this Section as applicable and Section 5.33.	
<p>Section 43 – RESIDENTIAL NINE ZONE (R-9) 43.1 PERMITTED USES ADD</p> <p>Convenience Retail Day Care Facility Financial Establishment Home Business Lodging House Multiple Dwelling Office Personal Services Private Home Day Care Residential Care Facility Street Townhouse Dwelling</p>	<p>Section 43 – RESIDENTIAL NINE ZONE (R-9) 43.1 PERMITTED USES Additional Dwelling Unit (Attached) Additional Dwelling Unit (Detached)</p> <p>Convenience Retail Day Care Facility Financial Establishment Home Business Lodging House Multiple Dwelling Office Personal Services Private Home Day Care Residential Care Facility Street Townhouse Dwelling</p>	<ul style="list-style-type: none"> - Permitting ADU attached and detached since street town is a permitted use
<p>Section 43 – RESIDENTIAL NINE ZONE (R-9) 43.2 REGULATIONS ADD</p>	<p>Section 43 – RESIDENTIAL NINE ZONE (R-9) 43.2 REGULATIONS .8 For Additional Dwelling Unit (Detached) In accordance with regulations set out in Section 5.22 of this By-law. .9 For Additional Dwelling Unit (Attached) One Additional Dwelling Unit (attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law. Two Additional Dwelling Units (Attached) may be permitted in accordance with regulations set out in Section 5.22.2 of this By-law. .10 For Lots with Four to Ten Dwelling Units 4 to 10 dwelling units on a lot provided without any non-residential use except permitted home business uses shall be permitted in accordance with the regulations in this Section as applicable and Section 5.33</p>	<ul style="list-style-type: none"> - Reference to General Regulations sections for ADUs - Reference to General Regulations sections for lots with 4 to 10 units

Existing Section/Regulation	Proposed Amendment	Rationale
<p>Section 44 – COMMERCIAL RESIDENTIAL ONE ZONE (CR-1) 44.1 PERMITTED USES ADD</p> <p>Convenience Retail (By-law 95-106, S.31) Day Care Facility Duplex Dwelling Dwelling Unit Educational Establishment Financial Establishment Funeral Home Health Clinic Health Office Home Business Hospice (By-law 2013-124, S.44) Lodging House Medical Laboratory Multiple Dwelling Office Personal Services Printing Establishment Private Club or Lodge Private Home Day Care Religious Institution Residential Care Facility Sale, Rental, or Service of Business Machines and Office Supplies Security or Janitorial Services Semi-detached Dwelling existing on the date that the CR-1 Zone was applied to the land. (By-law 94-183, S.34) Single Detached Dwelling existing on the date that the CR-1 Zone was applied to the land. (By-law 94-183, S.34) Street Townhouse Dwelling Studio Tourist Home Veterinary Services</p>	<p>Section 44 – COMMERCIAL RESIDENTIAL ONE ZONE (CR-1) 44.1 PERMITTED USES Additional Dwelling Unit (Attached) Additional Dwelling Unit (Detached)</p> <p>Convenience Retail (By-law 95-106, S.31) Day Care Facility Duplex Dwelling Dwelling Unit Educational Establishment Financial Establishment Funeral Home Health Clinic Health Office Home Business Hospice (By-law 2013-124, S.44) Lodging House Medical Laboratory Multiple Dwelling Office Personal Services Printing Establishment Private Club or Lodge Private Home Day Care Religious Institution Residential Care Facility Sale, Rental, or Service of Business Machines and Office Supplies Security or Janitorial Services Semi-detached Dwelling existing on the date that the CR-1 Zone was applied to the land. (By-law 94-183, S.34) Single Detached Dwelling existing on the date that the CR-1 Zone was applied to the land. (By-law 94-183, S.34) Street Townhouse Dwelling Studio Tourist Home Veterinary Services</p>	<p>- Permitting ADUs attached and detached in this zone since a street townhouse is a permitted use</p>

Existing Section/Regulation	Proposed Amendment	Rationale
<p>Section 44 – COMMERCIAL RESIDENTIAL ONE ZONE (CR-1) 44.3 REGULATIONS New Regulations</p>	<p>Section 44 – COMMERCIAL RESIDENTIAL ONE ZONE (CR-1) 44.3 REGULATIONS .14 For Additional Dwelling Unit (Detached) In accordance with regulations set out in Section 5.22 of this By-law. .15 For Additional Dwelling Unit (Attached) One Additional Dwelling Unit (attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law. Two Additional Dwelling Units (Attached) may be permitted in accordance with regulations set out in Section 5.22.2 of this By-law .16 For Lots with Four to Ten Dwelling Units 4 to 10 dwelling units on a lot provided without any non-residential use except permitted home business uses shall be permitted in accordance with the regulations in this Section as applicable and Section 5.33</p>	<ul style="list-style-type: none"> - Reference to General Regulations sections for ADUs - Reference to General Regulations sections for lots with 4 to 10 units
<p>Section 45 – COMMERCIAL RESIDENTIAL TWO ZONE (CR-2) 45.1 PERMITTED USES ADD</p> <p>Convenience Retail Day Care Facility Duplex Dwelling Dwelling Unit Educational Establishment Financial Establishment Funeral Home Health Clinic Health Office Home Business Hospice (By-law 2013-124, S.46) Lodging House Medical Laboratory</p>	<p>Section 45 – COMMERCIAL RESIDENTIAL TWO ZONE (CR-2) 45.1 PERMITTED USES Additional Dwelling Unit (Attached) Additional Dwelling Unit (Detached)</p> <p>Convenience Retail Day Care Facility Duplex Dwelling Dwelling Unit Educational Establishment Financial Establishment Funeral Home Health Clinic Health Office Home Business Hospice (By-law 2013-124, S.46) Lodging House Medical Laboratory</p>	<ul style="list-style-type: none"> - Permitting ADU attached and detached since street town is a permitted use

Existing Section/Regulation	Proposed Amendment	Rationale
<p>Multiple Dwelling Office Personal Services Printing Establishment Private Club or Lodge Private Home Day Care Religious Institution Residential Care Facility Sale, Rental, or Service of Business Machines and Office Supplies Security or Janitorial Services Semi-detached Dwelling existing on the date that the CR-2 Zone was applied to the land. (By-law 94-183, S.35) Single Detached Dwelling existing on the date that the CR-2 Zone was applied to the land. (By-law 94-183, S.35) Street Townhouse Dwelling Studio Tourist Home Veterinary Services</p>	<p>Multiple Dwelling Office Personal Services Printing Establishment Private Club or Lodge Private Home Day Care Religious Institution Residential Care Facility Sale, Rental, or Service of Business Machines and Office Supplies Security or Janitorial Services Semi-detached Dwelling existing on the date that the CR-2 Zone was applied to the land. (By-law 94-183, S.35) Single Detached Dwelling existing on the date that the CR-2 Zone was applied to the land. (By-law 94-183, S.35) Street Townhouse Dwelling Studio Tourist Home Veterinary Services</p>	
<p>Section 45 – COMMERCIAL RESIDENTIAL TWO ZONE (CR-2) 45.3 REGULATIONS New Regulations</p>	<p>Section 45 – COMMERCIAL RESIDENTIAL TWO ZONE (CR-2) 45.3 REGULATIONS .14 For Additional Dwelling Unit (Detached) In accordance with regulations set out in Section 5.22 of this By-law. .15 For Additional Dwelling Unit (Attached) One Additional Dwelling Unit (attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law. Two Additional Dwelling Units (Attached) may be permitted in accordance with regulations set out in Section 5.22.2 of this By-law .16 For Lots with Four to Ten Dwelling Units 4 to 10 dwelling units on a lot provided without any non-residential use except permitted home business uses shall be permitted in accordance with the regulations in this Section as applicable and Section 5.33</p>	<p>- Reference to General Regulations sections for ADUs</p> <p>- Reference to General Regulations sections for lots with 4 to 10 units</p>

Existing Section/Regulation	Proposed Amendment	Rationale
<p>Section 46 – COMMERCIAL RESIDENTIAL THREE ZONE (CR-3) 46.1 PERMITTED USES ADD</p> <p>Convenience Retail Day Care Facility Dwelling Unit Educational Establishment Financial Establishment Funeral Home Health Clinic Health Office Home Business Hospice (By-law 2013-124, S.48) Lodging House Medical Laboratory Multiple Dwelling Office Personal Services Printing Establishment Private Club or Lodge Private Home Day Care Religious Institution Residential Care Facility Sale, Rental, or Service of Business Machines and Office Supplies Security or Janitorial Services Street Townhouse Dwelling Studio Tourist Home Veterinary Services</p>	<p>Section 46 – COMMERCIAL RESIDENTIAL THREE ZONE (CR-3) 46.1 PERMITTED USES Additional Dwelling Unit (Attached) Additional Dwelling Unit (Detached)</p> <p>Convenience Retail Day Care Facility Dwelling Unit Educational Establishment Financial Establishment Funeral Home Health Clinic Health Office Home Business Hospice (By-law 2013-124, S.48) Lodging House Medical Laboratory Multiple Dwelling Office Personal Services Printing Establishment Private Club or Lodge Private Home Day Care Religious Institution Residential Care Facility Sale, Rental, or Service of Business Machines and Office Supplies Security or Janitorial Services Street Townhouse Dwelling Studio Tourist Home Veterinary Services</p>	<p>- Permitting ADUs attached and detached in this zone since a street townhouse is a permitted use</p>
<p>Section 46 – COMMERCIAL RESIDENTIAL THREE ZONE (CR-3) New Regulations</p>	<p>Section 46 – COMMERCIAL RESIDENTIAL THREE ZONE (CR-3) 46.4 For Additional Dwelling Unit (Detached)</p>	<p>- Reference to General Regulations sections for ADUs</p>

Existing Section/Regulation	Proposed Amendment	Rationale
	<p>In accordance with regulations set out in Section 5.22 of this By-law.</p> <p>46.5 For Additional Dwelling Unit (Attached) One Additional Dwelling Unit (attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law.</p> <p>Two Additional Dwelling Units (Attached) may be permitted in accordance with regulations set out in Section 5.22.2 of this By-law</p> <p>46.6 For Lots with Four to Ten Dwelling Units 4 to 10 dwelling units on a lot provided without any non-residential use except permitted home business uses shall be permitted in accordance with the regulations in this Section as applicable and Section 5.33</p>	<p>- Reference to General Regulations sections for lots with 4 to 10 units</p>
<p>Section 47 – COMMERCIAL RESIDENTIAL FOUR ZONE (CR-4)</p> <p>47.1 PERMITTED USES</p> <p>ADD</p> <p>Audio-Visual or Medical Laboratory Beverage and Beverage Making Equipment Sales Building Material and Decorating Supply Sales Carwash Commercial Parking Facility Commercial Recreation Convenience Retail Craftsman Shop Day Care Facility Dwelling Unit (By-law 95-106, S.33) Educational Establishment Financial Establishment Funeral Home Garden Centre and Nursery Gas Station Health Clinic</p>	<p>Section 47 – COMMERCIAL RESIDENTIAL FOUR ZONE (CR-4)</p> <p>47.1 PERMITTED USES</p> <p>Additional Dwelling Unit (Attached) Additional Dwelling Unit (Detached)</p> <p>Audio-Visual or Medical Laboratory Beverage and Beverage Making Equipment Sales Building Material and Decorating Supply Sales Carwash Commercial Parking Facility Commercial Recreation Convenience Retail Craftsman Shop Day Care Facility Dwelling Unit (By-law 95-106, S.33) Educational Establishment Financial Establishment Funeral Home Garden Centre and Nursery Gas Station Health Clinic</p>	<p>- Permitting ADUs attached and detached in this zone since a street townhouse is a permitted use</p>

