



PLANNING, DEVELOPMENT
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Melissa Mohr 1-226-752-8622
File: C14/2/23019
July 20, 2023

Tim Seyler, MCIP, RPP
Senior Planner
City of Kitchener
200 King Street West, 6th Floor
P.O. Box 1118, Kitchener, ON
N2G 4G7

Dear Mr. Seyler,

**Re: Proposed Zoning By-law Amendment ZBA 23/19
229 Wellington Road North
Arcadis Professional Services (Canada) Inc. (C/O Dave
Galbraith) on behalf of Peter Markin
CITY OF KITCHENER**

Arcadis Professional Services (Canada) Inc. has submitted a Zoning By-law Amendment for a development proposal at 229 Wellington Street North (subject lands) in the City of Kitchener.

The applicant is proposing to construct a 13-unit multiple dwelling in the form of stacked townhouses while keeping the existing duplex for a total of 15 units on the property.

The subject lands are located in the Urban Area of the Region and designated Built Up Area in the Regional Official Plan. The subject lands are designated Low Rise Residential in the City of Kitchener Official Plan and zoned Low Rise Residential Four (RES-4) Zone in the City of Kitchener Zoning By-law. The applicant has proposed to rezone the lands from the Low Rise Residential Four (RES-4) zone to the Low Rise Residential Five (RES-5) Zone with site-specific regulations to permit a minimum lot width of 18.1m (whereas 19m is required); permit a minimum interior side yard of 2.5m (whereas 11m is required); permit a building height of 12m (whereas the maximum is 11m); permit a maximum FSR of 0.75 (whereas the maximum FSR is 0.60); permit a parking rate of 0.46 spaces per dwelling unit of 0.46 (whereas 1.15 spaces per dwelling unit is required); and, to permit a Type B accessible parking space (whereas a Type A space is required).

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 Map 2 of the Regional Official Plan (ROP) and is designated Low Rise Residential in the City of Kitchener Official Plan.

Within the Urban Area, the Region directs the majority of growth to the Urban Growth Centers, Major Transit Station Areas, Reurbanization Corridors, Major Local Nodes and Urban Designated Greenfield Areas. These areas are planned to have a more compact form with a mix of employment, housing and services in close proximity of each other and higher frequency transit.

Regional staff understand that the development proposal is located on a planned cycling route within proximity to transit stops, the Region’s Rapid Transit system and future multi-modal transit hub. The Region is supportive of increased residential density on planned cycling routes within proximity to transit as they support the Planned Community Structure established within the ROP. In addition, the additional density proposed on site will contribute to the City of Kitchener’s annual intensification target in the built up area of 60%.

The Region wishes to advise the applicant of the following technical comments related to the proposal:

Corridor Planning

Environmental Noise:

The subject lands are located adjacent to Wellington Street North (a medium-traffic road) and within 300 meters of the CN Railway mainline and Region of Waterloo Railway line. To address the impacts of noise on the proposed development, Regional staff require the following mitigation measures and warning clauses to be implemented within the buildings and secured through a registered agreement with the City of Kitchener as a condition of a future consent or condominium application and that the noise-warning clauses are to be included in all offers of purchase and sale and lease/rental agreements and the Condominium Declaration (should a condominium be proposed):

- 1) The proposed dwelling units on the lot shall be installed air-ducted heating and ventilation system suitably sized and designed to allow the provision of central air conditioning;
- 2) The following noise warning clauses shall be required to be included on all offers of Purchase and Sale, Lease/Rental Agreements for the building/unit(s):

All Units on Site:

"The purchasers/tenants are advised that sound levels due to increasing transportation (road and railway) noise in the vicinity may interfere with some

activities of the dwelling occupants as the sound levels exceed the sound level limits of the Waterloo Region and the Ministry of the Environment, Conservation & Parks (MECP)".

"Warning: Region of Waterloo / Canadian National Railway Company or its assigns or successors in interest has or have rights-of-way within 300 metres from the land the subject thereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future, including the possibility that the Region / 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). The Region / CNR will not be responsible for any complaints or claims arising from the use of such facilities and/or operations on, over or under the aforesaid rights-of-way."

New Units:

"This dwelling has been fitted with a forced air-ducted heating system and has been designed with the provision of adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium-density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Waterloo Region and the Ministry of the Environment, Conservation & Parks (MECP)".

"The purchasers/tenants are advised that sound levels due to increasing transportation (road and railway) noise in the vicinity may interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Waterloo Region and the Ministry of the Environment, Conservation & Parks (MECP)".

