

## EASTWOOD

NEIGHBOURHOOD, KITCHENER

135 Jackson Ave  
Development  
A neighbourhood perspective.

## **Applied Variances**

- 1. Height increase from 11m**
  - ◆ Is it 11m? Central Zone is 9m**
- 2. FSR from 0.6**
- 3. Set back from 7.5**
- 4. Parking from 1.1 spots per unit**

## **Four Tests**

### **Provincial Law for Municipalities**

**For By-Law Variance approvals, 4 tests should be applied:**

- 1. The variance must be minor in nature.**
- 2. The variance is desirable for the appropriate development or use of the land.**
- 3. The variance maintains the general intent and purpose of the Zoning By-law.**
- 4. The variance maintains the general intent and purpose of the Official Plan.**



## **The Planning Act Ontario: Role for Municipalities**

**The municipality:**

- ◆ makes local planning decisions that will determine the future of communities**
- ◆ prepares planning documents, such as:**
  - ◆ an official plan, which sets out the municipality's general planning goals and policies that will guide future land use**
  - ◆ zoning bylaws, which set the rules and regulations that control development as it occurs**
- ◆ ensures planning decisions and planning documents are consistent with the Provincial Policy Statement and conform or do not conflict with provincial plans**



## **Kitchener's Official Plan: RIENS Report**

- ◆ **Specifies rules for Residential Intensification in Existing Neighbourhoods**
- ◆ **Approved March 20, 2017**
- ◆ **Stated as fully incorporated into the By-Laws since By-Law 2018-094**
- ◆ **Reasons and intent are spelled out in the report – INTENT need not be guessed!**

## Official Plan - Kitchener

3.C.2.52. Limited *intensification* may be permitted within Community Areas in accordance with the applicable land use designation on Map 3 and the Urban Design Policies in Section 11.

The proposed development **must be** sensitive to and *compatible* with the character, form and *planned function* of the surrounding context.

