

Internal memo

Development Services Department



www.kitchener.ca

Date: March 02, 2023
To: Craig Dumart
From: Jason Brûlé
Subject: Zoning By-law Amendment and Official Plan Amendment Application
Polocorp Inc.
455-509 Mill Street, Kitchener
ZBA 22/015/M/CD
OPA 22/008/M/CD

The below comments have been prepared through the review of the supplied Functional Servicing & SWM Report dated July 12, 2022 and Functional Servicing Report Letter dated February 13, 2023 prepared by JPE Engineering; in support of the above noted applications.

General Comments:

1. Engineering is in support of the applications. Any comments below can be used to direct detailed design.

Sanitary:

2. Proposed flows were verified in the City's model and indicate no impacts downstream of this development.
3. The City of Kitchener infiltration rate for sanitary is 0.15 L/s/ha not the 0.25 L/s/ha shown in the report. Further to that, it appears the calculated value for infiltration in the appendix is wildly over. For 5.3ha it shouldn't even be 1 L/s and the calculation shows 5.55 L/s?
4. Please provide the source of the population estimates per unit type used in the calculations. With 1473 residential units and a population of 1.77 ppl/unit (from the Region's 2020 Water and Wastewater Monitoring Report) the proposed population would be 2607, slightly higher than the 2296 as shown in the report.
5. Please submit a traditional sanitary sizing design sheet with detailed design confirming that the selected size of outlet pipe and slope has the capacity.

Water (Angela Mick, Kitchener Utilities):

6. Any buildings over 84m tall require a second water service in accordance with Ontario Building Code section 3.2.9.7 (4).
7. This site is complicated so when you get to water servicing, you should probably schedule a meeting with Building/Planning/Development to make sure you aren't creating a non-municipal drinking water system.

Storm and Stormwater Management:

8. A more thorough review of the site SWM will be conducted with detailed design.
9. Note: SWM fees with respect to retention or quality are assessed and calculated in the year in which they are to be paid.

City of Kitchener
Zone Change Comment Form

Address: 455-509 Mill Street

Owner: PoloCorp Inc.

Application #: OPA 22/008/M/CD ZBA22/015/K/CD

Comments Of: City of Kitchener – Urban Design- Planning

Commenter's Name: Pegah Fahimian

Email: Pegah.fahimian@kitchener.ca

Phone: 519-741-2200 Ext. 7342

Date of Comments: March 15, 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:

- Cover Letter
- Updated Urban Design Brief- Feb 2023
- Updated Architecture Plans – NEO, Feb 6, 2023
- Updated Shadow Study-NEO, Feb 6, 2023
- Updated Wind Study - Pedestrian Wind Assessment –RWDI, Feb 16, 2023

2. Site-Specific Comments & Issues:

Urban design staff are satisfied with the revised development concept. The shadow study, tall building separation, and urban design brief are acceptable. While the concept of residential intensification on this site is positive, and many previous staff comments have been incorporated into the proposal, some design modifications must be addressed in the Site Plan Application to create a development proposal that is well-designed and appropriate for this site and neighbourhood.

3. Comments on Submitted Documents

Updated Design Brief- February, 2023

Tall Building Design Analysis: The tall building design guidelines are an excellent compatibility test for proposals exceeding their zoning permissions. The proposal meets the overall intent of the City's Design for Tall Buildings Guidelines.

Building Design: The proposed 5 and 6-storey pedestrian-scaled podium along Mill Street is distinguished by tall towers, step-backs and intended architectural treatment. The proposed relative height accommodates human-scaled built form along streetscapes while accommodating compatibility matters. Contemporary architectural style and details are to be refined through the site plan process.

City of Kitchener
Zone Change Comment Form

On-site Amenity area:

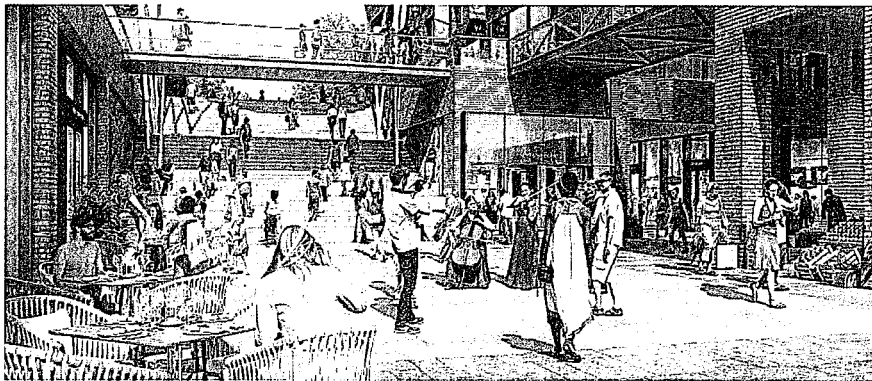
- Required amenity space calculations are contained in the Urban Design Manual and include two parts – one for a general amenity area and one for children's play facilities in multiple residential developments. $(2m^2 \times \#units) + (2.5m^2 \times \#bedrooms - \#units) = \text{outdoor amenity space}$.
- Additional information should be provided at the site plan stage regarding the various on-site amenity spaces in the UDB (common, individual, indoor, and outdoor).

Updated Shadow Studies, NEO Architecture Inc, Feb 10, 2023:

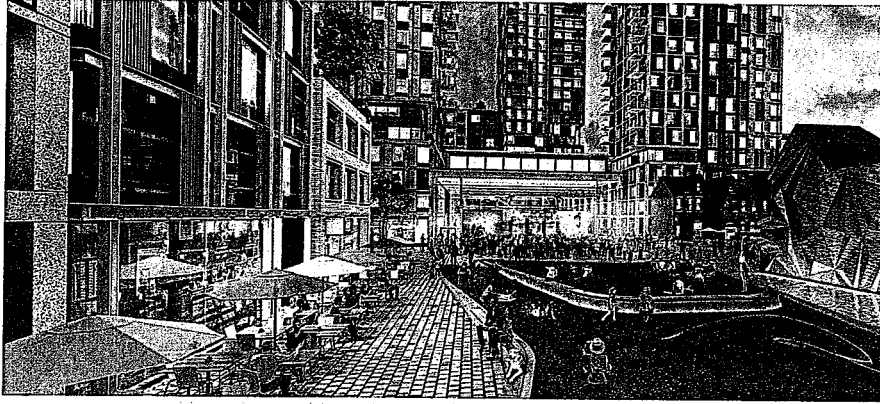
The submitted shadow analysis is acceptable as it confirms that the proposal-maintained access to at least 5 hours of cumulative direct sunlight to nearby sidewalks and open spaces.

Updated Architecture Package- NEO Architects

- The proposed visitor parking along street B is highly visible from Mill Street. You may consider reducing the number of visitor parking spaces and relocating them to the underground/structure parking.
- Active uses, including retails with outdoor patios or residential amenity areas should be situated along Mill Street and the proposed promenade.



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Zone Change Comment Form

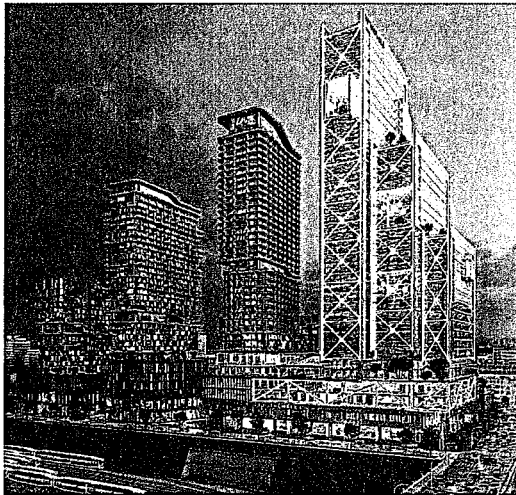


Mirvish Village, Toronto

- The proposed long podiums B and E should be broken down using enhanced detailing and articulation. According to Tall Building Design Guidelines, buildings longer than 70m should demonstrate enhanced streetscaping, materials and building articulation.
- The proposed corner treatment for podiums B & E is to be further enhanced to create visual interest at Mill Street. This could be achieved by special massing and architectural treatments on both streets to give prominence along the frontages and visually distinguish these sites.
- This project should play a significant role in reinforcing the character of Mill Street. There is a need for public art at the corner of tower B/E, well integrated into the architecture of the building, and suggest the following as options.
 - Public Art (sculpture, mural, digital)
 - Living wall (interior or exterior, but visible/prominent)
 - Enhanced architecture at the corner
 - Community-oriented space
 - Enhanced exterior lighting (colored, programmable, patterned, etc.)
- Incorporate creative facade ideas on curtain walls with advanced exterior lighting that could help to control public flow and could improve the building design. Digital media facades make buildings tell stories and strike a perfect balance of aesthetic structures and illumination art (for example sustainable and digital technologies within the curtain wall, color light-emitting diode or LED Display Video walls, and Photometric system for 'interactive skin' to illuminate the screen after dark, digitally printed fritted glass)
- The building facades fronting Mill Street should contain the primary residential and commercial entrances and the appropriate amount of glazing and articulation, particularly along the lower 5m where the building addresses the sidewalk.
- Consider stepbacks for the upper storeys in the tower, both to increase articulation/visual interest in the building and create room for shared outdoor amenity space. This will also facilitate the transition to low-rise neighbourhoods.
- All at-grade parking should be wrapped with active uses.