"Warning: Region of Waterloo / Canadian National Railway Company or its assigns or successors in interest has or have rights-of-way within 300 metres from the land the subject thereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future, including the possibility that the Region / 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). The Region / CNR will not be responsible for any complaints or claims arising from the use of such facilities and/or operations on, over or under the aforesaid rights-of-way."

Stationary Noise:

Due to the proximity to commercial and industrial uses, Regional staff require the following noise warning clause to be registered on title through a development agreement with the City of Kitchener at the future consent or Plan of Condominium

stage and included in all offers of Purchase and Sale, Lease/Rental Agreements and the Condominium Declaration (should a condominium be proposed):

“Purchasers/tenants are advised that due to the proximity of the adjacent industrial and commercial facilities, noise from these uses may at times be audible.”

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	\$1,470
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household income for low and moderate income renter households	
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 Zoning By-law Amendment and Compatibility Review fees totalling \$3,000.00 (deposited June 22, 2023).

Conclusions:

Based on the above, Regional staff have no objection to the application. Regional staff wish to advise the City and Applicant that the implementation of the air condition system shall and the implementation of the warning clauses shall be through a future consent of plan of condominium application.

Furthermore, 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. Peter Markin (Owner), Arcadis Professional Services (Canada) Inc. C/O Dave Galbraith (Applicant)

City of Kitchener

Application Type: Zoning By-law Amendment ZBA23/019/W/TS

Project Address: 229 Wellington Street North

Comments of: Transportation Services

Commenter's Name: Dave Seller

Email: dave.seller@kitchener.ca

Phone: 519-741-2200 ext. 7369

Date of Comments: July 24, 2023

- a. As part of a complete zoning by-law amendment application, a Parking Justification Brief was submitted in March 2023 by Peter Markin, owner of 229 Wellington Street North and a peer review of the brief was submitted in May 2023 by Salvini Consulting.

Development proposal

The applicant is proposing to construct a 13-unit multiple dwelling in the form of stacked townhouses while keeping the existing duplex, for a total of 15 units. The development will be serviced by one full move vehicle access along the City of Kitchener lane at the rear of the property and a single driveway along Wellington Street North for short term parking. There are a total of 7 parking spaces being proposed.

Transportation Demand Management (TDM) analysis

This development is well situated to take advantage of the existing alternative modes of transportation available in the area to reduce vehicle dependency. Within 800m of the site there are several Grand River Transit (GRT) routes and two ION light rail stations to service this development. These routes offer connectivity to a broader transit network throughout the Region of Waterloo and within Kitchener itself.

The walkability for pedestrians accessing the site and surrounding area can easily be achieved, as sidewalks are provided generally on both sides of roadways in the surrounding area which provide connections to entertainment, employment and commercial uses.

There are existing cycling opportunities in the area, as well as future cycling connections to the downtown cycling grid and the Iron Horse Trail. To encourage cycling and take advantage of the cycling opportunities in the area, the applicant agrees to provide 15 Class A indoor secure bicycle parking spaces and 4 Class B outdoor bike parking spaces. The Class A bike parking will have access to a bike fix-it-station and electrical for EV bike charging.

Parking supply analysis

The results of the parking analysis completed noted parking ratios of 0.00 to 0.54 spaces per unit, with similar neighbourhood characteristics as this development. Also, eight (53%) of the fifteen units are less than 51m², which typically sees a lower vehicle parking rate. There is also one barrier free and one visitor parking space being provided.

To assist with reducing the vehicle parking supply, parking spaces must be unbundled for the cost of a unit. Unbundled parking allows residents to only pay for parking that they need, rather than the cost being automatically included with the unit.

Conclusion

Based on the analysis completed, Transportation Services is in support of the proposed total parking supply of 7 spaces, of which 6 spaces are allocated for residents and 1 space for visitor parking. This equates to a parking ratio of 0.47 space per unit.

City of Kitchener
Heritage – OPA/ZBA Comment Form

Project Address: 229 Wellington Street North

File Number: ZBA23/019/W/TS

Comments Of: Heritage Planning

Commenter's Name: Deeksha Choudhry

Email: deeksha.choudhry@kitchener.ca

Phone: 519-741-2200 ext. 7291

Date of Comments: July 25, 2023

Heritage Planning staff has reviewed the following material for the proposed development on the lands municipally addressed as **229 Wellington Street North** to provide the comments outlined below:

- Planning Justification Report & Urban Design Report dated May 23, 2023; and
- Architectural Package for the proposed development.

