

Craig Dumart

From: Dave Seller
Sent: Friday, February 2, 2024 8:52 AM
To: Craig Dumart
Subject: OPA/ZBA comments: 236-264 Victoria Street North

City of Kitchener

Application Type: Official Plan Amendment Application OPA24/001/V/CD
Zoning By-law Amendment Application ZBA24/001/V/CD

Project Address: 236-264 Victoria Street North

Amanda: 24-100177

Comments of: Transportation Services

Commenter's name: Dave Seller

Email: dave.seller@kitchener.ca

Phone: 519-741-2200 ext. 7369

Date of comments: February 2, 2024

As part of a complete Zoning By-law and Official Plan amendment applications, a Transportation Impact Study (TIS) and was submitted (December 2023) by Paradigm Transportation Solutions Limited. Transportation Services review focused on roadways that are under the jurisdiction of the City of Kitchener and site access points.

Development proposal

The applicant is proposing a 40-storey mixed-use development with 1076 residential units and 1,113 m² (11,986 ft²) of ground floor commercial space. The development is estimated to generate 259 AM and 229 PM peak hour vehicle trips. The vehicle trips included the mixed-uses, as well as trip reductions for mode split and internal capture trips. The site will be serviced by two full move accesses, one along Victoria Street North (Regional Road 55) and the other along St. Leger Street. A total of 916 parking spaces are being proposed to accommodate all uses.

Intersection analysis

The intersection noted below was reviewed under existing 2023 traffic conditions. The operational parameters are expressed as level of service (LOS), v/c ratios and 95th percentile queuing.

- Victoria Street South (Regional Road 55) at St. Leger Street - unsignalized

The St. Leger Street approaches are operating with a LOS F (eastbound) and LOS E (westbound), the approach v/c ratios are 0.72 (eastbound) and 0.10 (westbound) and 95th percentile queuing of 33 m (eastbound) and 2 m (westbound) in the PM peak hour.

The three intersections noted below were reviewed under future 2030 total traffic operations, which includes site generated traffic. The operational parameters are expressed as the existing conditions above.

- Victoria Street South (Regional Road 55) at St. Leger Street - unsignalized
- St. Leger Street at **NEW site access** - unsignalized
- Victoria Street South (Regional Road 55) at **NEW site access** - unsignalized

The St. Leger Street approaches are operating with a LOS F (eastbound) and LOS E (westbound), the approach v/c ratios are 1.24 (eastbound) and 0.26 (westbound) and 95th percentile queuing of 72 m (eastbound) and 7 m (westbound) in the PM peak hour.

The new site access points are forecasted to operate at LOS C or better, v/c ratio of 0.31 or lower and 95th percentile queuing of 10 m or lower in PM peak hours.

Traffic signal analysis

Traffic signals were assessed for the intersection of Victoria Street South (Regional Road 55) at St. Leger Street using the Ontario Traffic Manual signal warrant guidelines and it was determined that traffic signals are not warranted under the 2030 total traffic operations.

Left turn lane analysis

A left turn lane analysis was completed along St. Leger Street at proposed site access and it was determined that a westbound left turn lane is not warranted along St. Leger Street. The left turn lane analysis utilized the Ministry of Transportation Design Supplement for the Transportation Association of Canada Geometric Design Guide of Canadian Roads.

Parking supply analysis

The analysis included a review of other municipalities and downtown Kitchener, proxy site locations within Kitchener, ITE Parking Generation Manual 6th edition, Transportation Tomorrow Survey 2016 (TTS) - Area Specific Auto Ownership and proxy site data (Kitchener). The results of the parking demand analysis indicated a residential parking ratio of 0 to 0.87 spaces per unit (0 to 936 spaces) and a commercial parking demand of 0 to 2.79 spaces per 1000 sq. ft. (0 to 33 spaces), for a total between 0 and 969 parking spaces. It should be noted that the upper end of the residential range from the TTS is high given that the data was collected prior to the ION opening in 2019. The development is located approximately 700 metres walking distance from the ION Kitchener City Hall Station.

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 approximately 700m from this development. They include the following routes: 3, 34, iXpress 204 and 301 ION Kitchener City Hall Station. These routes offer connectivity to a broader transit network throughout the Region of Waterloo and within Kitchener itself.

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

There are existing cycling opportunities in the area, as well as future cycling connections to the downtown cycling grid. To encourage cycling and take advantage of the cycling opportunities in the area, the applicant must provide a minimum of 538 Class A indoor secure bicycle parking spaces for the residential component.

Conclusion

Based on the analysis and conclusions within the TIS, Transportation Services are of the opinion that St. Leger Street, eastbound approach will continue to operate at a LOS F in the 2030 as it did in 2023 due to the higher traffic volumes along Victoria Street North. Based on the parking supply analysis, Transportation Services are of the opinion that the proposed parking supply of 916 spaces is sufficient for this development.

To assist in reducing vehicle parking demand and support alternative modes of transportation, the following must be provided:

- Residential parking must be unbundled from the cost of a unit.
- Indoor bike fix-it stations be provided for within the secure Class A bike rooms.

Also, consideration be given to providing a portion of the Class A bicycle parking from within the units.

Dave Seller, C.E.T.
Traffic Planning Analyst | Transportation Services | City of Kitchener
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City of Kitchener - Comment Form

Project Address: 236-264 Victoria Street N

Application Type: OPA/ZBA

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

Commenter's name: Ryan Hammond

Email: Ryan.Hammond@kitchener.ca

Phone: 519) 741-2200 e 7074

Written Comments Due: February 13

Date of comments: February 15

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

- Sustainability Statement: 236-264 Victoria Street North, MHBC, December 13, 2023.

Comments & Issues:

I have reviewed the supporting documentation (as listed above) to support a site plan application proposing a multi-tower development with three towers ranging from 18 storeys to 40 storeys and commercial use at the bottom of the podiums. 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 reduction of resource consumption, building is designed for solar energy gain by facing south, rooftop amenity area.
 - o Underground parking is sustainable here
- Potential items for consideration are:
 - o Consider the greenspace on the roof as stated, and the rainwater usage for irrigation.

2. 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.

3. Advice:

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

City of Kitchener
Zone Change Comment Form

Address: 236, 264 Victoria Street

Owner: . Vicner Inc.

Application #: Official Plan Amendment OPA24/001/V/CD and Zoning By-law Amendment ZBA24/001/V/CD

Comments Of: City of Kitchener – Urban Design- Planning

Commenter's Name: Pegah Fahimian

Email: Pegah.fahimian@kitchener.ca

Phone: 519-741-2200 Ext. 7342

Date of Comments: Feb 12, 2024

- 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:

- Planning Justification Report
- Wind Study
- Urban Design Report
- Concept Site Plan and Floor Plans
- Noise Study
- Functional Servicing Report
- Building Elevations and Renderings
- Shadow Study

2. Site-Specific Comments & Issues:

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

3. Comments on Submitted Documents

Urban Design Brief

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

Building Design: The proposed 4 and 6-storey pedestrian-scaled podium along Victoria Street is distinguished by tall towers, step-backs and intended architectural treatment. The proposed relative height accommodates human-scaled built form along streetscapes while accommodating compatibility matters. Contemporary architectural style and details are to be refined through **the site plan process**.

