

City of Kitchener
COMMENT FORM

Project Address: 32-42 Windom Road

Application Type: Zoning By-law Amendment ZBA23/037/W/ES
Official Plan Amendment OPA23/021/W/ES

Comments of: Environmental Planning – City of Kitchener

Commenter's Name: Carrie Musselman

Email: carrie.musselman@kitchener.ca

Phone: 519-741-2200 X 7068

Date of Comments: November 27, 2023

1. Plans, Studies and Reports reviewed:

- 32 and 42 Windom Road, Kitchener ON, Arborist Report and Tree Preservation Enhancement Plan, prepared by JK Consulting Arborists, November 15, 2023.
- 32 – 42 Windom Rd Residential Development - Site Plan, prepared by Reinders & Law, 2023-10-03

2. Site Specific Comments & Issues:

I have reviewed the studies as noted above, submitted in support of a complete application for a zoning bylaw and official plan amendment, proposing the removal of the existing detached dwellings and the construction of a two stacked 3.5-storey stacked townhouse buildings, and note:

- The Arborist Report / Tree Preservation Enhancement Plan assessed eighty-eight, (88) trees. Thirty-eight trees were in good condition, twenty-five trees in fair condition, and twenty-five trees in poor condition.
- Three trees are considered boundary trees, all in poor condition. They have been recommended to be removed for safety and due to grading impacts.
 - ***Written permission to support removal of joint ownership trees will be required, if not provided the proposed development concept cannot be supported.***
- To facilitate construction of the desired units, associated parking, amenity area, and grading to promote positive drainage, all trees located within the property limits will need to be removed.
 - ***By not retaining/incorporating existing healthy trees, The proposed development concept does not meet the intent of the City's Urban Design Manual, the City's Council adopted Tree Management Policy, or Official Plan Policies 8.C.2.6 and 8.C.2.16.***
 - ***Support of the proposed OPA and ZBA (facilitating the redevelopment) will also support the removal of all the trees from the properties. The removal of all the trees may have a negative impact on the distribution of woodland cover in the local planning community. If supported, an ecologically sound tree replacement plan (to support the future site plan application) will be crucial to mitigate impacts of tree loss.***

3. Policies, Standards and Resources:

Tree Management

- As per Section 8.C.2.16. of the Official Plan, the City will require the preparation and submission of a tree management plan in accordance with the City's Tree Management Policy (available on the City's Website), where applicable, as a condition of a development application.
 - Any tree management plan must identify the trees proposed to be removed, justify the need for removal, identify the methods of removal and specify an ecologically sound tree replacement scheme and any mitigative measures to be taken to prevent detrimental impacts on remaining trees.
- policy 8.C.2.6., the City will incorporate existing and/or new trees into the streetscape or road rights-of-way and encourage new development or redevelopment to incorporate, protect and conserve existing healthy trees and woodlands in accordance with the Urban Design Policies in Section 13 (Landscape and Natural Features) of the Urban Design Manual and the Development Manual.

City of Kitchener
Pre-submission Application Comment Form

Project Address: 32-42 Windom Rd

Date of Meeting: November 17, 2022

Application Type: OPA / ZBA / SP

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

Commenter's Name: Gaurang Khandelwal

Email: gaurang.khandelwal@kitchener.ca

Phone: 519-741-2200 x 7611

Date of Comments: November 8, 2022

I plan to attend the meeting (questions/concerns/comments for discussion)

I do NOT plan to attend the meeting

1. Site Specific Comments & Issues:

I have reviewed the pre-submission application proposing an Official Plan Amendment and Zoning By-law amendment to permit the development of a 5 storey dwelling with 74 units, regarding Sustainability and Energy Conservation and provide the following:

- The City is committed to accommodate growth in a sustainable manner. Sustainable development promotes a holistic approach to planning to achieve a balance between the social and economic needs of the community, and environmental conservation.
- The City is committed to the wise and efficient use of energy and the establishment of energy sources that will protect the interests of future generations of citizens, such as alternative energy systems and renewable energy systems.
- Energy consumption can be reduced through the development of an energy efficient urban form. Using less energy is beneficial for the environment as it reduces the demand on resources to create energy and the infrastructure required for its distribution.

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

- For an Official Plan and/or a Zoning By law Amendment, it should be demonstrated, to the satisfaction of the City, how energy is being conserved or low energy generated.
 - Such studies may include but are not limited to an (1) Integrated Energy Master Plan, (2) Energy Conservation Efficiency Study, (3) a Feasibility Study for Renewable or Alternative Energy Systems, (4) District Heating Feasibility Study, or a (5) Sustainability Statement.
- For Site Plan Applications, a Sustainability Statement (as per the City's Terms of Reference) will be required with an emphasis on demonstrating, to the satisfaction of the City (Planning), how energy is being conserved or low energy generated.

