

From: Dave Seller <Dave.Seller@kitchener.ca>
Sent: Friday, October 28, 2022 11:17 AM
To: Tim Seyler <Tim.Seyler@kitchener.ca>
Subject: ZBA comments: 525 New Dundee Road

City of Kitchener

Application Type: Zoning By-law Amendment

Application: ZBA22/022/N/TS

Project Address: 525 New Dundee Road

Comments of: Transportation Services

Commenter's Name: Dave Seller

Email: dave.seller@kitchener.ca

Phone: 519-741-2200 ext. 7369

Date of Comments: October 28, 2022

- a. As part of the Zoning by-law amendment application process, a Planning Justification Report was submitted (August 2022) by MHBC Planning Limited. Transportation Services offer the following comments.

The applicant is proposing the addition of the six (6) residential dwelling units, which will increase the unit count from 178 to 184 units and the commercial gross floor area will be reduced from 824.8 square metres to 493.34 square metres, with a total parking supply of 202 spaces.

As the parking requirements are being satisfied, Transportation Services have no concerns with the applicant's proposal.

Dave Seller, C.E.T.

Traffic Planning Analyst | Transportation Services | City of Kitchener
519-741-2200 ext. 7369 | TTY 1-866-969-9994 | dave.seller@kitchener.ca



From: Mike Seiling <Mike.Seiling@kitchener.ca>
Sent: Monday, September 26, 2022 12:47 PM
To: Tim Seyler <Tim.Seyler@kitchener.ca>
Subject: FW: Circulation for Comment - Zoning By-law Amendment (525 New Dundee Road)

Building; no concerns with proposal provided the applicant obtains a building permit to create 6 res. Units before construction commences.

From: Niall Melanson <Niall.Melanson@kitchener.ca>
Sent: Friday, September 30, 2022 8:08 AM
To: Tim Seyler <Tim.Seyler@kitchener.ca>
Subject: FW: Circulation for Comment - Zoning By-law Amendment (525 New Dundee Road)

Morning Tim – Engineering has no comments.

Thanks

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: Carrie Musselman <Carrie.Musselman@kitchener.ca>
Sent: Thursday, October 20, 2022 3:32 PM
To: Tim Seyler <Tim.Seyler@kitchener.ca>
Subject: RE: Circulation for Comment - ZBA (525 New Dundee Rd)

Hi Tim,

Kitchener Environmental Planning has no concerns regarding the proposed ZBA from a natural heritage or tree management perspective.

Regards,

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

Address: 525 New Dundee Road
Owner: Hip New Dundee GP Inc
Application: Zoning By-law Amendment ZBA22/022/N/TS

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

Date of Comments: Oct 28 2022

- ☐ 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 convert 6 existing storage spaces to 6 residential units.

- Completed application form
- Planning Justification Report

2. Site Specific Comments & Issues:

Additional residential density is proposed for the site above that which was approved through SP21/007/N/TS. Park Dedication for this additional density will be deferred at the ZBA and required as a condition of site plan approval.

3. Comments on Submitted Documents

No comments

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 Park Dedication Bylaw 2022-101 and Park Dedication Policy
- City of Kitchener Development Manual
- Cycling and Trails Master Plan (2020)
- Chapter 690 of the current Property Maintenance By-law
- Parks Strategic Plan

- Multi-Use Pathways & Trails Masterplan
- 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. Park 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

From: Planning <planning@wcdsb.ca>
Sent: Monday, September 26, 2022 11:28 AM
To: Tim Seyler <Tim.Seyler@kitchener.ca>
Subject: RE: Circulation for Comment - Zoning By-law Amendment (525 New Dundee Road)

Good Morning Tim,

The Waterloo Catholic District School Board has reviewed the subject application and based on our development circulation criteria have the following comment(s)/condition(s):

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

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

Thank you,
Jordan Neale
Planning Technician, WCDSB
480 Dutton Dr, Waterloo, ON N2L 4C6
519-578-3660 ext. 2355

From: Hodgins, Allan (MTO) <Allan.Hodgins@ontario.ca>
Sent: Monday, September 26, 2022 3:19 PM
To: Tim Seyler <Tim.Seyler@kitchener.ca>
Cc: Christine Kompter <Christine.Kompter@kitchener.ca>
Subject: RE: Circulation for Comment - Zoning By-law Amendment (525 New Dundee Road)

Hi Tim,

The Ministry of Transportation (MTO) has no objection to this application. The subject property (525 New Dundee Rd, Kitchener, ON) is located beyond our limits of permit control and therefore MTO review, approval and permits will not be required.

