



Attachment D

PLANNING, DEVELOPMENT
AND LEGISLATIVE SERVICES
Community Planning

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Melissa Mohr 226-752-8622
File: D17/2/21011
C14/2/21017
March 29, 2022

Eric Schneider, MCIP, RPP
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 21/11 and
Zoning By-law Amendment ZBA 21/017
146-162 Victoria Street South and 92-110 Park Street
GSP Group (C/O Kristen Barisdale) on behalf of DOV
Capital (C/O Steven Ruse)
CITY OF KITCHENER**

GSP Group Ltd. on behalf of DOV Capital (Steven Ruse) has submitted an Official Plan Amendment and Zoning By-law Amendment for a development proposal at 146-162 Victoria Street South and 92-110 Park Street in the City of Kitchener.

The applicant is proposing a multi-storey mixed-use tower consisting of a shared mid-rise podium of 6–storeys in height with three (3) residential towers atop the podium. The three (3) residential towers are proposed to be 25, 36 and 38 storeys in height and contain a total of 1,150 residential units. The development also consists of approximately 1,770 square metres of ground floor commercial space. In addition, 667 vehicular parking spaces and 592 bicycle parking spaces have been proposed on site.

The applicant has submitted an Official Plan Amendment and Zoning By-law Amendment to permit the development. The Official Plan Amendment is required to permit a Special Policy to permit an increase in FSR of 11.6 to the Mixed Use designation. The Zoning By-law Amendment is required to rezone the lands from the Low Intensity Mixed Use Corridor (MU-1) Zone and Medium Intensity Mixed Use Corridor (MU-2) Zone with Special Use Provision 401U and Special Regulation Provisions 1R, 524R, 525R and 526 R to the Mixed Use Three (MIX-3) Zone with site

specific regulations and special use provisions to retain the existing 1R special regulation for the portion of the lands affected by the GRCA regulations, extend the 401U special use provision for the entirety of the subject lands (relates to the Record of Site Condition requirements), remove special regulations 524R, 525R and 526R and add a special use regulation for yard setbacks, the maximum height, storeys, façade treatments, increased FSR as well as the number of parking spaces/dwelling unit.

The Regional Municipality of Waterloo has had the opportunity to review the proposal and offers the following:

Regional Comments

Community Planning

The subject lands are located in the “Urban Area” of the Region and are designated “Urban Growth Centre” and “Built-Up Area” on Schedule 3a of the Regional Official Plan (ROP). The subject lands are designated Mixed Use in the City of Kitchener Official Plan and zoned Low Intensity Mixed Use Corridor (MU-1) and Medium Intensity Mixed Use Corridor (MU-2) Zone with Special Use Provision 401 U and Special Regulation Provisions 1R, 524R, 525R and 526 R. Regional staff understand the applicant has proposed a Site-Specific Policy to permit an increase in the FSR from 5.0 to 11.6 and to rezone the site to the Mixed Use Three (MIX-3) Zone with special use and zone regulations to facilitate the development.

The majority of the Region’s future growth will occur within the Urban Area designation with a substantial portion of this growth directed to the existing Built-Up Area of the Region through reurbanization. Focal points for reurbanization include Urban Growth Centres, Township Urban Growth Centres, Major Transit Station Areas, Reurbanization Corridors and Major Local Nodes (ROP Section 2.B).

Transit Oriented Development Policies/Urban Growth Centres/Major Transit Station Areas

Regional staff understand that the proposal is for a higher density development that is located within the Urban Growth Centre. In addition, the subject lands are located within 500-800 metres of the Central ION stop/Innovation District ION Stop in Kitchener. The Region’s Urban Growth Centres are to be planned and developed to accommodate a significant share of the Region’s future population and employment growth. Furthermore, the development will contribute to the minimum gross density of 200 residents and jobs combined per hectare required within the Urban Growth Centre of Kitchener.

Land Use Compatibility

Regional staff acknowledge that there are lands designated General Industrial Employment within 300 metres of the subject lands. The lands designated General Industrial contain Class II industrial land uses and the Ministry of Environment, Conservation and Parks (MECP) recommends a minimum separation distance of 70 m from Class II industrial land uses and sensitive land uses. The subject lands are located approximately 100 m + from lands that are designated General Industrial Employment within the City of Kitchener Official Plan.

Environmental Threats/Record of Site Condition:

As indicated previously, there are multiple environmental threats located on and adjacent to the subject lands due to past land uses in accordance with the Region's Threats Inventory Database (TID); therefore, a Record of Site Condition (RSC) and Ministry Acknowledgement Letter shall be required in accordance with the Region's Implementation Guidelines. **The Region shall require a holding zone until such time that the Record of Site Condition and Ministry Acknowledgement letter have been received to the satisfaction of the Regional Municipality of Waterloo. In addition, please ensure that the lands to be dedicated to the Region for the road widening and daylight triangle are excluded from the Record of Site Condition. See the note below about Phase 1 and Phase 2 Environmental Site Assessments.**

Further to the above, the Region does not support the use of geothermal energy on site due to the environmental threats located on and adjacent to the subject lands. Regional staff require a prohibition on geothermal energy systems and recommend the following wording for the prohibition:

Geothermal Wells are prohibited on site. A geothermal well is a well 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 metres unless the protective geologic layers overlaying a vulnerable aquifer have been removed through construction or excavation.

Corridor Planning:

Official Plan and Zoning By-law Amendment Stage:

Transportation (Road) Noise:

Regional staff have received the study entitled "Victoria and Park Street Redevelopment, Kitchener, Ontario Noise and Vibration Impact Study" dated September 10, 2021, prepared by RWDI in support of the Official Plan and Zoning By-law Amendment and have no objection to the Transportation Noise aspects of the report at this time, however the noise study must be updated at the Site Plan stage. Regional staff will provide additional comments at the site plan application stage.

Please be advised that the accepted mitigation techniques (e.g. building façade components, installation of Air Conditioning and noise warning clauses) shall be implemented through a Regional Agreement at the future plan of condominium stage and incorporated into the design of the building at the site plan stage. Furthermore, the Noise warning clauses shall be included in all offers of Purchase and Sale and the Condominium Declaration(s).