City of Kitchener
Zone Change Comment Form

- The area between the building's face and the property line should be well integrated with the street and public realm to deliver high-quality and seamless private, semi-private and public spaces.
- The tower should step back from its base a minimum of 3m along any street-facing elevations.
- The underground parking structure should have a sufficient setback from the property lines to accommodate the necessary soil volume to support required large-statured, high canopied trees. Perimeter trees should not be located on the garage slab roof. Within the site, required tree plantings can be accommodated on the garage slab but will still require standard minimum soil volumes.
- Provide natural surveillance by employing high percentages of glazing, and active uses at ground level and incorporate more units with patios and windows/balconies on the main facade with views onto Mill Street.
- The proposed towers should have unique top features that are architecturally excellent, highly visible and makes a positive contribution to the image of Kitchener developing skyline.

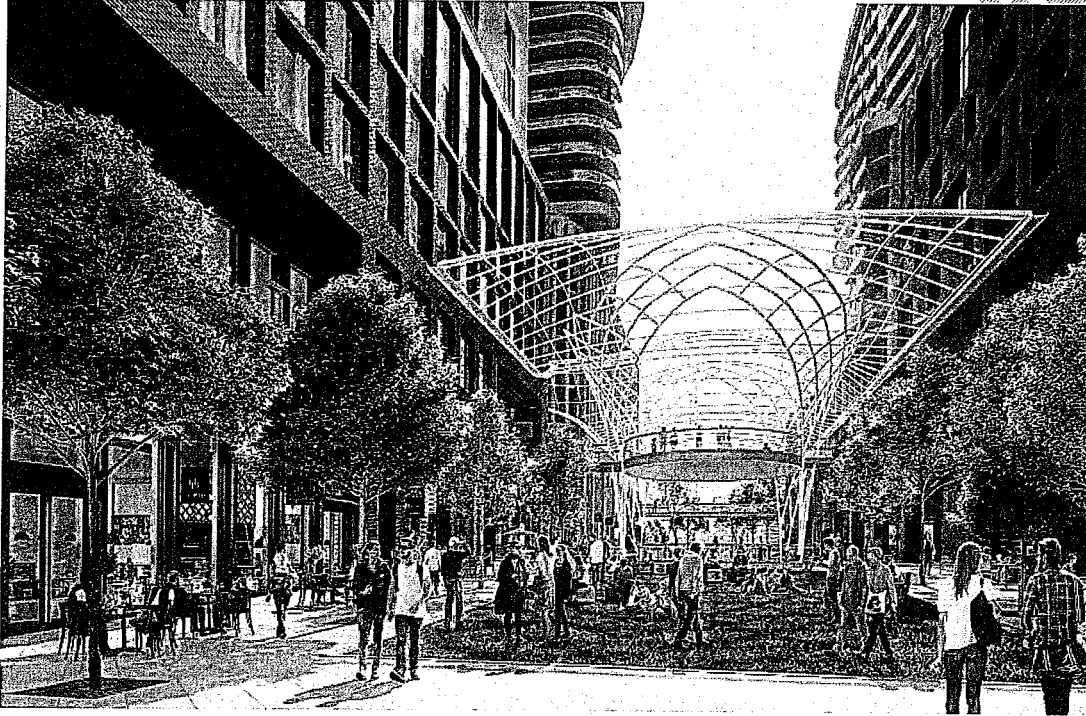


The Well, Toronto

- Provide materiality and texture shifts at the podium and across the towers and incorporate variations in tower setbacks from the base to distinguish the tower form from the podium.
- Wind assessment, Noise feasibility and shadow study required for outdoor amenity and the pedestrian realm.
- Residential and commercial entrances should be clearly identified and offer access from both the public realm and the private parking side of the building. The proposed main entrance is to be further enhanced to create visual interest at the street edge. (for example cantilevered entrance canopy, corrugated-metal panels and fritted glass.
- Balconies may be staggered in a creative pattern to lighten the structure and provide private outdoor space for the units.
- Towers are highly visible elements of the urban environment and must meet Kitchener's highest standards for design excellence. The building should be designed and clad with different materials and colours so that they read as distinct from one another.

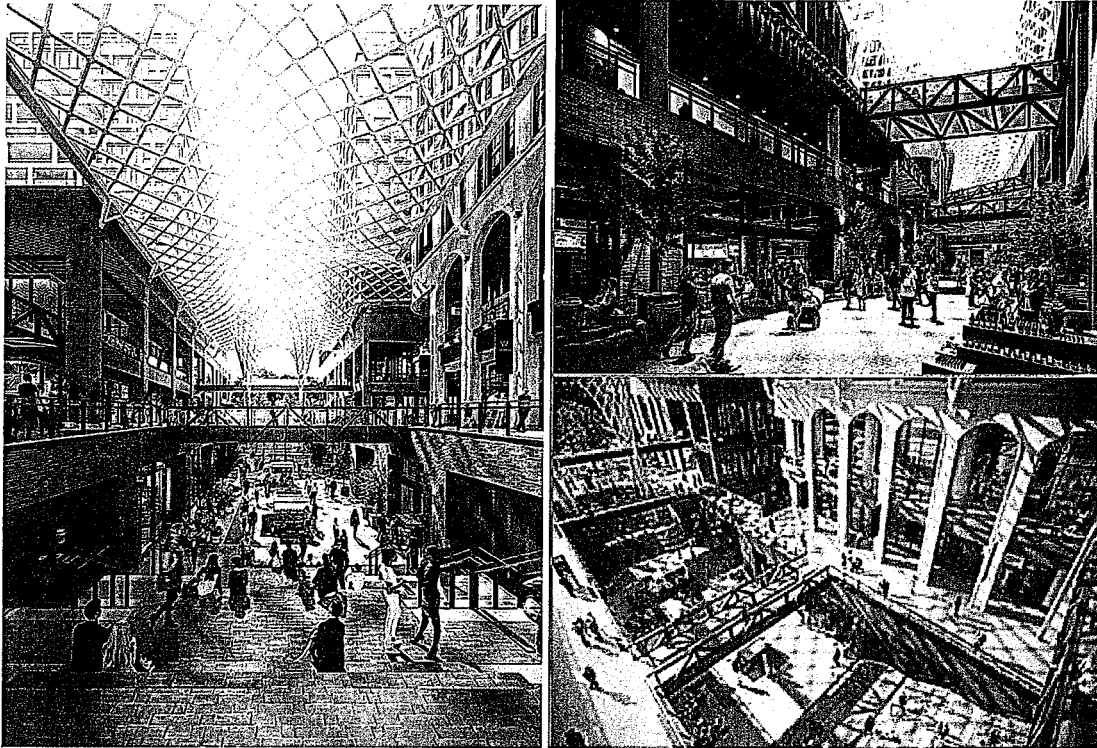
City of Kitchener
Zone Change Comment Form

- All utilities should be coordinated with the landscape design and with building elevations to provide a high-quality pedestrian experience with the site and from the public realm. Infrastructure should be located within the building in mechanical/electrical rooms and exterior connections located discretely and incorporate physical screens or landscape plating as required. Surface transformers or service connections visible from the public realm are not supported.
- I have enclosed some precedents for the proposed promenade and station plaza.



Preliminary

City of Kitchener
Zone Change Comment Form



Wind Study - Pedestrian Level Wind – Preliminary Impact Assessment.

The submitted preliminary Wind Study indicates that the proposed development is significantly taller than the existing surroundings and includes six towers which will interact with the prevailing winds. As a result, there are areas of increased wind speed predicted where comfort conditions will not be suitable.

A full Wind Assessment should be provided for review at the site plan application stage. A revised design proposal should be developed that addresses the wind impacts outlined in the submitted wind study.

Summary Comments

In summary, Urban Design staff are supportive of the zone change/official plan amendment. While the concept of residential intensification on this site is positive and many previous staff comments have been incorporated into the proposal, Urban Design staff recommend that the Urban Design Brief be endorsed, and that staff be directed to implement the Urban Design Brief through future Site Plan Approval processes.



