

Good Afternoon Eric,

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

Internal memo

Development Services Department



www.kitchener.ca

Date: July 24, 2023
To: Eric Schneider
From: Jason Brûlé
Subject: Zoning By-law Amendment and Official Plan Amendment Application
Ideal Capital Limited
93-99 Benton Street and 39-43 St. George Street, Kitchener
ZBA 23/012/B/ES
OPA 23/008/B/ES

The below comments have been prepared through the review of the supplied Functional Servicing & SWM Report prepared by MTE Consultants Inc.; dated March 06, 2023 in support of the above noted applications circulated July 11, 2023.

General Comments:

1. Engineering is in support of the applications. Any comments below can be used to direct detailed design.
2. Suggest having discussions with the Region of Waterloo for the service removals in Benton Street due to their depth. Typical Region of Waterloo requirement is that they need to be made all the way back to the mains.

Sanitary:

3. Proposed flows were verified in the City's model and indicate no impacts downstream of this development.
4. The City of Kitchener infiltration rate for sanitary is 0.15 L/s/ha not the 0.25 L/s/ha shown in the report. Further to that, all the Average Daily Flow design parameters are inconsistent with that of the City of Kitchener.

Water (Angela Mick, Kitchener Utilities):

5. No issues for these applications.
6. For the site plan: the valve should be located on property line as it doesn't appear to be from the plan. It should be a tapping valve at the main as we will tap size on size. A more recent hydrant test should be completed as the one provided is from 2010.
7. Advisory comment: Any buildings over 84m tall require a second water service in accordance with Ontario Building Code section 3.2.9.7 (4).

Storm and Stormwater Management:

8. The report says that onsite infiltration isn't feasible due to building size and u/g parking. The plans show an area at the rear of the site (east corner) outside the building and u/g parking envelope that should be explored for potential infiltration of some of the retention volume.
9. Note: SWM fees with respect to retention or quality are assessed and calculated in the year in which they are to be paid

Internal memo

Development Services Department



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10. A more thorough review of the site SWM will be conducted with detailed design.

A handwritten signature in black ink that reads "Jason Brûlé".

Jason Brûlé, C.E.T.
Engineering Technologist

City of Kitchener - Comment Form

Project Address: 93-99 Benton Street

Application Type: OPA/ZBA

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

Commenter's name: Raida Chowdhury

Email: raida.chowdhury@kitchener.ca

Phone: 519-741-2200 ext. 7078

Written Comments Due: August 14, 2023

Date of comments: August 14, 2023

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

- Sustainability Statement 93-99 Benton Street, MHBC, May 1, 2023

2. Comments & Issues:

I have reviewed the supporting documentation (as listed above) to support a OPA/ZBA application proposing a 12-storey mixed use building containing 99 residential units on the existing subject property, 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.
- A Sustainability Statement (as per the City's Terms of Reference) will be required as part of a complete Site Plan Application which can further explore and/or confirm additional sustainability measures that are best suited to the development as the design evolves.
- **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 compact and efficient design of an underutilized lands
 - o The use of existing servicing
 - o Control measures to improve stormwater runoff quantity and quality
 - o On-site secure bike parking promoting active transportation
 - o Building orientation for southern exposure reducing heating requirements
 - o Cool/light coloured roofing material
 - o The use of low or no VOC paints and finishes to minimize air pollutants in interior materials
 - o On-site waste management facilities
- The applicant should, in an updated Sustainability Statement, further clarify:

- Why the use of a water conservation system or alternative water supply system is not proposed for this development
- Whether the building envelope (wall, roof, and window thermal performance) will be designed beyond OBC requirements
- Whether low-flush toilets will be considered
- Whether the sustainable sourcing of construction and building materials will be considered

3. Conditions of Site Plan Approval:

- To submit a revised Sustainability Statement to the satisfaction of the City's Director of Planning. Further, the approved sustainability measures recommended in the Sustainability Statement will be implemented in the landscape, stormwater management, and building design, to the satisfaction of the City's Manager of Development Review.

4. 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.

