



PLANNING, DEVELOPMENT
AND LEGISLATIVE SERVICES
Community Planning
150 Frederick Street 8th Floor
Kitchener Ontario N2G 4J3 Canada
Telephone: 519-575-4400
TTY: 519-575-4608
Fax: 519-575-4466
www.regionofwaterloo.ca

Monika Oviedo 226-753-8303
File: ZBA 22/009/O/ES
November 2, 2022

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

Dear Mr. Schneider,

**Re: Proposed Zoning By-law Amendment ZBA 22/009
1257-1265 Ottawa Street South
Patterson Planning Consultants (C/O Scott Patterson) on
behalf of Agrawal Real Estate Investments
CITY OF KITCHENER**

Patterson Planning Consultants on behalf of Agrawal Real Estate Investments has submitted a Zoning By-law Amendment for a development proposal at 1257-1265 Ottawa Street South (subject lands) in the City of Kitchener.

The proposed Zoning By-law Amendment is to rezone the subject lands from the Residential Three (R-3) Zone in Zoning By-law 85-1 and Low Rise Residential Two (RES-2) in Zoning By-law 2019-051 to Low Rise Residential Five (RES-5) in Zoning By-law 19-051. In addition, a site specific provision has been proposed to allow for an increased Floor Space Ratio (FSR) of 0.63 (whereas 0.6 is permitted).

The effect of the Zoning By-law Amendment will see the demolition of two existing single detached dwellings and the construction of a three-storey building containing 20 residential units. Twenty-three vehicular parking spaces are proposed, including three visitor spaces and one barrier-free space.

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

Regional Comments

Consistency with Provincial Legislation and Regional Official Plan Conformity

The subject lands are designated “Urban Area” and “Built-Up Area” on Schedule 3a of the Regional Official Plan (ROP) and the site is designated Low Rise Residential in the City of Kitchener Official Plan. Regional staff understand that the proposal contributes to the density in the Built-Up Area.

Within the Urban Area, the Region directs the majority of growth to the built up area through intensification. Focal points for intensification include the Region’s Urban Growth Centers, Major Transit Station Areas, Reurbanization Corridors, Major Local Nodes and Urban Designated Greenfield Areas. These areas are planned to have a more compact form with a mix of employment, housing and services in close proximity of each other and higher frequency transit.

Regional staff understand that the development proposal is located in the Built-Up Area of the City of Kitchener and that the proposed development will contribute to the minimum target for intensification established for the Built-Up Area within the A Place to Grow: Growth Plan for the Greater Golden Horseshoe and the Regional Official Plan.

Hydrogeology and Source Water Protection

Staff note that a provisional risk management plan has been negotiated for the development and that a valid Section 59 notice was issued on February 2, 2022. The Risk Management Officer has no further comments at this time.

Corridor Management

Transportation Noise

Regional staff have reviewed the study entitled “Environmental Noise Study 1257-1265 Ottawa Street South, Kitchener, Ontario” dated January 28, 2022, by JPE Engineering. The report was prepared in support of the ZBA application 22/09 and accepted by Regional Staff.

Based on the findings of the report it is determined that the development is feasible with the inclusion of various noise attenuation measures.

The following recommendations of the noise study, pertaining to the transportation noise, will be required to be implemented through a registered agreement with the Region of Waterloo through a future condominium or consent application and site plan application:

The developer agrees to implement the recommendations of the report “Environmental Noise Study Proposed Residential Development 1257-1265 Ottawa Street South, Kitchener” as prepared by JPE Engineering and further agrees that:

All Units:

1. All units in the proposed development will be installed with suitably sized and designed air-ducted heating and ventilation system; and will be installed with central air-conditioning, prior of building/occupancy permit.
2. The installation of central air conditioning systems and a double-glazed window and building construction meeting the minimum requirements of the Ontario Building Code (OBC) will provide adequate sound insulation for the proposed building and will exceed this requirement.
3. When detailed floor plans and building elevations are available for the suites along the Ottawa Street South, the glazing requirements shall be refined based on actual window to floor area ratios.
4. The following Noise Warning Clauses will be registered on title through a future development agreement with the Region of Waterloo and included in all Agreements of Purchase and Sale/Lease/Rental Agreements (and a Condominium declaration if applicable):

"Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment."

"This unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Region of Waterloo and the Ministry of the Environment."

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

Stationary Noise

Regional staff have reviewed the stationary noise aspects of the study entitled "Environmental Noise Study 1257-1265 Ottawa Street South, Kitchener, Ontario" dated January 28, 2022, by JPE Engineering and have no objection to the Zoning By-law Amendment based on the findings of the report.