Region of Waterloo

PLANNING, DEVELOPMENT
AND LEGISLATIVE SERVICES
Community Planning

150 Frederick Street 8th Floor
Kitchener Ontario N2G 4J3 Canada
Telephone: 519-575-4400
TTY: 519-575-4608
Fax: 519-575-4466
www.regionofwaterloo.ca

Melissa Mohr 1-226-752-8622
File: D17/2/22008
C14/2/22015
March 21, 2023

Craig Dumart
Senior Planner
City of Kitchener
200 King Street West, 6th Floor
P.O. Box 1118, Kitchener, ON
N2G 4G7

Dear Mr. Dumart,

**Re: Proposed Official Plan Amendment OPA 22/08 and
Zoning By-law Amendment ZBA 22/15 – 2nd submission
459-509 Mill Street
The Butler Group Consultants on behalf of Polocorp Inc.
CITY OF KITCHENER**

The Butler Group Consultants have resubmitted a site-specific Official Plan Amendment and Zoning By-law Amendment Application for a development proposal at 459-509 Mill Street (referred to as subject lands) in the City of Kitchener.

Original Proposal:

The applicant is proposing six (6) towers described as towers A-F ranging in heights from 13-32 storeys in height. Tower A is proposed as a 27-storey tower atop a 7-storey podium adjacent to the Mill Street ION stop. Tower B is proposed as a 14-storey tower atop a 5-storey podium. Tower C is proposed as an 11-storey tower atop a 4-storey podium. Tower D is proposed as a 32-storey tower connected to Tower F (a 29-storey tower) both connected via an 8-storey tower. Tower E is proposed as a 21-storey tower atop a 6-storey podium. The development will consist of 1473 residential units and approximately 2789 square metres (30,020 square feet) of commercial floor area. A total of 686 parking spaces are proposed in underground and some surface parking.

Current Proposal:

The applicant is now proposing five (5) towers described as towers A-E with four (4) podiums ranging in heights from 15 to 44 storeys. Tower A is proposed as a 31-storey tower atop an 8-storey podium. Tower B is proposed as a 44-storey tower connected

by an 8-storey podium to Tower C (a 40-storey tower). Tower D is proposed as a 15-storey tower atop a 5-storey podium and Tower E is a 21-storey tower atop a 6-storey podium. The development consists of approximately 1500 residential apartment style units with 1150 parking spaces provided in underground and structured parking. Two (2) accesses continue to be proposed from Mill Street at the Sydney Street intersection and through an additional access between the Tower D and the park areas.

The subject lands are located in the Urban Area and designated Built Up Area in the Regional Official Plan. The site is designated General Industrial Employment in the City of Kitchener Official Plan and zoned General Industrial (M-2) Zone in the City of Kitchener Zoning By-law. The Owner has requested an **Official Plan Amendment** to redesignate the lands from General Industrial to Mixed-Use to permit an increase in the FSR to 8.5 (whereas the maximum is 5.0 FSR). The Applicant has requested a **Zoning By-law Amendment** to rezone the site from the General Industrial (M-2) Zone to the Mixed Three (Mix-3) Zone with special regulations and a holding provision. **The special provisions relate to a reduced rear yard setback from 7.5 m to 0 m for the building podium;** a reduction in the minimum rear yard setback from 7.5m to 2.5m for the building tower; a reduction of the minimum interior side yard from 4.0 m to 0 m for the building podium; a reduction in the minimum eastern interior side yard of 4.0 m to 3.4m for the tower; an increase in the maximum building height of 32 m to 105m; an increase in the number of storeys from 10 storeys to 32 storeys; an increase of the maximum storeys in the base of a mid-rise building from 6 to 8; an increase in the maximum FSR from 2.0 to 8.5; and, a reduction in the minimum percent of non-residential gross floor area from 20% to 1.0%. In addition, the applicant has proposed a minimum parking space of 0.55 spaces/dwelling unit plus 0.05/visitor spaces/dwelling unit and spaces that are shared between uses. The applicant has also proposed a prohibition on closed loop geothermal energy systems. In addition, the applicant has proposed a holding provision until an RSC and Ministry Acknowledgement Letter have been received.

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 located in a Major Transit Station Area of Kitchener and designated General Industrial Employment 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).

Regional staff acknowledge that the subject lands are directly adjacent to the Mill Station ION stop and the subject lands are within walking distance to multiple bus stops with routes that connect to the ION and the Urban Growth Centre in Kitchener.

Regional staff acknowledge that the concept proposes new residential units in forms other than single-detached and semi-detached units as per Regional OP policy 3.A.5 and that higher density residential and commercial uses directly adjacent to the Mill ION Stop have been proposed.

ROPA 6 Adopted Policies:

The subject lands are located within the Regional Council Adopted Kitchener Mill Station Major Transit Station Area (MTSA). The development concept proposes a higher density development that contributes to the minimum density target established for the Mill Station MTSA of 160 people and jobs per hectare. As Major Transit Station Areas are identified as a Strategic Growth Area, the Region is supportive of increased density, uses and activity within these areas. The density proposed through this development would contribute to the achievement of the MTSA density target prescribed through ROPA 6.

Development within Major Transit Station Areas are to be transit-supportive with development that prioritizes access to the transit station. Regional staff understand that the development includes pedestrian access to the sidewalk along Mill Street and the development includes an internal promenade with direct access to the Mill ION Station. In addition, the development concept proposes a reduction in the minimum required vehicular parking spaces as well as indoor and outdoor bicycle stalls facilitating access to the planned cycling route on Ottawa Street South. The development conforms to these policies.

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.

Conversion of Lands:

Within Section 6.4 of the Planning Justification Report, the applicant has included a review of land conversion policies contained in *A Place to Grow Growth Plan*. The subject lands are not provincially significant employment lands and they are not located in a Regional Employment Area as designated through ROPA 6. In addition, Regional staff understand that the City of Kitchener has undergone a secondary plan (Rockway Parts Secondary Plan) for development 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 Medium Density and Mixed-Use High Density uses.

Land Use Compatibility:

Regional staff have received the land use compatibility study which is contained in the Noise study entitled "Noise and Vibration Feasibility Study Proposed Mixed-Use

Development 459-509 Mill Street, Kitchener Ontario” prepared by HGC Engineering Ltd. dated July 13, 2022. Regional staff understand that the lands south of the subject lands are designated industrial and staff consider the existing industrial lands to the south as a Class II industrial area due to outdoor use of the lands. Class II industrial areas are recommended to be a minimum of 70m from sensitive land uses such as residential land uses. The subject lands are approximately 30m from the current designated industrial lands to the south.

Section 4.10 of the Ministry of Environment, Conservation and Parks (MECP) D6 Guideline indicates that it may not be possible to achieve the recommended minimum separation distances contained in the guideline for development in areas where urban redevelopment, infilling and/or transition to mixed use is taking place. Regional staff acknowledge that the subject lands are located in the Regional Council endorsed Mill Street Major Transit Station Area (MTSA).

MTSA's are areas that are within 500-800 metres of a Light Rail Transit Stop. These areas are intended to accommodate transit supportive development that meet a minimum density target of 160 residents and jobs/ha and are to be developed in a way that is supported by a diverse mix of uses including a mix of residential, office institutional and commercial development, wherever appropriate.

MTSAs are an area where redevelopment, infilling and mixed uses are encouraged; therefore, reduced setbacks recommended in Section 4.2 can be considered in accordance with section 4.10 of the D-6 guidelines. In addition to the above, the lands to the south are included in the Rockway Parts Secondary Plan, which envisions these lands to transition from an industrial land use to Mixed-Use Medium Density, Mixed-Use High Density and Innovation Employment Land Uses. Based on the above, Regional staff have no objection to the proposal from a compatibility perspective.

Regional Lands:

Regional staff understand that the applicant has proposed 451 Mill Street as an Entry Plaza. Please note that these lands are owned by the Regional Municipality of Waterloo and the disposition of Regionally Owned lands is governed through the Regional disposition process as set out by, and subject to, Regional By-law No. 20-042, the Municipal Act and other relevant Acts. Please be advised that the Region has not committed to the sale of the lands at the corner of Mill Street and Ottawa Street South, although the Region is willing to entertain further discussion related to the transfer or sale of lands to the City of Kitchener. In addition, the land disposition process can take considerable time as it is consultative and generally requires Council approval.

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 medium and high environmental threats on the subject lands due to the past use of the site. As a sensitive land use has been proposed, 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 applicant has proposed a Holding Provision prohibiting the proposed development until the submission of the RSC and the Ministry's Acknowledgement Letter have been received to the satisfaction of the Region for the entirety of the subject lands. Regional staff acknowledge that this site is to be developed in phases and the holding provision relating to the Record of Site Condition and Ministry Acknowledgement Letter can be released in phases as each building is developed through the site plan process. Regional staff are supportive of the Holding Provision and the following is the required wording:

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. This Holding Provision can be released in phases as each building is developed.

Please be advised that the Record of Site Condition and corresponding Ministry Acknowledgement must correspond to the accompanying phase requesting to be released. Regional staff will not be in a position to release the holding provision if the RSC and Ministry Acknowledgement letter do not correspond to the phase requesting to be released.