- Although the Ontario Building Code (OBC) is progressive, going forward all developments will need to include energy conservation measures as the City (and Region of Waterloo) strive to achieve our greenhouse gas reduction target.
- It is recommended that the applicant explore programs or measures best suited to the site and development that go beyond the OBC to further energy conservation, generation, operation and would benefit future residents / tenants.
- Program certification is not required but is encouraged. Programs (or components of) that could be explored are:
 - Energy Star (20% / 15% more efficient than OBC)
 - R-2000 (50% more efficient than OBC),
 - Net Zero Ready (80% more efficient than OBC)
 - Net Zero (100% more efficient than OBC)
 - LEED (equivalency rating would be sufficient if not seeking certification)

3. Policies, Standards and Resources:

- Kitchener Official Plan Policy 7.C.4.4. Development applications will be required to demonstrate to the satisfaction of the City, through the completion of a Sustainability Report/Checklist in accordance with the Complete Application Requirements Policies in Section 17.E.10, that the proposal meets the sustainable development policies of the Plan and that sustainable development design standards are achieved.
- Kitchener Official Plan Policy 7.C.4.5. The City will encourage and support, where feasible and appropriate, alternative energy systems, renewable energy systems and district energy in accordance with Section 7.C.6 to accommodate current and projected needs of energy consumption.
- Kitchener Official Plan Policy 7.C.6.4. In areas of new development, the City will encourage orientation of streets and/or lot design/building design with optimum southerly exposures. Such orientation will optimize opportunities for active or passive solar space heating and water heating.
- Kitchener Official Plan Policy 7.C.6.8. Development applications will be required to demonstrate, to the satisfaction of the City, energy is being conserved or low energy generated. Such studies may include, but not limited to an Energy Conservation Efficiency Study, a Feasibility Study for Renewable or Alternative Energy Systems, District Heating Feasibility Study, and the completion of a Sustainability Report/Checklist in accordance with the Complete Application Requirements Policies in Section 17.E.10.
- Kitchener Official Plan Policy 7.C.6.27. The City will encourage developments to incorporate the necessary infrastructure for district energy in the detailed engineering designs where the potential for implementing district energy exists.

4. Advisory Comments:

- The '[Sustainability Statement Terms of Reference](#)' can be found on the City's website under 'Planning Resources' at ... <https://www.kitchener.ca/SustainabilityStatement>
- Green Building Resources
 - [Canada Green Building Council](https://www.cagbc.org/) - <https://www.cagbc.org/>
 - [Developer's guide to passive house buildings](https://www.passivehousecanada.com/passive-house-resources/) - <https://www.passivehousecanada.com/passive-house-resources/>
 - [Energy Efficient programs for builders – NRCAN](https://www.nrcan.gc.ca/energy-efficiency/buildings/new-buildings/20673) - <https://www.nrcan.gc.ca/energy-efficiency/buildings/new-buildings/20673>

- Canada's Building Strategy - <https://www.nrcan.gc.ca/energy-efficiency/buildings/canadas-building-strategy/20535>
- Passipedia - The Passive House Resource - <https://passipedia.org/>

5. Anticipated Fees:

- unknown

City of Kitchener
Zone Change / Official Plan Amendment Comment Form

Address: 32-42 Windom Road
Owner: Jackman Property Holdings c/o Vive Development Corp.
Application: ZBA23/037/W/ES and OPA23/021/W/ES

Comments Of: Development and Housing Approvals

Commenter's Name: Lenore Ross

Email: Lenore.ross@kitchener.ca

Phone: 519-741-2200 ext 7427

Date of Comments: Dec 20 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 In order to permit the proposed development, an Official Plan Amendment to the 'Low Rise Residential' designation in the Official Plan to add a site-specific policy area and Zoning By-law Amendment to change the zoning on 32 Windom Road from RES-4 to RES-5 and to add a site-specific to the lands are required

- Completed Application Forms
- Planning Justification & Urban Design Report
- Arborist Report and Tree Management Plan
- Concept Site Plan
- Floor Plans
- Elevation Drawings and Renderings
- Functional Site Grading Plan
- Existing Conditions Plan

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.

The site is within the Centerville Chicopee Planning Community and although moderately well served with active neighbourhood park space, park amenities are not evenly distributed, and this site and proposed intensification lies outside of the targeted walkshed distance to local municipal park facilities. The provision of robust on-site amenities suitable to all ages, including children's play facilities, will be critical to the success of this proposal. The site plan, Planning Justification and Urban Design Report should reflect and accommodate sufficient and suitable on-site amenity spaces.

City of Kitchener

Zone Change / Official Plan Amendment Comment Form

Parks and Cemeteries can provide conditional support to the applications subject to receiving satisfactory updates to the documentation

3. Comments on Submitted Documents

The following comments should be addressed at this time.