Existing Section/Regulation	Proposed Amendment	Rationale
Health Office Home Business Hospice (By-law 2013-124, S.49) Hotel Lodging House Multiple Dwelling Office Personal Services Printing Establishment Private Club or Lodge and Union Hall Private Home Day Care Religious Institution Repair Service Residential Care Facility Restaurant Sale of Pets and Pet Supplies (By-law 98-108, S.9) Sale, Rental or Service of Business Machines and Office Supplies Sale or Rental of Furniture and Electric or Electronic Appliances or Electric or Electronic Equipment Sale, Rental, Service, Storage or Repair of Motor Vehicles, Major Recreational Equipment and Parts and Accessories for Motor Vehicles or Major Recreational Equipment Sale, Rental, Storage or Service of Tools and Industrial or Farm Equipment Sale of Sporting Goods (By-law 98-136, S.1) Street Townhouse Dwelling Studio Tourist Home Tradesman or Contractor's Establishment Veterinary Services Wholesaling	Health Office Home Business Hospice (By-law 2013-124, S.49) Hotel Lodging House Multiple Dwelling Office Personal Services Printing Establishment Private Club or Lodge and Union Hall Private Home Day Care Religious Institution Repair Service Residential Care Facility Restaurant Sale of Pets and Pet Supplies (By-law 98-108, S.9) Sale, Rental or Service of Business Machines and Office Supplies Sale or Rental of Furniture and Electric or Electronic Appliances or Electric or Electronic Equipment Sale, Rental, Service, Storage or Repair of Motor Vehicles, Major Recreational Equipment and Parts and Accessories for Motor Vehicles or Major Recreational Equipment Sale, Rental, Storage or Service of Tools and Industrial or Farm Equipment Sale of Sporting Goods (By-law 98-136, S.1) Street Townhouse Dwelling Studio Tourist Home Tradesman or Contractor's Establishment Veterinary Services Wholesaling	
Section 47 – COMMERCIAL RESIDENTIAL FOUR ZONE (CR-4) 47.2 REGULATIONS New Regulations	Section 47 – COMMERCIAL RESIDENTIAL FOUR ZONE (CR-4) 47.2 REGULATIONS .7 For Additional Dwelling Unit (Detached)	- Reference to General Regulations sections for ADUs

Existing Section/Regulation	Proposed Amendment	Rationale
	<p>In accordance with regulations set out in Section 5.22 of this By-law.</p> <p>.8 For Additional Dwelling Unit (Attached) One Additional Dwelling Unit (attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law.</p> <p>Two Additional Dwelling Units (Attached) may be permitted in accordance with regulations set out in Section 5.22.2 of this By-law</p> <p>.9 For Lots with Four to Ten Dwelling Units 4 to 10 dwelling units on a lot provided without any non-residential use except permitted home business uses shall be permitted in accordance with the regulations in this Section as applicable and Section 5.33</p>	<p>- Reference to General Regulations sections for lots with 4 to 10 units</p>
<p>Section 47A – COMMERCIAL RESIDENTIAL FIVE ZONE (CR-5) 47A.1 PERMITTED USES ADD</p> <p>Convenience Retail Day Care Facility Educational Establishment Financial Establishment Funeral Home Health Clinic Health Office Home Business Medical Laboratory Multiple Dwelling Office Personal Services Printing Establishment Private Club or Lodge Private Home Day Care Religious Institution</p>	<p>Section 47A – COMMERCIAL RESIDENTIAL FIVE ZONE (CR-5) 47A.1 PERMITTED USES Additional Dwelling Unit (Attached) Additional Dwelling Unit (Detached)</p> <p>Convenience Retail Day Care Facility Educational Establishment Financial Establishment Funeral Home Health Clinic Health Office Home Business Medical Laboratory Multiple Dwelling Office Personal Services Printing Establishment Private Club or Lodge Private Home Day Care Religious Institution</p>	<p>- Permitting ADUs attached and detached in this zone since a single detached dwelling is a permitted use</p>

Existing Section/Regulation	Proposed Amendment	Rationale
Sale, Rental, or Service of Business Machines and Office Supplies Security of Janitorial Services Single Detached Dwelling Studio Tourist Home Veterinary Services	Sale, Rental, or Service of Business Machines and Office Supplies Security of Janitorial Services Single Detached Dwelling Studio Tourist Home Veterinary Services	
Section 47A – COMMERCIAL RESIDENTIAL FIVE ZONE (CR-5) 47A.3 REGULATIONS NEW REGULATION	Section 47A – COMMERCIAL RESIDENTIAL FIVE ZONE (CR-5) 47A.3 REGULATIONS .4 For Additional Dwelling Unit (Detached) In accordance with regulations set out in Section 5.22 of this By-law .5 For Additional Dwelling Unit (Attached) One Additional Dwelling Unit (attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law. Two Additional Dwelling Units (Attached) may be permitted in accordance with regulations set out in Section 5.22.2 of this By-law .6 For Lots with Four to Ten Dwelling Units 4 to 10 dwelling units on a lot provided without any non-residential use except permitted home business uses shall be permitted in accordance with the regulations in this Section as applicable and Section 5.33	<ul style="list-style-type: none"> - Reference to General Regulations sections for ADUs - Reference to General Regulations sections for lots with 4 to 10 units
Section 53 – LOW INTENSITY MIXED USE CORRIDOR ZONE (MU-1) 53.1 PERMITTED USES ADD Artisan’s Establishment Canine or Feline Grooming Commercial Recreation Community Centre Craftsman Shop Day Care Facility	Section 53 – LOW INTENSITY MIXED USE CORRIDOR ZONE (MU-1) 53.1 PERMITTED USES Additional Dwelling Unit (Attached) Additional Dwelling Unit (Detached) Artisan’s Establishment Canine or Feline Grooming Commercial Recreation Community Centre Craftsman Shop Day Care Facility	<ul style="list-style-type: none"> - Permitting ADUs attached and detached in this zone since a single detached dwelling and street townhouse dwelling are permitted uses

Existing Section/Regulation	Proposed Amendment	Rationale
Duplex Dwelling Dwelling Unit Educational Establishment Financial Establishment Health Clinic Health Office Home Business Hospice (By-law 2013-124, S.50) Lodging House Medical Laboratory Multiple Dwelling Museum Office Personal Services Printing Establishment Private Club or Lodge Religious Institution Repair Service Residential Care Facility Restaurant Retail Security or Janitorial Services Scientific, Technological or Communications Establishment Single Detached Dwelling Street Townhouse Dwelling Studio Tourist Home Veterinary Services (Amended: By-law 2009-105, S.18) (Amended: By-law 2012-034, S.72)	Duplex Dwelling Dwelling Unit Educational Establishment Financial Establishment Health Clinic Health Office Home Business Hospice (By-law 2013-124, S.50) Lodging House Medical Laboratory Multiple Dwelling Museum Office Personal Services Printing Establishment Private Club or Lodge Religious Institution Repair Service Residential Care Facility Restaurant Retail Security or Janitorial Services Scientific, Technological or Communications Establishment Single Detached Dwelling Street Townhouse Dwelling Studio Tourist Home Veterinary Services (Amended: By-law 2009-105, S.18) (Amended: By-law 2012-034, S.72)	
Section 53 – LOW INTENSITY MIXED USE CORRIDOR ZONE (MU-1) 53.2 REGULATIONS NEW REGULATION	Section 53 – LOW INTENSITY MIXED USE CORRIDOR ZONE (MU-1) 53.2 REGULATIONS 53.2.7 For Additional Dwelling Unit (Detached) In accordance with regulations set out in Section 5.22 of this By-law 53.2.8 For Additional Dwelling Unit (Attached)	- Reference to General Regulations sections for ADUs

Existing Section/Regulation	Proposed Amendment	Rationale
	<p>One Additional Dwelling Unit (attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law.</p> <p>Two Additional Dwelling Units (Attached) may be permitted in accordance with regulations set out in Section 5.22.2 of this By-law</p> <p>53.2.9 For Lots with Four to Ten Dwelling Units 4 to 10 dwelling units on a lot provided without any non-residential use except permitted home business uses shall be permitted in accordance with the regulations in this Section as applicable and Section 5.33</p>	<ul style="list-style-type: none"> - Reference to General Regulations sections for lots with 4 to 10 units
<p>Section 54 – MEDIUM INTENSITY MIXED USE CORRIDOR ZONE (MU-2) 54.1 PERMITTED USES ADD</p> <p>Artisan’s Establishment Canine or Feline Grooming Commercial Entertainment Commercial Recreation Craftsman Shop Day Care Facility Duplex Dwelling Dwelling Unit Educational Establishment Financial Establishment Health Clinic Health Office Home Business Hospice (2013-124, S.51) Hotel Lodging House Medical Laboratory Multiple Dwelling Museum Office</p>	<p>Section 54 – MEDIUM INTENSITY MIXED USE CORRIDOR ZONE (MU-2) 54.1 PERMITTED USES Additional Dwelling Unit (Attached) Additional Dwelling Unit (Detached)</p> <p>Artisan’s Establishment Canine or Feline Grooming Commercial Entertainment Commercial Recreation Craftsman Shop Day Care Facility Duplex Dwelling Dwelling Unit Educational Establishment Financial Establishment Health Clinic Health Office Home Business Hospice (2013-124, S.51) Hotel Lodging House Medical Laboratory Multiple Dwelling Museum Office</p>	<ul style="list-style-type: none"> - Permitting ADUs attached and detached since a single detached dwelling and street townhouse are permitted uses -

Existing Section/Regulation	Proposed Amendment	Rationale
Personal Services Printing Establishment Private Club or Lodge Religious Institution Repair Service Residential Care Facility Restaurant Retail Security or Janitorial Services Scientific, Technological or Communications Establishment Single Detached Dwelling Street Townhouse Dwelling Studio Tourist Home Veterinary Services	Personal Services Printing Establishment Private Club or Lodge Religious Institution Repair Service Residential Care Facility Restaurant Retail Security or Janitorial Services Scientific, Technological or Communications Establishment Single Detached Dwelling Street Townhouse Dwelling Studio Tourist Home Veterinary Services	
Section 54 – MEDIUM INTENSITY MIXED USE CORRIDOR ZONE (MU-2) 54.2 REGULATIONS NEW REGULATION	Section 54 – MEDIUM INTENSITY MIXED USE CORRIDOR ZONE (MU-2) 54.2 REGULATIONS 54.2.7 For Additional Dwelling Unit (Detached) In accordance with regulations set out in Section 5.22 of this By-law 54.2.8 For Additional Dwelling Unit (Attached) One Additional Dwelling Unit (attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law. Two Additional Dwelling Units (Attached) may be permitted in accordance with regulations set out in Section 5.22.2 of this By-law 54.2.9 For Lots with Four to Ten Dwelling Units 4 to 10 dwelling units on a lot provided without any non-residential use except permitted home business uses shall be permitted in accordance with the regulations in this Section as applicable and Section 5.33	<ul style="list-style-type: none"> - Reference to General Regulations sections for ADUs - Reference to General Regulations sections for lots with 4 to 10 units
Section 55 – HIGH INTENSITY MIXED USE CORRIDOR ZONE (MU-3) 55.1 PERMITTED USES	Section 55 – HIGH INTENSITY MIXED USE CORRIDOR ZONE (MU-3) 55.1 PERMITTED USES	<ul style="list-style-type: none"> - Permitting ADUs attached and detached since a single detached

Existing Section/Regulation	Proposed Amendment	Rationale
<p>ADD</p> <p>Artisan’s Establishment Canine or Feline Grooming Commercial Entertainment Commercial Recreation Conference or Convention Facility Craftsman Shop Day Care Facility Duplex Dwelling Dwelling Unit Educational Establishment Financial Establishment Health Clinic Health Office Home Business Hospice (By-law 2013-124, S.52) Hotel Lodging House Medical Laboratory Multiple Dwelling Museum Office Personal Services Printing Establishment Private Club or Lodge Religious Institution Repair Service Research and Development Establishment Residential Care Facility Restaurant Retail Security or Janitorial Services Scientific, Technological or Communications Establishment Single Detached Dwelling Street Townhouse Dwelling Studio</p>	<p>Additional Dwelling Unit (Attached) Additional Dwelling Unit (Detached)</p> <p>Artisan’s Establishment Canine or Feline Grooming Commercial Entertainment Commercial Recreation Conference or Convention Facility Craftsman Shop Day Care Facility Duplex Dwelling Dwelling Unit Educational Establishment Financial Establishment Health Clinic Health Office Home Business Hospice (By-law 2013-124, S.52) Hotel Lodging House Medical Laboratory Multiple Dwelling Museum Office Personal Services Printing Establishment Private Club or Lodge Religious Institution Repair Service Research and Development Establishment Residential Care Facility Restaurant Retail Security or Janitorial Services Scientific, Technological or Communications Establishment Single Detached Dwelling Street Townhouse Dwelling Studio</p>	<p>dwelling and a street townhouse are permitted uses</p>

Existing Section/Regulation	Proposed Amendment	Rationale
Tourist Home Veterinary Services	Tourist Home Veterinary Services	
Section 55 – HIGH INTENSITY MIXED USE CORRIDOR ZONE (MU-3) 55.2 REGULATIONS NEW REGULATION	Section 55 – HIGH INTENSITY MIXED USE CORRIDOR ZONE (MU-3) 55.2 REGULATIONS 55.2.7 For Additional Dwelling Unit (Detached) In accordance with regulations set out in Section 5.22 of this By-law 55.2.8 For Additional Dwelling Unit (Attached) One Additional Dwelling Unit (attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law. Two Additional Dwelling Units (Attached) may be permitted in accordance with regulations set out in Section 5.22.2 of this By-law 55.2.9 For Lots with Four to Ten Dwelling Units 4 to 10 dwelling units on a lot provided without any non-residential use except permitted home business uses shall be permitted in accordance with the regulations in this Section as applicable and Section 5.33	<ul style="list-style-type: none"> - Reference to General Regulations sections for ADUs - Reference to General Regulations sections for lots with 4 to 10 units

