

City of Kitchener OPA/ZBA comments

Application type: Zoning By-law Amendment Application ZBA24/014/K/ES
Official Plan Amendment Application OPA24/008/K/ES

Comments of: Transportation Services

Commenter's name: Dave Seller

Email: dave.seller@kitchener.ca

Phone: 519-741-2200 e 7369

Date of comments: July 24, 2024

Comments due: July 24, 2024

Project address: 2980 King Street East

As part of a complete Zoning By-law and Official Plan amendment application, a Parking Study was submitted (March 2024) by Paradigm Transportation Solutions Limited in support of these applications. Transportation Services have reviewed the parking study and offer the following comments.

Development proposal

The applicant is proposing to redevelop the site with a 32-storey mixed-use tower with 418 residential units and 812m² of commercial space. The site will have vehicle access provided by one full moves access point along King Street East (Regional Road 6). There are a total of 288 parking spaces are being proposed for all uses and are located within an underground parking garage, podium and at grade.

Parking Demand analysis

Forecasted Parking Demands were analyzed that included the Transportation Tomorrow Survey (TTS 2016) data, ITE Parking Generation Manual (6th edition) and proxy site data from developments within the City of Kitchener. Based on that collected information, the estimated residential parking demand is between 0.43 and 1.03 spaces per unit (180 and 431 spaces). The estimated maximum non-residential parking demand is approximately 22 spaces.

Active Transportation (AT) analysis

There are several Grand River Transit (GRT) routes less than 600m from this development. They include the following routes: 1, 8, 23, 27, iXpress 206 and ION Bus 302. These routes have weekday headways between 10 to 45 minutes during the AM/PM peak hours and 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.

There are existing cycling opportunities in the area along the Dominic Cardillo Trail between Morgan Avenue and Franklin Street North, which is less than 600m from this development. There are future

cycling improvements along Fairway Road North (Morgan Avenue to River Road) with separated cycling lanes, a bikeway along Morgan Avenue (Fairway Road North to River Road) and a multi-use trail along Fairway Road North and River Road. To encourage cycling and take advantage of the existing and future cycling opportunities in the area, the applicant is providing 286 Class A indoor secure bicycle parking spaces and 6 Class B outdoor bike parking spaces, as noted on the submitted site plan with this application.

Transportation Demand Management (TDM) analysis

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

The applicant is considering providing subsidized transit passes for a minimum of two years to further encourage alternative modes of transportation as their primary mode of travel. Transportation Services recommend that subsidized transit passes are provided for support of a reduced parking ratio. The transit passes coupled with the unbundled parking are a great way to provide that shift to an alternative mode of transportation and reduce the dependency on the vehicle and the reduced parking rate that the applicant is seeking.

Conclusion

Prior to Transportation Services providing its final comments, clarification should be provided for the following discrepancies between the Parking Study and site plan statistics that were provided as part of this OPA/ZBA submission.

The Parking Study notes the following site statistics, while *the City of Kitchener template information is indicated in italics*.

- | | |
|---|--|
| • 418 units | <i>(436 units)</i> |
| • 288 provided parking spaces (0.69sp/unit) | <i>(339 provided parking spaces 0.78sp/unit)</i> |
| • 0 visitor parking | <i>(0 visitor parking)</i> |
| • 0 non-residential parking | <i>(0 non-residential parking)</i> |

It should be noted that this development is showing two ground floor commercial units and to qualify for zero visitor parking as proposed, three commercial units are needed for the multi-unit parking rate. Transportation Service isn't prepared to waive the parking requirements for visitor and non-residential parking. Therefore, visitor parking should be provided at a rate of 0.1 space per unit and non-residential parking of 22 spaces be provided, as noted in the report.

The Parking Study states one full moves access to King Street East, however, it should be noted that this is a shared access with the neighbouring property at 2960 King Street East. Also, the submitted site plan notes a parking structure entrance along Fairway Road North (Regional Road 53), which accounts for a second access point.



PLANNING, DEVELOPMENT
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Will Towns 1-519-616-1868
File: D17/2/24008
C14/2/24014
August 21, 2024

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

Dear Mr. Schneider,

**Re: Proposed Official Plan Amendment OPA 24/08 and
Zoning By-law Amendment ZBA 24/014
2980 King Street East
MHBC Planning Limited (C/O Andrea Sinclair) on behalf
of Charcoal Properties Limited (C/O Tom Wideman)
CITY OF KITCHENER**

On behalf of the property owner, MHBC Planning has submitted a site-specific Official Plan amendment (OPA) and zoning by-law amendment (ZBA) application for a development proposal at 2980 King Street East (the subject lands) in the City of Kitchener.

The owner is proposing to demolish the existing building on-site and construct a 32-storey mixed-use building with a 12-storey stepdown to a 6-storey podium that will contain approximately 436 dwelling units and 690 m² of commercial space.