## The Official Plan

*Figure 3: Nine Goals for Achieving a Complete and Healthy Community*





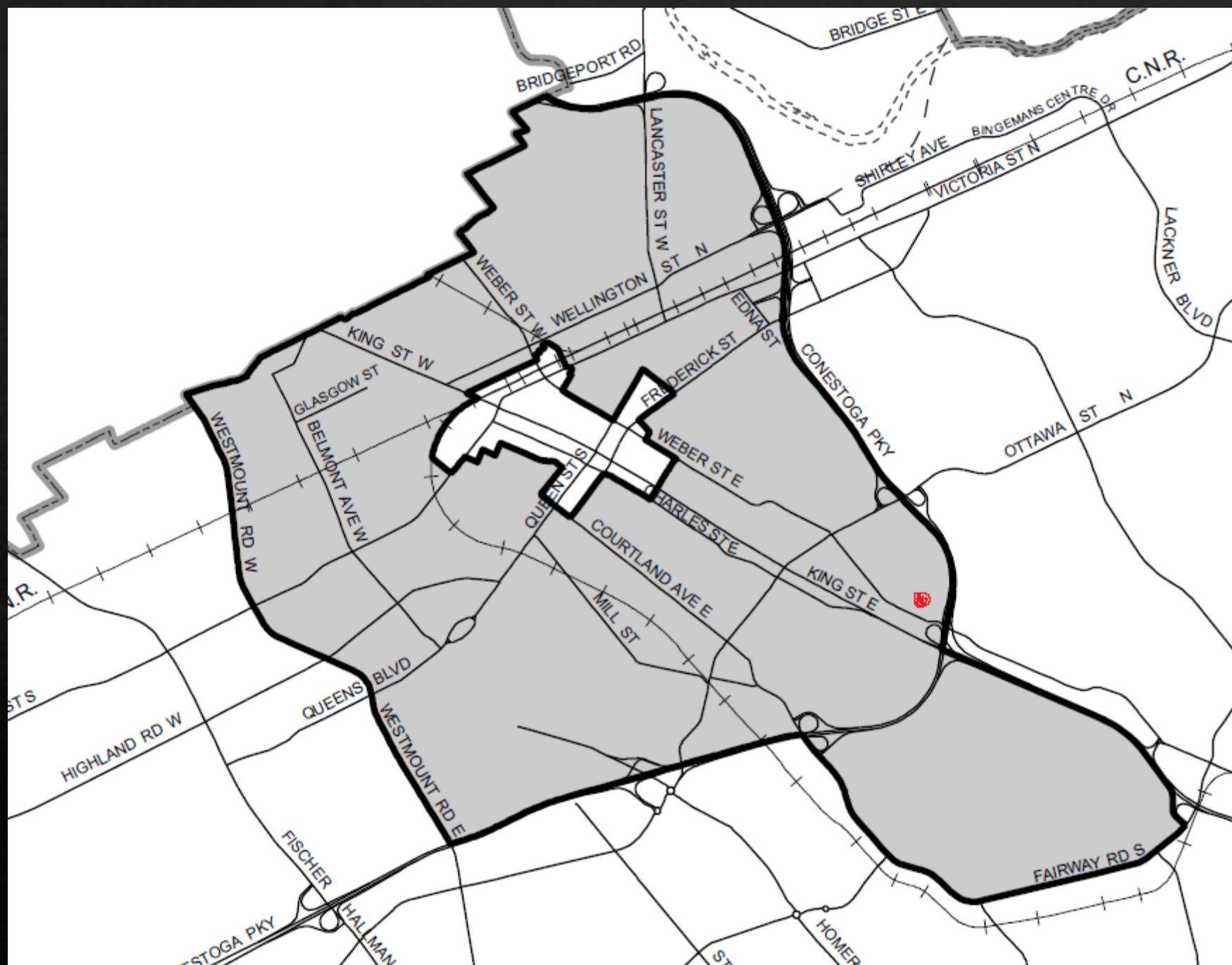
## Height

### 7.5 LANDS LOCATED IN APPENDIX C – CENTRAL NEIGHBOURHOODS

a) For permitted uses subject to this regulation, the **maximum building height shall be 9.0 metres** for new buildings and additions to existing buildings that would increase the building height by more than 1.0 metres, where the height of the two principal buildings on both abutting lots is less than 6.5 metres. Where there are vacant lot(s), abutting the affected lot, the height of the two principal buildings on the next adjacent lot with a low-rise residential zone are considered.

