

From: Christine Goulet
Sent: Thursday, June 13, 2024 9:30 AM
To: Brian Bateman
Subject: 75 First Ave ZBA

Hi Brian,

I have reviewed the functional servicing and am in support of the zone change with an increase to the peak sanitary flow of **0.06L/s**

Kitchener Utilities has reviewed the report for water and find it acceptable.

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



From: Carrie Musselman
Sent: Tuesday, June 11, 2024 10:39 AM
To: Brian Bateman
Subject: Env. Planner Comments - 75 First Avenue (ZBA)

Hello Brian,

Environmental planning has no concerns with the proposed ZBA. I can advise:

- There are no natural heritage features or functions of local, Regional, Provincial, or national significance on, or adjacent to the subject property.
- The Vegetation Management Plan dated March 6, 2024, prepared by GSP Group submitted as part of a complete application notes that 5 trees are located on the property and 3 have been identified to be removed. No impacts to trees on adjacent properties are proposed.

Regards,

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

From: Christine Kompter <Christine.Kompter@kitchener.ca>
Sent: Monday, June 3, 2024 12:33 PM
To: _DL_Team_DSD-Planning <TeamDSD-Planning@kitchener.ca>; Bell - c/o WSP <circulations@wsp.com>; Carlos Reyes <Carlos.Reyes@kitchener.ca>; Darren Kropf <Darren.Kropf@kitchener.ca>; Dave Seller <Dave.Seller@kitchener.ca>; David Paetz <David.Paetz@kitchener.ca>; Internet - Engineering 9th floor (SM) <engineering@kitchener.ca>; Enova Power Corp. - Greig Cameron <greig.cameron@enovapower.com>; Enova Power Corp. - Shaun Wang <shaun.wang@enovapower.com>; Fire Prevention (SM) <FirePrevention@kitchener.ca>; French Catholic School Board <planification@cscmonavenir.ca>; GRCA - Planning (<planning@grandriver.ca>) <planning@grandriver.ca>; Landuse Planning <landuseplanning@hydroone.com>; Jim Edmondson <Jim.Edmondson@kitchener.ca>; Justin Readman <Justin.Readman@kitchener.ca>; Katherine Hughes <Katherine.Hughes@kitchener.ca>; Mike Seiling <Mike.Seiling@kitchener.ca>; Ontario Power Generation <Executivevp.lawanddevelopment@opg.com>; Park Planning (SM) <Park.Planning@kitchener.ca>; Region - Howard Chang (<SChang@regionofwaterloo.ca>) <SChang@regionofwaterloo.ca>; Planning Applications <planningapplications@regionofwaterloo.ca>; Property Data Administrator (SM) <PropDataAdmin@kitchener.ca>; Robert Morgan <Robert.Morgan@kitchener.ca>; Steven Ryder <Steven.Ryder@kitchener.ca>; Sylvie Eastman <Sylvie.Eastman@kitchener.ca>; UW-WUSA (Feds) (<pres@wusa.ca>) <pres@wusa.ca>; Viamonde School Board - Daniel Stojc <stojcd@csvgiamonde.ca>; WCDSB - Planning <planning@wcdsb.ca>; WRDSB - Board Secretary (<elaine_burns@wrdsb.ca>) <elaine_burns@wrdsb.ca>; WRDSB - Planning <planning@wrdsb.ca>
Cc: Brian Bateman <Brian.Bateman@kitchener.ca>
Subject: Circulation for Comment - 75 First Avenue (ZBA)

Please see attached. Additional documentation can be found in AMANDA folder 24-114784 (City staff) and [ShareFile](#) (external agencies). Comments or questions should be directed to **Brian Bateman**, Senior Planner (brian.baeman@kitchener.ca; 519-741-2200 x7869).

Christine Kompter

Administrative Assistant | Development Services Department - Planning | City of Kitchener
200 King Street West, 6th Floor | P.O. Box 1118 | Kitchener ON N2G 4G7
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www.regionofwaterloo.ca

Melissa Mohr 1-226-752-8622
File: C14/2/24013
July 10, 2024

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

Dear Mr. Bateman,

**Re: Proposed Zoning By-law Amendment ZBA 24/013
75 First Avenue
GSP Group Inc. (C/O Caleb Miller) on behalf of Jason
Dale, Jim Dale, Jennifer Dale and Amy Dale
CITY OF KITCHENER**

GSP Group Inc. has submitted a Zoning By-law Amendment to permit additional density and site-specific provisions for additional residential units that will be added through a proposed addition at 75 First Avenue (subject lands) in the City of Kitchener.