Stationary Noise:

Regional staff have received the study entitled “Victoria and Park Street Redevelopment, Kitchener, Ontario Noise and Vibration Impact Study” dated September 10, 2021, prepared by RWDI in support of the Official Plan and Zoning By-law Amendment and are satisfied with the conclusions and recommendations of the stationary noise impacts of the study. The accepted conclusions and recommendations are:

1. The potential for vibration influences on the site due to the nearby CN spur line were evaluated and the calculated levels were below the acceptable limits. No mitigation measures are recommended;
2. At this stage, the impact of the development on itself and the surroundings could not be quantitatively assessed; however, the potential noise impact on both the building itself and its surroundings is expected to meet the applicable criteria through best-practices for acoustical design;
3. Regional staff recommend that the building design is evaluated during the detailed design/site plan stage to ensure that the acoustical design is adequately implemented in order to meet the applicable criteria prior to building occupancy;
4. Prior to the issuance of any building permits, the City of Kitchener’s Building Inspector certifies that the noise attenuation measures are incorporated into the building plans. Upon completion of construction, the City of Kitchener’s Building Inspector will certify that the dwelling units have been constructed accordingly; and,
5. The Owner/Developer shall be required to enter into a registered development agreement with the City of Kitchener through the future Condominium Application for all units in the proposed development to ensure the following warning clause shall be included in all agreements of Offers of Purchase and Sale, Lease/Rental Agreements and the Condominium Declaration(s):

“Purchasers/tenants are advised that noise from the adjacent commercial and industrial facilities and the Metrolinx and CN Rail Layover Sites may at times be audible and might sometimes interfere with some activities of the dwelling occupants.”

Stormwater Management & Site Grading:

The report entitled “Functional Servicing and Stormwater Management Report” dated August 31, 2021, completed by WalterFedy is acceptable to Region staff relative to the Official Plan and Zoning By-law Amendment stage.

The report notes that there are a number of existing sanitary services and water services within the Victoria Street South right-of-way. Regional staff will comment on the removal of existing connections at the detailed design/site plan stage.

Regional staff will provide technical comments on the proposed storm sewer connection, sanitary sewer and water service connections through the detailed design/site plan stage. In addition, please be advised that this section of Victoria Street South (regional Road 55) is planned to be reconstructed in 2029 as per the Region’s 10-Year Capital Program.

TIS/Access

The Transportation Impact Study and Transportation Demand Study (TIS/TDM) entitled “Victoria Street & Park Street Redevelopment Kitchener, ON Transportation Impact Study, Parking Study & Transportation Demand Management Plan” dated August 2021, completed by Paradigm Transportation Solutions has been reviewed and Regional staff have no objections at this stage (Official Plan and Zoning By-law Amendment stage).

The subject lands currently have vehicular access to Victoria Street South via three full moves accesses. In addition, there are numerous existing accesses along Park Street, which is a street under the jurisdiction of the City of Kitchener. The concept plan provided with the Official Plan and Zoning By-law Amendment propose a single full movement access to Victoria Street South and a single full moves access to Park Street, with a connection between both main access points. Regional staff have no objection to the access at the Official Plan and Zoning By-law Amendment stage. Please note that more detailed comments relating to access will be provided through a subsequent Site Plan Application and the developer will be responsible for any financial and property requirements associated with the accepted road improvements.

Please be advised that Grand River Transit (GRT) currently operates Route 20 along this section of Victoria Street South with existing transit stops in close proximity to the subject lands. GRT staff have also been circulated the application and will provide comments through the site plan review.

Regional Road Dedication:

Based on the concept plans provided with the Official Plan and Zoning By-law Amendment, a road dedication and daylight triangle is shown, but it is difficult to tell if the road dedication and daylight triangle have been shown according to the Region’s requirements. As per the pre-submission comments on this proposal, an approximate road widening of 2.13m (7ft.) and 3.048m (10 ft.) along Victoria Street South and a daylight triangle of 7.62m x 7.62 m (post road widening) is required. Please ensure the Zoning By-law Amendment takes into account dedication and is shown on the site plan at the detailed design stage.

In addition, the plans provided with the Official Plan and Zoning By-law Amendment appear to show a number of building features that are within the Victoria Street South right-of-way. Please ensure any proposed building features (including any door swing) are located completely within the private side of the property and are not included in the lands to be dedicated to the Regional Municipality of Waterloo through the site plan process.

Site Plan Application Stage:

Access Regulation

A Regional Road Access Permit and fee for the proposed Victoria Street South access shall be required through the future site plan application.

Regional Road Dedication:

The above noted road dedication and daylight triangle must be dedicated to the Region of Waterloo as part of the Site Plan Application, free of charge and free of encumbrance.

Prior to the transfer, a draft reference plan prepared by an Ontario Land Surveyor (OLS) must be submitted to the Region of Waterloo. **In addition, a Phase 1 ESA (and possibly a Phase II ESA) shall be required for the portion of the lands to be dedicated to the Region of Waterloo. Please ensure the lands to be dedicated to the Region are excluded from the required Record of Site Condition.**

Housing Services:

The Region supports the provision of a full range of housing options, including affordable housing. The Region’s 10-Year Housing and Homelessness Plan contains an affordable housing target for Waterloo Region. The target is for 30% of all new residential development between 2019 and 2041 to be affordable to low and moderate income households. Staff recommend that the applicant consider providing a number of affordable housing units on the site. Staff further recommend meeting with Housing Services to discuss the proposal in more detail and to explore opportunities for partnerships or programs.

In order for affordable housing to fulfill its purpose of being affordable to those who require rents or purchase prices lower than the regular market provides, a mechanism should be in place to ensure the units remain affordable and establish income levels of the households who can rent or own the homes.

For the purposes of evaluating the affordability of an ownership unit (based on the definition in the Regional Official Plan), the purchase price is compared to the least expensive of:

Housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households	\$368,000
Housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area	\$487,637

*Based on the most recent information available from the PPS Housing Tables (2020).