5. 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>



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Melissa Mohr 1-226-752-8622
File: D17/2/23005
C14/2/23009
August 14, 2023

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

Dear Mr. Schneider,

**Re: Proposed Official Plan Amendment OPA 23/08 and
Zoning By-law Amendment ZBA 23/012
93-99 Benton Street and 39-43 St. George Street
MHBC Planning Inc. (C/O Trevor Hawkins and Julianne
von Westerholt) on behalf of Ideal Capital Limited (C/O
Daljeet Dhanesar)
CITY OF KITCHENER**

MHBC Planning has submitted a site-specific Official Plan Amendment and Zoning By-law Amendment Application for a development proposal at 93-99 Benton Street and 39-42 St. George Street (referred to as subject lands) in the City of Kitchener.

The applicant has proposed to develop the subject lands with a 12-storey mixed-use building containing 99 dwelling units and approximately 53m² of ground floor commercial space. A Floor Space Ratio of 5.3 is proposed and 52 at-grade parking spaces are proposed with 2 levels of underground parking on site. Vehicular access is proposed from both Benton and St. George Street. An amenity area is located at the south east corner of the site.

The subject lands are located in the Urban Area and designated Built Up Area in the Regional Official Plan. The site is designated Medium Density Commercial Residential in the Cedar Hill Neighbourhood Secondary Plan in the City of Kitchener Official Plan and

zoned Commercial Residential Two (CR-2) Zone with Special Regulation 136R in the Zoning By-law. The Owner has requested an **Official Plan Amendment** to add a special policy to permit an FSR of 5.3 (whereas the maximum FSR is 2.0), a maximum density of 717.3 units/ha and a maximum height of 39.3 metres. The Applicant has requested a **Zoning By-law Amendment** to add special regulations to permit a reduced side yard abutting the street from 3.0m to 0.0m; a minimum front yard setback of 1.5m (whereas 3.0 is required); a minimum rear yard setback of 7.5m (whereas 19.6m is required); a maximum building height of 39.3m; a reduced parking rate of 0.5 spaces/unit including visitor parking (whereas 1.25 spaces/unit are required); reduced landscaped area from 10% to 0% and an FSR of 5.3 (whereas the maximum FSR is 2.0)

The Region has had the opportunity to review the proposal and offers the following:

Regional Comments

Consistency with Provincial Legislation and Regional Official Plan Conformity

The subject lands are designated "Urban Area" and "Built-Up Area" on Schedule 3a of the Regional Official Plan (ROP) and the site is designated Commercial in the City of Kitchener Official Plan.

Built Up Area Policies:

The development concept proposes a higher density development that contributes to the achievement of the minimum annual intensification target established for the Built-Up Area of Kitchener of 60%. Section 2.F of the ROP establishes policies to support the achievement of the minimum intensification targets within the delineated Built-Up Area. Growth is directed to the Built Up Area of the Region to make better use of infrastructure that can assist in transitioning the Region into an energy efficient, low carbon community. Furthermore, intensification within the Built-Up Area assists the gradual transition of existing neighbourhoods within the Region into 15 minute neighbourhoods that are compact, well connected places that allow all people of all ages and abilities to access the needs for daily living within 15 minutes by walking, cycling or rolling.

Major Transit Station Area Policies:

The subject lands are located in the Queen Station Major Transit Station Area (MTSA). The minimum density target within the Queen Station MTSA is 160 people and jobs/ha over the entire station area. Regional staff understand that this development exceeds 160 people and jobs per hectare and the development contributes to the achievement of the density target for the Queen Station MTSA.

This development proposes a higher density development with apartment style housing, in proximity to transit and sidewalks along Benton Street and St. George Street and within walking distance to Queen Street South and Charles Street, where the Queen

Station is located. Higher density mixed use developments are encouraged within MTSAs through the policy framework contained in the ROP.

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:

Noise Study Peer Review (Transportation and Stationary Noise):

The proposed residential development will be impacted by environmental noise from traffic on Benton Street (Regional Road 6) and stationary noise from stationary noise sources in the vicinity of the site as well as impacts from noise from the development on on-site sensitive receptors. To address this concern, the applicant is required to retain a consultant to undertake a detailed transportation and stationary noise study prepared to the satisfaction of the Regional Municipality of Waterloo. The Region requires a Holding Provision be implemented in the site-specific Zoning By-law Amendment to obtain the detailed Transportation and Stationary noise report. The required wording for the holding provision shall be:

That a holding provision shall apply to the entirety of the subject lands until a satisfactory detailed transportation (road) and stationary noise study has been completed and implementation measures addressed to the satisfaction of the Regional Municipality of Waterloo. The detailed stationary noise study shall review stationary noise sources in the vicinity of the site, the potential impacts of noise (e.g. HVAC systems) on the on-site sensitive points of reception and the impacts of the development on adjacent noise sensitive uses.