Appendix C – Special Use Provisions for Specific Lands [1U to 482U]

Existing Site-Specific Provision	Proposed Amendment	Rationale
<p>319. Notwithstanding Sections 37.1 and 38.1 of this by-law, within the lands zoned as Residential Three Zone (R-3) with Special Regulation Provision 1R, Residential Three Zone (R-3), Residential Three Zone (R-3) with Special Regulation Provision 194R and 1R, Residential Four Zone (R-4), and Residential Three Zone (R-3) with Special Regulation Provision 194R, and described as Lots 4 to 11 inclusive, 20 to 24 inclusive, 28, 29, 37 to 55 inclusive, 70 to 74 inclusive, 76, 81 to 105 inclusive, Part Lots 12 to 19 inclusive, 27, 30 to 36 inclusive, 75, Part of Sydenham Street Closed, Part of Elgin Street closed, and Part of Head Street Closed, all according to the Registered Plan 578; Lots 1 to 7 inclusive, Registered Plan 579; Lots 1 to 72 inclusive, Blocks G, H, and I, Registered Plan 1472; Lots 1 to 9 inclusive and Block 10, Registered Plan 1480; Lots 1 to 8 inclusive, Registered Plan 1488; Lots 1 to 10 inclusive, Registered Plan 1707; Part Lot 11, Beasley's Survey; part of Biehn's Tract; and that Part of Biehn's Tract designated as Parts 1 to 3 inclusive on Plan 58R-2028 and Part 1 on Plan 58R-7525; for the City of Kitchener, Duplex Dwellings and Additional Dwelling Units (Detached) shall be prohibited, and each Semi-Detached House shall be limited to one Dwelling Unit.</p> <p>(Amended: By-law 2021-040, S.29) (Additional Dwelling Units)</p>	<p>REPEAL</p>	<p>- Permitting ADUs in residential lots in Lower Doon area</p>
<p>352. Notwithstanding Section 39 of this by-law, within the lands zoned Residential Five Zone (R-5) on Schedule 73 of Appendix "A" and described as Part of Lots 406 and 407, Plan 375, as affected by this subsection:</p> <p>a) A Street Townhouse Dwelling, shall be a permitted use in accordance with the regulations of Section 40.2.5.</p>	<p>352. Notwithstanding Section 39 of this by-law, within the lands zoned Residential Five Zone (R-5) on Schedule 73 of Appendix "A" and described as Part of Lots 406 and 407, Plan 375, as affected by this subsection:</p> <p>a) A Street Townhouse Dwelling, shall be a permitted use in accordance with the regulations of Section 40.2.5.</p> <p>b) DELETED</p>	<p>- Permitting a duplex (ADU) in street townhouse dwellings</p>

<p>b) A Duplex Dwelling shall be prohibited within Street Townhouse Dwellings.</p> <p>(By-law 2005-138, S.3) (Cherry Street)</p>	<p>(By-law 2005-138, S.3) (Cherry Street)</p>	
<p>470. Notwithstanding Section 40.1 of this By-law, within the lands zoned R-6 as shown as affected by this subsection on Schedule Number 239 of Appendix "A", the following uses shall not be permitted:</p> <p>a) Hospice b) Lodging House c) Semi-Detached Duplex Dwelling d) Street Townhouse Dwelling.</p> <p>(By-law 2018-124, S.3) (42 Windom Road)</p>	<p>470. Notwithstanding Section 40.1 of this By-law, within the lands zoned R-6 as shown as affected by this subsection on Schedule Number 239 of Appendix "A", the following uses shall not be permitted:</p> <p>a) Hospice b) Lodging House DELETED d) Street Townhouse Dwelling.</p> <p>(By-law 2018-124, S.3) (42 Windom Road)</p>	<p>- Permitting a duplex (ADU) in semi-detached dwellings</p>

PROPOSED BY-LAW
June 5, 2023
BY-LAW NUMBER ____
OF THE
CORPORATION OF THE CITY OF KITCHENER
(Being a by-law to repeal and replace By-law 2002-164, By-law 2005-170, By-law 2007-042, and By-law 2012-069 with one comprehensive By-law to delegate certain Authority under the *Planning Act* and *Condominium Act*).

AND WHEREAS is deemed expedient to repeal By-law 2007-042:

AND WHEREAS is deemed expedient to repeal By-law 2012-069:

AND WHEREAS the Regional Municipality of Waterloo delegated the authority to approve plans of subdivision and condominiums (under section 51 of the *Planning Act*) to the City of Kitchener by Regional By-law 97-061, passed on November 26, 1997, pursuant to section 51.2 of the *Planning Act*;

AND WHEREAS the Council of the City of Kitchener deemed it desirable to further delegate said authority to an appointed officer as identified in the City of Kitchener Bylaw Number 97-185 as amended by By-law Numbers 98-013 and 99-110, pursuant to section 54.2(4) of the *Planning Act*;

AND WHEREAS the Minister of Municipal Affairs and Housing, pursuant to Ontario Regulation 341/100 dated June 13, 2000 and effective June 15, 2000, delegated to the City of Kitchener the authority to give approval under section 51 of the *Planning Act* for plans of subdivision and condominium as identified respectfully and schedules 1 and 2 of said regulation;

AND WHEREAS subsection 39.2(1) of the *Planning Act* permits Municipal Council by by-law to delegate to an appointed officer identified in the by-law either by name or position occupied, the authority to approve zoning by-law amendments under Section 34 of the said Act that are of a minor nature provided that an Official Plan specifies the types of by-laws which may be subject to delegation;

AND WHEREAS the City of Kitchener Official Plan contains policies specifying the types of minor zoning by-law amendments that may be delegated pursuant to section 39.2(2) of the *Planning Act*;

AND WHEREAS section 23.1 of the *Municipal Act* provides that a Municipal Council is authorized to delegate its powers and duties under this or any other Act to a person or body subject to any restrictions set out;

AND WHEREAS section 23.3(1)(5) of the *Municipal Act* authorizes a Municipal Council to delegate its powers and duties to pass by-laws provided under section 39.2 of the *Planning Act*;

AND WHEREAS the Council of the City of Kitchener deemed it desirable to further delegate such authority to an appointed officer as identified in the City of Kitchener By-law Number 2000-132 as amended by By-laws 2001-125 and 2002-63 pursuant to section 51.2(4) of the *Planning Act*;

AND WHEREAS the Council of the City of Kitchener deemed it desirable to consolidate By-law 97-185 as amended and By-law 2000-132 as amended and to delegate authority to sign statements from the Municipality pursuant to the *Condominium Act* and Ontario Regulation 48/01 thereunder;

NOW THEREFORE the Council of the City of Kitchener enacts as follows:

1. In this By-law,
 - A. "Director" means the Director, Planning in the Development Services Department of the City of Kitchener, their delegate, or successor in title.
 - B. "Council" means the Council of the Corporation of the City of Kitchener.
 - C. "Manager" means the Manager, Development Review in the Development Services Department of the City of Kitchener, their delegate, or their successor in title.
 - D. "Planning Act" means the *Planning Act*, R.S.O 1990, c.P. 13, as amended.
 - E. "Condominium Act" means the *Condominium Act*, S.O. 1998,

C.19, as amended.

2. All authority of Council to approve plans of subdivision and plans of condominium under section 51 of the *Planning Act* and Section 9 of the *Condominium Act* which has been delegated to Council by the Regional Municipality of Waterloo and the Minister of Municipal Affairs and Housing is hereby further delegated by Council to the Manager,
3. such authority delegated to the Manager, includes, subject only to the limitation set out in section 4 of this By-law, the authority:
 - A. to refuse to accept an application for a plan of subdivision or condominium until the City has received the information and material required under subsections 51(17) and 51(18) of the *Planning Act* and the fee required pursuant to subsections 69 or 69.1 of the *Planning Act* 'as set out in subsection 51(19) of the *Planning Act*; and
 - B. and to amend any conditions of draft approval imposed pursuant to subsection 51(25) of the *Planning Act*, subject to Section 4 of this By-law, without written notice of such change if, in the opinion of the Manager, the amendment is minor in nature.
4. Notwithstanding the foregoing, Council's delegation to the Manager set out in sections 2 and 3 of this By-law does not extend to situations where:
 - A. an application for a plan of subdivision pursuant to section 51(16) is received concurrently with an application for a zoning by-law amendment on the same lands pursuant to subsection 34(10) of the *Planning Act*;
 - B. a Public Meeting is required by the *Planning Act*,
 - C. the Manager is recommending refusal of a draft plan of subdivision or draft plan of condominium pursuant to subsection 51(31) of the *Planning Act*,
 - D. the Manager deems a review by Council necessary or

beneficial, taking into account (without limitation), the following:

- i. where there unresolved discrepancies between City Divisions or Departments;
- ii. where there is the potential for a special or unanticipated financial implication to the City.

5. Council's authority pursuant to subsections 51(58) and (59) is hereby delegated to the Manager and the approval of a final plan of subdivision or final plan of condominium for registration pursuant to subsection 51(58) of the *Planning Act* shall be evidenced by the signature of the Manager. Council's authority is further delegated to the Manager as follows:

6. The Manager is hereby authorized:

- A. to sign statements from the Municipality pursuant to Sections 52(5) and (6) of Ontario Regulation 48/01, as amended, made under the Condominium Act, as amended to be added to the amendment to a declaration, creating a phased condominium corporation, stating that all facilities and services have sufficiently been installed and provided to ensure the independent operation of the condominium corporation if no subsequent units are created, or that a bond or other security has been posted that is sufficient to ensure the independent operation of the corporation if no such subsequent phases are created; and
- B. to sign statements from a Municipality pursuant to sections 586(8)(b) and (9) of Ontario Regulation 48/01, as amended, made under the Condominium Act, as amended, to be included in a schedule to a declaration creating a vacant land condominium plan stating that a bond or other security acceptable to the city has been posted insufficiently to ensure that the requirements of Section 56(8)(b)(i)(ii)(iii) of the regulation are met.

7. In accordance with section 39.2 of the *Planning Act*, Council hereby delegates its authority to the Director who is hereby authorized to :
- A. pass a zoning by-law amendment which is of minor nature to remove a Holding “H” symbol.
 - B. pass a zoning by-law amendment which is of minor nature to make clerical, technical, administrative and other minor amendments to the Zoning By-law.
 - C. determine whether or not an application made in respect of a zoning by-law amendment is complete; and if determined to be incomplete, to refuse to accept it and return it to the applicant, detailing the outstanding information required.
 - D. determine whether or not the requirements of a Holding Provision have been met at the time of considering a zoning by-law amendment to remove the Holding Provision.
 - E. determine whether or not an application for a zoning by-law amendment is required to be referred to Council for the purpose of holding a public meeting, in accordance with the following considerations,
 - i. Certain holding symbols may require a statutory public meeting as part of conditions for their removal.
 - ii. If written comments are received from the public within the prescribed time period following the mailing of notice of application, a public meeting may be required.
 - iii. If the Director has determined that the zoning by-law amendment is not consistent with Provincial policy or does not conform with the Official Plan policy, a public meeting shall be held in accordance with the requirements of section 34 of the *Planning Act*, and it shall be referred to Council for decision and the delegated authority with respect to that particular application is hereby revoked.

8. This By-law shall become effective only if Official Plan Amendment No. (Implementation of Bill 13, Bill 109, and Bill 23) comes into effect, pursuant to Section 24(2) of The Planning Act, R.S.O. 1990, c. P.13, as amended.

9. By-law 2005-170, By-law 2007-042, and By-law 2012-069 shall be repealed on the date that this By-law comes into effect.

PASSED at the Council Chambers in the City of Kitchener this _____ day
of _____, A.D. 2023.

Mayor

Clerk

PROPOSED BY-LAW
June 5, 2023
BY-LAW NUMBER ____
OF THE
CORPORATION OF THE CITY OF KITCHENER
(Being a by-law to repeal and replace Chapter 683 of The City
of Kitchener Municipal Code with respect to Site Plan Control).