Thank you for the opportunity to review and comment.

Regards,

Allan Hodgins | Corridor Management Planner

Ph. (226) 973-8580 | Fax (519) 873-4228

E-mail: allan.hodgins@ontario.ca



For General Inquiries, Pre-consultations or Permit Application, please see our automated system:
<https://www.hcms.mto.gov.on.ca>



October 25, 2022
Via email

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

Dear Tim Seyler,

Re: Zoning By-law Amendment ZBA22/022/N/TS
525 New Dundee Road, Kitchener
HIP New Dundee GP Inc.

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted application to amend the Site Specific provision within the existing zoning to permit six (6) residential units on the ground floor of a mixed-use building.

Recommendation

Based on our review of the materials provided, the GRCA has no objection to the above noted application.

GRCA Comments

GRCA has reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 150/06. GRCA has also provided comments as per our MOU with the Region of Waterloo and as a public body under the Planning Act as per our CA Board approved policies.

Information currently available at this office indicates that the subject property contains the following features regulated by the Grand River Conservation Authority under Ontario Regulation 150/06:

- a reach of Blair Creek
- One-zone floodplain associated with Blair Creek
- The Provincially Significant Roseville Swamp Cedar Creek Wetland Complex
- The regulated allowances to these features

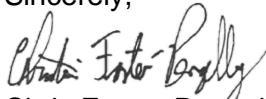
Due to the resource features noted above, the property is regulated by the GRCA under Ontario Regulation 150/06 – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Any future development, including the proposed townhouse development, will require prior written approval from the GRCA in the form of a permit pursuant to Ontario Regulation 150/06. GRCA Permit 505/21 for grading, installation of servicing, construction of stormwater management facility, and construction of the proposed building and surface parking expires October 19, 2023. A copy of our resource mapping is attached.

It is our understanding that the applicant is proposing to convert 6 existing storage spaces on the ground floor of the mixed-use building to 6 residential units. The GRCA has no objection to the proposed application for zoning bylaw amendment.

Consistent with GRCA's 2022 approved fee schedule, this application is considered a minor zoning by-law amendment and the applicant will be in the amount of \$445 for the GRCA's review of this application.

Should you have any questions, please contact the undersigned at cfosterpengelly@grandriver.ca or 519-621-2763 extension 2319.

Sincerely,

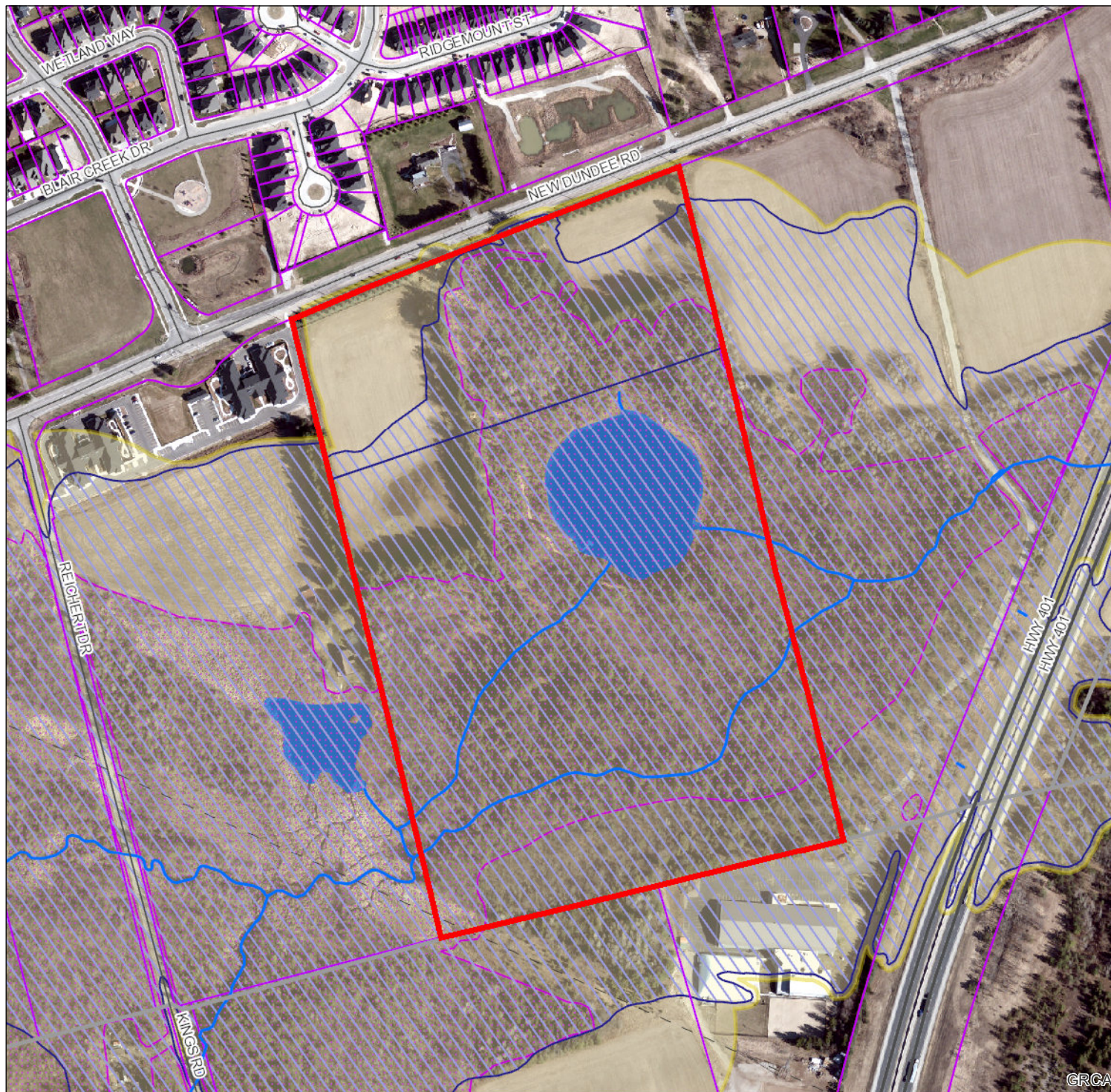
A handwritten signature in black ink, appearing to read "Chris Foster-Pengelly".