The subject lands are located in the Urban Area and Delineated 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). The applicant has requested an OPA to redesignate the subject lands to add a site-specific policy to permit an FSR of 11 (whereas FSR of 4 is permitted) and a ZBA to rezone the lands and apply a site-specific provision to permit an increased FSR, building height and reduced visitor and commercial parking.

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

Community Planning

The subject lands are designated “Urban Area” and “Delineated Built Up Area” on Map 2 of the Regional Official Plan (ROP) and the site is designated Low Rise Residential 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. In addition, the applicant has proposed stacked townhouses throughout the development, which is encouraged as a form of missing-middle housing in the Delineated Built-Up Area.

Region of Waterloo International Airport

The Region has received and reviewed a copy of the Aeronautical Assessment, prepared by IDS, dated April 25, 2024. The development is located outside the Airport Zoning Regulation limits, but within the obstacle protection area of the Runway 08 approach paths and Runway 26 departure paths. Nav Canada has provided a maximum elevation of 1,350ft ASL at this location before the Runway 08 LNAV is impacted.

The Aeronautical Assessment is based upon a proposed building elevation of 1425.5 feet ASL (which does not include any related structure crane height). The report notes an impact to airport operations at 1,370 feet ASL and proposes mitigation by redesigning the Runway 08 LNAV approach.

In accordance with policy 5.A.20 of the Regional Official Plan, the Region does not support land uses that would be incompatible with airport operations and is not able to support the redesign of the Runway 08 approaches and Runway 26 departures as proposed in the Aeronautical Assessment. As such, the proposed Zoning By-law Amendment for the subject lands must limit the proposed building height (and any related construction cranes) to a maximum of 420m (1,378 feet) ASL.. Required wording is as follows:

The maximum height of the proposed building and related construction cranes on site shall be 420m (1,378 feet) ASL. Any crane used for the construction of this development (e.g. towers, rooftop HVAC, communication towers/antennas) must be below the maximum height of 420m ASL.

In addition to the above, the development may be subject to noise and the presence of overhead aircraft. Regional staff shall require the following noise warning clause be

implemented through a registered development agreement between the Owner/Developer and the Regional Municipality of Waterloo through a future consent or condominium application:

“Prospective purchasers and tenants are advised that all units in this development are located within or in close proximity to one of the flight paths leading into and out of the Region of Waterloo International Airport and that directional lighting along this path and noise from aircraft using the flight path may cause concern to some individuals.”

Environmental Noise (Transportation and Stationary Sources) Study

The Environmental Noise Study entitled Noise Feasibility Study, Proposed Residential Development, 2980 King Street East, Kitchener, ON, prepared by HGC Engineering Ltd., dated April 29, 2024 has been reviewed by the Region’s peer review consultant. The report assesses both transportation and stationary sources in the vicinity of the proposed development. Peer review comments are attached to this letter. Note that minor revisions only are identified by the peer reviewer; therefore, a revised study is not required for Regional support for the OPA/ZBA application, but the study should be revised and resubmitted to the Region for our records.

In addition, the Region will require a Holding Provision until a detailed noise study addressing final design of the site and its impact on surrounding sensitive land uses and itself is prepared and accepted by the Region. The required wording for the holding provision is:

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

Corridor Planning

Official Plan Amendment and Zoning By-law Amendment Requirements

Functional Servicing and Stormwater Management Report

The report entitled “2980 King Street East Functional Servicing and Stormwater Management Report” (dated May 3, 2024, prepared by MTE) and associated drawings C1.1 (Existing Conditions & Removals Plan) have been reviewed by Regional staff. Note that Regional staff have no concerns with the SWM report preliminarily, although please note that a detailed SWM report will be required as part of a site plan application. Comments to be addressed will be provided to the applicant’s engineering consultant under separate cover. Please note that the Region must be satisfied with the Functional Servicing and Stormwater Management report prior to a recommendation being made on the OPA/ZBA application.

Access & Site Circulation:

The consultant must confirm that the proposed vehicular access to Fairway Road North will work as a right-in/right-out access via the use of a sign located on private property without the need for any other road improvements. Please note that there is an existing centre median (raised and depressed combination) with a southbound left turn lane. The condition for this access on Fairway Road will be right-in/right-out use only.

The consultant is also asked to clarify if the access to King Street East (shared with the adjacent property at 2960 King Street East) is proposed to continue. If an agreement is not in place already, a Mutual Access Agreement must be registered on title between both properties to ensure the continued shared use of this access.

Transit Planning

The subject lands are well-served by transit with Grand River Transit (GRT) Route 8 operating adjacent to the site and Route 302 (ION Bus) offering two-way service on King Street East. Route 27 provides two-way service on Fairway Road and King Street East, while Routes 1 and 23 provide two-way service on Fairway Road North. Two GRT stops are also located adjacent to the subject lands. Stop #1042 is located on Fairway Road North and stop #2621 is located on King Street East. Stop #2621 warrants improvement as there is only room for a concrete landing pad within the King Street East right-of-way and many GRT customers sit on an existing retaining wall on the subject lands while they wait for the bus.