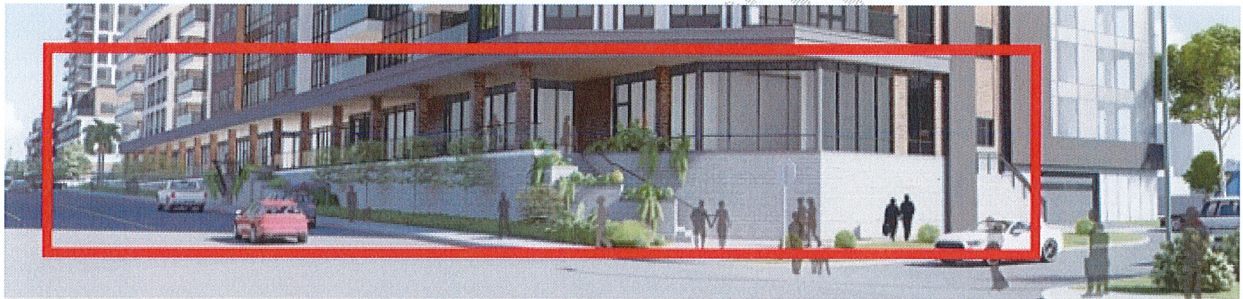
City of Kitchener
Zone Change Comment Form

On-site Amenity area:

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

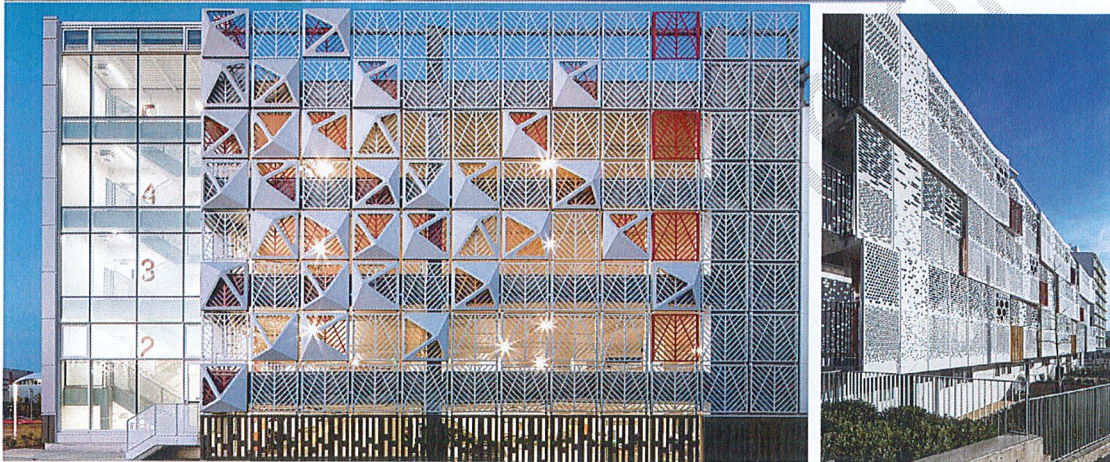
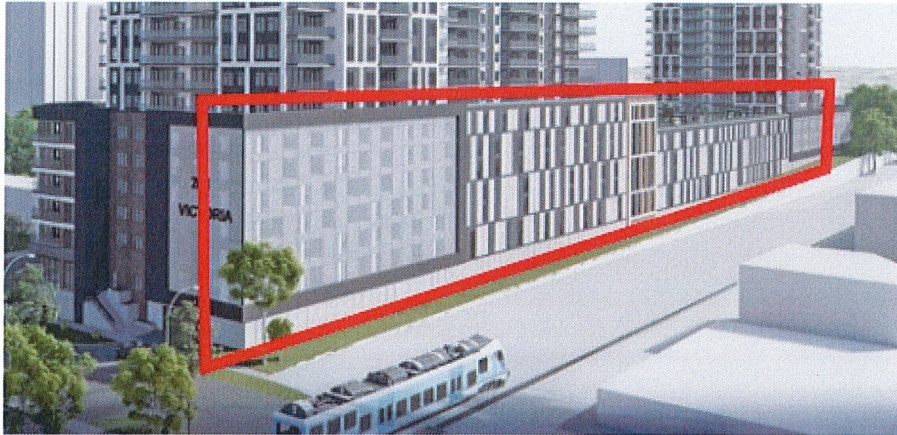
Architecture Floor Plans and Building Elevations

- The proposed retaining wall along Victoria Street doesn't contribute positively to the streetscape. To enhance the overall design and create a more appealing pedestrian view, we suggest bringing down the retail floor to level it up with the street. This adjustment not only addresses the streetscape concern but also provides an opportunity to increase the height of the retail space, accommodating a mezzanine level. This will offer a more engaging and visually pleasing interface for pedestrians.

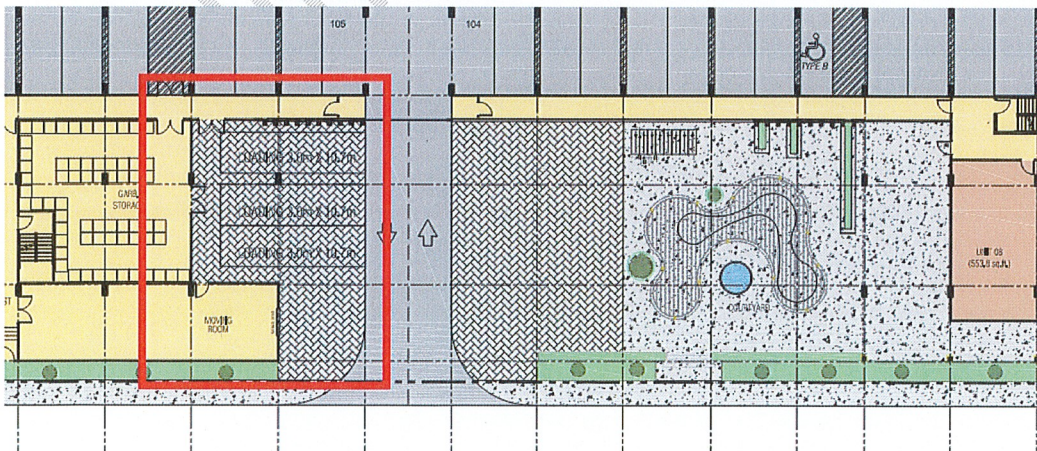


- Additional design modifications for the proposed exposed structure parking should be provided. You may consider incorporating some advanced detailing for the proposed cladding for the structure parking as it is highly exposed from St. Leger Street.

City of Kitchener
Zone Change Comment Form



- Active uses, including retails with outdoor patios or residential amenity areas, should be situated along Victoria Street and the proposed central outdoor public plaza.
- The proposed loading area facing the outdoor amenity space does not contribute positively as it is highly exposed to the public realm. The proposed loading area should be relocated more internally to the site. Please see the attached precedent images



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Zone Change Comment Form



Mirvish Village, Toronto

- The proposed long podiums should be broken down using enhanced detailing and articulation. According to Tall Building Design Guidelines, buildings longer than 70m should demonstrate enhanced streetscaping, materials and building articulation. Enlarged elevations are to be provided for the proposed podium with suggested material.