The noise level criteria and guidelines for the preparation of the transportation noise study are included in the Region of Waterloo Implementation Guideline for Noise Policies. Any requirement for the analysis of transportation noise impacts must comply with MECP NPC-300 Guidelines.

The noise consultant must be pre-approved by the Region of Waterloo and is responsible for obtaining current information, applying professional expertise in performing calculations, making detailed and justified recommendations, submitting the Consultant Noise Study Declaration and Owner/Authorized Agent Statement along with a copy of the Environmental Noise study to the Region of Waterloo.

Please note that there is currently a \$500.00 fee for the preparation of traffic forecasts and review of Environmental Noise Studies by Region of Waterloo staff. The application for data can be found at: <http://rmow.permitcentral.ca/PermitGroupApply?groupid=3>

In addition to the above, the noise study shall be reviewed by a third party external noise consultant retained by the Region. The applicant will be required pay for a third party review by an external Noise Consultant retained by the Region. The fee for this third party review is \$4000 + HST (**\$4,520.00 total**). Please submit payment for the third party review along with the submitted noise study. Additional fees may apply depending on scope of review required.

Payment can be made either by cheque payable to the Region of Waterloo, or by contacting Ms. Peggy Walter (PWalter@regionofwaterloo.ca) via other methods at the time of submission.

Corridor Planning:

Official Plan Amendment and Zoning By-law Amendment Stage:

Functional Servicing and Stormwater Management:

The report entitled “93-99 Benton Street Functional Servicing and Stormwater Management Report” dated March 6, 2023, prepared by MTE Consultants Inc. demonstrates how the proposed development can be serviced by local water and sanitary services as well as how stormwater will be managed.

The report is acceptable at this stage (Official Plan Amendment and Zoning By-law Amendment stage) and the following shall be updated at the detailed design stage (site plan stage):

Functional Grading:

Section 3.1 of the report indicates that the limits of the proposed building, underground parking garage, and surface parking lot extend to the property boundaries on all sides of the site, leaving minimal space to transition from existing grades into the site. Please confirm that that proposed building/parking structures along the Benton Street future property line will be offset a minimum of 0.15m from the future property after the road dedication. The land to be dedicated through the road widening shall be determined by an Ontario Land Surveyor (OLS) in consultation with the Region’s Transportation Planner and shown on a draft R-Plan. In addition, please ensure no building elements/structures encroach into the Benton Street future right-of-way (above, at or below grade).

Preliminary SWM Design:

Section 4.1 of the report confirms that storm flows will be attenuated to the post development peak flows for 5 and 100 year storm events, which is acceptable, however in Section 3.2.5, it is anticipated that the new 300mm diameter storm service connection will have capacity of 48.27L/s, with the 5-year controlled flow rate from the site being 23L/s with the proposed flow control roof drains. Please confirm that the storm flows

from the 5 to 100 year will be designed post to pre development flows at the site plan stage.

Functional Servicing:

The report notes that all the OGS located at the northwest property corner will discharge into the municipal storm within St. George Street. There are no concerns with the stormwater servicing strategy at this stage, however Regional staff require the applicant to confirm that the downstream storm system is sufficient and adequate where the proposed connection leads to Benton Street at the site plan stage.

Site Plan Application Requirements:

Regional Road Dedication:

Benton Street (RR# 06) has a designated road width of 26.213m in Schedule 'A' of the Regional Official Plan. To ensure conformity with the Regional Official Plan, a road dedication of approximately 3.05m is required. In addition, the Region shall require a daylight triangle at the intersection of Benton Street and St. George Street of 7.62m x 7.62m along the new property line. The land dedications shall be accepted 'as is'; therefore, no environmental site assessment is required for the purpose of the land dedication.

As indicated above, an Ontario Land Surveyor (OLS) is to determine the exact amount of land dedication in consultation with the Regional Transportation Planner. Once the draft R-Plan has been prepared, it must be sent to the Transportation Planner for review. Once deposited at the Land Registry Office, the deposited plan shall be sent to the Transportation Planning in .pdf format the Transportation Planner for the Region's records.

In addition to the above, the Owner shall be responsible for all costs associated with the land dedication.