Given the increased density proposed for the subject lands and the existing high levels of boarding activity at this location, stop #2621 will need to be improved and an easement in favour of the Region of Waterloo will be required on the property side of the municipal sidewalk to support the installation of a glass transit shelter. GRT staff recommend that the transit shelter easement be located in the most westernmost area identified as a planter on Drawing No. 23070-SP1, just east of the existing pedestrian entrance to the subject lands (leading to the front door of the restaurant). The transit shelter easement will be approximately 2.3m deep by 6m wide and will house a concrete shelter pad and glass transit shelter. This easement will also require the removal of a portion of the proposed planter and a possible reconstruction of the existing retaining wall, if warranted. In addition to the easement, as a condition of site plan approval or plan of condominium, the applicant/owner will be required to provide funds in lieu for the constriction of the concrete transit shelter pad as well as a 5' x 16' glass transit shelter. The current cost of the concrete shelter pad and glass transit shelter amounts to \$19,630, but the cost of these amenities may increase in the future. To identify the most appropriate placement of the transit amenities, please consult with GRT staff prior to finalizing site plans.

Transportation Demand Management (TDM)

Regional staff are supportive of 286 secure indoor (Class A) bike parking spaces as noted in the Planning Justification Report. Given the proposed 436 residential units, this results in a rate of approximately 0.66 spaces per unit, which is above the required minimum rate of 0.5 required by the City of Kitchener. The report also states that additional bike parking may be provided in the individual units. Regional staff strongly

support this as some bicycle owners have bikes which are of significant value, and providing them with the practical option of keeping that bike secure in their unit is encouraged. Residents without the need to store a bike in their unit could repurpose that space for storage.

Regional staff note that six (6) outdoor Class B spaces outlined in the report meet the City of Kitchener's minimum for a multiple dwelling building; however, this does not consider the 692 m² of proposed commercial space. Assuming the use to be "commercial entertainment", three additional spaces are recommended.

Regional staff also strongly encourage the provision of more outdoor Class B bicycle parking due to the reduction in minimum parking requirements from 0.9 spaces/dwelling unit with approximately 17 for the commercial area for a combined 0.75 spaces per dwelling unit. Additional Class B bicycle parking should be added to accommodate commercial customers as well as food delivery by bicycle. It is also recommended that additional space be designated outdoors for a shared micromobility system parking pad.

Placement of Class A Bike Parking:

In the underground garage, the door to the bike parking room exits into a vehicle parking space. It is recommended that this door placement be adjusted so as not to require cyclists to maneuver between a parked car and the wall. It is also recommended that some of the bike storage space be "Open Space" without racks, to allow for users to park non-conventional bikes (e.g. tricycles, fat-tire bikes, child bikes, trailers, cargo bikes, etc.).

On the ground floor, a more direct route from the lobby to the bike room would be beneficial, potentially with access from the moving room. The level 1 (Mezzanine) and levels 2-5 bike rooms are generally very good, although access to these areas may be improved by adding a second door to the larger room, providing a more direct route to the garage.

General Comments on Bike Parking:

Regional staff recommend that the doors to the bike room(s) be key-card activated automatic doors and that the card readers/buttons/swept path of the door be arranged to ensure convenience for someone walking a bike, and that the doors be as wide as possible. Sliding doors are also encouraged. One secure bike room should have a bike fix-it station with stand, tools and air pump. Some space in each room should be left without bike racks to support residents with unconventional bikes (e.g. tricycles, fat-tire bikes, child bikes, trailers, cargo bikes, etc.). A bike wash station should be located in the parking garage and can include a hose connection, hose, nozzle, drain and bike stand.

Site Plan Application Requirements

Access Permit

An Access Permit with the applicable fee of \$230 is required for the proposed accesses on Fairway Road north and King Street East. Any redundant accesses will be closed

and require permit to facilitate closure (please note that there is no fee for access closure). In addition, any shared access requires a mutual access agreement between property owners, as described above. The application for the Regional access permit can be found here: <https://forms.regionofwaterloo.ca/ePay/PDLS-Online-Payment-Forms/Commercial-Access-Permit-Application>

Site Grading & Stormwater Management (SWM)

Storm sewers within the rights-of-way of Regional roads are generally sized and designed to only accommodate stormwater from the right-of-way and in some instances, off road surface drainage under existing conditions. A private stormwater connection to any storm sewer on Fairway Road and King Street East will be discouraged where an alternate stormwater connection is available, including infiltration if soil conditions and Source Protection under the Clean Water Act permit, or if it is determined that the Fairway Road and King Street East storm sewer does not have the sufficiency (condition and capacity) to accommodate private stormwater flows from this site. It is the responsibility of the applicant's engineering consultant to determine an appropriate stormwater outlet from this site and the sufficiency of the receiving storm system if there is no other option available and to include this information in the stormwater management report. The applicant or their consultant should contact Malcolm Lister, Manager, Technical Servicing at the Region of Waterloo at mlister@regionofwaterloo.ca to determine if any engineering plans and/or further technical information for Fairway Road and/or King Street East is available which may be of assistance.