Corridor Planning:

Official Plan and Zoning By-law Amendment Stage:

Environmental (Transportation) Noise:

Regional staff have received the noise study entitled "Noise and Vibration Feasibility Study, Proposed Mixed-Use Development, 459-509 Mill Street, Kitchener, Ontario" completed by HGC Engineering, dated July 13, 2022 and have no objection the conclusions and recommendations regarding transportation noise at the Official Plan Amendment and Zoning By-law Amendment stage. Regional staff have the following detailed comments and required implementation measures from a transportation noise perspective:

The study determined that noise levels at various locations within the proposed development will exceed the Region of Waterloo and the Ministry of the Environment Conservation and Parks (MECP) noise limits. The study determined that the proposed noise sensitive aspects of the development will be feasible, subject to the implementation of noise mitigation measures, including the installation of air-conditioning units, special building components for the walls, windows and doors and

noise warning clauses for all units in the development to achieve the indoor noise level criteria. Required mitigation measures include:

1. All residential units within the proposed development at 459-509 Mills Street, Kitchener must be constructed with air conditioning system and include the following noise warning clauses in any agreements of Offers of Purchase and Sale, Lease/Rental Agreements, and the Condominium Declaration(s).

"Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road and rail traffic may occasionally interfere with some activities of the dwelling occupants as the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks."

"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 sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks."

"Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 meters from the land of 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 or 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."

2. Each Tower Must be developed with building materials meeting the following minimum STC Ratings:

Table 6: Required Minimum Glazing STC for Specific Facades

Prediction Locations	Description	*Glazing STC^{1,2}
[A]	Southwest façade of Towers D, and F	STC-33
[B]	Eastern façade of Towers A, B, C, D, E, and F	STC-33
[C]	Southwest façade of Towers A and C	STC-33
[D]	Western and southern façades of Towers A, C, D, and F	STC-33
[E]	Southwest façade of Towers B and E	STC-33

Note:

¹ Based on assumed window to floor area ratios of 60% (40% fixed and 20% operable).

² STC requirement refers to fixed glazing. Small leaks through operable doors and windows are assumed, however, tight weather seals should be provided to reduce such leakage to the extent feasible.

* Sound entering through windows and walls comprised of precast/masonry panels, and spandrel glass panels

OBC – Ontario Building Code

The above STC ratings are based on a typical window to floor area of 60% (40% fixed and 20% operable) for living/dining rooms and bedrooms. Please be advised that any future noise addendums providing revised recommendations must be completed with detailed floor plans and building elevations for actual window to floor area ratios.

3. A brick veneer or masonry equivalent for residential units within 75m of the CN rail line shall be required. Further input regarding the design of the exterior walls can be provided during detailed design.
4. The location and installation of any outdoor/indoor air conditioning devices shall be done to minimize noise impacts and comply with the criteria of the Regional Municipality of Waterloo and the Ministry of the Environment, Conservation and Parks publication (NPC-300) as applicable.
5. That prior to the issuance of any building permit(s), the owner shall provide a certification letter from an acoustical Engineer licensed in the Province of Ontario, certifying that the noise attenuation measures are incorporated in the building plans and upon completion of construction, the Owner shall also provide a certification from an acoustical Engineer also certifying that the dwelling units have been constructed in accordance with the accepted mitigation measures, and the development meets the MECP NPC-300 noise guideline noise level criteria.

Further to the above, the noise study recommends a detailed transportation noise study for each building once the mechanical and electrical equipment have been selected. To ensure that the detailed noise study is received to the Region's satisfaction, a Holding provision for a detailed transportation noise study shall be required to be implemented within the proposed Zoning By-law and can be released through each phase (if the development is to be phased). The required wording for the holding provision is:

That a holding provision shall apply to the entirety of the subject lands until a detailed transportation (road and rail) and stationary noise study have 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. This holding provision may be released in phases.

Stationary Noise:

Regional staff have received the report entitled "Noise and Vibration Feasibility Study Proposed Mixed-Use Development, 459-509 Mill Street, Kitchener, Ontario" prepared by HGC Engineering dated July 13, 2022 and have conducted a cursory review of the stationary noise aspects of the noise report. Regional staff require a detailed noise

study to be prepared and the detailed noise study shall be secured through the use of a Holding Provision within the Zoning By-law Amendment associated with ZBA22/015.

Further to the above, Regional staff require the following to be addressed through the future detailed noise study, to the satisfaction of the Regional Municipality of Waterloo:

- Page 21 of the report assumes 40 minutes and 20 minutes per hour for daytime and nighttime HVAC use. 60 minutes for the daytime and 20 minutes for the nighttime use shall be used in the detailed stationary noise study.
- The detailed stationary noise study shall assess the impact of on-site noise sources on on-site and off-site sensitive receptors.
- The study recommends that the cooling towers have a maximum sound power level of 88 dBA. The noise consultant in consultation with the applicant/owner needs to confirm how this requirement will be secured and implemented on site within the detailed stationary noise study.
- The detailed noise study shall address the impact of stationary noise resulting from the phasing/staging of the development.

The review of the detailed study will be subject to a third party review by an external Noise Consultant retained by the Region. The fee for this third party review is \$4000 + HST (\$4520.00 total). Additional fees may apply depending on scope of review required.

Regional staff acknowledge that the client has proposed to phase/stage the development of the site and has proposed a detailed noise study for each phase. As indicated above, the Region shall require a holding provision to ensure a detailed transportation, rail and stationary noise study is received to the satisfaction of the Regional Municipality of Waterloo. The Holding Provision can be lifted in stages as the detailed design of each phase progresses through the site plan process. The required wording for the Holding Provision shall be:

That a holding provision shall apply to the entirety of the subject lands until a detailed Transportation, Rail 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 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. The holding provision can be lifted in phases/stages, as the detailed design of the corresponding building is designed through the site plan process.

Region of Waterloo International Airport:

The proposed development is located within the Region of Waterloo International Airport, Airport Zoning Regulated (AZR) area and the subject lands are located under the approach surface of Runway 08. The Region can support the proposed development (building and crane) to a maximum elevation of 487m ASL based on the aeronautical report submitted with the application. Regional staff require the elevation

to be clearly labelled on all plans moving forward and the Regional Municipality of Waterloo, Transport Canada and Nav Canada shall be consulted as soon as details are available regarding construction cranes.

The aeronautical assessment submitted with the application identifies a maximum allowable height of 487m ASL prior to impacting airport instrument approach procedures. The limit of 487m ASL cannot be exceeded as it would impact the Runway 08 instrument approach procedures and therefore the usability of the airport. **As per the Region's comments, dated February 10, 2023, Regional staff require the maximum height of 487m ASL to be implemented in the regulations of the Zoning By-law for both the proposed building and any related construction cranes. Any crane used for the construction of this development (e.g. towers, rooftop HVAC, communication towers/antennas) must be within the maximum height of 487m ASL.**

The applicant shall submit a land use submission form to NAV Canada as soon as possible. The application form can be found here: <https://www.navcanada.ca/en/aeronautical-information/land-use-program.aspx>. A separate land use form is also required for the crane.

The applicant shall submit an Aeronautical Assessment Form for both the building and crane to Transportation Canada as soon as possible. The application form can be found on their website here: <https://tc.canada.ca/en/aviation/general-operating-flight-rules/marking-lighting-obstacles-air-navigation>.

Access Permit/TIS/Access Regulation:

The existing properties have vehicular access directly to Mill Street with no direct access to Ottawa Street South (Regional Road 04) or Courtland Avenue East (Regional Road 53). The concept plan provided with the application proposes to remove the existing accesses and proposes two new vehicular access locations to Mill Street. Regional staff have no concerns with the proposed vehicular access design at this time.

The Transportation Impact Study (TIS) entitled "459-489 Mill Street, Mixed Use Development, Transportation Impact Assessment, Parking Study and Transportation Demand Management Plan" prepared by Paradigm Transportation Solutions Limited, dated July 2022 was received and Regional staff have no objection to the TIS at the Official Plan Amendment and Zoning By-law Amendment stage. Detailed comments will follow separately. Regional staff acknowledge payment of the TIS review fee of \$500.00.

Stormwater Management & Site Grading:

Regional staff have received a copy of the Stormwater Management Report entitled "Functional Servicing & SWM Report, 459-509 Mill Street, Kitchener, Ontario" completed by JPE Engineering, dated July 12, 2022 and have no objection to the OPA/ZBA from a stormwater management perspective, however the following preliminary comments shall be addressed through the future site plan application.

The "Functional Engineering Plan" provided with the application proposes that the main storm outlet for the site would be located adjacent to the ION ditch at the southeast corner of the site. Regional rapid transit staff have reviewed the report and have no objection to this proposed stormwater management concept, provided post development flows are restricted to pre-development flows. Regional staff shall comment on the design and construction of the storm sewer outlet and overland flow outlet at the ION ditch through future design phase(s), but have the following comments related to integration with the ION Station at this time:

It appears that the proposed stairs and ramp structure at the proposed plaza station connection encroach onto Regional property. The connection should be made at grade with any required stairs/ramp located on private property.