1) Proposed preliminary Site Plan – various documents

- a) The site plan illustrates a proposed amenity space in the northeast corner of the site. A sidewalk connection should be provided to the amenity space
- b) A sidewalk connection to the street should be provided to the northern block of townhomes.
- c) A revised preliminary site plan is required.

2) Planning Justification and Urban Design Report

- a) Parks and Cemeteries Presubmission application comments indicated that the Planning Justification Report and Urban Design Brief should provide a number of specific components that are missing from the submitted documents.
- b) The Planning Justification Report (PJR) should be updated to include an analysis and discussion of how the proposed development will impact the existing neighbourhood including the availability of services and infrastructure related to **parks, open space, urban forests and community facilities relative to the change in planned function and increase in density** specifically referencing the objectives and policies and in Part C Section 8: Parks, Open Space, Urban Forests and Community Facilities
- c) The Urban Design Brief should be updated to provide conceptual details for on-site amenity spaces including commentary and precedent images to guide detailed site design through the site plan application. As the site is beyond walkshed targets from active neighbourhood park space, robust on-site outdoor amenity spaces with good solar access and protection from wind will be expected as part of the site plan application and should include seating and play equipment for residents of all ages and abilities.
- d) The Planning Justification and Urban Design Report should be updated as noted above.

3) Arborist Report and Tree Preservation and Enhancement Plan

- a) The TPEP and Report identify 2 City owned trees within the right of way to be removed as part of the development and a proposed approximate value.
- b) It should be noted that LID / Stormwater infrastructure is also present in conjunction with Tree "A"
- c) Protection **in-place** of Tree "A" is certainly possible and a final decision regarding protection or removal as well as compensation/replanting will be made at the Site Plan application and reflect City by-laws and policies regarding tree assets and tree canopy.

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)

City of Kitchener
Zone Change / Official Plan Amendment Comment Form

- 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

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

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 Provincial requirements.

City of Kitchener
Official Plan and Zone Change Comment Form

Address: 42 Windom Rd

Application #: Zoning By-law Amendment and Official Plan Amendment

Comments Of: City of Kitchener – Urban Design- Planning

Commenter's Name: Pegah Fahimian

Email: Pegah.fahimian@kitchener.ca

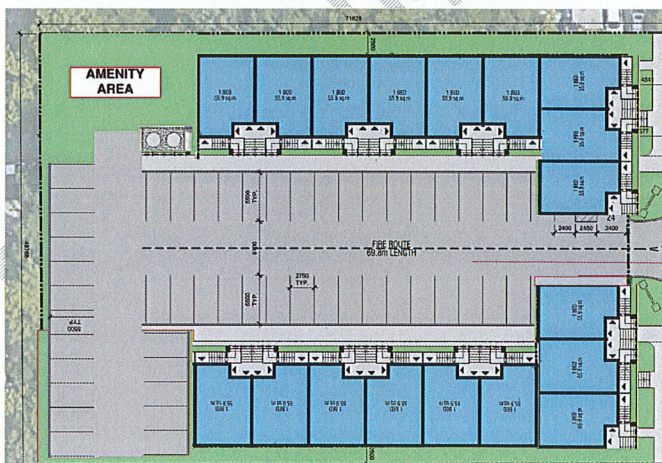
Phone: 519-741-2200 Ext. 7342

Date of Comments: Dec 15, 2023

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

1. Site-Specific Comments & Issues:

- I have reviewed the documentation to support an Official Plan and Zoning By-Law Amendment to develop the subject lands with two stacked 3.5-storey stacked townhouse buildings containing 58 dwelling units. A Floor Space Ratio (FSR) of 1.4 is proposed. 47 parking spaces are proposed on the surface. In order to permit the proposed development, an Official Plan Amendment to the 'Low Rise Residential' designation in the Official Plan to add a site-specific policy area and a Zoning By-law Amendment to change the zoning on 32 Windom from RES-4 to RES-5 and to add a site-specific to the lands are required.
- 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 proposed amenity area does not meet the requirements of the urban design guidelines. You may consider removing the proposed unit A to provide sufficient space for the required amenity area. Please see the attached design sketch.



- Provide additional information regarding the construction of the proposed retaining wall and its heights.

Official Plan and Zone Change Comment Form

- There are several existing trees proposed for removal. A Tree Management Plan shall be provided. Please be advised that written permission for the removal of or impact trees in joint ownership along property lines is required.