Chris Foster-Pengelly, M.Sc.
Resource Planner

Enclosed: GRCA map of property

Copy: Joel Doherty, HIP New Dundee GP Inc., owner (via email)

Dave Aston, MHBC Planning, applicant (via email)



Grand River
Conservation Authority

Date: Sep 26, 2022

Author: AG

525 New Dundee Road,
Kitchener

Legend

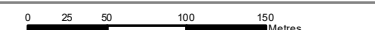
- Regulation Limit (GRCA)
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Floodplain (GRCA)
 - Engineered
 - Estimated
 - Approximate
 - Special Policy Area
- Slope Valley (GRCA)
 - Steep
 - Oversteep
 - Steep
- Slope Erosion (GRCA)
 - Oversteep
 - Toe
- Lake Erie Flood (GRCA)
- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Dynamic Beach (GRCA)
- Lake Erie Erosion (GRCA)
- Parcel - Assessment (MPAC/MNRF)

This legend is static and may not fully reflect the layers shown on the map. The text of Ontario Regulation 150/06 supercedes the mapping as represented by these layers.

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Disclaimer: This map is for illustrative purposes only. Information contained herein is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.

The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to: <https://maps.grandriver.ca/Sources-and-Citations.pdf>



Map Centre (UTM NAD83 z17): 547,137.97 4,802,268.10

This map is not to be used for navigation | 2020 Ortho (ON)

NAD 1983 UTM Zone 17N

Scale: 4,769

GRCA



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

File: C14-60/22/022
December 14, 2022

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

Dear Mr. Seyler,

**Re: Proposed Zoning By-Law Amendment ZBA 22/022
525 New Dundee Road
MHBC Planning Limited on behalf of HIP New Dundee GP Inc.
CITY OF KITCHENER**

The applicant is proposing to convert six (6) existing storage spaces on the ground floor of the mixed-use building to six (6) residential units. To facilitate this development, the Applicant is requesting that the zoning within the Site Specific provision be amended to permit six (6) residential units on the ground floor of a mixed-use building. The lands are zoned Commercial (COM-3) with Site Specific provision (84), which currently prohibits dwellings units on the ground floor.

There is currently a mixed-use development under construction on the subject lands consistent with the previously approved Official Plan and Zoning By-law amendments. The subject site is also subject to an approved site plan.

Regional staff has reviewed the proposed application and offer the following comments for the City's consideration:

Consistency with Provincial Legislation and Regional Official Plan Conformity

The Provincial Policy Statement, 2020 (PPS) promotes building strong, healthy communities by encouraging the development of liveable and resilient neighbourhoods that protect the environment, public health and safety of Ontarians. Settlement areas are intended to accommodate the majority of growth within the province and provide a range of housing types that efficiently use land and resources. In addition, the Growth

Plan for the Greater Golden Horseshoe (Growth Plan) provides growth targets for each municipality to achieve regarding residents and jobs per hectare. The proposed application is consistent with the intent of the PPS and the Growth Plan.