- The proposed corner treatment for podiums is to be further enhanced to create visual interest at Victoria Street. This could be achieved by special massing and architectural treatments on both streets to give prominence along the frontages and visually distinguish these sites.

City of Kitchener
Zone Change Comment Form



- This project should play a significant role in reinforcing the character of Victoria Street. There is a need for public art at the corner, well integrated into the architecture of the building, and suggest the following as options.
 - Public Art (sculpture, mural, digital)
 - Living wall (interior or exterior, but visible/prominent)
 - Enhanced architecture at the corner
 - Community-oriented space
 - Enhanced exterior lighting (coloured, programmable, patterned, etc.)
- Incorporate creative facade ideas on curtain walls with advanced exterior lighting that could help to control public flow and could improve the building design. Digital media facades make buildings tell stories and strike a perfect balance of aesthetic structures and illumination art (for example, sustainable and digital technologies within the curtain wall, colour light-emitting diode or LED Display Video walls, and Photometric system for 'interactive skin' to illuminate the screen after dark, digitally printed fritted glass)
- The building facades fronting Victoria Street should contain the primary residential and commercial entrances and the appropriate amount of glazing and articulation, particularly along the lower 5m where the building addresses the sidewalk.
- All at-grade parking should be wrapped with active uses.
- The area between the building's face and the property line should be well integrated with the street and public realm to deliver high-quality and seamless private, semi-private and public spaces. A preliminary streetscape should be provided.
- The tower should step back from its base a minimum of 3m along any street-facing elevations.
- The underground parking structure should have a sufficient setback from the property lines to accommodate the necessary soil volume to support the required large-statured, high-canopied trees. Perimeter trees should not be located on the garage slab roof. Within the site, required tree plantings can be accommodated on the garage slab but will still require standard minimum soil volumes.
- Provide natural surveillance by employing high percentages of glazing and active uses at ground level and incorporate more units with patios and windows/balconies on the main facade with views onto Victoria Street.

City of Kitchener
Zone Change Comment Form

- The proposed towers should have unique top features that are architecturally excellent, highly visible and makes a positive contribution to the image of Kitchener developing skyline.



The Well, Toronto

- Provide materiality and texture shifts at the podium and across the towers and incorporate variations in tower setbacks from the base to distinguish the tower form from the podium.
- Wind assessment, noise feasibility, and shadow study are required for outdoor amenities and the pedestrian realm.
- Residential and commercial entrances should be clearly identified and offer access from both the public realm and the private parking side of the building. The proposed main entrance is to be further enhanced to create visual interest at the street edge. (For example, a cantilevered entrance canopy, corrugated metal panels, and fritted glass.
- Balconies may be staggered in a creative pattern to lighten the structure and provide private outdoor space for the units.
- Towers are highly visible elements of the urban environment and must meet Kitchener's highest standards for design excellence.
- All utilities should coordinate with the landscape design and building elevations to provide a high-quality pedestrian experience with the site and from the public realm. Infrastructure should be located within the building in mechanical/electrical rooms, and exterior connections should be located discretely and incorporate physical screens or landscape plating as required. Surface transformers or service connections visible from the public realm are not supported.
- I have enclosed some precedents for the proposed public plaza.

City of Kitchener
Zone Change Comment Form



City of Kitchener
Zone Change Comment Form

Wind Study - Pedestrian Level Wind – Preliminary Impact Assessment.

The submitted preliminary Wind Study indicates that the proposed development is significantly taller than the surrounding buildings, resulting in increased building-wind interactions. As a result, there are areas of increased wind speed predicted where comfort conditions will not be suitable.

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

Summary Comments

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

Preliminary Comments

City of Kitchener
Zone Change / Official Plan Amendment Comment Form

pAddress: **236-264 Victoria Street North**
Owner: **Vicner Inc.**
Application: **Official Plan Amendment OPA24/001/V/CD and Zoning By-law Amendment ZBA24/001/V/CD**

Comments Of: Park Planning
Commenter's Name: Lenore Ross
Email: Lenore.ross@kitchener.ca
Phone: 519-741-2200 ext.7472

Date of Comments: Feb 09 2024

- 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 proposing an Official Plan Amendment to add a Specific Policy Area to the Official Plan to allow for a Floor Space Ratio (FSR) of 10.5 with a maximum building height of 40 Storeys and proposing a Zoning By-law Amendment to Zoning By-law 2019-051 to add a repeal Site Specific Provision 126 and add a new Site Specific Provision to allow for; a maximum floor space ratio of 10.5; a maximum building height of 40 storeys/125 metres; and a reduction in parking to permit a parking ratio of 0.85 spaces per dwelling unit (including visitor parking). The proposed amendments will allow for the development of a mixed use development with 3 towers 18-40 storeys in height with a Floor Space Ratio of 10.5 with a total of 1076 residential units, ground floor commercial units, 916 vehicle parking spaces and 548 bicycle parking spaces.

- Planning Justification Report
- Wind Study
- Urban Design Report
- Concept Site Plan and Floor Plans
- Noise Study
- Functional Servicing Report
- Building Elevations and Renderings
- Shadow 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 studies are noted below.

City of Kitchener
Zone Change / Official Plan Amendment Comment Form

3. Comments on Submitted Documents

1) Parkland Dedication

- a) Parkland dedication requirements will be **deferred** at the Official Plan Amendment and Zoning By-law Amendment applications and assessed at a future Site Plan Application. Parkland dedication will be assessed based on the land use class and density approved through the OPA/ZBA and required as a condition of Site Plan Approval. Parkland dedication will be taken as **cash-in-lieu of land** according to the Planning Act, Parkland Dedication Bylaw and Parkland Dedication Policy in effect.
- b) Based on the preliminary site plan information provided and using the approved land valuation of \$43,243,000/ha and a dedication rate of 1ha/1000 units or 5%; a maximum dedication of either land or CIL of 10% and a capped rate of \$11,862/unit. The parkland dedication for the proposed 1.18268 ha site with 1076 proposed units is **\$5,114,263**

Calculation:

1.18268 ha x 0.05 = \$2,557,132 (5% Bylaw 2022-101)

1ha /1000 units x 1076 units = \$46,529,468 (alternate rate Bylaw 2022-101)

1076 units x \$11,862 = \$12,763,512 (City of Kitchener capped rate)

1.18268 ha x 0.1 = \$5,114,263 (More Homes Built Faster Act cap)

The following comments should be addressed at this time.

2) Urban Design Brief

- a) pdf page 20 – “The preliminary design for the 5th floor rooftop amenity area, adjacent to Tower B, features out-door kitchen areas, seating, raised planting beds, and shade structures, creating a common gathering space for future residents (see Figure 25).”