The applicant must submit electronic copies of the detailed Site Grading & Drainage Control Plan(s) and Site Servicing Plan(s) along with a Stormwater Management Report for Regional review and approval. This should include drainage details for the subject lands, abutting properties and the public road allowance to ensure compatible drainage and to show all existing and proposed connections to the municipal storm sewers, sanitary sewers and water mains and all detailed erosion and siltation control features all to the Region's satisfaction.

Transit Planning

GRT requires the following as a condition of the future site plan application in accordance with Section 5.A.3 of the Region Official Plan (and as discussed in more detail above):

- The Owner/Applicant shall provide funds in lieu for the construction of:
 - One 2.3m X 6m concrete transit shelter pad; and
 - One 5' x 16' glass transit shelter
- That the Owner/Applicant will provide an easement for a transit shelter in favour of the Region of Waterloo (Grand River Transit) for an area of land equal to the size of the required concrete transit shelter pad, for the purpose of providing a dedicated space for a transit shelter on the property side of the municipal sidewalk in the approximate location of existing GRT stop #2621.
- The transit shelter easement must be identified on the development plans.

- A draft R-Plan prepared by an Ontario Land Surveyor must be provided for the review by Regional staff prior to depositing the plan to the Land Registry Office.
- The conveyance of the transit shelter easement will be all at the Owner's cost and will require a legal presentation on behalf of the Owner, who will work with the Region's legal representative to convey the transit easement.

Site Servicing/Work Permit/Municipal Consent:

The approval of the servicing plan requires a separate process of Municipal Consent for the installation of any proposed new servicing connections or the removal of existing servicing connections.

In addition, a Work Permit shall be obtained from the Region of Waterloo prior to commencing construction within the Region's right-of-way. Please see the following link for additional information: <https://rmow.permitcentral.ca/>

Hydrogeology and Water Programs/Source Water Protection

Regional staff have reviewed the Functional Servicing and Stormwater Management Report (MTE, May 2024) and have no objections to the report from the perspective of source water protection. Please note that active and passive dewatering infrastructure shall not be permitted; waterproof seals shall be used in lieu of permanent dewatering infrastructure.

As a hydrogeology study has not been submitted as part of the complete application for the OPA/ZBA, a prohibition on geothermal wells shall be implemented within the amending zoning by-law for the site, 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.

Finally, the Region supports clean rooftop runoff directed to the infiltration gallery and for chloride laden runoff from parking lots/internal drives to be directed to the storm sewer, and 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.

Housing Services

Regional staff understand that the applicant has not proposed affordable housing through this development. The Region encourages applicants to include affordable housing in the development of multi-residential buildings, but has no objection to the application.

Fees

Please be advised that the Region is in receipt of the OPA review fee of \$7,000 and the ZBA review fee of \$3,000 (\$10,000 in total) deposited July 15, 2024. In addition, the peer review fee (totalling \$5,085) was received and deposited on July 15, 2024.

Conclusions & Next Steps

Regional staff have no objection to the proposed application, provided the following are addressed:

- The amending zoning by-law for the site specifies a maximum height of 420 metres (1,378 feet) ASL for any buildings and related construction cranes to ensure compatibility with airport operations.
- The owner/applicant's engineering consultant revises the FSR/SWM report and associated drawings (C1.1. and C2.1) in accordance with commentary provided directly to the engineering consultant by the Region (under separate cover).

Note also the requirements for a holding provision for the requirement to complete a detailed noise study and the site-specific geothermal prohibition described herein. Regional staff also request a copy of the preliminary noise study prepared in support of this application reflecting minor revisions requested by the peer reviewer.

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 the undersigned.

Yours truly,

A handwritten signature in black ink, appearing to read "Will Towns". The signature is fluid and cursive, with the first name "Will" being more prominent than the last name "Towns".

Will Towns, RPP
Senior Planner

C. MHBC Planning Inc. c/o Andrea Sinclair (Applicant)
Charcoal Properties Ltd. c/o Tom Wideman (Owner)

Hi Eric,

Engineering and SSU have reviewed the FSR and are in support of the zone change with a peak sanitary flow of 7.94L/s. MTE assumed the existing sanitary is coming off Morgan Ave, but my records show it off King. This discrepancy does not affect the OPA/ZBA. Kitchener Utilities has reviewed the water distribution and have no concerns.

Thanks,

Christine Goulet, C.E.T.

