

**City of Kitchener**  
**Site Plan Review Committee Comment Form**

**Project Address:** 864-876 King Street West

**File Number:** SP24/069/K/ES

**Date of Site Plan Review Committee Meeting:** September 25, 2024

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Comments Of: Engineering

Commenter's Name: Niall Melanson

Email: niall.melanson@kitchener.ca

Phone: 519-741-2200 x 7133

Date of Comments: September 24, 2024

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

**1. Recommendation of Commenting Division:**

- Engineering has no objections to granting Conditional Approval subject to the conditions below.
- Engineering has reviewed the SWM Brief and Geotechnical Report and found it acceptable. SWM Retention should be reviewed further during detailed design.
  - The Site Plan should be updated to show a snow storage location
- Engineering cannot recommend Approval in Principle for the following reasons:

**2. Conditions of Conditional Approval and of the S. 41 Development Agreement:**

- Erosion & Sediment Control A(1), B(1)(2a to 2h)
- An Erosion and Sediment Control plan is required to the satisfaction of Engineering Services prior to site plan approval.
- Granting of Easements A(4)
- Grading & Drainage Control B(2), B(12iia), (4a), (4k), (4m), (5b), (5j)
- A Grading Plan is required to the satisfaction of Engineering Services prior to site plan approval.
  - Please note that the Grading Plan and the Erosion and Sedimentation Control Plan for site plan developments require coordination between the engineering consultant and the consultant completing the Tree Preservation Plan. Accordingly, prior to acceptance of the Grading Control

Plan and the Erosion and Sedimentation Control Plan please ensure that each of the respective design professionals have duly signed these plans.

- If it is shown on the plans that construction activity as a result of site servicing or grading works will encroach onto neighbouring lands, the City of Kitchener will require a letter of permission from each property owner affected by the proposed works. The letters of permission must be received by Engineering Services prior to acceptance of Grading Plan, Erosion and Sediment Control Plan, Site Servicing Plan, Stormwater Management Report.
- Snow storage areas are to be shown on the Site Plan and Grading Plan. If snow is to be hauled off site, this will form part of the development agreement conditions.

Stormwater Management B(3), B(12iia) (4b), (4k), (4m), (5a)

- For Stormwater quantity control, 2, 5 and 100 year post development flows should be attenuated to pre-development 2, 5 and 100 year rates, respectively. A Stormwater Management Scheme is required for quantity control prior to site plan approval.
- To address Stormwater quality concerns, Enhanced level (formerly Level 1) water quality control is required on site to the satisfaction of Engineering Services prior to site plan approval.
- Based on the SWM Policy (MUN-UTI-2003) approved by Council, the SWM design must allow for retention of the first 12.5mm of runoff that is generated from any rainfall event from all surfaces on the entire site. If the full retention cannot be achieved a fee would be implemented in the amount of \$114,283.80/ha for the difference (or current rate at time of payment).
- An overall site water balance (pre-post development) is required, and is to be provided via groundwater infiltration measures (soak-away pits). Infiltration measures should be designed for year-round operation (ie. below 1.2m depth).
- Per the City's Stormwater Infiltration Policy Source Water Protection Update (December 2023) the site is located within a Zone 1. Please follow Table 6.1 from the City's Stormwater Infiltration Policy Source Water Protection Update to help guide you through your proposed SWM strategy.
- The City of Kitchener has implemented a Stormwater Management Credit Program. Non-residential developments will need to include details for the stormwater credit application including the required spreadsheet as part of the Stormwater Management Report and will be used in the credit calculation by the Sanitary and Stormwater Utility Division. All development property owners must enroll in the credit program prior to certification sign off. Approved credits are applied to the stormwater portion of the property's utility bill. To learn more about the approved stormwater best management practices and the information you need for the application, visit [www.kitchener.ca/stormwatercredits](http://www.kitchener.ca/stormwatercredits). Any further enquiries in this regard should be directed to Stormwater Utility ([StormWaterUtility@kitchener.ca](mailto:StormWaterUtility@kitchener.ca)).

Pollution Prevention Plan B(20)

Off-Site Works, Service Connection Removals and/or Installation B(13)(i), (3c), (4m)

- The owner is required to make satisfactory financial arrangements with the Engineering Division for the removal of any redundant service connections and the installation of new ones that may be required to service this property, all prior to site plan approval at the owner's expense. Our records indicate municipal services are currently available to service this property.

Off-Site Works, Curb & Gutter Installation for Driveways, B(13)(ii), (3a), (3b), (3c), (4m)

- Any redundant driveways are to be closed with new curb and gutter and boulevard landscaping, all to City of Kitchener standards and any new driveways are to be built to City of Kitchener standards at grade with the existing sidewalk, all prior to site plan approval at the owner's expense.

Off Site Works, (4m)

- If Off-Site servicing works are required it is recommended that the owner take the necessary steps to determine if soils in the right-of-way where proposed servicing is to take place will be suitable to be re-used as trench backfill.

Site Servicing Plan B(22), (4m)

- A Site Servicing plan showing the existing and proposed services on the property as well as the outlets to the municipal servicing system along with the sanitary and storm sewer design sheets will be required to the satisfaction of Engineering Services prior to site plan approval. Servicing on private property will need to meet the requirements of the Ontario Building Code.
- The proponent is advised that future severance of any blocks within the subject lands would require separate, individual service connections for sanitary and water, in accordance with City policies.
- Buildings in excess of 84m in height shall be serviced by no fewer than two sources of water supply from a public water system in accordance with Ontario Building Code section 3.2.9.7 (4).

Development Asset Drawing B(26)

- A Development Asset Drawing (digital AutoCAD) is required for any new services (Sanitary, Storm, Water) that will be publicly owned with corresponding layer names and asset information to the satisfaction of the City's Director of Engineering Services prior to site plan approval.

Ontario Water Resources Act Certificate B(27.1), (4k)

Ontario Water Resources Act Certificate B(27.2), (4k)

Special Condition(s):

3. Policies, Standards and Resources:

- The applicant will provide the Engineering Division with a copy of the 1st submission engineering documents once Conditional Approval is granted through the Planning Division.
- The City of Kitchener Development Manual and the Site Plan Engineering Guidelines should be referenced for engineering design.
- The *Design Criteria for Sanitary Sewers, Storm Sewers and Forcemains for Alterations Authorized under Environmental Compliance Approval*. Ministry of Environment, Conservation and Parks. V.1 April 22, 2022 should be referenced for engineering design requirements for municipally owned infrastructure.

#### 4. Anticipated Fees:

- Based on the engineering design, Stormwater Management fees and Off-Site Works fees may be applicable in accordance with the City's current fee schedule.



PLANNING, DEVELOPMENT  
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Will Towns 1-519-616-1868  
File: C14/2/24022  
September 13, 2024

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

Dear Mr. Schneider,

**Re: Zoning By-law Amendment ZBA24/022  
864-876 King Street West  
MHBC Planning (c/o Luisa Vacondio) on behalf of King  
Pine Kitchener Inc. (c/o Stephen Litt)  
City of Kitchener**

On behalf of the property owner, MHBC Planning has submitted a zoning by-law amendment (ZBA) application for a development proposal at 865-876 King Street West in the City of Kitchener. The applicant is proposing to demolish the existing vacant commercial building (formerly occupied by CTV Kitchener) and construct a 44-storey residential tower, including 455 rental units, a six-storey podium (with rooftop amenity area) and two levels of underground parking (containing 261 parking spaces in total). Site access is proposed via Pine Street. Note that the Region reviewed and provided comments on a more intensified pre-submission proposal for these lands in 2022, which contemplated additional towers and units. The layout of the current proposal does not preclude additional massing and intensification in the future.