There are few active neighbourhood park spaces within the recommended walkshed distances of the site and robust on-site outdoor amenity spaces with good solar access and protection from wind will be required as part of the site plan application. The Urban Design Brief should be revised to include conceptual details for on-site amenity spaces including commentary and precedent images to guide detailed site design through the site plan application including seating **and play equipment** for residents of all ages and abilities.

- b) pdf page 22 - Section 4.1 Streetscape/Universal Design/Streetscape/Building Design and Massing; St - See comment 3a below
- c) A revised Urban Design Brief is required.

3) Various – Ground Floor Site Plan; Coloured Site Plan; Urban Design Brief; RWDI Wind Comfort Assessment.

- a) While I appreciate the grade differential across the width of the site, the proposed site design showing a raised pedestrian arcade along the eastern half of the Victoria St N frontage has a number of significant disadvantages: it locates a retaining wall adjacent to the public realm; provides only a single AODA accessible access point; isolates / raises the proposed commercial units at the eastern end of the site from the public realm; these units are not ‘activating the street’. This design should be reconsidered to provide better, more direct and inclusive design and improved interface with the public realm.

Zone Change / Official Plan Amendment Comment Form

- b) Various plans and documents refer to the level 5 amenity area as a “public” amenity space; these references should be revised to clearly indicate these amenities are intended for use of the residents. These amenity spaces do not meet the required Policy criteria to be considered for partial Parkland Dedication credits.

4) RWDI Wind Comfort Assessment.

- a) The CFD analysis indicates that there will be several areas at grade, within the public realm and at the proposed 5th floor amenity space that will experience higher than desirable wind conditions. The building and site design should be amended to provide sufficient mitigation to achieve acceptable and safe wind conditions in all areas. This will require confirmation through a full Wind Tunnel model as part of a future site plan application.

4. Policies, Standards and Resources:

- Kitchener Official Plan
- City of Kitchener Park Dedication Bylaw 2022-101 and Park Dedication Policy
- City of Kitchener Development Manual
- Cycling and Trails Master Plan (2020)
- Chapter 690 of the current Property Maintenance By-law
- Places & Spaces: An Open Space Strategy for Kitchener
- Multi-Use Pathways & Trails Masterplan
- Urban Design Manual

5. Anticipated Fees:

Parkland Dedication

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

Parkland dedication is required for the application as cash-in-lieu of land according to the Planning Act, Parkland Dedication Bylaw and Parkland Dedication Policy in effect.

Craig Dumart

From: Christine Goulet
Sent: Thursday, February 1, 2024 10:16 AM
To: Craig Dumart
Subject: 236-264 Victoria St N

Hi Craig,

Engineering has reviewed the submitted FSR and the proposed zone change is approved for a sanitary peak flow of **24.89 L/s**. Kitchener Utilities is satisfied with the water distribution report.

Thanks,

Christine Goulet, C.E.T.

Project Manager | Development Engineering | City of Kitchener
519-741-2200 Ext. 7820 | TTY 1-866-969-9994 | christine.goulet@kitchener.ca





Region of Waterloo

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Melissa Mohr 1-226-752-8622

File: D17/2/24001

C14/2/24001

February 13, 2024

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

Dear Mr. Dumart,

**Re: Proposed Official Plan Amendment OPA 24/01 and
Zoning By-law Amendment ZBA 24/01
236-264 Victoria Street North
MHBC Planning (C/O Andrea Sinclair on behalf of Falco
Group (C/O Jaswinder S. Bhatti)
CITY OF KITCHENER**

MHBC Planning has submitted a site-specific Official Plan Amendment and Zoning By-law Amendment Application for a development proposal at 236-264 Victoria Street North (referred to as subject lands) in the City of Kitchener.

The applicant has proposed to demolish the existing buildings on site (office building and fitness centre), amalgamate the properties and construct a mixed-use development comprised of three (3) towers 18-40 storeys in height with a total of 1076 residential units, ground floor commercial units (15 in total), 916 vehicle parking spaces and 548 bicycle parking spaces.

The subject lands are located in the Urban Area and Designated Built Up Area in the Regional Official Plan. The site is designated Mixed Use in the City of Kitchener Official Plan and zoned Mixed Use-2 (MIX-2) Zone with special provisions 49, 126 and 138 in the

City of Kitchener Zoning By-law. The applicant has requested an **Official Plan Amendment** to add a special policy to permit an FSR of 10.5 (whereas the maximum FSR is 4.0). The applicant has requested a **Zoning By-law Amendment** to repeal the existing site specific provision 126 (which does not permit dwelling units) and to request new site specific provisions to permit an FSR of 10.5; a maximum building height of 40 storeys/125 metres; and a reduction in parking to permit a ratio of 0.85 spaces per dwelling unit (including visitor parking).

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

Regional Comments

Consistency with Provincial Legislation and Regional Official Plan Conformity

The subject lands are designated “Urban Area” and “Built Up Area” on Map 2 of the Regional Official Plan (ROP) and the site is designated Mixed Use in the City of Kitchener Official Plan.

Built Up Area Policies:

Section 1.6 of the Regional Official Plan establishes the overview of the Regional Planning Framework and Section 2.B.1 and 2.C establish policies for the Urban System. Section 2.F of the Regional Official Plan establishes policies for intensification targets within the delineated Built-Up Area, which is set at 60% annually for the City of Kitchener. Furthermore, development in the Built Up Area is intended to provide gentle density and other missing middle housing options that are designed in a manner that supports the achievement of 15-minute neighbourhoods. The proposed density will contribute to the achievement of Kitchener’s intensification target for the delineated Built Up Area.

Regional staff note that the report references Section 2.D and 3.A.2 of the Regional Official Plan. Regional staff wish to advise the applicant that Regional Official Plan Amendment 6 (ROPA 6) was adopted by Regional Council on August 18, 2022 and approved with modification by the Ministry of Municipal Affairs and Housing on April 11, 2023. On October 23, 2023, the Minister reversed the decision including any modification made through its April 2023 decision and ROPA 6, as it was adopted by Regional Council is now in full force and effect. The report provides justification for both the Regional Official Plan and ROPA 6 and Regional staff accept the justification provided based on justification of ROPA 6 policy. Regional staff wish to advise the applicant that Section 2.F of the Regional Official Plan Amendment 6 (ROPA 6) establishes policies for the Built Up Area of the Region.

Region of Waterloo International Airport

In accordance with Regional Official Plan Policy 5.A.20, the Region will ensure that proposed developments do not negatively affect the usability, accessibility or safe operations of the airport either on a temporary or permanent basis. Regional staff have concerns with the proposed height of this development as the development will impact Waterloo Region International Airport Runway 08 RNP approach. The Applicant is required obtain a letter of 'no objection' from NAV Canada through NAV Canada's Land Use Application Form to ensure there are no negative impacts the Region of Waterloo International Airport. This letter shall be submitted to the Regional Municipality of Waterloo for further consideration prior to City of Kitchener Council considering the subject application. Please be advised that should NAV Canada object to the application, the applicant will be required to revise the proposed development height to ensure no negative impacts to the airport. Further information can be found immediately below these comments.