There is an existing retaining wall located between the rear of 451 Mill Street to 485 Mill Street and the Mill ION platform. Under the future detailed design of the site, the grading of the proposed development and the building layout should be done in a way to remove the existing retaining wall. As the proposed sanitary sewer connection and water service connection for the development is from Mill Street, Regional staff have no comments related to these connections as Mill Street is a local municipal road. Finally, please ensure that any civil engineering plans and reports match the most recent Site Plans and Architectural Plans.

Transit Planning

Grand River Transit (GRT) currently operates numerous routes, including higher frequency transit, along both Ottawa Street South and Courtland Avenue East. There are no current GRT routes along this section of Mill Street, but access to transit is close to the proposed development.

In addition to GRT routes, ION Light Rail Transit (LRT) currently operates along the rail corridor immediately adjacent to the proposed development. Direct pedestrian connections are proposed from the subject lands to the Mill ION stop and Regional staff support the proposed connections. Detailed comments related to the design and integration of the connections will be provided under a future site plan application.

Regional Site Plan Review fee:

The Region will require an \$805.00 site plan review fee for a future site plan application.

Hydrogeology and Source Water Programs

The subject lands are located in Wellhead Protection Sensitive Area 8 (WPSA 8). Please be advised that the Regional Municipality of Waterloo does not support permanent active or passive dewatering controls for below-grade infrastructure, (e.g. foundations, slabs, parking garages, footings, piles, elevator shafts, etc.); therefore, below-grade infrastructure requiring dry conditions must be waterproofed.

In addition, a prohibition on geothermal energy is required. The required wording 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

By copy of this letter, the Region of Waterloo acknowledges receipt of the Official Plan and Zoning By-law Amendment Review and compatibility review fees of \$11,000.00 (deposited August 25, 2022).

Conclusions:

Based on the above, the Region has no objection to the applications subject to the implementation of the following regulation, holding provisions and geothermal prohibition being included within the Zoning By-law Amendment:

- 1. The maximum height permitted on site for buildings any associated structures (e.g. rooftop HVAC, communication towers/antennas) and construction cranes shall be 487m ASL.**
- 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. This Holding Provision can be released in phases as each building is developed.*
- 3. That a holding provision shall apply to the entirety of the subject lands until a detailed transportation, rail and stationary noise study have 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. The holding*

provision can be lifted in phases/stages, as the detailed design of the corresponding building is known through the site plan process.

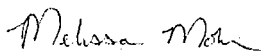
4. *Geothermal Wells are prohibited on site. A geothermal well is defined as a vertical well, borehole or pipe installation used for geothermal systems, ground-source heat pump systems, geo-exchange systems or earth energy systems for heating or cooling; including open-loop and closed-loop vertical borehole 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.*

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

CC. Polocorp Inc. (C/O Mike Puopolo) – Owner
Polocorp Inc. (C/O Matthew Warzecha) – Owner
The Butler Group Consultants Inc. (C/O David A. Butler) - Agent

City of Kitchener
Heritage – OPA/ZBA Comment Form

Project Address: 455-509 Mill Street

File Number: OPA22/008/M/CD, ZBA22/015/M/CD

Comments Of: Heritage Planning

Commenter's Name: Deeksha Choudhry

Email: deeksha.choudhry@kitchener.ca

Phone: 519-741-2200 ext. 7291

Date of Comments: August 30, 2022

Heritage Planning staff has reviewed the following material for the proposed development on the lands municipally addressed as **455-509 Mill Street** to provide the comments outlined below:

- Urban Design Report dated July 2022
- Planning Justification Report dated July 2022
- Architectural Drawings for the proposed development at 455-409 Mill Street

1. Site Specific Comments:

The subject properties municipally addressed as 455-4509 Mill Street do not contain any protected or listed heritage resources under the Ontario Heritage Act. However, they are located adjacent to the Canadian National Railway Cultural Heritage Landscape, which is a high priority Cultural Heritage Landscape.

Urban Design Report dated July 2022

In reviewing the Urban Design guidelines in the Urban Design Report prepared by Michael Spaziani Architects Inc, for the proposed development at 455-509 Mill Street, it is acknowledged that:

"The building podiums and ground level of the proposed development have been designed to enhance the pedestrian experience through the use of human-scaled podium structures and the introduction of enhanced landscaping, well appointed street furnishings and varying surface materials. The character of the CN Rail heritage corridor has been maintained and no adverse impacts will be created by the proposed development. The proposed development does not encroach on the existing rail corridor lands and does not impact the current use of the corridor."

2. Heritage Planning Comments

Heritage Planning Staff is satisfied with the analysis and do not have any further comments or concerns.

Craig Dumart

From: Craig Dumart
Sent: Friday, September 16, 2022 12:18 PM
To: 'Matthew Warzecha'
Subject: FW: WRDSB Circulation Comments: OPA22/008/M/CD & ZBA22/015/K/CD 455-509 Mill Street

From: Christie Kent <christie_kent@wrdsb.ca>
Sent: Friday, September 16, 2022 11:52 AM
To: Craig Dumart <Craig.Dumart@kitchener.ca>
Subject: WRDSB Circulation Comments: OPA22/008/M/CD & ZBA22/015/K/CD 455-509 Mill Street

Good Morning Craig,

The Waterloo Region District School Board (WRDSB) has reviewed the circulation for the applications for Official Plan and Zoning By-law Amendment which would facilitate the principle of land use for a mixed use development including approximately 1,500 residential units.

It is requested that the WRDSB is circulated for pre-submission comments on any subsequent applications for Site Plan Control on the subject lands. At that time, the WRDSB would be in a better position to offer comments detailed comments on site considerations and potential impacts on student accommodation at the schools noted below.

The WRDSB offers the following comments for information:

Student Accommodation

At this time, the subject lands are within the boundaries of the following WRDSB schools:
Queen Elizabeth Public School (Junior Kindergarten to Grade 6);
Courtland Avenue Public School (Grade 7 to Grade 8); and
Cameron Heights Collegiate Institute (Grade 9 to Grade 12).

Student Transportation

The WRDSB supports active transportation, and pedestrian safety and connectivity should be considered in site design and through the construction process.

Please be advised that Student Transportation Services of Waterloo Region (STSWR)'s school buses will not travel privately owned or maintained right-of-ways to pick up/drop off students. Transported students may be required to meet the bus at a congregated bus pick-up point on a municipal right-of-way.

As noted above, the WRDSB requests to be circulated on any subsequent submissions or revisions and reserves the right to comment further on detailed development proposals for the subject lands.

Should you have any questions regarding the above, please do not hesitate to contact me.

Thank you,
Christie

Christie Kent MCIP RPP

Senior Planner

Waterloo Region District School Board

51 Ardelt Avenue, Kitchener ON, N2C 2R5

C: 226-748-4803

T: 519-570-0003 Ext. 4459

E: christie_kent@wrdsb.ca

City of Kitchener - Comment Form

Project Address: 455-509 Mill St
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: September 16, 2022
Date of comments: September 12, 2022

1. Plans, Studies and/or Reports submitted and reviewed as part of a complete application:

- Sustainability Statement, 459-509 Mill Street, prepared by The Butler Group Consultants Inc, dated July, 2022

2. Comments & Issues:

I have reviewed the documentation (as listed above) to support an Official Plan Amendment and a Zoning By-law Amendment to allow for a mixed use development with six towers ranging in height from 13 to 32 storeys and a total FSR of 6.99 to be built on the subject lands including a total of 1473 residential units and approximately 2,789 square metres (30,020 square feet) of commercial floor area, regarding sustainability and energy conservation and provided the following:

- Based on my review of the supporting documentation, the proposed development is contemplated to, at a minimum, meet the Ontario Building Code for water and energy efficiency.
- 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.
- The subject property is located within the PARTS Rockway Plan Area, Section 10.13 of the PARTS Rockway Plan recommends that development is equivalent to achieving a minimum LEED/LEED ND – Silver rating or comparable sustainable development standard.
- It is strongly recommended that the proposed development incorporate sustainability measures that help achieve more efficient standards than the minimum OBC requirements and be equivalent to achieving a minimum LEED silver rating or comparable sustainable development standard.

- A Sustainability Statement (as per the City's Terms of Reference) will be required as part of a complete Site Plan Application. It can build upon the information already provided and can further explore and/or confirm which additional sustainable measures are best suited to the development.