2. Comments on Submitted Documents

- A 1.8 m high visual barrier should be noted on the plan when parking is adjacent to residential.
- If there is any proposed retaining wall on the site, provide details, cross sections, and material selection. Retaining walls over 1.0m high require a guardrail at the top of the wall.
- 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
- Any units with at-grade access should be provided with a minimum 11 sq.m private patio area. The entries to the site should be defined with plantings, and planting details are to be included.
- If there is any proposed retaining wall on the site, provide details, cross sections, and material selection. Retaining walls over 1.0m high require a guardrail at the top of the wall.
- The main entrance into the building should be clearly distinguishable through its architectural design and treatment and should act as the focal point of the dwelling and be given appropriate design emphasis.
- Minimize the visual impact of parking through the thoughtful placement, orientation, and articulation of built form. The five proposed visitor parking spaces along the south property line are highly recommended to be consolidated into one row.
- All visible elements of a building, including utilities (meters, conduits), HVAC (a/c units, vents) and loading/servicing areas, are to be integrated into the design of the building and shown on elevation drawings as part of the building elevation approval process. Utility meters should be located within building niches or on internal end walls of townhouse blocks and screened.

City of Kitchener

Application Type

Zoning By-law Amendment Application ZBA23/037/W/ES

Official Plan Amendment Application OPA23/021/W/ES

Project Address

32-42 Windom Road

Comments of: Transportation Services

Commenter's name: Dave Seller

Email: dave.seller@kitchener.ca

Phone: 519-741-2200 ext. 7369

Date of comments: December 19, 2023

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

Development proposal

The applicant is proposing 58 stacked townhouse units with one full moves access along Windom Road. The development is estimated to generate 23 AM and 17 PM peak hour vehicle trips with a total of 47 parking spaces are being proposed for a parking ratio of 0.81 spaces per unit.

Intersection analysis

The intersection noted below was reviewed under existing 2023 traffic conditions and was expressed under the following intersection parameters: level of service (LOS), volume to capacity ratios (v/c) and 95th percentile queues. The below intersection is operating within acceptable levels with no critical traffic movements in either the AM or PM peak hours.

- o Thaler Avenue at Windom Road - unsignalized

The two intersections noted below were reviewed under future 2028 total traffic operations using the same intersection parameters above. The below intersections are operating within acceptable levels with no critical traffic movements in either the AM or PM peak hours.

- o Thaler Avenue at Windom Road - unsignalized
- o Windom Road at **site access (NEW)** - unsignalized

Transportation Demand Management analysis

The applicant intends to have parking unbundled and offered at a separate cost to leasing or owning a unit. This approach is more equitable and effective as tenants are not forced to pay for parking that they do not need.

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 within 300 m from this development. They include the following routes: 1, 23

and 27. These routes offer connectivity to a broader transit network throughout the Region of Waterloo and within Kitchener itself.

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.

Class A secure bike parking has been accommodated for residents, as they will be able to store their bikes within their units or on their balconies. The applicant is also going to be providing six outdoor Class B parking spaces on-site.

Parking supply analysis

The analysis includes a review of proxy site locations within Kitchener, ITE Parking Demand 5th edition and the Transportation Tomorrow Survey (2016) - Area Specific Auto Ownership. The results of the parking demand analysis indicated a residential parking demand of 0.76 to 1.17 spaces per unit (44 to 68 spaces) and a visitor parking demand of 0.07 to 0.26 spaces per unit (4 to 15 spaces).

Left turn lane analysis

A left turn lane analysis was completed along Thaler Avenue at Windom Road, utilizing the Ministry of Transportation Design Supplement for the Transportation Association of Canada (TAC) Geometric Design Guide for Canadian Roads for the 2028 total future traffic conditions and it was determined that a left turn lane along Thaler Avenue is not warranted. Transportation Services supports Paradigms analysis.

A left turn lane analysis was not completed along Windom Road at the site access given the nature of Windom Road being a cul-de-sac, left turns from Windom Road are not anticipated. Transportation Services supports Paradigms rationale.

Conclusions

Based on the TIS that was submitted, Transportation Services are of the opinion that this development will not negatively impact the study intersections noted above. As part of the parking demand analysis, Transportation Services can support the 47 parking spaces (0.81 spaces per unit) being proposed for the 58 residential units. However, Transportation Services question the allocation of 3 visitor parking spaces, as noted in Figure 3.1 Site Plan. Transportation Services will require that 6 visitor parking spaces are provided, this equates to three less parking spaces than the nine parking space requirement in 2019-051 zoning. The parking count of 47 spaces would remain the same, however, the allocation (41 residential + 6 visitor) of parking would be marginally different than proposed.

Dave Seller, C.E.T.
Traffic Planning Analyst | Transportation Services | City of Kitchener
519-741-2200 ext. 7369 | TTY 1-866-969-9994 | dave.seller@kitchener.ca

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

City of Kitchener
Application Comment Form

Project Address: 32 & 42 Windom Rd

Date of Meeting: NA

Application Type: ZBA / OPA

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:

- Water distribution modelling is acceptable.
- Sanitary sewer capacity analysis resulted in downstream capacity constraints. Engineering recommends a holding provision be applied to the lands until we have more information.