Regional Official Plan

The lands are designated as Urban Area and Urban Designated Greenfield Area in the Regional Official Plan (ROP). These ROP designations permit a full range of urban uses, including residential developments of various types and densities. The ROP requires that Urban Designated Greenfield Areas be planned to meet or exceed a minimum density of 55 residents and jobs per hectare through policy 2.D.17 b). The Planning Justification Report prepared by MHBC Planning Limited, dated August 2022 notes that the proposed development will achieve an overall density of 103 units per hectare.

ROP policy 2.D.17 notes that the Region and area municipalities will ensure that designated greenfield areas will “establish a network of continuous sidewalks, community trails and bicycle paths that provide direct, safe, comfortable and convenient linkages with the neighbourhood and externally to other neighbourhoods including linkages to transit stops, employment areas, school sites, food destinations and community facilities”.

In ROP Chapter 3, the Region encourages Area Municipalities to provide a range of housing in terms of form, tenure, density and affordability to support the various physical, social, economic and personal support needs of current and future residents in neighbourhoods where health, safety, servicing and other reasonable standards or criteria can be met.

Regional Official Plan Amendment 6

On August 18th, 2022, the Regional Municipality of Waterloo adopted ROP Amendment number 6 (ROPA 6), which will come into force and effect upon approval by the Minister of Municipal Affairs and Housing.

Key objectives contained within the amendment include a new approach to accommodate the forecasted growth within 15-minute neighbourhoods, which are compact, well-connected places where the everyday needs of residents for goods, services and employment can be met. A well-designed 15-minute neighbourhood will contain a mix of land uses that provide for a variety of incomes and household sizes. The development densities will support a range of services and high quality public spaces. These policies also apply to designated greenfield areas to ensure that new neighbourhoods enable people reduce dependence on vehicle trips and are places that prioritize walking, cycling and transit.

Population and employment forecasts anticipate 409,200 people and 170,500 jobs within the City of Kitchener by 2051 and greenfield area developments are required to exceed a minimum density target of 65 residents and jobs per hectare of land as calculated using policy 2.G.1.3.

Additionally, a minimum target of 30 percent of new ownership and rental housing is to be affordable and accommodate a variety of housing options to address the needs of range of income and household incomes, sizes and ages. The Region will promote the inclusion of additional built forms including duplexes, triplexes, four-plexes, multiple dwellings and apartments.

The proposed application is consistent with ROP policies regarding urban areas.

Corridor Planning

Environmental Noise:

It is understood that there is a current mixed-use building approved/underway through Site Plan application SP 21/007/N/TS. Although the requirement for a noise study was advised previously, a study has not been received to date.

At this location, the proposed development may encounter environmental noise sources due to traffic on New Dundee Road (RR #12) as well as stationary noise from proposed commercial uses and any air-conditioning devices for the proposed development.

It is the responsibility of the applicant to ensure the proposed noise-sensitive development is not adversely affected by anticipated noise impacts. To address the environmental noise impacts, the applicant must prepare an Environmental Noise Study; the noise levels criteria and guidelines for the preparation of the study should follow the Ministry of the Environment, Conservation and Park NPC-300 requirements.

The consultant who prepares the Environmental Noise Study must be listed on the Region of Waterloo's Approved List of Noise Consultants. The noise consultant is responsible for obtaining current information, applying professional expertise in performing calculations, making detailed and justified recommendations, and submitting the Consultant Noise Declaration and Owner/Authorized Agent Statement. The consultant preparing the Environmental Noise Study must contact Region of Waterloo staff for transportation data, including traffic forecasts and truck percentages, for the purpose of preparing the Environmental Noise Study. Region of Waterloo staff will provide this data within three weeks of receiving the request from the noise consultant.

Please note that there is a \$500 fee for the preparation of the traffic forecasts and review of the Environmental Noise Study. The noise consultant preparing the Environmental Noise Study must submit the transportation data request online via

(<https://rmow.permitcentral.ca/Permit/GroupApply?groupid=3>). Resubmission of any Transportation Noise Study may be subject to a \$250 resubmission fee.

In the event that a stationary noise source and/or a vibration source are/is identified as potential concerns, the applicant will be required to pay for a third-party review by an external Noise Consultant retained by the Region. The fee for this third-party review is \$4000 + HST. Please submit payment for the third-party review along with the submitted noise study. Additional fees may apply depending on the scope of review required.

