

# City of Kitchener - Comment Form

**Project Address:** 417 King Street West

**Application Type:** OPA/ZBA

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**Comments of:** Environmental Planning (Sustainability) – City of Kitchener

**Commenter's name:** Raida Chowdhury

**Email:** raida.chowdhury@kitchener.ca

**Phone:** 519-741-2200 ext. 7078

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**Written Comments Due:** June 26, 2023

**Date of comments:** June 13, 2023

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

- Sustainability Statement 417 King Street West, prepared by MHBC, dated May 5, 2023.

**2. Comments & Issues:**

I have reviewed the supporting documentation (as listed above) to support a site plan application proposing a 55-storey mixed use building, containing 622 residential units, regarding sustainability and energy conservation, and provide the following comments:

- Although the Ontario Building Code (OBC) is progressive, going forward all developments will need to include energy conservation measures that go beyond the OBC as the City (and Region of Waterloo) strive to achieve our greenhouse gas reduction target.
- **Upon review of the supporting documentation, the Official Plan and Zoning Bylaw Amendments can be supported as several sustainable measures have been proposed or are being considered for the development.**
- The development proposes several sustainable measures including:
  - o The utilization of existing servicing
  - o The consideration to encourage greater public transit use
  - o Building orientation for southern exposure reducing heating requirements
  - o On-site garbage, recycling, and compost
  - o Roof design to support future Solar Panel installation
  - o On-site secure bike parking promoting active transportation
  - o Electric vehicle parking spaces, fitted with re-charge stations
  - o Measures to preserve rainwater for irrigation
- Potential items for consideration are:
  - o Building envelope (wall, roof, and window thermal performance) designed beyond OBC requirements

- Use of alternative water supply and demand management systems such as rainwater harvesting and grey water reuse, or readiness of the development to incorporate such systems in the future
  - Measures to incorporate net zero emissions or LEED standards
  - Installing white or light-colored material on the roof to reduce heat island effects and reduce cooling requirements
  - Use low or no VOC paints and finishes to minimize air pollutants in interior materials
- 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.

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

- Kitchener Official Plan Policy 7.C.4.5. The City will encourage and support, where feasible and appropriate, alternative energy systems, renewable energy systems and district energy in accordance with Section 7.C.6 to accommodate current and projected needs of energy consumption.
- Kitchener Official Plan Policy 7.C.6.4. In areas of new development, the City will encourage orientation of streets and/or lot design/building design with optimum southerly exposures. Such orientation will optimize opportunities for active or passive solar space heating and water heating.
- Kitchener Official Plan Policy 7.C.6.8. Development applications will be required to demonstrate, to the satisfaction of the City, energy is being conserved or low energy generated.
- Kitchener Official Plan Policy 7.C.6.27. The City will encourage developments to incorporate the necessary infrastructure for district energy in the detailed engineering designs where the potential for implementing district energy exists.

4. **Advice:**

- As part of the Kitchener Great Places Award program every several years there is a Sustainable Development category. Also, there are community-based programs to help with and celebrate and recognize businesses and sustainable development stewards (Regional Sustainability Initiative - <http://www.sustainablewaterlooregion.ca/our-programs/regional-sustainability-initiative> and TravelWise - <http://www.sustainablewaterlooregion.ca/our-programs/travelwise>).
- The 'Sustainability Statement Terms of Reference' can be found on the City's website under 'Planning Resources' at ... <https://www.kitchener.ca/SustainabilityStatement>

**City of Kitchener**  
**Pre-submission Application Comment Form**

**Project Address:** 417 King St W

**Date of Meeting:** NA

**Application Type:** ZBA / OPA

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Comments Of: Development Engineering

Commenter's Name: Eric Riek

Email: eric.riek@kitchener.ca

Phone: 519-741-2200 ext. 7330

Date of Comment:

- 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:

- No specific concerns.

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

Zoning Bylaw Amendment:

- No concerns with the Functional Servicing Report, sanitary capacity is available and water distribution report is acceptable.
- Stormwater Management may be addressed through the Site Plan Approval process.

City of Kitchener  
**Heritage – OPA/ZBA Comment Form**

**Project Address:** 417 King Street West

**File Number:** ZBA23/011/K/CD

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Comments Of: Heritage Planning

Commenter's Name: Deeksha Choudhry

Email: deeksha.choudhry@kitchener.ca

Phone: 519-741-2200 ext. 7291

Date of Comments: June 12, 2023

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Heritage Planning staff has reviewed the following material for the proposed development on the lands municipally addressed as **417 King Street West** to provide the comments outlined below:

- Draft Scoped Heritage Impact Assessment (HIA) dated March 23, 2023;
- Architectural Drawings for the proposed development;
- Official Plan Amendment Application;
- OPZ ZBA Submission Cover Letter dated May 5, 2023;
- Planning Justification Report;
- Zoning By-law Amendment Application.

1. Site Specific Comments:

The subject lands municipally addressed as 417 King Street West do not have any heritage status. However, they are located adjacent to 404-410 King Street West, also known as the Kaufman Lofts, and designated under Part IV of the Ontario Heritage Act. Furthermore, the subject property is also located within the Warehouse District Cultural Heritage Landscape.

Section 2 of the Planning Act identifies matters of provincial interest, which includes the conservation of significant features of architectural, cultural, historical, archaeological or scientific interest. Section 3 of the Planning Act requires that decisions of Council be consistent with the Provincial Policy Statement (PPS). Policy 2.6.1 of the PPS states that significant built heritage resources and significant cultural heritage landscapes shall be conserved. Regional and municipal policies and guidelines also address the conservation of cultural heritage resources. The Regional Official Plan contains policies that require the conservation of cultural heritage resources. The City's Official Plan contains policies that require development to have regard for and incorporate cultural heritage resources into development.

## 2. Draft Heritage Impact Assessment for 1385 Bleams Road

Since the proposed development is adjacent to protected heritage property, the submission of a Scoped Heritage Impact Assessment (HIA) was made a requirement of any planning application. A scoped HIA, dated March 2023, and prepared by MHBC Ltd. has been submitted to the City.