In order for an owned unit to be deemed affordable, the maximum affordable house price is \$368,000.

For the purposes of evaluating the affordability of a rental unit (based on the definition of affordable housing in the Regional Official Plan), the average rent is compared to the least expensive of:

A unit for which the rent does not exceed 30 per cent of the gross annual household income for low and moderate income renter households	\$1,420
A unit for which the rent is at or below the average market rent (AMR) in the regional market area	Bachelor: \$863 1-Bedroom: \$1,076 2-Bedroom: \$1,295 3-Bedroom: \$1,359 4+ Bedroom: \$1,359

*Based on the most recent information available from the PPS Housing Tables (2020)

In order for a unit to be deemed affordable, the average rent for the proposed units must be at or below the average market rent in the regional market area, as listed above.

Should affordable housing as described above be proposed, please contact Regional staff to discuss further.

Fees:

By copy of this letter, the Region of Waterloo acknowledges receipt of the Region's Official Plan, Zoning By-law Amendment and TIS Review fees totalling \$7,400.00.

Conclusion:

Regional staff are supportive of the Official Plan and Zoning By-law Amendment subject to the inclusion of a Holding Zone for the Record of Site Condition to the satisfaction of the Regional Municipality of Waterloo and a prohibition on geothermal energy systems as described above. Other Regional requirements as detailed in this letter shall be implemented through the future plan of condominium and/or site plan applications.

General Comments:

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.

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

Yours truly,



Melissa Mohr, MCIP, RPP
Principal Planner

- C. DOV Capital C/O Steven Ruse (Owner)
GSP Group Inc. C/O Kristen Barisdale (Applicant)

Date: December 2, 2021
To: Eric Schneider, Senior Planner
From: Victoria Grohn, Senior Planner (Heritage)
cc:
Subject: Zoning By-law Amendment ZBA21/017/V/ES
Official Plan Amendment OPA21/011/V/ES
146-162 Victoria Street South & 91-110 Park Street
Heritage Planning Comments

The subject lands municipally addressed as 146-162 Victoria Street South and 91-110 Park Street are located adjacent to 142 Victoria Street South which is listed as a non-designated property of cultural heritage value or interest on the City's Municipal Heritage Register. The subject lands are also located within close proximity to 163-165 Victoria Street South (listed on the City's Municipal Heritage Register) located within the Warehouse District Cultural Heritage Landscape (CHL) as identified in the 2014 Cultural Heritage Landscape Study approved by Council in 2015. A Heritage Impact Assessment (HIA) was not required as part of a complete application because the subject lands are not located adjacent to protected (i.e. designated) heritage property as defined by the Provincial Policy Statement.

Protected heritage property within proximity to the subject lands include one Part V designated district: the Victoria Park Area Heritage Conservation District.

Section 2 of the Planning Act identifies matters of provincial interest, which includes the conservation of significant features of architectural, cultural, historical, archaeological or scientific interest. Section 3 of the Planning Act requires that decisions of Council be consistent with the Provincial Policy Statement (PPS). Policy 2.6.1 of the PPS states that significant built heritage resources and significant cultural heritage landscapes shall be conserved. Regional and municipal policies and guidelines also address the conservation of cultural heritage resources. The Regional Official Plan contains policies that require the conservation of cultural heritage resources. The City's Official Plan contains policies that require development to have regard for and incorporate cultural heritage resources into development.

Planning Justification Report, August 2021, GSP Group

Heritage Planning staff have reviewed the Planning Justification Report and, with respect to heritage conservation, summarize as follows:

- Presence of the subject lands within the Warehouse District CHL and in close proximity to other heritage properties is acknowledged; and
- Clarification is warranted with respect to the Warehouse District CHL not being approved. While the CHL does not yet have formal protections in place, the Warehouse District CHL was identified as part of the approved 2014 CHL Study.

Urban Design Brief, August 2021, GSP Group

Heritage Planning staff have reviewed the Urban Design Brief and, with respect to heritage conservation, summarize as follows:

- Presence of the subject lands within the Warehouse District CHL and in close proximity to other heritage properties is acknowledged;
- Discussion around the redevelopment of the abutting site is included and there is presumption that the building at 142 Victoria Street South will be demolished. This has not yet been determined and consideration of this listed building as part of this proposal is to continue to apply.
- Proposed contemporary design and application of materials draw inspiration from and respect the surrounding fabric, including red brick, transparent glass, dark metal panels, and inset balconies; and
- Building is designed with a similarly scaled mid-rise base (6-storeys) and tight positioning to Park and Victoria Streets, fitting the similar context established by the nearby Huck Glove, Kaufman Lofts, and Tannery buildings.

Heritage Planning staff provide the following comments for consideration as part of the OPA/ZBA:

- The total height of the podium should be in keeping with the height of the surrounding Huck Glove, Kaufman Lofts, and Tannery buildings. The maximum height should be regulated via a special provision regulation in the zoning by-law.

Heritage Planning staff provide the following comments for consideration as part of a future Site Plan process:

- Heritage Planning staff will require a 3D massing model and elevation drawings as part of a complete application; and
- Heritage Planning staff and Urban Design staff will review and approve the elevation drawings.

City of Kitchener
ZONING BY-LAW AMENDMENT COMMENT FORM

Project Address: 146-162 Victoria St S & 92-110 Park St

Date of Meeting: No meeting, email circulation

Application Type: Zoning By-law Amendment

Comments Of: Transportation Services

Commenter's Name: Steve Ryder

Email: steven.ryder@kitchener.ca

Phone: (519) 741 2200 ext. 7152

Date of Comments: December 17, 2021

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

1. Site Specific Comments & Issues:

- TIS comments:
 - Due to Victoria St and the Victoria/Park intersection falling under the authority of the Region of Waterloo, the majority of the traffic impact analysis will be deferred to Region staff for review and comments;
 - Given the lack of traffic control at Victoria/Bramm St intersection, it is highly recommended that the majority of parking should be accessed from Park or Victoria St;
 - Section 3.2.1 – Access Location notes that the Park St access is 5m deficient of the recommended distance from an intersection (55m) at a distance of 50m;
 - Given the early concept design (Figure 3.1) of the proposed development and the Park St driveway access, it is possible to modify this access in order to provide some more distance from the Victoria St intersection;
- Parking Study & TDM comments:
 - This site is approximately a 600m walk/bike ride to the ION station located at King & Victoria, as well as the future transit hub;
 - The
 - Transportation Services is willing to consider support for a reduced parking rate similar to the proposed rate of 0.54 space per unit, as noted in the Paradigm study that was

submitted with the ZBA application; however, there are several items that need to be clarified before any support can be given;