Project Manager | Development Engineering
519-741-2200 Ext. 7820

Environmental planning has no concerns with the proposed OPA and 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 Arborist Report and Detailed Vegetation Plan dated May 6, 2024, prepared by JK Consulting Arborists submitted as part of a complete application notes that 11 trees have been identified to be removed, 10 are on the property and 1 is a boundary tree with the City. Trees located on adjacent property are to be retained and protected with tree protection fencing.
- As part of a complete Site Plan Application, a Tree Preservation / Enhancement Plan (TP/EP) building upon and/or incorporating recommendations from the Arborist Report and Detailed Vegetation Plan should be completed for review/approval by Urban Design staff.

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

Hello Christine and Eric,

The Ministry of Transportation (MTO) has completed a review of the attached application, located at 2980 King St E, Kitchener. The document circulated has been considered in accordance with the *Public Transportation and Highway Improvement Act* (PTHIA), MTO's Highway Corridor Access Management Manual, and all other related MTO policies.

The site is in proximity to Highway 8 and the site falls within MTO's permit control area. As such, MTO issued Building and Land Use permits are required before any demolition, grading, construction or alteration on the site commences. In accordance with the Ontario Building Code, municipal permits may not be issued until such time as all other applicable requirements (i.e.: MTO permits/approvals) are satisfied.

Building and Land Use Permit

MTO Building and Land Use Permit(s) will be required. As a condition of MTO permits, the following shall be provided;

- The Proponent shall submit an acceptable Site Plan to MTO review and acceptance. These plans shall clearly identify all structures/works (existing and proposed).

Sign Permit

MTO Sign Permit(s) would be required for any exiting or proposed signage visible from the Highway property limit. A MTO sign permit will be required prior to installation of signs. This is inclusive of any temporary signage.

If there are any questions please let me know.

Thank you,

Jeremiah Johnston

Corridor Management Planner | Highway Operations Branch
Ministry of Transportation | Ontario Public Service
(226)-980-6407 | jeremiah.johnston@ontario.ca



Taking pride in strengthening Ontario, its places and its people

City of Kitchener
Zone Change / Official Plan Amendment Comment Form

Address: 2980 King St E
Owner: Charcoal Properties Limited
Application: ZBA24/014/K/ES and OPA24/008/K/ES

Comments Of: Park Planning
Commenter's Name: Lenore Ross
Email: Lenore.ross@kitchener.ca
Phone: 519-741-2200 ext 7427
Date of Comments: July 17 2024

Documents Reviewed:

I have reviewed the documentation noted below submitted in support of an Official Plan Amendment and Zoning Bylaw Amendment to allow the development of the subject lands with a 32-storey mixed use building with a 12-storey stepdown portion and a 6-storey podium containing 436 dwelling units and approximately 690 m² of ground floor commercial space. A Floor Space Ratio (FSR) of 11 is proposed. 339 parking spaces are proposed underground and within the podium levels.

In order to permit the proposed development, an Official Plan Amendment to the 'Mixed Use' designation to add a site-specific policy area and Zoning By-law Amendment to add a site-specific to the existing 'MIX-2' zone are required.

- Planning Justification Report
- Urban Design Brief
- Noise Study
- Shadow Study
- Wind Study
- Site Plan
- Floor Plans
- Site Statistics
- Tree Preservation and Enhancement Plan and Arborist Report
- Building Elevations
- Architectural Renderings
- Site Grading and Servicing

Site Specific Comments & Issues:

The site is within the Centerville Chicopee Planning Community that has been identified through Places and Spaces - An Open Space Strategy for Kitchener, as moderately well served with active neighbourhood park space. The site is within 750m of active park space, which is typically further than is desirable. Although it is typically recommended that physical land dedication be pursued through Planning applications to address the shortfall or lack of access to planned park space within the community, the amount, configuration and location of potential park space available through this application is not

City of Kitchener
Zone Change / Official Plan Amendment Comment Form

suitable. It is expected that Park Dedication will be satisfied as a condition of the required site plan approval through **cash in lieu of land**.

Park Planning has no significant concerns with the proposed Official Plan and Zoning Bylaw amendments and can provide conditional support subject to the updates to submitted studies noted below.

Comments on Submitted Documents

The existing parking structure is built across the property line with 2960 King St E and it is unclear from the drawings how the existing structure will be demolished, revised and function across the joint property line. A revised site plan for 2960 King St E may also be required and if there is shared parking or off-site parking, minor variances and / or additional agreements may be necessary. If there are existing easements for the parking structure, these should be revised/removed from title as part of a Site Plan application.

Planning Justification Report – MHBC Planning dated May 2024

Both the Planning Justification Report and the Urban Design Brief indicate that detailed design and programming for the proposed outdoor amenity spaces will occur as part of the detailed design phase of the site plan approval application. Additional information and detail are required within the Urban Design Brief to provide conceptual details for on-site amenity spaces including commentary and precedent images to guide detailed site design through the site plan application.