The scoped HIA has concluded that the proposed development will not have any impacts on the adjacent heritage resource. According to the HIA:

*“The proposed redevelopment will not result in adverse impacts to the Kaufman Building, Lang Tanning Building, or the surrounding CHL. The proposed development does involve excavation, which could result in vibrations during construction. We note that the Kaufman Building was originally designed for industrial use, which housed large and heavy machinery. The construction and materials used, including thick concrete floors, walls and steel reinforcement, ensure that the building was built to withstand vibrations or other intensive activities. Therefore, impacts due to vibration during construction are unlikely.”*

## 3. Heritage Planning Comments

Heritage Planning staff provide the following comments for consideration as part of the HIA:

- The HIA has not yet been circulated to Heritage Kitchener for comment and feedback. This will be done at next available meeting.
- Even if impacts from vibrations are not expected, adequate fencing should be considered to protect the Kaufman house during construction.
- A pre-construction structural assessment and a post-construction structural assessment might be required to ensure other construction activities have not caused any damage to the building.

Heritage Planning staff also provide the following comments for consideration as part of the OPA/ZBA:

- The total height of the podium should be in keeping with the height of the surrounding, Kaufman Lofts, and Tannery buildings.
- Additional requirements might be included as part of site plan conditions to be fulfilled prior to full site plan approval.

## Craig Dumart

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**From:** Carrie Musselman  
**Sent:** Wednesday, May 24, 2023 3:10 PM  
**To:** Craig Dumart  
**Subject:** FW: Circulation for Comment - 417 King Street West (OPA/ZBA)  
**Attachments:** department & agency letter - 417 King Street West.pdf; OPA23007KCD\_MAP4.pdf; ZBA23011KCD\_MAP1.pdf

Hello Craig,

Environmental Planning has no concerns and/or comments regarding the proposed OPA/ZBA at 417 King Street West.

Regards,

**Carrie Musselman** (she/her), BSc., Dip., RPP, MCIP  
Senior Environmental Planner | Planning | City of Kitchener  
519-741-2200 x 7068 | TTY 1-866-969-9994 | [carrie.musselman@kitchener.ca](mailto:carrie.musselman@kitchener.ca)

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**From:** Christine Kompter <Christine.Kompter@kitchener.ca>  
**Sent:** Wednesday, May 24, 2023 1:42 PM  
**To:** Metrolinx (GO) - Development (Development.Coordinator@Metrolinx.com) <development.coordinator@metrolinx.com>; \_DL\_#\_DSD\_Planning <DSD-PlanningDivision@kitchener.ca>; Bell - c/o WSP <circulations@wsp.com>; Carlos Reyes <Carlos.Reyes@kitchener.ca>; Darren Kropf <Darren.Kropf@kitchener.ca>; Dave Seller <Dave.Seller@kitchener.ca>; David Heuchert <Dave.Heuchert@kitchener.ca>; David Paetz <David.Paetz@kitchener.ca>; Ellen Kayes <Ellen.Kayes@kitchener.ca>; Enova Power Corp. - Greig Cameron <greig.cameron@enovapower.com>; Enova Power Corp. - Shaun Wang <shaun.wang@enovapower.com>; GRCA - Planning (planning@grandriver.ca) <planning@grandriver.ca>; Hydro One - Dennis DeRango <landuseplanning@hydroone.com>; Jim Edmondson <Jim.Edmondson@kitchener.ca>; Justin Readman <Justin.Readman@kitchener.ca>; Katherine Hughes <Katherine.Hughes@kitchener.ca>; Mike Seiling <Mike.Seiling@kitchener.ca>; Ontario Power Generation <Executivevp.lawanddevelopment@opg.com>; Park Planning (SM) <Park.Planning@kitchener.ca>; Region - Planning <PlanningApplications@regionofwaterloo.ca>; Property Data Administrator (SM) <PropDataAdmin@kitchener.ca>; Robert Morgan <Robert.Morgan@kitchener.ca>; Steven Ryder <Steven.Ryder@kitchener.ca>; Sylvie Eastman <Sylvie.Eastman@kitchener.ca>; Tom Ruggle <Tom.Ruggle@kitchener.ca>; UW-WUSA (Feds) (pres@wusa.ca) <pres@wusa.ca>; WCDSB - Planning <planning@wcdsb.ca>; WRDSB - Board Secretary (elaine\_burns@wrdsb.ca) <elaine\_burns@wrdsb.ca>; WRDSB - Planning <planning@wrdsb.ca>  
**Cc:** Craig Dumart <Craig.Dumart@kitchener.ca>  
**Subject:** Circulation for Comment - 417 King Street West (OPA/ZBA)

Please see attached. Additional documentation can be found in AMANDA folders 23-110866 & 23-110878 (City staff) and [ShareFile](#) (external agencies). Comments or questions should be directed to **Craig Dumart**, Senior Planner ([craig.dumart@kitchener.ca](mailto:craig.dumart@kitchener.ca); 519-741-2200 x7073).

### Christine Kompter

Administrative Assistant | Planning Division | City of Kitchener  
200 King Street West, 6<sup>th</sup> Floor | P.O. Box 1118 | Kitchener ON N2G 4G7  
519-741-2200 ext. 7425 | TTY 1-866-969-9994 | [christine.kompter@kitchener.ca](mailto:christine.kompter@kitchener.ca)

## Craig Dumart

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**From:** Trevor Heywood <theywood@grandriver.ca>  
**Sent:** Monday, May 29, 2023 10:03 AM  
**To:** Craig Dumart  
**Subject:** RE: Circulation for Comment - 417 King Street West (OPA/ZBA)

Hey Craig,

Not regulated by GRCA, no comment.