Access Regulation

As per the pre-submission consultation comments, please be advised that no vehicular access shall be permitted on Benton Street and all existing entrances on Benton Street shall be closed. An access closure permit shall be required for any existing vehicular entrance(s) and there is no fee for the access closure permit. Please update the concept plans accordingly.

The application for the access closure can be found here:

<https://forms.regionofwaterloo.ca/ePay/PDLS-Online-Payment-Forms/Commercial-Access-Permit-Application>

The Transportation Master Plan (TMP) has identified the need for cycling facilities on Benton Street from Courtland Avenue to Weber Street and further ease on Frederick

Street. The cycling facilities will likely impact parking on one side of this site, however the designs and timing for this plan are not available at this time.

Existing and Proposed Encroachments:

There are existing structures (e.g. retaining walls, walkways, stairs, railings, etc., which encroach into the Regional right-of-way. All the elements that encroach into the Region's right-of-way must be removed along with their foundations and the Regional road shall be restored to the Region's satisfaction. No encroachment of the building and structural elements shall be permitted above, at or below grade in the Benton Street right-of-way.

Site Servicing/Work Permit/Municipal Consent:

No direct servicing is proposed within the Benton Street right-of-way and the applicants are advised that Municipal Consent will be required for the installation of any new and update to/removal of the existing servicing connections.

In addition, a Region of Waterloo Work Permit must be obtained from the Region of Waterloo prior to commencing construction within the Region's right-of-way. Please visit <https://rmow.permitcentral.ca/> to obtain additional information and the work permit.

Hydrogeology and Source Water Programs

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 must be waterproofed.

Furthermore, Regional staff require a prohibition on geothermal energy to be written into the zoning by-law. The required wording for the prohibition is:

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

In addition, please note that the implementation of the Salt Management Plan will be required through a future site plan application and Condominium Application should a condominium be proposed on site.

Regional Cultural Heritage

Please be advised that if archaeological resources are discovered during development or site alteration, the applicant must immediately cease alteration/development and contact the Ministry of Heritage, Sport, Tourism and Culture Industries. If it is determined that additional investigation and report of archaeological resources is needed, a licensed archaeologist will be required to conduct this field work in compliance with s. 48(a) of the Ontario Heritage Act.

If human remains/or a grave site is discovered during development or site alteration of the subject property, the applicant must immediately cease alteration and must contact the proper authorities (police or coroner) and the Registrar at the Bereavement Authority of Ontario in Compliance with the Funeral, Burial and Cremation Services Act, 2002 S. 96 and associated Regulations.

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	\$385,500
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annual household income for low and moderate income households	
Housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area	\$576,347

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

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

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

A unit for which the rent does not exceed 30 per cent of the gross annual household income for low and moderate income renter households	\$1,470
A unit for which the rent is at or below the average market rent (AMR) in the regional market area	Bachelor: \$950 1-Bedroom: \$1,134 2-Bedroom: \$1,356 3-Bedroom: \$1,538 4+ Bedroom: \$3,997

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

In order for a rental unit to be deemed affordable, the average rent for the proposed units which have fewer than 3 bedrooms must be at or below the average market rent in the regional market area as shown above. For proposed units with three or more bedrooms, the average rent for the units must be below \$1,470.

Fees:

Please be advised that the Region has yet to receive the Official Plan Amendment and Zoning By-law Amendment review fees totalling \$10,000 (deposited July 13, 2023).

Conclusions:

Regional staff have no objection to the Official Plan Amendment and Zoning By-law Amendment subject to the implementation of the following within the site-specific Zoning By-law Amendment to the satisfaction of the Regional Municipality of Waterloo:

1. The implementation of a holding provision to obtain an Environmental Noise Study, including Transportation and Stationary Noise 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 stationary noise sources in the vicinity of the site, the potential impacts of noise (e.g. HVAC systems) on the on-site sensitive points of reception and the impacts of the development on adjacent noise sensitive uses.

and,

2. That a geothermal prohibition be implemented within the site specific Zoning By-law. The required wording for the prohibition is:

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

Next Steps:

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

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

Yours truly,



Melissa Mohr, MCIP, RPP
Senior Planner

- C.** MHBC Planning Inc. C/O Trevor Hawkins and Julianne von Westerholt (Applicant)
Ideal Capital Limited C/O Daljeet Dhanesar (Owner)