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

Zoning Bylaw Amendment:

- **For sites changing the Zoning** For the OPA/ZBA a Functional Servicing Report detailing outlets to the municipal sanitary and storm servicing system is required to the satisfaction of Engineering Services. Sanitary design sheets developing population based on zoning with peaked flows must be submitted to run the sanitary capacity modeling. The City of Kitchener will use this information to determine if there are any downstream issues. If the capacity analysis determines that the sanitary sewers will need to be upgraded to support the development, then these upgrades will be rolled into the development costs. Further studies will be required at the time of development to determine the approximate length of sanitary sewers that will need to be upgraded.
 - **For sites requesting a special regulation to the existing zoning that will significantly increase floor space ratio (population). i.e. Zoning stays the same.** For the OPA/ZBA a Functional
-

Servicing Report detailing outlets to the municipal sanitary and storm servicing system is required to the satisfaction of Engineering Services. Sanitary sewer design sheets are to be provided. Please note that since zoned flows for this site are not reflective of the development application, the population in the sanitary sewer design sheets should be based off the Regions 2022 Water and Wastewater Monitoring Report. Section 2.4 – Development Data establishes a People Per Unit (PPU) based on Structure Type and assigns Apartments as having a PPU of 1.77. Please multiply 1.77 by the number of units in the building. Furthermore, the City's Average Daily Residential Sanitary Flow rate is 305L/day/cap and the City's Average per second Residential Sanitary Flow rate is 0.0035L/sec/cap. The City of Kitchener will use this information to determine if there are any downstream issues. If the capacity analysis determines that the sanitary sewers will need to be upgraded to support the development, then these upgrades will be rolled into the development costs. Further studies will be required at the time of development to determine the approximate length of sanitary sewers that will need to be upgraded. Please be advised that the process Engineering is noting above is specific to this development.

- Stormwater Management may be addressed through the Site Plan Approval process.
- For the OPA/ZBA a Water Distribution Report is required to the satisfaction of Engineering Services in consultation with Kitchener Utilities and the Region of Waterloo.

Preliminary Comments

Eric Schneider

From: Eric Riek
Sent: Tuesday, January 23, 2024 8:57 AM
To: 'Mark Hocolik'; 'Hasan Ahmad'
Cc: 'Kevin Moniz'; 'Stephen Litt'; 'david@upconsulting.ca'; Eric Schneider
Subject: RE: OPA/ZBA 32-42 Windom Road Comments

Good Morning,

Following additional capacity analysis by the Sanitary and Storm Utility, they have confirmed that the existing infrastructure can accommodate the proposed development.

I have cc'd Planning to remove the holding provision related to this application.

Any questions, please advise.

Eric Riek, C.E.T.
Project Manager | Development Engineering | City of Kitchener

From: Eric Riek
Sent: Wednesday, January 10, 2024 1:02 PM
To: 'Mark Hocolik' <mh@vivedevelopment.ca>; 'Hasan Ahmad' <hahmad@sbmltd.ca>
Cc: Kevin Moniz <kevin@sbmltd.ca>; Stephen Litt <sl@vivedevelopment.ca>; david@upconsulting.ca
Subject: RE: OPA/ZBA 32-42 Windom Road Comments

Hi Mark,

I suspect the initial GIS check will occur within 1-2 weeks. If capacity issues are still evident, the subsequent City surveys would likely take 2-3 weeks at most. I will keep you posted with any new information that comes in for this project.

Eric Riek, C.E.T.
Project Manager | Development Engineering | City of Kitchener

From: Mark Hocolik <mh@vivedevelopment.ca>
Sent: Wednesday, January 10, 2024 12:59 PM
To: Eric Riek <Eric.Riek@kitchener.ca>; 'Hasan Ahmad' <hahmad@sbmltd.ca>
Cc: Kevin Moniz <kevin@sbmltd.ca>; Stephen Litt <sl@vivedevelopment.ca>; david@upconsulting.ca
Subject: RE: OPA/ZBA 32-42 Windom Road Comments

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Thanks Eric,

What is the expected timing on the verification of the GIS model? I ask as we are progressing with the OPA/ZBA and would like to have this sorted if it is a desktop correction.