WHEREAS is deemed expedient to repeal By-law 2007-041, as amended by By-law 2012-070;

AND WHEREAS it is deemed expedient to amend Chapter 683 of the City of Kitchener Municipal Code;

NOW THEREFORE the Council of The Corporation of the City of Kitchener enacts as follows:

1. Chapter 683 of the Municipal Code is replaced with the following:

“PROPERTY MAINTENANCE

**Chapter 683
SITE PLAN CONTROL**

**Article 1
DESIGNATION- AREA**

- | | |
|---------|--|
| 683.1.1 | All lands - within City boundaries - exceptions |
| 683.1.2 | Development - defined |
| 683.1.3 | Site plan approval - all development - exception |

**Article 2
AUTHORITY- DELEGATION**

- 683.2.1 Appointed officers – approval – plans - drawings
- 683.2.2 Mayor – Clerk - to execute agreements

Article 3
ENFORCEMENT

- 683.3.1 Fine - for contravention

Article 4
PLANS AND DRAWINGS

- 683.4.1 Approval of plans or drawings
- 683.4.2 Maintenance - facilities – works - condition of approval

WHEREAS subsections 41 (2) and (3) of the Planning Act, provide that where an area is shown or described in the City' s Official Plan as a proposed site plan control area, City Council may, by by-law, designate the whole or any part of such area as a site plan control area and by reference to one or more land use designations contained in a zoning by-law;

AND WHEREAS Kitchener' s Official Plan, has established a proposed site plan control area which encompasses all of the lands within the boundaries of the City and is applicable to all land use designations with certain exclusions therein and hereinafter set out;

AND WHEREAS it is deemed expedient to designate the whole of the City as a site plan control area subject to the said exclusions.

Article 1
DESIGNATION- AREA

683.1.1 All lands- within city boundaries- exceptions

All of the lands encompassed within the boundaries of The Corporation of the City of Kitchener are hereby designated as a Site Plan Control Area for all development, excluding:

- a) farm operations, farm buildings and the residence of the farm operator on agriculturally zoned land;
- b) any building or structure that is not “development”, as defined in Section 41 of the Planning Act; and
- c) Notwithstanding the foregoing, a Site Plan Control Area may include development where there are 10 dwelling units or less, where Site Plan Control is permitted by the Planning Act.

683.1.2 Development- defined

In this Chapter "development" shall mean “development”, as defined in Section 41 of the Planning Act.

683.1.3 Site plan approval- all development- exception

Any person owning land within the boundaries of The Corporation of the City of Kitchener, except for those lands or land use designations as described in Sections 683.1.1 of this Chapter, shall apply for and obtain site plan approval prior to the development of such land.

Article 2

AUTHORITY- DELEGATION

683.2.1 Appointed officers- approval- plans- drawings

The Manager, Development Review, the Manager Customer Experience and Project Management, or the City's Director, Planning or in their absence the Manager, Policy and Research, are hereby delegated as being the appointed officers of the City to exercise City Council's powers or authority under section 41 of the Planning to approve plans and drawings, to impose conditions and to require agreements.

683.2.2 Mayor- Clerk- to execute agreements

The Mayor and Clerk are authorized to execute all agreements required as a result of the exercise of authority delegated to appointed officers with respect to Site Plan Control.

Article 3 ENFORCEMENT

683.3.1 Fine- for contravention

Every person who contravenes section 41 of the Planning Act and any provision of this Chapter, and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, is guilty of an offence and on conviction is liable to fines and/or penalties outlined in Section 67 of the Planning Act.

Article 4 PLANS AND DRAWINGS

683.4.1 Approval of plans or drawings

No person shall undertake any development on land located in the Site Plan Control Area unless an Appointed officer, or a Provincial Land Tribunal, has approved the plans and drawings to be submitted to the City pursuant to subsections (4) and (5) of Section 41 of the Planning Act.

683. 4. 2 Maintenance- facilities- works- condition of approval

As a condition of approval of the plans and/ or drawings referred to in subsections (4) and (5) of section 41 of the Planning Act, the City may require the owner of the lands to:

- a) provide and maintain, to the satisfaction of and at no expense or risk to the City, the facilities, works or matters set out in Section 41(7) of the Planning Act;
- b) enter into one or more agreements with respect to the provision and maintenance of such facilities, works or matters; and

c) enter into one or more agreements to ensure that development proceeds in accordance with the approved plans and drawings as required by subsections (4) and (5) of section 41 of the Planning Act.”

2. By-law 2007-041, as amended by By-law 2012-070 is hereby repealed on the date that this By-law comes into effect.

PASSED at the Council Chambers in the City of Kitchener this _____ day
of _____, A.D. 2023.

Mayor

Clerk

PROPOSED BY-LAW
June 5, 2023
BY-LAW NUMBER ____
OF THE
CORPORATION OF THE CITY OF KITCHENER
(Being a by-law to amend Chapter 620 of The City of
Kitchener Municipal Code with respect to Demolition Control).

WHEREAS it is deemed expedient to amend Chapter 620 of the City of Kitchener Municipal Code as adopted by By-law 2013-093;

NOW THEREFORE the Council of The Corporation of the City of Kitchener enacts as follows:

1. Section 620.1.7 is amended by replacing “Community Services” with “Development Services”
2. Section 620.1.8 is amended by replacing “Community Services” with “Development Services”
3. Section 620.2.3 is amended by adding “and RES-1 through RES-5 as defined in the City of Kitchener Zoning By-law 2019-051” after the phrase “Zoning By-law 85-1”.

PASSED at the Council Chambers in the City of Kitchener this _____ day
of _____, A.D. 2023.

Mayor

Clerk

	<h1>POLICY</h1>	Policy No: MUN-PLA-1095
<p><u>Policy Title:</u> Public Participation in the Planning Process</p> <p><u>Policy Type:</u> COUNCIL</p> <p><u>Category:</u> Municipal Services</p> <p><u>Sub-Category:</u> Planning</p> <p><u>Author:</u> Director, Planning</p> <p><u>Dept/Div:</u> Development Services/Planning</p>	<u>Approval Date:</u> Click here to enter a date.	<u>Reviewed Date:</u> June 2023 <u>Next Review Date:</u> June 2028 <u>Reviewed Date:</u> Click here to enter text.
	<u>Last Amended:</u> October 24, 2011	<u>Replaces:</u> Click here to enter text.
	<u>Repealed:</u> Click here to enter a date. <u>Replaced by:</u> Click here to enter text.	<u>Related Policies, Procedures and/or Guidelines:</u> City of Kitchener Official Plan Planning Act

1. POLICY PURPOSE:

The purpose of this policy is to confirm the approach to public consultation for planning applications including notice requirements and engagement formats.

2. DEFINITIONS:

Proponent-initiated applications are applications under the Planning Act in which an external party has submitted for a particular parcel or parcels of land.

3. SCOPE:

POLICY APPLIES TO THE FOLLOWING:	
<input type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input checked="" type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input checked="" type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input type="checkbox"/> Specified Positions only:	<input type="checkbox"/> Other:
<input type="checkbox"/> Council	<input type="checkbox"/> Local Boards & Advisory Committees

Policy No: I - 1095

Policy Title: Public Participation in the Planning Process

This policy will be applied by staff in the Planning Division.

4. POLICY CONTENT:

Proponent-Initiated Applications

1. That in respect to proponent-initiated Official Plan Amendments, Zoning By-law Amendments, Plans of Subdivision, and Vacant Land Condominiums the following will be considered:
 - a. Notification of the receipt of a complete application, as required by Sections 34, 22, and 51 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, will be undertaken by means of mailing a postcard generally explaining the nature of the proposal, with a link to the City's Development Applications webpage/mapping tool. Every effort will be made to use "plain language" and graphics in the design of the postcard to enable the public to easily understand the proposal that is to be considered. The extent of the circulation mail-out will be in accordance with the requirements of the Ontario Regulation applicable to the development application type, or to all property owners and residents within 240 metres of the subject lands, whichever is greater. A copy of the postcard will also be forwarded to the appropriate neighbourhood association and the Ward Councillor. A minimum of 21 calendar days will be provided for a response to the initial postcard.
 - b. Circulation will not be required in circumstances where, in the opinion of the Director of Planning, in consultation with the Ward Councillor, the circulation is seen to have little purpose or benefit.
 - c. The proponent will be required to post a City-issued billboard sign along each frontage of the lands subject to the development application, in a clearly visible location. Each sign is to note a summary of the application details and provide a contact number for a City staff member who can provide more information regarding the application. Notice signs are to be erected concurrently with the mailing of the initial postcard. Planning staff is to verify that sign installation has taken place and must ensure that signs remain posted until after the expiry of any applicable appeal period, or in the case of an appeal, after a final decision is issued by a Provincial tribunal.
 - d. A notice will be placed in a newspaper, which has sufficient general information, when an application is received, when a Neighbourhood Meeting is scheduled, and at least 10 days prior to the statutory public meeting which provides information on the application(s), the address of the property, and the date of the statutory public meeting, along with a website link for more detailed information regarding the meeting. A map showing the location of the property is provided if there is not a municipal address.
 - e. The reports being presented to Committee and Council for the statutory public meeting are posted on the City's website at the same time as the agenda for said meeting is posted.

Policy No: I - 1095

Policy Title: Public Participation in the Planning Process

Common Elements Condominium and Lifting Holding Provisions (Zoning By-law Amendment) Applications

- f. A newspaper notice is the only notification required for a Common Elements Condominium application and an application to remove/lift a holding provision (Zoning By-law Amendment).

City-Initiated Applications

2. Official Plan Amendments and Zoning By-law Amendments initiated by the City will be processed in accordance with Section 21 and 34 of the Planning Act.
 - a. Circulation will be undertaken for all City-initiated Official Plan and Zoning By-law Amendments which are site specific and affect only a small defined area of land.
 - b. Circulation is not required for City-initiated Official Plan and Zoning By-law Amendments if they are city-wide amendments.
 - c. A notice will be placed in the newspaper at least 10 calendar days prior to the statutory public meeting and any associated reports will be posted on the City's Planning Applications webpage for all City initiated Official Plan and Zoning By-law Amendments.
 - d. City-initiated Official Plan and Zoning By-law Amendments will be exempt from signage requirements except in circumstances where the subject lands are a size and configuration where a sign would be practical.
 - e. Minor Zoning By-law Amendments which fall under delegated approval will be exempt from notice requirements.

Neighbourhood Meetings

3. Neighbourhood Meetings are recognized as an effective and integral part of the planning process, and the Planning Division is authorized to arrange Neighbourhood Meetings, when deemed necessary, in consultation with the Ward Councillor.
 - a. The meetings will be facilitated by City staff in accordance with the Planning Division's procedure manual for Neighbourhood Meetings.
 - b. A digital Neighbourhood Meeting will be held for all proponent-initiated development applications for Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision and Plan of Vacant Land Condominium and notice will be provided with a postcard to all property owners and residents with 240 metres of the subject lands at least 14 days in advance. Additional in-person engagements may be scheduled at the discretion of the City's Director of Planning in consultation with the Ward Councillor and the General Manager of Development Services.

Statutory Public Meetings

4. Where issues are raised during the initial circulation period or at a Neighbourhood Meeting, staff of the Planning Division will attempt to resolve those issues in advance of the Statutory Public Meeting or any meeting being held by the Planning & Strategic Initiatives Committee or Council.

Policy No: I - 1095

Policy Title: Public Participation in the Planning Process

5. Staff reports pertaining to Official Plan Amendments, Zoning By-law Amendments, Plans of Subdivision and Vacant Land or Common Elements Condominiums must be finalized in advance of giving notice for a Statutory Public Meeting regarding the application.
6. A postcard with information pertaining to the staff report and statutory public meeting for Official Plan Amendments, Zoning By-law Amendment, Plans of Subdivision and Vacant Land Condominiums will be mailed to all persons who noted a desire to receive further information in their written response to the preliminary circulation, and who provided their contact information and requested to be notified, and to all property owners and residents with 240 metres of the subject lands. Staff will ensure the postcard is mailed at least 10 days in advance of the statutory public meeting.
7. If more than one year has lapsed since the initial circulation of the application and the statutory public meeting, the circulation list will be updated with updated property owner information.
8. Notice of a Statutory Public Meeting will be provided, at minimum, in accordance with the applicable Ontario Regulations in effect at the time of the processing of the application, and Official Plan Policies providing for Alternative Notice Requirements.

Internet-Based Tools

9. Planning staff will work with Communications staff to consider opportunities to utilize social media, websites, web-based applications, and other online tools, where appropriate, to assist with providing information to residents about new applications, Neighbourhood Meetings and statutory public meetings.
10. A copy of all materials received as part of a complete application will be posted publicly on the City's Development Applications webpage/mapping tool.
11. The City's Development Applications webpage/mapping tool will be routinely updated with updated information on all active development applications, including dates of engagements and statutory public meetings.
12. Digital neighborhood meetings will be primarily utilized for the first engagement on proponent-initiated applications to reduce barriers to participation, ensure sufficient staff resourcing to deliver a meeting for most applications within the prescribed timeframes, and to deliver an initial engagement with the public early in the development review process.