City of Kitchener
Heritage – OPA/ZBA Comment Form

Project Address: 93-99 Benton Street/39-43 St. George Street

File Number: OPA23/008/B/ES & ZBA23/012/B/ES

Comments Of: Heritage Planning

Commenter's Name: Victoria Grohn

Email: victoria.grohn@kitchener.ca

Phone: 519-741-2200 ext. 7041

Date of Comments: September 7, 2023

Heritage Planning staff has reviewed the following material for the proposed development on the lands municipally addressed as **93-99 Benton Street/39-43 St. George Street** to provide the comments outlined below:

- Application form dated March 2023;
- Planning Justification Report prepared by MHBC Planning dated May 2023;
- Urban Design Brief prepared by MHBC Planning dated May 2023; and
- Architectural package prepared by ABA Architects dated March 10, 2023.

Heritage Status

The properties municipally addressed as 93-99 Benton Street/39-43 St. George Street ("subject lands") do not contain any designated or listed heritage resources under the Ontario Heritage Act. However, the subject lands are in close proximity to three properties on Benton Street (79, 83 and 112) which are listed as non-designated properties on the City's Municipal Heritage Register and are kitty corner to the Victoria Park Area Heritage Conservation District (VPAHCD) (90 Benton Street) which is designated under Part V of the Ontario Heritage Act.

The subject lands are located within the Cedar Hill Neighbourhood Cultural Heritage Landscape (CHL) as identified in the 2014 Kitchener CHL Study. The City of Kitchener is undertaking a detailed review of the land use planning framework in the Cedar Hill Neighbourhood through its "Growing Together" project which is a continuation of work already completed through the Planning Around Rapid Transit Stations (PARTS) and Neighbourhood Planning Review (NPR) projects. This planning process includes consideration for the conservation of cultural heritage resources including attributes associated with the surrounding CHL and built heritage resources.

The Urban Design Brief will need to include how the proposed development conforms to and/or is consistent with the existing Official Plan and proposed policies for the Cedar Hill Neighbourhood as well as the proposed area specific urban design guidelines for Schneider Creek & Cedar Hill. The architectural style, massing, scale, and materials of the proposed building should take visual cues from the Cedar Hill Neighbourhood, and this should be reflected in the conceptual drawings and architectural renderings contained within the Urban Design Brief.

Heritage Planning staff appreciate that the height and mass of the building is oriented toward Benton Street to create a greater separation from the low-rise residential properties along St. George Street, and that active uses are proposed to be incorporated along the ground floor of the development. However, additional consideration should be given for the corner, as this property is in an entrance view to the Cedar Hill Neighbourhood. Development in these locations should appropriately frame the intersection through building height, setbacks and step backs. To create more visual interest at the intersection/entrance to the Cedar Hill Neighbourhood, the proposed development should consider the incorporation of a building podium with articulated step backs to achieve greater transition to the existing low rise residential uses.

Heritage Planning staff strongly encourage that the materials used in the proposed development reflect the existing character of the Cedar Hill Neighbourhood CHL, including the incorporation of brick.

Heritage Planning staff anticipate the following conditions to be included as part of the Site Plan process:

- A material sample board be provided for review and approval by Heritage Planning staff.

Zone Change / Official Plan Amendment Comment Form

Address: 93-99 Benton Street & 39-43 St. George Street

Owner: Ideal Capital Limited

Application: OPA23/008/B/ES and ZBA23/012/B/ES

Comments Of: Parks and Cemeteries

Commenter's Name: Lenore Ross

Email: Lenore.ross@kitchener.ca

Phone: 519-741-2200 ext 7427

Date of Comments: Aug 01 2023

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

1. **Documents Reviewed:**

I have reviewed the documentation noted below submitted in support of an OPA and ZBA to develop the subject lands with a 12-storey mixed use building containing 99 dwelling units and approximately 53m² of ground floor commercial space. A Floor Space Ratio (FSR) of 5.0 is proposed. 52 parking spaces are proposed on the surface and within 2 underground parking levels.

- Official Plan Amendment Application Form
- Zoning By-law Amendment Application Form
- Planning Justification Report
- General Vegetation Overview
- Architectural Package
- Functional Site Grading and Servicing Plan
- Existing Conditions Plan
- Urban Design Brief
- Wind Study

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 documents noted below.