**Trevor Heywood**  
Resource Planner  
Grand River Conservation Authority

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**From:** Planning <planning@grandriver.ca>  
**Sent:** Wednesday, May 24, 2023 2:10 PM  
**To:** Trevor Heywood <theywood@grandriver.ca>  
**Subject:** FW: Circulation for Comment - 417 King Street West (OPA/ZBA)

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**From:** Christine Kompter <[Christine.Kompter@kitchener.ca](mailto:Christine.Kompter@kitchener.ca)>  
**Sent:** Wednesday, May 24, 2023 1:42 PM  
**To:** Metrolinx (GO) - Development ([Development.Coordinator@Metrolinx.com](mailto:Development.Coordinator@Metrolinx.com))  
<[development.coordinator@metrolinx.com](mailto:development.coordinator@metrolinx.com)>; \_DL\_#\_DSD\_Planning <[DSD-PlanningDivision@kitchener.ca](mailto:DSD-PlanningDivision@kitchener.ca)>; Bell - c/o WSP <[circulations@wsp.com](mailto:circulations@wsp.com)>; Carlos Reyes <[Carlos.Reyes@kitchener.ca](mailto:Carlos.Reyes@kitchener.ca)>; Darren Kropf <[Darren.Kropf@kitchener.ca](mailto:Darren.Kropf@kitchener.ca)>; Dave Seller <[Dave.Seller@kitchener.ca](mailto:Dave.Seller@kitchener.ca)>; David Heuchert <[Dave.Heuchert@kitchener.ca](mailto:Dave.Heuchert@kitchener.ca)>; David Paetz <[David.Paetz@kitchener.ca](mailto:David.Paetz@kitchener.ca)>; Ellen Kayes <[Ellen.Kayes@kitchener.ca](mailto:Ellen.Kayes@kitchener.ca)>; Enova Power Corp. - Greig Cameron <[greig.cameron@enovapower.com](mailto:greig.cameron@enovapower.com)>; Enova Power Corp. - Shaun Wang <[shaun.wang@enovapower.com](mailto:shaun.wang@enovapower.com)>; Planning <[planning@grandriver.ca](mailto:planning@grandriver.ca)>; Hydro One - Dennis DeRango <[landuseplanning@hydroone.com](mailto:landuseplanning@hydroone.com)>; Jim Edmondson <[Jim.Edmondson@kitchener.ca](mailto:Jim.Edmondson@kitchener.ca)>; Justin Readman <[Justin.Readman@kitchener.ca](mailto:Justin.Readman@kitchener.ca)>; Katherine Hughes <[Katherine.Hughes@kitchener.ca](mailto:Katherine.Hughes@kitchener.ca)>; Mike Seiling <[Mike.Seiling@kitchener.ca](mailto:Mike.Seiling@kitchener.ca)>; Ontario Power Generation <[Executivevp.lawanddevelopment@opg.com](mailto:Executivevp.lawanddevelopment@opg.com)>; Park Planning (SM) <[Park.Planning@kitchener.ca](mailto:Park.Planning@kitchener.ca)>; Region - Planning <[PlanningApplications@regionofwaterloo.ca](mailto:PlanningApplications@regionofwaterloo.ca)>; Property Data Administrator (SM) <[PropDataAdmin@kitchener.ca](mailto:PropDataAdmin@kitchener.ca)>; Robert Morgan <[Robert.Morgan@kitchener.ca](mailto:Robert.Morgan@kitchener.ca)>; Steven Ryder <[Steven.Ryder@kitchener.ca](mailto:Steven.Ryder@kitchener.ca)>; Sylvie Eastman <[Sylvie.Eastman@kitchener.ca](mailto:Sylvie.Eastman@kitchener.ca)>; Tom Ruggle <[Tom.Ruggle@kitchener.ca](mailto:Tom.Ruggle@kitchener.ca)>; UW-WUSA (Feds) ([pres@wusa.ca](mailto:pres@wusa.ca)) <[pres@wusa.ca](mailto:pres@wusa.ca)>; WCDSB - Planning <[planning@wcdsb.ca](mailto:planning@wcdsb.ca)>; WRDSB - Board Secretary ([elaine\\_burns@wrdsb.ca](mailto:elaine_burns@wrdsb.ca)) <[elaine\\_burns@wrdsb.ca](mailto:elaine_burns@wrdsb.ca)>; WRDSB - Planning <[planning@wrdsb.ca](mailto:planning@wrdsb.ca)>  
**Cc:** Craig Dumart <[Craig.Dumart@kitchener.ca](mailto:Craig.Dumart@kitchener.ca)>  
**Subject:** Circulation for Comment - 417 King Street West (OPA/ZBA)

Please see attached. Additional documentation can be found in AMANDA folders 23-110866 & 23-110878 (City staff) and [ShareFile](#) (external agencies). Comments or questions should be directed to **Craig Dumart**, Senior Planner ([craig.dumart@kitchener.ca](mailto:craig.dumart@kitchener.ca); 519-741-2200 x7073).

**Christine Kompter**  
Administrative Assistant | Planning Division | City of Kitchener  
200 King Street West, 6<sup>th</sup> Floor | P.O. Box 1118 | Kitchener ON N2G 4G7  
519-741-2200 ext. 7425 | TTY 1-866-969-9994 | [christine.kompter@kitchener.ca](mailto:christine.kompter@kitchener.ca)

## Craig Dumart

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**From:** Brandon Coveney <planning@wrdsb.ca>  
**Sent:** Tuesday, May 30, 2023 11:43 AM  
**To:** Craig Dumart  
**Cc:** Christine Kompter; Planning  
**Subject:** Re: [Planning] Circulation for Comment - 417 King Street West (OPA/ZBA)

You don't often get email from planning@wrdsb.ca. [Learn why this is important](#)

**May 30, 2023**

Re: Circulation for Comment - 417 King Street West  
Municipality: Kitchener  
Location: 417 King Street West  
Owner/Applicant: VANMAR DEVELOPMENTS 417 KING GP CORP

Good Morning Craig,

The Waterloo Region District School Board (WRDSB) has reviewed the above-noted application that proposes amendments to facilitate the construction of a 55 storey mixed use tower including 622 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:

- King Edward PS (Junior Kindergarten to Grade 6);
- Courtland Avenue PS (Grade 7 to Grade 8); and
- Kitchener-Waterloo Collegiate and Vocational School (Grade 9 to Grade 12).

The WRDSB's [2020-2030 Long-Term Accommodation Plan](#) provides information on student enrolment and accommodation at these schools. Kitchener-Waterloo Collegiate and Vocational School (KCI) is currently experiencing accommodation pressure. Portable classrooms may be located on-site to provide additional capacity on an interim basis.

Please note that site constraints exist at King Edward PS which will limit our ability to add temporary accommodation (e.g portables) on-site. The WRDSB will continue to monitor enrolment and consider alternative solutions in the event that pressure materializes from the above-noted application or subsequent applications within this school boundary.

### 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.



## Zone Change / Official Plan Amendment Comment Form

**Address:** 417 King St W  
**Owner:** Vanmar Developments 417 King GP Corp  
**Application:** OPA23/007/K/CD and ZBA23/011/K/CD

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

Date of Comments: June 12 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 facilitate redevelopment of the site with a 55 storey mixed use building with 622 residential units with ground floor commercial units. A total of 184 vehicle parking spaces and 311 bicycle parking spaces are proposed.