The study determined that stationary noise sources requiring assessment included 20 HVAC units. The modeled results indicate predicted noise levels for the daytime and

nighttime periods are below the noise level limits of the MECP NPC-300 noise guideline for a Class 1 acoustical environment at off-site points of reception. No mitigation is required to protect off-site receivers.

With respect to impact of on-site noise sources on on-site receptors, the report notes the individual HVAC units will be located on the balconies of each unit, with each balcony separated by a wall or balcony wall thus HVAC units being screened acoustically from neighbouring residential units shall be implemented at the Site Plan Stage. The report notes that the proposed HVAC units are specifically designed to be located on the exterior of residential units. It concludes that the HVAC units are acceptable from a noise perspective and no mitigation is required. Notwithstanding these conclusions, please be advised that the MECP NPC-216 guidelines apply to residential units in this case.

In reviewing aerial imagery, there does not appear to be any noise sources of potential impact from off-site noise sources on on-site sensitive receptors. No further assessment is required from off-site noise sources. Based on the above, Regional staff are satisfied with the stationary noise components of the study and no further mitigation for stationary noise is required.

Water Services

Staff note that the property is serviced by two existing legacy connections to the Regional 450mm Zone 5 watermain on Ottawa Street South. Typically, services of Regional watermain are not permitted. However, future Region Transportation Capital Project 5796 will include the replacement of the 4500mm Regional main with a local watermain. The project is currently scheduled for 2022-2023. If the proposed connections for this development occur prior to the local watermain installation, a temporary connection to the 450mm Regional watermain will be permitted.

Housing Services

The following Regional policies and initiatives support the development and maintenance of affordable housing:

- Regional Strategic Plan
 - Objective 4.2 requires the Region to make affordable housing more available to individuals and families.
- 10-Year Housing and Homelessness Plan
 - contains an affordable housing target which is that 30% of all new residential development between 2019 and 2041 in Waterloo Region is to be affordable to low and moderate income households.
- Building Better Futures Framework
 - shows how the Region plans to create 2,500 units of housing affordable to people with low to moderate incomes by 2025.
- Region of Waterloo Official Plan

- Section 3.A (range and Mix of Housing) contains land use policies that ensure the provision of a full and diverse range and mix of permanent housing that is safe, affordable, of adequate size, and meets the accessibility requirements of all residents.

The Region supports the provision of a full range of housing options, including affordable housing. Rent levels and house prices that are considered affordable according to the ROP are provided below in the section on affordability. Should this development application move forward, staff recommend that the applicant consider providing a number of affordable housing units on the site (affordable according to the ROP definition).

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.

Staff further recommend meeting with 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.

Affordability

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	\$385,500
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	\$576,347

*Based on the most recent information available from the PPS Housing Tables (2021).

In order for an owned unit to be deemed affordable, the maximum affordable house price is \$385,500.

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	\$1,470
A unit for which the rent is at or below the average market rent (AMR) in the regional market area	Bachelor: \$950 1-Bedroom: \$1,134 2-Bedroom: \$1,356 3-Bedroom: \$1,538 4+ Bedroom: \$3,997

*Based on the most recent information available from the PPS Housing Tables (2021)

In order for a rental unit to be deemed affordable, the average rent for the proposed units which have fewer than 3 bedrooms must be at or below the average market rent in the regional market area as shown above. For proposed units with three or more bedrooms, the average rent for the units must be below \$1,470.

Please do not hesitate to contact me directly by email at JMaanMiedema@regionofwaterloo.ca should you have any questions or wish to discuss in more detail.

Conclusions:

Regional staff have no objection to Zoning By-law Amendment Application No. ZBA22/009. Implementation of the accepted noise mitigation measures shall be through a future Consent or Condominium Application and Site Plan Approval Application stage.

General Comments and next steps

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 draft By-law and decision pertaining to this application. Should you have any questions, please do not hesitate to contact me.

Yours truly,



Monika Oviedo
Senior Planner

C. Agrawal Real Estate Investments (Owner), Patterson Planning Consultants Inc. C/O Scott Patterson (Applicant)

GRCA Comments

GRCA has no objection to the approval of Zoning By-law Amendment ZBA22/009/O/ES (1257 & 1265 Ottawa Street South).

The subject properties do not contain any watercourses, floodplains, shorelines, wetlands, valley slopes or other environmental features of interest to GRCA. The properties are not subject to Ontario Regulation 150/06 and therefore we have no comment.

Sincerely,

Jessica

Jessica Conroy, MES Pl.