Parkland Dedication will be deferred at the OPA and ZBA applications and taken as **cash in lieu of land** as a condition of the required site plan application according to the Planning Act, Parkland Dedication Bylaw and Policy in effect.

The site is within the Cedar Hill Planning Community and while this neighbourhood has been identified in Places and Spaces: An Open Space Strategy for Kitchener as well served with active neighbourhood park space, it is immediately adjacent to the City Commercial Core which is critically underserved with active park space and contains only micro-scale parkettes. Although technically located in a well-served Planning Community, there will be increased pressures on all existing park facilities within

City of Kitchener

Zone Change / Official Plan Amendment Comment Form

walking distance, including Victoria Park, because of the proposed increase in residential density on this site. The provision of on-site amenities suitable to all ages, including children's play facilities, will be critical to this proposal.

The proposed site plan includes an on-site amenity area, which is positive and the site design that is submitted for a formal site plan application should be revised to provide safe pedestrian access from the building to the outdoor amenity area.

As part of the site plan application technical studies such as the full Wind Study and the Shadow analyses, should reflect and accommodate on-site amenity spaces.

The Urban Design Brief should also be revised/updated to incorporate conceptual details and precedent images for on-site amenity space including commentary and precedent images to guide detailed site design through the site plan application. Robust active outdoor amenity spaces with good solar access and protection from wind will be required as part of the site plan and should include seating and play equipment for residents of all ages and abilities. A holding provision may be appropriate until such time as an acceptable UDB is received and approved.

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:

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. Based on the proposed 99 units (credit for 11 units), a FSR of 5.0, a site area of 0.1386ha and using a land valuation of \$19,768,000, and **a More Homes Built Faster Act 10% cap**, an estimated \$273,984 in Parkland Dedication would be required.

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. This update includes but is not limited to changes to the classes of lands

Zone Change / Official Plan Amendment Comment Form

requiring Parkland Dedication, standard land assessment values for determining Parkland Dedication, Parkland Dedication exemption categories and transition provisions for in-progress applications. 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.

City of Kitchener
Zone Change Comment Form

Address: 93-99 Benton Street

Owner:

Application: OPA/ZBA

Comments Of: Urban Design- Planning

Commenter's Name: Pegah Fahimian

Email: Pegah.fahimian@kitchener.ca

Phone: 519-741-2200 Ext. 7342

Date of Comments: August 17, 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:

- Architectural Drawings by ABA Architects Inc.
- Shadow Study by ABA Architects Inc.
- Urban Design Brief- MHBC, May 2023
- Wind Study - Pedestrian Level Wind- Boundary Layer Wind Tunnel Laboratory, April 2023

2. Site-Specific Comments & Issues:

I have reviewed the updated/revised documentation noted below that has been submitted to support an OPA and ZBA to develop the subject lands with a 12-storey mixed-use building containing 99 dwelling units and approximately 53M² of ground floor commercial space. A Floor Space Ratio (FSR) of 5.0 is proposed. 52 parking spaces are proposed on the surface and within two underground parking levels. In order to permit the proposed development, an Official Plan Amendment to the 'Medium-Density Commercial Residential' designation in the Cedar Hill Secondary Plan to add a site-specific policy area and Zoning By-law Amendment to add a site-specific to the existing 'CR-2' zone is required.

While the concept of residential intensification on this site is positive, and many previous staff comments have been incorporated into the proposal, some design modifications must be addressed in the site plan application to create a development proposal that is well-designed and appropriate for this site and neighbourhood.

3. Comments on Submitted Documents

There are key design considerations that must be addressed through a redesign of the site to create a more functional site for residents and ensure the project fits in the context of the neighbourhood, as detailed below.

The City's Tall Building Guidelines should be consulted to inform the revised design of the site with respect to the following:

- a. Tower design
- b. Podium characteristics

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Urban Design Report: MHBC

Physical separation:

- The tall building design guidelines are an excellent compatibility test for proposals exceeding their zoning permissions. The proposal meets %80 of the separation target on the East side and exceeds the separation target on the South side.

Podium Design:

- From the urban design standpoint and activation of the streetscape, we support having a podium at three or four storeys. The height of the podium should be proportional to the right-of-way width. The podium height is usually expected to be in a range of 4 to 6 storeys in order to achieve a satisfactory human scale.