- Currently, the proposed site falls under ZBL 85-1, which requires 1.25 parking spaces per unit (visitor parking is 20% of required parking);
- The Parking Study notes that the development requires 1,085 parking spaces as per zoning by-law 2019-051 (CROZBY);
 - Section 5.2 outlines the breakdown between residential and commercial parking required for the proposed development but there is no mention of the required 0.1 visitor parking spaces per unit on top of the 0.9 spaces per unit for residents;
 - The development description notes that the site may consist of “up to 1,200 units” – if this is a possibility, the parking study should be completed on that basis (or should at least include analysis for that number in addition to the proposed 1,150 units as per the ZBA application) as the required parking spaces would equal the following:
 - 1,080 resident spaces, plus 120 visitor parking spaces
 - 50 commercial parking spaces;
- If the proposed site fell under ZBL 2019-051, the required parking spaces (based on 1,200 units) would equal 1,250 parking spaces;
 - Class A (0.5 spaces per unit without private garage) and Class B (6 spaces) bicycle parking rates would also apply as a minimum;
 - EV parking would also be required;
 - Depending on the number of required Class A bicycle spaces required for non-residential uses, shower and change facilities may be required (section 5.5 of ZBL 2019-051);
- **Section 5.5 – Estimated Parking Demand** (page 43 of PDF) states that the proposal includes 520 parking spaces at a rate of 0.46 spaces per unit – this needs to be clarified/corrected;
- In order to properly evaluate the request for a reduced parking rate for this proposed development the applicant/developer will need to **confirm** the TDM measures that will be included in their proposal and will be required to enter into an agreement registered on title to provide said TDM measures (if applicable);
 - Measures listed in Section 5.4 of the study were noted as considerations for the development;
 - The TDM Checklist provided as Appendix J in the Paradigm study indicates several tangible measures that would help justify a reduction in vehicle parking:
 - Additional, secured (Class A) bicycle parking above the minimum rate (0.5 spaces per unit);
 - Additional space to shower & change facilities for employees;
 - Car share & Ride share spaces (have any preliminary discussions taken place with a car share provider at this time?);
 - Subsidized transit passes (amount, duration?);

- Unbundled parking
 - **These measures need to be confirmed at this stage in order to provide justification for the proposed reduction in parking;**
- Long-term bicycle storage/parking:
 - TDM Checklist option allows for some reduction in parking for going above the required bicycle parking (which is 10% of required parking for total site under ZBL 85-1) – however, given the proposed reduction in parking is below the minimums required under ZBL 2019-051, the Class A bicycle parking minimum from ZBL 2019-051 should be met before the TDM Checklist provisions come into place (ie. Class A spaces should be a minimum of 0.5 spaces per unit before Checklist provision is calculated)
 - It is strongly recommended that the developer considers provision of dedicated space to accommodate users of larger bicycles, such as e-bikes and cargo bikes;
 - Providing electrical outlets to charge e-bikes is encouraged to promote the use of such modes of travel;
 - Strong consideration of how residents will enter and exit secured bicycle parking areas with ease and convenience should be given during the design of this site;
 - Providing easy and unobstructed access to and from the site for cyclists will encourage residents to utilize this mode of travel rather than rely on a vehicle;
 - Secured access rooms provide assurance that residents bicycles are safely stored;
 - Push-button (secured) access with wider doors to accommodate different styles of bicycles is strongly recommended;
 - Details of the bicycle storage facilities will be required as part of the submissions for a complete site plan application in the future;
- Given the location of the site, visitor parking needs to be provided on-site given that there is insufficient supply of short-term parking options in close proximity to the proposed development;
 - The Bramm St Yards parking lot (City-owned and operated) currently offers paid, hourly parking but cannot be counted on long-term to provide parking;
 - On-street parking should not be considered a viable source for visitor parking for a development of this nature;
 - **Visitor parking considerations need to be included in any updates/revisions to the parking study**
- Applicant to provide revisions/updates/clarifications regarding the above comments before Transportation Services can support the proposed parking reduction requested through this ZBA application;

-

2. Plans, Studies and Reports to submit as part of a complete Planning Act Application:

- N/A

3. Anticipated Requirements of full Site Plan Approval:

- None

4. Policies, Standards and Resources:

- N/A

5. Anticipated Fees:

- N/A



A City for Everyone

Working Together – Growing Thoughtfully – Building Community

City of Kitchener

ZONING BYLAW AND OFFICIAL PLAN AMENDMENT COMMENTS

Project Address:146-162 Victoria St S - 92-110 Park St

Application Type: ZBA/OPA

Comments of:Urban Design

Commenter's Name: Sandro Bassanese

Email: sandro.bassanese@kitchener.ca

Phone: 519-741-2200 ext. 7305

Date of Comments: January 17, 2022

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

1. Site Specific Comments & Issues:

The following comments relate to the documents provided in support of the above noted application:

Urban Design Brief:

Urban Design staff have reviewed the design brief and provide the following comments:

I reviewed the tower massing proposal with Adam Clark who provided comments on the previous application and would like to convey that the majority of staff comments related to massing, and site layout have been taken into consideration. Staff are very appreciative of this and are looking forward to working with the consultant team and applicant to further refine and improve the site design and architecture.

Design Overview and Response:

Base design:

The base design as depicted in the urban design brief provides good, activated space at the street level and generous setbacks along the corner of Park and Victoria St.

The primary view between towers B and C (see image below) to the site is to be considered as a focal point and a potential public art location or have upgraded cladding as it is above grade parking. Vision glass into the parking garage is not acceptable.