The subject property municipally addressed as 229 Wellington Street North does not have any heritage status. However, it is located within the Mt. Hope/Breithaupt Neighborhood Cultural Heritage Landscape. The Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and prepared by The Landplan Collaborative Ltd. was approved by Council in 2015. The CHLS serves to establish an inventory and was the first step of a phased Cultural Heritage Landscape (CHL) conservation process. Due to the subject property not having any heritage status, a Heritage Impact Assessment (HIA) was not required.

Planning Justification and Urban Design Report

The Planning Justification Report includes the following commentary with respect to the impacts of the proposed development on the Mt. Hope/Breithaupt Neighborhood CHL:

“The proposed development conserves the existing streetscape, maintaining the existing building with its porch and gabled roofline and the mature street trees. It directs additional parking requirements towards the rear laneway to avoid visual intrusion on the landscape. The new addition provides patios and terraces directed toward the front and rear yards that mimic the function of the porches to maintain a connection to the public realm. The new addition includes a gabled roof rather than a flat roofline common in multiple dwelling buildings.

Most significantly, the proposed development provides additional housing in forms currently more attainable for nearby employees to live in the neighborhood than detached dwellings, consistent with the original design and intent of the neighborhood to serve workers with good paying jobs in walking distance. As the warehouse district has seen the return of companies and jobs, the addition of additional more affordable housing stock conserves the community value of the this cultural heritage landscape.

Based on the foregoing, in our opinion, the proposed development conforms to the cultural heritage resource policies of the Official Plan.”

Heritage Planning Comments

Heritage Planning Staff would like to provide the following comments for the applicant's consideration:

- Staff would like further clarification on the materials and colours being used for the proposed development. The rendering provide a dark coloured brick-like material with light wood. Staff would like further confirmation on that.
 - Staff would encourage the applicant to distinguish the new development from the existing building through the use of different colours.
-

- From the architectural package submitted, the new development is higher than the existing building, and staff would encourage the applicant to look at options that decrease the height.
- If a decrease in height is not possible, staff would require the applicant to explore material colours that are lighter but are in contrast with the existing building, so that the two buildings can be distinguished, but also so that the new development blends in nicer with the existing context of the neighborhood, and has a smoother transition from the existing building.
- In keeping with the traditional character of the neighborhood, staff would encourage the applicant to use traditional materials such as brick, and wood for the new development.
- Staff would require the applicant provide more options for landscaping and tree coverage, to act as a vegetative buffer due to its proposed height and for appropriate screening from the public realm.

Staff do not have any issues with the proposed ZBA application, but might have additional comments and conditions for the Site Plan Review process.

Address: 229 Wellington St N
Owner: Peter Markin
Application: Zoning By-law Amendment ZBA23/019/W/TS

Comments Of: Parks & Cemeteries
Commenter's Name: Lenore Ross
Email: Lenore.ross@kitchener.ca
Phone: 519-741-2200 ext 7427

Date of Comments: Date of comments.

- 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 a ZBA to construct a 13-unit multiple dwelling in the form of stacked townhouses while keeping the existing duplex, for a total of 15 units on the property. To facilitate this development, the owner has requested to amend the Zoning By-law from 'RES-4' to 'RES-5' in Zoning By-law 2019-051.

- Planning Justification Report and Urban Design Brief
- Architectural drawings including preliminary site plan
- Completed application form

2. Site Specific Comments & Issues:

Parkland dedication requirements will be **deferred** at the Zoning By-law Amendment application and assessed at a future Site Plan Application. Parkland dedication will be assessed based on the land use class and density approved through the ZBA and required as a condition of Site Plan Approval. Parkland dedication will be taken as **cash-in-lieu of land** according to the Planning Act, Parkland Dedication Bylaw 2022-101 and Parkland Dedication Policy in effect.

The City of Kitchener Park Dedication By law and Park Dedication Policy have recently been updated and new parkland dedication criteria, rates and land values have been approved by Council on August 22, 2022. The Bylaw is under appeal. Further changes to the Bylaw may be required as a result of the Bill 23 – More Homes Built Faster Act. Parkland Dedication requirements will be assessed at the site plan application stage and adjusted to reflect any approved Affordable Rental Housing.

Parks and Cemeteries has no concern with the proposed Zoning Bylaw Amendments and can provide clearance for the ZBA application proceeding. Tree protection fencing for existing City owned trees and design details for the on-site amenity spaces will be determined through the required site plan application. Considering the scale of the proposed development and the current level of active park provision in the Mt Hope Huron Park Planning Community, a holding provision is not warranted in Parks and Cemeteries opinion.