The subject lands are located in the Urban Area, Delineated Built Up Area, and Grand River Hospital Station Major Transit Station Area (MTSA) in the Regional Official Plan (ROP). The site is designated Strategic Growth Area A in the City's Official Plan, and currently zoned High Intensity Mixed Use Corridor (MU-3). Once the City's Growing Together ZBA is fully implemented, the site will be zoned Strategic Growth Area Four (SGA-4). The ZBA is required to permit increased building height and increased floor space ratios, and seek site-specific relief from setback and parking requirements. The ZBA is also required to lift a holding provision associated with potential aeronautical impacts given unlimited heights in SGAs.

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

### **Community Planning**

#### **Provincial Policy Statement 2020**

The PPS encourages the development of livable communities. It also provides a framework for planning authorities to ensure the wise use of resources while protecting Ontario's long-term prosperity and environmental and social well-being. It directs growth to built-up areas and promotes a mix of land uses that efficiently use resources, minimize negative environmental impacts, and support active transportation and transit use. It also requires land use planning authorities to be mindful of compatibility of sensitive uses in evaluating development proposals.

A review of applicable PPS policies and land use compatibility more broadly has been provided in Section 5.1 of the Planning Justification Report (PJR) provided by MHBC as part of the application. The development proposes an intensified use of serviced, underutilized land in an MTSAs – the area is well-served by transit and active transportation options, both now and in the future. It also seeks to expand the range of housing options in the neighbourhood through the proposed unit types (both one- and two-bedroom units) and the addition of a significant volume of rental units. Regional staff are satisfied that the proposal is consistent with the PPS. Compatibility has been addressed through wind and shadow studies, while noise impacts have been deemed to be addressed through the City's Growing Together initiative.

#### **Growth Plan for the Greater Golden Horseshoe**

The Growth Plan recognizes the Greater Golden Horseshoe (GGH) as a fast-growing and dynamic region. It directs development in a way that supports economic prosperity, the environment, and quality of life – specifically emphasizing intensification, compact built form, and housing choice in built-up areas, and supporting higher densities in MTSAs.

The PJR provides an analysis of applicable Growth Plan policies, including comments on the proposed development's ability to achieve a diverse mix of units types and appeal to renters in proximity to a range of institutional and commercial uses. The proposal's emphasis on intensification and proximity to a range of transportation options are highlighted in Section 5.2 of the PJR in relation to Growth Plan requirements. Site density exceeds the Growth Plan minimum of 160 people and jobs per hectare for MTSAs. Regional staff are satisfied that the application conforms with the Growth Plan.

#### **Regional Official Plan**

Section 1.6 of the ROP establishes the Regional Planning Framework and Section 2.B.1 and 2.C establish policies for the Urban System. Section 2.F establishes policies and intensification targets within the Delineated Built-Up Area, which is set at 60 percent annually for the City of Kitchener. Development in the Built Up Area is also intended to support the achievement of 15-minute neighbourhoods and contribute to community completeness, which includes enhancing the range and mix of housing in proximity to key destinations. The proposed density will contribute to the achievement of Kitchener's intensification target for the Delineated Built Up Area, and the proposed built form (44-

storey apartment building) provides a mix of unit types and is appropriately located along a major and strategic rapid transit corridor appropriate for high-density growth.

Section 2.D.2 of ROPA 6 establishes policies for development within MTSAs. This section supports the provision of increased densities that are transit supportive. The minimum density target established for the Central Station MTSA is 160 people and jobs per hectare – this development will contribute to the achievement of this objective. In addition, Chapter 3 of ROPA 6 establishes policies for housing types and affordability in the Region – the provision of 455 rental units, the applicant’s pursuit of CMHC funding, and the City of Kitchener’s Inclusionary Zoning requirements contribute to the Regional affordable housing and housing type objectives outlined in 3.A.2 and 3.A.6.

Overall, Regional staff are satisfied that the proposal conforms to the ROP.

### **Record of Site Condition**

A Record of Site Condition (RSC) is required according to the Region’s Implementation Guideline for the Review of Development Applications on or Adjacent to Known and Potentially Contaminated Sites, as there are high threats identified in the Regional Threats Inventory Database for the subject lands (associated with past operations of Electrohome Ltd. and CTV Television Inc.), as well as records of an historical landfill on and adjacent to the subject lands. The RSC would also be required according to O. Reg. 153/04 due to the proposed change in land use.

The application form states that the RSC has been submitted to the Ministry of the Environment, Conservation and Parks (MECP) and is under review, but it does not yet appear to be acknowledged on the MECP’s website. Please provide clarification and/or a Ministry Acknowledgement Letter for the Region. If not received before the application advances to Council for approval, the Region requires that a holding provision be applied to the subject lands. Alternatively, the Chief Building Official may provide written confirmation that the RSC is required under O. Reg. 153/04 to satisfy this requirement.

### **Corridor Planning**

#### **ZBA Application**

##### **Environmental & Stationary Noise**

While an Environmental and Stationary Noise study was identified as a requirement at pre-submission, the City’s Growing Together pre-zoning of these lands has ruled out the requirement for a noise study at this juncture. Regional staff would note on an advisory basis that an assessment of noise impacts may be required as part of future Planning Act applications in light of the potential for further density on the site in closer proximity to King Street West (a Regional road) and existing residential development on Mary and Pine streets.

##### **Transportation Impact Study (TIS)**

Region Staff have received the TIS entitled 864 King Street West Kitchener, ON Transportation Impact Study dated June 12, 2024 and prepared by Paradigm Transportation Solutions Ltd. While this TIS was not a Regional requirement of approval

for this application, the Region may provide advisory comments to the applicant under separate cover.

#### Stormwater Management & Site Grading and Servicing

Staff have received the report entitled Functional Servicing and Stormwater Management Report, and the drawings entitled Site Servicing Plan and Site Grading Plan, all dated May 23, 2024 and prepared by Reinders and Law Ltd. As there are no planned connections within the Regional road right-of-way, Regional staff find the plans and report satisfactory and consider this matter concluded.

Please note that the site must be graded in accordance with the approved plan and the Regional road allowance must be restored to the Region's satisfaction. Any works occurring in the Regional right-of-way would require a Regional Work Permit and approval through a separate process of Municipal Consent.

#### **Conditions of Future Site Plan Application**

Approval of the Regional Road dedication, lot grading and servicing plans, and Stormwater Management Report would be required prior to final approval of a future Site Plan application.

#### Road Widening

This section of Regional Road 15 (King Street West) has a designated road width of 30.00m as identified in Schedule 'A' of the ROP. While no further road widening dedication is required along King Street West, a 7.62 metre x 7.62 metre daylight triangle will be required at the intersection of King Street West and Pine Street. The daylight triangle should be measured after any road widening required on Pine Street, if required by the City of Kitchener. All land dedications should be identified on the Site Plan and all other submitted drawings.

The Owner/Applicant must engage an OLS to prepare a draft reference plan which illustrates the required road allowance widening. Prior to registering the reference plan, the OLS should submit a draft copy of the plan to the Region's Transportation Planner for review. An electronic copy of the registered plan is to be emailed to the Transportation Planner as well. Further instructions will come from the Region's Legal Assistant with regard to document preparation and registration. It is recommended that the OLS contact Region staff to discuss the road widening prior to preparing the Reference Plan.