5. HISTORY OF POLICY CHANGES

Administrative Updates

2001-12-01 - Minor updates

2016-06-01 - I-1095 policy templated re-formatted to new numbering system and given number MUN-PLA-1095

Formal Amendments

2005-06-20 - Per Council/CLT directive.

2005-10-24 - Per Council/CLT directive.

Policy No: I - 1095

Policy Title: Public Participation in the Planning Process

2011-10-24 - Per Council/CLT directive.

	<h2>POLICY</h2>	<u>Policy No:</u> FIN-GRA-2006
<u>Policy Title:</u> DEVELOPMENT CHARGES PAYMENT FOR AFFORDABLE RENTAL HOUSING <u>Policy Type:</u> COUNCIL <u>Category:</u> Finance <u>Sub-Category:</u> Grants, Rebates & Incentives <u>Author:</u> Planning Analyst <u>Dept/Div:</u> Community Services Department, Planning Division	<u>Approval Date:</u> May 15, 2015 <u>Next Review Date:</u> May 2022 <u>Reviewed Date:</u> <u>Amended:</u> <u>Replaces:</u> <u>Repealed:</u> <u>Replaced by:</u>	
<u>Related Policies, Procedures and/or Guidelines:</u> City of Kitchener Development Charges By-law.		

1. POLICY PURPOSE:

To establish a policy to encourage development of new affordable rental housing units through the timing of City development charge payments.

2. DEFINITIONS:

Affordable rental housing for the purpose of this Policy, means housing constructed or provided for rental purposes, and that rent for the units are set at or below 80 percent of average market rent of a unit in the regional market area.

Not-For-Profit Corporation means a corporation, no part of the income of which is payable to, or otherwise available for, the personal benefit of a member or shareholder thereof.

Proponent means the *Not-For-Profit Corporation* requesting incentives under this policy, and either owns the subject property, or manages and operates the *affordable rental housing* units.

Policy No: FIN-GRA-2006

Policy Title: DEVELOPMENT CHARGES PAYMENT MILESTONE FOR AFFORDABLE HOUSING

3. SCOPE:

POLICY APPLIES TO THE FOLLOWING:	
<input checked="" type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input type="checkbox"/> Specified Positions only:	<input type="checkbox"/> Other:
<input type="checkbox"/> Council	<input type="checkbox"/> Local Boards & Advisory Committees

This Policy applies to all staff that collect and manage development charge payments through the development process.

4. POLICY CONTENT:

4.1 Eligibility Criteria

In order to be eligible for this Policy, the following criteria must be met:

- a) The *proponent* must meet the definition for *Not-For-Profit Corporation*;
- b) Eligible projects may include a development where *affordable rental housing* units are managed and operated by a *Not-For-Profit Corporation*. A minimum of 20 percent of the residential units in the development shall be *affordable rental housing* units.
- c) The subject property is located within 450 metres of an Existing or Planned Transit Corridor as identified on 'Map 2 Urban Structure' in the Official Plan.
- d) The subject property shall not be in a position of tax arrears.
- e) The *proponent* and/or property owner(s) have not defaulted on any other Agreement under this Policy.

4.2 Timing of Development Charge Payments for Affordable Rental Housing

- a. This Policy applies to the City portion of Development Charges only.

Policy No: FIN-GRA-2006

Policy Title: DEVELOPMENT CHARGES PAYMENT MILESTONE FOR AFFORDABLE HOUSING

- b. Despite the City of Kitchener Development Charges By-law, eligible *affordable rental housing* providers may request to pay the City portion of Development Charges prior to occupancy, rather than at the issuance of a Building Permit subject to the terms of this Policy.
- c. *Proponent* to submit a completed request form in the prescribed format to the Chief Building Official, prior to the Building Permit Application, to change the milestone at which the City's Development Charges fee is payable.
- d. The City will not charge a fee to process the request.
- e. Request reviewed by City staff to confirm criteria within this Policy are met, and *proponent* advised of the result. Should there be any issues or conflicts between the completed request form and the criteria within this policy, final determination will be made by the Chief Building Official in consultation with the City Solicitor and any other affected business units.
- f. If approved, an Agreement must be prepared and executed prior to the issuance of a Building Permit. The agreement will include that:
 - i. The amount payable will be the development charge rate in effect at the time of Building Permit issuance;
 - ii. Payment will be made prior to requesting the first occupancy only inspection of the building; and,
 - iii. Other clauses as deemed necessary by the City Solicitor.
- g. The Mayor and City Clerk are authorized to sign the Agreement.
- h. The Agreement will be executed once it has been signed by the land owner(s).
- i. In the event that payment is not made at the prescribed milestone, the outstanding payment will be added to the related property tax roll. Interest will be charged as per the rates outlined in Council Policy I-518 Collections – Property Taxes.

4.3 Effective Date

- a) This Policy comes into effect on July 1, 2017.
- b) This Policy will be reviewed no later than 5 years after the effective date.

Policy No: FIN-GRA-2006

Policy Title: DEVELOPMENT CHARGES PAYMENT MILESTONE FOR
AFFORDABLE HOUSING

5. HISTORY OF POLICY CHANGES

Administrative Updates

No administrative history to date.

Formal Amendments

No amendment history to date.

	<h2>POLICY</h2>	<u>Policy No:</u> FIN-PLA-2031
<u>Policy Title:</u> AFFORDABLE HOUSING DEVELOPMENT CHARGES WAIVER POLICY <u>Policy Type:</u> COUNCIL <u>Category:</u> Finance <u>Sub-Category:</u> Financial Planning <u>Author:</u> Ryan Hagey, Director of Financial Planning & Reporting <u>Dept/Div:</u> Financial Services Department /Financial Planning & Reporting	<u>Approval Date:</u> April 11, 2022 <u>Reviewed Date:</u> April 2022 <u>Next Review Date:</u> April 2027 <u>Amended:</u> Click here to enter a date. <u>Replaces:</u> Click here to enter text. <u>Repealed:</u> Click here to enter a date. <u>Replaced by:</u> Click here to enter text.	
<u>Related Policies, Procedures and/or Guidelines:</u> Development Charges Act & Related Regulations		

1. POLICY PURPOSE:

The primary purpose of this policy is to help incent or remove barriers related to the development of non-profit housing development. The policy does this by establishing the parameters by which a waiver for development charges (DCs) would be provided to a qualifying development.

2. DEFINITIONS:

City – City of Kitchener.

DC/DCA – Development Charges/Development Charges Act.

Non-Profit Housing Development – is defined by O. Reg. 454/19, s. 3 (1) and means development of a building or structure intended for use as residential premises by,
(a) a corporation to which the *Not-for-Profit Corporations Act, 2010* applies, that is in good standing under that Act and whose primary object is to provide housing;

Policy No: FIN-PLA-2031

Policy Title: AFFORDABLE HOUSING DEVELOPMENT CHARGES WAIVER

- (b) a corporation without share capital to which the *Canada Not-for-profit Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing; or
- (c) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*.

3. SCOPE:

POLICY APPLIES TO THE FOLLOWING:	
<input checked="" type="checkbox"/> All Employees	
<input type="checkbox"/> Management	<input type="checkbox"/> Permanent Full-Time Employees
<input type="checkbox"/> Permanent Full-Time Non Union	<input type="checkbox"/> Permanent Full-Time C.U.P.E. 791
<input type="checkbox"/> Temporary	<input type="checkbox"/> Part-Time Non-Union
<input type="checkbox"/> Student	<input type="checkbox"/> Permanent Full-Time Union
<input type="checkbox"/> Continuous Part-Time Employees	<input type="checkbox"/> Part-Time Employees
<input type="checkbox"/> Continuous Part-Time Non-Union	<input type="checkbox"/> Continuous Part-Time Union
<input type="checkbox"/> Council	<input type="checkbox"/> Local Boards & Advisory Committees
<input type="checkbox"/> Specified Positions Only:	

This policy applies to external customers who meet the definition of non-profit housing development included in this policy. The DC waivers mentioned in this policy do not apply to for-profit housing development.

4. POLICY CONTENT:

The City's DC waiver policy provides the specifics of the City's policy without reiterating most aspects of the DCA itself. The City's policy is meant to be interpreted in accordance and in conjunction with the DCA and the Municipal Act.

1. Policy Application

- a) DC waivers will be available to non-profit housing development units that have not received significant financial considerations (where the considerations are larger than the amount of the DC waiver) from the City, for other site development costs, whether in-kind or cash (e.g. capital grants, outstanding loans, donations of property either by title transfer or long term leases at rates below market value). This will extend the benefit of limited City resources to more developments.
- b) The amount of the waiver will be equal to 100% of the City portion of DCs payable, as long as funds are available in the Affordable Housing reserve fund.

Policy No: FIN-PLA-2031

Policy Title: AFFORDABLE HOUSING DEVELOPMENT CHARGES WAIVER

- c) DC waivers will be funded at the point of occupancy which is when the first instalment of DCs is to be made for non-profit housing developments under current Provincial legislation. This will result in a transfer from the Affordable Housing reserve fund to the Development Charges reserve fund.
- d) If any part of a development to which this policy applies is changed so that it no longer consists of a non-profit housing development within 20 years of initial occupancy, the waived development charge of the entire development is payable immediately.
- e) For developments that are a mixture of for-profit and non-profit housing, DC waivers will be available to non-profit housing development units where the non-profit housing provider is a partner in the project at the time of occupancy. The non-profit housing provider would need to have a signed agreement with the for-profit developer that clearly outlines the terms of the agreement and that those units would meet the Provincial definition and will be owned by the not-for-profit for a duration of at least 20 years.

2. Retroactivity

- a) Upon approval by Council, this policy shall take effect retroactive to January 1, 2020. Any qualifying developments from this timeframe will have their DCs waived (if they haven't paid) or refunded (if they have already paid).

5. HISTORY OF POLICY CHANGES

Administrative Updates

Formal Amendments

Tanya Roberts

From: Lingard, Norman <norman.lingard@bell.ca>
Sent: Tuesday, April 11, 2023 10:22 AM
To: Tanya Roberts
Subject: Implementation of Bill 13, 23 & 109 (City-initiated OPA/ZBA)

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from norman.lingard@bell.ca. [Learn why this is important](#)

Good morning Tanya,

Thank you for circulating Bell Canada on the City of Kitchener's Draft Zoning By-law and Official Plan Amendment. Bell appreciates the opportunity to engage in infrastructure and policy initiatives across Ontario.

While we do not have any specific comments or concerns pertaining to this initiative at this time, we would ask that Bell continue to be circulated on any future materials and/or decisions related to this matter.

Please forward all future documents to circulations@wsp.com and should you have any questions, please contact the undersigned.

Have a great day.

Yours truly,

Norm Lingard
Senior Consultant – Municipal Liaison
Network Provisioning
norman.lingard@bell.ca | ☎ 365.440.7617



Please note that WSP operates Bell Canada's development, infrastructure and policy tracking systems, which includes the intake and processing of municipal circulations. However, all responses to circulations and requests for information will come directly from Bell Canada, and not from WSP. WSP is not responsible for the provision of comments or other responses.

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Tanya Roberts

From: Katie Wood
Sent: Tuesday, April 11, 2023 11:44 AM
To: Tanya Roberts
Subject: FW: Circulation for Comment - Implementation of Bill 13, 23 & 109 (City-initiated OPA/ZBA)
Attachments: Notice to agencies letter - City initiated OPAs ZBAs FIN.pdf; Proposed Official Plan Amendments.pdf; Proposed Zoning Amendments Chart.pdf; Neighbourhood Information Meeting Recording.pdf; Zoning By-law 85-1 - Proposed Amendments (Bill 23).pdf

I have no concerns.

Sincerely,

Katie Wood, C.E.T.

Project Manager | Development Engineering | City of Kitchener
519-741-2200 ext. 7135 | TTY 1-866-969-9994 | katie.wood@kitchener.ca



From: Ellen Straus <Ellen.Straus@kitchener.ca>
Sent: Tuesday, April 4, 2023 11:07 AM
To: Christine Goulet <Christine.Goulet@kitchener.ca>; Eric Riek <Eric.Riek@kitchener.ca>; Jason Brule <Jason.Brule@kitchener.ca>; Katie Wood <Katie.Wood@kitchener.ca>; Niall Melanson <Niall.Melanson@kitchener.ca>; Nolan Beatty <Nolan.Beatty@kitchener.ca>
Cc: Carlos Reyes <Carlos.Reyes@kitchener.ca>
Subject: FW: Circulation for Comment - Implementation of Bill 13, 23 & 109 (City-initiated OPA/ZBA)

Hi all,
Since this is regarding implementation of the new bills as well as By-law amendments I thought I would send to everyone

Thanks,
Ellen

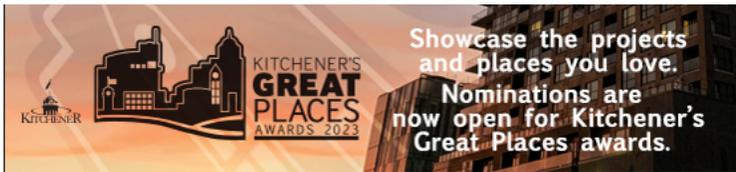
Ellen Kayes
Program Assistant | Development Engineering - Engineering | City of Kitchener
(519) 741-2200 ext. 7411 | TTY 1-866-969-9994 | ellen.straus@kitchener.ca



Further to this e-mail, we are proposing amendments to both By-laws. Attached are the proposed amendments to Zoning By-law 85-1.