3. Policies, Standards and Resources:

- Kitchener Official Plan
 - City of Kitchener Park Dedication Bylaw 2022-101 and Park Dedication Policy
 - City of Kitchener Development Manual
 - Cycling and Trails Master Plan (2020)
-

- Chapter 690 of the current Property Maintenance By-law
- Places & Spaces: An Open Space Strategy for Kitchener
- Multi-Use Pathways & Trails Masterplan
- Urban Design Manual

4. Anticipated Fees:

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 ZBA and required as a condition of Site Plan Approval

City of Kitchener - Comment Form

Project Address: 229 Wellington St N

Application Type: 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: July 25, 2023

Date of comments: July 25, 2023

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

- Sustainability Statement for 229 Wellington Street North, prepared by Peter Markin, dated March 25, 2023

2. Comments & Issues:

I have reviewed the documentation (as listed above) to support a Zoning By-law Amendment for the proposed development of a 13-unit multiple dwelling in the form of stacked townhouses while keeping the existing duplex on the subject lands, 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.
- Upon review of the supporting documentation there are several positive sustainability measures are being considered or proposed 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.
- Potential items for further consideration are:
 - The use of alternative water supply and demand management systems or readiness to add these systems in the future
 - Engineering the building to add solar PVs if required in the future
 - Using low or no VOC paints and finishes to minimize air pollutants in interior materials
 - Sustainable sourcing of construction and building materials

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.
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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: Trevor Heywood <theywood@grandriver.ca>
Sent: Monday, June 19, 2023 12:01 PM
To: Tim Seyler <Tim.Seyler@kitchener.ca>
Subject: RE: Circulation for Comment - 229 Wellington Street North (ZBA)

Hey Tim,

This is not regulated by the GRCA, and we have no comment.

Thanks,

Trevor Heywood B.Sc.(Env.)
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: Planning <planning@wcdsb.ca>
Sent: Monday, July 24, 2023 5:00 PM
To: Tim Seyler <Tim.Seyler@kitchener.ca>
Subject: RE: Circulation for Comment - 229 Wellington Street North (ZBA)

Good Afternoon Tim,

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).

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: Brandon Coveney <planning@wrdsb.ca>
Sent: Tuesday, July 18, 2023 1:55 PM
To: Tim Seyler <Tim.Seyler@kitchener.ca>
Cc: Planning <planning@wrdsb.ca>; Christine Kompter <Christine.Kompter@kitchener.ca>
Subject: Re: [Planning] Circulation for Comment - 229 Wellington Street North (ZBA)
July 18, 2023

Re: Circulation for Comment - 229 Wellington Street North (ZBA)

Municipality: Kitchener

Location: 229 Wellington St N

Owner/Applicant: Peter Markin

Hi Tim,

The Waterloo Region District School Board (WRDSB) has reviewed the above-noted application that proposes amendments in order to facilitate the construction of a rear yard addition including 13 residential units. The WRDSB offers the following comments:

Student Accommodation

At this time, the subject lands are within the boundaries of the following WRDSB schools:

- Suddaby PS (Junior Kindergarten to Grade 6);
- Margaret Avenue PS (Grade 7 to Grade 8); and
- Kitchener-Waterloo Collegiate & Vocational School (Grade 9 to Grade 12).

The WRDSB's [2020-2030 Long-Term Accommodation Plan](#) projects long-term over-utilization at Kitchener-Waterloo Collegiate & Vocational School. Interim student accommodation measures, including portable classrooms, are presently on-site and may be required until an alternative accommodation solution is in place. Alternatively, the WRDSB may conduct a boundary study or designate this property as a "Development Area" and assign it to Holding Schools before occupancy or sales.

Student Transportation

The WRDSB supports active transportation, and we ask that pedestrians be considered in the review of all development applications to ensure the enhancement of safety and connectivity.

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 will be required to meet the bus at a congregated bus pick-up point. STSWR may have additional comments about student pick-up point(s) placement on municipal right-of-ways.

Education Development Charges

Please be advised that any development on the subject lands is subject to the provisions of the WRDSB's [Education Development Charges By-law, 2021, amended in 2022](#) or any successor thereof and may require the payment of Education Development Charges for these developments prior to issuance of a building permit.

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The WRDSB requests to be circulated on any subsequent submissions on the subject lands and reserves the right to comment further on this application.

If you have any questions about the comments provided, don't hesitate to contact the undersigned.

Regards,

Brandon Coveney

Senior Planner

Waterloo Region District School Board

51 Ardelt Avenue, Kitchener ON, N2C 2R5

Email: brandon_coveney@wrdsb.ca