Mark



MARK HOCULIK | Director, Design & Planning
Vive Development | vivedevelopment.com
519.574.4338 | mh@vivedevelopment.ca

From: Eric Riek <Eric.Riek@kitchener.ca>
Sent: Wednesday, January 10, 2024 8:49 AM
To: 'Hasan Ahmad' <hahmad@sbmltd.ca>
Cc: Mark Hoculik <mh@vivedevelopment.ca>; Kevin Moniz <kevin@sbmltd.ca>
Subject: RE: OPA/ZBA 32-42 Windom Road Comments

Good morning Hasan,

I met with SSU yesterday afternoon to discuss the sanitary modelling results. As an initial step, the City is going to verify that our GIS data in the model is correct. We found some inconsistencies when comparing the model to the latest as-built information for Windom Road which was recently reconstructed. If that doesn't correct the issue, we have to survey downstream structures for top of grate elevation, confirm pipe sizes and inverts. The City will complete this step if necessary.

Following these steps, if the sanitary model is still showing surcharging, we may require the developer to install a flow monitor in a downstream manhole for a specified duration (~3 months) so we can verify model results in real-time. I suspect this last step would show that the actual flow is less than the model is showing and we would allow the development to proceed. Worst case scenario, downstream upgrades would be required to support the OPA/ZBA at developer costs but we will verify at every step to ensure this isn't required.

Any questions or concerns, please advise.

Eric Riek, C.E.T.
Project Manager | Development Engineering | City of Kitchener

From: Hasan Ahmad <hahmad@sbmltd.ca>
Sent: Tuesday, January 9, 2024 1:32 PM
To: Eric Riek <Eric.Riek@kitchener.ca>
Cc: mh@vivedevelopment.ca; Kevin Moniz <kevin@sbmltd.ca>
Subject: OPA/ZBA 32-42 Windom Road Comments

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

Hello Eric,

Thank you for your call this morning, it was nice chatting with you.
Please let us know the results of the discussion you have scheduled today at 3:00 pm with your modeling team concerning 32-42 Windom Road sanitary sewer capacity issues as our client has questions about the approval.

Please let me know if you have any questions.

Thank you and Regards,
Hasan Ahmad, M.Eng., P.Eng.
Civil Eng III

P: 519-725-8093 x 416

E: hahmad@sbmltd.ca



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Fax: 519-575-4466
www.regionofwaterloo.ca

Janine Fletcher 519-504-3573
File: D17-40/2/23021
C14-60/2/23037

December 21, 2023

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

Dear Mr. Schneider,

**Re: Regional Comments Re: OPA23/021 and ZBA23/037
32-42 Windom Rd
UP Consulting (C/O Dave Galbraith) on behalf of Jackman Property Holdings
c/o Vive Development Corp.
CITY OF KITCHENER**

UP Consulting has submitted a site-specific Official Plan Amendment and Zoning By-law Amendment Application for a development proposal at 32-42 Windom Rd (referred to as subject lands) in the City of Kitchener.

Through the formal pre-submission consultation for the subject property, Regional staff reviewed and provided comments on a development proposal for a 5-storey apartment building containing 74 residential units. Through the subject application, the Owner/Developer has now proposed 2 blocks of stacked townhouses at 3.5-storeys in height with 58 residential units. The proposal includes 47 surface level parking spaces (0.81 spaces/unit).

The subject lands are located in the Urban Area and designated 'Delineated Built-Up Area' on Map 2 of the Regional Official Plan. The site is designated Low Rise Residential in the City of Kitchener Official Plan, 32 Windom Rd is zoned RES-4 and 42 Windom Rd is zoned RES-5 in the City of Kitchener Zoning By-law. The applicant is proposing an Official Plan Amendment to add a site-specific policy to permit a maximum Floor Space Ratio (FSR) of 1.4 and a maximum building height of 15.1 metres. The applicant is proposing a Zoning By-law Amendment to rezone 32 Windom Rd from

RES-4 to RES-5 to be consistent with 42 Windom Rd and add a site-specific provision for both properties that allows for an increase in the FSR permitted from 0.6 to 1.4, increase in maximum building height from 11m to 15.1m, reduction in the minimum side yard setback from 3.0m to 2.5m, and a reduction in the minimum parking rate from 1.15 spaces per unit to 0.81 spaces per unit.

Regional Comments

Regional staff have reviewed the application for consistency with the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe (Growth Plan) as well as conformity with the Regional Official Plan (ROP) and offer the following comments:

Community Planning

Provincial Policy Statement

The Provincial Policy Statement, 2020 (PPS) promotes building strong, healthy communities by encouraging the development of liveable and resilient neighbourhoods that protect the environment, public health and safety of Ontarians. Settlement areas are intended to accommodate the majority of growth within the province and provide a range of development opportunities to efficiently use under-utilized sites. The proposed amendments are consistent with the PPS.

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

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) prescribes minimum density targets for each municipality to achieve regarding residents and jobs per hectare. The proposed amendments will result in a greater residential density by allowing stacked townhouse development with greater height and FSR, which will contribute to the achievement of Growth Plan minimum intensification targets prescribed by the Growth Plan. The proposed application conforms to the Growth Plan for the Greater Golden Horseshoe.