Region of Waterloo International Airport:

The subject lands are located within the instrument approach surface of the Region of Waterloo International Airport Runway 08 Approach. Within the instrument approach surface, there is a maximum height limitation of 487m ASL before any buildings or construction cranes would impact airport operations. The concept drawings prepared with the application show a ground floor elevation of 509.4m ASL which exceeds the maximum elevation permitted within the instrument approach area.

The development, as proposed, will impact the Waterloo Region International Airport Runway 08 RNP approach, which has a maximum allowable development elevation of 487m ASL.

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

Furthermore, in accordance with City of Kitchener Official Plan Policy 6.C.3.17, in planning for land uses in the vicinity of the Region of Waterloo International Airport, the City will prohibit any land use or structure which could affect the operation of the Airport or cause a potential aviation safety hazard. Please be advised that the Region will not support any development which will impact airport operations.

A Land Use Application must be submitted to NAV Canada for the buildings and any cranes. The Region shall require a letter of no objection; obtained by NAV Canada in order to issue our comments indicating no objection to this proposal.

Furthermore, your client must submit an Aeronautical Assessment Form to Transport Canada for approval, as the building is more than 90 m tall. Further information can be found here: <https://tc.canada.ca/en/aviation/general-operating-flight-rules/marketing-lighting-obstacles-air-navigation>

Record of Site Condition/Environmental Threats

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

The Record of Site Condition and Ministry Acknowledgement Letter were not received as part of the Complete Application for the Zoning By-law Amendment and as a result, the Region shall require a Holding Provision to be implemented as part of the Zoning By-law Amendment. The Holding Provision shall prohibit the proposed development until the submission of the RSC and the Ministry's Acknowledgement Letter have been received to the satisfaction of the Regional Municipality of Waterloo. The following wording is required for the holding provision:

That a holding provision shall apply to the entirety of the subject lands until a Record of Site Condition (RSC) in accordance with O. Reg. 153/04, as amended, has been filed on the Ministry of Environment, Conservation and Parks (MECP) Environmental Site Registry and the RSC and Ministry's Acknowledgement letter is received to the satisfaction of the Regional Municipality of Waterloo.

Rail Authorities of Canada Guidelines

Regional staff understand that the subject lands are directly adjacent to the Canadian National Railway (CNR) and Metrolinx Principal Main Line. The RAC Guidelines recommend a 30 meter setback between the Principal Main Line and sensitive land use (e.g. residential land uses). Regional staff note that the concept plan shows residential uses encroaching into the 30-meter setback. **Regional staff request that a minimum setback of 30 metres be included as a site-specific provision within the Zoning**

By-law to ensure new buildings shall comply with the RAC Guideline recommended setback. In addition, a berm of 2.5 metres above grade with side slopes not steeper than 2.5 to 1 shall be required to be implemented through the detailed design of the site. A crash wall may also be required.

Please note that through a future Consent/ Plan of Condominium and/or Site Plan Application, the Regional Municipality of Waterloo shall require an affidavit and report from a qualified Professional Engineer Licensed to practice in the Province of Ontario that demonstrates that the proposed development has been designed in accordance with the Railway Association of Canada's "*Guideline for New Development in Proximity to Railway Operations.*" (Dialog & J.E. Coulter Associated Limited, May 2013).

Environmental Noise (Road and Stationary Noise) Study:

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

- validation files are required and they shall be correlated to locations on the development based on a worst-case location/scenario.
- Ambient traffic noise levels are required to be revised based on a typical weekday distribution
- Additional information for the assumptions made in the report including validation files and confirmation by the operators of the noise sources are required in order to confirm recommendations. Further information for various noise sources can be found in the attached comments.

Insufficient information was provided for the Stationary Noise Assessment and Vibration mitigation components of the study as indicated in the attached response. Given the presented levels, Regional staff have concerns with feasibility of the development based on the information presented thus far. The applicant shall address the concerns raised above and within the attached letter prior to a recommendation to City of Kitchener Council.

Corridor Planning:

Official Plan Amendment and Zoning By-law Amendment Stage:
TIS/Access Regulation:

A Transportation Impact Study and Parking Study (TIS) entitled "236-264 Victoria Street North, Kitchener, ON Transportation Impact and Parking Study", prepared by Paradigm Transportation Solutions Limited has been submitted in support of the above noted Official Plan Amendment and Zoning By-law Amendment Applications. The TIS has been received by Regional staff and is under review. Comments regarding the TIS will follow under separate cover.

Please be advised that before Regional Clearance can be provided, any recommended and approved off-site works require an approved functional design, cost estimate, letter of credit and agreement, all to the satisfaction of the Regional Municipality of Waterloo. In addition, the applicant/developer is responsible for all costs associated with the access and there is a review fee of \$500.00 for the review of the Transportation Impact Study that remains outstanding.

Site Plan Application Stage:

Regional Road Dedication:

At this location, Victoria Street North has a designated road width of 26.213m in accordance with Schedule 'A' of the Regional Official Plan. The existing right of way along Victoria Street North is approximately 24m and Regional staff anticipate a road dedication of approximately 1.5m across the entire Victoria Street property frontage. In addition, a 7.62m x 7.62m daylight triangle, measured post road widening shall be required at the intersection of Victoria Street North and St. Leger Street. Please ensure these dedications are shown correctly on all plans moving forward.

The Owner/Developer must engage an Ontario Land Surveyor (OLS) to prepare a draft reference plan which illustrates the required road widening and daylight triangle. Prior to depositing the reference plan, the OLS must submit a draft copy of the plan to the Region's Transportation Planner for review. Once reviewed and accepted, the surveyor shall send a copy of the deposited plan to the Region.

The OLS shall contact Regional staff to discuss the road widening prior to preparing the reference plan and the plan shall be dedicated to the Region of Waterloo for road allowance purposes, free of cost and encumbrance.

A Phase I and a Phase II Environmental Site Assessment (ESA) shall be required for the portion of lands to be dedicated to the Regional Municipality of Waterloo. Please ensure the lands to be dedicated to the Region are excluded from the Record of Site Condition as described in the Record of Site Condition/Environmental Threats section above.

Access Permit:

The existing property obtains vehicular access to the Municipal Road network via two full movement accesses to Victoria Street North, which is under the jurisdiction of the Regional Municipality of Waterloo and one access to St. Leger Street which is under the jurisdiction of the City of Kitchener. The proposal includes a single full movement access to Victoria Street South and one access to St. Leger Street.

Please be advised that a Regional Access permit shall be required for the closure of the existing access. A Regional Access Permit shall be required for the proposed modification to the access to Victoria Street North. The application for the Regional Road Access Permit can be found on the Region's website here:

<https://forms.regionofwaterloo.ca/ePay/PDLS-Online-Payment-Forms/Commercial-Access-Permit-Application>. Please be advised that the application fee for the closure of the existing access, but there is a fee for a new/modified access in the amount of \$230.00.