Payment can be made either by cheque payable to the Region of Waterloo or by contacting Ms. Peggy Walter (PWalter@regionofwaterloo.ca) via other methods.

It is the Region of Waterloo's preference that to address the noise study requirements a holding provision shall apply to the entirety of the subject lands until a detailed Environmental Noise Study has been completed and implementation measures addressed to the satisfaction of the Regional Municipality of Waterloo. The noise study is to address transportation noise, stationary noise (if applicable) and shall review the potential impacts of the development on itself (e.g. HVAC system on the sensitive points of reception) and the impact of the development on the adjacent sensitive land uses.

It is the Region's understanding that the applicant is intending to submit a future plan of condominium application. As such, the Region may alternatively accept the Environmental Noise Study as part of a complete application for the future Draft Plan of Condominium application with implementation to occur through conditions of draft approval and/or the declaration.

Environmental Planning

The subject lands are adjacent to Core Environmental Features, as designated by the Regional Official Plan (ROP). The subject lands include areas immediately adjacent to the Core Environmental Features which are currently Zoned NHC-1, consistent with the recommendations of the 525 New Dundee Road, Kitchener ON Scoped Environmental Impact Study (WSP, January 2021). The proposed Zoning By-law amendment does not propose to modify the NCH-1 zoning, and as there are no Core Environmental Features within the limits of the subject lands, there are no comments or concerns from Environmental Planning related to the current application.

Water Services

It is the Region's understanding that the development is under construction, however it should be noted that no connection to regional watermain will be permitted in accordance with Section B.2.1.4.1 of the Design Guidelines and Supplemental Specifications for Municipal Services for January 2021.

Housing Comments

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.

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 Regional Official Plan are provided below in the section on affordability. Should the additional 6 residential units be supported with a zoning by-law amendment, staff recommend that the applicant consider providing a number of affordable (affordable as defined in the Regional Official Plan) housing units on the site.

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.

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	\$576,347

purchase price of a resale unit in the regional market area	
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*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.

Cultural Heritage

As this already has Site Plan approval, Cultural Heritage staff have no comments.

Innovation & Economic Development

The following Regional policies and initiatives support the development and maintenance of affordable housing and use of Regional land to further the affordable housing supply:

- Regional Strategic Plan
 - Objective 4.2 directs the Region make affordable housing more available to individuals and families.
- 10-Year Housing and Homelessness Plan
 - Contains an affordable housing target 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
 - Lays out how the Region will create 2,500 units of housing affordable to people with low to moderate incomes by 2026.
 - Through the creation of a Regional land portfolio, we will sell or develop Regionally owned properties and buy additional land to further the affordable housing goals. We will achieve this through strategic acquisition and disposition of lands.

The Region supports the provision of a full range of housing options, including affordable housing. In line with the recommendations from Housing Services, staff recommend that the applicant consider providing affordable housing units within the development. Affordable housing is defined in the Regional Official Plan.

Regional Land Portfolio

For the purposes of evaluating this proposal in the context of the Regional Land Portfolio, consideration of development proximity to Regional land assets, impact of the proposal on development of Regional lands, and opportunities for partnership and collaboration have been investigated.

Proximity to Regional Lands	1.77 km; 345 Mill Park Drive, Kitchener
Property Use and Life Status of Nearby Regional Lands	Doon Regional Forest; In service
Impact on Development of Regional Lands	No anticipated impact.
Opportunities for Partnership	No anticipated partnership opportunities with Regional Land Portfolio.

General Comments

In principle, the Region has **no objection** to the proposed zoning by-law amendment provided that an Environmental Noise Study is reviewed and accepted by the Region of Waterloo.

It is the Region's preference that to address the noise study requirements a holding provision apply to the entirety of the subject lands until a detailed Environmental Noise Study is completed and implementation measures addressed to the satisfaction of the Regional Municipality of Waterloo.

It is the Region's understanding that the applicant is intending to submit a future plan of condominium application. As such, the Region may alternatively accept the Environmental Noise Study as part of a complete application for the future Draft Plan of Condominium application with implementation to occur through conditions of draft approval and/or the declaration.

It is also the Region's understanding that any additional residential units on the ground floor (beyond the permissions sought through this application) would be subject to a future *Planning Act* application. As such, the applicant is advised that an Environmental Noise Study would also be required as part of that process.

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.

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,

A handwritten signature in cursive script, appearing to read "Jn Catarino".

Jennifer Catarino, MCIP, RPP
Senior Planner

- c. Dave Aston, MHBC (daston@mhbcplan.com)
Joel Doherty, HIP New Dundee GP Inc. (joel@hipdevelopments.com)