Section 4.4.5 (final sentence) Parks, Open Space, Urban Forests and Community Facilities should be revised to include similar commentary to the Urban Design Brief regarding the intended design elements of the proposed outdoor amenity spaces.

Urban Design Brief – MHBC Planning dated May 2024

The Urban Design Brief should be revised to include conceptual details for on-site amenity spaces that are shown on the ground floor and on the 6th floor podium rooftop. These revisions should include sufficient commentary and precedent images to guide detailed site design through the site plan application phase. Through detailed design at the site plan application stage suitable microclimate (wind impacts and solar access) and any required mitigation will be confirmed at the outdoor amenity areas and require a wind tunnel study. The outdoor amenity spaces on the 6th floor level should include seating and play equipment for residents of all ages and abilities.

Pedestrian Wind Comfort Assessment - RWDI Inc. dated April 31 2024

The Pedestrian Wind Comfort Assessment indicates that the CFD analysis provided is a numerical technique for simulating wind flow in complex environments and a more detailed assessment would be required using either boundary-layer wind tunnel or transient computational modelling to assess and refine required mitigation measures; this will be a requirement of approval at the site plan application.

City of Kitchener
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The Pedestrian Wind Comfort Assessment indicates wind speeds that are potentially unsafe for pedestrian use at the corner of Fairway Road and King St E. Several design strategies are suggested to improve these unacceptable conditions and it is expected that the detailed wind tunnel assessment will include building design changes to achieve acceptable wind comfort and safety conditions both on site and on the public sidewalk. Physical changes to the building design are preferred over landscape plantings.

The Pedestrian Wind Comfort Assessment indicates that expected wind conditions on the 6th floor outdoor amenity space may be too strong for passive use in summer and uncomfortable for use in winter. Mitigation features to reduce wind speed are recommended and these will be reviewed and confirmed through detailed design for the Landscape Plan at the site plan application stage.

Arborist's Report and Detailed Vegetation Plan – JK Consulting Arborists dated May 6 2024

The Arborist's Report and accompanying Detailed Vegetation Plan note that there is one tree #55 Gleditsia triacanthos var 'inermis' (33cm DBH) that is within the municipal right of way. This tree is in 'good' overall condition and is recommended for protection and retention. As part of a required site plan application an ISA valuation of this tree should be submitted. This valuation will be reviewed by City staff and inform the final recommendations for tree protection and/or compensation at the site plan application stage.

The Arborist's Report and accompanying Detailed Vegetation Plan note that there is one tree #57 Acer platanoides (39cm DBH) that is located on the property line and in joint ownership. This tree is in 'poor' overall condition, and subject to permission, it is recommended for removal. As part of a required site plan application an ISA valuation of this tree should be submitted. This valuation will be reviewed by City staff and inform the final recommendations for tree protection and/or compensation at the site plan application stage.

Site Grading and Servicing Plan C2.1 rev #1 – MTE Consultants dated March 05 2024

The Preliminary Grading and Servicing plan shows the existing 1200mm storm sewer along the northern property line and notes that precise location will be determined through detailed design. Development Engineering may wish to comment on the adequacy of the proposed setback and the existence and / or need for easements for this infrastructure.

Policies, Standards and Resources:

- Kitchener Official Plan
- City of Kitchener Park Dedication Bylaw 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

City of Kitchener
Zone Change / Official Plan Amendment Comment Form

Anticipated Fees:

Compensation for any approved tree removals

Parkland Dedication

The parkland dedication requirement 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(es), residential units and density approved through the OPA and ZBA and required as a condition of Site Plan Approval.

An estimate is provided using the approved land valuation of \$43,243,000/ha and a dedication rate of 1ha/600 units or 1000 units; a maximum dedication of either land or CIL of 10% and a capped rate of \$11,862/unit. The estimated cash-in-lieu park dedication for the proposed 0.5491ha site with 436 proposed units and a FSR of 10.5 is **\$2,374,473**.

Calculation:

436 units/1 ha/1000 units x \$43,243,000/ha = \$18,853,948 (alternate rate Bylaw 2022-101)

436 units x \$11,862 = \$5,171,832 (City of Kitchener capped rate)

0.5491 ha x 0.05 x \$43,243,000/ha = \$1,187,237 (5% rate Bylaw 2022-101)

0.5491 ha x 0.1 x \$43,243,000/ha = \$2,374,473 (More Homes Built Faster Act 10% cap)

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

City of Kitchener
Zone Change Comment Form

Address: 2980 King St E

Owner: Enter project address.