Stormwater Management and Site Grading:

Regional Staff have received the report entitled "Victoria St Development 236-264 Victoria Street East Kitchener, Ontario Functional Servicing & Storm Water Management Report", "Site Servicing Plan" and "Site Grading Plan", all prepared by Reinders and Law, dated December 1, 2023 and the report and plans are satisfactory from an Official Plan Amendment and Zoning By-law Amendment perspective. Regional staff have the following technical comments that shall be addressed as part of the future site plan application:

The proposed grades shown on the drawings near the existing sidewalk along Victoria Street North (RR# 55) are 2.0-3.0m higher than existing grades. For example, the existing grade is shown as 339.55m and the proposed grade is 337.00m, which is a difference of 2.55m. Please confirm that these numbers are accurate and clarify how the proposed grades will tie-in to the existing sidewalk. Furthermore, the drawings currently show the existing stormwater lead ending a few meters north of the Maintenance Hole on Victoria Street North. Due to Capital Works proposed for Victoria Street North in 2024, removal of this lead will not be permitted after works are completed. A plug must be installed at the property line to abandon the lead. Regional staff recommend the lead be filled with grout back to the maintenance hole to properly abandon the lead. We ask that this be included in the design on all drawings going forward.

Transit Planning:

Grand River Transit (GRT) currently operates iXpress Route 204 on this section of Victoria Street North and Routes 4 and 34 in close proximity to the site along Margaret Avenue. There is an existing transit stop (No. 1914) at the southwest corner of the site with an improved shelter pad, shelter, bench, PID and electrical connection. There are currently no plans to further upgrade or move this stop.

GRT generally supports the provision of an unbundled parking plan and surplus bike parking as impactful transit supportive measures for the subject property as recommended in the document titled: "236-264 Victoria Road North, Transportation Impact and Parking Study" (Paradigm Transportation Solutions, Dec. 2023). The study also discusses Subsidized Transit Passes as an alternative strategy. As Appendix K (TDM Worksheet) was not circulated with the application submission it is unclear if the applicant plans to implement these subsidized transit passes as a TDM measure. If Subsidized Transit Passes are contemplated, please be advised that the Owner/Developer will incur significant financial and administrative costs. This initiative requires a commitment from the owner/developer to manage, administer, and fund the full cost of monthly transit passes for residents. If this is to be considered by the applicant, further consultation and confirmation of expectations between all three parties (Applicant, City, Region/GRT) is required as soon as possible.

Regional staff also respectfully request Appendix K from the TIS (TDM Worksheet) as soon as possible and additional comments regarding the TDM Worksheet may follow.

Road Works:

This section of Victoria Street North is identified in the Region of Waterloo's 10-Year Transportation Capital Program (TCP) for reconstruction in 2024. The project includes reconstruction of the City of Kitchener gasmain replacement and double-lift resurfacing. Please contact Matthew Ropp at mropp@regionofwaterloo.ca for additional information relating to this project.

Site Plan Review Fee:

Please be advised that the Region of Waterloo shall require a pre-submission application fee of \$300.00 for the pre-consultation relating to the site plan and an \$805.00 review fee associated with a formal site plan application.

Hydrogeology and Water Programs/Source Water Protection

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

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

The Regional Municipality of Waterloo shall require a salt management plan to be prepared to the satisfaction of the Regional Municipality of Waterloo as part of a future site plan application. Regional staff encourage the Owner/Developer to incorporate the following design considerations with respect to salt management into the design of the site and within the salt management plan:

- Ensuring that cold weather stormwater flows are considered in the site design. Consideration should be given to minimize the transport of meltwater across the parking lots or driveway. This also has the potential to decrease the formation of ice and thereby the need for de-icing.
- Directing downspouts towards pervious (i.e. grassy) surfaces to prevent runoff from freezing on parking lots and walkways.
- Locating snow storage areas on impervious (i.e. paved) surfaces.
- Locating snow storage areas in close proximity to catchbasins.
- Using winter maintenance contractors that are Smart About Salt™ certified.
- Using alternative de-icers (i.e. pickled sand) in favour of road salt.

The proponent is eligible for certification under the Smart About Salt™ program for this property. Completion of the SMP is one part of the program. To learn more about the program and to find accredited contractors please refer to: <http://www.smartaboutsalt.com/>. Benefits of designation under the program include cost savings through more efficient use of salt, safe winter conditions by preventing the formation of ice, and potential reductions in insurance premiums.

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 shall be waterproofed. Regional staff respectfully request a copy of the final Geotechnical Report and Functional Servicing/Stormwater Management Report as part of the Site Plan Application for our records.

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 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.

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
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

*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.

Fees:

Please be advised that the Region is in receipt of the Official Plan Amendment review fee of \$7,000.00 and the Zoning By-law Amendment Review fee of \$3,000.00 (total \$10,000) deposited January 25, 2024. In addition, the noise peer review fee of \$5085.00 was deposited January 11, 2024.

Conclusions:

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

1. The proposed height of the building exceeds the maximum height limitation of 487m ASL for the Runway 08 RNP approach surface. Regional staff have concerns with the height of the building based on the Runway 08 RNP approach and Runway 26 missed approach as outlined in the comments above.
2. Response to the noise study peer review concerns as described above and attached to these comments.

The above noted concerns must be satisfactorily addressed prior to a recommendation being made to Council for the City of Kitchener.

Follow Up:

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

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

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

2. Implementation of a setback between the CN Rail line and sensitive land uses of 30 m.

3. Acceptance of the TIS and Payment of TIS review fee of \$500.00.

Next Steps:

The applicant shall address the Regions concerns as identified above.

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

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

Yours truly,



Melissa Mohr, MCIP, RPP
Senior Planner

C. MHBC Planning Inc. C/O Andrea Sinclair (Applicant), Falco Group C/O Jaswinder S. Bhatti (Owner)

Encl.

Craig Dumart

From: Melissa Mohr <MMohr@regionofwaterloo.ca>
Sent: Monday, March 11, 2024 4:22 PM
To: 'Andrea Sinclair'
Cc: Craig Dumart; Luisa Vacondio; Juliane vonWesterholt; Kyle Reinders (kyler@reinders.ca)
Subject: RE: 24-0580: Residential (236 Victoria Street) - Kitchener, ON

Good Afternoon Andrea,

Thank you for the attached documentation which includes NAV Canada's letter of no objection. Regional staff accept the letter and require the maximum height assessed by NAV Canada to be included in the Site-Specific Zoning By-law Amendment.

Furthermore, I understand a meeting has been set up Wednesday to discuss the noise comments.

Kind Regards,

Melissa

Melissa Mohr, MCIP, RPP
Senior Planner

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From: Andrea Sinclair <asinclair@mhbcplan.com>
Sent: March 11, 2024 10:56 AM
To: Melissa Mohr <MMohr@regionofwaterloo.ca>
Cc: Craig.Dumart@kitchener.ca; Luisa Vacondio <lvacondio@mhbcplan.com>; Juliane vonWesterholt <jvonwesterholt@mhbcplan.com>; Kyle Reinders (kyler@reinders.ca) <kyler@reinders.ca>
Subject: FW: 24-0580: Residential (236 Victoria Street) - Kitchener, ON

****EXTERNAL ALERT** This email originated from outside the Region of Waterloo. Verify any links or attachments before clicking/opening.**

Good Morning Melissa,

I believe this addresses the Region's concern regarding Nav Can (see below and attached).