- Planning Justification Report
- Urban Design Score Card
- Windy Study
- Shadow Study
- Building Elevations and Renderings
- Noise Study
- Arborist Report

### 2. Site Specific Comments & Issues:

Parks and Cemeteries has no significant concerns with the proposed Official Plan and Zoning Bylaw amendments and can provide conditional support subject to the minor updates to submitted studies are noted below.

#### **Parkland Dedication**

The parkland dedication requirement will be deferred at the Official Plan Amendment/Zoning By-law Amendment applications and assessed at a future Site Plan Application. Parkland dedication will be assessed based on the land use class(es), residential units and density approved through the OPA and ZBA and required as a condition of Site Plan Approval taken as cash in lieu of land.

An estimate is provided using the approved land valuation of \$43,243,000/ha, a dedication rate of 1ha/1000 unit; a maximum dedication of either land or CIL of 10% and a capped rate of \$11,862/unit. The estimated cash-in-lieu park dedication for the proposed 0.275619ha site with 622 proposed units is **\$1,130,523**

## Zone Change / Official Plan Amendment Comment Form

Calculation:

622 units x \$11,862 = \$7,378,164 (Bylaw 2022-101 capped rate)

0.275619 ha x \$43,243,000/ha x 0.1 = \$1,130,523 (More Homes Built Faster Act 10% cap)

### 3. Comments on Submitted Documents

The following comments should be addressed.

#### 1) **Arborist Report including Tree Protection and Enhancement Plan dated March 2023– JK Consulting Arborists**

- a) The report accurately notes that the canopy of the trees within Francis' Green extend in a minor way over the property line and the proposed tree protection fencing reflects the existing hardscape conditions rather than the typical City protection standards of dripline + 1m. The four inventoried trees within Francis Green are large, mature trees and have been assessed to be in "Good" condition and recognizing that the root system of large trees may extend well beyond the dripline and into the subject site, an ISA valuation of these trees should be provided as part of the formal site plan application.
- b) Security deposits for protection of existing vegetation may be required as part of the site plan approval requirements.

#### 2) **Urban Design Scorecard Architectural set**

- a) As identified in Places and Spaces: An Open Space Strategy for Kitchener, the City Commercial Core Planning Community is currently critically underserved with active neighbourhood park space and the proposed redevelopment will exacerbate this deficit. The provision of on-site amenities suitable to all ages, including children's play facilities, will be critical to support for this proposal. The site plan, Urban Design Scorecard, Architectural plans/renderings and supporting technical studies such as the Wind and Shadow analyses, should reflect and accommodate sufficient and suitable on-site amenity spaces. These documents should be updated to provide conceptual details and precedent images for on-site amenity spaces to guide detailed site design through the site plan application.
- b) Revised/amended UDB and Architectural plans/renderings are required.

#### 4. **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

## Zone Change / Official Plan Amendment Comment Form

### 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

Parkland dedication is required for the application as cash-in-lieu of land.

Dedication requirements are subject to the Parkland Dedication Policy and rates in effect. Please be advised that an updated Parkland Dedication Policy and By-law were approved by City of Kitchener 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.

## Craig Dumart

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**From:** Dave Seller  
**Sent:** Monday, June 19, 2023 8:39 AM  
**To:** Craig Dumart  
**Subject:** OPA/ZBA comments: 417 King Street West

### City of Kitchener

**Application Type:** Official Plan Amendment Application OPA23/007/K/CD  
Zoning By-law Amendment Application ZBA23/011/K/CD

**Project Address:** 417 King Street West

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Comments of: Transportation Services

Commenter's Name: Dave Seller

Email: dave.seller@kitchener.ca

Phone: 519-741-2200 ext. 7369

Date of Comments: June 19, 2023

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- a. As part of a complete Zoning By-law amendment application, a Transportation Impact Study (TIS), was submitted (May 2023) by Paradigm Transportation Solutions Limited in support of this OPA/ZBA application. Transportation Services review focused on roadways that are under the jurisdiction of the City of Kitchener.

#### Development proposal

The applicant is proposing to develop a 55-storey mixed use building with 622 apartment units and 654m<sup>2</sup> (7039ft<sup>2</sup>) of ground floor commercial space. The development is estimated to generate 96 AM and 120 PM peak hour vehicle trips. The vehicle trips included the residential and commercial components, as well as trip reductions for internal capture trips, mode split and pass-by trips. The site will be serviced by two full moves access points along Halls Lane West and a total of 184 parking spaces are being proposed.

#### Intersection analysis

The four intersections noted below were reviewed under 2022 existing traffic conditions and were expressed as level of service (LOS) and vehicle delay (s). The existing traffic analysis indicated that the intersections of Francis Street South & Charles Street West is operating with a LOS C and delays of 22 seconds in the PM peak hour, while the remaining intersections had higher LOS and lower delays.

- Francis Street South & King Street West (Regional Road 15) - signalized
- Halls Lane West & Victoria Street South (Regional Road 55) – unsignalized
- Francis Street South & Halls Lane West – unsignalized
- Francis Street South & Charles Street West (Regional Road 64) - signalized

The six intersections noted below were reviewed under 2028 total traffic operations and the analysis is expressed the same as the 2022 existing conditions noted above. The 2028 analysis indicated that the intersection of Halls Lane West & Victoria Street South in the PM peak hour was operating with a LOS D and delays of 27 seconds along Halls Lane West. The lower LOS and higher delays are due to the amount of vehicle traffic along Victoria Street South and drivers turning left onto Victoria Street South from Halls Lane West, while the remaining intersections characteristics had higher LOS and lower delays.

- Francis Street South & King Street West (Regional Road 15) - signalized

- Halls Lane West & Victoria Street South (Regional Road 55) – unsignalized
- Francis Street South & Halls Lane West – unsignalized
- Francis Street South & Charles Street West (Regional Road 64) – signalized
- Halls Lane West & **NEW site access 1** – unsignalized
- Halls Lane West & **NEW site access 2** – unsignalized

### **Left turn lane analysis**

A left turn lane analysis was completed along Victoria Street South at Halls Lane West, utilizing the Ministry of Transportation (MTO) Geometric Design Standards for the 2028 Background and 2028 Total future traffic conditions and it was determined that a left turn lane along Victoria Street South is warranted but not recommended for the following reasons. It may not be feasible to install a left turn lane due to geometric constraints related to ION tracks and sidewalks. Left turn lanes are generally provided at major intersections and would not fit the existing character of the roadway. Transportation Services supports Paradigms recommendation.