Regional Official Plan (ROP) and Regional Official Plan Amendment No. 6 (ROPA 6)

As noted above, the subject lands are within the 'Delineated Built-Up Area' as illustrated on Map 2 in the ROP. On August 18th, 2022, the Regional Municipality of Waterloo adopted ROP Amendment number 6 (ROPA 6), which came into force and effect upon approval by the Minister of Municipal Affairs and Housing on April 11, 2023.

Key objectives contained within the amendment include a new approach to accommodate the forecasted growth within 15-minute neighbourhoods, which are compact, well-connected places where the everyday needs of residents for goods, services and employment can be met. A well-designed 15-minute neighbourhood will contain a mix of land uses that provide for a variety of incomes and household sizes. The development densities will support a range of services and high quality public spaces. ROPA 6 sets out density and intensification targets as the Region grows to 923,000 residents and 470,000 jobs by 2051.

Section 2.F sets out minimum annual intensification targets for each area municipality with the intensification target for the City of Kitchener being a minimum of 60% of growth to occur within the Delineated Built Up Area and a minimum of 31,660 total new units between 2022 and 2051.

The proposed development will contribute to the achievement of the minimum intensification targets by adding 58 dwelling units within the built-up area.

Planning Justification Report entitled, "Planning Justification Report & Urban Design Report | 32-42 Windom Road, Kitchener" prepared by Up Consulting Ltd. and dated October 2023 notes that the proposed amendment will provide a form of 'missing middle' housing and provide gentle density that is compatible with the surrounding neighbourhood, both of which are objectives identified in ROPA 6. The proposed zoning by-law amendment would permit 58 residential stacked townhouse units with a variety of unit sizes including 1-, 2-, 3-, and 4-bedroom units contributing to an overall range and mix of housing types.

The development contributes to the goal of 15-minute neighbourhoods as the development provides for intensification in a neighbourhood with access to school and institution uses, trail and park amenities and commercial uses which can easily be reached in less than 15-minutes via walking, cycling, or rolling.

Hydrogeology and Water Programs:

Regional staff require that the developer complete a Salt Management Plan to the satisfaction of the Region at Site Plan Control.

Furthermore, in accordance with our Council endorsed position on geothermal energy, vertical closed-loop geothermal is prohibited at this location. HWP staff request that a prohibition on vertical closed-loop geothermal energy systems be written in the Zoning By-law for the subject property. Vertical open-loop geothermal may be permitted subject to the satisfactory completion of a hydrogeological study to assess risk to nearby municipal drinking water supply wells. If a hydrogeological study is not submitted, HWP requests that a prohibition on vertical geothermal energy systems be written in the Zoning By-law for the subject property. Shallow horizontal closed-loop geothermal design is permitted at this location.

The required wording for the prohibition should a hydrogeology study not be submitted 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."

Corridor Planning:

Environmental and Transportation Noise:

It is the responsibility of the applicant to ensure the proposed development is not impacted by anticipated transportation noise. Therefore an environmental noise study for the proposed development will be required or in lieu of completing a study, the owner/developer may enter into a registered development agreement with the Region of Waterloo and ensure that all dwelling units be constructed with a forced air heating/cooling system that permits the future installation of air conditioning units.

The agreement with the Region of Waterloo would include the following noise warning clauses be included in agreements of Offers of Purchase and Sale, lease/rental agreements and condominium declarations (if applicable) for all dwelling units:

Type A:

Purchasers/tenants are advised that sound levels due to increasing road traffic on Fairway Road North (RR #53) may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.

Type C:

This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.

Stationary Noise:

As indicated above, there are existing rooftop AC units near the subject lands that may be source of potential stationary noise for the proposed development; therefore, the Region shall require the following noise warning-clause to be implemented through a registered development agreement at a future consent or condominium application:

"Purchasers/tenants are advised that due to the proximity of the adjacent facilities, noise from these facilities may at times be audible."

Housing Services

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

- Regional Strategic Plan
 - Strategic Priority 1 is "Homes for All" in the 2023-2027 Strategic Plan.
- 10-Year Housing and Homelessness Plan
 - contains an affordable housing target which is that 30% of all new residential development between 2019 and 2041 in Waterloo Region is to be affordable to low and moderate income households.
- Building Better Futures Framework
 - shows how the Region plans to create 2,500 units of housing affordable to people with low to moderate incomes by 2025.
- Region of Waterloo Official Plan
 - Section 3.A (Range and Mix of Housing) contains land use policies that ensure the provision of a full and diverse range and mix of permanent housing that is safe, affordable, of adequate size, and meets the accessibility requirements of all residents.