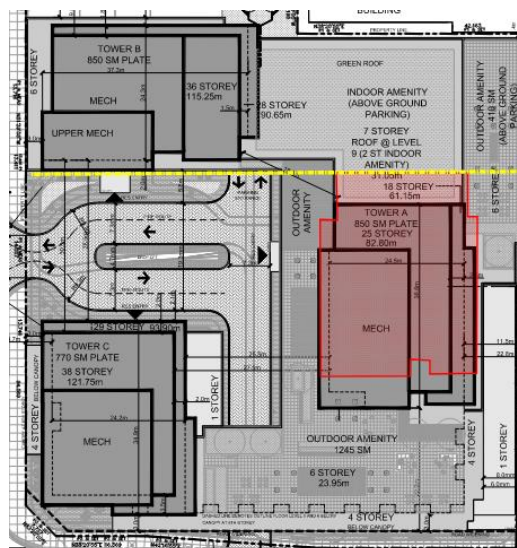
Separation/Overlook:

Separation distances as well as overlook generally meet the intent of the City of Kitchener Tall Building Design Guidelines (TBDG). The applicant has made sufficient changes to the design (changes include : tower locations and orientation, narrowing of floor plates on upper portions of the tower) and placement of the towers to meet the intent of the tall building design guidelines on site. Staff will work with the applicant to review balcony placement and design to further address issues of overlook on site as the site plan process progresses.

Off-site separation to Tower A will be addressed through a limiting distance agreement (as discussed and agreed to by planning staff) to ensure that the intent of the TBDG is met with any future development on the adjacent property. Details of how air rights will be secured are to be provided to staff for review. As well the applicant is to provide a draft of the legal agreement describing how air rights will be addressed as part of the site plan approval process.

Offsite separation to tower B is sufficient to allow a potential midrise form to develop as the site is too small to support a tower form. This has been reviewed and confirmed by staff internally.

Overlook is mostly mitigated successfully between the towers on site. Staff request that a further shift of tower A be considered to bring it into closer alignment with tower B (see image below).



Although not crucial this shift would not impact tower A or B and further reduce overlap to any future proposed development on the adjacent site.

Amenity Areas:

The applicant is advised that common roof top amenity areas are to be designed to ensure sitting wind speeds during spring and summer time periods and standing wind speeds during fall and winter. This is to be confirmed through detailed wind tunnel analysis as part of a revised wind study (further comments on the wind study will be provided in the next section of comments).

The noise study provided has confirmed that roof top amenity areas fall within the acceptable noise criteria as per RMOW standards. Staff request that further noise mitigation be explored at the North and East corners of the podium amenity areas (as identified in the noise study) to further reduce noise impacts as both areas are close to acceptable noise limits.

At grade proposed streetscape elements (trees within the ROW and streetscape elements) are to be reviewed and coordinated with Regional and Parks and operations staff. The applicant is advised to prepare a composite utilities plan as the development progresses through the site plan process. The applicant is also advised to contact Urban Forestry and Parks and Operations staff to coordinate required infrastructure (i.e., silva cells, raised planters, irrigation etc.) as well as maintenance agreements to facilitate planting in the Regional and City owned rights of way.

Shadow Analysis:

The shadow analysis provided meets criteria for 5 cumulative hours of sun on all time periods save and accept December 21st. Due to limited impacts (approximately 6 residences) in the December time period coupled with existing shadows cast by vegetation and existing structures coupled with limited rear yard use during the winter time period the impacts are deemed acceptable.

Wind Study:

The proposed conditions at ground level are to be brought to a sitting condition for summer periods and standing strolling during winter conditions.

The applicant is advised that a detailed wind tunnel analysis is to be provided in combination with a revised wind study to inform building design through the site plan process.

The applicant is also advised to provide sufficient sensors in the rooftop amenity locations to insure an accurate representation of wind speed impacts.

Tree Inventory Plan:

Prior to any works (including but not limited to: pruning, grading, shoring, fence installation, demolition etc.) being undertaken that may impact trees in common ownership or off property consent from adjacent property owners is to be provided by the applicant to City staff for review.

There are numerous street trees and city owned trees that will be removed and due to the proposed development application. The applicant is to contact Park's and Operations staff (Lenore Ross, lenore.ross@kitchener.ca) to confirm compensation planting rates, locations, or cash in lieu amount.

The property line is to be clearly defined on the tree management plan and confirmation is to be provided by the applicant that all trunks and driplines have been accurately survey and located on the plan.



PLAN REVIEW REPORT: Eric Schneider
City of Kitchener

DATE: November 9, 2021 **FILE:** OPA - 146-162 Victoria St S and 92-110 Park St

RE: Official Plan Amendment Application OP21-011-V-ES
Zoning Bylaw Amendment Application ZBA21-017-V-ES
146-162 Victoria Street South and 92-110 Park Street
Innovations Developments Kitchener

GRCA COMMENT*:

The Grand River Conservation Authority (GRCA) has no concerns with the proposal.

BACKGROUND:

1. Resource Issues:

Information currently available at our office indicates that the subject lands contain the Schneider Creek / Victoria Lake floodplain.

2. Legislative/Policy Requirements and Implications:

Due to the presence of the floodplain, the GRCA regulates a portion of the property under Ontario Regulation 150/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation). Any future development within the regulated area (as shown in yellow on the attached map) will require a permit from the GRCA pursuant to Ontario Regulation 150/06.

The floodplain in this location is in the flood fringe portion of a designated Two-Zone Policy Area. Provincial, municipal and GRCA policy allows for development provided that the applicant demonstrates that it satisfies all policy requirements outlined in the City of Kitchener's Official Plan.

The topographic survey (Van Harten Surveying, revised September 28, 2020) demonstrates that the floodplain minimally affects the subject lands' southeast edge.

Based on the functional grading plan (WalterFedy, revised August 31, 2021), the site will be floodproofed. As such, we have no concerns with this application.

3. Review Fees:

This application is considered a minor official plan / zoning bylaw amendment, and in accordance with the GRCA's 2021 Plan Review Fee Schedule, the applicable fee is \$430. We will send an invoice to the applicant. A separate fee will be required for a GRCA permit.