### **Transportation Demand Management (TDM)**

This development is well situated within the Urban Growth Center (UGC) to take advantage of the existing alternative modes of transportation available in the area to reduce vehicle dependency.

There are several Grand River Transit (GRT) routes that are less than 200m from this development. They include the following routes: 1, 2, 6, 7, 20, 34, iXpress 204 and ION Central Station. 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 on both sides of roadways in the surrounding area which provide connections to entertainment, employment and commercial uses.

There is existing cycling in the area, as well as future cycling connections to the downtown cycling grid. To encourage cycling and take advantage of the cycling opportunities in the area, the applicant will be providing 312 Class A indoor secure bicycle parking spaces and 6 Class B outdoor bike parking spaces.

The applicant must lease parking spaces separately from the cost of a unit. Providing free on-site parking undermines the likelihood of someone to use an alternative mode of transportation if parking is free.

### **Parking supply analysis**

Under the current 85-1 zoning by-law (ZBL) within the UGC, a minimum of 1 parking space per unit is required, unless a unit is less than 51m<sup>2</sup>, where a parking rate of 0.165 spaces per unit would apply. The commercial portion has a parking rate of 1 parking space per 95m<sup>2</sup> of GFA and there is a zero visitor parking required. The total parking requirement under 85-1 is 446 parking spaces.

While the future 2019-051 ZBL is not in effect, the minimum parking requirements within a mixed-use development in the UGC would be zero for each use (residential, visitor and retail). Based on this proposal of 184 parking spaces, a surplus of parking is being provided and exceeds the future parking requirements.

### **Conclusion**

Based on the methodology, analysis and conclusions within the TIS, Transportation Services supports the proposed parking supply of 184 parking spaces for this development.

- b. It should be noted that the applicant was proposing to close a portion of Halls Lane West to create a one-way section which is not supportable by the City of Kitchener, as 30 Francis St West already has a portion of Halls Lane West closed with a one-way section and Francis St West is closed from Charles St West to Halls Lane West. These closures have been in place for at least seven months and are planned for a 48 month closure during their construction period with completion around 2026. The applicant also suggested the use of Francis Green Park during the construction phase. Transportation Services staff are unclear of any communications between the applicant and City of Kitchener staff regarding their proposed closures.
- c. A TIS must be submitted for the background traffic during the construction phase during the proposed road closure to assess impacts on the surrounding road network.

**Dave Seller, C.E.T.**

Traffic Planning Analyst | Transportation Services | City of Kitchener  
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Region of Waterloo

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Melissa Mohr 1-226-752-8622  
File: D17/2/23007  
C14/2/23011  
June 29, 2023

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

Dear Mr. Dumart,

**Re: Proposed Official Plan Amendment OPA 23/07 and  
Zoning By-law Amendment ZBA 23/011  
417 King Street West  
MHBC Planning (C/O Andrea Sinclair and Juliane von  
Westerholt) on behalf of Vanmar Developments 417 King  
GP Corp.  
CITY OF KITCHENER**

MHBC Planning has submitted a site-specific Official Plan Amendment and Zoning By-law Amendment Application for a development proposal at 417 King Street West (referred to as subject lands) in the City of Kitchener.

The applicant has proposed the redevelopment of the site with a 55 storey mixed use building containing 622 residential units with ground floor commercial uses. A total of 184 vehicular parking spaces with 311 Bicycle parking spaces are proposed within the underground parking structure and within the podium of the building. Access to the structured parking is located from Halls Lane West with pedestrian access proposed from King Street West. A separate loading access is proposed from Halls Lane West. An amenity terrace is located on the roof of Level 7.

Document Number: 4422481

Version: 1

The subject lands are located in the Urban Area and designated Urban Growth Centre in the Regional Official Plan. The site is designated Innovation District in the City of Kitchener Official Plan and zoned Warehouse District-Six (D-6) Zone in Zoning By-law 85-1. The Owner has requested an **Official Plan Amendment** to add a special policy permitting an FSR of 21. The Applicant has requested a **Zoning By-law Amendment** to add special regulations to the existing zoning to permit a floor space ratio of 21; to allow for residential uses; to allow for a reduction in the parking to 0.29 parking spaces per dwelling units and 0 spaces for non-residential uses; to permit a rear and side yard setback of 0 metres and to permit a 1.1 m west side yard setback.

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 “Urban Growth Centre” on Map 1 of the Regional Official Plan (ROP) and the site is designated Innovation District in the City of Kitchener Official Plan. The subject lands are also located within the Central Station Major Transit Station Area (MTSA).

#### Urban Growth Centre Policies:

The subject lands are located within two strategic growth areas of the Region (Urban Growth Centre and Major Transit Station Area). Development within the Urban Growth Centre is intended to achieve by 2031 or earlier a minimum density target of 200 residents and jobs combined per hectare. In addition, development within Urban Growth Centres are to accommodate significant population and employment growth that supports the transit network at the regional scale. The development concept proposes a higher density mixed use development that contributes to the achievement of the minimum intensification target established for the Urban Growth Centre Area of 200 people and jobs per hectare. Furthermore, through the development, the applicant has proposed a reduced vehicular car parking rate with indoor and outdoor bicycle parking that can support access and use of the transit and cycling networks within the vicinity of the subject lands.

#### Major Transit Station Area Policies:

The subject lands are located in the Central Station Major Transit Station Area (MTSA). The minimum density target within the Central Station MTSA is 160 people and jobs/ha. The density proposed through this application exceeds the density target of 160 people and jobs/ha and the proposed development will contribute to the achievement of the overall density target for the Central Station MTSA.



This development proposes a higher density mixed use residential/commercial development with apartment style housing, above ground floor retail space. In addition, commercial space is proposed on the ground floor adjacent to King Street and adjacent to Francis Green. Higher density, mixed use developments are encouraged within MTSAs through the policy framework contained in the ROP.