- Contemporary architectural style and details are to be refined through the site plan process. The building facades facing Benton and St George Street should contain an appropriate amount of detailing and articulation, particularly at the podium and tower. Consider adding further architectural expression to the street-facing elevations; explore options to maximize interest and expressiveness of exposed podium facades. This can include strategically incorporating public art and visual elements into the exposed facades. For the podium design along Street, you may utilize different digital art on the curtain wall with enhanced lighting to provide further detailing and a distinguished design.

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- The proposed corner treatment will be further enhanced to create visual interest at the street edge.

Tower Design :

- The tower should step back from its base a **minimum of 3m** along any street-facing elevations.
- The proposed podium along Benton Street should be broken down using enhanced detailing and articulation.
- The tower should be situated in a location that makes an effort to maximize views from the adjacent properties and the streetscape. The proposal will benefit from additional setbacks/step-backs and shifts in volume to create enhanced views and stepped terraces. This will help transition to the adjacent neighborhood and benefit sky views, sun/shadow and microclimate. Please see attached precedent images.



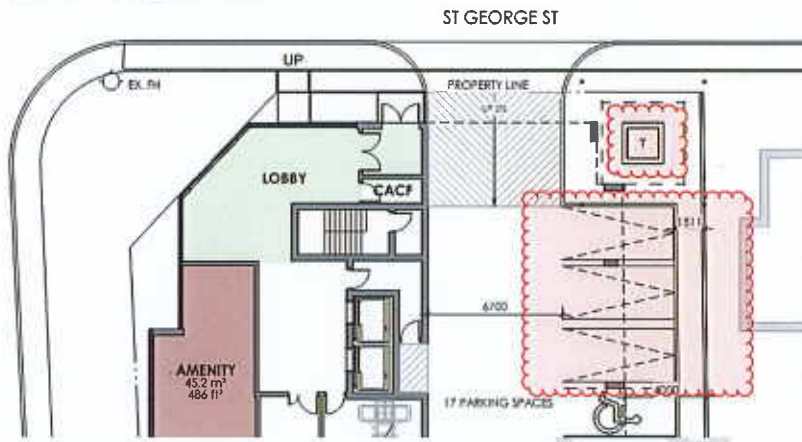
Amenity area :

- Required amenity space calculations are contained in the Urban Design Manual and include two parts – one for a general amenity area and one for children's play facilities in multiple residential developments. $(2m^2 \times \#units) + (2.5m^2 \times \#bedrooms - \#units) = \text{outdoor amenity space}$.
- The Urban Design Brief should include text and conceptual images that demonstrate the commitment to providing sufficient and appropriate amenity space for all potential residents on site
- Wind assessment is required for outdoor amenities and the pedestrian realm.

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Streetscape:

- The proposed surface parking and transformer along St. George Street are highly visible from the public realm and do not contribute positively to the streetscape. You may consider relocating the exposed surface parking to the underground parking and providing a landscape buffer around the proposed parking areas.



- Details of the streetscape are to be provided. Any streetscape elements proposed are to be reviewed.
- The area between the building's face and the property line should be well integrated with the street and public realm to deliver high-quality, seamless private, semi-private and public spaces.

Wind Study - Pedestrian Level Wind – Preliminary Impact Assessment. Boundary Layer Wind Tunnel Laboratory report

A further quantitative wind study and a detailed wind tunnel analysis will be required as part of the full site plan application package. According to the submitted wind study, the proposed development can be expected to increase winds locally on the Benton Street side of the site and, to a lesser extent, through an area south of the site. The introduction of a taller building development within a relatively homogeneous building terrain can be expected to create localized speed increases, often most noticeable near the building corners. These local speedups are generally most influenced by the more frequent southwesterly through northwesterly winds. Mitigation measures that can help to reduce wind speeds are recommended in the submitted wind study.

A revised design proposal that addresses the wind impacts outlined in the submitted wind study should be developed.