Kind regards,

Tanya Roberts, MA
Project Manager (Planning) | Planning Division | City of Kitchener
(519) 741-2200 ext. 7704 | TTY 1-866-969-9994 | tanya.roberts@kitchener.ca



From: Christine Kompter <Christine.Kompter@kitchener.ca>

Sent: Monday, April 3, 2023 4:43 PM

To: _DL_#_DSD_Planning <DSD-PlanningDivision@kitchener.ca>; Bell - c/o WSP <circulations@wsp.com>; Carlos Reyes <Carlos.Reyes@kitchener.ca>; Darren Kropf <Darren.Kropf@kitchener.ca>; Dave Seller <Dave.Seller@kitchener.ca>; David Heuchert <Dave.Heuchert@kitchener.ca>; David Paetz <David.Paetz@kitchener.ca>; Ellen Straus <Ellen.Straus@kitchener.ca>; Enova Power Corp. - Greig Cameron <greig.cameron@enovapower.com>; Enova Power Corp. - Shaun Wang <shaun.wang@enovapower.com>; Feds <vped@feds.ca>; GRCA - Planning (planning@grandriver.ca) <planning@grandriver.ca>; Hydro One - Dennis DeRango <landuseplanning@hydroone.com>; Jim Edmondson <Jim.Edmondson@kitchener.ca>; Justin Readman <Justin.Readman@kitchener.ca>; Katherine Hughes <Katherine.Hughes@kitchener.ca>; Mike Seiling <Mike.Seiling@kitchener.ca>; Ontario Power Generation <Executivevp.lawanddevelopment@opg.com>; Park Planning (SM) <Park.Planning@kitchener.ca>; Region - Planning <PlanningApplications@regionofwaterloo.ca>; Property Data Administrator (SM) <PropDataAdmin@kitchener.ca>; Robert Morgan <Robert.Morgan@kitchener.ca>; Steven Ryder <Steven.Ryder@kitchener.ca>; Sylvie Eastman <Sylvie.Eastman@kitchener.ca>; Tom Ruggle <Tom.Ruggle@kitchener.ca>; WCDSB - Planning <planning@wcdsb.ca>; WRDSB - Board Secretary (elaine_burns@wrdsb.ca) <elaine_burns@wrdsb.ca>; WRDSB - Planning <planning@wrdsb.ca>

Cc: Tanya Roberts <Tanya.Roberts@kitchener.ca>

Subject: Circulation for Comment - Implementation of Bill 13, 23 & 109 (City-initiated OPA/ZBA)

Please see attached. Questions or comments should be directed to **Tanya Roberts**, Project Manager (tanya.roberts@kitchener.ca; 519-741-2200 x7704).

Christine Kompter

Administrative Assistant | Planning Division | City of Kitchener
200 King Street West, 6th Floor | P.O. Box 1118 | Kitchener ON N2G 4G7
519-741-2200 ext. 7425 | TTY 1-866-969-9994 | christine.kompter@kitchener.ca





City of Kitchener
Zone Change / Official Plan Amendment Comment Form

Address: City Wide
Owner: City of Kitchener
Application: Zoning By-law Amendment ZBA23/004/K/TR; Official Plan Amendment OPA23/001/K/TR; Amendments to Zoning By law 85-1

Comments Of: Parks and Cemeteries
Commenter's Name: Lenore Ross
Email: Lenore.ross@kitchener.ca
Phone: 519-741-2200 ext 7427

Date of Comments: April 13 2023

- I plan to attend the meeting (questions/concerns/comments for discussion)
 No meeting to be held
 I do NOT plan to attend the meeting (no concerns)
-

1. Documents Reviewed:

1. Proposed revisions to OP policies
2. Proposed revisions to Zoning By-law 2019-051
3. Proposed revisions to Zoning By-law 85-1

2. Comments on Submitted Documents

The following comments should be addressed at this time.

1) Proposed revisions to OP policies

- a) Revise text throughout to have consistent capitalization of "Urban Design", Urban Design Manual", "Urban Design Brief", "Urban Design Report", "Urban Design Scorecard" etc...
- b) Page 4 11.C.1.32 – is additional clarification required to indicate *who* will prepare the UD Brief/Report...? E.g. as in 11.C.1.6 "may be required of an owner/applicant in support of a development application"
- c) Page 7 17.E.10.2 – add in **word** " An owner/applicant will be required to participate in a Pre-Submission Consultation Meeting prior to the submission of an application for a Plan of Subdivision, a Plan of Vacant Land Condominium, an Official Plan Amendment, a Zoning By-law Amendment and/or a Site Plan. A Pre-Submission **Consultation** Meeting may be required for a Consent Application if other information and materials are needed to inform the application. A Pre-Submission Consultation Meeting will include an electronic or in-person meeting to consult on the development proposal, and may include collaborative components such as a visioning workshop, design charette, and site walk."
- d) Page 9 17.E.12.7 – is it intentional to have an exhaustive list of types of permitted technical amendments? Or should there be a clause like: Technical and administrative revisions "**including but not limited to**": ?
- e) Page 12 Part F UD Scorecard definition - "An **Urban Design Scorecard** may be required instead of an Urban Design Report **or Urban Design Brief**

Zone Change / Official Plan Amendment Comment Form

- f) Page 13 Part F section 3 Environmental - Arborist Report **including ISA Valuation of trees**
- 2) Proposed revisions to Zoning By-law 2019-051**
 - a) Page 5, 4.12.4b) – So...there will be a minimum 20% *front yard* landscaped area *in addition* to the minimum 20% overall landscaped area for those RES zones where the 4-10 unit multi-residential dwellings will be permitted? Will a standard sketch submission illustrating this be a useful part of an ZOC for these types of development?
- 3) Proposed revisions to Zoning By-law 85-1**
 - a) No comments

Tanya Roberts

From: Gaurang Khandelwal
Sent: Monday, May 15, 2023 3:39 PM
To: Darren Kropf; Barry Cronkite
Cc: Katie Anderl; Tanya Roberts
Subject: RE: Circulation for Comment - Implementation of Bill 13, 23 & 109 (City-initiated OPA/ZBA)

Thanks for confirming Darren!

Gaurang Khandelwal (he/him), MA, MCIP, RPP
Planner (Policy) | Planning Division | City of Kitchener
519-741-2200 x 7611 | TTY 1-866-969-9994 | gaurang.khandelwal@kitchener.ca



From: Darren Kropf <Darren.Kropf@kitchener.ca>
Sent: Monday, May 15, 2023 3:29 PM
To: Gaurang Khandelwal <Gaurang.Khandelwal@kitchener.ca>; Barry Cronkite <Barry.Cronkite@kitchener.ca>
Cc: Katie Anderl <Katie.Anderl@kitchener.ca>; Tanya Roberts <Tanya.Roberts@kitchener.ca>
Subject: RE: Circulation for Comment - Implementation of Bill 13, 23 & 109 (City-initiated OPA/ZBA)

Yes, we can accept that.

Darren Kropf
Manager, Active Transportation and Development
519-741-2200 ext. 7314

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From: Gaurang Khandelwal <Gaurang.Khandelwal@kitchener.ca>
Sent: Monday, May 15, 2023 3:12 PM
To: Darren Kropf <Darren.Kropf@kitchener.ca>; Barry Cronkite <Barry.Cronkite@kitchener.ca>
Cc: Katie Anderl <Katie.Anderl@kitchener.ca>; Tanya Roberts <Tanya.Roberts@kitchener.ca>
Subject: RE: Circulation for Comment - Implementation of Bill 13, 23 & 109 (City-initiated OPA/ZBA)

Thanks Darren,

To confirm our understanding and that we are on the same page, transportation services is:

- supportive of a minimum driveway width of 3m; and,
- does not have concerns if the driveway was 2.6m wide but clear on either side?

Regards,

Gaurang Khandelwal (he/him), MA, MCIP, RPP



From: Darren Kropf <Darren.Kropf@kitchener.ca>
Sent: Monday, May 15, 2023 11:45 AM
To: Gaurang Khandelwal <Gaurang.Khandelwal@kitchener.ca>; Barry Cronkite <Barry.Cronkite@kitchener.ca>
Cc: Katie Anderl <Katie.Anderl@kitchener.ca>; Tanya Roberts <Tanya.Roberts@kitchener.ca>
Subject: RE: Circulation for Comment - Implementation of Bill 13, 23 & 109 (City-initiated OPA/ZBA)

Thanks Guarang. We are supportive of a 3m driveway width.

Darren Kropf
Manager, Active Transportation and Development
519-741-2200 ext. 7314

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From: Gaurang Khandelwal <Gaurang.Khandelwal@kitchener.ca>
Sent: Friday, May 12, 2023 11:42 AM
To: Barry Cronkite <Barry.Cronkite@kitchener.ca>; Darren Kropf <Darren.Kropf@kitchener.ca>
Cc: Katie Anderl <Katie.Anderl@kitchener.ca>; Tanya Roberts <Tanya.Roberts@kitchener.ca>
Subject: RE: Circulation for Comment - Implementation of Bill 13, 23 & 109 (City-initiated OPA/ZBA)

Hi Barry and Darren,

Thank you for providing your perspective and concerns regarding this.

We are supportive of parking lot/spaces created to be appropriately accessible and are considering to update the regulation to 3.0 meters (from current proposed 2.6 m) so that it is consistent with the building setbacks for cluster townhouses and multiple dwellings, and addresses concerns when there is building/encroachments on either side of the driveway. Let us know if Transportation is supportive of this change.

We also wanted to highlight the difference in how 'driveway' and 'drive aisle' are currently defined in our two ZBLs.

ZBL 2019-051

- Driveway – means a vehicle route that provides access from a street or lane to a drive aisle, parking space, or parking lot.
- Drive Aisle – means an internal vehicle route immediately adjacent to parking spaces and/or loading spaces, which provides direct vehicular access to and from parking spaces and/or loading spaces, but shall not include a driveway.

ZBL 85-1

- "Driveway" means a private road giving access from a public street to a building or parking space.
- Drive aisle is not defined in ZBL 85-1

You would see from above that in ZBL 2019-051, a “driveway” provides access to a drive aisle, parking space or **parking lot**, and that a “drive aisle” is immediately adjacent to parking spaces. In contrast, a “driveway” as defined by ZBL 85-1 would be that providing access to a building or parking space (parking lot not mentioned in the definition here). Drive aisle is not defined in ZBL 85-1. One of our proposed amendments through this work is to update the “driveway” definition in ZBL 85-1 to how it is defined in ZBL 2019-051. This would help address the confusion around the definition of a driveway vs a drive aisle and bring consistency between the two By-laws.

Regards,

Gaurang Khandelwal (he/him), MA, MCIP, RPP
Planner (Policy) | Planning Division | City of Kitchener
519-741-2200 x 7611 | TTY 1-866-969-9994 | gaurang.khandelwal@kitchener.ca



From: Barry Cronkite <Barry.Cronkite@kitchener.ca>
Sent: Thursday, May 11, 2023 9:32 AM
To: Katie Anderl <Katie.Anderl@kitchener.ca>; Darren Kropf <Darren.Kropf@kitchener.ca>; Tanya Roberts <Tanya.Roberts@kitchener.ca>; Gaurang Khandelwal <Gaurang.Khandelwal@kitchener.ca>
Subject: RE: Circulation for Comment - Implementation of Bill 13, 23 & 109 (City-initiated OPA/ZBA)

I think that the definition of a driveway vs drive aisle might be what’s confusing here. What we’re discussing is a drive aisle to a parking lot, (accessing spaces in the rear) not a driveway...which is really what my concern is. By definition, “a driveway shall be located so as to lead directly from a street or lane to a required parking space, either within a garage or outside” if it’s a typical driveway, no issue...but this is at least partly why we never used the driveway definition to access parking lots in the rear of buildings. That is then considered a drive aisle.

If we’re talking about a driveway, that’s fine. But I think that we can’t misinterpret a driveway with a drive aisle. A driveway does not provide access to a parking area/lot but rather a parking space.