#### Region of Waterloo International Airport

In accordance with Regional Official Plan Policy 5.A.20, the Region will ensure that proposed developments do not negatively affect the usability, accessibility or safe operations of the airport either on a temporary or permanent basis. Regional staff have concerns with this development as the development (building and proposed crane) exceeds the maximum elevation permitted within the Airport's Instrument Approach Surface of 487 m ASL and the height of the building and crane. Therefore, the applicant shall either reduce the height of the building or submit an Aeronautical Assessment to ensure the proposed development does not negatively impact the airports operation. Further information regarding this matter can be found below.

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:

#### **Region of Waterloo International Airport:**

The subject lands are located outside of the current and proposed AZR and within the instrument approach surface of the Region of Waterloo International Airport. Within the instrument approach surface, there is a maximum height limitation of 487m ASL before any buildings or construction cranes would impact airport operations. The concept drawings prepared with the application show a ground floor elevation of 509.4m ASL which exceeds the maximum elevation permitted within the instrument approach area.

The development, as proposed, will impact the Waterloo Region International Airport Runway 08 RNP approach, which has a maximum allowable development elevation of 487m ASL. It may also impact the other Runway 08 approaches (LPV, LNAV/VNAV, ILS) and Runway 26 missed approach.

In accordance with Regional Official Plan Policy 5.A.20, Regional staff, through the review of development applications, shall ensure that proposed developments do not negatively affect the usability, accessibility or safe operations of the Region of Waterloo International Airport, either on a temporary or permanent basis.

Furthermore, in accordance with City of Kitchener Official Plan Policy 6.C.3.17, in planning for land uses in the vicinity of the Region of Waterloo International Airport, the

City will prohibit any land use or structure which could affect the operation of the Airport or cause a potential aviation safety hazard.

In order to further assess this proposal, the Region requires the building height to be reduced to ensure the building including any construction crane does not exceed the height limitation of 487m ASL. Alternatively, the applicant shall submit an aeronautical assessment for further review and comment by the Region to ensure the proposed development does not negatively impact the airport operations.

### **Record of Site Condition/Environmental Threats**

There are high environmental threats on and adjacent to the subject lands due to past/historic uses of the subject lands and adjacent sites. As a density increase of a sensitive land use has been proposed on the subject lands, a Record of Site Condition and Ministry Acknowledgement letter shall be required for the entirety of the subject lands in accordance with the Region of Waterloo's *Implementation Guideline for the Review of Development Applications on or Adjacent to Known and Potentially Contaminated Sites*.

The Record of Site Condition and Ministry Acknowledgement Letter were not received as part of the Complete Application for the Zoning By-law Amendment. In accordance with the Region's Implementation Guidelines, the Region can defer the requirement of the RSC and Ministry Acknowledgement letter to the building permit stage with confirmation from the Chief Building Official of the City of Kitchener confirming that the RSC and Ministry Acknowledgement Letter will be obtained prior to building permit issuance. The Region received confirmation from the City of Kitchener's Chief Building Official that an RSC and Ministry Acknowledgement Letter are required to permit this development; therefore, Regional staff will defer the RSC and Ministry Acknowledgement letter for the entirety of the site to the Building permit stage in accordance with the Region's *Implementation Guideline for the Review of Development Applications on or Adjacent to Known and Potentially Contaminated Sites*.

### **Environmental Noise (Road and Stationary Noise) Study:**

An Environmental Noise report entitled "Noise Feasibility Study Proposed Residential Development, 417 King Street West, Kitchener, Ontario" prepared by HGC Engineering, dated April 17, 2023 and associated peer review fee of \$4,520.00 have been received and provided to the Region's third party peer reviewer. Regional staff have received the following preliminary comments from the peer reviewer:

#### *Stationary Noise Concerns:*

HGC indicates that examples of the proposed balcony mitigation are provided within the report, however, they are not included. Without an example of the proposed mitigation

for the balcony, it is unclear how the mitigation recommendations are to be implemented.

Furthermore, mitigation is recommended for floors 17 through 20 on the westerly tower façade. The stationary sources that the façade is being protected from appear to be in line with these floors and would likely have a direct line-of-sight to the windows. It is unclear how the mitigation would work based on the details provided (i.e. dimensions of the barriers). The same comment applies to the southern and eastern facades but at higher floors.

The study must include the following additional sources to be modelled:

- UW's School of Pharmacy to the west has significant rooftop equipment that has not been included or acknowledged in the report. The building appears to have Strobic exhaust fans which can be a significant noise source. In addition, the building contains multiple large cooling towers that have not been assessed.
- The Beer Store immediately northeast has refrigeration equipment on the roof that has not been included in the assessment.
- There is the initial stages of a new building behind the TD building to the east that has not been identified in the study. This should be included in the assessment and sample calculations should be provided.

*Transportation:*

Road and rail traffic volumes were obtained from historical work HGC has done in the area. Please be advised that these volumes are outdated and are required to be updated for both road and rail traffic. Furthermore, it is unclear if rail whistles at crossings have been assessed, the LRT system has not been discussed and sample calculations should be provided for road and rail noise sources.

Fulsome comments relating to the noise study will follow under a separate cover and acceptance of the study and related implementation measures by the Region is required prior to a recommendation being made to the City of Kitchener on the file. To address these requirements, the Region shall require a Holding Provision until a transportation, rail and Stationary noise study has been received and accepted by the Region. The required wording for the holding provision is:

*That a holding provision shall apply to the entirety of the subject lands until a satisfactory detailed transportation (road) and stationary noise study has been completed and implementation measures addressed to the satisfaction of the Regional Municipality of Waterloo. The detailed stationary noise study shall review the potential*

*impacts of noise (e.g. HVAC systems) on the sensitive points of reception and the impacts of the development on adjacent noise sensitive uses.*

**Corridor Planning:**

**Official Plan Amendment and Zoning By-law Amendment Stage:**

***Stormwater Management and Site Grading:***

Region of Waterloo staff has received the functional servicing report entitled “Functional Servicing and Stormwater Management Report, Vanmar Developments Inc., 417 King Street West, Kitchener, Official Plan and Zoning By-law Amendment” prepared by WalterFedy, dated March 28, 2023 and it is acceptable at this stage (Official Plan Amendment and Zoning By-law Amendment stage).

**Site Plan Application Stage:**

***Stormwater Management and Site Grading***

The Region of Waterloo shall require a Functional Servicing and Stormwater Management Report for review and approval at the site plan stage. Detailed comments related to the site specific grading and servicing details will be provided under a future site plan application.