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4. Comments on Submitted Documents

Architectural Floor plans

- 1.5m landscape buffer should be provided along property lines. Due to the location of surface parking, there is insufficient space to meet the requirement for the landscape buffer on the south side.
- **Consider how best to create compatibility along Benton and St. George Street with particular regard to neighbouring buildings.**
- For tall buildings with retail or other active uses at grade, provide a ground floor height of 4.5m (minimum) to permit a variety of retail types and activities.
- The building facades fronting Benton and St George Street should contain an appropriate amount of glazing and articulation, particularly along the lower 5m where the building addresses the sidewalk.
- The underground parking structure should have a sufficient setback from the property lines to accommodate the necessary soil volume to support required large-statured, high-canopy trees.
- The location of residential and commercial garbage storage, loading area and Passenger pick up /drop-off area should be noted on the site plan.
- The area between the building's face and the property line should be well integrated with the street and public realm to deliver high-quality, seamless private, semi-private and public spaces.
- Provide natural surveillance by employing high percentages of glazing, active uses at ground level and incorporating more units with windows and balconies on the main facade with views onto the street.
- The building 's interface and relationship with the street and adjacent properties should be thoroughly explored.
- 3-bed units are desirable as they provide more living space for families. A higher percentage of these units might help with community engagement.
- Provide materiality and texture shifts at the podium and across the towers and incorporate variations in tower setbacks from the base to distinguish the tower form from the podium.
- Residential and commercial entrances should be clearly identified and offer access from both the public realm and the private parking side of the building. The proposed main entrance will be further enhanced to create visual interest at the street edge. (For example, cantilevered entrance canopy, corrugated-metal panels and fritted glass.
- Balconies may be staggered in a creative pattern to lighten the structure and provide private outdoor space for the units.
- All utility locations, including the meter room and transformer room to be shown on the layout. Building-mounted or ground-based AC units should be located away from public view and fully screened.

City of Kitchener

Application Type: Zoning By-law Amendment Application ZBA23/012/B/ES

Official Plan Amendment Application OPA23/008/B/ES

Project Address: 93-99 Benton Street & 39-43 St George Street

Comments of: Transportation Services

Commenter's Name: Dave Seller

Email: dave.seller@kitchener.ca

Phone: 519-741-2200 ext. 7369

Date of Comments: August 10, 2023

- a. As part of a complete Zoning By-law amendment application, a Parking Study was submitted (February 2023) by Paradigm Transportation Solutions Limited in support of this OPA/ZBA application. Transportation Services offer the following comments.

Development proposal

The applicant is proposing a 12-storey mixed-use building with 99 units and 110m² (1184ft²) of ground floor retail space. The site will operate with two full move access points, one along St. George Street for 18 surface parking spaces and the other along Benton Street (Regional Road 6) for 36 underground structured parking spaces, which equates to a total of 54 parking spaces. Of the 54 spaces, 5 (5%) are being allocated to visitor parking.

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. There are several Grand River Transit (GRT) routes and ION light rail that are less than 400m from this development. They include the following routes: 1, 3, 6, iXpress 204 and ION Queen Station. These routes offer connectivity to a broader transit network throughout the Region of Waterloo and within Kitchener itself. Some of these connections include malls, hospitals, Uptown Waterloo and universities/colleges.

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

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 is providing 99 Class A indoor secure bicycle parking spaces and 6 Class B outdoor bike parking spaces.

Car sharing is another option available that allows someone to rent a vehicle that is intended to substitute the ownership of a personal private vehicle. This makes vehicle use affordable for occasional use. There is a car sharing station located at Queen Street north of Courtland Avenue East.

Parking supply analysis

The applicant is proposing to provide a total of 54 parking spaces for all uses (residential & commercial). The results of the zoning by-law analysis requirements in other municipalities, ITE rates and auto ownership resulted in an estimated residential parking demand range of 0 to 70 spaces and the commercial demand is between 0 to 2 parking spaces. It should be noted that the upper range data collected for the residential use (auto ownership) was prior to the ION opening in June 2019 and there is an ION station less than 300m from this development.

Should visitors choose to drive to this development and not find a parking space, there are three parking lots/parking garages located within 500m that offer daily and monthly parking options.

To assist with reducing vehicle dependency, parking spaces for this development 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 in the unit.

It should be noted that if this development were located on the other side of Benton Street, it would be afforded the future zoning by-law 2019-051 for an urban growth centre (UGC) parking minimum of zero.

Conclusion

Paradigms analysis spoke to convenient access to several GRT and ION routes, pedestrian walkability, secure bike parking, unbundled vehicle parking and City of Kitchener and Region of Waterloo policies to promote and encourage alternative modes of transportation. Therefore, based on the analysis, Transportation Services supports the proposed parking supply of 54 spaces.

Dave Seller, C.E.T.

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