The land must be dedicated to the Region of Waterloo for road allowance purposes and must be dedicated without cost and free of encumbrance. Please exclude any property to be dedicated to the Region of Waterloo from any Record of Site Condition (RSC) application.

The Region will also require a Phase I ESA for the daylight triangle dedication area. Based on the results of the Phase I ESA, a Phase II ESA may also be required.



### Stormwater Management & Site Grading and Servicing

Staff have received and approved the submitted Stormwater Management & Site Grading plans as described above. For the purposes of site plan approval and in relation to site servicing, Regional staff request the submission of an existing conditions and removals plan detailing the planned servicing removals associated with demolition of the existing building. Review and approval of this plan will be required prior to servicing clearance.

### Transit Planning

The subject property is well-served by transit. Grand River Hospital Station (ION LRT) is located adjacent to the property and GRT stop #1900 is located along King Street West adjacent to the property currently municipally addressed as 872 King Street West. GRT Routes 4 and 7 also provide two-way service to the subject property and both utilize Stop #1900, as well as stop #2540 across the street at Grand River Hospital. GRT has no plans to move stop #1900, and it will remain operational throughout the course of the development of the subject property. As such, GRT requests that the applicant contact GRT at least two weeks in advance of any construction activities which may require stop #1900 to be temporarily relocated and/or the municipal sidewalk to be temporarily closed. Similarly, if stop #1900 is damaged in any way during the course of site development, the applicant will be required to cover the costs of remediating the damage.

### Transportation Demand Management (TDM) Measures

GRT TDM staff encourage the applicant to consider implementing additional TDM measures. Commonly proposed measures include subsidized transit passes, on-site car share programs, hiring an on-site TDM coordinator, and providing transit information, both in the form of “welcome packages” for residents, and through real-time transit information digital displays.

The applicant should be made aware of the following important information if these measures are to be considered:

- Providing subsidized transit passes incurs significant financial and administrative costs. This initiative requires a commitment from the owner/applicant to manage, administer, and fund the full cost of monthly transit passes for residents. If this is to be considered by the applicant, further consultation and confirmation of expectations between all three parties (Applicant, City, Region – GRT) is required as soon as possible.
- Successfully implementing a car share program would require that several centrally located and highly convenient parking spaces be reserved exclusively for car share vehicles.
- TDM coordination can be part of the portfolio of the building manager or parking manager (if applicable).
- GRT’s NextRide webpage at <https://nextride.grt.ca/> displays customizable real-time departure information for nearby bus stops. This information would benefit

residents leaving the buildings to catch a transit vehicle, and act as a reminder for all residents as to the frequency of transit service within walking distance of the site.

### **Bike Parking Rate**

GRT TDM staff also note that bike parking is required at 1.0 spaces per unit. The applicant proposes 455 units, and therefore 455 secure bike parking spaces, plus six outdoor “visitor” Class-B bike parking spaces. The plans show 64 bike parking spaces on the ground floor, and 59 bike parking spaces on the “Ground Floor +3m”. This provides a total of 123 spaces. The Urban Design Brief notes that “the remainder of the Class A bicycle parking spaces are provided within individual units”; however, no provision for bike parking is shown on the floor plans, nor is a method discussed outlining which units would receive in-unit bike parking. It is noted that 332 units should have some type of interior bike parking noted. Staff request additional details on this matter in future Site Plan submissions.

### **Other**

The required \$805 Site Plan review fee has been received. No further fees are required for the approval of a future Site Plan application.

### **Region of Waterloo International Airport**

The development is located outside of the Airport Zoning Regulations, but within the obstacle protection area for Runway 08 approaches and 26 departures. The owner/developer has completed and submitted an Aeronautical Assessment (prepared by IDS North America Ltd., dated June 2024), which determined that the maximum allowable elevation on the property is 1,802 feet above sea level (ASL) before Runway 26 departures are impacted. The Assessment also notes a maximum building elevation of 489.7m ASL (1,604ft ASL) and crane elevation of 524.7m ASL (1,719ft ASL). These are both below the allowable height, and therefore no issues are anticipated, and the Aeronautical Assessment is satisfactory. The Region requires that the amending zoning by-law for the subject lands limit the proposed building height (and any related construction cranes) to the maximum height identified in the Aeronautical Assessment, as per the following wording:

*The maximum height of the proposed building and related construction cranes on site shall be 549.3m (1,802 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 549.3m ASL.*

Note that the developer will need to submit a Land Use application to Nav Canada, and receive a letter of no objection to the satisfaction of the Region. The developer will also need to submit an Aeronautical Assessment Form to Transport Canada (TC) and comply with any requirements resulting from TC’s review.

## **Hydrogeology and Water Programs/Source Water Protection**

The property is located within an area subject to Part 4 of the Clean Water Act. As a result, a valid Notice of Source Protection (Section 59 Notice) is required prior to approval of the ZBA. Regional staff have been in contact with the applicant's agent to confirm validity of the Section 59 Notice – the Notice submitted indicates that fewer than eight surface parking spaces are proposed; however, the building renderings appear to show much more surface parking, which would make this development subject to a Risk Management Plan. In March 2024, the owner/applicant indicated to Regional Risk Management staff that all parking would be covered, but this appears to have been revised in the concept submitted with this application. As a result, the Regional Risk Management Official (RMO) cannot confirm the validity of the Notice submitted with this application. The applicant is advised to reach out to the RMO ([RMO@regionofwaterloo.ca](mailto:RMO@regionofwaterloo.ca)) as soon as possible to resolve this issue.

The proponent is also advised that the Region does not support the infiltration of salty runoff from paved surfaces at this location; however, the infiltration of clean roof runoff may be accepted. In addition, the Region does not support permanent active or passive dewatering controls for below-grade infrastructure, including foundations, slabs, parking garages, footings, piles, elevator shafts, etc. Therefore, waterproof seals should be used in lieu of permanent dewatering infrastructure.

In accordance with Regional Council's endorsed position on geothermal energy, vertical closed-loop geothermal is prohibited at this location. Vertical open-loop geothermal energy may be considered subject to the submission of a Hydrogeology Study. However, given that a Hydrogeology Study has not been submitted with the application, a prohibition on all geothermal energy shall be required in the amending zoning by-law for the site. 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.*

Please also ensure that final SWM, FSR and Geotechnical reports are provided to the Region as part of any future site plan submissions.

## **Housing Services**

The Region supports the provision of a full range of housing options, including affordable housing. The PJR indicates that the developer is seeking CMHC financing (which may have affordability requirements) and is anticipating being required to provide affordable units through the City's in-effect inclusionary zoning (IZ) policy.

Should this ZBA amendment be approved and the project proceeds with affordability requirements of CMHC financing and IZ requirements, this development will contribute to the stock of housing affordable to a variety of income levels in Waterloo Region.

Staff further recommend meeting with Regional Housing Services to discuss the proposal in more detail and to explore opportunities for partnerships or programs and mechanisms to support a defined level of affordability. Please do not hesitate to contact Housing Services staff directly at [JMaanMiedema@regionofwaterloo.ca](mailto:JMaanMiedema@regionofwaterloo.ca) or 226-753-9593 should you have any questions.

### **Fees**

Please be advised that the Region is in receipt of the ZBA review fee of \$3,000 (deposited July 31, 2024).