Application #: OPA/ZBA

Comments Of: Urban Design- Planning

Commenter's Name: Pegah Fahimian

Email: Pegah.fahimian@kitchener.ca

Phone: 519-741-2200 Ext. 7342

Date of Comments: July 20, 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:

- Architectural Floor plans by Reinders + Law
- Shadow Study by Reinders + Law
- Urban Design Brief- MHBC, May 2024
- Wind Study - Pedestrian Level Wind – Preliminary Impact Assessment by RWDI, April 30, 2024

I have reviewed the updated/revised documentation noted below that has been submitted in support of an OPA and ZBA to redevelop the existing restaurant site to a mixed use development consisting of a 35-storey tower with 330 units. Commercial units are proposed on the ground floor. One level of underground parking garage is proposed, with additional parking within the podium and a small surface parking area. The site is zoned MIX-2 and designated Mixed Use in the Official Plan. The requested ZBA and OPA would be for increased building height (12 Storeys Max, 35 Sought) and FSR (4.0 Max, 5.8 Sought).

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 to create a development proposal that is well-designed and appropriate for this site and neighbourhood.

- **Urban Design Brief**, MHBC, May 2024

Tall Building Design Analysis: The tall building design guidelines are an excellent compatibility test for proposals exceeding their zoning permissions. The proposed 12-story building does not meet the required physical separation (11m). This shortfall could lead to overlook and privacy issues for both buildings' occupants. Ensuring adequate separation is crucial to maintaining privacy and preserving residents' overall quality of life. I recommend thoroughly reassessing the building's design to address these concerns and align with the established guidelines.

Building Design: A 6-storey pedestrian-scale podium along King and Fairview Rd 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. $(2m^2 \times \text{\#units}) + (2.5m^2 \times \text{\#bedrooms} - \text{\#units}) = \text{outdoor amenity space}$. Please provide the calculation for the required outdoor amenity.
- The UDB did not provide any commentary or precedent images related to “the provision of robust on-site amenity space for all ages and abilities.” Additional information should be provided regarding the various on-site amenity spaces in the UDB (common, individual, indoor, and outdoor).
- The Urban Design Brief should include text and conceptual images that demonstrate the commitment to providing sufficient and appropriate amenity space for all potential residents on-site

Written Analysis for Shadow Studies,

Confirmation must be provided that the proposal maintains daily access to 5 hours of cumulative direct sunlight to nearby sidewalks and open spaces under equinox conditions, beginning with a sidewalk located on the opposite side of adjacent ROWs. The latest sketch-up model should be submitted to verify the submitted shadow analysis.

Wind Study - Pedestrian Level Wind – Preliminary Impact RWDI

A full wind tunnel study will be required for the full site plan application package. According to the submitted study, uncomfortable and potentially unsafe wind speeds are expected to occur in the southeast building corner during the winter.

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

2. Comments on Submitted Documents

Architectural Floor plans- Reinders + Law

- For tall buildings with retail or other active uses at grade, provide a ground floor height of 4.5m (minimum) to permit various retail types and activities.
- Consider adding further architectural expression to the proposed street-facing façades; explore options to maximize utility, interest, and expressiveness of the ground floor of a residential building. This can include more glazing, an articulated main entrance, active uses and amenities, a greater variety of surface treatments and seating options, and strategic ways of incorporating modern art and visual elements into the public realm.

City of Kitchener
Zone Change Comment Form

- More emphasis will be placed on analyzing how the street-facing facades function, how they respond to specific site conditions and how pedestrians will experience them. The podium massing should be better sculpted and treated to minimize the impact that it's having on the public realm. It suggested that it could be designed with more care to animate and diversify the façades and overall expression. Please see the attached precedents.



- The tower should step back from its base **a minimum of 3m along any street-facing elevations.**
- Additional detailing to be provided on the corner. The proposed corner should incorporate enhanced detailing and articulation.



- Place enclosed or recessed balconies on the north and west elevations to reduce overlooks onto surrounding private spaces.
- The underground parking structure should have a sufficient setback from the property lines to accommodate the necessary soil volume to support required large-statured, high-canopy trees.

City of Kitchener
Zone Change Comment Form

- The location of residential and commercial garbage storage, loading area and Passenger pick up /drop-off area should be noted on the site plan.
- The area between the building's face and the property line should be well integrated with the street and public realm to deliver high-quality, seamless private, semi-private and public spaces.
- Provide natural surveillance by employing high percentages of glazing, active uses at ground level and incorporating more units with windows and balconies on the main facade with views onto the street
- The building 's interface and relationship with the street and adjacent properties should be thoroughly explored.
- 3-bed units are desirable as they provide more living space for families. A higher percentage of these units might help with community engagement.
- Utility locations should be considered at the early design stages. All utility locations, including the meter and transformer rooms, will be shown on the layout. Building-mounted or ground-based AC units should be located away from public view and thoroughly screened.
- All visible elements of a building, including utilities (meters, conduits), HVAC (a/c units, vents) and loading/servicing areas, are to be integrated into the design of the building and shown on elevation drawings as part of the building elevation approval process.
- Wind assessment and shadow study are required for outdoor amenities and the pedestrian realm.