3. **Policies, Standards and Resources:**

- Kitchener Official Plan Policy 7.C.4.4. Development applications will be required to demonstrate to the satisfaction of the City, through the completion of a Sustainability Report/Checklist in accordance with the Complete Application Requirements Policies in Section 17.E.10, that the proposal meets the sustainable development policies of the Plan and that sustainable development design standards are achieved.
- 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. Such studies may include, but not limited to an Energy Conservation Efficiency Study, a Feasibility Study for Renewable or Alternative Energy Systems, District Heating Feasibility Study, and the completion of a Sustainability Report/Checklist in accordance with the Complete Application Requirements Policies in Section 17.E.10.
- 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.
- PARTS Rockway Plan Section 10.13. 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. It is recommended to ensure that development in the PARTS Rockway Area is equivalent to achieving a minimum LEED / LEED ND – Silver rating or comparable sustainable development standard for Kitchener. The plan is available online at... https://www.kitchener.ca/en/resourcesGeneral/Documents/DSD_PLAN_PARTS_Rockway_Plan.pdf

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>

Craig Dumart

From: Lenore Ross
Sent: Friday, March 24, 2023 1:55 PM
To: Craig Dumart
Subject: OPA22/008/M/CD and ZBA22/015/K/CD and response to PoloCorp letter
Attachments: Ltr to City re Parkland Comments.pdf

Hi Craig,

Thanks for providing the response from PoloCorp to my comments of March 16 2023 related to the February 2023 resubmission of documents for OPA22/008/M/CD and ZBA22/015/K/CD.

The letter acknowledges that the Parkland Dedication Bylaw 2022-101 is under appeal by PoloCorp and that the ultimate parkland dedication arrangements will be subject to the resolution of that on-going appeal.

The letter confirms the 'in flux' nature of the lands at 455 Mill St which could potentially be dedicated to the City as parkland and, together with the current Regionally-owned lands at 451 Mill St, form part of a potential public Entry Plaza. The commentary is accurate in that nothing has been decided and discussions are on-going.

The letter also acknowledges that much of the application package illustrates only conceptual details and that the detailed design and programming of any public space, privately owned publicly accessible space and on-site private amenity areas will occur at the site plan stage and be informed by detailed studies to refine use and design.

It is positive that PoloCorp is committed to collaborating with City staff through the detailed design phases and that they contemplate providing "outdoor seating areas, BBQ areas, basketball courts, dog runs, etc. as potential amenities within the private amenity areas. In addition to the outdoor amenity areas, residents will have access to a variety of indoor amenity spaces which could include party rooms, theatres, community lounges, a gym, etc." Inclusion of robust on-site amenities including such features as those the applicant has noted in the letter will help to address the recreational needs of the anticipated 2680 new residents in an area with little active public parkland and an identified deficit of neighbourhood park space. Through detailed design it will be critical to incorporate the required environmental mitigation measures identified in preliminary studies to achieve the extent and degree of amenities contemplated in the conceptual design package.

I am satisfied with PoloCorp's response to my comments and questions and I look forward to working with the applicant and Planning staff through the site plan applications to achieve a high quality mixed use development that will provide robust active outdoor spaces and amenities for the new residents and for the larger community.

Regards,

Lenore

Lenore Ross MSc, MCIP, RPP

Parks Planning and Development Project Manager

Design & Development | Parks and Cemeteries | City of Kitchener
519-741-2200 ext 7427 | TTY 1-866-969-9994 | Lenore.Ross@Kitchener.ca

Discover nature in the city: www.kitchener.ca/parks

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City of Kitchener
Zone Change / Official Plan Amendment Comment Form

Address: 455-509 Mill St
Owner: Polocorp Inc
Application: OPA22/008/M/CD, ZBA22/015/K/CD Feb 2023 resubmission

Comments Of: Parks and Cemeteries
Commenter's Name: Lenore Ross
Email: Lenore.ross@kitchener.ca
Phone: 519-741-2200

Date of Comments: March 16 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:

I have reviewed the documentation noted below submitted in support of an OPA and ZBA to allow for a mixed use development with 5 towers ranging in heights from 15 to 44 storeys in height. A total FSR of 8.5 is proposed. The development will consist of ~1500 residential units and ~2600m² of commercial floor area of the total proposed GFA of 169,497m².

- Planning Justification Report prepared by Butler Group Consultants Inc, updated February 2023
- Urban Design Report prepared by Michael Spaziani Architects Inc, updated February 2023;
- Pedestrian Wind Assessment prepared by RWDI, updated February 2023;
- Architecture Design Package prepared by Neo Architects, updated February 2023;
 - Conceptual Site Plan;
 - Elevations and Site Sections;
 - Floor Plans;
 - Tall Building Separation Analysis;
 - Shadow Analysis;
 - Material Palette;
- Landscape Master Plan Package prepared by Land Art Design Landscape Architects Inc, updated February 2023.

2. Site Specific Comments & Issues:

1. The parkland dedication requirement for this submission is deferred at the OPA/ZBA and will be assessed at a future Site Plan Application. Parkland dedication will be assessed based on the land use class(es) and density approved through the OPA and ZBA and required as a condition of Site Plan Approval.
2. These comments relate to a formal planning application that has been deemed complete prior to the passing of the new Park Dedication By-law 2022-101 and Policy and thus if Final Site Plan Approval can be completed within the proscribed transition period (August 22 2023), the old

Zone Change / Official Plan Amendment Comment Form

Parkland Dedication rates and categories can be utilized. If not complete within one year, the rates and categories contained within the new By-law will apply. The Bylaw is under appeal.

3. Additional caps and limitations to Parkland Dedication have been implemented by the Province through the More Homes Built Faster Act and these will impact this development.
4. As a result of the proposed intensification and the identified parkland deficit in this Planning Community and in the Planning Communities that are immediately adjacent to this proposed development, **it is expected that Park Dedication will be provided, at least in part, through the physical dedication of land with the balance being provided as cash in lieu of land.**
5. The proposed plans and documents show four landscaped features as POPS areas to be retained by the development and some documents label the Regional lands and the Entry Plaza as City Park; **please clarify.** If additional land is available off-site to address active park needs in this community, that could be considered as part of the parkland dedication requirements at the site plan application.
6. The UDB and PJR outline a number of community benefits including community centre space with financial support and construction and maintenance of the Entry Plaza. How will these items be secured?
7. Privately-owned, publicly accessible spaces may be considered according to the recently approved Park Dedication Bylaw 2022-101 and Policy (under appeal). The inclusion of high-quality spaces such as the Station Plaza and Promenade illustrated in the Planning Justification Report, Urban Design Brief and Landscape Master Plan Package are positive and the value and contribution of the space towards Parkland Dedication will be further assessed at the site plan application stage. Any areas considered for partial POPS credit for Parkland Dedication at the Site Plan Application stage will be for land value only (costs of constructed features or maintenance will not be included in Parkland Dedication partial credits). Exclusive use areas assigned to either commercial or residential tenants will be excluded and Parkland Dedication Plans will be required to confirm calculations. Public access easements will be required.
8. Park Dedication reductions (for secured affordable rental housing), exemptions (commercial space) and credits (existing residential units) will also be applied at the site plan application according to Park Dedication Bylaw and Policy.

3. Comments on Submitted Documents

The following comments should be addressed at this time.

1) **Urban Design Report prepared by Michael Spaziani Architects Inc, updated February 2023;**

- a) Pg 47- Streetscape Design – “The Mill Street streetscape profile within the public right-of-way, after the required road widening, will be consistent across the length of the Site (Figure ~~35~~ 36). From the new property line toward the street, the profile will consist of a 2.4 metre wide sidewalk, 1.3 metre landscaped strip, and a reconstructed 2.9 metre multi-use trail. A 0.85

Zone Change / Official Plan Amendment Comment Form

metre wide buffer will be provided between the multi-use trail and Mill Street.” Including both a 3m MUT and a 2.4m CSW seems duplicative, and this cross section should be confirmed with Development Engineering and Transportation. Sufficient space and soil volumes for street trees should be accommodated within the right of way according to Development Manual specifications.

- b) Pg 54-63 Public Amenity Areas – Apart from the “Play Area” and the possible central feature of “Station Plaza” it appears that much of the proposed Privately Owned Public Space (POPS) is sidewalk area and passive seating rather than active park space. Any areas considered for partial POPS credit for Parkland Dedication at the Site Plan Application stage will be for land value only (costs of constructed features or maintenance will not be included in Parkland Dedication partial credits). Exclusive use areas assigned to either commercial or residential tenants will be excluded. Public access easements will be required.
- c) While the PJR, UDB and Master Landscape Package provide considerable details for the proposed POPS areas, few conceptual details or commitments are provided for the private on-site amenity spaces. Providing adequate and usable private on-site amenity space is critical for the 2680 new residents in an area with little active public parkland and the PJR and UDB should include these commitments and conceptual details.
- d) An update to the UDB should be provided.