### **Conclusions & Next Steps**

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

- The applicant provides a valid Notice of Source Protection Plan Compliance (Section 59 Notice) and/or site design clarification to the RMO as described above.
- The applicant provides the RSC and Ministry Acknowledgement letter, or a holding provision requiring their submission to the Region is implemented.
- A site-specific prohibition on geothermal energy is written into the amending zoning by-law for the subject lands.
- The amending zoning by-law for the site specifies a maximum height of 549.3 metres (1,802 feet) ASL for any buildings and related construction cranes to ensure compatibility with airport operations.

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,



Will Towns, RPP  
Senior Planner

C. MHBC Planning Inc. c/o Luisa Vacondio (Applicant)  
King Pine Kitchener Inc. c/o Stephen Litt (Owner)

Hi Eric,

No heritage planning comments or concerns for this application.

Thanks!

**Kind Regards,**

**Deeksha Choudhry, MSc., BES**  
**Heritage Planner | Development and Housing Approvals Division | City of Kitchener**  
**200 King Street West, 6th Floor | P.O. Box 1118 | Kitchener ON N2G 4G7**  
**519-741-2200 ext. 7602**  
**[deeksha.choudhry@kitchener.ca](mailto:deeksha.choudhry@kitchener.ca)**



## City of Kitchener ZBA comments

<b>Application type:</b>	Zoning By-law Amendment Application ZBA24/022/K/ES
<b>Project address:</b>	864-876 King Street West
<b>Comments of:</b>	Transportation Services
<b>Commenter's name:</b>	Dave Seller
<b>Email:</b>	dave.seller@kitchener.ca
<b>Phone:</b>	519-783-8152
<b>Date of comments:</b>	September 9, 2024
<b>Comments due:</b>	September 13, 2024

### Preamble

As part of a complete Zoning By-law amendment application a Transportation Impact Study (TIS) was submitted (June 2024) by Paradigm Transportation Solutions Limited in support of this ZBA application. Transportation Services reviewed the TIS and offer the following comments.

### Development proposal

The applicant is proposing a 44-storey residential building with 455 units. The development is estimated to generate 100 AM and 86 PM peak hour vehicle trips. No vehicle trip reductions were calculated to provide a conservative vehicle trip estimate. The site will be serviced by one full moves access along Pine Street and a total of 296 parking spaces are being proposed within eight levels of parking (two underground, six above ground).

### Intersection analysis

The two intersections noted below were reviewed under existing 2024 base year traffic conditions and both intersections are operating within acceptable levels of service and within capacity during the AM and PM peak hours.

- King Street West (Regional Road 15) at Pine Street - signalized
- Pine Street at Mary Street - unsignalized

The two above intersections were reviewed under 2032 future background traffic conditions and are both operating within acceptable levels of service and within capacity during the AM and PM peak hours with no specific traffic movements identified.

The three intersections below were reviewed under 2032 future total traffic conditions and are both operating within acceptable levels of service and within capacity during the AM and PM peak hours no specific traffic movements identified. Future total traffic includes forecasted background traffic plus site development traffic.

- King Street West (Regional Road 15) at Pine Street - signalized

- Pine Street at Mary Street – unsignalized
- Pine Street at (NEW) site access - unsignalized

The new site access to Pine Street is forecasted to operate with a LOS A and v/c ratios of 0.11 or lower in the AM and PM peak hours under the 2032 future total traffic scenario.

### **Transportation Demand Management (TDM) analysis**

This development is well situated to take advantage of the existing alternative modes of transportation available in the area to reduce vehicle dependency. There are several Grand River Transit (GRT) routes and ION light rail that are within 500m of this development. They include the following routes: 4, 7, 16 and 301 ION Allen Station. These routes offer connectivity to a broader transit network throughout the Region of Waterloo and within Kitchener itself.

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

While there is no cycling infrastructure on Pine or Mary Streets, travel by bicycle to/from this development is not restricted by any access-controlled roadways. Cyclists are permitted to ride on all roadways in the study area.

### **Left turn lane analysis**

A left turn lane analysis was completed along Pine Street at the new site access utilizing the Ministry of Transportation (MTO) Design Supplement for the TAC Geometric Design Guide for Canadian Roads and it was determined that a left turn lane along Pine Street is not warranted for the 2032 future total traffic. Transportation Services supports Paradigms conclusion.

### **AutoTURN swept path analysis**

The following design vehicle was reviewed for loading/garbage that was provided on the city template labeled “Truck Turning Plan”.

- REDG TORONTO 2017 (CA) Medium Single Unit (MSU) - acceptable

### **Conclusion**

Based on the analysis and conclusions within the TIS, Transportation Services are of the opinion that this development will not negatively impact the surrounding road network.

Transportation Services recommends that the vehicle parking be 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.

Eric,

The Waterloo Catholic District School Board has reviewed the subject application based on our development circulation criteria. There is no objection to the proposed development. However, we are flagging the conditions / comments below as they may relate to a future site plan application / draft plan of condominium application.

The WCDSB has adopted a Holding Zone policy to address the possible redirection of students from future development to allow the board to address issues of overcrowding in our schools. Given the pressures being experienced in this area, we would ask that the city impose the following on future applications related to this property:.

A) That any Education Development Charges shall be collected prior to the issuance of a building permit(s).

B) That the developer and the Waterloo Catholic District School Board reach an agreement regarding the supply and erection of a Holding Zone advisory sign (at the developer's expense and according to the Board's specifications) advising prospective residents about the Waterloo Catholic District School Board Holding Zone designation applied to the subject property. A sign specifications document can be found at the bottom of the board's planning department web page (<https://www.wcdsb.ca/about-us/cs/planning/>).

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

“Waterloo Catholic District School Board present and future families - please note that your new home is located in an area that has been designated as a Holding Zone as we await construction of a new school(s) or additional capacity. Students may be accommodated temporarily in a Holding School(s). Please visit [www.wcdsb.ca/accommodations](http://www.wcdsb.ca/accommodations) for additional information.”

Further, we have reviewed the conceptual site plan submitted by the applicant in support of the zoning by-law amendment. We are concerned about the pedestrian connections, specifically the interrupted pedestrian routes between Pine Street and the proposed building. The site plan shows a loading zone impeding the pedestrian route. Further this route directs pedestrians into the path of travel of the internal ramp in the parking garage. Given the limitations on yellow bus PUDO activities on King Street West, we would ask that the city and applicant work to address improving the pedestrian realm on-site to ensure that school aged children are provided with a safe environment to get to school or a designated pick-up zone proximate to the site.

Sincerely,



Jennifer

Jennifer Passy, BES, MCIP, RPP (she/her)  
Manager of Planning  
Waterloo Catholic District School Board  
Phone: 519-578-3677, ext. 2253  
Cell: 519-501-5285

September 19, 2024

Eric Schneider  
Senior Planner  
City of Kitchener  
[eric.schneider@kitchener.ca](mailto:eric.schneider@kitchener.ca)

**Re: Notice of Application for a Zoning By-law Amendment**  
**File No.: ZBA24/022/K/ES**  
**Municipality: Kitchener**  
**Location: 864-876 King Street West**  
**Owner/Applicant: Vive Development Corporation**

Dear E. Schneider,

The Waterloo Region District School Board (WRDSB) has reviewed the above-noted application to permit the development of a 44-storey multiple residential building with a total of 455 dwelling units and 261 parking spaces. Site specific zoning relief is proposed to permit reduced setbacks and physical separation.

This subject site is adjacent to the WRDSB-owned sports field at 21 Pine Street. The WRDSB also owns the driveway access off Pine Street. This application's most significant setback reductions are being requested for the north end of the subject site, along the WRDSB shared property line.