June 10, 2024

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).

B) That the developer shall include the following wording in the site plan agreement / condominium declaration to advise all purchasers of residential units and/or renters of same:

"In order to limit risks, public school buses contracted by Student Transportation Services of Waterloo Region (STSWR), or its assigns or successors, will not travel on privately owned or maintained right-of-ways to pick up and drop off students, and so bussed students will be required to meet the bus at a congregated bus pick-up point."

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

Eric Schneider
Senior Planner

July 17, 2024

Re: Notice of Application for Zoning By-law and Official Plan Amendments

File No.: ZBA24/014/K/ES

Municipality: Kitchener

Location: 2980 King Street East

Owner/Applicant: Charcoal Properties Ltd/MHBC

Eric,

The Waterloo Region District School Board (WRDSB) has reviewed the above-noted application that proposes the development of a 32-storey mixed use building with a 12-storey step down and a 6-storey podium containing 436 dwelling units. The WRDSB offers the following comments.

Student Accommodation

At this time, the subject lands are currently assigned to the following WRDSB schools:

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

Student Transportation

The WRDSB supports active transportation, and we ask that pedestrians be considered in the review of all development applications to ensure the enhancement of safety and connectivity. WRDSB staff are interested in the optimization of pedestrian access to public transit and municipal sidewalks so students may access school bus pick-up points.

Student Transportation Services of Waterloo Region (STSWR)'s school buses will not travel privately owned or maintained rights-of-way to pick-up/drop-off students. Transported students will be required to meet the bus at a congregated bus pick-up point. STSWR may have additional comments about student pick-up point(s) placement on municipal rights-of-way.

WRDSB Draft Conditions

Concerning any future declaration or agreement, the WRDSB requests the following inclusions in the conditions of Draft Approval:

1. That the Owner/Developer shall include the following wording in the condominium declaration to advise all purchasers of residential units and/or renters of same:
 - a. *"Despite the best efforts of the Waterloo Region District School Board (WRDSB), accommodation in nearby facilities may not be available for all anticipated students. You are hereby notified that students may be accommodated in temporary facilities and/or bussed to a school outside the area, and further, that students may, in future, be transferred to another school."*
 - a. *"For information on which schools are currently serving this area, contact the WRDSB Planning Department at 519-570-0003 ext. 4419, or email planning@wrdsb.ca. Information provided by any other source cannot be guaranteed to reflect current school assignment information."*
 - a. *"In order to limit risks, public school buses contracted by Student Transportation Services of Waterloo Region (STSWR), or its assigns or successors, will not travel on*

privately owned or maintained right-of-ways to pick up and drop off students, and so bussed students will be required to meet the bus at a congregated bus pick-up point"

2. That the Owner/Developer enters into an agreement with the City of Kitchener to be registered on the title to the Property that provides:
 - a. *"All agreements of purchase and sale or leases for the sale or lease of a completed home or a home to be completed on the Property must contain the wording set out below to advise all purchasers of residential units and/or renters of same."*
 - i. *"Despite the best efforts of the Waterloo Region District School Board (WRDSB), accommodation in nearby facilities may not be available for all anticipated students. You are hereby notified that students may be accommodated in temporary facilities and/or bussed to a school outside the area, and further, that students may, in future, be transferred to another school."*
 - i. *"For information on which schools are currently serving this area, contact the WRDSB Planning Department at 519-570-0003 ext. 4419, or email planning@wrdsb.ca. Information provided by any other source cannot be guaranteed to reflect current school assignment information."*
 - i. *"In order to limit risks, public school buses contracted by Student Transportation Services of Waterloo Region (STSWR), or its assigns or successors, will not travel on privately owned or maintained right-of-ways to pick up and drop off students, and so bussed students will be required to meet the bus at a congregated bus pick-up point"*
3. That in cases where Agreements of Purchase and Sale have already been executed, the Owner/Developer sends a letter to all purchasers which include the above statements (conditions 2 a. i., ii., and iii.).
4. That the Owner/Developer supply, erect and maintain a sign (at the Owner/Developer's expense and according to the WRDSB's specifications), near or affixed to the development sign, advising prospective residents about schools in the area and that prior to final approval, the Owner/Developer shall submit a photo of the sign for review and approval of the WRDSB.
5. Prior to final approval, the WRDSB advises in writing to the Approval Authority how the above condition(s) has/have been satisfied.

Please be advised that any development on the subject lands is subject to the provisions of the WRDSB's [Education Development Charges By-law, 2021](#) or any successor thereof and may require the payment of Education Development Charges for these developments prior to issuance of a building permit.

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

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

Sincerely,



Emily Bumbaco

Senior Planner

Waterloo Region District School Board

51 Ardelt Avenue, Kitchener ON, N2C 2R5

Email: emily_bumbaco@wrdsb.ca

Website: www.wrdsb.ca