The applicant is proposing to add three dwelling units to the existing 3-unit multiple dwelling for a total of 6 dwelling units and 5 parking spaces.

The subject lands are designated Urban Area and Built Up Area in the Regional Official Plan. The subject lands are designated Low Rise Residential in the City of Kitchener Official Plan and zoned RES-4 in the City of Kitchener Zoning By-law. The applicant is proposing to rezone the site from the RES-4 to RES-5 with site-specific permissions for a Floor Space Ratio (FSR) of 0.63 (whereas the maximum FSR is 0.6), and site specific permissions for the yard setbacks and parking requirements and driveway width.

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 “Delineated Built-Up Area” on Map 2 of the Regional Official Plan (ROP) and is designated Low Rise Residential in the City of Kitchener Official Plan.

Section 2.F of the ROP establishes policies for intensification targets within the delineated Built-Up Area of the Region, which is set of 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. Development in the Built-Up Area is intended to be denser through gentle intensification, with new development and redevelopment focusing on energy efficient design with access to active transportation options that allow future residents to walk, roll or stroll. The additional residential units proposed through this development will contribute to the annual intensification target for the City of Kitchener. In addition, the subject lands are in proximity to a bus route, providing future residents opportunities for alternative means of transportation (e.g. taking the bus).

The Region wishes to advise the applicant of the following technical comments related to the proposal:

Corridor Planning:

Environmental Noise (Transportation Noise):

The report entitled “Environmental Noise Impact Assessment, February 2024, 75 First Avenue, City of Kitchener” prepared by Meritech Engineering is under review and comments will be sent under separate cover.

The accepted recommendations shall be implemented within the building through the building permit process and shall be secured through a future consent or condominium stage, if applicable.

Hydrogeology and Sourcewater Protection:

The subject lands are located in Wellhead Protection Sensitive Area 8 (WPSA 8). In accordance with Chapter 8, Regional staff require a prohibition on geothermal energy systems to be written into the site specific Zoning By-law Amendment. The wording for the geothermal 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.

Part 4 Area of the Clean Water Act

The Section 59 Notice submitted to the Region is not valid, therefore a new, valid Section 59 Notice shall be submitted prior to a recommendation being made to City of Kitchener Council.

Fees

The Region acknowledges receipt of the Zoning By-law Amendment application fee of \$3,000.00 (deposited June 13, 2024).

Conclusions

The Region has no objection to the proposal **pending receipt of a Valid Section 59 Notice** and the following being implemented within the site specific Zoning By-law Amendment:

1. That a geothermal prohibition be implemented within the site specific Zoning By-law Amendment. The 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.

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

Cc (via email). Jason Dale, Jim Dale, Jennifer Dale, Amy Dale (Owners) , GSP Group Inc. C/O Caleb Miller (Applicant)

From: Melissa Mohr <MMohr@regionofwaterloo.ca>
Sent: Monday, July 15, 2024 3:16 PM
To: Brian Bateman
Cc: 'cmiller@gspgroup.ca'; 'jasond4le@hotmail.com'
Subject: Noise study Comments - ZBA 24/013 (75 First Avenue, Kitchener)
Attachments: Regional Comments - ZBA24/013 (75 First Avenue, Kitchener)

Good Afternoon Brian,

Regional staff have reviewed the report entitled "Environmental Noise Impact Assessment, February 2024, 75 First Avenue, City of Kitchener", dated February 12, 2024; prepared by Meritech Engineering and have the following comments:

The report indicates that the dominate source of noise around the site is Highway 7/8 and acoustical impacts are above acceptable levels; therefore mitigation, including warning clauses and air conditioning are required to ensure indoor noise levels do not exceed acceptable levels noted in NPC-300 and NPC-216. Furthermore, the report notes that the requirements of the Ontario Building Code (OBC) will provide adequate sound insulation. While not required, the report recommends that the main storey windows – especially the bedroom window – should be replaced with a double-pane windows, at the owner's discretion.