The green space north of the subject site is a sports field used by Kitchener-Waterloo Collegiate Institute (KCI), located at 787 King Street West. The Planning Justification Report (June 2024) describes the field as park/open space; however, it should be noted that this field is WRDSB property, which is scheduled and utilized by the school almost every period of the day through the fall and spring, and for after-hours extra-curricular activities. This is the only sports field/ green space available to the high school.

KCI is one of the oldest buildings in the WRDSB. With a robust enrolment forecast and attractive specialised program options, this school is expected to be a key asset within the WRDSB's holdings for future generations. Student and staff well-being is critical to the WRDSB's strategic plan. It must be the primary lens through which the analysis of accommodation and operational issues are seen.

The WRDSB offers the following comments:

**Student Accommodation**

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

- Elizabeth Zeigler Public School (Junior Kindergarten to Grade 6)
- MacGregor Public School (Grade 7 to Grade 8)
- Kitchener-Waterloo Collegiate Institute (Grade 9 to Grade 12)

Please be advised that student accommodation pressures exist at these schools. The WRDSB's 2020-2030 Long-Term Accommodation Plan provides detailed enrolment projections for these and all schools within the WRDSB.

Interim student accommodation measures, including portable classrooms, are currently on-site and are anticipated to continue to be required.

Further, the WRDSB may conduct a boundary study or designate this property as a "Development Area" and assign it to Holding Schools before occupancy or sales.

### **Student Transportation**

The WRDSB supports active transportation, and we ask that pedestrians be considered when reviewing all development applications to enhance safety and connectivity. WRDSB staff are interested in optimizing pedestrian access to public transit and municipal sidewalks so students can 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 must 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.

### **Noise and Debris Issues During the Construction Phase**

The WRDSB asks that the appropriate debris containment and noise considerations be enacted to avoid negative school site impacts.

### **Construction Fencing and Trees**

The WRDSB requests that solid and secure construction fencing be installed throughout the duration of construction.

Further, as part of site plan approval, we request that a privacy fence be installed at the developer's expense and to the WRDSB's specifications. The fence should have no access points to the WRDSB property.

There are several mature trees and vegetation located on the WRDSB property line. The owner/developer should protect these trees through construction.

### **School Site Use and Parking**

As the WRDSB has stated in its comments on "Growing Together," the availability of parkland and open space is a challenge in more dense areas of the City. We have concerns regarding the adequate provision of parkland in this area to support the number of future residents, which may result in unsanctioned use of school property during school hours, as we have already experienced at 21 Pine Street.

Furthermore, the school's parking facilities should not be occupied by residents who may not have access to on-site parking (a parking ratio of 0.65 spaces per unit is proposed). Parking in the Green Street lot is for the exclusive use of the school's occupants during school hours and arena occupants at all other times. We will take any available steps to avoid WRDSB parking and property abuse.

### **Shadow Study**

The school most heavily utilizes the field in the fall and spring, as soon as the weather improves and the field dries up. The applicant's shadow study illustrates shadow impacts on the field from March to June.

## **WRDSB Draft Conditions**

Concerning any future condominium declaration or agreement, the WRDSB requests the following inclusions in the conditions of 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."
  - b. "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](mailto:planning@wrdsb.ca). Information provided by any other source cannot be guaranteed to reflect current school assignment information."
  - c. "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."
    - ii. "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](mailto:planning@wrdsb.ca). Information provided by any other source cannot be guaranteed to reflect current school assignment information."
    - iii. "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](#), as amended, 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,

A handwritten signature in black ink that reads "Lauren Agar". The signature is written in a cursive, flowing style.

Lauren Agar  
Manager of Planning  
T: 519-570-0003 ext. 4596

**City of Kitchener**  
**Zone Change Comment Form**

**Address: 864-872 King St**

**Application #: Zoning By-law Amendment ZBA24/022/K/ES**

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Comments Of: Urban Design- Planning

Commenter's Name: Pegah Fahimian

Email: Pegah.fahimian@kitchener.ca

Phone: 519-741-2200 Ext. 7342

Date of Comments: September 10, 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)

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**1. Documents Reviewed:**

- Architectural Floor plans, Reinders + Law
- Shadow Study , Reinders + Law
- Urban Design Brief- MHBC Planning, June 2024
- Wind Study - Pedestrian Level Wind – Preliminary Impact Assessment. Boundary Layer Wind Tunnel Laboratory report, June 2024

**2. Site-Specific Comments & Issues:**

We have reviewed your proposal for the 44-storey tower comprising 455 residential units and have identified the following concerns:

**1. Non-Compliance with SGA-4 Zone Regulations**

The proposed 44-storey tower does not meet several regulations in the SGA-4 zone, specifically regarding the tower's physical separation requirements. The proposed tower lacks setbacks and physical separation to all interior lot lines. The proposed 10m physical separation to the south, where 15m is required for stories 37+. The proposed 11m physical separation to the east, where 15m is required for stories 37+ stories, is a significant reduction in separation. These regulations are essential for:

- Ensuring the safety and privacy of building occupants and future neighboring developments.
- Preserving the development potential of adjacent properties.
- Supporting the orderly growth of the City and maximizing the overall housing supply within the area.

**2. Density Considerations**

The SGA-4 zone determines the **maximum permitted densities** as part of the *Growing Together* framework, where maximum heights are not necessarily required in zoning. Unlike other municipalities, density in this zone is not regulated through methods such as FSR or bedrooms-per-hectare. This makes the framework one of the most permissive in Canada, allowing significantly higher densities, but it still requires adherence to the permitted density limits. Significant, unjustified increases through zoning by-law amendments cannot be supported.

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**Zone Change Comment Form**

**3. Impact on Future Development**

- Due to the proposed 44-storey tower not meeting the physical separation regulations, adjacent properties of similar size to the subject site will be unable to accommodate a tower of the same height or density. This significantly limits the redevelopment potential of these properties, hindering their ability to achieve comparable density levels as permitted in the area.
- This constraint undermines the intent of the zoning regulations, which aim to allow for orderly and equitable development across all properties within the area.

**4. Priority street regulations**

The proposal does meet the priority street regulations.

- No community or commercial use on the street line ground floor, whereas a Community Use or Commercial Use shall occupy a minimum of 50% of the street line ground floor, excluding office and commercial parking facility is required.
- Above-grade structured parking spaces along the street line ground floor or street line second floor, whereas this is not permitted.
- Above-grade structured parking spaces do occupy more than 50% of the area of the street line façade within the base of a building, whereas this is not permitted.

**5. Exposed structure parking**

- **UDM policies**
- No above-grade structured parking is to front onto King St. W. Active uses, office space and/or residential units are to wrap any structured parking for the full extent of the garage at all levels.
- Create no vehicular access from King St. W. Where any other options exist (other streets, lane access). Existing King St. W. Accesses should be closed through redevelopment.
  
- Set back new development along King St. W to accommodate street trees and a minimum sidewalk width of 2m. Street trees should be consistent in their spacing, stature and soil volumes and be coordinated between sites/properties.
  
- Enhance the public realm along King St. W. with public art, additional landscaping, plaza or patio areas, upgraded surface materials, rest/waiting areas and bicycle parking. Coordinate elements between sites to ensure that various needs are being met, avoid unwanted repetition, and maintain visual interest and a diverse mixture of activities.

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**3. Comments on Submitted Documents**

Key design considerations, detailed below, must be addressed through a site redesign to create a more functional site for residents and ensure the project fits in the context of the neighbourhood.