## Appendix C

### Kitchener Central Zone





**To Scale:  
Inside one  
Backyard  
  
BEFORE**





**To Scale:  
Inside one  
Backyard  
  
AFTER**



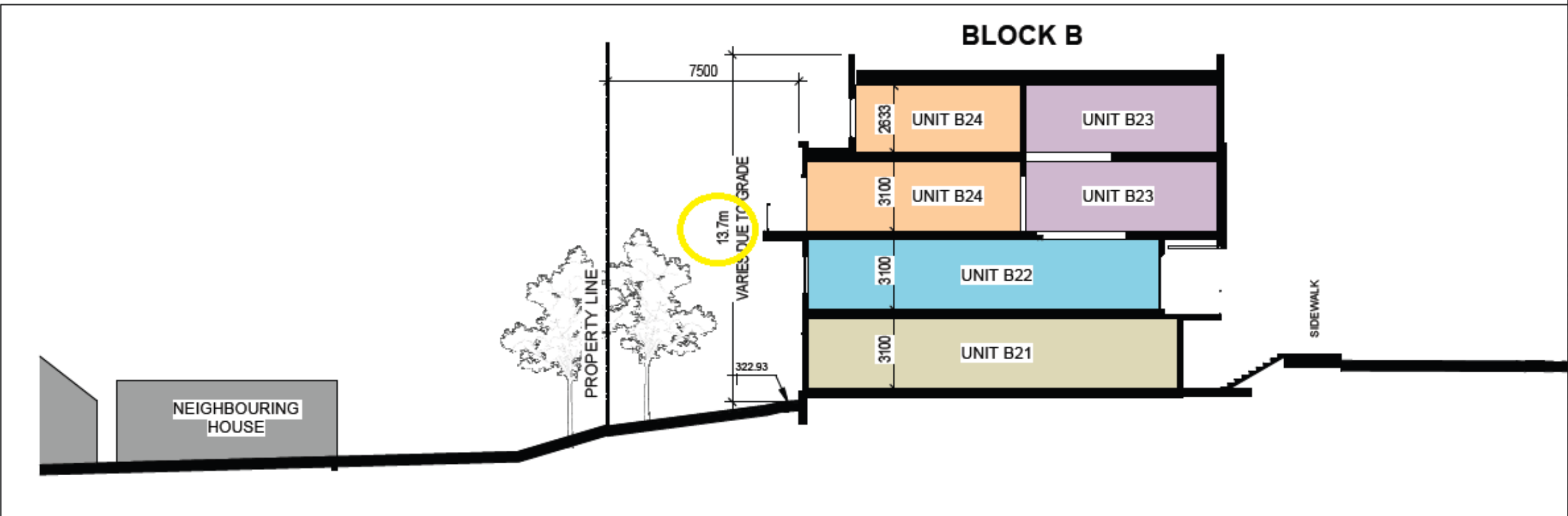


## Relative Height AFTER



## 5 SITE SECTIONS - NORTH-SOUTH BLOCK C

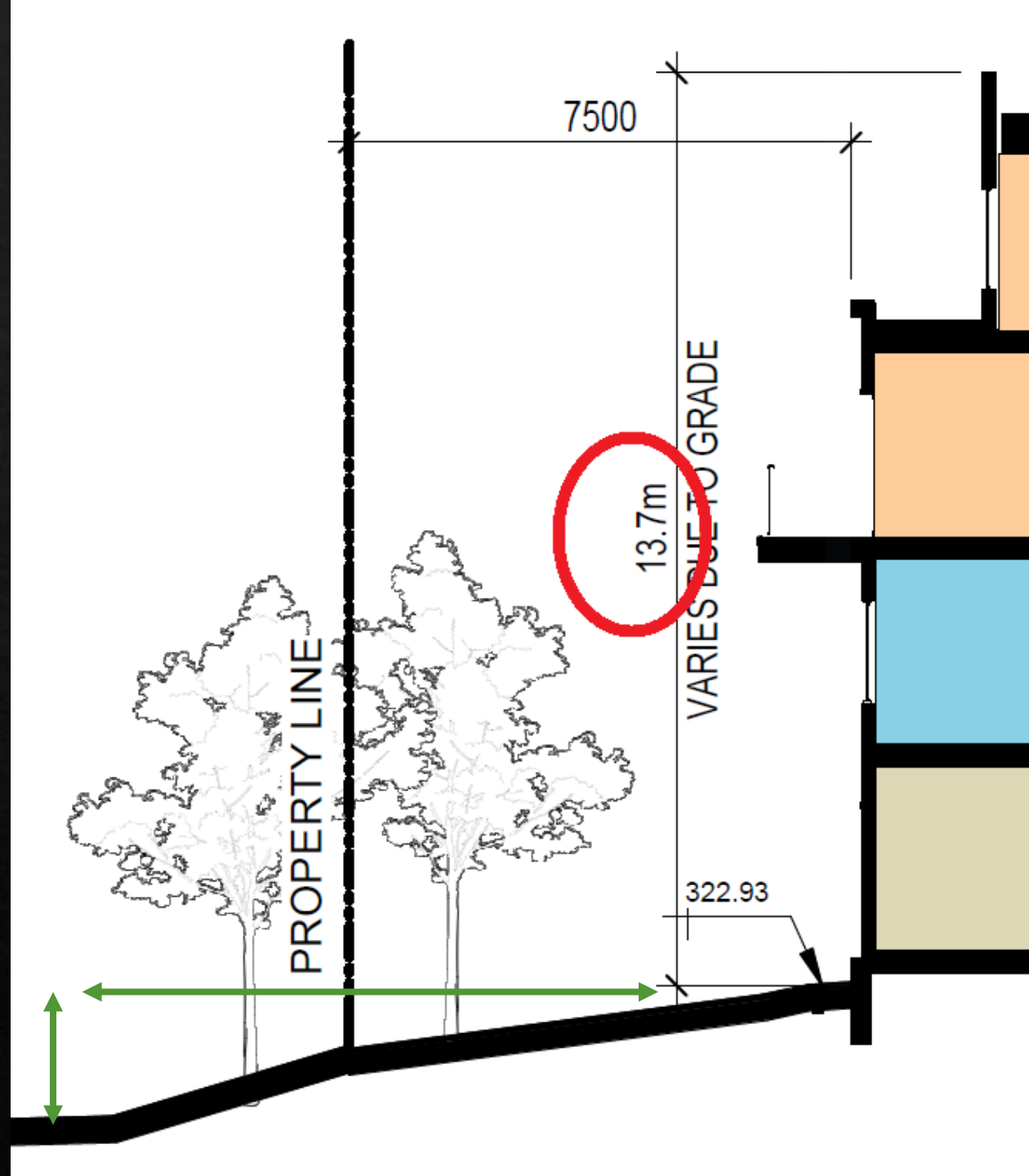
1 : 150



## 6 SITE SECTIONS - NORTH-SOUTH @ BLOCK B,D

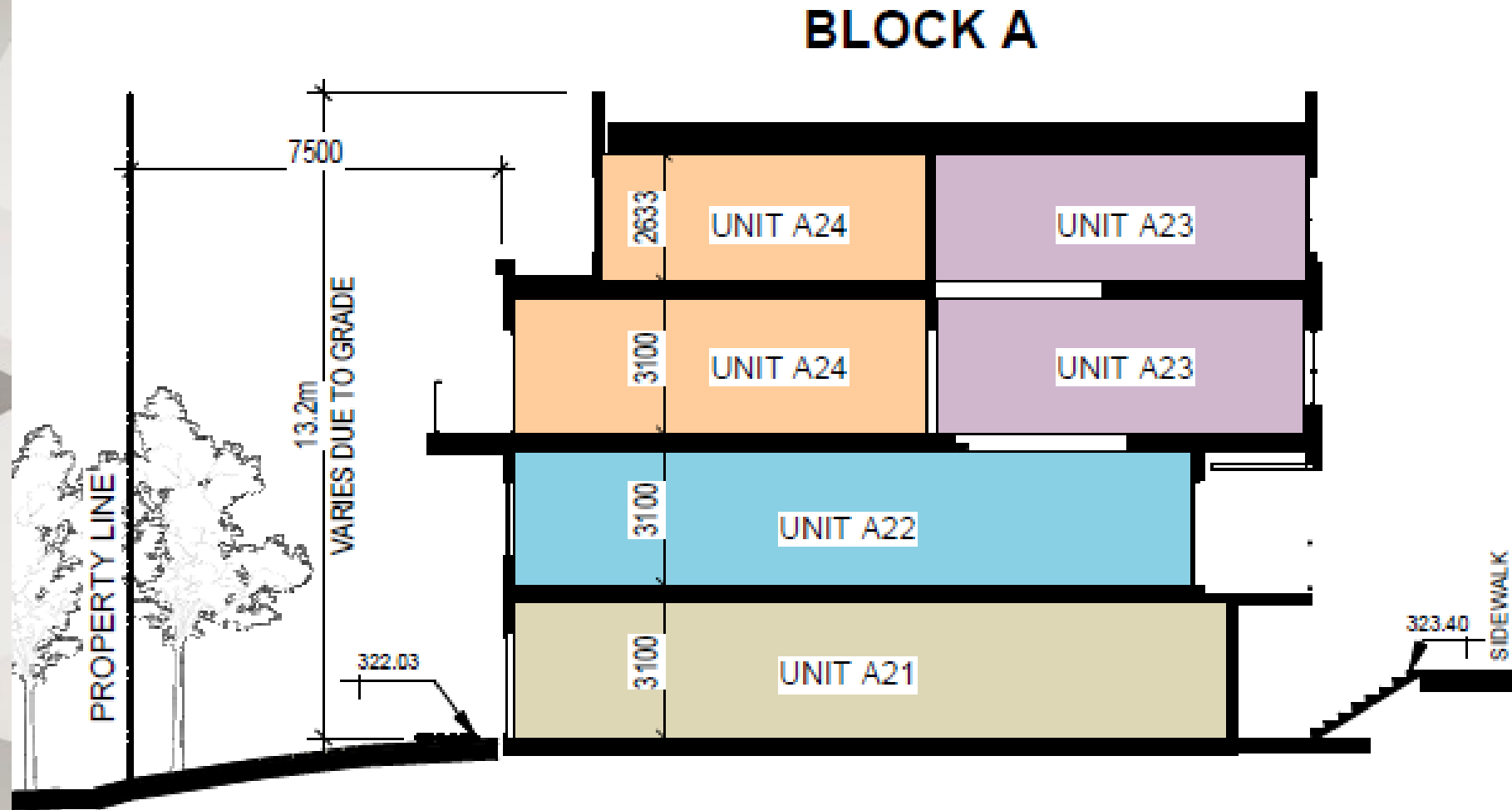


**13.7m  
PLUS  
Raise**



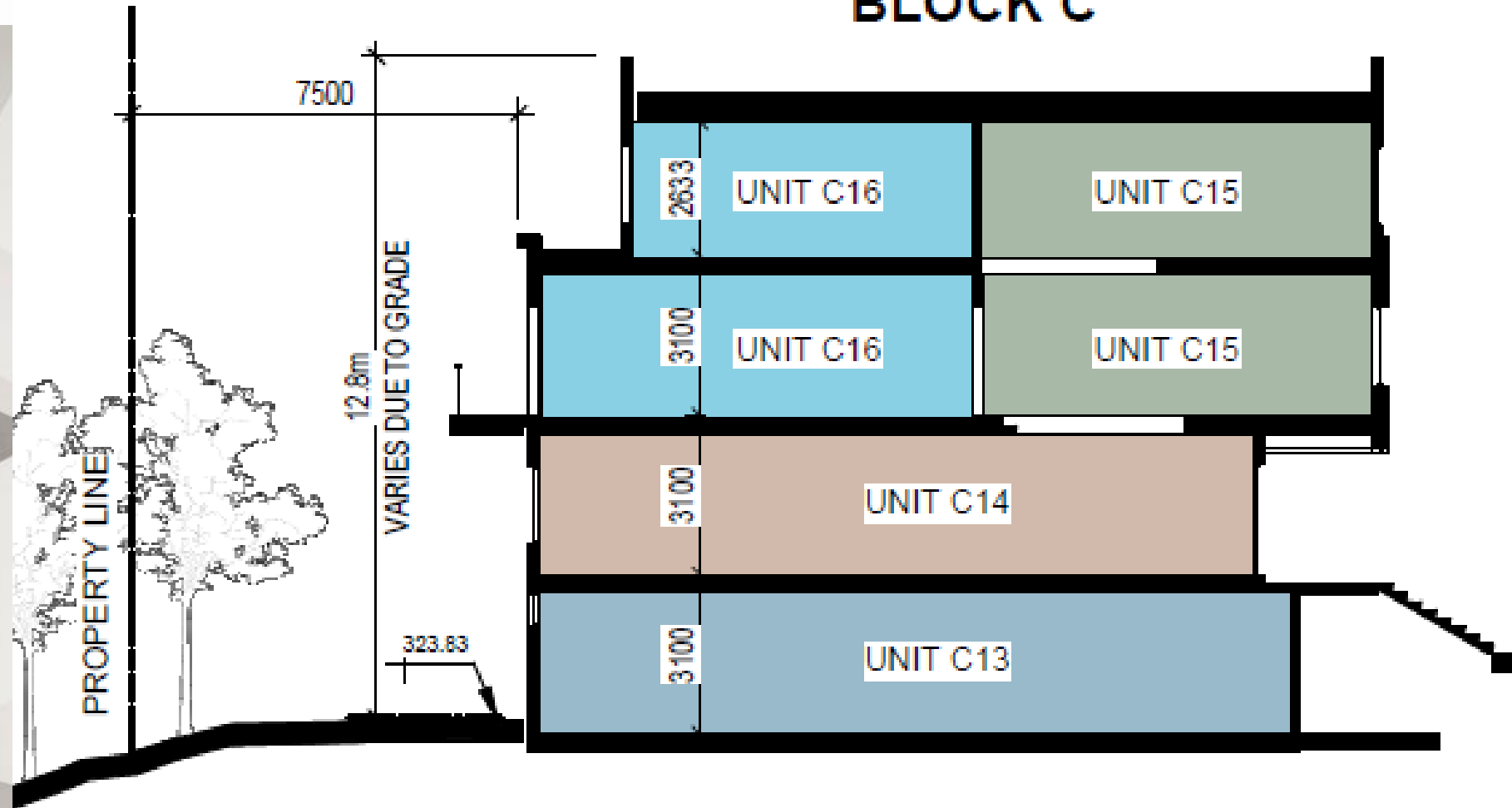
## Block E

13.2m  
PLUS  
Raise



## Block C

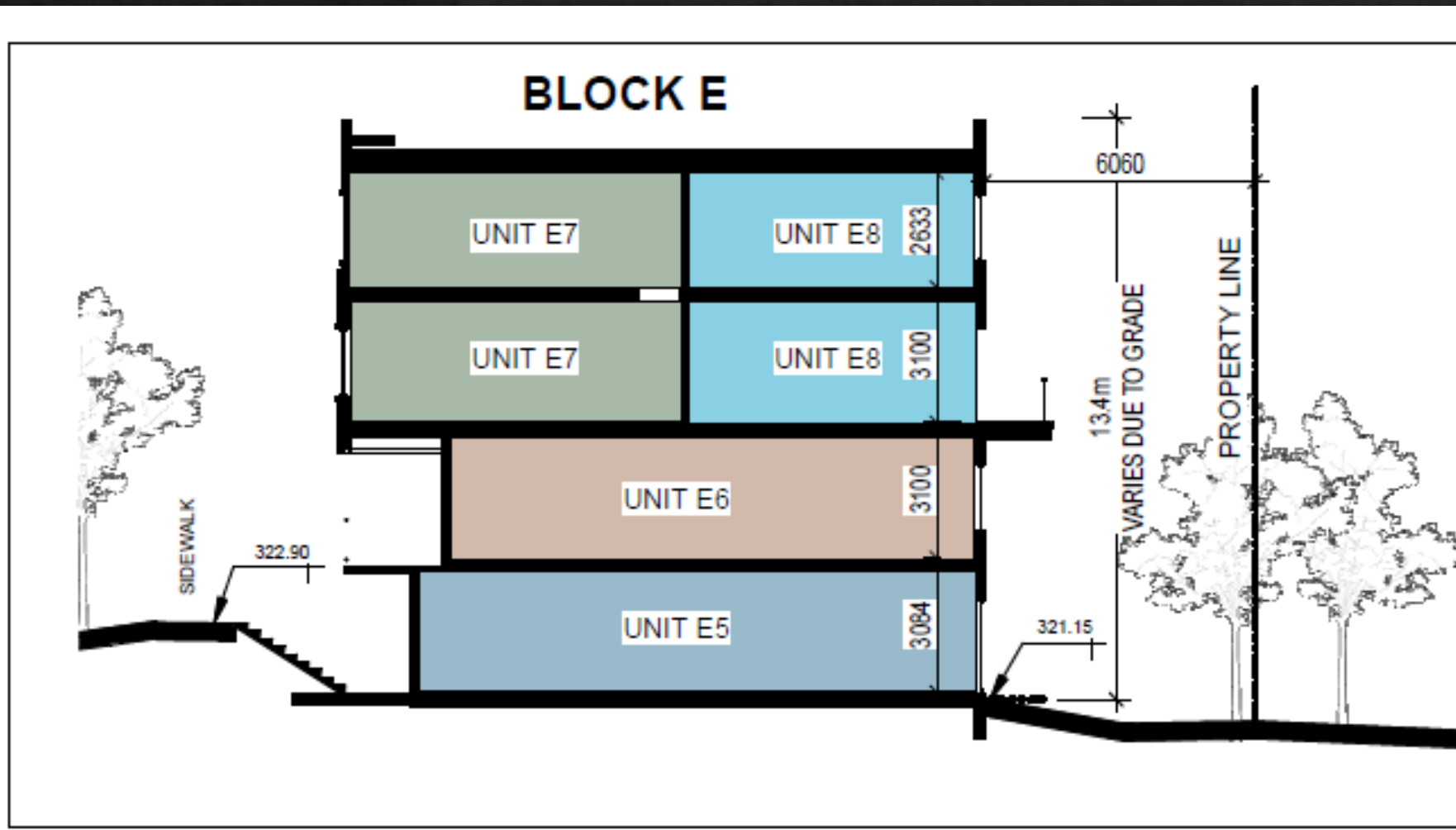
12.8m  
PLUS  
Raise





## Block E

13.4m  
PLUS  
Raise



Height:  
Stories

Clearly States  
4 Stories

## TOWNHOUSE BLOCK A & B

DATA	REQUIRED	PROVIDED
TOTAL DENSITY (# of units)	- (units)	24 (units) each