We trust this information is of assistance. If you have any questions or require additional information, please contact me at 519-621-2763 ext. 2292 or theywood@grandriver.ca.

Sincerely,



Trevor Heywood
Resource Planner
Grand River Conservation Authority

**** These comments are respectfully submitted as advice and reflect resource concerns within the scope and mandate of the Grand River Conservation Authority***

Attachment

c.c. Kevin Muir, GSP Group

Eric Schneider

From: Mike Seiling
Sent: Friday, November 5, 2021 10:15 AM
To: Eric Schneider
Subject: FW: Circulation for Comment - OPA/ZBA (146-162 Victoria Street South & 92-110 Park Street)
Attachments: Agency Circulation Letter.pdf

Building comments; Aside from a Record of Site Condition (RSC) will be required for this development as former gas station site, Building has no additional comments at this early stage of the development. A RSC may already be completed for this site.

Mike

From: Christine Kompter <Christine.Kompter@kitchener.ca>
Sent: Thursday, November 4, 2021 11:07 AM
To: CNR <proximity@cn.ca>; _DL_#_DSD_Planning <DSD-PlanningDivision@kitchener.ca>; Aaron McCrimmon-Jones <Aaron.McCrimmon-Jones@kitchener.ca>; Bell - c/o WSP <circulations@wsp.com>; Dave Seller <Dave.Seller@kitchener.ca>; David Paetz <David.Paetz@kitchener.ca>; Feds <vped@feds.ca>; GRCA (North Kitchener) - Trevor Heywood <theywood@grandriver.ca>; GRCA (South Kitchener) - Chris Foster-Pengelly <cfosterpengelly@grandriver.ca>; Greg Reitzel <Greg.Reitzel@kitchener.ca>; Hydro One - Dennis DeRango <landuseplanning@hydroone.com>; Jim Edmondson <Jim.Edmondson@kitchener.ca>; Katherine Hughes <Katherine.Hughes@kitchener.ca>; K-W Hydro - Greig Cameron <gcameron@kwhydro.on.ca>; Linda Cooper <Linda.Cooper@kitchener.ca>; Mike Seiling <Mike.Seiling@kitchener.ca>; Ontario Power Generation <Executivevp.lawanddevelopment@opg.com>; Park Planning (SM) <Park.Planning@kitchener.ca>; Region - Planning <PlanningApplications@regionofwaterloo.ca>; Property Data Administrator (SM) <PropDataAdmin@kitchener.ca>; Robert Morgan <Robert.Morgan@kitchener.ca>; Steven Ryder <Steven.Ryder@kitchener.ca>; Sylvie Eastman <Sylvie.Eastman@kitchener.ca>; WCDSB - Planning <planning@wcdsb.ca>; WRDSB - Board Secretary (elaine_burns@wrdsb.ca) <elaine_burns@wrdsb.ca>; WRDSB - Planning <planning@wrdsb.ca>
Cc: Eric Schneider <Eric.Schneider@kitchener.ca>
Subject: Circulation for Comment - OPA/ZBA (146-162 Victoria Street South & 92-110 Park Street)

Please see attached - additional documentation available in [ShareFile](#). Comments or questions should be directed to **Eric Schneider**, copied on this email.

Christine Kompter

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



Eric Schneider

From: Niall Melanson
Sent: Friday, November 19, 2021 1:35 PM
To: 'Josh Zehr'
Cc: Eric Schneider; Tyler Keller; Angela Mick
Subject: RE: 146-162 Victoria St S & 92-110 Park St, ZBA21/017/V/ES & OP21/011/V/ES - FSR Engineering Comments

Good afternoon Josh

The revisions are acceptable.

Eric – Please take this email as notice that Engineering and KU can provide our clearances for the ZBA & OPA.

Cheers.

Niall Melanson, C.E.T.

Engineering Technologist | Development Engineering | City of Kitchener
519-741-2200 Ext. 7133 | TTY 1-866-969-9994 | niall.melanson@kitchener.ca

From: Josh Zehr <jzehr@walterfedy.com>
Sent: Thursday, November 18, 2021 2:02 PM
To: Niall Melanson <Niall.Melanson@kitchener.ca>
Cc: Eric Schneider <Eric.Schneider@kitchener.ca>; Tyler Keller <tkeller@walterfedy.com>
Subject: [EXTERNAL] RE: 146-162 Victoria St S & 92-110 Park St, ZBA21/017/V/ES & OP21/011/V/ES - FSR Engineering Comments

Hi Niall,

Thanks for the compliment. I have passed it along to our project team as well.

We went ahead and just made the minor revisions quickly to the report and plans. Attached is the revised set for your sign-off on the zone change. We will take a closer look at the water servicing during the detailed design too in coordination with the mechanical consultant to ensure we provide the best solution there in the long run that works both internally to the building and externally through the spiderweb that is Victoria Street.

Let us know if you have any additional comments.

Thanks again,
Josh

Josh Zehr, P.Eng., CAN-CISEC
Project Manager, Civil

WALTERFEDY
675 Queen St. S., Suite 111
Kitchener, ON N2M 1A1
519.576.2150 x407

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From: Niall Melanson <Niall.Melanson@kitchener.ca>

Sent: November 12, 2021 10:19 AM

To: Josh Zehr <jzehr@walterfedy.com>

Cc: Eric Schneider <Eric.Schneider@kitchener.ca>

Subject: 146-162 Victoria St S & 92-110 Park St, ZBA21/017/V/ES & OP21/011/V/ES - FSR Engineering Comments

Good morning Josh

Great work on the FSR but I would request the following minor revisions per the attached.

Please let me know if you have any questions.

Cheers

Niall Melanson, C.E.T.