I believe our Noise Consultant reached out to you last week to try to coordinate a meeting with the Peer Review consultant. In our experience it has saved some back and forth when we have been able to talk to the peer review consultant directly.

Thanks,

Andrea

From: Land Use <LandUse@navcanada.ca>
Sent: March 11, 2024 10:47 AM
To: Andrea Sinclair <asinclair@mhbcpplan.com>
Cc: Andrea Sinclair <asinclair@mhbcpplan.com>; ', Ontario Region, Transport Canada' <tc.aviationservicesont-servicesaviationont.tc@tc.gc.ca>; 'Jordan Veen, Region of Waterloo International Airport' <JVanderVeen@regionofwaterloo.ca>; Chris Wood <CWood@regionofwaterloo.ca>; 'Bronwen Ainsworth, Air Navigation Data' <bronwen.ainsworth@airnavigation.com>; chascorm <chascorm@rogers.com>; ', IDS North America Ltd.' <navcanada@idscorporation.com>; David Scott <Dave.scott@jetpro.ca>; 'kyler@reinders.ca' <kyler@reinders.ca>; Luisa Vacondio <vacondio@mhbcpplan.com>; Andrea Sinclair <asinclair@mhbcpplan.com>
Subject: 24-0580: Residential (236 Victoria Street) - Kitchener, ON

Hello Andrea,

Please find attached a letter from NAV CANADA regarding your residential (236 Victoria Street) submitted on 2024-02-16.

We ask that you notify us at least 10 business days prior to the start of construction. This notification requirement can be satisfactorily met by returning a completed, signed copy of the attached form and an Excel copy of the attached spreadsheet. If you have any questions, please don't hesitate to contact me.

The subject proposal data have been distributed to External Design Organizations (EDOs) for their assessment of possible effects on procedures they maintain.

They will contact you directly if any concerns arise during their evaluation. If you have any questions or concerns pertaining to their assessment, please contact the EDO directly.

NAV CANADA's land use evaluation is based on information known as of the date of this letter and is valid for a period of 18 months, subject to any legislative changes impacting land use submissions. Our assessment is limited to the impact of the proposed physical structure on the air navigation system and installations; it neither constitutes nor replaces any approvals or permits required by Transport Canada, other Federal Government departments, Provincial or Municipal land use authorities or any other agency from which approval is required. Innovation, Science and Economic Development Canada addresses any spectrum management issues that may arise from your proposal and consults with NAV CANADA Engineering as deemed necessary.

Regards,

Scott English

Commercial Relations Coordinator / Coordonnateur des relations commerciales

Stakeholder & Commercial Relations NAV CANADA

Personal: Scott.English@navcanada.ca

Group: Commercialrelations@navcanada.ca

1601 avenue Tom Roberts Avenue, Ottawa, ON K1V 1E5

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March 11, 2024

Your file
 236 Victoria Street
 Our file
 24-0580

Ms. Andrea Sinclair
 MHBC Planning
 540 Bingemans Centre Drive, Suite 200
 Kitchener, ON
 N2B 3X9

**RE: Building(s): Residential - Kitchener, ON
 (See attached document(s))**

Ms. Sinclair,

NAV CANADA has evaluated the captioned proposal and has no objection to the project as submitted provided the following conditions are adhered to:

- Our assessment does not constitute an approval and/or permit from other agencies.
- **No obstacle as part of this submission can exceed 1600 feet above sea level prior to July 12, 2024. After this date new procedures will be published and are not affected by the submitted heights and locations.**

The subject proposal data have been distributed to External Design Organizations (EDOs) for their assessment of possible effects on procedures they maintain. They will contact you directly if any concerns arise during their evaluation. If you have any questions or concerns pertaining to their assessment, please contact the EDO directly.

In the interest of aviation safety, it is incumbent on NAV CANADA to maintain up-to-date aeronautical publications and issue NOTAM as required. To assist us in that end, we ask that you notify us at least 10 business days prior to the start of construction. This notification requirement can be satisfactorily met by returning a completed, signed copy of the attached form and an Excel copy of the attached spreadsheet by email at landuse@navcanada.ca or fax at 613-248-4094. In the event that you should decide not to proceed with this project or if the structure is dismantled, please advise us accordingly so that we may formally close the file.

If you have any questions, contact the Land Use Department by email at landuse@navcanada.ca.

NAV CANADA's land use evaluation is based on information known as of the date of this letter and is valid for a period of 18 months, subject to any legislative changes impacting land use submissions. Our assessment is limited to the impact of the proposed physical structure on the air navigation system and installations; it neither constitutes nor replaces any approvals or permits required by Transport Canada, other Federal Government departments, Provincial or Municipal land use authorities or any other agency from which approval is required. Innovation, Science and Economic Development Canada addresses any spectrum management issues that may arise from your proposal and consults with NAV CANADA engineering as deemed necessary.

This document contains information proprietary to NAV CANADA. Any disclosure or use of this information or any reproduction of this document for other than the specific purpose for which it is intended is expressly prohibited except as NAV CANADA may otherwise agree in writing.

Regards,

Land Use Office
 NAV CANADA

cc ONTR - Ontario Region, Transport Canada
 CYKF - WATERLOO
 Air Navigation Data
 C. Cormier
 IDS NA
 JetPro
 kyler@reinders.ca
 lvacondio@mhbcplan.com
 asinclair@mhbcplan.com



Region of Waterloo

PLANNING, DEVELOPMENT
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February 5, 2024

Erica Bayley, P.Eng.
Paradigm Transportation Solutions Ltd
5A-150 Pinebush Road
N1R 8J8

File No.: D17-40/55
236-264 Victoria Street North
Falco Group

Dear Ms. Bayley:

**Re: 236-264 Victoria Street North, Transportation Impact Study, City of
Kitchener**

Region of Waterloo staff have reviewed the report entitled 236-264 Victoria Street North, Kitchener, ON Transportation Impact and Parking Study, dated December 2023 and concur with the conclusions and recommendations noted therein.

Yours Truly,

A handwritten signature in blue ink, appearing to be 'KF' followed by a stylized flourish.

Katrina Fluit
Transportation Planner
(226)-753-4808

To: Craig Dumart, Senior Planner, City of Kitchener

From: David Tsai, Project Manager
Adjacent Development – GO (Heavy Rail)
Third Party Project Review
Metrolinx

Date: February 13, 2024

Re: 236-264 Victoria Street North, City of Kitchener – Official Plan and Zoning By-law Amendment Application Comments

1. Overview

Metrolinx is in receipt of the above-noted Official Plan and Zoning By-law Amendment application for 236-264 Victoria Street North. I note that the application proposes a mixed-use development with 3 towers 18 to 40 storeys in height with a total of 1,076 residential units. The subject site is directly adjacent to the Metrolinx Corridor, Guelph Subdivision, to which Metrolinx operates the Kitchener GO Service.