GROSS FLOOR AREA (m <sup>2</sup> )	- (m <sup>2</sup> )	2,306 (m <sup>2</sup> ) each
NUMBER OF STOREYS	3	4

## TOWNHOUSE BLOCK C

DATA	REQUIRED	PROVIDED
TOTAL DENSITY (# of units)	- (units)	20 (units)
GROSS FLOOR AREA (m <sup>2</sup> )	- (m <sup>2</sup> )	1,921 (m <sup>2</sup> )
NUMBER OF STOREYS	3	4

## TOWNHOUSE BLOCK D

DATA	REQUIRED	PROVIDED
TOTAL DENSITY (# of units)	- (units)	22 (units)
GROSS FLOOR AREA (m <sup>2</sup> )	- (m <sup>2</sup> )	2,129 (m <sup>2</sup> )
NUMBER OF STOREYS	3	4

## TOWNHOUSE BLOCK E

DATA	REQUIRED	PROVIDED
TOTAL DENSITY (# of units)	- (units)	26 (units)
GROSS FLOOR AREA (m <sup>2</sup> )	- (m <sup>2</sup> )	2,330 (m <sup>2</sup> )
NUMBER OF STOREYS	3	4

## Height

Test	Height Analysis
Minor	Debatable. Residents say it causes irreversible harm to existing properties, property values, and lifestyles. Reduced functionality of current yards. No counter given.
Desirable	Debatable. Residents say it causes harm. Does not add value. No counter given.
Maintains Intent – By-Law	Absolutely not. Regulation is 3 stories, 11m or 9m. Reason for the By-Law: to maintain living conditions for ALL within mix used areas. This does NOT maintain the intent of the By-Law by and vastly exceeds code as the developer is misleading – <b>4 of 5 buildings are WELL OVER 12.5m – up to 16m over existing buildings</b> <b>4 Story instead of 3. Didn't even ASK for a variance – nor approved – but stated on plans. How was the plan approved? Overlooked? Don't Care?</b>
Maintains Intent – Official Plan	No. Per stated goals of official plan – fails on five points: <ul style="list-style-type: none"> <li>• Ensure land use compatibility – not compatible with area and current homeowners use</li> <li>• Encourage good planning – unintended issues/consequences (covered later)</li> <li>• Contribute to an enhanced high quality of life – reduces quality as stated by the residents of the community and shown in pics</li> <li>• Ensure our community will be functional – impedes on the lawful enjoyment of others</li> <li>• Ensure an aesthetically pleasing community – see last picture!</li> </ul>
RESULT	<b>FAIL</b> – All counts. Causing harm to existing residents may not be minor in nature



### Section 7 – Table 7-6

Res-5: Maximum Floor Space Ratio: 0.6

Why have a FSR?