2) Planning Justification Report prepared by Butler Group Consultants Inc, updated February 2023 (PJR)

- a) The report acknowledges the lack of formal park space in the Rockway Planning Community and Places & Spaces: An Open Space Strategy for Kitchener confirms this identifying only 4.5sq.m./person for the community. Although within the Rockway Planning Community, the site is immediately adjacent to the Mill Courtland Community, and this Community also has a deficient level of active neighbourhood park space and is assessed as a “High” priority for land acquisition through development applications. This site is more than 750m from active public park facilities.
- b) The PJR anticipates that Station Plaza, the Promenade and the Play Area will be Privately owned Public Spaces within the development and that the 455 Mill St property *may* be dedicated as public park space and possibly combined with the Regionally owned lands at 451 Mill St. If the 455 Mill St lands are dedicated to the City in partial fulfillment of the required Parkland Dedication, credit will be for land only not the construction of any features. A separate Developer Build Agreement including a Cost Estimate and Cost Sharing arrangements will be required to refine the design concept in the Master Landscape Package in conjunction with City staff
- c) While the PJR, UDB and Master Landscape Package provide considerable details for the proposed POPS areas, few conceptual details or commitments are provided for the private on-site amenity spaces. Providing adequate and usable private on-site amenity space is critical for the 2680 new residents in an area with little active public parkland and the PJR and UDB should include these commitments and conceptual details.
- d) Using the proposed 1500 units approximately 2680 people will reside in this development. With the limited active public park spaces or active POPS areas available in the neighbourhood, this deficit of neighbourhood park space would worsen.
- e) An update to the PJR should be provided

Zone Change / Official Plan Amendment Comment Form

3) Landscape Master Plan Package prepared by Land Art Design Landscape Architects Inc, updated February 2023.

- a) Pg 24 - Please confirm Mill St cross section with Development Engineering and Transportation Planning; having both a 3m MUT and a 2.4m CSW seems duplicative. Sufficient space and soil volumes for street trees should be accommodated within the right of way to Development Manual standards. Adequate soil volumes and street trees will be required as part of Site Plan applications.
- b) If the 455 Mill St property is to be conveyed to the City as physical parkland, A Developer Build Agreement including a Cost Estimate and Cost Sharing arrangements will be required to refine the design concept in the Master Landscape Package in conjunction with City staff.

4) Pedestrian Wind Assessment prepared by RWDI, updated February 2023

- a) The report indicates that even with the revised layout, the proposed Station Plaza will be vulnerable to prevailing winds funneling between buildings A and B causing uncomfortable and potentially unsafe wind conditions. This will impact the feasibility and usability of any active recreational use in this proposed POPS area.
 - b) The report highlights the need for mitigation of wind through landscape plantings for the Entry Plaza and Play Area. The below grade and structural design for the at-grade landscape needs should accommodate the loads associated with adequate soil volumes and saturated weights to permit the required vegetation to grow and mature.
 - c) The report also highlights the likelihood that above-grade private amenity spaces on roof terraces will have significant negative wind impacts. Providing adequate and usable on-site amenity space is critical for the 2680 new residents proposed through this development application and the conceptual images and commitments to high-quality on-site amenity spaces should include wind mitigation.
- 5) Preliminary discussions with the developer and the Region have taken place regarding the sale of a portion of the 451 Mill St property to the City to be used as park space; this will need to be further detailed prior to final site plan approval for the first phase
- 6) The proposed POPS areas will be considered according to the Park Dedication Bylaw and Park Dedication Policy. Given the adjacent ION LRT and Regional lands, close coordination of design details will be required with the RMOW

4. Policies, Standards and Resources:

- Kitchener Official Plan

As per Section 8.C.2 – Urban Forests of the Official Plan ...

- policy 8.C.2.16., the City requires the preparation and submission of a tree management plan in accordance with the City's Tree Management Policy (available on the City's Website), as a condition of a development application.
 - policy 8.C.2.6., the City will incorporate existing and/or new trees into the streetscape or road rights-of-way and encourage new development or redevelopment to incorporate, protect and conserve existing healthy trees and woodlands in accordance with the Urban Design Policies in Section 13 (Landscape and Natural Features) of the Urban Design Manual (UDM) and the Development Manual.
 - Please see UDM Part C, Section 13 and www.kitchener.ca/treemanagement for detailed submission requirements
- City of Kitchener Parkland Dedication By law 2022-101 and Parkland Dedication Policy
 - City of Kitchener Development Manual

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- PARTS Rockway Plan
- Cycling and Trails Master Plan (2020)
- Chapter 690 of the current Property Maintenance By-law
- Places & Spaces: An Open Space Strategy for Kitchener
- Urban Design Manual

5. **Anticipated Fees:**

Parkland Dedication

The parkland dedication requirement for this submission is **deferred** and will be assessed at a future Site Plan Application. Parkland dedication will be assessed based on the land use class(es) and density approved through the OPA and ZBA and required as a condition of Site Plan Approval

As a result of the identified parkland deficit in this Planning Community and in Planning Communities that are immediately adjacent to this proposed development, it is expected that Park Dedication will be provided, at least in part, through the physical dedication of land with the balance being provided as cash in lieu of land. Privately owned, publicly accessible spaces can be considered according to the recently approved but under appeal Park Dedication Bylaw and Policy. Similarly, Park Dedication reductions (for secured affordable rental housing), exemptions (commercial space) and credits (existing residential units) will be applied according to the By-law and Policy in effect at Site Plan.

Craig Dumart

From: Steven Ryder
Sent: Friday, March 31, 2023 10:16 AM
To: 'Matthew Warzecha'; Craig Dumart
Cc: Joseph Puopolo; Mike Puopolo; MCIP RPP David A. Butler
Subject: RE: 455-509 Mill St updated submission comments

Hi Matthew,

Thank you for your response and the added context from the developers perspective. I think that answers our questions and I do not have any further concerns and are supportive of the proposed OPA and ZBA and the associated materials provided.

If you have any other questions or concerns, please let me know.

Regards,

Steven Ryder, C.E.T.

Traffic Planning Analyst | Transportation Services | City of Kitchener
519-741-2200 ext 7152 | TTY. 1-866-969-9994 | Steven.Ryder@kitchener.ca



 Please consider the environment before printing this e-mail.

From: Matthew Warzecha <matthew@polocorpinc.com>
Sent: Wednesday, March 29, 2023 2:40 PM
To: Craig Dumart <Craig.Dumart@kitchener.ca>; Steven Ryder <Steven.Ryder@kitchener.ca>
Cc: Joseph Puopolo <joseph@polocorpinc.com>; Mike Puopolo <mike@polocorpinc.com>; MCIP RPP David A. Butler <dab@butlerconsultants.com>
Subject: RE: 455-509 Mill St updated submission comments

Hi Craig and Steve,

To provide some clarification, the revised Concept includes a total of 1,150 parking spaces whereas the previous plan proposed a total of 926 spaces (difference of 224 spaces). The additional spaces have, primarily, been provided through structured parking provided within the building podiums.

Steve correctly notes, however, that 1,150 spaces equals a rate of ~0.73 spaces per unit whereas we are proposing a rate of 0.6 spaces per unit in our Zoning By-law. The reason for this is two-fold:

1. To accommodate the 'dip' in the overall provided parking rate as we move through the phases of development.
2. Maintain flexibility in the required parking through the phases, should market demand shift through the duration of the project (~10 years). This also maintains flexibility as we move through detailed design of this complex project.

Hope this helps clarify. Please let me know if you have any questions, or would like to discuss further.
Cheers,

Matthew Warzecha MCIP RPP

Director of Planning and Development | Polocorp Inc.

379 Queen Street South | Kitchener, ON | N2G 1W6

P: 519-745-3249, ext. 203 | **F:** 519-208-3004

matthew@polocorpinc.com



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To: Craig Dumart <Craig.Dumart@kitchener.ca>
Subject: 455-509 Mill St updated submission comments

Hi Craig,

Attached are our comments based on the recent update to the submission. A couple items I am looking for confirmation on regarding the parking – the updated letter indicates that they have increased the vehicle parking count, but that is not reflected in their ZBA outline.

Also, they have proposed unassigned parking for all uses, but we need to see designated spaces for shared commercial/visitor parking to prevent overflow into the neighbourhood for short-term parking. No issues if they want to make all other parking unassigned (especially if they have increased the supply as it seems), but we do need to see 0.05 spaces per unit designated for visitor/commercial use only.

If you have any questions or concerns, please let me know.

Regards,

Steven Ryder, C.E.T.