There isn’t a concern when the 2.6m is clear on either side, but as soon as there is a building/encroachments like meters, plantings, etc...it will be much too narrow to access a parking lot. The minimum one way lane width for a drive aisle for parking in the UDM is 3.7m. the absolute lowest number that I can reference is 3.04m for a one way ramp width.

Again, the concern is that we want to make sure that any parking that is created actually remains accessible.

From: Katie Anderl <Katie.Anderl@kitchener.ca>
Sent: Thursday, May 11, 2023 9:09 AM
To: Darren Kropf <Darren.Kropf@kitchener.ca>; Tanya Roberts <Tanya.Roberts@kitchener.ca>; Gaurang Khandelwal <Gaurang.Khandelwal@kitchener.ca>
Cc: Barry Cronkite <Barry.Cronkite@kitchener.ca>
Subject: RE: Circulation for Comment - Implementation of Bill 13, 23 & 109 (City-initiated OPA/ZBA)

Hi Darren,

The minimum width for a driveway of 2.6 was established in the old by-law (85-1) – and would have generally applied to a driveway associated with a single, duplex or semi where we wouldn't have had site plan control. However, the driveway could lead to spaces behind a dwelling – and in that case the building would be required to be setback 3.0 m. Our approach was to maintain consistency with current standards, and to apply this as a minimum for the 4-10 unit dwelling type. Where there is site plan control – technically the 2.6 is the minimum, but we would likely have deferred to transportation and the design standards to review the driveway/parking lot design.

Let me know if you wish to discuss further,
Katie

From: Darren Kropf <Darren.Kropf@kitchener.ca>
Sent: Wednesday, May 10, 2023 3:45 PM
To: Tanya Roberts <Tanya.Roberts@kitchener.ca>; Gaurang Khandelwal <Gaurang.Khandelwal@kitchener.ca>
Cc: Katie Anderl <Katie.Anderl@kitchener.ca>; Barry Cronkite <Barry.Cronkite@kitchener.ca>
Subject: RE: Circulation for Comment - Implementation of Bill 13, 23 & 109 (City-initiated OPA/ZBA)

Hi all,

Yes, we support item #1 below. Thanks for addressing our earlier comments on that item.

For item #2, you'll recall in our last conversation that I requested 3 m for driveways and Planning suggested that in the past it has been 2.6 m for a typical driveway. Are you able to explain where that is already in effect? To Barry's knowledge (who has been doing this a lot longer than me!), we have always asked for 3.0 m for driveways and we would like to stay consistent with that.

I know you're running up against some deadlines so feel free to call Barry directly on this one if you need a final decision asap.

Thanks.

Darren Kropf
Manager, Active Transportation and Development
519-741-2200 ext. 7314

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From: Tanya Roberts <Tanya.Roberts@kitchener.ca>
Sent: Monday, May 8, 2023 3:07 PM
To: Gaurang Khandelwal <Gaurang.Khandelwal@kitchener.ca>; Darren Kropf <Darren.Kropf@kitchener.ca>
Cc: Katie Anderl <Katie.Anderl@kitchener.ca>
Subject: RE: Circulation for Comment - Implementation of Bill 13, 23 & 109 (City-initiated OPA/ZBA)
Importance: High

Hi Darren, further to Gaurang's message and following our conversation, Katie has also adjusted the OPA to reflect transportations comments.

Can you please send us a follow-up e-mail to let us know that you support the changes we are proposing and/or let us know if you have any remaining concerns.

The report is being reviewed now by managers, so ideally if you could let us know by no later than Thursday May 11 that would be much appreciated!

Kind regards,

Tanya Roberts, MA
Project Manager (Planning) | Planning Division | City of Kitchener
(519) 741-2200 ext. 7704 | TTY 1-866-969-9994 | tanya.roberts@kitchener.ca



From: Gaurang Khandelwal <Gaurang.Khandelwal@kitchener.ca>
Sent: Monday, May 8, 2023 3:00 PM
To: Darren Kropf <Darren.Kropf@kitchener.ca>
Cc: Tanya Roberts <Tanya.Roberts@kitchener.ca>
Subject: RE: Circulation for Comment - Implementation of Bill 13, 23 & 109 (City-initiated OPA/ZBA)
Importance: High

Hi Darren,

Thank you for meeting with us to discuss Transportation Services concerns with the proposed changes in regards to Implementation of Bill 13, 23 & 109. We have taken the comments into consideration and made minor updates to the proposed changes to the Zoning By-laws (attached for reference). In relation to the couple of outstanding comments from the trailing email, we note the following:

1. The word “required” from the proposed ‘parking lot’ definition is now removed and ‘and a minimum of one drive aisle’ is added. The updated proposed parking lot definition is:

“Parking Lot – means an area located on a lot which contains four or more parking spaces **and a minimum of one drive aisle.**”

2. The minimum driveway width of 2.6 metres will be applicable where there are four to ten units on a lot which do not require site plan approval and does not apply to any development which requires site plan approval pursuant to Section 41 of the Planning Act (this includes if development has non-residential uses). The building setbacks for multiple dwellings and cluster towns (3 or 4.5 metres) would still apply which should be able to address the concern regarding the driveway width of 2.6 m being tight in case where there is hard wall on one side of the driveway.

We would appreciate if you could let us know if Transportation Services supports or have any concerns with these changes, at your earliest convenience.

Regards,

Gaurang Khandelwal (he/him), MA, MCIP, RPP
Planner (Policy) | Planning Division | City of Kitchener
519-741-2200 x 7611 | TTY 1-866-969-9994 | gaurang.khandelwal@kitchener.ca





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From: Darren Kropf <Darren.Kropf@kitchener.ca>

Sent: Thursday, April 13, 2023 4:27 PM

To: Tanya Roberts <Tanya.Roberts@kitchener.ca>

Cc: Steven Ryder <Steven.Ryder@kitchener.ca>; Dave Seller <Dave.Seller@kitchener.ca>; Barry Cronkite <Barry.Cronkite@kitchener.ca>

Subject: RE: Circulation for Comment - Implementation of Bill 13, 23 & 109 (City-initiated OPA/ZBA)

Hi Tanya,

Thanks for the opportunity to comment. Transportation offers these comments:

Official Plan

- 4.C.1.24 – “up to one parking space may be required.”
 - please explain how this will work. Is it enforceable if we use soft language like “may”? We are generally in support of the intent to provide us flexibility in requiring a parking spot if needed but want to know if this language is sufficient
- 11.C.1.31. “The City will ensure new buildings are designed, existing buildings are redeveloped, expanded, converted or renovated to enhance pedestrian usability, respects and reinforce human scale, create attractive streetscapes that are accessible, safe and have a functional relationship to the street, and contribute to rich and vibrant urban places.”
 - We suggest adding cycling as well. I.e. “to enhance pedestrian **and cycling** usability...” There may be some cases where a street already has or is expected to have cycling facilities and the buildings should complement that function as well as the pedestrian function
- Part F Schedule B
 - We suggest changing “Connectivity Plan” to “Active Transportation Connectivity Plan” so it can include pedestrian circulation and cycling circulation (most likely to be at a subdivision level but may apply to larger multi-building developments)
 - We suggest changing it to “Truck Turning Movement Plan”
 - We support the additions of the other documents highlighted

Zoning

- Parking Lot Definition
 - We do not support the addition of the word “required” to the definition. Even if the development includes more parking spaces than zoning requires, it still functions as a parking lot and needs to function according to parking lot requirements
- Table 5-3 allowing up to 3 tandem parking spaces
 - We support this revision
- Parking located 6 m from a street line
 - Can Planning clarify if the street line is the right of way or the edge of the road? My concern would be about parked cars overhanging sidewalks which need to remain clear
- Driveway widths
 - We do not support a driveway width of 2.6 m as it will be too narrow for vehicles to pass through. The width should be 3 m
- Where a parking lot is not under site plan control
 - The setback of the parking lot of 1.5 m from any lot line might impact driveway visibility triangles. We’d like to work with Planning to review this more closely and determine if we need a clause on visibility triangles as well

- We support the minimum drive aisle of 6 m to the parking lot
- Drive aisle widths of 6 m
 - Can planning clarify if this will apply just to residential or also commercial and institutional? We support 6 m for residential but have concerns for commercial or institutional as those will include more frequent, larger vehicles and visitors who will not be familiar with the tight operating spaces of the site. We suggest 7.3 m drive aisles for non-residential uses
-

Darren Kropf
 Manager, Active Transportation and Development
 519-741-2200 ext. 7314

[Subscribe to the Bike Kitchener newsletter](#) for the latest news on cycling and trails in Kitchener

From: Tanya Roberts <Tanya.Roberts@kitchener.ca>
Sent: Tuesday, April 4, 2023 9:57 AM
To: Christine Kompter <Christine.Kompter@kitchener.ca>; _DL_#_DSD_Planning <DSD-PlanningDivision@kitchener.ca>; Bell - c/o WSP <circulations@wsp.com>; Carlos Reyes <Carlos.Reyes@kitchener.ca>; Darren Kropf <Darren.Kropf@kitchener.ca>; Dave Seller <Dave.Seller@kitchener.ca>; David Heuchert <Dave.Heuchert@kitchener.ca>; David Paetz <David.Paetz@kitchener.ca>; Ellen Straus <Ellen.Straus@kitchener.ca>; Enova Power Corp. - Greig Cameron <greig.cameron@enovapower.com>; Enova Power Corp. - Shaun Wang <shaun.wang@enovapower.com>; Feds <vped@feds.ca>; GRCA - Planning (planning@grandriver.ca) <planning@grandriver.ca>; Hydro One - Dennis DeRango <landuseplanning@hydroone.com>; Jim Edmondson <Jim.Edmondson@kitchener.ca>; Justin Readman <Justin.Readman@kitchener.ca>; Katherine Hughes <Katherine.Hughes@kitchener.ca>; Mike Seiling <Mike.Seiling@kitchener.ca>; Ontario Power Generation <Executivevp.lawanddevelopment@opg.com>; Park Planning (SM) <Park.Planning@kitchener.ca>; Region - Planning <PlanningApplications@regionofwaterloo.ca>; Property Data Administrator (SM) <PropDataAdmin@kitchener.ca>; Robert Morgan <Robert.Morgan@kitchener.ca>; Steven Ryder <Steven.Ryder@kitchener.ca>; Sylvie Eastman <Sylvie.Eastman@kitchener.ca>; Tom Ruggle <Tom.Ruggle@kitchener.ca>; WCDSB - Planning <planning@wcdsb.ca>; WRDSB - Board Secretary (elaine_burns@wrdsb.ca) <elaine_burns@wrdsb.ca>; WRDSB - Planning <planning@wrdsb.ca>
Cc: Garrett Stevenson <Garrett.Stevenson@kitchener.ca>
Subject: RE: Circulation for Comment - Implementation of Bill 13, 23 & 109 (City-initiated OPA/ZBA)

Further to this e-mail, we are proposing amendments to both By-laws. Attached are the proposed amendments to Zoning By-law 85-1.

Kind regards,

Tanya Roberts, MA
 Project Manager (Planning) | Planning Division | City of Kitchener
 (519) 741-2200 ext. 7704 | TTY 1-866-969-9994 | tanya.roberts@kitchener.ca



From: Christine Kompter <Christine.Kompter@kitchener.ca>

Sent: Monday, April 3, 2023 4:43 PM

To: _DL_#_DSD_Planning <DSD-PlanningDivision@kitchener.ca>; Bell - c/o WSP <circulations@wsp.com>; Carlos Reyes <Carlos.Reyes@kitchener.ca>; Darren Kropf <Darren.Kropf@kitchener.ca>; Dave Seller <Dave.Seller@kitchener.ca>; David Heuchert <Dave.Heuchert@kitchener.ca>; David Paetz <David.Paetz@kitchener.ca>; Ellen Straus <Ellen.Straus@kitchener.ca>; Enova Power Corp. - Greig Cameron <greig.cameron@enovapower.com>; Enova Power Corp. - Shaun Wang <shaun.wang@enovapower.com>; Feds <vped@feds.ca>; GRCA - Planning (planning@grandriver.ca) <planning@grandriver.ca>; Hydro One - Dennis DeRango <landuseplanning@hydroone.com>; Jim Edmondson <Jim.Edmondson@kitchener.ca>; Justin Readman <Justin.Readman@kitchener.ca>; Katherine Hughes <Katherine.Hughes@kitchener.ca>; Mike Seiling <Mike.Seiling@kitchener.ca>; Ontario Power Generation <Executivevp.lawanddevelopment@opg.com>; Park Planning (SM) <Park.Planning@kitchener.ca>; Region - Planning <PlanningApplications@regionofwaterloo.ca>; Property Data Administrator (SM) <PropDataAdmin@kitchener.ca>; Robert Morgan <Robert.Morgan@kitchener.ca>; Steven Ryder <Steven.Ryder@kitchener.ca>; Sylvie Eastman <Sylvie.Eastman@kitchener.ca>; Tom Ruggle <Tom.Ruggle@kitchener.ca>; WCDSB - Planning <planning@wcdsb.ca>; WRDSB - Board Secretary (elaine_burns@wrdsb.ca) <elaine_burns@wrdsb.ca>; WRDSB - Planning <planning@wrdsb.ca>

Cc: Tanya Roberts <Tanya.Roberts@kitchener.ca>

Subject: Circulation for Comment - Implementation of Bill 13, 23 & 109 (City-initiated OPA/ZBA)

Please see attached. Questions or comments should be directed to **Tanya Roberts**, Project Manager (tanya.roberts@kitchener.ca; 519-741-2200 x7704).