- ◆ Building size
- ◆ Number of units allowed

## FSR

Asking for FSR of 1.0 without cause.

Result:

- ◆ Increased density
- ◆ Increased traffic
- ◆ Increased stress on infrastructure

## FSR: Density

- ◆ Substantial increase to neighbourhood population
- ◆ Substantial increase of public parks



## FSR: Traffic

- ◆ Developer's OWN report list almost a doubling of traffic in the neighbourhood
  - ◆ Not a MINOR change
  - ◆ Report is DEEPLY flawed
    - ◆ Jackson to Weber not safe to enter
    - ◆ Jackson from Brentwood to Weber is used by school for drop-off – very congested mornings and afternoons
- ◆ Ignores extra street parking from development for flow issues
  - ◆ If you build it; have people move in; there are impact to street parking impacting flow – while doubling traffic
- ◆ Ignores deliveries – daytime from online stores (the common now) and nighttime food deliveries – very common for working families now.

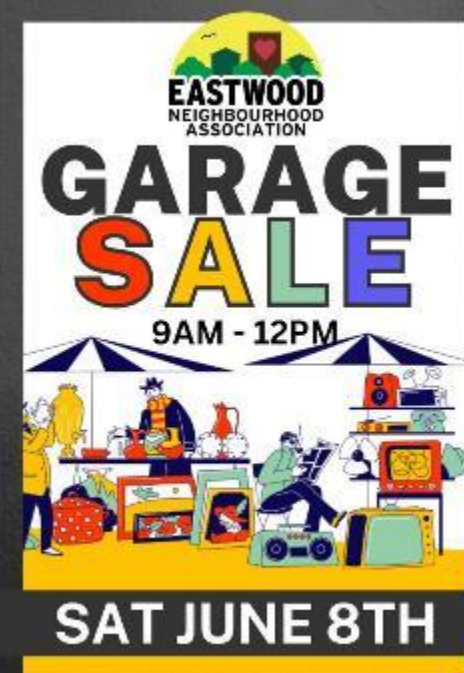
## FSR: Infrastructure

- ◆ Montgomery storm sewers prone to overflowing currently
  - ◆ Lack of absorbent land contributes to more run-off
- ◆ Hard to get reliable internet already – Bell or Rogers
- ◆ Schools are full – just see the portables in use at the high school and nearby elementary schools
  - ◆ Where will the kids go? Displace current students for incoming?
- ◆ Parks are already crowded
  - ◆ Serves the AREA not just the neighbourhood
  - ◆ Discus golf is big attractor for Montgomery park already
    - ◆ The ONLY park left in the neighbourhood



# EASTWOOD

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Christmas  
CAROLING

EASTWOOD NEIGHBOURHOOD ASSOCIATION

WED, DEC 20, 2023

Eastwood Neighbourhood carolling!

Going

This poster features a blue background with white stars and a green Christmas tree in the center. The Eastwood Neighbourhood Association logo is at the top. Below the title, there is a video player showing a black screen.



4TH ANNUAL  
Scavenger Hunt!

AUDITORIUM NEIGHBOURHOOD ASSOCIATION

SUNDAY NOV 5  
1030AM Knollwood Park

EASTWOOD NEIGHBOURHOOD ASSOCIATION

The poster has a map background with a yellow path. It includes silhouettes of people on bicycles and the Auditorium Neighbourhood Association logo. The Eastwood Neighbourhood Association logo is in the bottom right corner.



EASTWOOD NEIGHBOURHOOD ASSOCIATION

EASTWOOD AND THE CITY OF KITCHENER PRESENT

NEIGHBOURS DAY PARTY!

LIVE MUSIC AND FUN

STARTS AT 1 PM

11 CLIVE ROAD

[www.enak.ca](http://www.enak.ca)  
[hello@enak.ca](mailto:hello@enak.ca)

SAT JUN 17

This poster is colorful and festive, featuring a sun with sunglasses, a food truck, a person playing guitar, and a person singing. It includes the Eastwood Neighbourhood Association logo and event details.