Resource Planning Technician

Grand River Conservation Authority

400 Clyde Road, PO Box 729

Cambridge, ON N1R 5W6

Office: 519-621-2763 ext. 2230

Toll-free: 1-866-900-4722

Email: jconroy@grandriver.ca

www.grandriver.ca | [Connect with us on social media](#)

City of Kitchener
Zone Change / Official Plan Amendment Comment Form

Address: 1257 Ottawa St S
Owner: Agrawal Real Estate Investment Trust & Dotsenko
Application: Zoning By-law Amendment #ZBA22/009/O/ES

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

- ☐ 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:

I have reviewed the documentation noted below submitted in support of a ZBA to permit a 3-storey building with 20 residential units. To facilitate this development a ZBA has been requested to implement RES-5 in Zoning By-law 2019-051. The owner is also requesting that a new site-specific provision be added to the zoning by-law to allow an increase in Floor Space Ratio (FSR) to 0.63.

1. Reinders + Law Ltd – Architectural Site Plan rev#5 dated 12/05/2021
2. Patterson Planning Consultants Inc - Urban Design Brief dated April 2022
3. Patterson Planning Consultants Inc - Planning Opinion Report dated April 2022
4. Reinders + Law Ltd - Typical Floor Plans dated 2022-01-21

2. Site Specific Comments & Issues:

This site is within the Laurentian Hills Planning Community and although Places and Spaces (June 2022 draft) identifies this site as being within a 500m walkshed of existing local park space, Ottawa St S is a significant road barrier for short-term park use and this emphasizes the importance of quality on-site amenity spaces for residents' use. The proposed site plan indicates private patio/balcony areas that are small and a common amenity area that is 46m² of concrete pavement.

Prior to Parks and Cemeteries providing support for the Zone Change Application, an improved on-site amenity space should be shown on a revised site plan and the Urban Design Brief should be updated to include conceptual amenity area design and precedent images

3. Comments on Submitted Documents

The following comments should be addressed at this time.

- 1) Reinders + Law Ltd – Architectural Site Plan rev#5 dated 12/05/2021
 - a) an improved on-site amenity space should be shown on a revised site plan
- 2) Patterson Planning Consultants Inc - Urban Design Brief dated April 2022

Zone Change / Official Plan Amendment Comment Form

- a) the Urban Design Brief should be updated to include conceptual amenity area design and precedent images

4. Policies, Standards and Resources:

- Kitchener Official Plan Policy

As per Section 8.C.2 – Urban Forests of the Official Plan ...

- policy 8.C.2.16., the City requires the preparation and submission of a tree management plan in accordance with the City's Tree Management Policy (available on the City's Website), as a condition of a development application.
- policy 8.C.2.6., the City will incorporate existing and/or new trees into the streetscape or road rights-of-way and encourage new development or redevelopment to incorporate, protect and conserve existing healthy trees and woodlands in accordance with the Urban Design Policies in Section 13 (Landscape and Natural Features) of the Urban Design Manual (UDM) and the Development Manual.
- Please see UDM Part C, Section 13 and www.kitchener.ca/treemanagement for detailed submission requirements
- City of Kitchener Parkland Dedication Policy
- City of Kitchener Development Manual
- Cycling and Trails Master Plan (2020)
- Chapter 690 of the current Property Maintenance By-law
- Places and Spaces (June 2022 draft)
- Urban Design Manual

5. 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 a condition of Site Plan Approval

Parkland dedication is required for the application as cash-in-lieu of land.

Dedication requirements are subject to the Parkland Dedication Policy in effect. Please be advised that the City of Kitchener Parkland Dedication Policy is currently under review

City of Kitchener

Application Type: Zoning By-law Amendment

Application: ZBA22/009/O/ES

Project Address: 1257 & 1265 Ottawa Street South

Comments of: Transportation Services

Commenter's Name: Dave Seller

Email: dave.seller@kitchener.ca

Phone: 519-741-2200 ext. 7369

- a. Transportation Service have no concerns with the proposed Zoning By-law amendment being proposed for this development.
- b. Transportation Services support the 3m x 4.5m driveway visibility triangles.
- c. Based on the plan submitted with this application, Transportation Services support the proposed parking rate of 1 parking space per unit, plus 15% visitor parking. This equates to a total of 23 parking spaces, of which, 3 are allocate for visitor and 20 spaces are allocated for tenants. This vehicle parking rate follows the intent of zoning by-law 2019-051.
- d. Class A bicycle parking should be provided at a minimum rate of 0.5 spaces per unit. This would equate to 10 bicycle parking spaces, based on the 20 units being proposed. This bicycle parking rate follows the intent of zoning by-law 2019-051. The bicycle parking can be provided in a separate accessory building or storage lockers and be easily accessible for all users and bicycle types.

Dave Seller, C.E.T.

Traffic Planning Analyst | Transportation Services | City of Kitchener

519-741-2200 ext. 7369 | TTY 1-866-969-9994 | dave.seller@kitchener.ca



I have reviewed the submitted package for 1257 and 1265 Ottawa Street and have no concerns about the proposed design. It would be great if they could relocate the proposed parking space #1 as it is highly exposed from the street. We can discuss this more in detail during the site plan process.