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 housing units on the site, as defined in the Regional Official Plan. 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.

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	\$418,100
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	\$679,300

*Based on the most recent information available from the PPS Housing Tables (2022).

In order for an owned unit to be deemed affordable, the maximum affordable house price is \$418,100.

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	\$1,960
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A unit for which the rent is at or below the average market rent (AMR) in the regional market area	Bachelor: \$1,075 1-Bedroom: \$1,245 2-Bedroom: \$1,469 3-Bedroom: \$1,631 4+ Bedroom: n/a
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*Based on the most recent information available from the PPS Housing Tables (2022)

In order for a rental unit to be deemed affordable, the average rent for the proposed units must be at or below the average market rent in the regional market area as shown above.

Archaeological and Cultural Heritage (advisory comments)

The Region does not require the submission of an archaeological assessment since there is some disturbance on both properties and both were developed between 1900-1960, however, the applicant should be made aware that:

- If archaeological resources are discovered during future development or site alteration of the subject property, the applicant will need to immediately cease alteration/development and contact the Ministry of Citizenship and Multiculturalism. If it is determined that additional investigation and reporting of the 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; and/or,
- If human remains/or a grave site is discovered during development or site alteration of the subject property, the applicant will need to 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.

Fees:

Regional staff acknowledge receipt of the Official Plan Amendment review fee (\$7000) and Zoning By-law Amendment review fee (\$3000), payment was received on December 11, 2023.

Conclusions:

Regional staff have no objections to the proposed Official Plan Amendment and Zoning By-law Amendment provided the following is implemented within the site-specific Zoning By-law Amendment to the satisfaction of the Regional Municipality of Waterloo:

1. That 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.

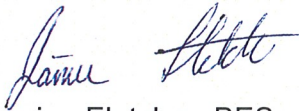
Next Steps

Any issuance of a building permit for future development on this property will be subject to provisions of Regional Development Charge By-law 19-037 or any successor thereof.

Please accept this letter as the Region of Waterloo's request for a copy of the staff report, decision and minutes pertaining the above-noted application.

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

Yours truly,

A handwritten signature in blue ink, appearing to read "Janine Fletcher".

Janine Fletcher, BES
Senior Planner

CC. Up Consulting Ltd. (C/O Dave Galbraith), Jackman Property Holdings (C/O Stephen Litt)

via email

December 5, 2023

Eric Schneider
Senior Planner
City of Kitchener
eric.schneider@kitchener.ca

Re: Zoning Bylaw/Official Plan Amendment Application

File No.: ZBA23/037/W/EW
OPA23/021/W/ES
Municipality: Kitchener
Location: 32-42 Windom Road
Owner/Applicant: Jackman Property Holdings

Dear Eric,

The Waterloo Region District School Board (WRDSB) has reviewed the above-noted application that proposes the development of two 3.5-storey stacked townhouse buildings with 58 dwelling units. The WRDSB offers the following comments.

Student Accommodation

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

- Howard Robertson Public School (Junior Kindergarten to Grade 6);
- Sunnyside Public School (Grade 7 to Grade 8); and
- Eastwood Collegiate Institute (Grade 9 to Grade 12).

The [WRDSB's 2020-2030 Long-Term Accommodation Plan](#) provides information on student enrolment and accommodation at these schools.

Student Transportation

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

Please be advised that Student Transportation Services of Waterloo Region (STSWR)'s school buses



Waterloo Region District School Board

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

will not travel privately owned or maintained right-of-ways to pick up/drop off students. Transported students may be required to meet the bus at a congregated bus pick-up point on a municipal right-of-way.

Please note that a pathway connection to the Howard Robertson PS school site is located on the Windom Road turning circle. This connection is not winter maintained by the WRDSB.

Education Development Charges

Development on the subject lands is subject to the WRDSB's [Education Development Charges By-law, 2021, as amended](#) or any successor thereof and may require the payment of Education Development Charges for these developments before issuance of a building permit.

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

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

Sincerely,

Emily Bumbaco
Senior Planner
E: emily_bumbaco@wrdsb.ca, T: 519-570-0003 ext 4308



Please see below a response to the inquiry you submitted on November 22, 2023.

Response to Inquiry

Hi Eric,

MTO previously indicated that there are no concerns with the proposed. MTO input is not required.

Thank you for circulating MTO,

Jeremiah Johnston

If you have any questions, please contact:

Jeremiah Johnston

Phone: 226-980-6407

Email: Jeremiah.Johnston@ontario.ca

Ministry of Transportation
Highway Corridor Management Section - London Office
659 Exeter Rd
London, ON
N6E 1L3

Please retain this email for your records.

Thank You,
Highway Corridor Management
Ministry of Transportation of Ontario
<https://www.hcms.mto.gov.on.ca>