## FSR

Test	FSR Analysis
<b>Minor</b>	Debatable. Residents say it causes irreversible harm to existing properties, property values, and lifestyles. Reduced functionality of current amenities. No counter given.
<b>Desirable</b>	Debatable. Residents say it causes harm. Does not add value. No counter given.
<b>Maintains Intent – By-Law</b>	Absolutely not. Regulation is 0.6 to control all items residents have concerns over. The neighbourhood from Ottawa to Weber to Montgomery, bounded by highway is mainly single-family homes. Some 3, 4, and 6-plexes exist, but they have been there for a significant time. One condo building. The community is over 80 years in the making.
<b>Maintains Intent – Official Plan</b>	No. Per stated goals of official plan – fails on five points: <ul style="list-style-type: none"> <li>• Ensure land use compatibility – not compatible with area and current homeowners use</li> <li>• Encourage good planning – unintended issues/consequences esp. infrastructure</li> <li>• Contribute to an enhanced high quality of life – reduces quality for existing residents</li> <li>• Ensure our community will be functional – reduces connection with neighbours and individuals</li> <li>• Ensure an aesthetically pleasing community – overuse of amenities</li> </ul>
<b>RESULT</b>	<b>FAIL</b> – All counts. Causing harm to existing residents, may not be minor in nature. Not desirable as expressed by residents of the community. Intent: By-Law

## Parking

- ◆ Requirement:
  - ◆ Minimum 1 per unit/dwelling
  - ◆ Minimum 10% guest parking



## Parking

- ◆ Developer claim less parking required (1.03 / unit)
  - ◆ sites the 2016 TTS study
  - ◆ [https://www.dmg.utoronto.ca/pdf/tts/2016/2016\\_TTS\\_Summaries\\_TTSarea.pdf](https://www.dmg.utoronto.ca/pdf/tts/2016/2016_TTS_Summaries_TTSarea.pdf)
- ◆ Study ACTUALLY says usage is 1.7/unit in Kitchener (Regional Municipality of Waterloo)

## HOUSEHOLD CHARACTERISTICS

[illegible]

## Parking

- ◇ Clearly, mass transit is a GOAL not a reality.
- ◇ Homes of this price range (\$700-900k) will generally need a two-income family
  - ◇ They are more likely to have 2 or more vehicles
- ◇ People will park on the street
  - ◇ No room on narrow roads
  - ◇ Traffic hazard for the doubling of traffic
  - ◇ Not allowed in the winter – then where?
- ◇ People will park on the lawns – not always theirs!
- ◇ Developer will ask for another variance to eliminate the greenspaces for more parking – known now, but waiting to give a reason to eliminate greenspaces



## Parking

Test	Analysis
<b>Minor</b>	No. Based on FALSE assumptions and incorrect data. Impact on street parking effects city, residents and negatively impacts any owner of a property in the development. This is NOT easily rectified later.
<b>Desirable</b>	How is less parking desirable? Adequate parking hurts no-one, but ensures the rights of all homeowners, proper traffic flow, and keeps planned greenspaces.
<b>Maintains Intent – By-Law</b>	No. Assumptions are based on a wish – not reality. The ONLY bus routes within 10 minutes are on Weber St. Mass transit usage is a dream for the planned usage type and placement. Planning for reality is required. Encouragement for mass transit is goal – not reality. Duty to protect future buyers.
<b>Maintains Intent – Official Plan</b>	No. Per stated goals of official plan – fails on xx of five points: <ul style="list-style-type: none"> <li>• Ensure land use compatibility – not compatible with intended usage and expecting pricing restraints</li> <li>• Encourage good planning – No. Planning for failure and later, much more expensive and less desirable correction.</li> <li>• Contribute to an enhanced high quality of life – reduces quality by causing parking headaches for decades</li> <li>• Ensure our community will be functional – not enough parking is the definition of non-functional</li> <li>• Ensure an aesthetically pleasing community – No. people will fill the streets with parked cars, and park on lawns.</li> </ul>
<b>RESULT</b>	<b>FAIL</b> – All counts. Causing harm to existing AND future residents; may not be minor in nature. Not desirable – planned ‘headache’. Intent: By-Law Intent: Official Plan

## Set Back

- ◆ Reducing set back from 7.5 to 6.0 helps no one but the developer.
- ◆ It may be considered minor, but it is hard to see ANY case for this to be approved.
  - ◆ The developer makes no case – only that they want more units
- ◆ Reduces enjoyment of the future owners of the development property – too close to neighbours.
- ◆ Reduces current owners' enjoyment.
- ◆ Has NO discernable benefit whatsoever – why is an analysis needed for this?

## Costly Consequences

- ◆ Required to widen Jackson Ave.
- ◆ Required to widen Montgomery Rd. – esp. at intersection of Weber
- ◆ Required to widen McKenzie Ave. for people going to expressway
- ◆ Jackson – Weber stop light will be needed
- ◆ Montgomery Rd. storm sewer overhaul and upgrade will be required
- ◆ Displace existing students from full schools
- ◆ Infrastructure overload
  - ◆ Report is lacking in MANY areas for specificity for infrastructure – claiming it is the responsibility of the utility or school board