***Access Permit/TIS/Access Regulation:***

The subject lands have vehicular access from Halls Lane with no vehicular access from King Street West and Regional staff have no objection to the vehicular access at this stage.

***Regional Road Dedication:***

The subject lands have direct frontage on King Street West (Regional Road 15). This section of King Street West has a designated road width of 26m in accordance with Schedule 'A' of the Regional Official Plan (ROP) and a road dedication of approximately 5m is required across the entire King Street West frontage. The exact amount of road widening shall be determined by an Ontario Land Surveyor (OLS) in consultation with the Region's Transportation Planner. **Although the dedication of the lands can be deferred to the site plan stage, Regional staff note that the dedication appears to be appropriately shown on the concept plans. Please be advised that the dedication shall be confirmed by an Ontario Land Surveyor through the detailed design stage (site plan stage). In addition, as indicated above, please ensure the Record of Site Condition (RSC) excludes the road dedication along King Street West.**

**Site Plan Application Stage:**

*Regional Road Dedication:*

As indicated above, a road dedication shall be required along the King Street West right-of-way. The exact amount of road dedication must be determined by an OLS in consultation with the Region's Transportation Planner. **Please ensure that the correct road dedication is shown on all plans moving forward.**

The draft reference plan showing the road widening to be dedicated to the Region shall be submitted to the Transportation Planner for review and once the draft is been accepted, the Registered Plan must be sent to the Transportation Planner.

*Stormwater Management and Site Grading:*

Detailed civil engineering plans shall be required for review and approval by Regional staff at the site plan stage. Where possible, please coordinate underground service connections from the local municipal road rather than the Regional Road.

*Site Plan Review Fee:*

Please be advised that the Region of Waterloo shall require an \$805.00 review fee associated with a formal site plan application.

**Hydrogeology and Water Programs/Source Water Protection**

Please be advised that the Region 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 should be waterproofed.

In addition, a prohibition on Geothermal Wells as defined in Chapter 8 of the Region Official Plan shall be implemented within the site specific Zoning By-law amendment, including vertical open and closed loop geothermal energy systems. The required wording for the prohibition is:

*Geothermal Wells are prohibited on site. A geothermal well is defined as a vertical well, borehole or pipe installation used for geothermal systems, ground-source heat pump systems, geo-exchange systems or earth energy systems for heating or cooling; including open-loop and closed-loop vertical borehole systems. A geothermal well does not include a horizontal system where construction or excavation occurs to depths less than five meters unless the protective geologic layers overlaying a vulnerable aquifer have been removed through construction or excavation.*

**Housing Services**

The following Regional policies and initiatives support the development and maintenance of affordable housing:

- Regional Strategic Plan
- 10-Year Housing and Homelessness Plan
- Building Better Futures Framework
- Region of Waterloo Official Plan

The Region supports the provision of a full range of housing options, including affordable housing. Should this development application move forward, staff recommend that the applicant consider providing a number of affordable (as defined in the Regional Official Plan) housing units on the site. Rent levels and house prices that are considered affordable according to the Regional Official Plan are provided below in the section on affordability.

In order for affordable housing to fulfill its purpose of being affordable to those who require rents or purchase prices lower than the regular market provides, a mechanism should be in place to ensure the units remain affordable and establish income levels of the households who can rent or own the homes.

Staff further recommend meeting with Housing Services to discuss the proposal in more detail and to explore opportunities for partnerships or programs and mechanisms to support a defined level of affordability.

For the purposes of evaluating the affordability of an ownership unit, based on the definition in the Regional Official Plan, the purchase price is compared to the least expensive of:

Housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households	\$385,500
Housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area	\$576,347

\*Based on the most recent information available from the PPS Housing Tables (2021).

In order for an owned unit to be deemed affordable, the maximum affordable house price is \$385,500.

For the purposes of evaluating the affordability of a rental unit, based on the definition of affordable housing in the Regional Official Plan, the average rent is compared to *the least expensive of*:

A unit for which the rent does not exceed 30 per cent of the gross annual	\$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:**

Please be advised that the Region is in receipt of the Official Plan Amendment review fee of \$7,000.00 and the Zoning By-law Amendment Review fee of \$3,000.00 (total \$10,000) deposited June 22, 2023.

**Conclusions:**

At this time, the Region has the following concerns relating to the application:

1. The proposed height of the building exceeds the maximum height limitation of 487m ASL for the Runway 08 RNP approach surface. Regional staff have concerns with the height of the building based on the Runway 08 RNP approach and Runway 26 missed approach as outlined in the comments above.

This concern must be satisfactorily addressed prior to a recommendation being made to Council for the City of Kitchener.

**Follow Up:**

In addition to the concerns identified related to airport operations and the proposed building heights, the following must be implemented within the Zoning By-law:

1. That a Holding Provision apply to the entirety of the subject lands until a transportation, rail and stationary noise study is acceptance of the study and related implementation measures to the satisfaction of the Regional Municipality of Waterloo. The required wording for the holding provision is:

*That a holding provision shall apply to the entirety of the subject lands until a satisfactory detailed transportation (road) and stationary noise study has been*

*completed and implementation measures addressed to the satisfaction of the Regional Municipality of Waterloo. The detailed stationary noise study shall review the potential impacts of noise (e.g. HVAC systems) on the sensitive points of reception and the impacts of the development on adjacent noise sensitive uses.*

2. Inclusion of a geothermal prohibition in the zoning by-law amendment. The required wording for the prohibition is:

*Geothermal Wells are prohibited on site. A geothermal well is defined as a vertical well, borehole or pipe installation used for geothermal systems, ground-source heat pump systems, geo-exchange systems or earth energy systems for heating or cooling; including open-loop and closed-loop vertical borehole systems. A geothermal well does not include a horizontal system where construction or excavation occurs to depths less than five meters unless the protective geologic layers overlaying a vulnerable aquifer have been removed through construction or excavation.*

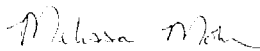
**Next Steps:**

The applicant shall address the Regions concerns as identified above.

Please be advised that any future development on the lands subject to the above-noted application will be subject to the provisions of Regional Development Charge By-law 19-037 or any successor thereof.