Engineering Technologist | Development Engineering | City of Kitchener
519-741-2200 Ext. 7133 | TTY 1-866-969-9994 | niall.melanson@kitchener.ca

City of Kitchener - Comment Form

Project Address: 146-162 Victoria Street South & 92-110 Park Street
Application Type: Official Plan Amendment OP21/011/V/ES
Zoning By-law Amendment ZBA21/017/V/ES

Comments of: Environmental Planning (Sustainability) – City of Kitchener
Commenter's name: Carrie Musselman
Email: carrie.musselman@kitchener.ca
Phone: 519-741-2200 x 7068

Written Comments Due: December 6, 2021
Date of comments: November 30, 2021

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

- 92-110 Park Street & 146-162 Victoria Street South, Kitchener, Official Plan and Zoning By-law Amendment Application, Sustainability Statement. September 3, 2021. GSP Group

2. Comments & Issues:

I have reviewed the documentation (as listed above) to support an Official Plan and Zoning By-law Amendment to facilitate a proposed multi-tower, mixed use development consisting of 1,150 residential units, approximately 1,770 square metres of ground floor commercial space, 667 car parking spaces and 592 bicycle parking spaces and provided the following:

- The sustainability statement should be revised to address Official Plan Policy 7.C.6.8 more adequately. Specifically, how energy is being conserved or low energy generated.

3. Policies, Standards and Resources:

- Kitchener Official Plan Policy 7.C.4.5. The City will encourage and support, where feasible and appropriate, alternative energy systems, renewable energy systems and district energy in accordance with Section 7.C.6 to accommodate current and projected needs of energy consumption.
- Kitchener Official Plan Policy 7.C.6.4. In areas of new development, the City will encourage orientation of streets and/or lot design/building design with optimum southerly exposures. Such orientation will optimize opportunities for active or passive solar space heating and water heating.
- Kitchener Official Plan Policy 7.C.6.8. Development applications will be required to demonstrate, to the satisfaction of the City, energy is being conserved or low energy generated.
- Kitchener Official Plan Policy 7.C.6.27. The City will encourage developments to incorporate the necessary infrastructure for district energy in the detailed engineering designs where the potential for implementing district energy exists.

4. **Advice:**

- As part of the Kitchener Great Places Award program every several years there is a Sustainable Development category. Also, there are community-based programs to help with and celebrate and recognize businesses and sustainable development stewards (Regional Sustainability Initiative - <http://www.sustainablewaterlooregion.ca/our-programs/regional-sustainability-initiative> and TravelWise - <http://www.sustainablewaterlooregion.ca/our-programs/travelwise>).
- The ENERGY STAR® Multifamily High-Rise Pilot Program for new construction is a new five-year certification program in Ontario that recognizes buildings that are at least 15% more energy-efficient than those built to the provincial energy code and meet other program requirements. More information can be found online at <https://www.nrcan.gc.ca/energy-efficiency/buildings/new-buildings/energy-starr-multifamily-high-rise-pilot-program/21966>
- The '[Sustainability Statement Terms of Reference](#)' can be found on the City's website under 'Planning Resources' at ... <https://www.kitchener.ca/SustainabilityStatement>

City of Kitchener
Zone Change / Official Plan Amendment Comment Form

Address: 138-162 Victoria St S, 92-110 Park St
Owner: DOV Capital Corporation
Application: Zoning By-law Amendment ZBA21/017/V/ES and Official Plan Amendment OP21/011/V/ES

Comments Of: Parks and Cemeteries
Commenter's Name: Lenore Ross
Email: Lenore.ross@kitchener.ca
Phone: 519-741-2200 ext 7427

Date of Comments: Dec 06 2021

- 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:

- a. OPA/ZBA Agency Circulation Letter dated November 03 2021
- b. Architectural Site Plan Package dated August 31 2021 26 pages
- c. Noise and Vibration Study – RWDI - dated September 10 2021
- d. Pedestrian Wind Assessment dated – RWDI - September 10 2021
- e. Planning Justification Report – GSP Group - dated August 2021
- f. Urban Design Brief – GSP Group – dated August 2021

2. Site Specific Comments & Issues:

I have reviewed the above noted documentation submitted to support an OPA / ZBA to permit a multi-tower, mixed use development consisting of a shared mid-rise podium of 6 storeys in height with 3 residential towers atop the podium. The 3 residential towers are proposed to be 25, 36, & 38 stories in height and contain a total of 1,150 residential units. The development also consists of approximately 1,770 square metres of ground floor commercial space. The development proposal contains 667 car parking spaces and 592 bicycle parking spaces.

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

The property is located within the Expanded Downtown Core Boundary and is currently exempt from Parkland Dedication fees. Should any changes to the current policy exemption occur or revisions be made to the preliminary site plan, a revised parkland dedication assessment may be required. Parkland dedication requirements are subject to the Parkland Dedication Policy current at the time of the site plan application. Please be advised that the City of Kitchener Parkland Dedication Policy is currently under review.

City of Kitchener
Zone Change / Official Plan Amendment Comment Form

3. Comments on Submitted Documents

The following comments should be addressed at this time.

1) Noise and Vibration Impact Study (NVIS) – RWDI - dated September 10 2021

- a) Pg 8 – Section 3.1.4 Representative Receptors. The Outdoor Living Areas are all indicated as OLA_1 and should be revised
- b) The site plan indicates private terraces on the second-floor level along the northeast property line that appear to meet the criteria for OLAs; these should be included in the NVIS assessment
- c) The NVIS should be updated to reflect the final site plan application and any specific mitigation requirements reflected on the site plan and required subordinate plans.

2) Pedestrian Wind Assessment – RWDI - dated September 10 2021

- a) As noted in the report, physical scale-model test in a boundary-layer wind tunnel or more detailed transient computational modelling should be conducted on the refined site plan proposal to develop and validate specific architectural and landscape wind control solutions.
- b) Predicted winter wind conditions at the Victoria St S and Park St corner are expected to be elevated to an “uncomfortable” level and mitigation is required. Summer winds are also expected to be elevated to “strolling” category where the renderings illustrate a restaurant patio and mitigation should be provided.
- c) Snow deposition should be included in the analysis and assessed for on-site areas as well as the adjacent public realm, roadways and immediate neighbouring properties. Public sidewalks and roadways should not have negative impacts.
- d) While the site is technically within the Cherry Hill Planning Community, it also borders two other neighbourhoods: The City Commercial Core and the Victoria Park communities. The availability of active *local* park space varies greatly across these three neighbourhoods and the provision of functional on-site amenity space – with low or mitigated wind impacts - will be critical not only for the success of the project but also to minimize impacts to the existing neighbourhood public park spaces and residents.
- e) A final Pedestrian Wind Assessment and snow deposition analysis should be conducted using a physical scale model test or more detailed CFD model for the ultimate site plan proposal and include specific architectural and landscape mitigation measures.