2. Metrolinx GO Heavy Rail Comments

Metrolinx has reviewed the circulation documents for **236-264 Victoria Street North, City of Kitchener**. Our comments on the Application are noted below:

- a. Metrolinx is in receipt of a Development Viability Assessment dated December 2023, prepared by Dillon Consulting, and we have the following comments:
 - i. We note that the required 30-meter rail safety setback was considered and a number of residential units appear to be encroaching within the horizontal setback. Vertical setback can be accounted for with the presence of an adequate rail safety barrier, which is not proposed per the report.
 - ii. The Metrolinx Adjacent Development Guideline requires a rail safety barrier in combination with the rail safety setback to absorb the impact in case of derailment, which is absent in the proposed design. A revised study including a crash barrier or a robust assessment demonstrating that RAC/FCM safety standards can be met without a safety barrier will be required.
 - iii. The revised report should incorporate a topographic survey that includes the rail corridor and the top of rail measurement along the length of the corridor

for technical review.

- b. A 3.5 metre vegetation setback, to be measured from the Metrolinx property line, has been established in association with Metrolinx's GO Expansion Program. Limited types of vegetation are allowed within this section such as low-rise shrubs and/or decorative grasses.
- c. A 2.4-metre high-security fence (anti-trespass barrier) shall be provided along the Metrolinx property line where direct access to the rail corridor is afforded (standard form is non-cut-able/non-climbable high-security fencing).
- d. Metrolinx is in receipt of a noise and vibration feasibility study, dated December 12, 2023, prepared by HGC Engineering, and we have the following comments:
 - i. We confirm the most up-to-date rail data is used to prepare the study.
 - ii. We note that noise mitigation measures are recommended and will require that they be adhered to for approval.
 - iii. We note that the study recommendation does not anticipate vibration mitigation measures to be required but suggests further assessments at the detailed design stage.
- e. Metrolinx is in receipt of a stormwater management report, dated December 1, 2023, prepared by Reinders+Law Ltd., and we note that drainage impacts to the adjacent rail corridor were not analyzed in detail. Any drainage/stormwater management outlets shall not be directed toward the Metrolinx rail corridor and should be outlined in the report conclusion.
- f. Please note that depending on the construction method, additional agreements and/or technical reviews will be required (i.e. shoring, tiebacks, and crane swing) and as appropriate, the final development design will need to be reviewed by our Technical Advisor, and to the satisfaction of Metrolinx if:
 - i. The work is within 30 feet (10-metres) of any Metrolinx/GO Rail corridor;
 - ii. The work is adjacent to the 30-foot (10-metre) limit of any Metrolinx/GO rail corridor and involving an elevating device (crane, boom truck, Genie Lift, etc.); and,
 - iii. The work is adjacent to the 30-foot (10-metre) limit of any Metrolinx/GO rail corridor and involves excavation that may impact the railway loading zone (soil disturbance, full locates required including Metrolinx).

Please provide more information on your construction methodology when available.

- g. If any excavation/drilling work impacts MX Track's Zones of Influence (per Appendix W of GO Transit Track Standard), a track monitoring plan must be submitted for Technical Advisor and Metrolinx Stakeholder review.

- h. As appropriate, the final development design will need to be reviewed by our Technical Advisor, and to the satisfaction of Metrolinx.

3. Agreements – GO Heavy Rail

Metrolinx notes that the applicant may be required to enter into the below agreements. Templates of these agreements will be sent directly to the applicant. The Proponent may contact david.tsai@metrolinx.com to initiate this process at their earliest convenience.

- a. The proponent shall satisfy all Metrolinx rail safety requirements and the Owner shall enter into an “Adjacent Development Agreement” with Metrolinx stipulating how applicable concerns will be addressed. The agreement will include an environmental easement for operational emissions, to be registered on title against all residential dwellings within 300 metres of the rail corridor and in favour of Metrolinx.
- b. As required, the Owner may also enter into additional agreements, including, but not limited to, shoring, crane swing, and tie-back agreements.
- c. The Proponent shall provide confirmation to Metrolinx, that the following warning clause will be inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each unit within 300 metres of the Railway Corridor:
 - o **Warning:** Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. There may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.
- d. The Owner shall grant Metrolinx an environmental easement for operational emissions, which is to be registered on title for all uses within 300 metres of the rail right-of-way. Included is a copy of the form of easement for the Proponent’s information. The Proponent may contact David.Tsai@metrolinx.com with any questions and to initiate the registration process at their earliest convenience. Wording of the easement is included below and registration of the easement will be required prior to clearance of Site Plan Approval. (It should be noted that the registration process can take up to 6 weeks).
- e. The Owner shall be responsible for all costs for the preparation and registration of agreements/undertakings/easements/warning clauses as determined appropriate by Metrolinx, to the satisfaction of Metrolinx.

Craig Dumart

From: Alexandre Thibault <Alexandre.Thibault@cn.ca> on behalf of Proximity <proximity@cn.ca>
Sent: Tuesday, February 20, 2024 2:16 PM
To: Craig Dumart
Subject: 2024-02-20_CN comments_Kitchener_Circulation for Comment - 236-264 Victoria Street North (OPA/ZBA)
Attachments: Rail Study - Development Viability Report.pdf; department & agency letter-234-264 Victoria Street North.doc

Hello Craig,

Thank you for consulting CN on the application mentioned in subject. It is noted that the subject site is within 1000 meters of CN railway operations including the CN Kitchener-Waterloo Yard's. Also note that the project is abutting a main line which CN has an easement for railway operations. CN has concerns of developing/densifying residential uses in proximity to railway operations. Development of sensitive uses in proximity to railway operations cultivates an environment in which land use incompatibility issues are exacerbated. CN's guidelines reinforce the safety and well-being of any existing and future occupants of the area. Please refer to CN's guidelines for the development of sensitive uses in proximity to railways. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities. CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:

- The Owner shall engage a consultant to undertake an analysis of noise. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.
- The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 1000m of the railway right-of-way:

"Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 1000 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."

- The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the noise and vibration isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
- The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
- The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

CN anticipates the opportunity to review a detailed site plan, a noise and vibration study taking into consideration CN development guidelines.

We will review the viability report and the noise report and send further comments on the matter.

Regarding the mainline infrastructure, CN would normally ask for a 30 meters setback with a security berm, or the implementation of a crash wall reviewed by AECOM standards. Since, the right of way abutting the site does not belong to CN, we strongly recommend consulting the appropriate owner for their comments.

Thank you and do not hesitate to contact me with any questions.

Best regards,

Alexandre Thibault, B.Sc. Urb

Urbaniste stagiaire / Urban Planner Intern (CN Proximity)
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From: Craig Dumart <Craig.Dumart@kitchener.ca>
Sent: Tuesday, February 13, 2024 9:36 AM
To: Craig Dumart <Craig.Dumart@kitchener.ca>
Subject: RE: Circulation for Comment - 236-264 Victoria Street North (OPA/ZBA)

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Good morning,

The commenting due date for comments on this application is today. Will you be providing formal comments? If not we will proceed the rail study is acceptable and that there are no concerns.

Thank you.

Craig Dumart, BES, MCIP, RPP
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