As the existing building is supplied with air conditioning, Regional staff assume that all units in the future addition will also be supplied with air conditioning. The location, installation and sound ratings of the air conditioning devices shall comply with NPC-300.

Since the source of noise is Highway 7/8; a roadway under the jurisdiction of the Province (Ontario Ministry of Transportation), an agreement between the applicant and the City of Kitchener is required to implement the recommendations of the noise study. The agreement shall be implemented through a future consent or condominium application, if proposed.

The following noise warning clauses shall be implemented through a registered development agreement (through a future consent or condominium application if required) and included in all offers of purchase and sale/lease/rental agreements and the Condominium Declaration (if required):

Type A:

Purchasers/tenants are advised that sound levels due to increasing road traffic (rail traffic) (air traffic) 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.

Type D:

This dwelling unit has been supplied with a central air conditioning system which 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.

In addition, prior to the issuance of any building permits, the City of Kitchener's Building Inspector will certify that the noise attenuation measures are incorporated in the building plans and upon completion of construction, the City of Kitchener's Building Inspector will certify that the dwelling units have been constructed accordingly.

I trust the above is of assistance, but please do not hesitate to contact me should you have any questions regarding the above.

Kind Regards,

Melissa

Melissa Mohr, MCIP, RPP

Senior Planner

Planning, Development and Legislative Services

Region of Waterloo

150 Frederick Street, 8th Floor, Kitchener ON N2G 4J3

Cell: 1-226-752-8622

mmohr@regionofwaterloo.ca

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From: Dave Seller
Sent: Monday, June 3, 2024 2:46 PM
To: Brian Bateman
Subject: TS comments: 75 First Avenue (ZBA)

Application type: Zoning By-law Amendment Application ZBA24/013/F/BB
Project address: 75 First Avenue
Comments of: Transportation Services
Commenter's name: Dave Seller
Email: dave.seller@kitchener.ca
Phone: 519-741-2200 e 7369
Date of comments: June 3, 2024
Comments due: June 18, 2024

Development proposal

The applicant is proposing to build an addition to add 3 dwelling units to an existing 3 unit multiple dwelling for a total of 6 dwelling units and 5 parking spaces.

Parking analysis

Six parking spaces are required, however, due to existing balcony structural post, five spaces can be provided, which Transportation Services supported in March 2024.

Conclusions

Transportation Services have no concerns with the proposed ZBA.

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

From: Christine Kompter <Christine.Kompter@kitchener.ca>
Sent: Monday, June 3, 2024 12:33 PM
To: _DL_Team_DSD-Planning <TeamDSD-Planning@kitchener.ca>; Bell - c/o WSP <circulations@wsp.com>; Carlos Reyes <Carlos.Reyes@kitchener.ca>; Darren Kropf <Darren.Kropf@kitchener.ca>; Dave Seller <Dave.Seller@kitchener.ca>; David Paetz <David.Paetz@kitchener.ca>; Internet - Engineering 9th floor (SM) <engineering@kitchener.ca>; Enova Power Corp. - Greig Cameron <greig.cameron@enovapower.com>; Enova Power Corp. - Shaun Wang <shaun.wang@enovapower.com>; Fire Prevention (SM) <FirePrevention@kitchener.ca>; French Catholic School Board <planification@cscmonavenir.ca>; GRCA - Planning (planning@grandriver.ca) <planning@grandriver.ca>; Landuse Planning <landuseplanning@hydroone.com>; Jim Edmondson <Jim.Edmondson@kitchener.ca>; Justin Readman <Justin.Readman@kitchener.ca>; Katherine Hughes <Katherine.Hughes@kitchener.ca>; Mike Seiling <Mike.Seiling@kitchener.ca>; Ontario Power Generation <Executivevp.lawanddevelopment@opg.com>; Park Planning (SM)