The City's Tall Building Guidelines should be consulted to inform the revised design of the site with respect to the following:

- a. Tower dimensions, configuration, separation, and overlook.
- b. Location of amenity space(s)
- c. Podium characteristics.
- d. Structure Parking Design

**Physical separation:**

- The proposal needs to fully meet the requirements of Growing Together, specifically with regard to on-site separation. The required on-site separation is 15m, and the proposal is deficient. The proposal will need to be modified by reducing Tower's height until the resulting built form meets its corresponding separation target.
- According to the best practice, adequate tower separation distances from property lines and other towers are a critical aspect of tall building design. The placement of towers should minimize negative impacts on the public realm and neighboring properties, such as adverse shadowing, pedestrian-level wind, and blockage of sky view. It should maximize the environmental quality of building interiors, including daylighting, natural ventilation, and privacy for building occupants.

**Compatibility Analysis:** The proposed building's height and mass will hinder sky views and create an overwhelming scale in the public realm. The proposal does not meet its target for physical separation, so it does not demonstrate compatibility with its surroundings.

The proposed tower would significantly restrict and will clearly negatively impact the ability for the remainder of the block to be developed in a way that won't be consistent with what the city has envisioned.

- Where multiple towers are proposed on a site or adjacent sites, matters of sunlight, sky view, privacy, and daylighting become even more critical since the cumulative effect can amplify the quality-of-life concerns for both the public and private realms. Even if tall buildings near other tall buildings meet the minimum required separation distances, setbacks, and step-backs, towers should



**City of Kitchener**  
**Zone Change Comment Form**

be further shaped, placed, and articulated to increase the actual and perceived distances between adjacent building elevations.

- A revised design proposal should be developed that addresses the design direction and standards outlined in the Growing Together and City's Urban Design Manual, including the Tall Building Guidelines and the Design Brief criteria identified below:

**Analysis of Microclimate Impacts**

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 sidewalk located on the opposite side of adjacent ROW.

**Wind Study - Pedestrian Level Wind – Preliminary Impact Assessment. Boundary Layer Wind Tunnel Laboratory report**

A further quantitative wind study coupled with a detailed wind tunnel analysis will be required as part of the full site plan application package. A revised design proposal should be developed that addresses the wind impacts outlined in the submitted wind study. According to the submitted study, Near and on the site property, the inclusion of the proposed development is generally seen to create an increase to wind comfort classification from standing to walking in the summer and from walking to uncomfortable in the winter at some localized areas along the west edge (facing Pine St.) and directly north of the building. The southeast corner of the Proposed building has a localized region that experiences a speed-up that results in exceedance of the safety criterion. This area falls in the ground floor amenity space.

**Architectural Floor Plans**

**Tower Design :**

- The tower should step back from its base a minimum of 3m along any street-facing elevations.
- The proposed podium treatment will be further enhanced to create visual interest at the street edge.
- The structure parking is highly exposed from the street. Unfortunately, its current form does not contribute positively to the streetscape. To improve this, I recommend relocating the underground parking structure or wrapping it with active uses to integrate it better into the overall urban design.
- The tower's height will need to be reduced to meet the required physical separation.

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**Zone Change Comment Form**

**Podium Design:**

- Contemporary architectural style and details are to be refined through the site plan process. The building facades facing Street should contain an appropriate amount of detailing and articulation, particularly at the podium and tower. Consider adding further architectural expression to the street-facing elevations; explore options to maximize interest and expressiveness of exposed podium facades.

**Amenity area:**

- Due to this neighbourhood's lack of amenity space, outdoor amenity space should be maximized; please see the Growing together and Urban Design Manual for minimum requirements and specifications.
- Required amenity space calculations are contained in the Urban Design Manual and include two parts – one for a general amenity area and one for children's play facilities in multiple residential developments.  $(2m^2 \times \#units) + (2.5m^2 \times \#bedrooms - \#units) = \text{outdoor amenity space}$ .
- The submitted Urban Design Brief does not include text and conceptual images that demonstrate the commitment to providing sufficient and appropriate amenity space including the required playground for all potential residents on site.
- Wind assessment is required for outdoor amenities, and the pedestrian realm, and full wind tunnel study should be provided at the site plan stage.

**Streetscape:**

- Details of the streetscape are to be provided. Any streetscape elements proposed are to be reviewed.
- 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.

**Summary Comments**

In summary, urban design staff is not supportive of the zone change as numerous items, including the urban design brief, supporting documents, and reports, require revisions and/or updates. A revised urban design brief and supporting documents are to be provided to urban design staff for review and comment.


**APPROVED**
*By Mike Balch at 3:34 pm, Sep 11, 2024*

June 28, 2024

Carrie Musselman, Senior Environmental Planner  
 City of Kitchener, Planning Division, 6th Floor  
 200 King Street West  
 Kitchener, ON  
 N2G 4G7

Dear Ms. Musselman:

**RE: Sustainability Statement – Zoning By-law Amendment and Site Plan Application  
 864-872 King Street West, Kitchener (Phase 1)  
 OUR FILE 15213 'BC'**

The purpose of this letter is to provide a brief summary of sustainability considerations for the subject lands, municipally addressed as 864-872 King Street West, in the City of Kitchener. The subject lands are located with frontage along King Street West and Pine Street, and are currently occupied by a vacant office building (former CTV Kitchener building) and associated surface parking. The subject lands have a lot area of 6,329.2 sq.m. (0.63 hectares), before any future road widenings.

Our client proposes to redevelop the subject lands with a 44 storey residential development with a 6 storey podium, containing 455 rental residential units. Six levels of structured parking is proposed, as well as two levels of underground parking, providing a total of 261 parking spaces, and 455 bicycle parking spaces. Access to the structured parking area and service area is located off of Pine Street, as the proposed development is the first phase of a proposed multi-phase development on the subject lands that will be developed in the fullness of time. A loading dock/access is also accessed off of Pine Street that is currently proposed to be outdoors, but will eventually be located within a podium structure once the balance of the lands are developed. Amenity areas are provided within the proposed development in the form of indoor rooms, and outdoor ground level and podium/rooftop private amenity areas. A total of 5,389 sq.m of indoor and outdoor amenity area are proposed. The vision of the proposed re-development is to provide future users with a sustainable and compact form of urban living.

The proposed building recognizes our changing climate and provides a building form which supports a more sustainable form of living. The building materials and construction will be of a high quality to ensure the building is sound and has a long usable life. Natural and passive means for lighting, venting, and heating have been considered in the building design with consideration given to large operable windows and surrounding ambient heating. The proposed building envelope design will limit thermal bridging and heat loss by being well insulated and airtight. High efficiency LED lighting will be used throughout the interior and exterior of the building and detailed landscape design. The

proposed development will be designed to incorporate energy conservation features and will be a minimum of 26% more efficient than the applicable reference model building code.

The proposed development represents the re-development of an underutilized site within the City of Kitchener Urban Area with access to existing and planned infrastructure and services. The proposed design includes a sustainable and energy efficient building design, high quality site design, landscaping features to enhance the public realm interface, and outdoor amenity areas in the form of a private active amenity area with links to the existing active transportation network, private terraces, and common amenity terraces on podium levels.