Christine Kompter

Administrative Assistant | Planning Division | City of Kitchener
200 King Street West, 6th Floor | P.O. Box 1118 | Kitchener ON N2G 4G7
519-741-2200 ext. 7425 | TTY 1-866-969-9994 | christine.kompter@kitchener.ca



Tanya Roberts

From: Jennifer Passy <Jennifer.Passy@wcdsb.ca>
Sent: Thursday, April 27, 2023 7:42 AM
To: Tanya Roberts
Cc: Jordan Neale
Subject: Re: Circulation for Comment - Implementation of Bill 13, 23 & 109 (City-initiated OPA/ZBA)

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Tanya,

Thank you for the opportunity to review the proposed amendments to the City's zoning by-law and official plan to respond to Bills 23, 13 and 109.

The WCDSB doesn't have few specific concerns about the proposed amendments. We respect that the City is obligated to modify their planning policies to implement the aforementioned Bills. However, the increasing uncertainty with regard to the number of new dwelling units in existing and future residential buildings, is expected to create a challenge for the board's projection of student accommodation needs. We look forward to working with City staff to explore how we can work together to support information sharing on the creation of additional dwelling units.

Beyond the proposed amendments, and considering the consultation on the draft Provincial Planning Statement which is ongoing, we would encourage the city to consider how current policy documents will respond to the language which promotes further consideration of schools as part of "complete communities" and promotes innovative approaches in the design of schools, including schools located in high rise developments.

In particular, the City's OP and zoning regimes provide very little flexibility with respect to the location of school sites and imposes onerous processes to obtain land use approvals for otherwise critical community infrastructure.

There are notable inconsistencies in the approach to schools a key infrastructure / public service facilities throughout the region, and we would welcome the opportunity to explore added flexibility with City staff which would expand the designations and zones where schools may permitted – de facto, which is consistent with the interpretation elsewhere in the region.

Thank you for considering these comments.

Jennifer

Sent from my Bell Samsung device over Canada's largest network.

From: Tanya Roberts <Tanya.Roberts@kitchener.ca>
Sent: Thursday, April 13, 2023 4:41:14 PM
To: Jennifer Passy <Jennifer.Passy@wcdsb.ca>
Cc: Jordan Neale <Jordan.Neale@wcdsb.ca>
Subject: RE: Circulation for Comment - Implementation of Bill 13, 23 & 109 (City-initiated OPA/ZBA)

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Hi Jennifer,

That is understandable. Upon first review, we don't see any significant impacts to the changes we are proposing. I am meeting with the team early next week to discuss the updates to the legislation and will let you know what we decide re: changes to the report and deadlines for review/comments.

Kind regards,
Tanya

From: Jennifer Passy <Jennifer.Passy@wcdsb.ca>
Sent: Thursday, April 13, 2023 12:01 PM
To: Tanya Roberts <Tanya.Roberts@kitchener.ca>
Cc: Jordan Neale <Jordan.Neale@wcdsb.ca>
Subject: FW: Circulation for Comment - Implementation of Bill 13, 23 & 109 (City-initiated OPA/ZBA)

You don't often get email from jennifer.passy@wcdsb.ca. [Learn why this is important](#)

Tanya,

I am writing to find out how the Province's posting of the consultation on the Provincial Planning Statement may impact this circulation and the review currently underway? We have limited capacity to review and comment on this matter by the April 17th deadline, and if there are changes or likely delays in this initiative as a result of the ERO posting it would be helpful to know.

Thank you for any insight you can share,

Jennifer

Jennifer Passy, BES, MCIP, RPP
Manager of Planning
Waterloo Catholic District School Board
Phone: 519-578-3677, ext. 2253
Cell: 519-501-5285



**Waterloo Catholic
District School Board**

From: Tanya Roberts <Tanya.Roberts@kitchener.ca>
Sent: Tuesday, April 4, 2023 9:57 AM
To: Christine Kompter <Christine.Kompter@kitchener.ca>; _DL_#_DSD_Planning <DSD-PlanningDivision@kitchener.ca>; Bell - c/o WSP <circulations@wsp.com>; Carlos Reyes <Carlos.Reyes@kitchener.ca>; Darren Kropf <Darren.Kropf@kitchener.ca>; Dave Seller <Dave.Seller@kitchener.ca>; David Heuchert <Dave.Heuchert@kitchener.ca>; David Paetz <David.Paetz@kitchener.ca>; Ellen Straus <Ellen.Straus@kitchener.ca>; Enova Power Corp. - Greig Cameron <greig.cameron@enovapower.com>; Enova Power Corp. - Shaun Wang <shaun.wang@enovapower.com>; Feds <vped@feds.ca>; GRCA - Planning (planning@grandriver.ca)

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Further to this e-mail, we are proposing amendments to both By-laws. Attached are the proposed amendments to Zoning By-law 85-1.

Kind regards,

Tanya Roberts, MA
Project Manager (Planning) | Planning Division | City of Kitchener
(519) 741-2200 ext. 7704 | TTY 1-866-969-9994 | tanya.roberts@kitchener.ca



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Sent: Monday, April 3, 2023 4:43 PM
To: _DL_#_DSD_Planning <DSD-PlanningDivision@kitchener.ca>; Bell - c/o WSP <circulations@wsp.com>; Carlos Reyes <Carlos.Reyes@kitchener.ca>; Darren Kropf <Darren.Kropf@kitchener.ca>; Dave Seller <Dave.Seller@kitchener.ca>; David Heuchert <Dave.Heuchert@kitchener.ca>; David Paetz <David.Paetz@kitchener.ca>; Ellen Straus <Ellen.Straus@kitchener.ca>; Enova Power Corp. - Greig Cameron <greig.cameron@enovapower.com>; Enova Power Corp. - Shaun Wang <shaun.wang@enovapower.com>; Feds <vped@feds.ca>; GRCA - Planning (planning@grandriver.ca) <planning@grandriver.ca>; Hydro One - Dennis DeRango <landuseplanning@hydroone.com>; Jim Edmondson <Jim.Edmondson@kitchener.ca>; Justin Readman <Justin.Readman@kitchener.ca>; Katherine Hughes <Katherine.Hughes@kitchener.ca>; Mike Seiling <Mike.Seiling@kitchener.ca>; Ontario Power Generation <Executivevp.lawanddevelopment@opg.com>; Park Planning (SM) <Park.Planning@kitchener.ca>; Region - Planning <PlanningApplications@regionofwaterloo.ca>; Property Data Administrator (SM) <PropDataAdmin@kitchener.ca>; Robert Morgan <Robert.Morgan@kitchener.ca>; Steven Ryder <Steven.Ryder@kitchener.ca>; Sylvie Eastman <Sylvie.Eastman@kitchener.ca>; Tom Ruggle <Tom.Ruggle@kitchener.ca>; WCDSB - Planning <planning@wcdsb.ca>; WRDSB - Board Secretary (elaine_burns@wrdsb.ca) <elaine_burns@wrdsb.ca>; WRDSB - Planning <planning@wrdsb.ca>
Cc: Tanya Roberts <Tanya.Roberts@kitchener.ca>
Subject: Circulation for Comment - Implementation of Bill 13, 23 & 109 (City-initiated OPA/ZBA)

Please see attached. Questions or comments should be directed to **Tanya Roberts**, Project Manager (tanya.roberts@kitchener.ca; 519-741-2200 x7704).

Christine Kompter

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519-741-2200 ext. 7425 | TTY 1-866-969-9994 | christine.kompter@kitchener.ca



A dark green banner with white text. On the left is the Kitchener logo. The main text reads "Want to know more about planning?". To the right, in smaller white text, it says "short videos", "mapping tool", "walking tours", and "and more!".

A banner for the "Kitchener's Great Places Awards 2023". It features a stylized illustration of buildings on the left. The text on the right says "Showcase the projects and places you love. Nominations are now open for Kitchener's Great Places awards." The Kitchener logo is also present on the left.

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Tanya Roberts

From: Lauren Agar <lauren_agar@wrdsb.ca>
Sent: Monday, April 17, 2023 11:58 AM
To: Tanya Roberts
Cc: Paul Bloye; Planning
Subject: Re: [Planning] RE: Circulation for Comment - Implementation of Bill 13, 23 & 109 (City-initiated OPA/ZBA)

You don't often get email from lauren_agar@wrdsb.ca. [Learn why this is important](#)



April 17, 2023

Re: Circulation for Comment - Implementation of Bill 13, 23 & 109 (City-initiated OPA/ZBA)

Dear Tanya,

Thank you for circulating these proposed amendments. The Waterloo Region District School Board (WRDSB) acknowledges that implementing these policy changes results from Provincial decisions, but we want to share our concerns regarding the proposed amendments.

The approval of Bills 13, 23 & 109 has introduced significant uncertainty in our student yield calculations and subsequently the integrity of the WRDSB long-range enrolment projections. Student yields from new development, community trends, demographic shifts, and historic student enrolment are key factors in our projection modeling process. We cannot assess the impact of these amendments due to a lack of data on the expected intensification, development pacing, and potential change in family preference for housing type. The proposed zoning by-law amendments involving additional dwelling units and multiple dwelling units are particularly difficult to assess because uptake and family preference will factor into how the changes are felt at the school level. That being said, the allowances to accelerate residential development without additional funding for school construction projects will continue exacerbating an already difficult situation for the WRDSB.

The Ministry of Education funding model is rigid and lacks mechanisms to allow for needed agility and/or flexibility. Business case submissions for new capital are only accepted on a Ministry-determined release schedule. Business case submission and enrolment projections related to new capital projects (e.g. additions and new builds) are challenged without appeal opportunity. Construction costs and commodity prices have outpaced funding approval amounts within 1-2 years of approval. Land values have risen, and it is uncertain whether further increases will follow based on further zoning allowances for Institutional land. Our ability to react to new growth is constrained. The WRDSB hopes that collaboration between municipal and school board staff will ease the pressure likely to come for previously unanticipated students entering our region.

Sincerely,



Lauren Agar
Senior Manager of Planning



cc: Paul Bloye, Ministry of Education, Director - Capital Programs Branch

On Tue, 4 Apr 2023 at 09:57, Tanya Roberts <Tanya.Roberts@kitchener.ca> wrote:

Further to this e-mail, we are proposing amendments to both By-laws. Attached are the proposed amendments to Zoning By-law 85-1.

Kind regards,

Tanya Roberts, MA

Project Manager (Planning) | Planning Division | City of Kitchener
(519) 741-2200 ext. 7704 | TTY 1-866-969-9994 | tanya.roberts@kitchener.ca



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Cc: Tanya Roberts <Tanya.Roberts@kitchener.ca>

Subject: Circulation for Comment - Implementation of Bill 13, 23 & 109 (City-initiated OPA/ZBA)

Please see attached. Questions or comments should be directed to **Tanya Roberts**, Project Manager (tanya.roberts@kitchener.ca; 519-741-2200 x7704).

Christine Kompter

Administrative Assistant | Planning Division | City of Kitchener
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NOTICE OF PUBLIC MEETING

for city-wide amendments to implement changes
by the provincial government related to housing



3 Units
Permitted
Per Lot



New
Zoning
Regulations



New
Parking Lot
Regulations



Legislated
Policy
Updates

Have Your Voice Heard!

Planning & Strategic Initiatives Committee

Date: **June 19, 2023**

Location: **Council Chambers,
Kitchener City Hall
200 King Street West
or Virtual Zoom Meeting**

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or contact:

Tanya Roberts, Project Manager
tanya.roberts@kitchener.ca
519.741.2200 x7704

City Planning and Building staff are proposing amendments to the Official Plan, Zoning by-law, and other policies and bylaws in response to recent changes to provincial legislation:

Bill 13, **Supporting People and Businesses Act**, 2021

Bill 109, **More Homes for Everyone Act**, 2022

Bill 23, **More Homes Built Faster Act**, 2022

These bills are implementing measures to address the provincial directives. This

meeting will outline the City's proposed amendments and updates in response to these new provincial directives.