<Park.Planning@kitchener.ca>; Region - Howard Chang (SChang@regionofwaterloo.ca)
<SChang@regionofwaterloo.ca>; Planning Applications <planningapplications@regionofwaterloo.ca>;
Property Data Administrator (SM) <PropDataAdmin@kitchener.ca>; Robert Morgan
<Robert.Morgan@kitchener.ca>; Steven Ryder <Steven.Ryder@kitchener.ca>; Sylvie Eastman
<Sylvie.Eastman@kitchener.ca>; UW-WUSA (Feds) (pres@wusa.ca) <pres@wusa.ca>; Viamonde School
Board - Daniel Stojc <stojcd@csviamonde.ca>; WCDSB - Planning <planning@wcdsb.ca>; WRDSB - Board
Secretary (elaine_burns@wrdsb.ca) <elaine_burns@wrdsb.ca>; WRDSB - Planning
<planning@wrdsb.ca>
Cc: Brian Bateman <Brian.Bateman@kitchener.ca>
Subject: Circulation for Comment - 75 First Avenue (ZBA)

Please see attached. Additional documentation can be found in AMANDA folder 24-114784 (City staff) and [ShareFile](#) (external agencies). Comments or questions should be directed to **Brian Bateman**, Senior Planner (brian.baeman@kitchener.ca; 519-741-2200 x7869).

Christine Kompter

Administrative Assistant | Development Services Department - Planning | City of Kitchener
200 King Street West, 6th Floor | P.O. Box 1118 | Kitchener ON N2G 4G7
519-741-2200 ext. 7425 | TTY 1-866-969-9994 | christine.kompter@kitchener.ca



City of Kitchener
OPA & ZBA Comment Form

Project Address: 75 First Ave, Kitchener

Application Type: Official Plan Amendment & Zoning Bylaw Amendment

Comments Of: Urban Design

Commenter's Name: Katey Crawford

Email: Katey.Crawford@kitchener.ca

Phone: 519-741-2200 ext. 7157

Date of Comments: June 20th, 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

- 75 First Avenue – Building Elevations, Prepared by Orchard Design Studio Inc.
- 75 First Avenue – Site Plan, Prepared by Orchard Design Studio Inc.
- 75 First Avenue – Urban Design Report. Prepared by GSP Group Inc.
- 75 First Avenue – Tree Management Plan, Prepared by GSP Group Inc.

2. Site Specific Comments & Issues:

Elevations

- Updates to the existing façade are encouraged to provide improved character to the neighborhood given the sites terminus location and high visibility. Removal of the existing covered patio to better define entry. Replacement of windows, siding, and shutters.

Site Plan

- Show the existing driveway and parking area in front of the existing building on the site plan. More than 50% of the front yard should not be occupied by driveway and parking areas.

- As per Guidelines for Barrier-Free Design of Ontario, “Type A parking spaces shall have an adjacent 1500 mm wide access aisle.” Provide an accessible, unobstructed aisle, the same length as the parking stall.
- A 6.1meter minimum driveway width is required as per urban design manual whereas 5.35m is shown.
- Provide access from parking to unit entries.
- Provide outdoor amenity space with seating and access to shade as is required by UDM.
- A 1.2m backout space is required for parking area.
- Provide minimum 1.5m width landscape strip offset property lines.
- Show all proposed and existing stairs/steps on plan.
- Provide an unobstructed path, separate from the driveway from the sidewalk to all unit entrances.

Urban Design Report

- As quoted from page 23, “landscaping will be implemented along the perimeter of the property”. However, the site plan does not show landscaping along the north or east property lines as required.
- Page 25 states, “It aims to conserve the existing streetscape, enhance the appearance of the existing building.” Please clarify what enhancements to the existing building are proposed. The elevations show no enhancements.

Please provide updated **elevations, site plan, and urban design report** addressing the comments above.

From: Planning <planning@wcdsb.ca>
Sent: Monday, June 10, 2024 10:35 AM
To: Brian Bateman
Subject: RE: Circulation for Comment - 75 First Avenue (ZBA)