### **Sustainable Development (Section 7.C.4)**

#### 1) Compact Development and Efficient Built Form

- The proposed development will be sustainable by providing a compact form of development within the City of Kitchener Urban Area.
- The site is surrounded by a range of residential, commercial office, and institutional uses, and has access to existing and planned infrastructure and services, including the transportation network.
- The provision of a multiple residential building will allow for a dense form of development and contribute to the range of housing options available within an area designated 'Protected Major Transit Station Area' and adjacent the King Street West Corridor.
- The site design and building layout maximize the efficiency of the proposals built form while maintaining compatibility with adjacent land uses.

#### 2) Environmentally Responsible Design

- Stormwater quality and quantity control will be provided on site, as identified in the Water Conservation section of this letter.
- Through detailed design, infiltration measures will be designed to ensure post-development flows are restricted to pre-development levels.
- Detailed landscape design will incorporate low impact development principals to further mitigate stormwater run-off.
- A common amenity terrace on the podium level is being considered as part of the resident's amenity area, as is a light-colour roof membrane.
- The compact building form and site design, will provide for a dense form of re-development respecting the notion to maximize efficiency of existing built-up areas and preserving natural lands within the City of Kitchener.
- Amenity areas will be designed to provide for various social and environmental sustainability functions. Linear walkway connections, landscaped areas, and a variety of decorative planting species will be included in the detailed design to provide areas for gathering, social interaction and create a sense of place for the residents and users of these areas.

#### 3) Conservation of Natural Heritage Features

- No existing natural heritage features have been identified on the subject lands.
- On-site stormwater retention measures will be provided to attenuate post-development flows of the 5 to 100- year to the pre-development levels and allow retention for the runoff that is generated from the first 12.5 mm of rainfall.

- 4) Reduction of Resource Consumption
  - The proposed development provides for a dense form of development and provides for a significant increase in efficiency of the existing site condition.
  - The location of the site and proximity to existing active and public modes of transportation (i.e. ION Light Rail Transit) will encourage other modes of transportation, and minimize reliance on private vehicles, as detailed in the following point.
- 5) Transit-Supportive Development and Active Transportation
  - King Street West is designated as an existing transit corridor in the Region of Waterloo Official Plan. The proposed development provides a dense form of re-development supportive of transit infrastructure investments.
  - The proposed re-development of the lands will include enhanced streetscape treatments (once the balance of the lands are developed through a future phase) and bike storage, and is supportive of planned active transportation improvements.
  - Transit service (Routes 4, 7 and 16), is currently provided along King Street West.
  - Transit services (ION Light Rail Route 301) are currently provided directly in front of the subject lands on King Street West.
  - The proposed re-development of the subject lands provides the opportunity for enhanced streetscaping adjacent the King Street West transit corridor.
  - Multiple sidewalk connections are proposed to connect the public street frontage with the proposed development.
  - The connectivity of the subject lands is anticipated to promote active transportation use and provides connectivity to the mixed-use shops, employment, recreation and residential uses within the surrounding community.
  - Bike parking will be provided on site in the form of an indoor bicycle storage located within the proposed building in storage areas, and within the units themselves. Access to bicycle storage will be convenient and focused on user safety. The provisions of secure locations to park bicycles will encourage multi-modal transportation. Additionally it is anticipated bike racks will be utilized to provide additional bike parking at grade for visitors.

### **Water Conservation (7.C.5)**

- 1) Alternative Water Supply and Demand Management Systems
  - Low-flush toilets and low-flow shower heads are proposed to be used.
  - Individual units will be separately metered to ensure each unit is aware and accountable for their individual water consumption.
- 2) Control Stormwater on Property
  - Through detailed design, infiltration measures will be designed to collect the water from the rooftop and surface parking areas and provide for stormwater regeneration on site back into the groundwater table.

### **Energy Conservation and Generation (7.C.6)**

- 1) Building Design and Orientation
  - The base and tower building form minimizes the exterior envelope of a dwelling, as many wall surfaces are shared between dwellings. This in turn minimizes the heat loss.

- The building orientation provides for the majority of units to have direct access to natural sunlight at various times throughout the day. The sun from the south allows for increased natural light to enter the building façade and reduce overall heating costs during the winter.
  - The orientation and slender tower design ensures shadow impacts on adjacent land uses are mitigated, allowing for more sun exposure overall and reduced energy usage for heating. A shadow study has been completed and is included in the complete submission application package.
  - The roofing materials and colour to be utilized are contemplated to be of cool / light coloured materials to reduce the effects of heat island effect from the roofing structure.
- 2) Consideration of Alternative or Renewable Energy Systems
- The building and site will be designed with modern energy-efficient designs and materials.
  - The buildings will be designed to meet the RCFI minimum requirements for energy efficiency criteria of 40% energy efficiency and GHG emission reduction relative to the 2017 National Energy Code for Buildings (NECB).
  - Energy recovery ventilators will be provided in every residential suite, and common areas where required.
  - Heat pump chillers will be provided for central air conditioning and heating systems, and condensing boilers for backup heat only when required.
  - Reduced air changes per hour will improve unit air tightness, which leads to lower BTU furnaces than normally used.
  - Electrical vehicle charging stations will be provided for residents use.

### **Air Quality (7.C.7)**

- 1) Landscaping
- Community sidewalks will be integrated into the property through enhanced streetscaping and landscape design.
  - Consideration will be given to utilizing native species where available in the detailed landscape design.
  - Landscape planting materials will be selected for attributes regarding drought and salt tolerance as well as their ability to provide shade and/or wind protection.
  - Street trees will be planted as per the City's specifications.
- 2) Indoor Air Quality
- Low or no VOC materials, paints, and finished are proposed for all indoor building materials to minimize indoor air pollutants.
- 3) Transportation Demand Management Measures (TDM)
- Enhanced pedestrian and cycling connections provided to existing pedestrian, transit and cycling facilities. The enhanced streetscape and all pedestrian connections are to be well lit and designed in compliance with AODA standards.
  - Providing short-term and long-term bike parking that achieves the City's minimum requirement.
  - Unbundling parking through the implementation of a paid-parking operation to lease parking spaces separately from the cost to rent a unit.
  - Transit service (Routes 4, 7 and 16), is currently provided along King Street West.

- Transit services (ION Light Rail Route 301) are currently provided directly across the street from the subject lands.

### **Waste Reduction and Management (7.C.8)**

- 1) Reuse and Recycling of Building/Construction Materials
  - Consideration will be given to the re-use and recycling of construction and building materials.
- 2) On-Site Waste Management Facilities
  - This development will provide for on-site waste management facilities for each individual unit including garbage, recycling, and organic waste disposal.

### **Summary and Recommendations**

In conclusion, the proposed development is designed to include elements of sustainable development. The siting and orientation of the building forms create a compact and dense form of development. This dense development form is part of a larger community, which includes transit service and active transportation connections which will reduce the need for individual private vehicle trips.

We trust that this information meets the requirements to address the sustainability of the proposed redevelopment. Please contact the undersigned should you have any questions or require anything further.


Yours truly,

## **MHBC**



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**Pierre J. Chauvin, MA, MCIP, RPP  
Partner**



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**Luisa Vacondio, BES, MCIP, RPP  
Planner**

**City of Kitchener**  
**Zone Change Amendment Comment Form**

**Address:** 864-876 King Street West  
**Owner:** King Pine Kitchener Inc.  
**Application:** Zoning By-law Amendment Application ZBA24/022/K/ES

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Comments Of: Park Planning  
Commenter's Name: Lenore Ross  
Email: Lenore.ross@kitchener.ca  
Phone: 519.741.2200 ext 7427  
Date of Comments: Aug 16 2024

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**Documents Reviewed:**

I have reviewed the documentation noted below submitted in support of a ZBA to redevelop the subject lands with a 44-storey multiple residential building having a total of 455 dwelling units, a Floor Space Ratio of 7.3 and 261 parking spaces. The existing commercial buildings on site are to be demolished. The Zoning By-law Amendment seeks site specific development standards in both Zoning By-law 85-1 and Zoning By-law 2019-051, both which are in effect. The site specific development standards include floor space ratio, building height, physical separation, and yard setbacks.