3) Urban Design Brief and Planning Justification Report – GSP Group – dated August 2021

- a) Both documents briefly reference proposed streetscape plantings along both Victoria St S and Park St. Victoria St S is a Regional road, and while the City of Kitchener would support and encourage street tree planting Victoria St. S all comments regarding streetscape plantings on Victoria St S will be deferred the RMOW.
- b) As noted in Parks & Cemeteries presubmission application comments regarding this development proposal, street tree planting will be required along Park St. It is noted that planters are included in the preliminary site plan layout within the Park St right of way and this is positive. Tree planting shall conform to Section M of the Development Manual. Tree planting is to be approximately one large stature tree (LS) per 10 lineal meters of frontage with the intent of creating a continuous tree canopy. The number of proposed street trees is subject to required minimum soil volumes which should be augmented by the use of soil cell technology

Zone Change / Official Plan Amendment Comment Form

and coordinated with on-site landscaping. The plantings and construction details will be finalized through the site plan application and coordinated with on-site landscaping; a Street Tree Planting Plan will be required along with legal agreements related to on-going maintenance arrangements.

- c) The PJR should include an analysis and discussion of how the proposed development will impact the existing neighbourhood including compatibility with adjacent land uses and neighbourhood; the availability of services and infrastructure related to parks, open space, urban forests and community facilities relative to the change in planned function and significant increase in density specifically referencing the objectives and policies and in **Part C Section 8: Parks, Open Space, Urban Forests and Community Facilities**.

4. Policies, Standards and Resources:

- Kitchener Official Plan - Section 8.C. Parks, Open Space, Urban Forests and Community Facilities
- Kitchener Parkland Dedication Policy
- City of Kitchener Development Manual
- PARTS Central Plan
- Cycling and Trails Master Plan (2020)
- Parks Strategic Plan
- Urban Design Manual

5. Anticipated Fees:

- Parkland Dedication paid as cash in lieu of land according to the density and use approved through the OPA/ZBA and the Parkland Dedication policy in place at Site Plan application. Due prior to final Site Plan approval.
- Legal agreement fees and disbursements associated with on-going maintenance of streetscape elements.

Eric Schneider

From: Planning <planning@wcdsb.ca>
Sent: Thursday, December 2, 2021 2:27 PM
To: Eric Schneider
Subject: [EXTERNAL] RE: Circulation for Comment - OPA/ZBA (146-162 Victoria Street South & 92-110 Park Street)

Good Afternoon Eric,

The Waterloo Catholic District School Board has reviewed the above 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 and the Waterloo Catholic District School Board reach an agreement regarding the supply and erection of a sign (at the developer's expense and according to the Board's specifications) affixed to the development sign advising prospective residents about schools in the area.
- C) 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 liability, public school buses operated by the 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 students, and potential busing students will be required to meet the bus at a congregated bus pick-up point."

- D) That the developer co-ordinate and reach an agreement with the Waterloo Catholic District School Board and Student Transportation Services of Waterloo Region regarding the provision and maintenance of infrastructure for school bus pick-up and drop-off locations.

If you require any further information, please contact me by e-mail at Jordan.Neale@wcdsb.ca.

Thank you,

Jordan Neale

Planning Technician, WCDSB

480 Dutton Dr, Waterloo, ON N2L 4C6

519-578-3660 ext. 2355

From: Christine Kompter <Christine.Kompter@kitchener.ca>
Sent: Thursday, November 4, 2021 11:07 AM
To: CNR <proximity@cn.ca>; _DL_#_DSD_Planning <DSD-PlanningDivision@kitchener.ca>; Aaron McCrimmon-Jones <Aaron.McCrimmon-Jones@kitchener.ca>; Bell - c/o WSP <circulations@wsp.com>; Dave Seller <Dave.Seller@kitchener.ca>; David Paetz <David.Paetz@kitchener.ca>; Feds <vped@feds.ca>; GRCA (North Kitchener) - Trevor Heywood <theywood@grandriver.ca>; GRCA (South Kitchener) - Chris Foster-Pengelly <cfosterpengelly@grandriver.ca>; Greg Reitzel <Greg.Reitzel@kitchener.ca>; Hydro One - Dennis DeRango <landuseplanning@hydroone.com>; Jim Edmondson <Jim.Edmondson@kitchener.ca>; Katherine Hughes <Katherine.Hughes@kitchener.ca>; K-W Hydro - Greig Cameron <gcameron@kwhydro.on.ca>; Linda Cooper <Linda.Cooper@kitchener.ca>; Mike Seiling <Mike.Seiling@kitchener.ca>; Ontario Power Generation

<Executivevp.lawanddevelopment@opg.com>; Park Planning (SM) <Park.Planning@kitchener.ca>; Region - Planning <PlanningApplications@regionofwaterloo.ca>; Property Data Administrator (SM) <PropDataAdmin@kitchener.ca>; Robert Morgan <Robert.Morgan@kitchener.ca>; Steven Ryder <Steven.Ryder@kitchener.ca>; Sylvie Eastman <Sylvie.Eastman@kitchener.ca>; Planning <planning@wcdsb.ca>; WRDSB - Board Secretary (elaine_burns@wrdsb.ca) <elaine_burns@wrdsb.ca>; WRDSB - Planning <planning@wrdsb.ca>

Cc: Eric Schneider <Eric.Schneider@kitchener.ca>

Subject: Circulation for Comment - OPA/ZBA (146-162 Victoria Street South & 92-110 Park Street)

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Please see attached - additional documentation available in [ShareFile](#). Comments or questions should be directed to **Eric Schneider**, copied on this email.

Christine Kompter

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



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