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Good Morning Brian,

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

From: Christine Kompter <Christine.Kompter@kitchener.ca>
Sent: Monday, June 3, 2024 12:33 PM
To: _DL_Team_DSD-Planning <TeamDSD-Planning@kitchener.ca>; Bell - c/o WSP <circulations@wsp.com>; Carlos Reyes <Carlos.Reyes@kitchener.ca>; Darren Kropf <Darren.Kropf@kitchener.ca>; Dave Seller <Dave.Seller@kitchener.ca>; David Paetz <David.Paetz@kitchener.ca>; Internet - Engineering 9th floor (SM) <engineering@kitchener.ca>; Enova Power Corp. - Greig Cameron <greig.cameron@enovapower.com>; Enova Power Corp. - Shaun Wang <shaun.wang@enovapower.com>; Fire Prevention (SM) <FirePrevention@kitchener.ca>; French Catholic School Board <planification@cscmonavenir.ca>; GRCA - Planning (<planning@grandriver.ca> <planning@grandriver.ca>); Landuse Planning <landuseplanning@hydroone.com>; Jim Edmondson <Jim.Edmondson@kitchener.ca>; Justin Readman <Justin.Readman@kitchener.ca>; Katherine Hughes <Katherine.Hughes@kitchener.ca>; Mike Seiling <Mike.Seiling@kitchener.ca>; Ontario Power Generation <Executivevp.lawanddevelopment@opg.com>; Park Planning (SM) <Park.Planning@kitchener.ca>; Region - Howard Chang (<SChang@regionofwaterloo.ca> <SChang@regionofwaterloo.ca>); Planning Applications <planningapplications@regionofwaterloo.ca>; Property Data Administrator (SM) <PropDataAdmin@kitchener.ca>; Robert Morgan <Robert.Morgan@kitchener.ca>; Steven Ryder <Steven.Ryder@kitchener.ca>; Sylvie Eastman <Sylvie.Eastman@kitchener.ca>; UW-WUSA (Feds) (<pres@wusa.ca> <pres@wusa.ca>); Viamonde School Board - Daniel Stojc <stojcd@csviamonde.ca>; Planning <planning@wcdsb.ca>; WRDSB - Board Secretary (<elaine_burns@wrdsb.ca> <elaine_burns@wrdsb.ca>); WRDSB - Planning <planning@wrdsb.ca>
Cc: Brian Bateman <Brian.Bateman@kitchener.ca>
Subject: Circulation for Comment - 75 First Avenue (ZBA)

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Please see attached. Additional documentation can be found in AMANDA folder 24-114784 (City staff) and [ShareFile](#) (external agencies). Comments or questions should be directed to **Brian Bateman**, Senior Planner (brian.baeman@kitchener.ca; 519-741-2200 x7869).

Christine Kompter

Administrative Assistant | Development Services Department - Planning | City of Kitchener
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City of Kitchener
Zone By-law Amendment Comment Form

Address: 75 First Ave
Owner: Jason Dale & Jim Dale & Jennifer Dale & Amy Dale
Application: Zoning By-law Amendment – ZBA23/013/F/BB

Comments Of: Park Planning
Commenter's Name: Lenore Ross
Email: Lenore.ross@kitchener.ca
Phone: 519-741-2200 ext 7427
Date of Comments: June 11 2024

Documents Reviewed:

I have reviewed the documentation noted below submitted in support of a ZBA to allow a residential addition to be built creating a multiple dwelling with a total of 6 dwelling units and 5 parking spaces.

- Concept Site Plan
- Urban Design Brief
- Planning Justification Report
- Tree Preservation and Enhancement Plan

Park Planning has no concerns with the proposed Zoning Bylaw Amendments and offers only the following comments related to required Parkland Dedication

Parkland Dedication

Park dedication will be deferred at the ZBA and taken as cash in lieu of land for the proposed residential units as a condition of Building Permit issuance. If there are existing units that are not legally recognized, Parkland Dedication will be required for legalization of those units as well.

As a site plan application is not be required for a residential development with 10 units or less, the Parkland Dedication fees will be required as a condition of Building Permit issuance.

Dedication requirements are subject to the Park Dedication Bylaw, Policy and rates in effect.

If any questions regarding the parkland dedication calculation form or this memo, please contact the above-noted Parks & Cemeteries staff for clarification.

Policies, Standards and Resources:

- Kitchener Official Plan
- City of Kitchener Park Dedication Bylaw and Park Dedication Policy
- City of Kitchener Development Manual

City of Kitchener
Zone By-law Amendment Comment Form

- 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

Anticipated Fees:

The Parkland Dedication requirement for this submission is **deferred** and will be assessed at a future Building Permit Application.

Dedication requirements are subject to the Planning Act, Parkland Dedication Bylaw, Park Dedication Policy and rates in effect. The Bylaw is under appeal.