- Arborist Report
- Zoning By-law Amendment Application Form
- Floor Plans and Project Statistics Sheet
- Building Elevations, Sections
- Renderings
- Shadow Study
- Wind Study
- Concept Site Plan
- Planning Justification Report
- Site Grading Plan
- Urban Design Brief

**Parkland Dedication**

- The site is within the KW Hospital Planning Community and through Places and Spaces – An Open Space Strategy for Kitchener, this community has been identified as critically underserved with active neighbourhood park space and the site is beyond the recommended walking distance to active neighbourhood park space. Although additional physical land would typically be acquired through development applications to support new active park facilities, the amount and configuration of land available through this development application is not suitable or sufficient and Parkland Dedication as **cash in lieu of land** is recommended.



**City of Kitchener**  
**Zone Change Amendment Comment Form**

- In accordance with the Planning Act, City of Kitchener Bylaw 2022-101 and the Park Dedication Policy MUN-PLA-1074, Parkland Dedication will be required for the site plan application taken as a cash-in-lieu of land.
- Parkland dedication requirements will be **deferred** at the Zoning By-law Amendment application and assessed at a future Site Plan Application. Parkland dedication will be assessed based on the land use class and density approved through the ZBA and required as a condition of final Site Plan Approval. Parkland dedication will be taken as **cash-in-lieu of land** according to the Planning Act, Parkland Dedication Bylaw and Parkland Dedication Policy in effect.
- It is assumed that the proposed development will be undertaken through two separate site plan applications with the illustrated concept representing phase 1 and future development proposed on the balance of the site through phase 2. Parkland dedication will be assessed as a condition of each site plan application.
- An estimate is provided for the phase 1 proposal using the approved land valuation of \$19,768,000/ha and a dedication rate of 1ha/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 0.63292 ha site with 455 proposed units and an FSR of 7.3 is **\$1,251,156 (phase 1)**. Additional Parkland Dedication may be required for future development.

**Calculation:**

**Phase 1**

455 units /1000 units x \$19,768,000/ha = \$8,994,440 (alternate rate Bylaw 2022-101)

455 units x \$11,862 = \$5,397,210 (City of Kitchener capped rate)

0.63292ha x 0.05 x \$19,768,000/ha = \$625,578 (5% rate Bylaw 2022-101)

**0.63292ha x \$19,768,000/ha x 0.1 = \$1,251,156 (More Homes Built Faster Act 10% cap)**

**Example Phase 2 scenario**

An estimate is provided using the approved land valuation of \$43,243,000/ha and a dedication rate of 1ha/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 0.63292 ha site with 545 proposed units and an FSR of 14 (retaining 455 units in phase 1) is **\$1,485,780** - see phase 2 calculation below.

545 units /1000 units x \$43,243,000/ha = \$23,567,435 (alternate rate Bylaw 2022-101)

545 units x \$11,862 = \$6,464,790 (City of Kitchener capped rate)

0.63292ha x 0.05 x \$43,243,000/ha = \$1,368,468 (5% rate Bylaw 2022-101)

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**0.63292ha x \$43,243,000/ha x 0.1 = \$2,736,936 (anticipated cap limit) - \$1,251,156 (previous PD payment) = \$1,485,780 (available More Homes Built Faster Act 10% cap )**

**Site Specific Comments & Issues:**

There are minor updates required to the documentation noted below to address Park Planning’s concerns with the proposed ZBA applications. Park Planning can provide conditional support to the application subject to receiving satisfactory updates to the documentation noted.

**Comments on Submitted Documents**

The following comments should be addressed at this time.

**1. JK Consulting Arborists - Arborist Report and Detailed Vegetation Plan dated June 21 2024**

The text contained in the document e.g. Section 1.1 Existing Sit pdf page 3 notes that the “Project is currently bordered by a City park to the north” - is inaccurate. The sports fields and driveway north of the site are owned by the Waterloo Region District School Board, not the City. References throughout the document to “City parkland” should be revised as should the ownership data attributes in table 1 and table 2 on DVP-2. Permission for any impacts to or removal of these trees will need to be provided by the WRDSB.

**A revised Arborist Report and Detailed Vegetation Plan is required.**

**2. MHBC Planning – Urban Design Brief dated June 2024**

Section 2.2 Surrounding Context – Open Spaces & Natural Heritage identifies a number of amenities that are not City owned active Park facilities; Water St Park is School Board property and Mary Ellen Park is within the City of Waterloo. All active City park facilities are outside the recommended walking distance of 750m

As noted in Parks’ Presubmission comments, the “Urban Design Brief and supporting studies should include assessment of shadows, solar access, a CFD wind study (and a full wind tunnel model at site plan application) for on-site amenity spaces, at-grade pedestrian spaces and the adjacent public realm. **The UDB should provide conceptual details for on-site amenity spaces including commentary and precedent images to guide detailed site design through the site plan application. Robust on-site outdoor amenity spaces with good solar access and protection from wind will be required as part of the site plan and should include seating and play equipment for residents of all ages and abilities.**

**A revised Urban Design Brief is required.**

**3. Boundary Layer Wind Tunnel Laboratory - Pedestrian Level Wind Assessment (CFD) – 864-872 King St W (phase 1) dated June 20 2024**

The report acknowledges that the CFD analysis is an appropriate tool to provide a description of potential wind conditions related to pedestrian comfort, identify areas of accelerated flows, and provide conceptual mitigation strategies. It also acknowledges that the effectiveness of mitigation measures is best evaluated

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through quantitative wind tunnel studies where specific elements can be best represented. **A full wind tunnel study will be required as a condition of final site plan approval. If phase 2 details are available at the time, they should be incorporated into the model to provide a more accurate assessment of environmental conditions and required mitigation.**

Section 4.1 (page 5 and 9) of the report indicates that the “These criteria are consistent with those of the City of Waterloo “Terms of Reference: Wind Study” [Ref. 1]. “ This reference to the City of Waterloo should be removed.

The analysis and report highlight several areas within and surrounding the site where wind conditions may be of concern with the proposed development:

- a) The southeast corner of the proposed building adjacent to the at-grade amenity area is identified as having unsafe and uncomfortable-to-standing wind speeds. These winds will impact the proposed at-grade amenity space and also the adjacent building and property. Site and or building mitigation is required to reduce onsite and offsite wind speeds to safe and acceptable levels.
- b) The 7<sup>th</sup> floor amenity space is identified as having uncomfortable wind speeds over the majority of the space in both summer and winter. Site and or building mitigation is required to reduce onsite wind speeds to acceptable levels to allow a full range of active and passive amenity space uses.

Acceptable and sufficient mitigation measures will be confirmed through review and approval of landscape plans, building drawings and a full wind tunnel study as a condition of final site plan approval.

**Policies, Standards and Resources:**

- Kitchener Official Plan
- City of Kitchener Park Dedication Bylaw 2022-101 and Park Dedication Policy MUN-PLA-1074
- 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

**Anticipated Fees:**

Parkland Dedication

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

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