Thanks,

Pegah Fahimian, B.Arch, M.Arch, MUD

Senior Urban Designer / Planning Division / City of Kitchener
519-741-2200 ext. 7342 / TTY 1-866-969-9994
Pegah.Fahimian@kitchener.ca

Good Morning Eric,

The Waterloo Region District School Board (WRDSB) has reviewed the agency circulation for the above-noted application which proposes to rezone the subject lands to facilitate the development of 20 stacked townhouses. The WRDSB offers the following comments for information and consideration:

Student Accommodation

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

- Forest Hill Public School (Junior Kindergarten to Grade 6);
- Laurentian Public School (Grade 7 to Grade 8); and
- Cameron Heights Collegiate Institute (Grade 9 to Grade 12).

The WRDSB's [2020-2030 Long-Term Accommodation Plan](#) provides information on student enrolment and accommodation at these schools.

Student Transportation

The WRDSB supports active transportation, and we request that pedestrian safety and connectivity be considered in site design and through construction of any development. Student Transportation Services of Waterloo Region (STSWR)'s school buses will not travel privately owned or maintained right-of-ways to pick up/drop off students. Transported students may be required to meet the bus at a congregated bus pick-up point and STSWR may have additional comments about student pick-up point(s) placement on municipal right-of-ways.

Education Development Charges

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

Should you have any questions regarding the above, please do not hesitate to contact the undersigned.

Sincerely,
Christie

Christie Kent MCIP RPP
Senior Planner
Waterloo Region District School Board
51 Ardelt Avenue, Kitchener ON, N2C 2R5
T: 519-570-0003 Ext. 4459
E: christie_kent@wrdsb.ca

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 shall include the following wording in the site plan agreement 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."

C) That the developer enter into an agreement with the City of Kitchener to be registered on the title to the Property that provides:

"All agreement 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."

"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."

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

City of Kitchener - Comment Form

Project Address: 1257 & 1265 Ottawa Street S

Application Type: OPA and ZBA

Comments of: Environmental Planning (Sustainability) – City of Kitchener

Commenter's name: Gaurang Khandelwal

Email: gaurang.khandelwal@kitchener.ca

Phone: 519-741-2200 x 7611

Written Comments Due: June 27, 2022

Date of comments: June 27, 2022

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

- Sustainability Statement, 1257-1265 Ottawa Street South, prepared by Patterson Planning Consultants Inc.

2. Comments & Issues:

I have reviewed the documentation (as listed above) to support a Zoning By-law Amendment to redevelop the subject lands by demolishing the existing two single detached dwellings on site and replacing them with a 3-storey building with 20 residential units, regarding sustainability and energy conservation and provided the following:

- Based on my review of the supporting documentation, the proposed development is generally in compliance with the Ontario Building Code (OBC).
- Although the Ontario Building Code (OBC) is advanced, going forward all developments will need to include robust energy conservation measures as the City (and Region of Waterloo) strive to achieve our greenhouse gas reduction target.
- It is recommended that more progressive measures that go beyond the OBC be explored to further energy conservation, generation, operation and benefit future residents/tenants.

An updated Sustainability Statement incorporating a more progressive energy conservation and efficient design is required to support the Zoning Bylaw Amendment.

- The applicant should further clarify:
 - Why the cost of implementing alternative water supply and demand management systems as well as alternative energy systems is not feasible for a project of this scale
 - If the development be able to add/incorporate alternative water supply and demand management, and alternative energy systems in the future
 - If the building will be engineered to add solar PVs if required

- If the development will utilize low-flow plumbing fixtures to reduce water demand
 - If the units will be separately metered to allow for more efficient management of energy use on a tenant-by-tenant basis
 - If LED lighting will be utilized for indoor and outdoor lighting and if sensors will be used to increase energy efficiency
 - If the roof will have white/light colored material to reduce heat island effects and reduce cooling requirements
 - If the building/units minimize air pollutants in interior materials by using low or no VOC paints and finishes
 - If the development will have provision of community/common gardens and/or urban agriculture with on-site composting for future residents
- A Sustainability Statement (as per the City's Terms of Reference) will be required as part of a complete Site Plan Application which can further explore and/or confirm additional sustainability measures that are best suited to the development.

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 '[Sustainability Statement Terms of Reference](https://www.kitchener.ca/SustainabilityStatement)' can be found on the City's website under 'Planning Resources' at ... <https://www.kitchener.ca/SustainabilityStatement>

Building; no concerns

Mike Seiling
Building Division
519.741.2200 Ext. 7669