Further, please accept this letter as our request for a copy of the decision pertaining to this application. Should you have any questions, please do not hesitate to contact me.

Yours truly,



Melissa Mohr, MCIP, RPP  
Senior Planner

C. MHBC Planning Inc. C/O Andrea Sinclair and Juliane vonWesterholt (Applicant), Vanmar Developments 417  
King GP Corp. C/O Mauricio Miranda (Owner)





**To:** Craig Dumart, Senior Planner, City of Kitchener  
**From:** Third Party Projects Review - Adjacent Developments - GO Expansion and LRT  
Metrolinx  
**Date:** June 26<sup>th</sup>, 2023  
**Re:** OPA23/007/K/CD & ZBA23/011/K/CD - 417 King Street West, Kitchener

Metrolinx has reviewed the first Official Plan Amendment and Zoning By-law Amendment Application for 417 King St W, Kitchener. It is Metrolinx's understanding that the proposal consists of a 55-storey mixed-use building with 622 units with at-grade commercial. Metrolinx's comments on the Application are noted below:

- The subject property is located within 300 meters of Metrolinx's Guelph Subdivision which carries Metrolinx's Kitchener GO Train service.
- Metrolinx is in receipt of the Noise Feasibility Study prepared by HGC Engineering dated April 17, 2023. Metrolinx provides the following comments:
  - Metrolinx understands that Rail-Data was obtained from Metrolinx on November 7, 2019. However, Metrolinx notes that their Rail-Data Forecast has been updated as of December 2022. Please revise the Noise Study to reflect the most up-to date Rail-Data as the rail forecast has increased significantly since 2019. For your convenience, please see the most up to date data attached. (The proponent may also obtain Metrolinx's most up to date rail forecast by submitting a request to [raildatarequests@metrolinx.com](mailto:raildatarequests@metrolinx.com)). Please note that the attached Rail-Data is projected to 2032.
  - We note that the Noise Consultant has recommended noise control measures, including the inclusion for air conditioning, upgraded building façade constructions, and warning clauses in order to achieve MECP noise guidelines. However, as the Noise Study is to be updated, we await the updated report. Metrolinx will require that recommendations made by the Noise Consultant are adhered to in order for approval at Site Plan phase. Please provide the Final Detailed Noise Assessment for review and satisfaction of Metrolinx.
  - We note further that the Noise Consultant has performed an acoustical assessment of the Temporary Kitchener Layover Facility located approximately 500m to the west of the subject site. We acknowledge and accept that the assessment concludes that sound levels from the Layover do not exceed applicable limits.
- Please note as well that Metrolinx has updated their warning clause as of February 2023. Please revise the Noise Study to include the following:
  - The Proponent shall provide confirmation to Metrolinx, that the following warning clause will be inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each unit within 300 metres of the Railway Corridor:
    - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity,



notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

- The Owner shall grant Metrolinx an environmental easement for operational emissions, which is to be registered on title for all uses within 300 metres of the rail right-of-way. Included is a copy of the form of easement for the Proponent's information. The Proponent may contact [Farah.Faroque@metrolinx.com](mailto:Farah.Faroque@metrolinx.com) with questions and to initiate the registration process. Registration of the easement will be required prior to clearance of Site Plan Approval. (It should be noted that the registration process can take up to 6 weeks).

Should you have any questions or concerns, please do not hesitate to contact the undersigned.

Best regards,  
Farah Faroque  
Project Analyst, Third Party Projects Review  
Metrolinx  
10 Bay Street | Toronto | Ontario | M5J 2N8



### Form of Easement

WHEREAS the Transferor is the owner of those lands legally described in the Properties section of the Transfer Easement to which this Schedule is attached (the "**Easement Lands**");

IN CONSIDERATION OF the sum of TWO DOLLARS (\$2.00) and such other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Transferor, the Transferor transfers to the Transferee, and its successors and assigns, a permanent and perpetual non-exclusive easement or right and interest in the nature of a permanent and perpetual non-exclusive easement over, under, along and upon the whole of the Easement Lands and every part thereof for the purposes of discharging, emitting, releasing or venting thereon or otherwise affecting the Easement Lands at any time during the day or night with noise, vibration and other sounds and emissions of every nature and kind whatsoever, including fumes, odours, dust, smoke, gaseous and particulate matter, electromagnetic interference and stray current but excluding spills, arising from or out of, or in connection with, any and all present and future railway or other transit facilities and operations upon the lands of the Transferee and including, without limitation, all such facilities and operations presently existing and all future renovations, additions, expansions and other changes to such facilities and all future expansions, extensions, increases, enlargement and other changes to such operations (herein collectively called the "**Operational Emissions**").

THIS Easement and all rights and obligations arising from same shall extend to, be binding upon and enure to the benefit of the parties hereto and their respective officers, directors, shareholders, agents, employees, servants, tenants, sub-tenants, customers, licensees and other operators, occupants and invitees and each of its or their respective heirs, executors, legal personal representatives, successors and assigns. The covenants and obligations of each party hereto, if more than one person, shall be joint and several.

Easement in gross.

Rail-Data for 417 King St W, Kitchener (as of December 2022)

\*Please note that this Rail-Data is forecast to 2032.

The subject lands (417 King St W, Kitchener) are located within 300 metres of the Metrolinx Guelph Subdivision (which carries Kitchener GO rail service).

It's anticipated that GO rail service on this Subdivision will be comprised of diesel trains. The GO rail fleet combination on this Subdivision will consist of up to 2 locomotives and 8 passenger cars. The typical GO rail weekday train volume forecast near the subject lands, including both revenue and equipment trips is in the order of 99 trains. The planned detailed trip breakdown is listed below:

	1 Diesel Locomotive	2 Diesel Locomotive		1 Diesel Locomotive	2 Diesel Locomotive
Day (0700-2300)	62	14	Night (2300-0700)	21	2

The current track design speed near the subject lands is 30 mph (48 km/h).

There are *anti-whistling by-laws* in affect at Park St, Strange St, Lancaster St. W. Reg. Rd. 29, Saint Leger St, and Duke St at-grade crossing.

Operational information is subject to change and may be influenced by, among other factors, service planning priorities, operational considerations, funding availability and passenger demand.

It should be noted that this information only pertains to Metrolinx rail service. It would be prudent to contact other rail operators in the area directly for rail traffic information pertaining to non-Metrolinx rail service.