Traffic Planning Analyst | Transportation Services | City of Kitchener
519-741-2200 ext 7152 | TTY. 1-866-969-9994 | Steven.Ryder@kitchener.ca



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City of Kitchener
OPA/ZBA COMMENT FORM

Project Address: 455-509 Mill Street

Date of Meeting: No meeting – email circulation

Application Type: ZBA & OPA

Comments Of: Transportation Services

Commenter's Name: Steve Ryder

Email: steven.ryder@kitchener.ca

Phone: (519) 741 2200 ext. 7152

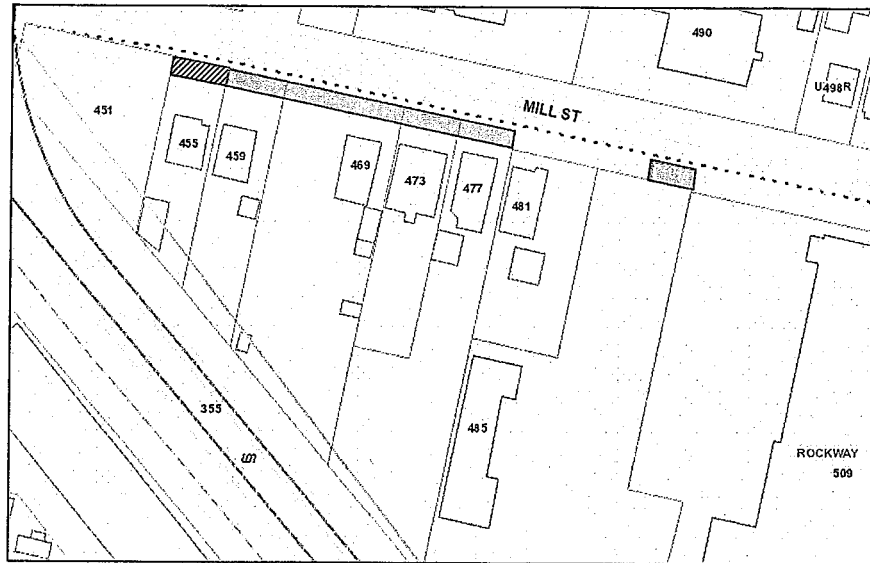
Date of Comments: March 17, 2023 (updated submission received February 23, 2023)

- ☐ I plan to attend the meeting (questions/concerns/comments for discussion)
- ☐ I do NOT plan to attend the meeting (no concerns)
-

1. Site Specific Comments & Issues:

*NOTE: As mentioned in previous comments for this proposed development, a road widening along the Mill Street frontage is required as noted in the Official Plan (Schedule D). The road widening required is approximately 4.0m wide and must be adjusted to include all of the properties now a part of the overall development proposal (#455-#509). In order to achieve full site plan approval in the future, the following will be required as part of the road widening process:

- Reference Plan to be submitted to the satisfaction of Transportation Services;
- Phase 1 ESA submitted to Engineering for review and approval (A Phase 2 ESA may be required depending on the results of the Phase 1);
- Below is a rough estimate of the land to be dedicated via the road widening, how ensure this is all confirmed via an OLS.



Traffic Impact Study Comment Response & New Development Plan:

- As per the submitted comment response letter from Paradigm Transportation Solutions; Transportation Services acknowledges the following:
 - Staff conducted discussions with Polocorp regarding pedestrian access and circulation throughout the site, raised crossing feature within the internal roadway system, the provision of publicly accessible, secured bicycle parking in the Station Plaza area to support users of the ION Rail;
 - NOTE: Design details will be confirmed throughout the site plan application process;
 - That Region of Waterloo staff have no major concerns with the conclusions and recommendations of the Traffic Impact Study (and Parking Study) and support the OPA/ZBA moving forward;
 - Region of Waterloo staff to work with the applicant and City of Kitchener on the following:
 - Implement the development parking strategy outlined in the parking study;
 - Applicant consider providing space for a future Regional e-bike/e-scooter shared system station & parking that residents and visitors can utilize;
 - That Car-share space(s) be publicly accessible, and the City/applicant consider the most established car-share provider (Communauto) as well as CarShare Anywhere;
 - That the updated development plan includes the following:
 - 1,500 residential units (unchanged)
 - 2,013 sq. m of commercial space (less than original concept)
 - 1,141 total vehicle parking spaces (increased by 217 spaces from original concept)
 - 1,184 Class A secure bicycle parking spaces (unchanged)
 - 80 Class B bicycle parking spaces (increased by 80 from original concept)

- There are no significant impacts of these proposed changes:
 - Less estimated site traffic generation;
 - No changes to the conclusion that no transportation network improvements will be required due to less estimated site traffic;

Transportation Services comments:

- Transportation Services are generally supportive of the updated development proposal and the changes included, but some confirmation is still required;
- The exact breakdown of residential/commercial/visitor parking should be noted to confirm the parking rates sought for the ZBA;
 - The site plan in the appendix of the updated PJR notes only 900 parking spaces (see below), while the comment response letter notes 1,141 total spaces. Confirm the total number and the breakdown between uses;

Zoning Data for the City of Kitchener 2019-051 SECTION 5.9 Regulations (Table 5-5)	Required (Multiple Dwelling)	Provided	Conforms	Proposed Zoning (MIX-3 Site-Specific)
Minimum parking spaces	0.9 per dwelling unit (1,350 spaces)	0.73 per dwelling unit (1,180 spaces)	No	0.55 spaces per dwelling unit (Approx. 825 spaces)
Minimum Visitor Parking spaces	0.1 per dwelling unit (150 spaces)		No	0.05 spaces per dwelling unit (Approx. 75 spaces)

-
- Transportation Services can support a shared parking model between commercial and visitor parking; however, it is imperative that there is parking designated for commercial and visitor parking as the development cannot rely on neighbouring streets for short-term parking in the event that residents use up the proposed unassigned parking spaces;
- In conclusion, Transportation Services can support 0.55 residential spaces per unit, plus 0.05 spaces per unit for visitor & commercial parking, however, the amount of spaces needs to be confirmed and the proposed rates potentially adjusted to match what is being provided via the updated development concept;
 - Any additional spaces allocated for visitor and commercial would be supported, as well;
- A Letter of Understanding will be required as part of the site plan application process that outlines all of the TDM measures that will be implemented in the development by the applicant;
 - This includes car-share, any parking strategies; travel planning & education & promotion, and any other measures that have been considered.

2. Plans, Studies and Reports to submit as part of a complete Planning Act Application:

- N/A

3. Anticipated Requirements of full Site Plan Approval:

- Approved reference plan for lands to be dedicated via road widening;
- Letter of Understanding (for TDM measures).

4. Policies, Standards and Resources:

- N/A

Craig Dumart

From: Ashkan Matlabi <Ashkan.Matlabi@cn.ca> on behalf of Proximity <proximity@cn.ca>
Sent: Thursday, August 12, 2021 7:03 PM
To: Craig Dumart
Subject: 2021-08-12-CN_RES_459-485 Mill Street_ Notice of (OPA?ZBA) Pre-submission Consultation Mtg

Hello Craig,

Thank you for consulting CN on the application mentioned in subject. It is noted that the subject site is adjacent to CN's Branch Line. CN has concerns of developing/densifying residential uses abutting our railway right-of-way. Development of sensitive uses in proximity to railway operations cultivates an environment in which land use incompatibility issues are exacerbated. CN's guidelines reinforce the safety and well-being of any existing and future occupants of the area. Please refer to CN's guidelines for the development of sensitive uses in proximity to railways. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities.

CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:

1. Safety setback of habitable buildings from the railway rights-of-way to be a minimum of 15 metres in conjunction with a safety berm. The safety berm shall be adjoining and parallel to the railway rights-of-way with returns at the ends, 2 meters above grade at the property line, with side slopes not steeper than 2.5 to 1.
2. The Owner shall install and maintain a chain link fence of minimum 1.83 meter height along the mutual property line.
3. The Owner shall engage a consultant to undertake an analysis of noise. At a minimum, a noise attenuation barrier shall be adjoining and parallel to the railway rights-of-way, having returns at the ends, and a minimum total height of 5.5 metres above top-of-rail. Acoustic fence to be constructed without openings and of a durable material weighing not less than 20 kg. per square metre of surface area. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.
4. Ground-borne vibration transmission to be evaluated in a report through site testing to determine if dwellings within 75 meters of the railway rights-of-way will be impacted by vibration conditions in excess of 0.14 mm/sec RMS between 4 Hz and 200 Hz. The monitoring system should be capable of measuring frequencies between 4 Hz and 200 Hz, ± 3 dB with an RMS averaging time constant of 1 second. If in excess, isolation measures will be required to ensure living areas do not exceed 0.14 mm/sec RMS on and above the first floor of the dwelling.
5. 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."

6. The storm water management facility must be designed to direct all run off waters away from CN right of way. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
7. 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 safety berm, fencing and vibration 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.
8. 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.
9. 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 detailed site plan, a N&V study and a storm water management report taking into consideration the CN development guidelines.

Thank you and don't hesitate to contact me for 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: Joanne Sutherland <Joanne.Sutherland@kitchener.ca>

Sent: Tuesday, August 03, 2021 10:29 AM

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A pre-submission consultation meeting has been scheduled as detailed below. Files are saved in AMANDA (folder # 21-125224) for internal staff and Sharefile folder for external agencies. Please feel free to forward to a delegate or anyone else that may have an interest.

PLEASE NOTE: PRE-SUBMISSION CONSULTATION APPLICATIONS ARE 'CONFIDENTIAL'.